

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO. 08-3720CF10A

JUDGE: LEVENSON

STATE OF FLORIDA

CERTIFIED COPY

-vs-

MICHAEL BILOTTI,

Defendant.

DEPOSITION OF MICHAEL KADOSH

Thursday, April 30, 2015

2:14 p.m. - 3:31 p.m.

BROWARD COUNTY COURTHOUSE
201 Southeast Sixth Street
Room 670
Fort Lauderdale, Florida 33301

Reported By:

SANDRA D. SUAREZ, Court Reporter
Notary Public, State of Florida

Bailey & Associates Reporting, Inc.
Fort Lauderdale, Florida
Phone - (954) 358-9090

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APPEARANCES:

ON BEHALF OF THE STATE:
MICHAEL J. SATZ, STATE Attorney
BY: GREGG ROSSMAN, Esquire
SASHA SHULMAN, Esquire
ASSISTANT STATE ATTORNEY
201 Southeast Sixth Street
Fort Lauderdale, Florida 33301
(954) 831-8029

ON BEHALF OF MICHAEL BILOTTI:
FRED HADDAD, Esquire
TARLIKA NAVARRO, Esquire
HADDAD & NAVARRO, PLLC
One Financial Plaza
Suite 2612
Fort Lauderdale, Florida 33394
(954) 467-6767

ON BEHALF OF CHRISTIN BILOTTI:
J. DAVID BOGENSCHUTZ, Esquire
BOGENSCHUTZ, DUTKO, DROLL, P.A.,
600 South Andrews Avenue
Suite 500
Fort Lauderdale, Florida 33301
(954) 764-2500

ON BEHALF OF JOHN PACCHIANA
H. DOHN WILLIAMS, Esquire
DOHN WILLIAMS, P.A.
500 Southeast Sixth Street
Fort Lauderdale, Florida 33301
(954) 831-8866

I N D E X

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WITNESS:

PAGE:

MICHAEL KADOSH

DIRECT EXAMINATION BY MR. HADDAD:	4
DIRECT EXAMINATION BY MR. WILLIAMS:	61
DIRECT EXAMINATION BY MR. BOGENSHUTZ:	66
CROSS-EXAMINATION BY MR. ROSSMAN:	82
FURTHER DIRECT EXAMINATION BY MR. HADDAD:	91

- - -

N O E X H I B I T S M A R K E D

- - -

1 A. No.

2 Q. From where?

3 A. I came from New York.

4 Q. Okay. I don't want to go through too much
5 background, because I read all your stuff within the
6 reports.

7 You own some hotels still?

8 A. Yes.

9 Q. And you're a rabbi?

10 A. Yes.

11 Q. And you taught college?

12 A. Yes.

13 Q. Where did you teach college?

14 A. In rabbinical college in Brooklyn.

15 Q. Rabbinical college?

16 A. Uh-huh.

17 Q. I think Jackie Mason was a rabbi, isn't he?

18 A. His brother was.

19 Q. His brother was. That's right, he's a cantor.

20 A. Yeah.

21 Q. I like Jackie Mason, that's the only Jewish I
22 know.

23 A. Cantor make more money than rabbi.

24 Q. Do they?

25 A. Yeah.

1 Q. You did pretty good. It's like you're
2 Catholic or something.

3 A. Yeah.

4 Q. Any rate, you're here today -- obviously, you
5 know why you're here.

6 A. Yes.

7 Q. Okay. So let me ask you a question. I read
8 all of this stuff. How did you end up with the cops?

9 A. Somebody called me, a detective that said that
10 they saw me with Bilotti and they want to talk to me.

11 Q. Okay. Now, do you recall, because this
12 statement that you gave -- did you review this at all
13 before you came here?

14 A. No.

15 Q. Okay. Well, you gave a whole long statement
16 to Yager with Titone there.

17 A. Yes.

18 Q. Okay. Now, do you recall when it was that you
19 gave this statement?

20 A. Yes.

21 Q. What year?

22 A. A couple years ago. I don't remember the
23 exact date, no.

24 Q. Okay. Is there anything that you possess that
25 would refresh your recollection, like, a diary, notes?

1 A. No.

2 Q. So we just know a couple years ago you went.

3 A. They called me --

4 Q. Yager called --

5 A. -- and they told me to come in and I went.

6 Q. Is that when you hired Titone?

7 A. Well, I called him, and he said I should be
8 with you.

9 Q. Had you hired him before that?

10 A. Yeah, he was my lawyer for long time.

11 Q. All right. There is a \$1,000 check running
12 around somewhere. Is that what he charged you to go to
13 this thing?

14 A. No. I don't know what it was for. No idea.
15 Who the check was for, I don't remember.

16 Q. I don't know. Mike Bilotti gave you a check
17 for a \$1,000 made out to Joe Titone.

18 A. From Mike Bilotti's account?

19 Q. I --

20 A. There was our business. I don't know.

21 Q. Yeah, but I mean it was for Joe Titone.

22 A. Yeah, but I don't know what it was for.

23 Q. You don't remember what it was for?

24 A. No.

25 Q. Could it have been for this?

1 A. No.

2 Q. You don't think so?

3 A. No.

4 Q. You use Titone for other stuff?

5 A. Yes.

6 Q. I don't want to get into for whatever else,
7 but --

8 A. Mostly civil cases, disputes in business.

9 Q. Okay. Now, you go to the police -- did you go
10 to them or did they come to you?

11 A. No, I had to go to them.

12 Q. Okay. Well, in the beginning of this
13 statement that you give, you and Titone are talking
14 about the Turks, Mike Bernstein, a whole bunch of other
15 stuff. Who was listening in to your conversation? Why
16 is this recorded?

17 A. I don't know.

18 Q. Were you wearing a wire?

19 A. No, I wasn't wearing any wire.

20 Q. All right. Was Titone wearing a wire?

21 A. Not that I know if.

22 Q. Not on his head, I guess, but you don't know
23 if he's wearing a wire?

24 A. No, I don't think so.

25 Q. Okay. And were you sitting in a police

1 station room when this was occurring?

2 A. In a small room in the police station.

3 Q. So apparently the cops must have wired the
4 room and didn't tell you?

5 A. I have no idea. I don't know.

6 Q. And you never read any of this or saw this
7 before?

8 A. I did not.

9 Q. Okay. Because Titone is saying to you, "you
10 know, and when you first got sued by O'Hanna, I tried to
11 sit down with them -- " and you say -- he says, no. And
12 Titone said, "fuck you, we're gonna get \$200,000." I
13 said, okay. And Titone said, "they're vicious people."
14 Does that recall any recollection to you?

15 Who is O'Hanna?

16 A. O'Hanna was a kid that used to work for me,
17 and he claims he was my partner. And he was running a
18 hostile, and then at the end, the case was dismissed.

19 Q. Okay.

20 A. He represented me.

21 Q. It was also the guy that killed Bruce Lee's
22 sister in Enter the Dragon.

23 A. Oh, I don't know.

24 Q. A little piece of Triva.

25 All right. So at any rate, all of these

1 conversations are secretly recorded, as far as you know?

2 A. No. No, I don't know.

3 Q. Well, that's what I'm asking you. You didn't
4 know these were recorded conversations.

5 Do you know how long you were there before the
6 cops came in to see you?

7 A. How long --

8 Q. How long you were sitting in a room?

9 A. I don't remember.

10 Q. Do you know whether or not, you and Titone, in
11 this recorded room had any conversations regarding Mike
12 Bilotti that may not have been in the transcript?

13 A. I don't remember.

14 Q. Okay. Do you know -- let me put it this way.
15 When you came here, we subpoenaed -- they gave your name
16 as a witness, which doesn't matter, but I subpoenaed
17 you, like, last week.

18 A. I got the subpoena.

19 Q. Yeah, I know. To come in and testify.

20 Has the prosecutors or the state, the cops,
21 anybody given you anything to refresh your recollection,
22 tapes, papers, anything --

23 A. No.

24 Q. -- about this statement that you gave?

25 A. No.

1 Q. All right. And without being too personal,
2 you are undergoing some health issues, correct?

3 A. Yes.

4 Q. I know you're going through dialysis.

5 A. Yes.

6 Q. I think I read somewhere that you have heart
7 issues.

8 A. Uh-huh.

9 MR. WILLIAMS: Is that's a "yes"?

10 THE WITNESS: Yes.

11 BY MR. HADDAD:

12 Q. Now, how old are you, 70-something?

13 A. Seventy-four.

14 Q. Do you have any other issues?

15 A. Health issues.

16 Q. All health issues. Any re memory [sic]
17 issues -- not re memory, any memory issues? Alzheimer?

18 A. No.

19 Q. Dementia?

20 A. No.

21 Q. No. Okay.

22 All right. Now, in this tape, the police say
23 that they have an ongoing investigation where they've
24 continually seen you with Bilotti, do you recall that?

25 A. Yeah. They said they saw me with Bilotti,

1 yes.

2 Q. And they also said that they picked up
3 conversations with you and Bilotti regarding -- that may
4 involve a murder. Do you recall that, that the cops
5 told you that?

6 A. No. I don't recall that.

7 Q. I'm sorry.

8 A. I don't recall that.

9 Q. All right. Did they ever play for you any
10 tapes or any conversations?

11 A. Not that I remember.

12 Q. Okay. Did they ever tell you whether or not
13 you were picked up on a wiretap?

14 A. Did not.

15 Q. Okay. That was ongoing.

16 A. I don't know.

17 Q. You don't know?

18 All right. Did they ever -- let me put it
19 this way: Did you ever receive a Title III Notice from
20 the federal government at any point within the years of
21 this investigation, advising you that you had been
22 intercepted on a wiretap that was up and going by the
23 feds?

24 A. No.

25 Q. A notice?

1 A. A notice in writing, I never saw.

2 Q. Yeah, a letter. It says, hey, you were
3 intercepted.

4 A. No, I didn't.

5 Q. All right. Because they said, We wanted to
6 give you an opportunity to discuss with us things that
7 may have been discussed by Mr. Bilotti -- you and
8 Mr. Bilotti, particularly concerning a couple of murders
9 that have been mentioned.

10 This is the first time that you ever seen
11 these cops, correct?

12 A. The cops in Davie, yes.

13 Q. Yeah. I mean, you didn't call and say, hey, I
14 got information about --

15 A. No. No. They called me.

16 Q. They called you.

17 A. We saw you with him. We want to talk to you.
18 I didn't want to go. They said, you have to come.

19 Q. Yeah, I understand that.

20 Do you know how they knew that you had
21 conversations with Bilotti regarding murders?

22 A. I don't know.

23 Q. All right. You don't recall what year you
24 gave this statement, correct?

25 A. I don't.

1 Q. Were you ever aware of whether or not you were
2 under a federal investigation?

3 A. No, I'm not.

4 Q. You weren't?

5 A. Not that I know of.

6 Q. Okay. Well, my understanding is that, this
7 statement was not given over for a number of years
8 because some federal prosecutor asked the state not to
9 give this over, are you aware of that?

10 A. No.

11 MR. ROSSMAN: Are you talking about, you guys
12 getting the --

13 MR. HADDAD: Yeah.

14 MR. ROSSMAN: No, that was in reference to
15 Bilotti.

16 MR. HADDAD: I don't care. We didn't get it.
17 That's what I'm saying.

18 MR. ROSSMAN: I'm answering your question.
19 They directed me that they had ongoing stuff on
20 Bilotti. And I had told them, you need to tell me
21 what you've got to tell me, fish or cut bait,
22 because I've got to give it out in the state case.

23 MR. HADDAD: Yeah, but it was a couple years
24 later you gave it up.

25 MR. ROSSMAN: Yeah, because they were

1 directing me that I would be impeding their
2 investigation.

3 MR. HADDAD: I don't give a rat's ass what
4 they directed to you. It was a couple years later
5 before we found out. Well, I'll file a motion to
6 find it, but --

7 BY MR. HADDAD:

8 Q. Do you know who the feds were that were
9 investigating Bilotti?

10 A. No.

11 Q. Okay. Do you know whether or not Yedick [sic]
12 was being investigated also? The banker, what's his
13 name?

14 A. Zedeck.

15 Q. Zedeck. Zedeck -- Yedick whatever.
16 You don't know?

17 A. No.

18 Q. All right. Has anyone, other than the Davie
19 police, come to you to speak to you about Mr. Bilotti,
20 Mr. Zedeck, anyone?

21 A. Yes.

22 Q. Who?

23 A. I don't know their name.

24 Q. Well, who are they with?

25 A. FBI and FDIC.

1 Q. FDIC. So FDIC has got something to do with
2 banks.

3 A. Uh-huh.

4 Q. FBI usually has something to do with white
5 collar issues. So it was some kind of fraud?

6 A. They thought. Yes, I think so.

7 Q. Did you go and talk to the cops about that?

8 A. No, I didn't.

9 Q. You never went before a grand jury?

10 A. No.

11 Q. Did you ever go to the US attorney's office to
12 talk about anything?

13 A. No.

14 Q. Nothing at all?

15 A. They came to me.

16 Q. Okay. Well, let me put it this way: Did
17 anybody come and sit down with you from the FBI, US
18 Attorney's Office and others?

19 A. I believe it was -- I don't remember exactly
20 what, FBI or FDIC together.

21 Q. How long did they speak to you?

22 A. A couple hours.

23 Q. And what did they discuss with you?

24 A. About my dealings with the bank, Bilotti and
25 everything.

1 Q. Was that after your talked to these guys from
2 Davie or before?

3 A. I believe it was after.

4 Q. All right. And did they ever show you a copy
5 of the statement or anything else after that?

6 A. No.

7 Q. Did they ever suggest to you, you might be a
8 witness in a federal prosecution?

9 A. No.

10 Q. Did you ever suggest to them that you were
11 aware of criminal activity that was going on with
12 Zedeck, Bilotti or anyone else?

13 A. I just answered whatever questions they asked.
14 They know everything.

15 Q. Did they ask questions about --

16 MR. WILLIAMS: Whoa. Whoa. You said, they
17 know everything?

18 MR. HADDAD: I understand.

19 THE WITNESS: Yeah, they basically asked me,
20 how did I get to know Bilotti. What kind of loan I
21 made? Do I have the documents?

22 I said, not right now. And how did Bilotti
23 become my partner. And about Zedeck, and I told
24 what I know.

1 BY MR. HADDAD:

2 Q. You sound like Jackie Mason when you start
3 talking a little faster.

4 A. I like to be like him.

5 Q. At any rate, did they ask you anything with
6 Bilotti regarding the violence that you asserted?

7 A. They asked me what happened. Did I ever see
8 anything. And I told them what I heard.

9 Q. Okay. Did they ever advise you that they had
10 intercepted you on phone conversations?

11 A. No.

12 Q. Did they advise you that they had undercover
13 people that had intercepted you or talked to you or
14 aware of activities that you were involved in?

15 A. No.

16 Q. So all you know is that out of the blue, the
17 Davie police comes to you, correct?

18 A. Yes. They called me, yes.

19 Q. And you go down there?

20 A. (No verbal response.)

21 Q. All right. Here it is, Detective Yager says
22 to you:

23 "YAGER: We're responsible for an
24 investigation of a murder that occurred here in Davie.
25 This is your card, Mr. Titone?

1 "TITONE: Thank you, sir. Here you go.

2 "Involving a Mr. Michael Bilotti. And we know
3 from surveillance and investigation that is continually
4 ongoing that you've met with Mr. Bilotti on more than
5 one occasion.

6 "MR. KADOSH: Yes.

7 "YAGER: And the investigations were able to
8 ascertain some of your conversations, but not every bit
9 of it. And since I believe you have nothing to do with
10 this murder -- and by no means is Mr. Kadosh a subject
11 of any criminal investigation or nor do we have any --

12 MR. WILLIAMS: By the Davie police department.

13 MR. HADDAD: Dohn, do you want to do it?

14 MR. WILLIAMS: No. No.

15 BY MR. HADDAD:

16 Q. "By the Davie Police Department, nor do we
17 have any information to believe he's involved in any
18 criminal activity, but we wanted to give you an
19 opportunity to discuss with us things that may have been
20 discussed by you -- with you, by Mr. Bilotti,
21 particularly concerning a couple of murders that may
22 have been mentioned."

23 Did they tell you intimate to you or in any
24 way advise you of how they knew what your conversations
25 were with Mr. Bilotti?

1 A. I don't remember.

2 Q. Did anyone -- at the time that you talked to
3 Bilotti about murder -- and we'll get to that in a
4 little bit, the only persons that those were discussed
5 with would have been you, what you said that Zedeck said
6 and what Ralph Feo overheard, correct?

7 A. (No verbal response.)

8 Q. Yes?

9 A. I think so. I don't remember exactly.

10 Q. Well, did you tell anyone so that they could
11 have gone running to the cops that Mr. Michael Kadosh
12 was talking about murders --

13 A. Well, I told when the people called me from
14 the state office --

15 Q. No. No.

16 A. -- from the police.

17 Q. No. No. I'm talking about when you and
18 Bilotti were having these conversations, like, when he
19 was supposedly going to whack your son-in-law and
20 everything, did you go tell the police? Did you tell
21 anybody?

22 A. I did not.

23 Q. So all of this would have to have been
24 something overheard, like the police said, for them to
25 know, correct?

1 A. What I said?

2 Q. Yeah. No. No. Before that. When they came
3 to you and said, we know from conversations that you had
4 with Bilotti about murders, it certainly wasn't
5 something you went and told the cops.

6 A. No. I didn't tell.

7 Q. You didn't tell your wife to go tell the cops?

8 A. No.

9 Q. You didn't tell your daughter to go tell the
10 cops?

11 A. No.

12 Q. You didn't tell Feo to go tell the cops? You
13 didn't tell anybody, right?

14 A. No.

15 Q. Okay. So it would have had to have come from
16 intercepted conversations, correct?

17 A. I don't know how, but --

18 MR. ROSSMAN: If they actually knew anything.

19 MR. HADDAD: Well, that's what we're going to
20 find out at some point within the next day or two.

21 BY MR. HADDAD:

22 Q. So did you have phone conversations with
23 Mr. Bilotti where somebody might have discussed being
24 killed?

25 A. No, not a phone conversation.

1 Q. Not a phone conversation.

2 Okay. So you don't know whether or not
3 they're piecing together conversations that maybe
4 related to Bilotti or Zedeck, or other persons
5 conversing regarding this crime, correct?

6 A. I don't know.

7 Q. Okay. Now, since I don't want to keep you
8 here all day.

9 MR. ROSSMAN: Can I ask one question about
10 following-up on what you said?

11 MR. HADDAD: Go ahead.

12 MR. ROSSMAN: Did you ever tell Mr. Titone?

13 THE WITNESS: Yes.

14 BY MR. HADDAD:

15 Q. When?

16 A. When I went to the police.

17 Q. Yeah, you told him that day.

18 A. Yeah, I told him that. He says, you have to
19 tell the truth. I said, that's all I'm going to tell.

20 Q. Titone said that?

21 A. Yeah.

22 Q. Okay. So the only person that you have ever
23 said any of this to, other than when you gave this
24 statement, would have been to Joe Titone on that day
25 when the cops came to get you --

1 A. Yes.

2 Q. -- and told you, you had to be there?

3 A. Uh-huh.

4 Q. All right. Now, let's go from there. You
5 don't know when this statement was given unfortunately.

6 A. No, I don't.

7 MR. ROSSMAN: Excuse me a minute. It should
8 be in there.

9 BY MR. HADDAD:

10 Q. Okay. So in there it says that you were 70
11 years old. You're 74 now, when are you going to be 75?

12 A. In October.

13 Q. All right. So it could have been somewhere
14 four or four-and-a-half years ago, somewhere around
15 there, true?

16 A. Probably.

17 MR. ROSSMAN: I should be able to get you the
18 exact date if we don't have that.

19 MR. HADDAD: Yager didn't put a date.

20 MR. ROSSMAN: I was going to say, Yager should
21 have it in his report.

22 MR. HADDAD: It's not anywhere here. The
23 court reporter transcribed it for me in 2014. I
24 sent the tape over there, because I had a CD of
25 this.

1 MR. ROSSMAN: Before we leave today, I should
2 be able to get you that.

3 MR. HADDAD: Okay.

4 BY MR. HADDAD:

5 Q. So at any rate, you first met Bilotti and/or
6 Zedeck -- who did you meet first?

7 A. Zedeck.

8 Q. And you were doing business with Zedeck
9 with -- what is it, Trans America Bank?

10 A. TransCapital Bank. It was called Trans
11 Florida before.

12 Q. Okay. You had been doing business with them
13 for a period of years, correct?

14 A. Twenty.

15 Q. Three years prior?

16 A. Twenty years.

17 Q. Twenty years. So you knew the Zedeck
18 brothers?

19 A. Yeah.

20 Q. For 20 years?

21 A. Yeah.

22 Q. And you had done business with them for 20
23 years?

24 A. Yes.

25 Q. Okay. And during that period of time, I know

1 you did hotels, you did different things. You had
2 construction loans?

3 A. Yes.

4 Q. All of that other stuff, we don't need to get
5 into that now.

6 And then at some point you meet Mike Bilotti.

7 A. Yes.

8 Q. Did you know Mike Bilotti before you had that
9 first business deal with him?

10 A. I saw him at the bank a few times when I went
11 to make a deposit, but I didn't know exactly who he was.

12 Q. Did he have an office at the bank?

13 A. I found out later he had an office with
14 Zedeck's office at the bank.

15 Q. Okay.

16 A. The same office as Zedeck's office.

17 Q. Right. Which Zedeck?

18 A. Leonard Zedeck.

19 Q. Leonard Zedeck.

20 A. Yeah. He had it on Oakland Park. His office
21 is the same address.

22 Q. Okay. Now, when you first -- you were sort of
23 a good customer of the bank. You're back and forth, and
24 construction goes up, goes down. One day you're rich,
25 one day you're poor. One day you can't make your

1 payments, one day you sell a building for 10 million
2 bucks, correct?

3 A. Yes.

4 Q. All right. And so I take it they would float
5 you money now and then?

6 A. At the time, yes.

7 Q. Okay. And then, of course, some time around
8 2008 the banks started having problem with money and
9 regulations.

10 A. Yes.

11 Q. Because they started checking credit and doing
12 all that other stuff, correct?

13 A. Yes.

14 Q. All right. Approximately -- can you put a
15 year when you met Mike Bilotti?

16 A. I can't. I think 2008, 2009, maybe.

17 Q. You had seen him for how long of a period of
18 time before that? Years?

19 A. I had seen him a few times at the bank.

20 Q. Did he ever talk to you?

21 A. Yeah. He said, hello. But I didn't know who
22 he was.

23 Q. Okay. Did he threaten to whack you when you
24 said, hi?

25 A. No.

1 Q. Okay. So he said, hello. You would talk, you
2 would be back and forth, correct?

3 A. Yeah, once or twice before.

4 Q. Okay. And then there comes a point in time
5 where, from what I read in your statement, you needed
6 money from the bank. You needed a significant amount of
7 money and they said that Bilotti had to be involved,
8 correct?

9 A. No, that's not the case.

10 Q. Okay.

11 A. I had a commitment to the bank to do
12 construction for two million.

13 Q. Right.

14 A. They gave \$600,000 and they stopped.

15 Q. And then the other million four they wouldn't
16 give you unless Bilotti was the one that signed, got the
17 money and paid everybody?

18 A. Right. Right. And he didn't pay anybody.

19 Q. I could say it completely correct if you want
20 me to, but I'm just trying to get the gist of it.

21 A. Yeah.

22 Q. If we have to go through every single part of
23 the details, we'll be here till 6:00 tonight.

24 A. No.

25 Q. I mean, it's business. I'm getting to the

1 main parts.

2 A. No problem.

3 Q. I mean, I could save the long stuff
4 you're on the witness stand.

5 A. All right.

6 Q. Okay. So what happened? How does it come
7 about that you agree with this proposition to have Mike
8 Bilotti take a million four that you have a commitment
9 for, and in essence, take over your corporation and
10 continue the construction? Why do you do that?

11 A. I had no choice, otherwise the bank would
12 foreclose on me.

13 Q. You were behind?

14 A. Yeah, I was behind and the bank said Bilotti
15 is going to front the loan, and it will be 50/50, but
16 the paper said 80/50 [sic], but it was 80 percent to him
17 and 20 percent to me.

18 Q. Yeah, we're not here on the civil case. I
19 don't care about that.

20 A. Well, that's what happened.

21 MR. ROSSMAN: I care. It took him two
22 seconds. We should get the right facts if you're
23 going to ask him on the stand.

24 MR. HADDAD: I didn't ask that facts. I just
25 asked how he did it. If I want that facts, I'll

1 ask for it.

2 MR. ROSSMAN: You said you were going to ask
3 him on the stand.

4 MR. HADDAD: Sure. I'm going to ask him on
5 the stand. I don't need to go through it now.

6 BY MR. HADDAD:

7 Q. When they said that Bilotti was going to do
8 this, had you spent any time with Michael Bilotti before
9 that?

10 A. No.

11 Q. So you just saw this short fat guy walking
12 around --

13 A. The bank had brought him and says, he's going
14 to get the loan in his name and give him half.

15 Q. Did you do any investigation of this person
16 that was becoming your partner?

17 A. I did not.

18 Q. Were you told anything about him by Mr. Zedeck
19 or his partner?

20 A. I had no choice, they told me to take him and
21 that's it.

22 Q. Yeah, I understand you had no choice. We'll
23 get to the no choices.

24 A. I didn't know. I found out later.

25 Q. No. No. Did they tell you anything then?

1 A. No.

2 Q. Did you know what kind of business
3 at the time --

4 A. I did not.

5 Q. Okay. Did you know whether he had any
6 knowledge of construction, hotels, business management?

7 A. I did not.

8 Q. Okay. And you signed a contract with him?

9 A. Yeah.

10 Q. Okay. Is that the one that Zedeck said, if
11 you don't sign it, we're going to whack you?

12 A. Yes.

13 Q. Okay. And that was Zedeck who said that?

14 A. Yeah, it was -- Bill Himes, who is the
15 president of the bank --

16 Q. Right.

17 A. -- and Zedeck.

18 Q. And they said to you, if you don't sign this
19 contract giving Bilotti -- letting Bilotti be this
20 manager of this money, who's going to whack you?
21 Bilotti?

22 A. Well, they didn't say Bilotti. They said that
23 they foreclose on me. I would lose everything. So I
24 said, let me bring my lawyer. They wouldn't let me
25 bring my lawyer.

1 Q. Yeah, but you said that you almost had a gun
2 put to your head and they said if you didn't sign this
3 loan, Bilotti was going to have you whacked.

4 A. No, he didn't say, was going to be whacked, he
5 said that they'd foreclose on me. And that Bill Himes
6 told me, who is the president of the bank, that Bilotti
7 will whack me. I said, well I don't want to be whacked.

8 Q. Bill Himes told you that, not Zedeck?

9 A. Yeah. Yeah.

10 Q. And that was --

11 A. Bill Himes is the president of the bank.

12 Q. All right.

13 A. He says you better sign. So I signed it.

14 Q. Okay. But you had a lawyer?

15 A. No, I didn't have a lawyer.

16 Q. You just said they wouldn't let you bring your
17 lawyer.

18 A. They wouldn't let me bring the lawyer, right.

19 Q. They wouldn't let you bring your lawyer.

20 A. Right.

21 Q. Yeah, okay.

22 A. So I said, can I bring my lawyer, they said,
23 no.

24 Q. Who was your lawyer?

25 A. Ben Jacobi at the time.

1 Q. Okay. Now, you're there, you're going to lose
2 -- well, you still have a building, correct, they were
3 going to foreclose? You still had the construction
4 going on, correct?

5 A. No, it was stopped.

6 Q. It was stopped, all right.

7 Now, you signed this loan?

8 A. Right.

9 Q. Did you get to meet Bilotti then?

10 A. Yes.

11 Q. What was your relationship?

12 A. Well, it was partner. The bank told me, he
13 was good, so I took --

14 Q. Well, did you sit and meet with him?

15 A. I talked to him many times, yes.

16 Q. All right. You used to go to that Turkish
17 restaurant Sultans?

18 A. Yes.

19 Q. And he used to come down at least once or
20 twice a week to the building site, correct?

21 A. No, he used to come to sign the checks.

22 Q. Yeah, every Friday he signed the checks, I
23 know that. I read all that.

24 But he'd come down once in a while during the
25 week to examine the site, didn't he?

1 A. Yeah.

2 Q. He took an active interest in it.

3 A. More or less.

4 Q. I mean, he just wasn't --

5 A. He didn't know anything about construction.

6 Q. Okay. Do you know how many hotels he owned at
7 the time?

8 A. I don't know.

9 Q. Do you know how many restaurants and other
10 businesses he owned?

11 A. Restaurants, he did own.

12 Q. Okay. Do you know whether or not he owned the
13 Holiday Inn in Fort Pierce? What he owned in South
14 Beach?

15 A. No, I didn't know.

16 Q. Okay. So he comes down and every Friday he
17 signs the checks?

18 A. Right.

19 Q. And pays the bills?

20 A. Uh-huh.

21 Q. Correct?

22 A. Yes.

23 Q. Construction is going on again. Everything is
24 going according to plan, correct?

25 A. Uh-huh. Yes.

1 Q. Okay. Ralph Feo is there. Is he your
2 contractor?

3 A. Yes.

4 Q. And Feo is there, and he's there on Friday's
5 to get paid with --

6 A. Yes.

7 Q. -- the moneys, correct?

8 A. Yes.

9 Q. Does the building get completed?

10 A. It was completed, yes.

11 Q. What year?

12 A. I believe 2011.

13 Q. That's after Bilotti was charged in this case,
14 correct?

15 A. I don't know when he was charged.

16 Q. Didn't you look it up to see when he got
17 arrested, you told us -- you told the cops?

18 A. Well, later on we Googled his name, and it
19 came -- all the stuff came up.

20 Q. Well, he got arrested in 2008. Were you
21 business partners with him in 2008?

22 A. Not that I know.

23 Q. And no one told you -- what year did you sign
24 the loans?

25 A. I don't remember, '09, '10.

1 Q. You sold --

2 A. I sold property in '11.

3 Q. '11, so how many years did it take to complete
4 it?

5 A. Maybe a year and a half or so.

6 Q. Okay. So give it a year and a half, so that's
7 2009. In 2009 you didn't know Bilotti had been
8 arrested?

9 A. In 2009, I didn't know.

10 Q. Okay. In 2011, when you sold the building,
11 how much did you get?

12 A. I got from 15 million, I got a million two.

13 Q. Okay. And who got the rest?

14 A. Bilotti.

15 Q. Bilotti got \$14 million?

16 A. No, he got whatever the difference was. I
17 don't know exactly how much he got.

18 Q. Well, you said you sold it for \$15 million or
19 did I not hear right?

20 A. Yes, we had to pay the mortgages and all --

21 Q. How much was the mortgage?

22 A. I don't remember. The mortgage was --

23 Q. \$13 million?

24 A. No. No, not \$13 million. The mortgage was
25 maybe \$10 million, nine, I don't remember exactly the

1 amount.

2 Q. How many partners were there in that besides
3 you and Bilotti?

4 A. That's the only one that I know of.

5 Q. How much was there to split between the
6 individuals?

7 A. I don't know. I didn't see the final.

8 Q. You didn't see the closing papers? You didn't
9 see anything?

10 A. They just gave me a check. He took 80 percent
11 and the 20 percent was mine.

12 Q. And that's your testimony?

13 A. Yes.

14 Q. Okay. You never saw the paperwork?

15 A. I don't remember whether I saw it or not.

16 Q. Did you sign the paperwork for the closing or
17 you don't remember that?

18 A. I'm sure I had to sign it, yes.

19 Q. Okay. And when you signed the paperwork --
20 you've been a businessman for 40 years, did you read
21 anything that you were signing?

22 A. I did, but I don't remember the numbers.

23 Q. What did it say?

24 You didn't look at the numbers?

25 A. I said, I don't remember.

1 Q. What do you think it said, if you had to take
2 a wild guess?

3 A. Say what?

4 Q. What did the numbers show? The closing
5 documents are available.

6 A. Well, you could get it.

7 Q. I'm trying to test your memory right now, sir.

8 A. Well, I don't remember that.

9 Q. You've said a lot of things that you seem to
10 remember clearly, so I'm just trying to see if something
11 as important as millions of dollars you would remember,
12 that's all.

13 A. All I remember is I got a check for a million
14 two, that was my share.

15 Q. A million two, okay.

16 And so from being in foreclosure --

17 A. I was never in foreclosure.

18 Q. From being close to default --

19 A. Yeah.

20 Q. Whoa. Whoa. Let me finish my question.

21 -- and being in a situation where you were in
22 default, in essence, because the bank wouldn't give you
23 the million four that you needed to complete your
24 construction loan, you walked out with a million two
25 when it was over?

1 A. Yes.

2 Q. Okay. I just want to make sure.

3 Now, did you have any other business dealings
4 with Bilotti other than that building?

5 A. No.

6 Q. So that's the whole entirety of your --

7 A. Of the Peter Miller Hotel.

8 Q. I'm sorry.

9 A. The Peter Miller Hotel. That's the hotel, the
10 Peter Miller.

11 Q. That's this building. Yeah, I understand.

12 Now, I'm asking you, did you have anything to
13 do with the Harrison?

14 A. Yeah.

15 Q. What did you have to do -- you forgot that
16 one?

17 A. No.

18 Q. Okay. What happened with the Harrison?

19 A. What happened with the Harrison is he wanted
20 30 percent of the hotel. I wouldn't give him 30
21 percent.

22 Q. Who owned the Harrison?

23 A. I did 100 percent.

24 Q. And you got that from whom? The old lady?

25 A. What old lady?

1 Q. Who did you buy it from?

2 A. I bought it from a guy in 1989.

3 Q. Okay. All right, and what was your financial
4 interest? You owned 100 percent of it?

5 A. I own 100 percent.

6 Q. Did Bilotti own any part of it?

7 A. Yeah, he gave me a loan. He said he give me
8 \$400,000, and I had to give him a million. And then he
9 said that the lawyer, his lawyer, which is Zedeck, which
10 is his partner, told him that I have to give him equity,
11 because it's illegal to take 600 percent interest. So
12 he put in 30 percent equity that I had to buy for a
13 million five later on.

14 Q. Why do you have to buy the -- you needed a
15 loan in other words?

16 A. I didn't want to have nothing to do with him,
17 so I had to buy him out.

18 Q. Who?

19 A. Bilotti.

20 Q. Why did you have him in the Harrison to start
21 with?

22 A. I had no choice.

23 Q. Why?

24 A. The bank told me to take him, otherwise they
25 said I needed -- I need construction loan. I said, I

1 don't need any construction, I just sold the Peter
2 Miller. In a few months I will pay off and I'll have
3 plenty money for -- no, no, take it. Bilotti has got to
4 be your partner. So I said, okay.

5 Q. So they told you that too, Bilotti's got to be
6 your partner?

7 A. Right.

8 MR. WILLIAMS: Is that Himes too?

9 MR. HADDAD: Huh?

10 MR. WILLIAMS: Was that Himes too?

11 BY MR. HADDAD:

12 Q. Who said that, Zedeck or Himes?

13 A. Zedeck. Zedeck and Himes were partners.

14 Q. Now you told all of this to the FBI?

15 A. Whatever I knew, I told them.

16 Q. No, I'm asking you. Did you tell all of this
17 to the FBI on how you were extorted by bank individuals?

18 A. I think so.

19 Q. You think so? The bank is still opened.

20 A. Yes.

21 Q. Those people are still working at the bank.

22 No one has been indicted, correct?

23 A. That's not my problem.

24 Q. I know it's not your problem. Did anyone ask
25 you to be a witness?

1 A. No. No.

2 Q. And how long did you spend talking to the feds
3 about all this stuff that you're telling us here?

4 A. A few hours.

5 Q. Okay. And did you produce documents or did
6 they give you documents to review to show all this
7 stuff --

8 A. I didn't produce any documents. I didn't have
9 any documents with me.

10 Q. Did they have documents to produce for you?

11 A. They were asking me all kind of questions, I
12 don't remember exactly what.

13 Q. Mr. Kadosh, my question to you is: Did they
14 have documents for you to see?

15 A. I didn't see any documents.

16 Q. All right. They just came to you and asked
17 questions out of the blue and unprepared?

18 A. Unprepared.

19 Q. Unprepared. The feds were unprepared with the
20 questions they were asking you?

21 A. Well, I don't know if they were prepared or
22 unprepared. I wasn't prepared.

23 Q. Okay. I'll ask it this way then. Did they
24 ever come back to you with documents after they met with
25 you?

1 A. No.

2 Q. And you've only seen them the one time you met
3 with them, correct?

4 A. Yes.

5 Q. Okay. So they never, ever, as far as you
6 know, done anything to either pull the bank's charter,
7 cease and desist order on the bank, issue search
8 warrants to the bank, or indict any person connected
9 with that bank, correct?

10 A. I'm not aware of anything.

11 Q. Okay. And no one has ever notified you of
12 anything or asked you if you're aware of anything,
13 correct?

14 A. No.

15 Q. All right. Now, another thing that you talked
16 about was the -- before I get to the good stuff of why
17 we're here.

18 MR. ROSSMAN: You're actually going to get
19 there?

20 MR. HADDAD: Some day. Maybe tomorrow, if I
21 keep the deposition going. You don't have to break
22 balls -- that's give me a hard time.

23 Oh, that's right, you said fuck this morning
24 on a depo, so I don't have to worry.

25

1 BY MR. HADDAD:

2 Q. At any rate --

3 A. Bilotti told me you were a ball breaker, he
4 says.

5 Q. Huh?

6 A. He says you were a ball breaker.

7 Q. Oh, who's the high price class lawyer he got?

8 A. He said, oh, he put your fortune, he said.

9 Took all his money.

10 Q. Including yours too --

11 A. Mine and his.

12 Q. I got your share too.

13 A. Yeah, he took more than he got.

14 Q. So I got to break your balls?

15 A. No problem. My pleasure.

16 Q. Okay. So any rate, the night club Angel.

17 A. Yes.

18 Q. Okay. Tell me about that?

19 A. Bilotti came one day to me, asked me if I know
20 anybody in code enforcement, because he had an order to
21 close the place.

22 Q. And that's when he paid the \$40,000 to
23 somebody?

24 A. Yeah, and he paid someone \$40,000.

25 Q. Okay. And did you meet his lawyer Danny

1 Aaronson, who handled that with the city commission?

2 A. I did not.

3 Q. Okay. Did you know he had a lawyer named
4 Danny Aaronson?

5 A. I did not.

6 Q. Okay. At any rate, he started, according to
7 you, to tell you the story of how he got the club,
8 correct?

9 A. Yes.

10 Q. And he said that he had killed this kid --
11 somebody killed this kid.

12 A. Angel.

13 Q. Yeah, I know. Somebody killed this kid Angel
14 so that he could get the mother to give him the deed to
15 the club.

16 A. That's what he told me, to the best of my
17 knowledge.

18 Q. And he told you that?

19 A. Yes.

20 Q. All right. And you knew that this kid Angel
21 was killed?

22 A. Well, I didn't know who he was. That's what
23 Mike said. Mike is, you know, he has a big mouth.

24 Q. Okay.

25 MR. ROSSMAN: Fred's told him that before.

1 THE WITNESS: He tried to brag to scare me,
2 because he was trying to get --

3 BY MR. HADDAD:

4 Q. Must be doing a good job, because you're still
5 here talking.

6 A. Yeah.

7 Q. Any rate, did you bring a bodyguard with you
8 here today?

9 A. No.

10 Q. You drove yourself, right?

11 A. At my age --

12 Q. Oh, no, you got these guys to drive you.

13 A. At my age 75, I'm not afraid of anything.

14 Q. Well, you were 70 then.

15 A. Yeah.

16 Q. What happened in five years.

17 A. I was in good health, now I'm not.

18 Q. Five years ago -- that bad four years?

19 A. Yeah.

20 Q. Should have taken up smoking and drinking like
21 the gentiles, we do better.

22 A. I never drink or smoke.

23 Q. Okay. Any rate, Angel, how many times did he
24 tell you about this Angel or is it just one story?

25 A. No, he told me a few times that --

1 Q. All right. And whenever this was in 2010, '11
2 or whenever you went and sat with the Davie police, you
3 went into explicit detail about this murder in Miami
4 Beach of this club owner, correct?

5 A. Well, I don't remember how detailed. He just
6 asked me if I know, I said that's what he told me.

7 Q. Okay. And you talked about how the kid was
8 killed by another kid. He told you, he hired someone to
9 do it, a young guy to do it at the club --

10 A. I don't remember the exact details, but that
11 he took care of them.

12 Q. No. You gave exact details in your statement?

13 A. Yes.

14 Q. And you gave exact details of the mother
15 handing over the club, everything.

16 So after you gave this statement of an
17 unsolved murder in Miami, how many Miami Beach police
18 have come to see you?

19 A. No one.

20 Q. How many Metro cops have come to see you?

21 A. No one.

22 Q. How many times have you been called to testify
23 about this murder you said that Bilotti committed?

24 A. None.

25 Q. So as far as you know, you have given

1 information about a murder that can't be solved and no
2 one has done anything about it, correct?

3 A. Correct.

4 Q. Okay. And other than Yager and whatever the
5 guy, Stolks or whatever his name is, they're the only
6 two people you talked about this case?

7 A. I don't remember who, but only at the police
8 station.

9 Q. Okay. About this Angel?

10 A. Right.

11 Q. And there was no follow-up by anybody?

12 A. Not that I know of.

13 Q. All right. As a matter of fact, did the Davie
14 cops ever come and see you again?

15 A. No.

16 Q. This statement, they never swore you in? It
17 was never under oath?

18 A. Right.

19 Q. And at any time they've never come back to you
20 for any kind of follow-up or any kind of anything?

21 A. Not that I remember, no.

22 Q. Okay. Did any FBI ever talk to you about the
23 murder -- the supposed murder or whatever murder of this
24 kid Angel?

25 A. No.

1 Q. Okay. They didn't try to connect it with any
2 kind of axe of the bank crimes or anything else?

3 A. No.

4 Q. No questions asked about this at all?

5 A. Not that I remember.

6 Q. Did the agents, when they came to see you have
7 this statement with them?

8 A. Not that I know.

9 Q. And they didn't tell you whether or not they
10 were familiar with your statement that you had given to
11 the Davie police?

12 A. No.

13 Q. Okay. Now, give me one second before I go a
14 little further. I'll try to have you out of here.

15 Did the Davie police ever ask you to be a
16 witness against Zedeck or the bank president for
17 suggesting you be killed if you didn't do anything?

18 A. No.

19 Q. Did they ever suggest to you to go to the
20 state attorney's office for the extortion at use?

21 A. No.

22 Q. Okay. Did they ever ask you to be a witness
23 and in essence usury of a 600 percent interest loan?

24 A. No.

25 Q. Whatever happened to the hotel, The Harrison?

1 A. I still own it.

2 Q. You still own it. You got a mortgage on it?

3 A. Yes.

4 Q. How much?

5 A. Six-and-a-half-million.

6 Q. Who owns the mortgage?

7 A. TransCapital Bank.

8 Q. Okay. And what was the mortgage when you
9 bought it?

10 A. When I bought it in '89, it was -- I don't
11 remember. It was very small.

12 Q. Okay. And you refinanced for other projects?

13 A. Yeah. No, I refinanced it, I keep remodeling,
14 and I financing and I remodel [sic].

15 Q. Okay. How many hotels do you own now?

16 A. One.

17 Q. Just that?

18 A. That's it.

19 Q. Okay. Any other projects? Apartments?

20 Houses? Shopping centers?

21 A. I own some other --

22 Q. Okay. What?

23 A. I own a restaurant, a supermarket.

24 Q. Okay. So the six-and-a-half-million helped
25 you acquire some of these things?

1 A. No, I had more money before.

2 Q. Oh, yeah. You got a lot of money now?

3 A. I'm okay.

4 Q. I could switch for your lawyer.

5 A. No. I don't have your kind of money.

6 Q. Any rate, okay.

7 So you still have a number of businesses?

8 A. Yes.

9 Q. Okay. How long have you had the supermarket?

10 A. Well, it's not supermarket, it's the building
11 where there is supermarket.

12 Q. So you're the landlord.

13 A. I've had building since 1993.

14 Q. Okay. And you still dabble in real estate
15 when you see a chance?

16 A. I haven't dabbled anything since I got sick in
17 the last four years.

18 Q. All right. Now, you've been to Lefty's a
19 number of times, correct?

20 A. Yes.

21 Q. And why would you go to Lefty's?

22 A. Well, Mike invited me for lunch -- and Zedeck,
23 so I went to meet them. First time I met them at
24 Lefty's.

25 Q. And that was when you were going to sign the

1 partnership papers?

2 A. No, that was before.

3 Q. Before that?

4 A. They asked me that if they could get me
5 financing, that I pay each one of them \$100,000, which I
6 accepted. And then they send a guy by the name LaGardi
7 [phonetic] to come, and he came in and I was scared
8 shit.

9 Q. Say that again?

10 A. Jeff LaGardi, you know who that is?

11 Q. Yeah, I know who that is.

12 A. And he was going to take over the property and
13 then pay me \$5,000 a month forever. I said, no.

14 Q. And you said, no.

15 A. I said -- I didn't say, no. But when he came
16 in, I cried for Zedeck. I said, this guy came in with
17 five bodyguards, they could kill somebody. I'm scared.

18 Q. So what happened?

19 A. And Zedeck said, I'll get you a better deal.
20 I get you Bilotti to do it.

21 Q. So at any rate, this guy came in with a
22 bodyguard. You called Bilotti, you said he was some
23 kind of connected guy, you said in your statement there.
24 You blew him off, because --

25 A. I didn't blow him -- I didn't say anything.

1 Q. You didn't do business with him?

2 A. No, I just told Zedeck.

3 Q. Okay. So you told Zedeck --

4 A. I got somebody, don't worry.

5 Q. So you told Zedeck, you're not doing business
6 with this guy. Zedeck and Bilotti were trying to get
7 you the money so that they could each make a \$100,000 --

8 A. Right. They asked me for \$100,000 each, I
9 agreed to pay them. But they never came through with
10 the thing.

11 Q. Were you in need of money at the time?

12 A. Yes.

13 Q. And was this at the same time before Bilotti's
14 \$1.4 million?

15 A. About the same time.

16 Q. All right. So at any rate, LaGardi goes out,
17 he leaves with the bodyguards.

18 A. Yes, he came in and he said that he and
19 Bilotti have a lot of business, and he like to buy the
20 hotel for his daughter. She wants to do a lesbian hotel
21 or something like that. And I said -- I didn't say, yes
22 or no. I just -- and so Zedeck send me contract, which
23 I still have, that says that I have to pay back \$5,000 a
24 month.

25 Q. But you never signed the contract?

1 A. No, at the end, before I signed it -- I didn't
2 want to sign it, but he go, Bilotti is with LaGardi
3 together, so I talked to Bilotti.

4 Q. Okay. Him, Bilotti and LaGardi are together?

5 A. Yes. And LaGardi loaned him the money to pay
6 you for litigation.

7 Q. Oh, yeah?

8 A. That's what Bilotti told me.

9 Q. Oh, that's nice.

10 A. He gave you \$800,000 in cash. He got it
11 because he have strip club.

12 Q. This isn't a misdemeanor, I wouldn't have done
13 the case. I don't take cash.

14 A. Bilotti, you know, he said what he said.

15 Q. Well, if Bilotti told you that, that's about
16 as reliable as the murder story.

17 MR. ROSSMAN: What is -- .

18 MR. HADDAD: Phillip Morris -- whatever it is.

19 Okay.

20 MR. WILLIAMS: The Harrison.

21 MR. HADDAD: No, the Harrison is the one down
22 there.

23 (Thereupon, a discussion was held off the
24 record.)

25

1 BY MR. HADDAD:

2 Q. Okay. Back on topic.
3 there comes a point in time, to
4 we're here, you had mentioned to
5 depressed because of some stuff
6 back from New York and there was
7 son-in-law, the doctor.

8 A. Former son-in-law.

9 Q. Huh?

10 A. Former son-in-law.

11 Q. Okay. Any rate, you come back from New York,
12 you're all depressed. Where are you sitting, and where
13 are you sitting talking to Mike?

14 A. At the hotel, at the Peter Miller Hotel.

15 Q. With who?

16 A. In the lobby, him and I.

17 Q. Anybody else there?

18 A. No.

19 Q. Okay. Because you said Feo heard Mike say
20 this.

21 A. Later on.

22 Q. Okay. Later on.

23 So what happens?

24 A. What's happening is we were taking, and I told
25 him that my ex son-in-law has been very bad with my

1 daughter, and, you know, I was very upset, and she has
2 four kids, and this and that. And he says, well, if you
3 want, I can whack him. Ten grand and I have somebody
4 whack him.

5 Q. All right.

6 A. Because I have a daughter, somebody try to
7 bother her and I had them whacked.

8 Q. Somebody tried to --

9 A. And I said, hey, hold, hold, hold, I'm not
10 going to whack my son-in-law. You're crazy, I said.
11 I'm a rabbi. I love my son-in-law, even though he's
12 divorced. And my grandchildren, I can't do that. He
13 says, you're crazy.

14 Q. You didn't read the Old Testament to him?

15 A. No.

16 Q. At any rate, this conversation took place in
17 the hotel lobby?

18 A. Yes.

19 Q. All right. Now, I read in your statement you
20 said, Feo heard this.

21 A. I told Feo what Mike just told me. He said,
22 he's crazy, you know.

23 Q. You told Feo?

24 A. Yeah.

25 Q. You said in your statement that Feo heard you

1 say this.

2 A. Well, I don't know that. I don't remember
3 exactly, but I know Feo was aware.

4 Q. Okay.

5 MR. BOGENSHUTZ: So he may have been aware
6 because you told him?

7 THE WITNESS: Either he heard -- or I don't
8 remember exactly how it happened. They all know.
9 He said, he's crazy.

10 BY MR. HADDAD:

11 Q. Okay. Let me just ask you this, in your
12 statement page 39.

13 "So was no one else present during the
14 conversation between you and Mr. Bilotti?

15 Well, they were present in the lobby when he
16 was bragging about whacking people. The contractor was
17 present.

18 And so, you know, he was present when he was
19 saying he was whacking this guy, whacking that guy, we
20 were trying to whack everybody. He was present, the
21 contractor."

22 "DETECTIVE YAGER: What's your contractor's
23 name?"

24 And I guess the court reporter got this wrong,
25 "the cracker's name was Ralph Feo." I supposed that's

1 the contractor, correct?

2 A. Ralph Feo, yes.

3 Q. Ralph Feo was present to hear this?

4 A. I don't think so.

5 Q. Well, you said it.

6 A. I don't remember.

7 MR. ROSSMAN: But what you just read, he's
8 talking about whacking a bunch of people.

9 MR. HADDAD: I understand that.

10 MR. ROSSMAN: That could be Angel. That could
11 be other people. That doesn't mean it's this
12 conversation.

13 MR. HADDAD: I'm going to go to it.

14 BY MR. HADDAD:

15 Q. And you said that Zedeck heard it too,
16 correct?

17 A. Where?

18 Q. Where he said --

19 A. Zedeck wasn't there.

20 Q. Huh?

21 A. No, Zedeck wasn't there.

22 Q. Okay. So the only person that actually heard
23 the conversation, according to you, about whacking your
24 son-in-law --

25 A. No. No. Feo heard that thing when Mike was

1 bragging, he's going to whack this guy, whack so many
2 people, and Feo know about the nightclub that was burnt
3 and stuff, and he told Feo.

4 Q. I understand all of that. My question to you
5 is, so that we're perfectly clear, because you could
6 only testify a certain way. The only person to hear the
7 conversation that you had with Mike Bilotti about
8 whacking your son-in-law for \$10,000 because of his
9 daughter is you?

10 A. Yes.

11 Q. It was between you and he and no one else,
12 correct?

13 A. Yes.

14 Q. And you went and told Feo?

15 A. Yes.

16 Q. And that's it?

17 A. That's it.

18 Q. Who else did you tell?

19 A. I told the guy that is no longer there, Garry
20 Perkins, he was the --

21 Q. The lawyer?

22 A. -- security guy. No.

23 Q. All right. But Ralph Feo for sure?

24 A. Yes.

25 Q. Now, you told Bilotti that's too much money

1 or --

2 A. No, I told him you're crazy, I said. I
3 thought he was crazy. We Jewish, we don't do that.
4 When we get divorce, we get a lawyer, that's it.

5 Q. Any rate, so that was that time. That's the
6 conversation that you would testify to if you were
7 called as a witness, no one else heard it?

8 A. Yes.

9 Q. Was it said in jest?

10 A. I don't know.

11 Q. All right.

12 A. He was serious. I mean, he was serious. He
13 told me that, my daughter, somebody bothering her and I
14 whack.

15 Q. Did he say what bothering her meant?

16 A. He said somebody was harassing his daughter
17 and he had them whacked.

18 Q. Okay.

19 A. And he said, and now -- and he's laughing, and
20 he said, and now I have to pay all their lawyers to
21 represent all the guys that -- my friends, my bodyguard,
22 I have to pay their legal fees.

23 Q. Uh-huh.

24 A. Not only I have to pay Fred Haddad for me, but
25 I have to pay the other lawyers for them. Because Fred

1 Haddad conflict of interest.

2 Q. You know, at least you say it like the right
3 way. I appreciate that. You sound just like my
4 Palestinian clients.

5 A. Oh, don't call me Palestinian, please.

6 MR. ROSSMAN: No, you just said his last name
7 properly, that's what he's saying.

8 THE WITNESS: Well, Haddad in Arabic means --

9 MR. HADDAD: Smith.

10 THE WITNESS: -- Smith.

11 Are you Arabic?

12 MR. HADDAD: Part. Mostly Irish and French.

13 THE WITNESS: Irish, no. Haddad is Lebanese.

14 MR. HADDAD: My mother's name was O'Shea.

15 THE WITNESS: Oh, I see. But the father was
16 Arabic?

17 MR. HADDAD: Lebanese.

18 THE WITNESS: Good people.

19 MR. HADDAD: That's where I learned to make
20 Kibana.

21 THE WITNESS: I like Kiba.

22 MR. HADDAD: I love it.

23 (Thereupon, a discussion was held off the
24 record.)

1 BY MR. HADDAD:

2 Q. That's the conversation that you had, correct?

3 A. Yes, sir.

4 Q. And it was the two of you sitting there and he
5 said that?

6 A. Uh-huh.

7 Q. Did he go into any detail about his daughter?
8 What was happening? How it happened? Who got whacked?
9 What got whacked?

10 A. No, nothing.

11 Q. All right.

12 MR. HADDAD: I'm going to let it go for now.
13 Dohn or whoever --

14 MR. BOGENSHUTZ: Do you want to do it or you
15 want me to go?

16 MR. WILLIAMS: I just have a couple questions.

17 DIRECT EXAMINATION

18 BY MR. WILLIAMS:

19 Q. When you were interviewed by the federal
20 authorities, where did that occur?

21 A. I believe it occurred a little later than when
22 the Sunrise [sic] police.

23 Q. You said after the Davie police, but where did
24 you actually meet with them?

25 A. At the Harrison Hotel, in the lobby.

1 Q. They interviewed you in the lobby?

2 A. Well, we have a door that locks.

3 Q. Oh, okay.

4 A. So first I was shocked, I never was
5 interviewed by the FBI in my life. When they called me,
6 they said the FBI is here for you. I said, what did I
7 do?

8 And I was in doctor's office, so I run out and
9 they said they want to talk to you. So I called them.
10 Well, you want to talk to me, fine. And I called
11 Titone, and he said, I'll go with you.

12 So I told them, I'll gladly talk to you. What
13 time? They stay in some other hotel, and they came in
14 9:00 in the morning to 12:00, three hours.

15 Q. Okay. Let's break this down a little bit.
16 You got a call.

17 A. Yes.

18 Q. You were away from your hotel?

19 A. They called the hotel.

20 Q. And they said that they wanted to speak with
21 you?

22 A. Yes.

23 Q. And then you, yourself called them back?

24 A. Well, the girl called me at the hotel. Before
25 I called them, I called my lawyer.

1 Q. Okay.

2 A. He says, call them and make an appointment.

3 Q. So then you called Joe Titone?

4 A. I called Joe Titone. He says, I'll be with
5 you tomorrow.

6 Q. Okay.

7 A. Call them and tell that tomorrow morning at
8 9:00.

9 Q. Okay.

10 A. So, I called them, they said it's fine. They
11 stay in some hotel in South Beach, and they came in the
12 next day at 9:00 a.m.

13 Q. Okay. So this is what I'm getting at, you
14 said, the agents were staying at some hotel in South
15 Beach, that's your understanding?

16 A. That's what they told me, yeah.

17 Q. So the indication was these agents were from
18 out of town?

19 A. Yes, Atlanta.

20 Q. Atlanta.

21 A. Okay.

22 Q. And what agency were they with?

23 A. I don't remember. I think it was FBI, FDIC.

24 Q. And they interviewed you for about three hours
25 at your hotel?

1 A. Yes.

2 Q. And Mr. Titone was present?

3 A. Yes.

4 Q. Did he sit through the entire interview?

5 A. Yes.

6 Q. Okay. In the hotel -- what was the name of
7 the one that --

8 MR. HADDAD: Peter Miller?

9 BY MR. WILLIAMS:

10 Q. Peter Miller hotel, that's the one you were
11 involved with Mr. Bilotti?

12 A. Yes.

13 Q. Okay. You said in that deal when it was
14 finally sold, you netted \$1.2 million?

15 A. Yes.

16 Q. And if I understand your earlier testimony,
17 that you possessed 20 percent ownership in that hotel.

18 A. Yes.

19 Q. And Mr. Bilotti possessed an 80 percent
20 ownership.

21 A. Yes.

22 Q. Okay. So if I use those figures then, you're
23 saying that Mr. Bilotti, what, netted around \$6 million?

24 A. No. No. Because the hotel had, like,
25 \$10 million in debt. I don't know how much he netted.

1 But he netted -- he was in control of the bank accounts,
2 so.

3 Q. Okay.

4 A. I never signed the checks. He signed the
5 checks, he signed everything. He came from the hotel
6 business a few hundred thousand and then at the end, he
7 got -- he got all together maybe a million.

8 Q. Okay. But -- yeah, I'm just trying to
9 understand how a 20 percent ownership --

10 A. Because --

11 Q. Wait a minute. Let me ask the question.

12 I'm just trying to understand, business wise,
13 how a 20 percent ownership nets 1.2, and an 80 percent
14 ownership nets a million?

15 A. I explain to you. It's very simple.

16 Q. Okay.

17 A. The hotel -- also I had a property behind that
18 was called Beach Holding.

19 Q. Okay.

20 A. Beach Holding, they bought the hotel and Beach
21 Holding of which I was the owner of Beach Holding.

22 Q. So wait a minute. You were the sole owner of
23 Beach Holding?

24 A. Beach Holding.

25 Q. Okay.

1 A. \$4.7 million.

2 Q. Okay.

3 A. So they combined the two for \$15 million. So
4 from that, they had to pay the mortgage on Beach
5 Holding, plus what's left for me and the rest for
6 Bilotti. Because I had another property involved in the
7 sale, so.

8 Q. So you had another property involved --

9 A. \$4.7 million, yes.

10 Q. That property sold for \$4.7 million?

11 A. No, they sold the Peter Miller and that
12 property together for \$14.7 million.

13 Q. Oh, for 14. So, Peter Miller and the other
14 property for 14.7.

15 A. Right.

16 Q. Out of that \$14.7 million deal, you netted
17 \$1.2 million?

18 A. Correct.

19 Q. And you believe Mr. Bilotti netted a million?

20 A. Probably, I don't know exactly how much.

21 MR. WILLIAMS: Okay. That's all I have.

22 DIRECT EXAMINATION

23 BY MR. BOGENSHUTZ:

24 Q. Okay. I have just a couple of questions.

25 Mr. Kadosh, Mr. Rossman originally introduced

1 us, Dave Bogenschutz representing Christin Bilotti.

2 A. Uh-huh.

3 Q. Have you ever met Christin Bilotti?

4 A. Yes.

5 Q. Where did you meet her?

6 A. In South Beach.

7 Q. Where?

8 A. She came to the hotel to have lunch with Mike.

9 Q. Okay. When was that?

10 A. During the time that Mike was partner in
11 hotel.

12 Q. Okay. Was she present during any
13 conversations that took place?

14 A. No.

15 Q. Have you ever talked to her about anything?

16 A. No.

17 Q. Did you know that her name was Christin, until
18 I just told you?

19 A. No, I know her name.

20 Q. How many times had you seen her, besides that
21 time?

22 A. Maybe once, twice.

23 Q. Same thing?

24 A. Yes.

25 Q. Comes with her father, has lunch, does

1 something like that?

2 A. Yes.

3 Q. Ever have any conversation with her on
4 those --

5 A. Oh, you're talking about the daughter or the
6 wife?

7 Q. Daughter.

8 A. I only met -- I met the daughter at Lefty's.
9 She never came to the hotel. I thought you said the
10 wife.

11 Q. Well, that's the reason I asked you about
12 Christin.

13 A. Oh, because I don't know. I got confused with
14 the name.

15 Q. That's why I asked you if you knew her name.

16 A. I met her -- the daughter I met at Lefty's, at
17 the restaurant. She served us.

18 Q. Okay. Again, same question: At Lefty's, ever
19 have a conversation with her? Was she ever present when
20 you and Mr. Bilotti had any conversations?

21 A. No.

22 Q. Okay. Now, as I understand this, and I want
23 you to be very careful about your answer, because it's
24 going to -- obviously, we believe you're trying to tell
25 the truth, or at least as much as you know. You had one

1 conversation, one conversation with Michael Bilotti
2 where he talked about having to have some kind of a --
3 strike that.

4 Having taken care of a fellow who was giving
5 his -- or harassing his daughter, correct?

6 A. Yeah, that's one time. Then when I was at the
7 restaurant, I remember now, with her, he told me, that's
8 the girl the guy was bothering.

9 Q. That's the daughter?

10 A. Yeah.

11 Q. Let's go back to that though. The
12 conversation about hurting, whacking, killing, whatever
13 it was, this guy that was giving her a problem or so he
14 said, happened one time and it was when you and
15 Mr. Bilotti were together, without Mr. Feo, without
16 Mr. Himes --

17 A. No.

18 Q. -- I'm going to get to some other people.
19 Without Mr. Zedek, without anybody else from the bank,
20 that one conversation, correct?

21 A. Yeah.

22 Q. Now, I want you to tell me, as best as you
23 can, the exact words that Mr. Bilotti --

24 A. I don't remember the exact words.

25 Q. I just said, as best you can. That's why I

1 just said, as best you can.

2 A. Yeah.

3 Q. The exact words that Mr. Bilotti used with
4 respect to his daughter.

5 A. What he said is that somebody was bothering
6 his daughter, harassing his daughter, and he had them
7 whacked.

8 Q. Okay. And that's it?

9 A. And that's what I remember to the best of my
10 knowledge.

11 Q. And you didn't respond in any way?

12 A. I was shocked.

13 Q. You didn't respond in any way, did you?

14 A. I said, oh, my God. But I don't respond.
15 What am I going to say?

16 Q. Did you say, what do you mean, whacked? What
17 do you mean? What happened?

18 A. I know what whacked is. He uses whacked every
19 minute. He's going to whack this guy. He's going to
20 whack that guy. That's the language -- how his language
21 is whack and "F" you, that's all.

22 Q. Very simple question, Mr. Kadosh.

23 A. Yes.

24 Q. You didn't ask him anything about the comment,
25 correct?

1 A. About the what -- no.

2 Q. The comment that you just discussed.

3 A. No.

4 Q. You didn't ask him anything about why he would
5 suggest that to you? What are you talking about?
6 Anything like that?

7 A. Why I would suggest what?

8 Q. To you, why he would suggest something like
9 that to you about having this fellow whacked?

10 A. Well, because he wanted me to believe that he
11 could do that to my son-in-law.

12 Q. And that's your assumption based on the kind
13 of conversation you had, fair?

14 A. Right. Because when I told him about my
15 son-in-law, he said, if you want me to kill him --

16 Q. Is Bill Himes still the president of the bank?

17 A. Yes.

18 Q. Is he still there at the bank, at that
19 location?

20 A. Yes.

21 Q. Okay. You're back talking to the FBI.

22 A. Right.

23 Q. When you're telling them all of these things
24 that Mr. Haddad and you discussed, did they ever ask you
25 to wear a wire?

1 A. No.

2 Q. Did they ever ask you to make any kind of
3 connection with Mr. Himes, Mr. Zedeck or Mr. Bilotti at
4 all?

5 A. No.

6 Q. So basically, they sit down with you in your
7 hotel, and for three hours you tell them all this stuff,
8 and that's the last you hear --

9 A. They asked me a question and I answered.

10 Q. Excuse me.

11 A. Yes.

12 Q. That's the last you hear about it?

13 A. Yes.

14 Q. Correct?

15 A. Yes.

16 Q. And you think that was after you talked to the
17 Davie police, correct?

18 A. Yes.

19 Q. And several years ago?

20 A. Yes.

21 Q. Okay. Mr. Haddad also asked you about
22 Mr. Feo, and he recalled your attention, as best you
23 could, because you haven't seen this, to a statement you
24 made during your actual tape recorded statement that we
25 have, about Mr. Feo being present. He recalled your

1 attention to, I think page 36 or 37.

2 Do you remember telling him on page 30 that
3 when Bilotti was saying, quotes, "whacking this guy.
4 Whacking that guy." That the contractor was present?

5 A. Yes.

6 Q. Do you remember telling them also that the
7 contractor was Ralph Feo?

8 A. Yes.

9 Q. Okay. And you remember describing him as
10 being a principal in RN Construction?

11 A. Who?

12 Q. Mr. Feo?

13 A. Yeah. The contractor, yes.

14 Q. Okay. Do you remember telling him that
15 Mr. Feo was also there when Bilotti said something in
16 the lobby of the hotel about Angel?

17 A. Yes.

18 Q. Mr. Feo was there at that point too?

19 A. And Feo was familiar with the Angel case.

20 Q. Okay. And how he got him whacked and that he
21 was bragging, right?

22 A. Yes.

23 Q. Okay. When you talked to the federal agents,
24 did they talk to you about this particular case? Or if
25 they didn't ask you questions, did you tell them about

1 this case?

2 A. I didn't volunteer anything, no.

3 Q. Did they ask you questions about --

4 A. I only answered the questions. I don't
5 remember what I answered.

6 Q. Did they ask you questions about this case?

7 A. I don't remember.

8 Q. When the agents were taking the statement from
9 you, they were taking it and taking notes, weren't they?

10 A. Yes.

11 Q. Have you ever seen the notes?

12 A. No.

13 Q. Do you know whether or not those notes were
14 ever given to your lawyer?

15 A. Not that I know of, no.

16 Q. Okay.

17 MR. BOGENSHUTZ: I'm going to make a request
18 at this point, Mr. Rossman.

19 MR. ROSSMAN: I'm listening.

20 MR. BOGENSHUTZ: For any 302 MOI's or any type
21 of notes given by the FBI that your office has.

22 MR. ROSSMAN: I can tell you, we don't have
23 any.

24 MR. HADDAD: Davie may have them.

25 MR. ROSSMAN: I asked Yager about that.

1 MR. BOGENSHUTZ: And Yager said?

2 MR. ROSSMAN: Yeah, they don't have anything.

3 THE WITNESS: They were more interested in the
4 bank than Bilotti.

5 BY MR. BOGENSHUTZ:

6 Q. Okay. Were you aware that this statement that
7 you were giving, back at the time that you were talking
8 to the Davie PD was videotaped?

9 A. No.

10 Q. Didn't they tell you?

11 A. I don't remember what they told me.

12 Q. Right in the middle of the statement.

13 A. It was in empty room and that's all I know.

14 Q. Okay.

15 A. Small room with me and --

16 Q. Do you remember Mr. Titone saying, I'm a
17 little confused about how long it may take to get a copy
18 of the statement. And Mr. Yager saying, sometimes we
19 turn the video to the state attorney.

20 Do you remember him saying that?

21 A. I don't remember, no.

22 Q. Okay. And then Mr. Stokes -- Detective Stokes
23 saying, they may keep it as a video, then we'll just
24 give you a copy -- meaning, Mr. Titone.

25 A. No.

1 Q. But certainly you never seen a copy of that,
2 correct?

3 A. No.

4 Q. And you've never had a copy of your --

5 A. I don't remember.

6 Q. -- statement that we now have here, even
7 though you may not have read it?

8 A. No, I haven't read it.

9 Q. State attorney's never gave you a copy of it,
10 whether you've read it or not, fair?

11 A. No.

12 Q. Okay. In that statement you said that you had
13 not had any more meetings with Bilotti, because you
14 hadn't seen him in a few months, as of the date of the
15 statement.

16 A. Well, if that's what I said, that's what it
17 was.

18 Q. Well, I'm assuming that's what you said. It
19 was given to us by the state attorney.

20 A. Well, I guess.

21 Q. Ever since that time, since the date of this
22 statement, have you seen Mr. Bilotti?

23 A. No. I don't remember. I haven't -- since
24 the day I saw him last is when we did the closing on the
25 sale of the hotel. That's the last time I saw him.

1 Q. Okay. That's even easier then.

2 So if that incident is already described in
3 here, since the date of the statement -- and I say,
4 "seen", you have not seen or talked to Mr. Bilotti,
5 correct?

6 A. No.

7 Q. How about Mr. Himes?

8 A. Yes.

9 Q. Okay. When was that?

10 A. I talk to Himes --

11 Q. When was the last time you talked to Bill
12 Himes?

13 A. A month ago.

14 Q. Okay. And when was that?

15 A. I believe February or March.

16 Q. Of 2015?

17 A. Yes.

18 Q. Okay. And what was that for?

19 A. We refinanced the hotel. Some notes came in
20 and amounts and note for Bilotti, I have to pay it.

21 Q. Did you have to discussion with him about
22 Mr. Bilotti and about the same incident that you talked
23 about before?

24 A. I did not.

25 Q. Mr. Himes told you, did he not, as far as your

1 testimony is concerned, that he had told you that you
2 needed to sign these papers or Bilotti was going to
3 whack you?

4 A. That was long time ago, yes.

5 Q. Okay. About the loan papers, right?

6 A. Yes.

7 Q. At Lefty's?

8 A. Yes.

9 Q. Correct?

10 A. No, he wasn't at Lefty's.

11 Q. It wasn't back in the back at Lefty's when
12 that took place?

13 A. No. The back at Lefty's was Zedeck, me and
14 Bilotti, only the three of us.

15 Q. Okay. Then lets's talk about Mr. Himes.

16 A. All right.

17 Q. Mr. Himes saw you where? Was it at the bank
18 when you were going --

19 A. It was at the bank, yes. I was at the bank,
20 yes.

21 Q. Okay. But you remember specifically --

22 A. Yeah, I remember.

23 Q. -- Mr. Himes saying, sign it or you're going
24 to get whacked --

25 A. Get whacked.

1 Q. -- by Bilotti?

2 A. By who else?

3 Q. Well, did he say Bilotti?

4 A. Yes.

5 Q. Okay. Feo wasn't there at that time?

6 A. Who is Theo?

7 Q. Ralph Feo.

8 A. No.

9 Q. Okay. Mr. Bilotti's bragging, and the things
10 that he was doing all the time, like you told the
11 police, always bragging. He's going to whack this guy.
12 Gonna whack that guy -- those words.

13 A. Yes.

14 Q. Did you ever see a gun?

15 A. I never saw a gun, no.

16 Q. Ever show you a gun?

17 A. No.

18 Q. Ever talk about a gun?

19 A. No.

20 Q. Ever have anybody with him that carried a gun?

21 A. Not that I know of.

22 Q. Or any weapon whatsoever?

23 A. No.

24 Q. Okay. Was it Mr. Himes that you had the
25 conversation with about wanting to know if you should

1 bring your lawyer and he said --

2 A. It was Mr. Zedeck.

3 Q. Mr. Zedeck. Mr. Zedeck said, no, you bring
4 your lawyer, we're going to foreclose on you?

5 A. Right.

6 Q. All right. Is anybody else present during
7 that conversation?

8 A. Just --

9 Q. Just you and Zedeck?

10 A. Yes.

11 Q. Okay. And all during this time when he's
12 talking about this one incident with his daughter, he
13 never mentioned the name of the person, correct, that
14 had actually done any shooting whatsoever?

15 A. No.

16 Q. Or any whacking --

17 A. No, he just said that he had some people do
18 it. And now he has to pay their lawyers, because they
19 have no money. He has to pay them for the job they did.
20 And he said, I have no money, I have to defend them or
21 else they can squeal on me -- something like that.

22 Q. Wait. Wait. Wait. Now you're throwing
23 things in on me. Otherwise he might squeal on me. When
24 did that come up?

25 A. Well, I said -- at the time, I said, why do

1 you have to pay for them. He said, well, they have to
2 be on my side -- to that effect. Not exact words.

3 Q. What happened to the word "squeal"? Where did
4 that come from?

5 A. I said that.

6 Q. Have you done that any other time in this
7 statement?

8 A. No.

9 Q. Told us things that you're telling us that you
10 assume as opposed to what somebody may have said?

11 A. What I said is -- in the context that he was
12 telling me, to tell me that he has to pay their legal
13 fees because, you know.

14 Q. Okay. Mr. Bilotti -- you knew, Mr. Bilotti to
15 be kind of a bragging guy, because he wanted to show you
16 he was macho, right?

17 A. Yes.

18 Q. No question about that in your mind, right?

19 A. No. He brags a lot.

20 Q. Wanted to be a big macho-looking-guy, right?

21 A. Yeah, he is big.

22 Q. Wanted to be and looked at by you as a big
23 macho guy?

24 A. Yeah.

25 Q. Okay. I'm going to ask you a question about

1 something Fred just asked. We're talking about times
2 and dates here that aren't really on here, although
3 Gregg has said he'll give us the date. But if this was
4 about four years ago, and you were 70 --

5 A. Uh-huh.

6 Q. -- does that seem about right, about four
7 years ago this statement is made?

8 A. Possible.

9 Q. Titone pretty much knew how old you were,
10 didn't he?

11 A. Yeah. Yeah. He doesn't know, I don't tell
12 anybody unless you ask me.

13 MR. BOGENSHUTZ: Okay. That's all I got.

14 THE WITNESS: Okay.

15 MR. HADDAD: I'll save it for when you're on
16 the stand. Okay.

17 Gregg, just so I'm limiting it right here.
18 The only thing you're going to ask him on the
19 witness stand is that one conversation?

20 MR. ROSSMAN: Wait a minute.

21 CROSS-EXAMINATION

22 BY MR. ROSSMAN:

23 Q. The name John Pacchiana mean anything to you?

24 A. No.

25 Q. Don't know who that is? Never heard it.

1 before, right?

2 A. No.

3 Q. The name Richard Corbin, does it mean anything
4 to you?

5 A. No.

6 Q. Wayne Palazzola mean anything to you?

7 A. No.

8 Q. Name Richard Rojas mean anything to you?

9 A. No.

10 Q. Eddie Arce mean anything to you?

11 A. No.

12 Q. Okay. Thank you.

13 MR. HADDAD: So I know when I do motions,
14 we're limited to that one conversation, that one
15 time --

16 MR. ROSSMAN: I, on my case and chief, plan on
17 eliciting that statement, yes. That's it. You
18 were talking about cross-examining him on a whole
19 bunch of other stuff.

20 MR. HADDAD: Why should I open the door? I
21 know what opening the door is.

22 MR. ROSSMAN: I know.

23 MR. HADDAD: I'm questioning to what you're
24 doing on direct.

25 MR. ROSSMAN: What I believe is relevant --

1 the only thing I believe is relevant --

2 MR. BOGENSHUTZ: Be very specific about this.

3 MR. WILLIAMS: Yeah.

4 MR. BOGENSHUTZ: You say, that statement, and
5 we've had a couple of different statements.

6 MR. ROSSMAN: Nothing about Angels.

7 MR. BOGENSHUTZ: Tell me exactly. And have
8 the record reflect, exactly the statement that you
9 expect to elicit from him in trial.

10 MR. ROSSMAN: Where he testified and he
11 answered Fred's questions about him and Mr. Bilotti
12 being in the lobby by themselves --

13 MR. BOGENSHUTZ: Okay.

14 MR. ROSSMAN: -- about the conversation about
15 him talking about his son-in-law and his response
16 to that, that's it.

17 MR. HADDAD: Nothing else?

18 MR. ROSSMAN: That's it. Nothing about
19 Angels. Nothing about whacking this guy, that guy,
20 other guys. Nothing about Zedeck.

21 You may think all of that is relevant by the
22 questions you're asking, you may or may not, I
23 don't believe I can go into that, because it's
24 improper in my case in chief for me to get into
25 that stuff.

1 MR. HADDAD: I understand. I'm just asking,
2 just in case the judge has a different idea or
3 something comes up with you, because you could fuck
4 up anything, I just want to make sure I ask all the
5 questions.

6 MR. BOGENSHUTZ: I'm sorry. I don't mean to
7 beat a dead horse here. But the statement that
8 you're talking about with specificity is, that my
9 daughter had somebody who was harassing her,
10 bothering her, so I whacked him or had him whacked,
11 period?

12 MR. ROSSMAN: But obviously they're sitting in
13 the lobby. And he's talking about his son-in-law
14 and his daughter, and she's depressed, and
15 Mr. Bilotti volunteering, I can have him whacked.
16 Give me \$10,000, I'm going to have him whacked,
17 like I did my daughter -- this guy was harassing my
18 daughter. And he's like, oh, my God. No, we don't
19 do that.

20 MR. BOGENSHUTZ: But that's it about the
21 statement about the daughter?

22 MR. ROSSMAN: Yeah. That's it.

23 MR. BOGENSHUTZ: Okay.

24 MR. WILLIAMS: Well, wait a minute. He also
25 says in his statement that he wasn't there, he

1 says.

2 MR. ROSSMAN: He has -- he hasn't been asked
3 about that. You're talking about what Mr. Bilotti
4 says to him.

5 MR. WILLIAMS: As part of that conversation,
6 let me get to it --

7 MR. BOGENSHUTZ: Whether it was asked or not,
8 Gregg, are you going to bring it up?

9 MR. ROSSMAN: Wait a minute.

10 MR. BOGENSHUTZ: That's the problem.

11 MR. ROSSMAN: No. No. No. That's not the
12 problem. You've been practicing, as you guys said,
13 a 100 years -- listen, you took the man's
14 deposition, you have his recorded statement --

15 MR. HADDAD: We haven't released him yet.

16 MR. ROSSMAN: You've got his recorded
17 statement and you want to know what I'm going to
18 ask him. I'm going to ask him about that incident.
19 That capsulated time about when he says, my
20 daughter is having issues, and what Mr. Bilotti
21 says in response to him, and that's it. Whatever
22 that is, out of that, out of this, out of the
23 recording, that's it. No more. No less.

24 MR. WILLIAMS: Let me just make my record
25 here, okay. At page 19 of his statement -- of the

1 transcript of his statement, and I assume he's
2 talking about the same incident, because they jump
3 around. And I'll put it in proper context. Here
4 is what he's saying:

5 "QUESTION: And in mentioning that you say, he
6 mentions just like he had problems -- that his
7 daughter was having problems --

8 "ANSWER: Right.

9 "QUESTION: And he took care of it?

10 "ANSWER: Yeah, and he took care of him.

11 "QUESTION: Did he ever mention the name of
12 the kid --

13 "ANSWER: No.

14 "QUESTION: -- who he took care of?

15 "ANSWER: No. I say, you did it? And he
16 says, I didn't do stuff myself. He said, I don't
17 do stuff myself. I wasn't there. I made sure I
18 wasn't there."

19 And then Mr. Kadosh responded and said, "it
20 scared the shit out of me."

21 MR. HADDAD: That's somebody else's thing.

22 MR. ROSSMAN: That capsulation. That part of
23 the conversation.

24 MR. WILLIAMS: Okay. Perfect. That's all I
25 was asking.

1 MR. ROSSMAN: Yeah. And I'm not limiting --
2 obviously, you guys aren't limited to just what I'm
3 limited to.

4 MR. WILLIAMS: No. No.

5 MR. ROSSMAN: But I'm saying, in my case in
6 chief, what I thought the fear of it is, that I'm
7 going to get into character evidence of Mr. Bilotti
8 about Angels, shakedowns all that -- none of that,
9 I don't believe any of that, in fairness to
10 Mr. Bilotti, is relevant to our issue for July
11 13th.

12 MR. WILLIAMS: But the part I read you're
13 saying is relevant?

14 MR. ROSSMAN: Yeah, it's part of that
15 conversation.

16 MR. WILLIAMS: That's all I want to know. I'm
17 not arguing with you.

18 MR. BOGENSHUTZ: And I'm going to ask you
19 this, with respect to that, and talking about the
20 capsulated whatever it is.

21 MR. HADDAD: How come you guys have a
22 different thing than I do?

23 MR. BOGENSHUTZ: On page 11 a comment is made
24 by -- allegedly by this witness, that this guy was
25 bothering his daughter a lot and he had to get rid

1 of him, and then he got some lawyer. Talked about
2 the lawyer, some fancy lawyer. And that he paid
3 him a lot of money.

4 MR. ROSSMAN: He's mentioned that here in the
5 depo. I remember that.

6 MR. BOGENSHUTZ: So that's part of this,
7 quote, capsulated group of questions --

8 MR. HADDAD: No, you can't bring up that he
9 got a lawyer.

10 MR. ROSSMAN: That he hired everybody's
11 lawyers?

12 MR. BOGENSHUTZ: That's coming up, as far
13 as --

14 MR. ROSSMAN: I would think, yes. Again, I
15 think that is all -- I think you follow that.

16 MR. BOGENSHUTZ: And then the next thing is,
17 whatever he testified, he changed his story.
18 Talking about this individual who was a witness.

19 He said, this witness -- whatever he had
20 testified, he changed his story so this way he will
21 not -- whatever he said at first, he changed it.
22 So this way Bilotti will not go to jail, because he
23 changed his story to make him go away.

24 Is that coming in?
25

1 BY MR. ROSSMAN:

2 Q. Do you remember Mr. Bilotti saying that? In
3 that same context, sitting in the lobby, is that where
4 you --

5 MR. BOGENSHUTZ: We can't get set up on this.

6 MR. HADDAD: No, I understand that.

7 MR. ROSSMAN: There is no set up. You got the
8 details --

9 MR. HADDAD: I got what he was going to
10 testify. You're going to go into the witness --
11 now I've got to go depose him some more.

12 MR. ROSSMAN: I'm not going into -- I'm
13 answering Dave and Dohn's questions.

14 MR. HADDAD: Well, are you going to bring
15 up -- I thought you were just limiting it to the
16 gun -- to whacking the kid.

17 MR. ROSSMAN: I'm limiting --

18 MR. HADDAD: This is about tampering with a
19 witness, not threatening to whack another witness.
20 If you're bring that up, let me know.

21 MR. ROSSMAN: I think you should move in
22 limine to keep that out if you want that out. I
23 think that's in context in the same exact
24 conversation.

1 MR. HADDAD: All right. Let me ask you a
2 question --

3 MR. ROSSMAN: Orally make that tomorrow -- or
4 tomorrow you may not have enough time.

5 FURTHER DIRECT EXAMINATION

6 BY MR. HADDAD:

7 Q. Okay. Let me go through this with you for a
8 minute again. In that same conversation, after he said
9 he got some fancy lawyer, he paid a lot of money and
10 that he had a witness -- some guy was going to be a
11 witness and he changed his mind so the case is going to
12 go away, right?

13 A. Yes, sir.

14 Q. Did he describe who the witness was?

15 A. No.

16 Q. Did he ever tell you who the witness was?

17 A. No.

18 Q. Did he tell you what the witness was going to
19 testify to?

20 A. No.

21 Q. Did he ever tell you that there was any
22 witnesses against him?

23 A. I don't remember.

24 Q. And do we know whether or not anyone had cut a
25 deal -- well, we need the date, so we could limit who

1 this might have been.

2 MR. ROSSMAN: Right now, Yager believes that
3 it's -- he's saying that the CD is placed into
4 property 5/25/11. So he believes that is the
5 closest. 5/25/11 -- originally he said 5/25/11
6 when the CD went to evidence.

7 Palazzola is after that.

8 MR. HADDAD: They're all after that.

9 MR. BOGENSHUTZ: Yes.

10 MR. HADDAD: So this could only be Arce.
11 There is no other witness.

12 MR. ROSSMAN: Whoever you want it to be.

13 MR. HADDAD: No, I'm just asking.

14 Okay. I just wanted to know that. So, I'll
15 keep that out, but if it --

16 MR. ROSSMAN: And actually, he's saying, yes,
17 at conclusion, I placed statement into property
18 5/25/11. So that's the date. That's what Yager
19 will testify that that's the date.

20 MR. HADDAD: Ask Yager about the wiretaps, so
21 I could --

22 MR. ROSSMAN: I have talked to him about that
23 already, there are no wiretaps. He had no previous
24 information from the FBI or anyone else.

25 MR. BOGENSHUTZ: What about the comment about,

1 we have parts to conversations?

2 MR. ROSSMAN: He did not have any.

3 MR. BOGENSHUTZ: Okay. All right.

4 MR. ROSSMAN: He had been tipped off that
5 Mr. Kadosh was an associate of Mr. Bilotti, all
6 right. So he went to Mr. Bilotti in that regard.

7 In fact, after I told them to share this, even
8 though the feds wouldn't speak to me or share
9 anything with me, I told them to share this with
10 the feds. That's how the feds got this copy.

11 We're off.

12 (Thereupon, the Deposition was concluded at
13 3:31 p.m.)

1 THE STATE OF FLORIDA,)
2 COUNTY OF BROWARD.)
3
4

5 I, the undersigned authority, certify that
6 MICHAEL KADOSH personally appeared before me on the 30th
7 of April, 2015 and was duly sworn.
8

9 WITNESS my hand and official seal this 6th day
10 of April, 2015.
11

12
13 



14 SANDRA B. SUAREZ, Court Reporter
15 Notary Public - State of Florida
16 My Commission # FF204037
17 Expires February 26, 2019
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C E R T I F I C A T E

The State Of Florida,)
County Of BROWARD.)

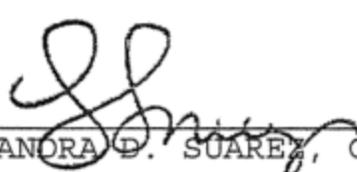
I, SANDRA D. SUAREZ, Court Reporter and Notary Public in and for the State of Florida at large, do hereby certify that I was authorized to and did stenographically report the Deposition of MICHAEL KADOSH; that a review of the transcript was not requested; and that the foregoing pages, numbered from 1 to 93, inclusive, are a true and correct transcription of my stenographic notes of said Deposition.

I further certify that said Deposition was taken at the time and place hereinabove set forth and that the taking of said Deposition was commenced and completed as hereinabove set out.

I further certify that I am not an attorney or counsel of any of the parties, nor am I a relative or employee of any attorney or counsel of party connected with the action, nor am I financially interested in the action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

DATED this 6th day of April, 2015.



SANDRA D. SUAREZ, Court Reporter