

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

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SAMUEL A. PERRONI,)
)
Petitioner,)
) SUPERIOR COURT
vs.) CASE NO. BS159430
)
MARK A. FAJARDO, M.D. IN HIS)
OFFICIAL CAPACITY AS CHIEF MEDICAL)
EXAMINER-CORONER; LOS ANGELES)
COUNTY DEPARTMENT OF MEDICAL)
EXAMINER-CORONER; JIM MCDONNELL,)
IN HIS OFFICIAL CAPACTY AS)
SHERIFF, AND THE COUNTY OF LOS)
ANGELES SHERIFF'S DEPARTMENT,)
)
Respondents.)
_____)

DEPOSITION OF THOMAS NOGUCHI

WEDNESDAY, JUNE 1, 2016

2:01 P.M.

Reported by Maria Beesley, CSR 9132

Job No. 128598

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Petitioner,)	
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IN HIS OFFICIAL CAPACTY AS)	
SHERIFF, AND THE COUNTY OF LOS)	
ANGELES SHERIFF'S DEPARTMENT,,)	
)	
Respondents.)	
_____)	

DEPOSITION OF Thomas Noguchi taken at 11150 W. Olympic Blvd., Suite 980, Los Angeles, California, on June 1, 2016, at 2:01 p.m.before Maria Beesley, Certified Shorthand Reporter, in and for the State of California.

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4	Investigator's Report	5

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By Ms. Birenbaum

PAGE	LINE
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1 Wednesday, June 1, 2016,
2 Los Angeles, California
3 (Whereupon Exhibits 1, 2, 3, 4 were previously
4 marked for I.D.)

5
6 THOMAS NOGUCHI,
7 having been first duly sworn, testifies as follows:

8 EXAMINATION

9
10 BY MR. PERRONI:

11 Q. Dr. Noguchi, my name is Sam Perroni. And for
12 the record, I need for you to state your full name.

13 A. My name is Thomas T. Noguchi, spelled
14 N-O-G-U-C-H-I.

15 Q. All right. Before we get started, I want to
16 explain something to you. I have a profound hearing
17 disability. And so I have this little screen here and
18 when we're talking, she types, it comes up on the
19 screen. And so sometimes I have to wait a second for it
20 to get up there to be able to understand what you have
21 said. So if you'll just bear with me, we'll get through
22 this just fine.

23 In addition, you have a soft voice and so
24 that's going to make it a little more difficult for me
25 to hear you. But that's okay. You just speak in your

1 normal voice. I got my little screen here and we'll get
2 through the deposition all right. Okay?

3 Dr. Noguchi, are you employed?

4 MS. BIRENBAUM: Objection. Vague and
5 ambiguous as to the term "employed."

6 You can answer.

7 THE WITNESS: I am volunteering, but
8 nothing employed. No one pays my service.

9 BY MR. PERRONI:

10 Q. All right. You're volunteering. And where do
11 you volunteer?

12 A. I volunteer at the Los Angeles County U.S.C.
13 Medical Center.

14 Q. At the medical center?

15 A. Yes.

16 Q. And you teach pathology there?

17 A. I used to, but currently I am quality
18 improvement program; the patient care. And I provide
19 some assistance and advice to the doctors in the area of
20 end-of-life care.

21 Q. And how frequently do you do that?

22 A. Once or twice a month in quality assurance
23 area. Ethics consultation, my rotation comes twice a
24 year.

25 Q. Very good. I want to take you back to when

1 you were working for the Los Angeles County Medical
2 Examiner Coroner's Office, all right?

3 A. Yes.

4 Q. And in my questions I'm just going to call it
5 the coroner's office so I don't have to repeat that
6 whole long name.

7 Would you tell me when you started working
8 there?

9 A. I start working in the early part of 1960, and
10 left the department I believe in 1982.

11 Q. '82. And tell me what positions that you held
12 when you were working for the Los Angeles County
13 Coroner's Office.

14 A. Initially I was appointed as deputy medical
15 examiner -- that's a pathologist position -- for the
16 L.A. County Coroner's Office. And later I was appointed
17 as the chief medical examiner, official title, as chief
18 medical examiner of the county of Los Angeles in 1967.

19 Q. And how long were you the chief?

20 A. Chief 'til '82.

21 Q. And when did you become chief, maybe I missed
22 that, what year?

23 MS. BIRENBAUM: Asked and answered.

24 BY MR. PERRONI:

25 Q. What year did you become chief?

1 MS. BIRENBAUM: Asked and answered.

2 THE WITNESS: In 1967.

3 BY MR. PERRONI:

4 Q. All right. I wasn't real clear on that, when
5 you became chief.

6 May I ask you how old you are?

7 MS. BIRENBAUM: Privacy. I'm kidding.

8 THE WITNESS: Will be soon 90 years old.

9 BY MR. PERRONI:

10 Q. 90 years old. Okay. Again, I want to go back
11 to the time when you were in the coroner's office right
12 before you left. In 1981, how many autopsies were you
13 doing approximately every year?

14 MS. BIRENBAUM: Objection. Vague and
15 ambiguous. Assumes facts not in evidence.

16 BY MR. PERRONI:

17 Q. Let me start over. Let me ask that again. In
18 1981, how many autopsies was the coroner's office doing,
19 approximately, in a year?

20 A. I believe close to 6,000 autopsies a year.

21 Q. 6,000. And how many deputies did you have,
22 deputy coroners?

23 A. In 19 --

24 Q. '81?

25 A. For the pathologists or the investigators

1 or --

2 Q. The pathologists. Just the pathologists.

3 A. I don't remember exactly.

4 Q. That's fine. If you don't remember, that's
5 good.

6 In 1981, on the average how long did it take
7 between the time that you got a body into the lab and
8 the time that the autopsy was performed?

9 A. Average -- of course, it varies, a case of
10 some urgency to more or less processing it the standard
11 way. But generally autopsy is conducted in the same day
12 or following day.

13 Q. So on the average you got them either the day
14 that you got them into the lab or the next day?

15 A. That's my recollection.

16 Q. Okay. And after the autopsy was performed, on
17 the average how long did it take to get a report
18 finished, on the average?

19 MS. BIRENBAUM: Overbroad. Vague and
20 ambiguous. Are you talking 1981, 1967, or the whole
21 thing?

22 BY MR. PERRONI:

23 Q. '81.

24 A. I would think average varies. From a case of
25 urgency such as a homicide, perhaps some cases might

1 require additional testing. So it's difficult to tell
2 average-wise. But a few days to some of many days or
3 awaiting for additional testing.

4 Q. Now, in '81 you kept files on each one of the
5 autopsies that you did?

6 MS. BIRENBAUM: Vague and ambiguous.

7 THE WITNESS: The office maintained a
8 file of every case reported, and I personally do not
9 handle the file portion, but the office had done so.

10 BY MR. PERRONI:

11 Q. What generally was in the files?

12 MS. BIRENBAUM: Objection. Overbroad.

13 BY MR. PERRONI:

14 Q. In 1981?

15 MS. BIRENBAUM: Also vague and ambiguous.

16 THE WITNESS: I don't remember exactly
17 what, but there are standard documents should be in the
18 file, which is how the case is reported and how
19 investigation is conducted by a different unit of the
20 coroner's office as investigators. And the autopsy
21 report, if it is conducted in such procedure, and a
22 death certificate, and perhaps some document be related
23 to property or contact number. Those are necessary
24 information.

25 ///

1 BY MR. PERRONI:

2 Q. Was it the custom and practice of the office
3 to take photographs during the autopsy?

4 MS. BIRENBAUM: Overbroad.

5 BY MR. PERRONI:

6 Q. In 1981?

7 A. It's selective, the cases where photographs
8 are taken. I do not know whether taken -- I do not
9 believe it's every case.

10 Q. All right. So are you saying in some of the
11 autopsies you didn't take any photographs?

12 MS. BIRENBAUM: Objection. Misstates
13 testimony.

14 BY MR. PERRONI:

15 Q. In 1981 -- by the way, all my questions are
16 related to 1981, okay? So in 1981, are you saying that
17 there was some cases where you didn't take photographs
18 during the autopsy?

19 A. I would think so, yes.

20 Q. Okay. That's fine. You said you left the
21 coroner's office in 1982; correct?

22 A. Yes.

23 Q. When you left the coroner's office in 1982,
24 did you take with you any copies of any records,
25 photographs, or other documents from the Natalie Wood

1 autopsy?

2 A. No, I don't think -- I do not.

3 Q. You did not. Okay. Since you left the
4 coroner's office, have you had any employment
5 relationship with the coroner's office? Do you
6 understand what I mean? Since '82 have you worked for
7 the coroner's office as a consultant or a teacher or
8 anything of that nature?

9 MS. BIRENBAUM: Overbroad. Vague and
10 ambiguous. He can answer if he understands.

11 THE WITNESS: Well, I had been consulted,
12 more or less invited to give a talk for graduating
13 doctors, or I may have participated in some lectures at
14 weekly conferences held at the coroner's office.

15 BY MR. PERRONI:

16 Q. Okay. Other than that, no employment
17 relationship with the coroner's office since 1982?

18 A. No.

19 Q. Now, we have two subpoenas that ended up
20 getting served on you. I'm going to show you what is
21 marked as Petitioner's Exhibit No. 1 to your deposition
22 and Petitioner's Exhibit 2 to your deposition. Could
23 you take a look at those two and see if those look like
24 copies of the two depositions that -- I mean two
25 subpoenas that you have been provided in this case?

1 A. I don't remember the second exhibit. This is
2 what I have.

3 Q. The first one, number one, was served on you
4 at your office, I believe.

5 A. I remember a different document than what I
6 have in my file, but there are some writings which I
7 don't remember reading.

8 Q. That's the service. You wouldn't remember
9 that part. What I'm getting at here, doctor, is in both
10 of these subpoenas it asks you to bring documents, to
11 you, as follows: Any and all documents or photographs
12 in your possession or control relating to the autopsy of
13 Natalie Wagner Wood, Los Angeles County Medical Examiner
14 coroner's file 81-15167, including but not limited to
15 the Paul Miller evaluation/report.

16 Do you have any documents responsive to this
17 subpoena?

18 A. I don't have it.

19 Q. You didn't have any. At the time you got the
20 subpoena, when you were first given the subpoena, did
21 you have any of those documents?

22 A. No.

23 Q. Okay. You haven't given any of those
24 documents to your lawyer?

25 MS. BIRENBAUM: Objection.

1 Attorney-client privilege.

2 You can answer.

3 THE WITNESS: I did not do anything. I
4 don't have it.

5 BY MR. PERRONI:

6 Q. All you did was come here?

7 A. Yes.

8 Q. Okay. That's fine. I just need to ask.

9 Now let me show you what I have marked for
10 identification purposes to your deposition Petitioner's
11 No. 3. I think there are some copies there, too, that
12 were -- there's originals and then there's copies in
13 there. You can get rid of the copies if you want. Here
14 is Petitioner's Exhibit 3. I want you to look at that
15 and tell me if you have ever seen that before.

16 A. I don't remember seeing this.

17 Q. You don't remember? Okay. This is a
18 supplemental autopsy report prepared by the Department
19 of the Coroner for Los Angeles County. And it was
20 prepared on May 20 or dated May 20, 2012. All right?
21 And the chief coroner at the time was Dr. -- and I'm
22 going to botch this pronunciation, but Dr. Lakshmanan
23 Sathyvagiswaran. I told you I would botch it. But if
24 you look at the last page you'll see his name.

25 Now, have you met him before? Do you know

1 him?

2 A. Yes.

3 Q. And in this supplemental autopsy report it
4 says that you were present at a meeting on January 24,
5 2012, arranged by Dr. L, I'll call him Dr. L, who was
6 the chief medical examiner at the time. Is that true?

7 A. Yes.

8 Q. Now, where did that meeting take place?

9 A. Somewhere -- I don't remember, but somewhere
10 in the same office.

11 Q. Okay. Was it in the coroner's office building
12 or --

13 A. I don't think so. I don't know.

14 Q. Well, if you don't remember, that's all right.
15 Who asked you to attend this meeting?

16 A. I don't remember.

17 Q. Okay. When you got there, it says that Paul
18 Miller was present. Do you know who Paul Miller is?

19 A. Yes, uh-huh. He was -- I don't remember.

20 Q. Okay. Now, do you know Paul Miller?

21 MS. BIRENBAUM: Vague and ambiguous.

22 THE WITNESS: I know him, yes.

23 BY MR. PERRONI:

24 Q. How long have you known Paul Miller?

25 A. On and off for many years.

1 Q. Like over 30 years, maybe 40 years?

2 A. Something like that.

3 Q. Is he still alive?

4 A. Don't know.

5 Q. Do you know where he is?

6 A. No.

7 Q. No?

8 A. No.

9 Q. Did you go to the meeting voluntarily or did
10 anyone make you go?

11 MS. BIRENBAUM: Vague and ambiguous.

12 THE WITNESS: Well, what I understood was
13 I was requested to meet, so I went.

14 BY MR. PERRONI:

15 Q. And did you know, when you went to the
16 meeting, it was going to be about the Natalie Wood
17 autopsy?

18 A. Yes.

19 Q. And when you got to the meeting, were
20 detectives with the Los Angeles County Sheriff's
21 Department present?

22 A. Yes.

23 Q. What did you talk about at that meeting?

24 MS. BIRENBAUM: I'm going to object that
25 it seeks information about an ongoing criminal

1 investigation and as such is protected by Evidence Code
2 section 1040. If the witness can answer the question
3 without revealing facts about an ongoing investigation,
4 I do not want to stand in the way of the deposition or
5 cause other problems or disputes here, counsel, so if
6 the witness can answer it without getting into the
7 privileged information --

8 MR. PERRONI: So all of a sudden you have
9 decided you don't want to stand in the way of the
10 deposition?

11 MS. BIRENBAUM: Counsel, I'm not going to
12 engage in this. I am attempting to -- sir, are we going
13 to go down this route where you continue to cut me off
14 again and again?

15 BY MR. PERRONI:

16 Q. Do you remember the question?

17 A. Your question?

18 Q. Yeah. Here's the question. The question was,
19 you attended a meeting on January 24, 2012, with the Los
20 Angeles County chief medical examiner and some
21 detectives, and I'm asking you what was talked about at
22 that meeting?

23 MS. BIRENBAUM: And my instruction to you
24 is that if you can answer it without revealing
25 information about an ongoing criminal investigation, you

1 can answer the question. If you can't, I'm going to
2 instruct you not to answer.

3 THE WITNESS: I don't know anything of
4 criminal investigation. So I probably should choose not
5 to reveal. I don't remember.

6 BY MR. PERRONI:

7 Q. So are you refusing to answer my question?

8 MS. BIRENBAUM: Are you refusing to
9 answer or you don't remember what happened at the
10 meeting?

11 THE WITNESS: Well, I don't remember.

12 MR. PERRONI: Anna, I object. Are you
13 coaching this witness? You've been coaching every one
14 of the witnesses. I have been around long enough to
15 know it when I see it. And I object to you coaching the
16 witness. I'm asking you to not do that.

17 BY MR. PERRONI:

18 Q. Are you testifying, doctor --

19 MS. BIRENBAUM: Excuse me, Mr. Perroni.
20 After --

21 BY MR. PERRONI:

22 Q. Doctor, are you testifying under oath you
23 don't remember what was talked about at that meeting?

24 A. Well, yes. I don't remember exactly some
25 questions pertaining to this case.

1 Q. I'm not asking you exactly. I'm just asking
2 you what you remember about what was talked about at
3 that meeting.

4 MS. BIRENBAUM: I'm going to instruct --
5 the witness has now answered your question three times,
6 counsel. I'm going to instruct him not to answer for
7 the fourth time.

8 (Witness instructed not to answer.)

9 MR. PERRONI: On what basis are you
10 instructing him not to answer?

11 MS. BIRENBAUM: Evidence Code section
12 1040 to the extent that any answer comes into the realm
13 of the ongoing criminal investigation. He also did
14 clearly state in the record that he doesn't recall and
15 at this point you are badgering the witness. If you are
16 going to continue to badger the witness, my nearly
17 90-year-old witness, asking him the same question again
18 and again and harassing me, I will seek a protective
19 order.

20 MR. PERRONI: I'm not badgering anyone
21 and you know it.

22 MS. BIRENBAUM: You're pointing at me in
23 a hostile way. Tone it down.

24 BY MR. PERRONI:

25 Q. Did she tell you that if you refuse to answer

1 a question, that you could be held in contempt of court?
2 Did she tell you that?

3 MS. BIRENBAUM: Sir, could you please put
4 your finger down and stop pointing to my witness and
5 calm down. My witness is nearly 90 years old and at
6 this point you are trying to intimidate him and raising
7 your voice.

8 MR. PERRONI: I want you to stop coaching
9 the witness. If you have an objection to make, make it,
10 it. If it's a privileged objection and you are going to
11 instruct him not to answer, instruct him not to answer,
12 but don't coach a witness anymore, Anna. Don't do it.

13 BY MR. PERRONI:

14 Q. I'm going to start over. I'm asking you --

15 MS. BIRENBAUM: Are you going to continue
16 to harass him?

17 BY MR. PERRONI:

18 Q. Do you have a general recollection of what was
19 talked about on January 24, 2012, in the meeting with
20 the chief medical examiner and the detectives concerning
21 the Natalie Wood autopsy?

22 A. I don't remember the details.

23 Q. My question wasn't that you remember the
24 details. My question was do you have a general
25 knowledge of what was discussed at that meeting?

1 MS. BIRENBAUM: He has answered your
2 question. You have now asked it a second time. Just
3 because you don't like the answer given doesn't mean you
4 can continue to badger this witness. If you have
5 another question, please move on.

6 BY MR. PERRONI:

7 Q. You need to answer the question. Do you have
8 a general knowledge as to what was discussed during the
9 meeting on January 24, 2012, with the medical examiner
10 and the detectives?

11 MS. BIRENBAUM: Objection. Asked and
12 answered.

13 THE WITNESS: I don't remember.

14 BY MR. PERRONI:

15 Q. Okay. During the autopsy of Natalie Wood on
16 November 30, 1981, were closeup photographs taken of the
17 bruises, scrapes and scratches on her body?

18 A. I don't remember.

19 Q. Back in 1981, if photographs were taken of an
20 autopsy, where were they generally kept?

21 MS. BIRENBAUM: Overbroad.

22 THE WITNESS: Well, it's standard
23 procedure if a photo is taken, it will be in the file.

24 BY MR. PERRONI:

25 Q. Dr. L changed the cause of death in Natalie

1 Wood's case to drowning and other undetermined factors.

2 Did you agree with that?

3 MS. BIRENBAUM: Objection. Vague and
4 ambiguous.

5 THE WITNESS: I was not asked to comment.

6 BY MR. PERRONI:

7 Q. I know you weren't asked to comment. I'm just
8 asking you, did you agree with that?

9 MS. BIRENBAUM: Assumes facts not in
10 evidence.

11 THE WITNESS: I don't know his
12 conclusion.

13 BY MR. PERRONI:

14 Q. Well, I just told you his conclusion. His
15 conclusion was to change the cause of death, the one
16 that you signed off on, to drowning and other
17 undetermined factors and my question to you is, do you
18 agree with that?

19 MS. BIRENBAUM: I'm going to object. It
20 calls for speculation. It calls for an expert opinion.
21 You are testifying on the record where you say, well, I
22 just told you his conclusion. You are not under oath,
23 counsel. So you telling the witness something,
24 quote/unquote, holds no evidentiary value. If there are
25 documents you would like the witness to review, please

1 have him do so. But as it stands, your question is
2 objectionable.

3 BY MR. PERRONI:

4 Q. You need to answer. Here's the question: In
5 Exhibit 3, it's right in front of you, okay, at the very
6 top, Dr. L changed your cause of death to drowning and
7 other undetermined factors. My question to you is, did
8 you agree with that?

9 A. Well --

10 MS. BIRENBAUM: Objection. Asked and
11 answered.

12 THE WITNESS: It's not my position to
13 oppose this -- any subsequent investigation done. I was
14 not there. So I have no opinion.

15 BY MR. PERRONI:

16 Q. One way or the other?

17 MS. BIRENBAUM: Asked and answered.

18 THE WITNESS: No opinion.

19 BY MR. PERRONI:

20 Q. Now, in 1981, when you were chief medical
21 examiner, you closed the Natalie Wood autopsy as an
22 accidental death; correct?

23 A. Yes.

24 Q. Now, Dr. L, in May of 2012, changed it to
25 undetermined. Are you aware of that?

1 A. Yes.

2 Q. Did you agree with that?

3 MS. BIRENBAUM: Objection. Asked and
4 answered.

5 THE WITNESS: I am not in a position to
6 make a comment because it is done in a considerable time
7 since my examination. And these opinions may have been
8 based on additional information which I am not
9 privileged to receive. And I have no opinion.

10 BY MR. PERRONI:

11 Q. Were you told by Dr. L he was going to change
12 the manner of death to undetermined?

13 A. I don't remember that.

14 Q. Do you remember discussing the case of the
15 Natalie Wood autopsy with Dr. L?

16 MS. BIRENBAUM: Objection. Vague and
17 ambiguous. Overbroad. Also, not relevant or reasonably
18 calculated to lead to the discovery of admissible
19 evidence and petition for release of public records.

20 THE WITNESS: I don't remember.

21 BY MR. PERRONI:

22 Q. In 1983, you caused a book to be published
23 with Joseph Dimona called "The Coroner"; correct?

24 A. Yes.

25 Q. And in your book you start off with chapter

1 one. I have your book here so you can see it. Medical
2 examiner's case number 81-15167. Correct?

3 A. Yes.

4 Q. Did you at the time remember that case number
5 or did you have a document to help you?

6 A. I have a collaborator, his name is Joseph
7 Dimona, who had done research and prepared this
8 manuscript.

9 Q. And Dr. George Dimona, did he have any
10 documents or records from the Natalie Wood autopsy file?

11 MS. BIRENBAUM: Objection. Misstates
12 testimony.

13 THE WITNESS: I don't know.

14 BY MR. PERRONI:

15 Q. You don't know?

16 A. Well --

17 MS. BIRENBAUM: Asked and answered.

18 BY MR. PERRONI:

19 Q. You don't know?

20 A. No.

21 Q. Now, this book came out under your name;
22 correct?

23 A. Two names.

24 Q. Yeah. But you read it before it was
25 published?

1 MS. BIRENBAUM: Assumes facts not in
2 evidence.

3 BY MR. PERRONI:

4 Q. Correct or not?

5 A. Yes. Yes, I read that.

6 Q. And you read the chapter on Natalie Wood;
7 correct?

8 A. Yes.

9 Q. And you had a hand in how it was written;
10 right?

11 A. Yes.

12 Q. Okay. Did you write anything in there that
13 was false?

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

15 Q. So everything you wrote in there was truthful
16 to the best of your knowledge and belief?

17 A. At that time, yes.

18 Q. Based upon what you knew?

19 A. Yes.

20 Q. Okay. Is there anything you want to correct
21 in that chapter now?

22 A. No.

23 Q. So you stand by everything you wrote?

24 A. Since I don't know any other information. So
25 certainly the writeup in 1983 still stands.

1 Q. Right. But what I'm asking you is right now
2 do you stand by everything you wrote?

3 MS. BIRENBAUM: Objection, counsel. I'd
4 love to know how this could be reasonably calculated to
5 lead to the discovery of admissible evidence in a
6 petition for release of public records if what he wrote
7 in a book when he was not employed with the county is
8 truthful. If you could explain that to me, counsel, if
9 you are using this deposition for anything other than a
10 digging expedition for taking depositions.

11 MR. PERRONI: We are in your library.
12 You find me a rule that says that I gotta tell you how
13 this is gonna lead to the discovery of admissible
14 evidence. You find one and bring it back and show it to
15 me and then I will tell you. Otherwise --

16 MS. BIRENBAUM: So you don't believe that
17 California law requires --

18 MR. PERRONI: Otherwise, I'm going to
19 continue asking my questions unless you direct him not
20 to answer based on privilege.

21 MS. BIRENBAUM: Counsel, I'm warning you.
22 I'm giving you a very short leash here before I seek a
23 protective order, counsel.

24 BY MR. PERRONI:

25 Q. My question to you, doctor, is this: Right

1 now, today, do you stand by what you wrote in this book
2 about the Natalie Wood autopsy?

3 MS. BIRENBAUM: Same objection on
4 relevance. Also, harassing a witness beyond belief.

5 THE WITNESS: I have not paid very much
6 attention. I don't know.

7 BY MR. PERRONI:

8 Q. You don't know if you stand by it anymore or
9 not?

10 MS. BIRENBAUM: Asked and answered.

11 THE WITNESS: At that time I wrote it
12 about 20-odd years ago, it was good. Good means that's
13 what I thought. Anything after that is not my
14 responsibility.

15 BY MR. PERRONI:

16 Q. Well, I understand that, but you have already
17 told me you didn't know anything beyond that.

18 A. That's how I feel, yes.

19 Q. So what I'm asking you is, do you stand by,
20 today, what you wrote in this book?

21 MS. BIRENBAUM: Asked and answered.

22 BY MR. PERRONI:

23 Q. About the Natalie Wood autopsy.

24 A. I don't know.

25 Q. You don't know if you do or not?

1 A. That's correct.

2 Q. Okay. So are you trying to tell me you have
3 some doubts about what you wrote in this chapter on
4 Natalie Wood's autopsy?

5 A. Now, I feel in my practice of medicine it's
6 all opinion. It's nothing concrete. So if there is any
7 challenges for that, on my opinion, I would say it's
8 wonderful.

9 Q. Let's do this. Let's look at some of the
10 things that you have said in this book. You agree with
11 me that at the time you published it you were not
12 employed by Los Angeles County; correct?

13 A. That's correct.

14 Q. And you are telling me you don't remember --
15 or let's back up. Do you remember having a copy of the
16 report that Paul Miller prepared when you wrote this
17 book?

18 A. I don't remember.

19 Q. Okay. Now, in 1981, you state in this book
20 that Paul Miller was your chief consultant on ocean
21 accidents; is that true?

22 A. Yes.

23 Q. And was he paid by the job or was he an
24 employee?

25 A. Volunteer.

1 Q. Volunteer?

2 A. Yes.

3 Q. So he wasn't paid at all?

4 A. No.

5 Q. Okay. On page 16 of your book -- and you
6 could look at page 16 here if you would like. You want
7 to turn to page 16? I know you'd probably rather not,
8 but I'd like for you to turn to page 16. On that page
9 it says as soon as you heard of Natalie Wood's death,
10 you asked Paul Miller for a special investigative
11 report; correct?

12 A. That's what it said, yes.

13 Q. And did Paul Miller provide one to you?

14 A. That, I don't remember.

15 Q. You don't remember if he did or not?

16 A. Yes.

17 Q. That's what you are telling me?

18 A. Yes.

19 Q. Okay. Did Paul Miller help you write this
20 chapter in this book?

21 A. I don't remember.

22 Q. How about Dr. Choi?

23 A. I don't know.

24 Q. Okay. How about Dr. Kornblum, did either one
25 of them help you write this chapter?

1 A. No, I don't remember. I don't think so.

2 Q. Now, you have told me you have known Paul
3 Miller for a long, long time. Did you know him before
4 November 29, 1981?

5 A. Yes.

6 Q. And how did you come to know him?

7 A. I was a student of his sailing academy, and I
8 took his course and joined some of his sailing events.

9 Q. Now, on page 22 of your book, if you look at
10 22, it says in here that the police did not suspect foul
11 play in Natalie Wood's death when your autopsy was
12 performed; correct?

13 A. That's what it says.

14 Q. Okay. And as far as you know that's true?

15 A. At this moment I don't know.

16 Q. But when you wrote it, as far as you knew it
17 was true?

18 A. That was my impression, yeah.

19 Q. Now, on page 23 of your book, turn over to
20 page 23, you state, "In any case of unusual death, it is
21 a first duty of medical examiners to suspect murder.
22 Indeed, some authorities on forensic science argue that
23 the search for murder is our only real mission and that
24 anything else we accomplish is merely additional service
25 to the community above and beyond the primary duty."

1 You see that?

2 A. Yes.

3 Q. And in 1981 was that your true feeling?

4 A. Well, I do agree.

5 Q. All right. So when you began the autopsy of
6 Natalie Wood, did you suspect murder?

7 A. That's the usual procedure throughout any
8 other physical evidence, to arrive to the conclusion as
9 to the manner of death.

10 Q. So after you performed the autopsy, did you
11 then decide it was an accident?

12 A. I don't remember how I arrived. Not murder,
13 no.

14 Q. Are you telling me that when you finished the
15 autopsy report for Natalie Wood, that you believed that
16 it was a murder?

17 MS. BIRENBAUM: Objection. Misstates
18 evidence or misstates testimony.

19 BY MR. PERRONI:

20 Q. I'm asking you, are you telling me right now
21 that after you finished the Natalie Wood autopsy, you
22 believed that she died because of a murder?

23 A. I did not feel so.

24 Q. And so that's why you closed it as an
25 accident?

1 A. Yes.

2 Q. Now, page 23, the same page there, a little
3 further down you say that you gave Paul Miller some
4 specific instructions including checking the sides of
5 the dinghy for fingernail scratches; correct?

6 A. Yes.

7 Q. As far as you remember is that what you did?

8 A. I think so.

9 Q. Okay. Now, during the Natalie Wood autopsy
10 did you collect fingernail clippings?

11 A. I don't remember.

12 Q. If you had a copy of the autopsy report, would
13 that help you?

14 A. Yes, if I described it.

15 Q. Okay. So are you telling me that if in the
16 autopsy report it says that you collected fingernail
17 clippings, then you did? And if it doesn't say that you
18 collected fingernail clippings, then you didn't? Is
19 that what you are saying?

20 MS. BIRENBAUM: Misstates testimony.

21 THE WITNESS: Well, I really don't
22 remember, no. I don't know.

23 BY MR. PERRONI:

24 Q. You don't know one way or the other. Okay.
25 Why would you take fingernail clippings?

1 MS. BIRENBAUM: Objection. Overbroad.

2 BY MR. PERRONI:

3 Q. At any autopsy, why would you take fingernail
4 clippings?

5 MS. BIRENBAUM: You know, sir, we have
6 been going almost an hour with a 90-year-old witness.
7 At some point we're going to have to give Dr. Noguchi a
8 break. After this question why don't we give him a
9 break.

10 THE WITNESS: It's a procedure.

11 BY MR. PERRONI:

12 Q. Right. But why? Why would you do that?

13 MS. BIRENBAUM: Asked and answered. I
14 said one more question 'til my 90-year-old witness got a
15 break.

16 THE WITNESS: Why? Sometimes there is
17 evidence maybe found in the fingernails.

18 BY MR. PERRONI:

19 Q. Under the fingernails?

20 A. Yes.

21 Q. Okay. On page 32 --

22 MS. BIRENBAUM: Excuse me, sir. My
23 90-year-old witness has been going for an hour.

24 BY MR. PERRONI:

25 Q. On page 32 --

1 MS. BIRENBAUM: Sir, do you need a break?
2 You have been going almost an hour. Would you like a
3 break and some water?

4 THE WITNESS: Maybe I'll take a break.

5 MS. BIRENBAUM: Okay. Let's take a break
6 so you can rest, sir.

7 MR. PERRONI: You may take a break.

8 (Recess)

9 BY MR. PERRONI:

10 Q. Now, let's go to page 32 of your book. On
11 page 32, it states that Paul Miller found fingernail
12 scratches on the starboard side of the dinghy?

13 MS. BIRENBAUM: Do you see that, sir?

14 THE WITNESS: Yes, I read it.

15 BY MR. PERRONI:

16 Q. All right. Do you remember him telling you
17 that?

18 A. I don't remember.

19 Q. Now, in 1981 -- let's back up. Before Natalie
20 Wood's case, had you asked Paul Miller to prepare
21 reports for you in other cases?

22 A. I don't remember.

23 Q. Did you have any other consultants that you
24 used in 1981 when you did autopsies?

25 A. Yes. Many, many volunteers.

1 Q. And did they prepare reports for you?

2 A. Some. Some did, I guess.

3 Q. And customarily where did you keep those
4 reports?

5 A. If the report is submitted, they will be kept
6 in the file.

7 Q. Okay. In the autopsy file?

8 A. I don't know the autopsy files -- the
9 coroner's office maintains general files which are
10 official documents; some of our work product. There are
11 different classifications I imagine, but it's in kind of
12 a manila envelope used to place all the documents.

13 Q. Would you use the same kind of envelopes back
14 in 1981 to put, like, pathology slides and things like
15 that in it? Is that the way you kept those?

16 A. I don't remember.

17 Q. That's all right. No problem. Look on page
18 36. It says that after you got Paul Miller's report,
19 that you filed it away. Do you see that?

20 MS. BIRENBAUM: Are you talking about "I
21 reluctantly filed away that report"? Is that what you
22 are talking about?

23 MR. PERRONI: Mm-hmm.

24 BY MR. PERRONI:

25 Q. You see that?

1 A. I see it in this book.

2 Q. Why did you use the word "reluctantly"?

3 A. I don't remember.

4 Q. Where did you file the report?

5 A. I don't remember.

6 Q. Let me show you what's been marked for
7 identification purposes as Petitioner's Exhibit 4. Just
8 study that for a second. I got a few questions I want
9 to ask you about that. There are two pages there.

10 MS. BIRENBAUM: Is this for him or would
11 you like your copy of the book back?

12 THE WITNESS: Okay, I read it.

13 BY MR. PERRONI:

14 Q. Do you remember this report?

15 A. No.

16 Q. At the bottom there is a signature down there
17 of Pamela Eaker, do you remember a Pamela Eaker?

18 A. Yes, she is investigator at that time.

19 Q. An investigator for who?

20 A. To L.A. County Coroner's Office.

21 Q. And did she customarily or routine prepare
22 reports like this?

23 MS. BIRENBAUM: Objection. Vague and
24 ambiguous.

25 THE WITNESS: Yes, investigate after

1 completing this.

2 BY MR. PERRONI:

3 Q. I want you to look at the top of it for me for
4 a second. Over to the left-hand side you see that great
5 big 3 to the left-hand side there, your left-hand side.
6 You see that big 3 there? What does that big 3 mean, or
7 what did it mean back in '81?

8 A. The document indicated type of descriptions.
9 I think is investigator's report.

10 Q. So are you telling me that the number 3 would
11 designate an investigator's report?

12 A. Yes.

13 Q. Now, did you have different forms I guess you
14 would call it, for different aspects of an autopsy?

15 A. Yes, uh-huh.

16 Q. And for a report like Paul Miller's would
17 there have been a form number that would have gone with
18 his?

19 MS. BIRENBAUM: Objection. Overbroad.
20 Vague and ambiguous. Assumes facts not in evidence.

21 THE WITNESS: I don't know. No form for
22 consultant or friend who is helping to resolve this
23 issues.

24 BY MR. PERRONI:

25 Q. Okay. Now, did you have access to this

1 investigator report when you wrote your book?

2 MS. BIRENBAUM: Objection. Vague and
3 ambiguous.

4 THE WITNESS: I don't know. I don't
5 know.

6 BY MR. PERRONI:

7 Q. You don't know if you did or not. How about
8 Joseph Damata (sic), do you know if he had access to
9 this form?

10 A. That, I don't know.

11 Q. Where is Joseph Damata now, do you know?

12 A. He has passed away.

13 Q. You think he passed away?

14 A. Uh-huh.

15 Q. When did you think he passed away, how long
16 ago?

17 A. I don't remember. About 10 or 15 years ago.

18 Q. Where did you live when you last saw him?
19 Where was he living?

20 MS. BIRENBAUM: I think you misspoke on
21 that. Did you want to know where Dr. Noguchi was living
22 when he last saw Mr. Damata?

23 MR. PERRONI: Well, no.

24 BY MR. PERRONI:

25 Q. I was asking about Joseph Damata, and my

1 question was, where did he live the last time that you
2 saw him?

3 A. I don't remember.

4 MS. BIRENBAUM: It's not relevant or
5 reasonably --

6 BY MR. PERRONI:

7 Q. Where were you the last time you saw Joseph
8 Damata?

9 MS. BIRENBAUM: Not relevant or
10 reasonably calculated to lead to discovery of admissible
11 evidence.

12 THE WITNESS: About over 20 years ago I
13 think.

14 BY MR. PERRONI:

15 Q. But do you remember where you were? Do you
16 remember what state you were in?

17 A. Well, either in New York state or state of
18 California.

19 Q. Yeah. Okay. Either New York or California.
20 Was Joseph Damata from New York?

21 A. Yes.

22 Q. Now, a little while ago we were talking about
23 you starting autopsies thinking that they're murders and
24 then you end up finding that they're accidents; right?

25 A. Yes.

1 MS. BIRENBAUM: Misstates testimony.

2 BY MR. PERRONI:

3 Q. And is that what happened in Natalie Wood's
4 case?

5 MS. BIRENBAUM: I'm going to object to
6 the question. It's not reasonably calculated to lead to
7 the discovery of admissible evidence in this case which
8 is over public records and the release of public
9 records. I, at this point, am going to stop the
10 deposition and seek a protective order unless you
11 withdraw the question, counsel. You far exceeded the
12 scope of discovery in this action.

13 BY MR. PERRONI:

14 Q. I'm not stopping this deposition. You are
15 under subpoena.

16 MS. BIRENBAUM: Dr. Noguchi, I'm going to
17 seek a protective order for you. This is beyond the
18 scope of the questions.

19 THE WITNESS: What am I supposed to do?

20 BY MR. PERRONI:

21 Q. You are here under a subpoena, doctor. I want
22 you to understand something. I want you to understand
23 something. If you leave this deposition before you're
24 finished, then I'm going to have to go to a judge and
25 ask that you show cause why you shouldn't be held in

1 contempt of court for leaving.

2 Now, this lawyer, she represents the
3 county and the sheriff's office. She doesn't care about
4 you. So I'm telling you now that if you leave, that's
5 what's gonna happen. So you tell me, are you going to
6 leave this deposition before I'm finished?

7 MS. BIRENBAUM: Counsel, I have just
8 advised you that your question has so far exceeded the
9 scope of admissible discovery in this petition for
10 release of public records. You are using the discovery
11 process in California as a digging expedition. You are
12 harassing a 90-year-old-witness and attempting to
13 intimidate him with the threat of violation of a
14 subpoena after I just told you I was going to seek a
15 motion for protective order.

16 You then turned that around and
17 threatened my client with violation of a subpoena when I
18 just explained to you that I would seek a protective
19 order based on your discovery abuse. At this point we
20 have no choice but to leave the deposition, sir. You
21 told him I don't care about him which is not true.

22 MR. PERRONI: I want you to show me a
23 California rule that says that I have to explain to you
24 how a question is going to lead to the -- a question in
25 a deposition is going to lead to admissible evidence

1 before I can ask it. Show me a rule, show me a case,
2 show me something.

3 MS. BIRENBAUM: Sure. I'm willing to
4 take a break to show you that authority. Let's take a
5 break and find that authority that counsel has just
6 asked me for. We'll take a break and go find that, sir,
7 since you asked for it.

8 (Whereupon the deposition was concluded at 3:10 p.m.)

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1 DECLARATION UNDER PENALTY OF PERJURY

2 I, Thomas Noguchi, do hereby certify under penalty
3 of perjury that I have read the foregoing transcript
4 of my deposition taken June 1, 2016; that I have
5 made such corrections as appear noted on the
6 Deposition Errata page, attached hereto, signed by
7 me; that my testimony as contained herein, as
8 corrected, is true and correct.

9
10 Dated this _____ day of _____, 2016,

11 at _____

12 California.

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 Thomas Noguchi

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Thomas Noguchi Dated

1 I, Maria Beesley, CSR 9132, Certified
2 Shorthand Reporter, do hereby certify:

3 That prior to being examined, the witness
4 named in the foregoing deposition was by me duly sworn;

5 That said deposition was taken down by me in
6 shorthand at the time and place therein named and
7 thereafter transcribed under my supervision;

8 I further certify that I am neither counsel
9 for, nor related to, any party to said proceedings, not
10 in any way interested in the outcome thereof.

11 I declare under penalty of perjury under the
12 laws of the State of California that the foregoing is
13 true and correct.


14

15 Dated: June 7, 2016

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19 Maria Beesley, CSR No. 9132, RMR, FCRR

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