

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

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4 SAMUEL A. PERRONI,

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Plaintiff,

vs.

)Case No. 21STCP00108

ALEX VILLANUEVA,

Defendant.

Remote Deposition of Ralph Hernandez

Volume 1

Friday, October 22, 2021

3:16 p.m.

Los Angeles, California 90064

REPORTED BY:

Keri A. Logan,

CSR No. 12608

JOB NO: 165337

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APPEARANCES:

For Plaintiff:

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Also present: Samuel A. Perroni
(Appearing via videolink.)

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23
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Index for October 22, 2021

Volume 1

M A S T E R I N D E X

CHRONOLOGICAL INDEX OF WITNESSES

Witness Name	Page
Ralph Hernandez	
Examination By MR. CATE	6

E X H I B I T S

EXHIBIT	DESCRIPTION	I.D.	ADMITTED
1	Email dated 10/15/21	25	

CERTIFIED QUESTIONS

Page	Line
14	3
15	15
21	14
26	10
28	16
28	22
36	2
40	14
40	22
41	21
42	9
44	7
44	16
46	20
54	20
55	3
55	17

1 Los Angeles, California;
2 Friday, October 22, 2021,
3 3:16 p.m.

4
5
6 THE COURT REPORTER: Good afternoon, everyone.

7 My name is Keri Logan. I am the court
8 reporter, CSR Number 12608.

9 Due to the current National Emergency of
10 the COVID-19 virus, this deposition is being handled via
11 remote means.

12 Today's date is October 22, 2021, and it is
13 approximately 3:16 p.m.

14 This is the deposition of Ralph Hernandez.

15 At this time I will ask counsel to identify
16 yourself, state who you represent and agree on the
17 record that there is no objection to this deposition
18 officer administering the binding oath to the witness
19 via Zoom. Let's start with the noticing attorney.

20 MR. CATE: My name is Brandon Cate. I am counsel
21 for the petitioner, Sam Perroni, who is also on this
22 Zoom call and I have no objection to you, Ms. Logan,
23 administering the oath.

24 MS. BIRENBAUM: Anna Birenbaum on behalf of the
25 witness and the County defendant or respondents and I

1 have no objection other than that about the recording
2 that I previously stated that I believe is being run
3 through the noticing attorney's office.

4 THE COURT REPORTER: Any objection you had to the
5 recording has not been on the record.

6 MS. BIRENBAUM: Well, then I am going to go ahead
7 and put it on the record.

8 We strenuously object to the recording of
9 this deposition.

10 Counsel stated off the record that it is
11 not being used pursuant to the Code of Civil Procedure.
12 It won't be in introduced in court.

13 There are technical issues with using a
14 Zoom recording not being requirement of Code of Civil
15 Procedure sections concerning the use of deposition
16 recordings.

17 We also have concerns of video recording my
18 images of the attorney and concerns about the use of
19 such a video in terms of the witness's protection and
20 privacy. He's a member of the sheriff's department and
21 he didn't consent to private use of a video by appearing
22 at this deposition.

23 We also requested that a copy be emailed to
24 as immediately once it's available.

25 MR. CATE: This is Mr. Cate. I've agreed to

1 email a copy and we don't intend to use this video
2 recording in court for any purpose.

3 MS. BIRENBAUM: I should also state that should
4 this video be tried to use in any documentaries or any
5 other public arenas, I do not give permission to use my
6 own image and I'll let the witness state his own
7 objections and limitations.

8 THE DEPONENT: Nor would I obviously. I do not
9 want any of this recording to be out in some documentary
10 or other public, you know, purpose other than for the
11 record that you guys are going to have for this
12 deposition, if that makes sense.

13 MR. CATE: So noted.

14

15 Ralph Hernandez,
16 having been first duly sworn was examined
17 and testified as follows:

18

19 EXAMINATION

20 BY MR. CATE:

21 Q Detective Hernandez, would you state your
22 name for the record, please.

23 A Yes, my first name is Ralph. My last name
24 is Hernandez.

25 Q And we get started a little bit late today

1 because counsel had some technical issues, but while she
2 was off the Zoom, we -- you -- you told me that you
3 prefer Detective Hernandez. I have also seen you
4 referred to as Detective Hernandez and Investigator
5 Hernandez.

6 I am going to do my best to refer to you as
7 Detective Hernandez today. I want to thank you for
8 being a law enforcement officer. We -- Mr. Perroni and
9 I have tremendous respect for law enforcement. He
10 himself is a former federal prosecutor.

11 My name is Brandon Cate. I am an attorney
12 with the Arkansas law firm of Quattlebaum Grooms & Tull.
13 Our firm is proud to represent Mr. Perroni in this
14 lawsuit.

15 Mr. Perroni seeks copies of various records
16 pursuant to the California Public Records Act, primarily
17 records that we believe the book author Suzanne Finstad
18 has already been provided access to based on new things
19 she has written in a republished book that came out last
20 year.

21 Let me get some preliminary matters out of
22 the way here before I start my examination.

23 First of all, I don't believe we have met
24 before. Do you believe we have met before?

25 A No, we have not.

1 Q And I do not believe that we have other --
2 otherwise communicated with one another until this Zoom
3 started today; is that correct?

4 A Yes, that's correct.

5 Q Are you under the influence of any
6 medication or other substance that would inhibit your
7 ability to answer truthfully and to the best of your
8 recollection?

9 A No.

10 Q I know you're familiar with how a
11 deposition is conducted because Mr. Perroni has
12 previously deposed you in one of his prior lawsuits.

13 As you know, you were testifying under oath
14 to tell the truth just like you would be if you were in
15 a court of law.

16 Do you understand that?

17 A Yes.

18 Q We have Ms. Logan here as our court
19 reporter taking down everything we say so we have a
20 record of today's conversation. Because of that, it's
21 important that we follow a few guidelines.

22 Please answer orally to each question.
23 Head shakes and nods don't take down very well on paper.
24 So if you do just shake your head for nod or something,
25 I may ask you if that's a yes or if that's a no just so

1 we have a clean record for her.

2 Please let me finish my question before you
3 begin to answer and I will try my very to best let you
4 completely finish your answer before I move on to
5 another question. If we avoid speaking over one another
6 like that, that's going to make Ms. Logan's job a lot
7 easier.

8 This is not an endurance contest. At any
9 time we can take a break. The only thing I ask is that
10 you answer any question that's pending on the table
11 before we take a break.

12 If I am not clear, if I am garbled over the
13 Zoom or if you don't otherwise understand something I
14 have asked, just let me know and I'll do my best to
15 clean it up. I am happy to repeat questions if
16 necessary.

17 Your attorney, Ms. Birenbaum, may make
18 objections to some of my questions. That's normal in a
19 deposition. Even if she makes an objection, unless she
20 specifically instructs you not to answer the question,
21 you will still need to respond to my question even
22 though there is an objection.

23 Do you understand that?

24 A Yes.

25 Q The purpose of this deposition is to allow

1 us to an opportunity to learn what you know about the
2 issues in this litigation.

3 If you learn that anything that you've said
4 today is incorrect or incomplete or inaccurate, would
5 you please let Ms. Birenbaum know that so that she can
6 evaluate whether that's something that needs to be
7 provided to our side?

8 A Yes.

9 Q I have committed to Ms. Birenbaum that I am
10 not going to reask you any questions that you answered
11 back in your 2016 depositions that were conducted by
12 Mr. Perroni. Because of that, I may generally refer to
13 things you testified to back in 2016 just to preface
14 some of my questions today.

15 I am working to get this deposition
16 concluded as quickly as I can so it's not to take up
17 anymore of your time. I realize you have an important
18 job and you're taking your time away from that job to be
19 here today, but please understand that today's issues
20 are also important to Mr. Perroni and he wants to be
21 treated by the sheriff's department in the same manner
22 that we believe Ms. Finstad claims to have been treated.

23 With all that said, let's move on to what
24 preparations you made for today.

25 Other than your attorney, did you meet with

1 anyone to prepare for today's deposition?

2 A No.

3 Q Other than your attorney, did you speak
4 with anyone to prepare for today's deposition?

5 A No.

6 Q Other than your attorney, did you otherwise
7 communicate with anyone to prepare for today's
8 deposition?

9 A No.

10 Q Did you review any documents to prepare for
11 today's deposition?

12 A Yes.

13 Q What did you review?

14 A The transcript of my 2016, I want to say it
15 was the second deposition. I believe it was in
16 November.

17 Q That's right.

18 A And a written declaration that I submitted
19 as answers to the court behind this lawsuit, and I read
20 a few excerpts of Suzanne Finstad's deposition, but I
21 just don't really find the relevance in reading it so I
22 didn't read much more.

23 Q Okay. The written declaration you're
24 talking about is that the one you signed in 2016?

25 A Yeah, I guess it's 2016. Uh-huh.

1 Q And other than the three things you
2 mentioned there, did you review any other documents to
3 prepare for today's deposition?

4 A No.

5 Q When Mr. Perroni deposed you in 2016, you
6 identified yourself as being a deputy sheriff who was
7 assigned as a homicide investigator.

8 Is that still your position with the
9 sheriff's department?

10 A Yes.

11 Q Has that been your position the entire time
12 since 2016?

13 A Yes.

14 Q When Mr. Perroni deposed you in 2016, you
15 testified that the sheriff's department investigation
16 regarding the death of Natalie Wood -- strike that.

17 When Mr. Perroni deposed you in 2016, you
18 testified that you were assigned to the Natalie Wood
19 death investigation.

20 Are you still assigned to the Natalie Wood
21 death investigation today?

22 A Yes.

23 Q Were you the lead investigator on that
24 investigation?

25 A Yes.

1 Q And have you been assigned to the Natalie
2 Wood death investigation the entire time since you
3 testified in 2016?

4 A Yes.

5 Q I understand that in some instances the
6 sheriff's department documents may refer to Natalie Wood
7 by her married name of Natalie Wagner.

8 Will you agree with me that for purposes of
9 today's deposition and in this lawsuit Natalie Wood and
10 Natalie Wagner are the same person?

11 A Yes.

12 Q So any question I ask that refers to
13 Ms. Wood, I am also referring to Ms. Wagner.

14 A Okay.

15 Q Is that fair?

16 A Oh, yeah, very fair.

17 Q Mr. Perroni filed this lawsuit after the
18 book author, Suzanne Finstad republished a book last
19 year that she previously published about Ms. Wood and
20 this republished book contained new pages of information
21 regarding her dealings with the sheriff's department.

22 First of all, I take it you know who
23 Ms. Finstad is.

24 A Yes.

25 Q To your knowledge, has Ms. Finstad ever

1 been employed by the sheriff's department?

2 A No.

3 Q To your knowledge, has Ms. Finstad ever
4 played a role in the sheriff's department investigation
5 of the circumstances of Ms. Wood's death?

6 MS. BIRENBAUM: I am going to object. It is
7 vague and ambiguous. It is overbroad. It calls for
8 speculation. It also infringes on the investigatory
9 privilege. And to the extent that the witness can
10 answer without breaching a privilege, I'll allow it but
11 if he can't, I will instruct him not to answer.

12 MR. CATE: Then I certify the question.

13 BY MR. CATE:

14 Q Can you respond with the perimeters that
15 you counsel provided?

16 A I'm really sorry. Can you -- I have to
17 listen to the question again and how you asked it.

18 Q Sure. To your knowledge, has Ms. Finstad
19 ever played a role in the sheriff's department
20 investigation of the circumstances of Ms. Wood's
21 death?

22 A Yeah, I guess you would have to clarify
23 that. Are you talking like a active role or somebody
24 that we interviewed as part of the investigation?

25 Q Well, then I take it she was someone you

1 interviewed as part of the investigation?

2 MS. BIRENBAUM: Is that a new question, Counsel?

3 MR. CATE: It is.

4 MS. BIRENBAUM: Okay.

5 THE DEPONENT: I'm sorry. Yes. Go ahead.

6 MS. BIRENBAUM: Can you answer that without
7 revealing privilege?

8 THE DEPONENT: Yeah.

9 MS. BIRENBAUM: Okay. I'll allow you to answer
10 it.

11 THE DEPONENT: Yes. So we did interview her as
12 part of the investigation.

13 BY MR. CATE:

14 Q Thank you.

15 Did you consider her a witness to the
16 investigation?

17 A I don't think that we can delve into that
18 because --

19 MS. BIRENBAUM: I am going to belatedly -- I
20 didn't want to stop him, but it does go into the
21 investigatory privilege.

22 MR. CATE: I certify that question and move on.

23 BY MR. CATE:

24 Q Have you read any of the books that
25 Ms. Finstad has written about Ms. Wood?

1 A No, I hate reading books.

2 Q Well, I'll tell you in a republished book
3 that came out last year, Ms. Finstad wrote about being
4 provided access to the quote, unquote, murder book,
5 regarding the sheriff's department's investigation of
6 Ms. Wood's death.

7 Does the phrase "murder book" mean anything
8 to you in the context of your job?

9 MS. BIRENBAUM: Witness was asked and answered in
10 the 2016 depositions.

11 MR. CATE: No, he wasn't, not about a murder
12 book. That phrase didn't come out until the 2020
13 book.

14 MS. BIRENBAUM: Okay. I will take your
15 representation, Counsel.

16 MR. CATE: I did a word search to make sure.

17 BY MR. CATE:

18 Q I'll ask the question again, Detective
19 Hernandez.

20 In her republished book that came out last
21 year, Ms. Finstad wrote about being provided access to
22 the quote, unquote, murder book regarding the sheriff's
23 department investigation of Ms. Wood's death.

24 Does the phrase "murder book" mean anything
25 to you in the context of your job?

1 A Yes, it does.

2 Q What is a murder book?

3 A You know, also you're -- am I on?

4 MS. BIRENBAUM: You are on.

5 THE DEPONENT: Also regards to your previous
6 question about reviewing documents that reminds me that
7 I did look at one page of the book that was sent to me
8 basically of the, I guess her new book. So I read that
9 one page prior to this deposition.

10 BY MR. CATE:

11 Q Okay. Thank you for speaking and up and
12 sharing that.

13 A And I'm sorry. You wanted to know what a
14 murder book is?

15 Q Yes, sir.

16 A Essentially, you know, we call it a murder
17 book, but it's -- it's basically a book in which all of
18 the sheriff's department reports, maybe it will have
19 crime lab reports, usually it does. Because all of
20 these are obviously death investigations, they're going
21 to have an autopsy report. They'll be other collections
22 of reports, documents. Some investigators choose to put
23 some of their photos, kind of photocopied within the
24 book and it's just prepared with a table of contents and
25 it goes from the first report to patrol supplemental

1 reports to our supplemental reports to all the other
2 reports.

3 And just so we have some kind of an
4 organized fashion, the majority, if not all of the
5 reports in the particular case, it's helpful more so in
6 court, when you're in court and trying to find a report
7 or something on a witness whatnot.

8 But -- so that's in essence what's called a
9 "murder book." And you can have a book not necessarily
10 on a murder. It could be a deputy involved shooting,
11 officer involved shooting, deputy investigation like
12 this case. It could be maybe a suicide. If it was high
13 profile suicide or -- or a suspicious death, we will
14 have a book on that case.

15 Q Got you.

16 Ms. Finstad in her book described a murder
17 book as quote, the file of all the evidence in a
18 homicide investigation, including a summary of the case,
19 all interviews, investigative reports, field and lab
20 reports, photographs, and printouts end quote.

21 Is that a fair summary to you?

22 A Not really.

23 Q Okay. Why not?

24 A In essence is you don't put all your
25 evidence necessarily. I mean, maybe it's documented in

1 there and you may have other stuff that you don't
2 include in the book. You -- obviously you can't include
3 audio recordings.

4 So to stay that it's everything in your
5 case file, I disagree because our case file obviously
6 contains a lot of other, you know, data, material. Now
7 it is digital, you know, media files. That kind of
8 thing so...

9 Q And I take it that kind of thing, media
10 files and recordings that would be on a computer I
11 assume?

12 MS. BIRENBAUM: I am going to object as to time.
13 Vague.

14 MR. CATE: Present time.

15 THE DEPONENT: You mean how we do it now?

16 BY MR. CATE:

17 Q Yeah.

18 A Yes.

19 Q Is it possible for autopsy photographs to
20 be contained in a murder book?

21 A I have never seen anyone put autopsy photos
22 in a murder book.

23 Q Okay. What year did you start in
24 homicide?

25 A 2008.

1 Q And were murder books being used at that
2 time when you started?

3 A Yes.

4 Q In your communications with Suzanne
5 Finstad, has she ever mentioned to you the words "murder
6 book" for Ms. Wood's death investigation?

7 MS. BIRENBAUM: Object to the extent that it
8 would require the witness to break the investigatory
9 privilege. If you can answer without breaking that
10 privilege, go ahead and do so.

11 MR. CATE: Well, I'll certify the question.

12 BY MR. CATE:

13 Q Answer it within the perimeters she
14 provided to you, Detective Hernandez.

15 A I don't think it's going to compromise the
16 investigation. I don't recall if she ever did or didn't
17 use that term "murder book."

18 Q Okay.

19 A I don't.

20 Q Thank you.

21 In your one your prior depositions --
22 strike that.

23 I want to make sure I understand some
24 terminology that you used in one of your prior
25 depositions.

1 You testified in 2016 that you are familiar
2 with the 1981 files regarding the investigation of
3 Ms. Woods death.

4 Do you recall saying something to that
5 effect?

6 A I don't specifically recall, but I am sure
7 I said it because I have, so...

8 Q Yeah.

9 A Yeah.

10 Q And is that still true today? Are you
11 still familiar with the contents of the 1981 file?

12 A As much as I can remember what is in this
13 but, yes.

14 Q Okay. So would the 1981 file be in the
15 murder book for Ms. Wood?

16 MS. BIRENBAUM: I am going to object. It's vague
17 and ambiguous. I also -- it may infringe upon the
18 investigatory privilege.

19 If the witness can answer, he's free to do
20 so.

21 MR. CATE: I certify the question.

22 BY MR. CATE:

23 Q Detective Hernandez, if you can answer
24 around the perimeters she provided, please do so.

25 A You're asking me if everything that's in

1 the 1981 file, in other words, that part of, you know,
2 the investigation, that initial investigation back then
3 is in this murder book? Is that kind of the question?

4 Q Yeah. I mean, I assume there is a current
5 murder book for the investigation of Ms. Wood; is that
6 correct?

7 A There's only one book.

8 Q Yeah. And so go ahead.

9 A Yeah. So there's only one book and give
10 you an example. I had a case from 1980. There was a
11 book. There were reports. I took it over and solved
12 and so there were additional reports that were added to
13 that same original book.

14 But I think if what you're asking me is
15 everything that maybe transpired from the 1981
16 investigation, everything that was in that file is in
17 the murder book. Is that kind of what you are asking
18 me?

19 Q Yeah. I mean, what -- what happened -- I
20 am trying to figure out what happened to the 1981 file
21 when you reopened the investigation in 2011.

22 I mean, was the 1981 file already
23 considered the murder book or did you take the 1981 file
24 and put it in a murder book that also contains the 2011
25 file?

1 MS. BIRENBAUM: It assumes facts not in evidence.
2 It's vague and ambiguous.

3 If you can answer or understand it,
4 counsel -- witness.

5 Do you understand the question? Can you
6 answer it without revealing privileges?

7 I mean, to me it sounds like you're trying
8 to get the witness to give an inventory of the file
9 which is clearly barred under Haney versus Superior
10 Court, 20 Cal.4th 1061.

11 And Mr. Cate, we were represented -- it was
12 represented to us that you were using this deposition to
13 get answer to the questions Ms. Finstad refused to
14 answer. Nothing that you asked --

15 MR. CATE: No, that's --

16 MS. BIRENBAUM: -- Mr. Hernandez has gone to deal
17 with Ms. Finstad's failure to answer questions. To the
18 extent that you have misrepresented this, that is -- it
19 was disingenuous. It is bad faith. I won't let my
20 witness sit here and be harassed. This is not an
21 opportunity to redepose him as we discussed.

22 MR. CATE: I never said we were limited to just
23 the questions that Ms. Finstad asked.

24 We have -- we have pending CPR requests
25 regarding Detective Hernandez and I am going to go on

1 with my deposition. Your objection is noted.

2 BY MR. CATE:

3 Q Detective Hernandez, am I harassing you?

4 A Well, I mean you're a nice guy. I don't
5 think you're harassing me. I am just -- I mean, I
6 don't -- I don't know what agreement you guys have
7 before all this as far as where this depo was, you know,
8 what the scope was limited to.

9 MS. BIRENBAUM: Well, I read it.

10 (Reading:)

11 Mr. Hernandez's
12 testimony would be
13 part of the hurdle we
14 would need to meet to
15 show the information
16 we requested of
17 Finstad is not
18 available from
19 another witness. (As
20 Read.)

21 That is in your October 15th, 2021 email
22 that I would like to have marked and introduced as
23 Exhibit No. 1.

24

25

1 (Exhibit 1 was marked for
2 identification:)

3
4 MS. BIRENBAUM: I sent it to the court
5 reporter.

6 MR. CATE: Ms. Finstad -- Ms. Birenbaum, that's
7 not all I said. I sent you a letter and I sent multiple
8 emails, so I am going to continue on with my deposition.
9 Okay.

10 MS. BIRENBAUM: Go for it.

11 THE DEPONENT: I can answer your question, I
12 think.

13 BY MR. CATE:

14 Q Please.

15 A So when we reopened the investigation, when
16 we were assigned the investigation to take a look at, we
17 were given everything that was in the file without going
18 into what that was. And in the file, it also included a
19 murder book with the reports.

20 So when you asked me if everything in the
21 file is in the murder book well, no, it's not.

22 Q Got you.

23 A If that makes sense.

24 Q That's what I was getting at.

25 Thank you, sir.

1 A All right.

2 Q How is Ms. Wood's murder book stored today?
3 Is it in a box? Is it in some other container?

4 A Yeah, it's -- it's locked in a cabinet.

5 Q Like a file cabinet?

6 A Yes.

7 Q In your 2016 deposition, you testified that
8 you yourself had not given Ms. Finstad anything from the
9 sheriff file related to the investigation of Ms. Wood.

10 Since your 2016 deposition, have you
11 provided to Ms. Finstad anything?

12 MS. BIRENBAUM: Investigatory privilege.

13 Go ahead and answer if you can.

14 MR. CATE: I certify the question.

15 BY MR. CATE:

16 Q If you can answer.

17 A Yeah, no, not at all.

18 Q In your 2016 deposition, you made a
19 distinction regarding what photographs had been obtained
20 by Ms. Finstad while the investigation had been closed,
21 and I understand that your testimony to have been that
22 photographs of the slender boat had been obtained by
23 Ms. Finstad, but autopsy photos and photos of Ms. Wood's
24 remains had not been obtained by Ms. Finstad. For that
25 reason, you assisted in the production to Mr. Perroni of

1 photos other than photos of Ms. Woods remains.

2 Is that a fair summary of what happened
3 back in 2016?

4 A Yeah. I don't recall turning over photos,
5 but if we did, then we did to Perroni. I just don't
6 remember.

7 Q That's fine.

8 A But, yes. Sorry. Otherwise.

9 Q So you don't remember sitting here today if
10 photos were produced to Mr. Perroni or not?

11 A Yeah, I don't remember. I know we had to
12 turn over reports and I thought there were some -- some
13 other stuff that we had to turn over.

14 Q That's fine. I'll move on.

15 I'm trying to skip ahead here so please
16 bear with me.

17 Did -- has Ms. Finstad ever told you who
18 gave her the photographs that she received access to?

19 MS. BIRENBAUM: Vague and ambiguous.
20 Investigatory privilege.

21 If you can answer, go ahead.

22 MR. CATE: I certify the question.

23 BY MR. CATE:

24 Q And if you can around those perimeters,
25 please do.

1 A I thought I already answered this. She
2 referred to the guy as Sweet Lou.

3 Q Okay.

4 A If I recall correctly, but -- but I
5 remember it -- you know, Sweet Lou is Lou Danoff.

6 Q Thank you.

7 And did Ms. Finstad tell you that she
8 received anything from anyone other than -- than Lou
9 Danoff?

10 MS. BIRENBAUM: Same objections.

11 THE DEPONENT: Not that I recall.

12 BY MR. CATE:

13 Q You testified that you -- earlier today
14 that you been surprised if -- if autopsy photos would be
15 contained in a murder book in general.

16 Do you know it Ms. Wood's murder book in
17 particular has any autopsy photos?

18 MS. BIRENBAUM: Unlimited as to time. It seeks
19 information protected by the investigatory privilege.

20 MR. CATE: I certify the question.

21 BY MR. CATE:

22 Q If you can answer. As the file sits there
23 today, does it have autopsy photos?

24 THE DEPONENT: The file --

25 MS. BIRENBAUM: It is also again Haney. He's not

1 required to give you an index of what is in the file.

2 MR. CATE: I certify the question.

3 BY MR. CATE:

4 Q And did you say it's in the files,
5 Mr. Hernandez?

6 MS. BIRENBAUM: He did not say that. Please do
7 not put words in my client's mouth.

8 MR. CATE: I am not putting words. I was trying
9 to understand what he said.

10 BY MR. CATE:

11 Q What did you say, Detective Hernandez?

12 A So the coroner photos in any case are in
13 the file but not necessarily -- they're not going to be
14 in the murder book.

15 Q Thank you.

16 Since -- since you testified in 2016, have
17 you learned that since that time Ms. Finstad has been
18 provided autopsy photos regarding Ms. Wood?

19 A No, and I would doubt that very much that
20 she has those.

21 MS. BIRENBAUM: So did our judge. That is funny,
22 Detective Hernandez. He told Mr. Perroni the same
23 thing.

24 MR. CATE: We don't need the commentary. Thank
25 you, though.

1 MS. BIRENBAUM: It's okay for you to attack me
2 but me not saying anything. Thanks, Counsel.

3 MR. CATE: Ms. Birenbaum, how am I attacking you?

4 MS. BIRENBAUM: Sir, we are not going to go
5 there. You and Mr. Perroni are two of a kind. Let's
6 continue with my witness's deposition. Come on.

7 MR. CATE: Well, I just want the record so say
8 I -- I -- I am not trying to attack you and I apologize
9 if anything I have done today comes across as an attack
10 upon you.

11 MS. BIRENBAUM: Thank you, sir. Let's move
12 forward. Come on. Let's move forward.

13 MR. CATE: Is that necessary? Come on.

14 MS. BIRENBAUM: Let's move forward. Come on.

15 MR. CATE: I am trying to be polite.

16 BY MR. CATE:

17 Q Other than autopsy photos, since your 2016
18 deposition, have you learned that Ms. Finstad has
19 received photos of Ms. Wood's remains?

20 A No, and I highly doubt that as well, but
21 you know.

22 Q In your 2016 testimony you identified some
23 things that Ms. Finstad had received access to.

24 Since you provided that testimony, have you
25 learned of anything new that she was provided access to?

1 A No.

2 Q Since your 2016 testimony, have you sense
3 learned that my member of the public has been provided
4 access to photos of Ms. Wood's remains?

5 A No.

6 Q Do you have any basis to refute
7 Ms. Finstad's claim that she was given access to
8 Ms. Wood's murder book by Mr. Danoff?

9 A I personally don't know it for a fact that
10 she was or wasn't provided.

11 Q Thank you.

12 Who is Lou Danoff?

13 A Lou Danoff was a or is a retired homicide
14 investigator from the -- our office.

15 Q Do you know if Mr. Danoff while you --
16 while you worked there, was he ever in charge of the
17 homicide files?

18 A I think he was already retired by the time
19 I came to homicide, so it would be hearsay. But I was
20 told he was the librarian at some point.

21 Q Okay. And I think you have already
22 mentioned this, but are you familiar with his nickname
23 Sweet Lou?

24 A No, actually.

25 Q Okay. Do you where the library would have

1 been for the sheriff's department in the 1999 to 2000
2 time frame?

3 A No, I am not really sure where.

4 Q Have you ever communicated with Mr. Danoff
5 regarding Ms. Finstad?

6 A No, not at all.

7 Q Have you ever communicated with Mr. Danoff
8 regarding anything that Ms. Finstad received access to
9 from the sheriff's department?

10 A No, I don't think I ever actually met Lou
11 or had any conversation or communication with Lou.

12 Q Okay. Other than your attorneys, have you
13 had any communications with anyone regarding whether
14 Mr. Danoff provided Ms. Finstad with access to the
15 murder book regarding Ms. Wood?

16 MS. BIRENBAUM: Assumes facts not in evidence,
17 but okay.

18 MR. CATE: I am just trying to ask if these --

19 MS. BIRENBAUM: The way it was phrased, it sounds
20 like he and I discussed it because you said, other than
21 your attorneys.

22 MR. CATE: I understand.

23 BY MR. CATE:

24 Q I am just trying -- I don't want to know
25 anything that you talked about with your attorney.

1 So other than anything you may or may not
2 have talked about with your attorney, have you had any
3 communications with anyone regarding whether Mr. Danoff
4 provided Ms. Finstad with access to Ms. Wood's murder
5 book?

6 A You mean like ever since we started this
7 reopening?

8 Q Well, let's talk about in the last year.

9 Since this lawsuit was filed, have you had
10 any communications with anyone regarding whether
11 Mr. Danoff did, in fact, provide Ms. Finstad with access
12 to the murder book for Ms. Wood?

13 MS. BIRENBAUM: Can I just seek a point of
14 clarification. I am really sorry.

15 MR. CATE: Sure.

16 MS. BIRENBAUM: Do you mean has he -- there's a
17 difference between what Ms. Finstad said and what
18 Mr. Danoff may or may not have done. I am sure you can
19 appreciate the distinction there and the question I
20 think that -- I am looking at my client and he seems a
21 little confused.

22 Is that the distinction you're looking at,
23 Detective Hernandez?

24 THE DEPONENT: Yeah, I am trying to understand.
25 I mean, because --

1 MS. BIRENBAUM: She can write whatever she wants
2 and she can say whatever she wants, but that's a
3 different conversation.

4 So if you talked to anyone about her
5 assertion that that happened versus what he talked to
6 someone about. That's -- there's a distinction and it's
7 very confusing.

8 MR. CATE: Let me see if I can clear it up
9 because I am not assuming that it happened.

10 BY MR. CATE:

11 Q I just want to know, have you had any
12 conversation with anyone other than your attorneys
13 regarding if or if not Mr. Danoff provided access to the
14 murder book for Ms. Wood to Ms. Finstad?

15 A I mean, just with my partner when we
16 reopened the case and learned of it. But you mean to
17 try to find out if that actually occurred?

18 Q No. I am just curious if there was -- if
19 it was something that was discussed.

20 So you discussed it with your partner.
21 What's your partners name?

22 A He's retired now. It's Kevin Lo.

23 Q And did Detective Lo have any information
24 about whether Mr. Danoff had done this?

25 A I don't recall if he did, but obviously

1 it -- this kind of gets into the conversations I had
2 with my partners.

3 MS. BIRENBAUM: Investigatory privilege.

4 THE DEPONENT: It kind of -- it comes into this
5 whole realm of reopening and obviously that was a part
6 of it, right, because we learned, okay, that's what
7 she's telling us. Whether it's true or not, we just
8 have to take her word for it and the fact that I think
9 the reports maybe be online or out there, right?

10 I mean, I don't know. I could have sworn I
11 saw them back when I first got the case reopened, but I
12 want to say the report was online. Maybe -- maybe --
13 maybe I am wrong with that, but I don't have any
14 personal knowledge of it.

15 But my conversations with other
16 investigators I mean, yeah. So I guess -- do you know
17 what I am saying?

18 So in a way are asking that question open
19 yes, of course my partner and I talked about it. We may
20 have talked about it with the lieutenant, but I mean,
21 it's -- it's nothing that -- we can never obviously say
22 that yeah, for sure that happened or no, for sure that
23 didn't happen. If I am making sense.

24 BY MR. CATE:

25 Q It is. Thank you for that.

1 A Okay.

2 Q Have you had enough interactions with
3 Ms. Finstad to draw an opinion as to whether or not
4 she's an honest person?

5 MS. BIRENBAUM: Investigatory privilege.

6 If you can answer.

7 MR. CATE: I certify the question.

8 BY MR. CATE:

9 Q You can answer to the extent your attorney
10 allows you.

11 A She's a nice lady. I am not trying defame
12 her, but I don't know how honest or dishonest she is. I
13 know I don't know.

14 Q Thank you.

15 In your 2016 testimony, you testified both
16 in deposition and your declaration that you had
17 communicated with Ms. Finstad.

18 Since that time, have you had any further
19 communications with her?

20 A Yes.

21 MS. BIRENBAUM: Okay.

22 BY MR. CATE:

23 Q Okay. And were those communications about
24 this lawsuit filed by Mr. Perroni?

25 A Since 2016, I don't recall. I don't

1 believe so.

2 Q Okay.

3 A I am not sure.

4 Q Were those communications for purposes of
5 your investigation of the death?

6 A Yes.

7 Q Okay. Since your 2016 testimony, have you
8 had any communications with anyone representing
9 Ms. Finstad such as a lawyer?

10 A Nope.

11 Q The file cabinet that -- that holds the
12 murder book today, where is -- what building is that
13 in?

14 MS. BIRENBAUM: Assumes facts not in evidence.

15 THE DEPONENT: It's at homicide bureau.

16 BY MR. CATE:

17 Q And where is homicide bureau?

18 A You know there's 24/7 security there,
19 right? I'm sorry. I have to make a little light
20 here.

21 Q We are all laughing for purposes of the
22 record.

23 Thank you.

24 A It's in Monterey Park, the homicide
25 bureau.

1 Q Okay. Do -- do you know the -- the place
2 called and I am going to butcher how it's pronounced,
3 Biscailuz Center?

4 MS. BIRENBAUM: Biscailuz.

5 THE DEPONENT: Biscailuz.

6 BY MR. CATE:

7 Q Is that the same -- is that the same place
8 or a different place?

9 A Well, that's a different place.

10 Q Okay. Where -- was the library ever at
11 that Biscialuz Center to your knowledge?

12 A You know, I don't know. I don't remember
13 it being there, but I am not sure.

14 Q I've heard somebody say it's an old gym, an
15 old gymnasium?

16 A It's actually an old minimum security
17 county jail named after a former sheriff and since then
18 it's been closed as a jail. It is a training center
19 now. It is our academy actually.

20 Q Is there an old gymnasium somewhere that
21 the sheriff's department uses?

22 MS. BIRENBAUM: Vague and ambiguous.

23 THE DEPONENT: Believe or not, yeah, there is a
24 at the Star Center but that is in Whittier.

25

1 BY MR. CATE:

2 Q Okay. Ms. Finstad in her book wrote on
3 page 458 and 459 that she met Danoff quote, at the
4 sheriff's department office on the outskirts of downtown
5 end quote.

6 Is there a sheriff's department office on
7 the outskirts of downtown?

8 A So both our current office in Monterey Park
9 is on the outskirts of -- you know, it is actually away
10 from downtown and our previous office, we moved in 2015
11 to Monterey Park. Prior to that, we were in the City of
12 Commerce. It's also, you know, one could say that it's
13 on the outskirts.

14 MS. BIRENBAUM: Right. It really calls for an
15 opinion. It's hard to explain if you're not familiar
16 with Los Angeles, but the outskirts of downtown is a --
17 it's not a two-block radius.

18 THE DEPONENT: Right.

19 BY MR. CATE:

20 Q Would it make sense for -- strike that.

21 Ms. Finstad, in her book seems to be
22 referring to either 1999 or 2000 is the time period in
23 which she saw -- was given access to the murder book by
24 Mr. Danoff.

25 Do you -- would either Monterey Park or

1 City of Commerce have been possible locations for that
2 back then?

3 MS. BIRENBAUM: Calls for speculation.

4 If you know.

5 THE DEPONENT: I am not sure when they moved
6 homicide to Commerce. I think it -- I want to say that
7 it was in City of Commerce already, but I am -- I am
8 pretty sure.

9 BY MR. CATE:

10 Q Okay. On page 481 of her book, and I am
11 happy to put up on the screen if it helps you these --
12 these book pages, but Ms. Finstad wrote that she found a
13 confidential source that she put in touch with you.

14 Without you telling me who that
15 confidential source is, is that an accurate claim by
16 Ms. Finstad?

17 MS. BIRENBAUM: Investigatory privilege.

18 If you can answer without revealing
19 privileges.

20 MR. CATE: I certify the question.

21 BY MR. CATE:

22 Q I certainly don't want to know the
23 confidential source, but is it accurate that she put you
24 in touch with a confidential source?

25 A It gets -- it does get into the --

1 MS. BIRENBAUM: Yeah.

2 THE DEPONENT: -- the investigation. I mean, you
3 know one way or the other.

4 MR. CATE: That's fine. I certify the question
5 and move on.

6 BY MR. CATE:

7 Q Later on that same page Ms. Finstad writes
8 that you had taken a sworn statement of the Vidal
9 Herrera. Am I saying that name correctly?

10 MS. BIRENBAUM: Probably Vidal.

11 BY MR. CATE:

12 Q Vidal Herrera.

13 MS. BIRENBAUM: That's going to be investigatory
14 privilege, statements taken during an investigation.

15 MR. CATE: Well, I have not asked a question yet.

16 BY MR. CATE:

17 Q Let me first ask, who all -- who is Vidal
18 Herrera? Do you know who that is?

19 A No, I don't recall who that is.

20 Q Okay. So get ready for an objection.

21 Is the claim that you took a sworn
22 statement from Mr. Herrera an accurate claim by
23 Ms. Finstad?

24 MS. BIRENBAUM: Again, investigatory privilege as
25 we discussed.

1 MR. CATE: And I certify the question.

2 THE DEPONENT: Yeah, it gets into the
3 investigation of who we did or who we did not, you know,
4 interview. It's things we don't want out.

5 BY MR. CATE:

6 Q On page 554 of her republished book in the
7 end notes, Ms. Finstad makes reference to a statement
8 from Mr. Herrera.

9 I will go ahead and ask. Did you provide a
10 written statement from Mr. Herrera to Ms. Finstad?

11 MS. BIRENBAUM: Investigatory privilege.

12 MR. CATE: I certify the question.

13 BY MR. CATE:

14 Q You can answer to the extent you don't
15 waive privilege.

16 A I mean, we gave absolutely nothing to
17 Ms. Finstad, and I don't recall Vidal Herrera. The name
18 sounds familiar, but no, I just don't recall who it is.
19 But either way, we didn't give her anything.

20 Q Okay. Thank you.

21 Back to -- on page 41 Ms. Finstad quotes
22 you in that you reviewed autopsy photos of Ms. Wood and
23 that you described Ms. Wood's head wounds as quote,
24 unquote, troubling.

25 Do you recall telling Ms. Finstad this?

1 MS. BIRENBAUM: That's not exactly what the book
2 states, Counsel, so I am going to object to your
3 phrasing, but I'll let the witness answer if it doesn't
4 go into the investigatory privilege.

5 THE DEPONENT: I don't recall and I don't use the
6 word "troubling." That's -- that doesn't sound like me
7 at all. That's -- I don't know. I don't recall I told
8 her that.

9 BY MR. CATE:

10 Q Well, because there's an objection, I am
11 going to read specifically what the book says.
12 Herrera -- I am reading from page 41?

13 THE COURT REPORTER: I'm sorry. Excuse me
14 Counsel, did you say 41 or 481?

15 MR. CATE: I'm sorry, Ms. Logan. Page 481.

16 THE COURT REPORTER: Thank you.

17 MR. CATE: Quote,

18 (Reading:)

19 Herrera told us he
20 observed significant
21 wounds to the
22 Natalie's head.
23 Ralph Hernandez, who
24 took his sworn
25 statement, has seen

1 the original photos
2 and concurs that
3 Natalie's head wounds
4 are quote, unquote,
5 troubling, unquote.

6 (As Read.)

7 My having read that, does refresh your
8 memory of telling Ms. Finstad that -- that the head
9 wounds were troubling?

10 MS. BIRENBAUM: Same objection.

11 MR. CATE: I certify the question.

12 BY MR. CATE:

13 Q You can answer to the extent you're not
14 waiving privilege.

15 A I get it. No, not at all.

16 Q At any time did you describe the autopsy
17 photos to Ms. Finstad?

18 MS. BIRENBAUM: Same objection.

19 MR. CATE: I certify the question.

20 BY MR. CATE:

21 Q You can answer to the extent you don't
22 waive privilege.

23 A I don't recall describing any bruising to
24 her or other witnesses that we interviewed, no.

25 Q Thank you.

1 Bottom of page 482 there's a quote that
2 purported to be from you. Ms. Finstad wrote quote,

3 (Reading:)

4 Ralph Hernandez wants

5 to meet with Franco.

6 The coroner botched

7 the autopsy. For

8 what reason, I can't

9 prove why, but

10 Hernandez continued,

11 we have got photos of

12 her body and the

13 bruises. We know

14 they took tissue

15 samples...

16 The real question is

17 why did they ignore

18 them, end quote. (As

19 Read.)

20 Do you recall saying something to that
21 effect to Ms. Finstad?

22 MS. BIRENBAUM: I have to object. This goes far
23 beyond the scope of a CPRA petition because we're far
24 beyond the scope of anything relevant here. Also goes
25 into the investigatory privilege, but if you can answer

1 without breaching that privilege.

2 MR. CATE: I certify the question.

3 BY MR. CATE:

4 Q You can answer to the extent you don't
5 waive privilege, Detective Hernandez.

6 A The answer is pretty simple. I don't
7 recall ever saying that.

8 Q Thank you.

9 Ms. Finstad's book make reference to a
10 Tracy Johnson. Do you know who Tracy Johnson is?

11 A Nope. I don't recall. I mean, we
12 interviewed wow --

13 Q Let me ask --

14 A I'm sorry. Just so you understand, we
15 interviewed about, let me see, 100, 140 and another
16 probably close to 250 people during this investigation.
17 Now mind you some of that was over the phone and some of
18 that was yahoos who call in, but that name does not ring
19 a bell for this case, which doesn't mean they couldn't
20 be one of the 250 people, right, but --

21 Q I understand and I asked the question
22 poorly.

23 Is -- is -- is there anyone at the
24 sheriff's department that you're aware of named Tracy
25 Johnson?

1 A I don't know any such person.

2 Q On page 462 of Ms. Finstad's book she wrote
3 quote,

4 (Reading:)

5 Before I left the
6 sheriff's office, I
7 typed notes in my
8 laptop for ever scrap
9 of paper in the
10 murder book, even if
11 the scribbling on
12 pages torn from
13 vintage pink while
14 you were out
15 telephone notepads
16 were I found the
17 return number and a
18 brief message for
19 investigators for
20 Marilyn Wayne end
21 quote. (As Read.)

22 Do you recall seeing such a note in the
23 1981 files regarding Ms. Wood's death?

24 A I don't recall ever seeing that note.

25 Q Okay. Is there a procedure for checking

1 out files and murder books from the homicide library?

2 A Yes. Well, yes.

3 Q And present day, what is that procedure?

4 A Typically -- okay. Present day. Yeah, so
5 you request from the librarian that you want a
6 particular case. Usually it is because you've been
7 assigned the case, maybe there's a lead that came in
8 that it is a cold case that belonged to people who have
9 left the bureau and you are going to look into that
10 lead.

11 I think -- I want to say I haven't -- I
12 haven't had to request a high profile case. I believe
13 on a high profile case you have to go through our
14 operations, either the captain of the office lieutenant
15 or somebody like that. But I have not requested
16 anything that isn't assigned to me so I am not sure what
17 all you have to do for that.

18 Q So if -- if a file is assigned to you, if
19 you're the investigator on it, you don't have to go
20 throug the process of checking it out? Is that what you
21 are telling me?

22 A Oh, no. No. No, it's not that. It's just
23 it's really easy to get. You just ask the librarian to
24 get it out of the library, bring it over to your desk
25 and I believe he -- I believe he inputs into case

1 management still today, you know, who actually checked
2 it out.

3 Q And we have asked for records that have
4 been produced over who checked out Ms. Wood's murder
5 book over time. So I am going to ask you some questions
6 about that now.

7 Are you aware of the -- this -- if you
8 started in 2008, this will predate you, but let me ask
9 anyway. Do you know who Lynn Reader is?

10 A I have heard of him. I don't think I ever
11 met him personally, but he's a retired homicide
12 investigator. I don't know if he's still alive or still
13 around.

14 Q The records indicates that he checked out
15 Ms. Wood's murder book in 2002.

16 Do you happen to know for what purpose he
17 checked it out?

18 A No, I do not.

19 Q Was the investigation closed at that point
20 in time in 2002?

21 A Yes. I mean, essentially it was closed
22 from 1981 or soon after her death, right? I don't know
23 if -- because it was November. I don't know if they
24 close it in 82 or whatnot, but shortly after her death
25 all the way until we opened the investigation in 2011.

1 Q Okay. Thank you for that.

2 Do you know a gentleman named Albert
3 Grotefend?

4 A Grot -- yeah, Grot -- now I can't pronounce
5 it. Grotefend.

6 MS. BIRENBAUM: Grotefeld.

7 MR. CATE: There's an L in there, Okay.

8 THE DEPONENT: No.

9 MS. BIRENBAUM: Oh, Grotefend?

10 MR. CATE: There's no L in the records at
11 least.

12 THE DEPONENT: No, it's an N Grotefend.

13 BY MR. CATE:

14 Q Okay. And who is -- is Mr. Grotefend?

15 A He -- I think he retired as a lieutenant.
16 He was a lieutenant at the homicide bureau.

17 Q Records indicated that he checked out
18 Ms. Wood's murder book from 2007 to 2008.

19 Do you happen to know why he did that?

20 A No, I do not.

21 Q The murder book was next checked out by
22 someone named Scott Lusk.

23 MS. BIRENBAUM: I am going to object to the use.
24 You've been using the term "murder book." What was
25 produced was actually library records of the file.

1 MR. CATE: Okay.

2 MS. BIRENBAUM: So as Detective Hernandez has
3 said, terms aren't equivalent.

4 MR. CATE: Okay.

5 BY MR. CATE:

6 Q You know why Lynn Reader checked out the
7 file regarding Ms. Wood?

8 A No.

9 Q Do you know why Albert Grotefend checked
10 out the file regarding Ms. Wood?

11 A No, I do not.

12 Q Who is Scott Lusk?

13 A Scott is a retired homicide detective also.
14 He was the librarian at some point. I think even when I
15 got there in 2008, he was still the librarian. I don't
16 know when he stated that position and I don't know why
17 he would have pulled the file and checked it out.

18 Q The records that were produced to us did
19 not identify you as having checked out Ms. Wood's file.

20 Does that surprise you?

21 A No, not really.

22 Q How come?

23 A Because stuff happens, right. I mean, hey,
24 they -- they gave us the file. The captain asked for it
25 and the captain gave it to us and said take a look at

1 this and see what you think. We came back, told him
2 what we thought and I am sure it just was never for
3 whatever the reason, whoever was in charge at that time
4 never put it in the case management. I mean, it's --

5 Q Help me understand when -- when -- when a
6 file -- when -- when a file is -- strike that.

7 When an investigation is ongoing, is the
8 file checked out to you as the lead detective or would
9 it stay in the file cabinet or whenever until you need
10 it?

11 A Well, so it only goes to the library when
12 you are ready to put it in the library.

13 So if it's there, then you can check it
14 back out. You know, because there are -- obviously
15 there's unsolved cases. There's ton of them. Or if
16 it's an old case and it gets assigned to you, you can
17 check it out. Or I have cases I have yet to send to the
18 library because I am still going to have that one day to
19 get back to that, right. That's what we always say.

20 Q I got you.

21 So it goes to the library when -- when an
22 investigation becomes closed?

23 A No, not necessarily just closed. Just when
24 we decide it send it.

25 Q Okay.

1 A Because yeah, that's why we have these
2 cabinets and you keep a lot of files there and sometimes
3 it's hard to let go off a -- let it go back to the
4 library because you feel like you're never going to get
5 back to it and the hash reality is we don't have the
6 time to.

7 Q I understand that. I understand that our
8 judge, Judge Chalfant reviewed in camera the file
9 regarding Ms. Wood's death.

10 Is that your understanding as well?

11 A Yeah, I was there.

12 Q Yeah. I mean, you brought the file,
13 correct?

14 A Yes, sir.

15 Q Okay. When you brought was -- was it a --
16 a hard paper copy or was it a -- a digital copy like on
17 a disk?

18 MS. BIRENBAUM: You know what, this is -- the
19 judge did not make that a public in camera review. I
20 don't -- I think that this is exceeding what you can
21 take evidence -- you can take testimony about. You're
22 basically trying to go around the court's order here
23 that Mr. Perroni not be present during that review and
24 you're also asking for an inventory.

25 MR. CATE: I am not asking for an inventory and I

1 am not trying to go around the court's order.

2 BY MR. CATE:

3 Q I was just curious. Did you lug the whole
4 thing over there?

5 MS. BIRENBAUM: Mr. Perroni saw it. He was
6 sitting there.

7 You can answer.

8 THE DEPONENT: It -- no, it was not digital.
9 They were all just paper copies from just was from 1981.
10 It wasn't that much.

11 BY MR. CATE:

12 Q Okay. Are there -- other than taking a
13 file to court, are there rules about leaving the office
14 with files?

15 I mean, can you take a file home to read?

16 A Absolutely, we can take a file home. We
17 can do work from home and oftentimes we do work for free
18 on our own time just to get things done. But, yes, you
19 can take a file home. It's your case.

20 Q Okay. Have you ever been disciplined in
21 your job for anything related to your interactions with
22 Ms. Finstad?

23 MS. BIRENBAUM: I am going to object to this,
24 gets into privacy production and instruct the witness
25 not to answer.

1 MR. CATE: I certify the question.

2 BY MR. CATE:

3 Q Have you ever been disciplined at your job
4 for providing members of the public with materials from
5 Ms. Wood's death file?

6 MS. BIRENBAUM: Same objections. This is
7 outrageous that you're sitting here and asking this when
8 you know you are not permitted to look into this -- the
9 disciplinary records of an active sheriff's department
10 employee. We already put this in our objections to CPRA
11 and that you would sit here and use the witness time to
12 basically harass him at this point is really crossing
13 the line, Counsel.

14 MR. CATE: I certify the question.

15 MS. BIRENBAUM: Certify away.

16 BY MR. CATE:

17 Q Mr. -- Detective Hernandez, I -- I am going
18 to take a break. I think I am about done, but let me
19 ask you, have I treated you unfairly today?

20 MS. BIRENBAUM: I am going to instruct him not to
21 answer that question. It's an opinion. It's totally
22 irrelevant and Counsel, it's offensive that you would
23 continue to harass my witness in such a manner.

24 MR. CATE: Well, that's what I want a know is
25 does he think I am harassing him because I certianly am

1 not trying to.

2 MS. BIRENBAUM: He can answer it off the record.

3 He's not answering it on the record, Counsel.

4 MR. CATE: I certify the question.

5 MS. BIRENBAUM: Certify the question.

6 MR. CATE: Let's take a break give me about five
7 minutes. I'll be right back.

8 THE DEPONENT: Okay.

9 THE COURT REPORTER: Off the record at 4:17.

10

11 (Recess taken at 4:17 p.m.)

12

13 (Proceedings resumed at
14 4:22 p.m.)

15

16 THE COURT REPORTER: Back on the record at
17 4:22.

18 BY MR. CATE:

19 Q Just very briefly, Detective Hernandez.
20 When it comes to checking out a file from the -- from
21 the librarian, is that limited to just a detectives or
22 can any employee do that?

23 A Oh, no just investigators or, you know,
24 supervisors.

25 Q Okay. And you put in a request orally or

1 in writing to the librarian to check out the file?

2 A I mean, yeah. That's how I do it, yes.

3 MR. CATE: I don't have any further questions.

4 I pass the witness.

5 MS. BIRENBAUM: I have no questions.

6 MR. CATE: I thank you for your time today,

7 Detective Hernandez.

8 Thank you.

9 THE DEPONENT: We are off the record?

10 MR. CATE: We are off the record.

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12 (Proceedings concluded at

13 4:23 p.m.)

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1 DECLARATION UNDER PENALTY OF PERJURY

2
3 I, Ralph Hernandez, do hereby certify under
4 penalty of perjury that I have read the foregoing
5 transcript of my deposition taken October 22, 2021;
6 that I have made such corrections as appear noted on the
7 Deposition Errata Page, attached hereto, signed by me;
8 that my testimony as contained herein, as corrected, is
9 true and correct.

10
11 Dated this____day
12 of_____, 2021,
13 at_____,
14 California.

15
16
17 _____
 Ralph Hernandez
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1 DEPOSITION ERRATA SHEET

2

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24 _____

Ralph Hernandez

DATED

25

1 STATE OF CALIFORNIA)
2)
3 COUNTY OF LOS ANGELES)
4 _____)

5 I, Keri A. Logan, CSR 12608, Certified
6 Shorthand Reporter, do hereby certify:

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

9 That said deposition was taken down by me
10 in shorthand at the time and place therein named and
11 thereafter transcribed under my direction;

12 I further certify that I am neither counsel
13 for, nor related to, any party to said proceedings, not
14 in anyway interested in the outcome thereof.

15 I declare under penalty of perjury under
16 the law of the State of California that the foregoing is
17 true and correct.

18 Dated: 5th of November, 2021

19
20 

21 _____
22 Keri A. Logan
23 CSR No. 12608
24
25