1 2 3 4 5 6 7	MARK T. YOUNG (Bar No. 89951) TAYLOR F. WILLIAMS-MONIZ (Bar No. 2813 NATHANIEL P. MARK (Bar No. 328461) DONAHOE YOUNG & WILLIAMS LLP 25152 Springfield Court, Suite 345 Valencia, California 91355-1081 Telephone: 661.259.9000 / Facsimile: 661.554.7 Email: myoung@dywlaw.com; twilliams@dywl nmark@dywlaw.com Attorneys for Defendant MAMI MATSUURA-BERHOW	088				
8		E STATE OF CALIFORNIA				
9	FOR THE COUNTY	OF LOS ANGELES				
10						
411 II	MIA TRETTA, through her guardian ad litem Tiffany Shepis-Tretta,	Case No. 20STCV48910				
v 12		[Assigned to Hon. Stephen P. Pfahler]				
& WILLIAMS COURT, SUITE 345 RNIA 91355-1081 51) 259-9000 71 71 71 71 71 71 71 71 71 71 71 71 71	Plaintiff,	DEFENDANT MAMI MATSUURA-				
	VS.	BERHOW'S MOTION FOR SUMMARY JUDGMENT; DECLARATION OF				
DONAHOE YOUNG & WILLIAM 25152 SPRINGFIELD COURT, SUITE 345 VALENCIA, CALIFORNIA 91355-1081 71 71 71 71 71 71 71 71 71 71 72 74 75 74 75 74 75 74 75 74 75 76 77 78 78 79 71	TERRANCE J. OSMAN, an individual a/k/a 1911builders.com; MAMI	DEFENDANT MAMI MATSUURA- BERHOW IN SUPPORT THEREOF				
E YO	MATSURA- BERHOW, an individual; and DOES 1 - 50,	(Filed concurrently with: Defendant's				
0HP VAL VAL 12	Defendants.	Separate Statement of Undisputed Facts and Appendix of Exhibits)				
NOG 18						
19		Reservation ID: 236764373135				
20		Hearing Date: February 21, 2023 Hearing Time: 8:30 a.m.				
21		Department: F49				
22						
23	TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:					
24	PLEASE TAKE NOTICE that Defendation	ant MAMI MATSUURA-BERHOW ("Mami"),				
25	erroneously named and sued herein as "Mami Matsura-Berhow," hereby moves for					
26	judgment against Plaintiff MIA TRETTA, throu	ugh her guardian ad litem Tiffany Shepis-Tretta				
20	("Plaintiff").					
28	This motion is based on the following gro	ounds:				
28		1				
	DEFENDANT MAMI MATSUURA-BERHOW'S MOT DEFENDANT MAMI MATSUURA	TON FOR SUMMARY JUDGMENT; DECLARATION OF A-BERHOW IN SUPPORT THEREOF				

<u>Noticed Issue No. 1</u>: There is no triable issue of material fact as to the negligence of Mami, because there is no evidence to support Plaintiff's cause of action for negligence against Mami.

This motion is based on: the Memorandum of Points and Authorities and Declaration of Defendant Mami Matsuura-Berhow attached hereto; Defendant's Separate Statement of Material Undisputed Facts served and filed herewith; Defendant's Appendix of Exhibits served and filed herewith; and the records, files, and pleadings in this action.

Dated: October 7, 2022

DONAHOE YOUNG & WILLIAMS LLP

By:

MARK T. YOUNG TAYLOR F. WILLIAMS-MONIZ NATHANIEL P. MARK Attorneys for Defendant MAMI MATSUURA-BERHOW

MEMORANDUM OF POINTS AND AUTHORITIES

I. **INTRODUCTION**

This case arises from a tragic shooting at Saugus High School on November 14, 2019, in which Plaintiff MIA TRETTA ("Plaintiff" or Tretta") was injured. The shooter was Nathaniel Berhow ("Nathaniel"), a 16-year-old student who took his own life after shooting Plaintiff and four other students that morning. The Complaint names Nathaniel's mother MAMI MATSUURA-BERHOW ("Mami") as a defendant in a single cause of action for negligence.

This case was filed on December 22, 2020, and extensive discovery has been conducted. This motion is filed because no evidence exists to support Plaintiff's cause of action against Mami.

II. FACTUAL BACKGROUND

Mami married Mark Berhow ("Mark") on April 3, 1992. After five years of marriage, Mami and Mark Berhow moved to Valencia, California. Shortly thereafter, Mami and Mark welcomed their daughter Samantha, and in 2003 their son Nathaniel.

While the children were growing up, both Mami and Mark were highly involved in their children's lives. As a child, Nathaniel played several team sports, including tee ball, soccer, flag football and baseball. Nathaniel participated in Cub Scouts and later Boy Scouts.

Mark and Nathaniel were close. Mark took Nathaniel on many fishing and camping trips. Mark had enjoyed hunting growing up, and collected a variety of guns throughout his life. Mark talked to Nathaniel about hunting and gun safety.

Mami and Mark were happily married for many years. Unbeknownst to Mami, however, Mark struggled with depression and alcohol addiction. He successfully hid this from Mami until approximately 2014, when he fell into a deep depression.

In June 2015, Mami and the children took a trip to Japan. During this time, Mark was struggling with depression and alcohol addiction. On or about July 1, 2015, a neighbor called authorities to report a disturbance at the Berhow residence. During this incident, the authorities searched the residence and seized all firearms and ammunition. Thereafter, Mark was prohibited from possessing firearms. In September or October of 2015, authorities visited the property again, to search for additional firearms and ammunition. Mami then believed that there were no firearms

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or ammunition at their home.

Mark continued to struggle with depression and alcohol addiction until he suddenly passed away on December 4, 2017.

Thereafter, Mami had to provide financially for the family. She had taken a nine-month training program at the Los Angeles County Retirement Association; however, she failed to pass the exam that was given shortly after Mark's death, while Mami was distraught. Mami was able to procure employment at Golden Valley High School as a Special Circumstance Instructional Assistant where her duties included being a one-on-one aide for students with special needs. Mami was happy to have this position, as her work hours matched Nathaniel's school hours.

Mami called Nathaniel daily during lunch to check in on him, and they spoke every night as well. Nothing in Nathaniel's behavior ever indicated to his mother – or for that matter to Nathaniel's friends or any third party -- that Nathaniel had any violent or dangerous habits or tendencies.

Defendant Mami now moves for summary judgment in this matter where there is no evidence to support a cause of action for negligence against Defendant Mami, the mother of Nathaniel.

III. A MOTION FOR SUMMARY JUDGMENT SHOULD BE GRANTED WHERE ALL PAPERS SUBMITTED SHOW THAT THERE IS NO TRIABLE ISSUE OF MATERIAL FACT AND THAT THE MOVING PARTY IS ENTITLED TO JUDGMENT AS A MATTER OF LAW

Code of Civil Procedure ("C.C.P.") §437c provides in pertinent part as follows:

"(a) Any party may move for summary judgment in any action or proceeding if it is contended that the action has no merit or that there is no defense thereto . . .

(c) The motion for summary judgment shall be granted if all the papers submitted show that there is no triable issue as to any material fact and that the moving party is entitled to a judgment as a matter of law"

"Any party may move for summary judgment in any action or proceeding if it is contended
that the action has no merit." C.C.P. §437c(a). The purpose of §437c is to expedite litigation by
avoiding unnecessary trials. *Truslow v. Woodruff*, 252 Cal.App.2d 158, 164 (1967); *King v. Anderson*, 242 Cal.App.2d 606 (1966); *Aguirre v. Southern Pacific*, 232 Cal.App.2d 636, 641
(1965).

There is no triable issue of material fact when a non-moving party relies solely upon conclusory allegations in a complaint and factually devoid discovery responses to support her claims. *Sangster v. Patekau*, 68 Cal. App. 4th 151, 162 (1998); *Parsons v. Crown Disposal Co.*, 15 Cal. 4th 456, 464 (1997).

California's Civil Discovery Act imposes on parties a duty to answer discovery requests in a straightforward fashion and as completely as possible, given the information available to the party. *Scheiding v. Dinwiddie*, 69 Cal. App. 4th 64, 76 (1999). "Parties must 'state the truth, the whole truth, and nothing but the truth, in answering written interrogatories." *Id.* Therefore, a court may presume that a party has answered discovery fully and truthfully, and can infer that party has no other evidence to support her claims when those responses contain no admissible evidence. *Id.* For this reason, "[t]he moving party on a motion for summary judgment need not support its summary judgment motion with evidence negating an essential element of the nonmoving party's case to satisfy its burden <u>The moving party may simply point to the absence of evidence to support the nonmoving party's case" *Hunter v. Pacific Mechanical Corp.*, 37 Cal. App. 4th 1282, 1286 (1995) (emphasis added).</u>

"[A] moving defendant may rely on factually devoid discovery responses to shift the burden" to the plaintiff to prove the existence of an issue of material fact for trial. *Union Bank v. Superior Court*, 31 Cal. App. 4th 573 at 589-90 (1995). "Once the burden shifts as a result of the factually devoid discovery responses, the plaintiff must set forth the specific facts which prove the existence of a triable issue of material fact." *Id.* at 590.

IV. THERE IS NO TRIABLE ISSUE OF MATERIAL FACT AS TO A NEGLIGENCE CAUSE OF ACTION WHERE THERE IS NO EVIDENCE OF NEGLIGENCE

A claim for negligence requires proof of: (1) defendant's duty of due care to plaintiff; (2) defendant's breach of that duty; (3) plaintiff's damages; and (4) a "proximate cause" relationship between defendant's breach of duty and plaintiff's damages. Cal. Civ. Code §§1714(a), 3281, 3282, and 3333.

The general rule is that a parent is **not** liable for torts committed by his or her minor child.

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Hagerty v. Powers, 66 Cal. 368, 369 (1885). However, parents "are responsible for harm caused by their minor children when they should reasonably have become aware of habits or tendencies of the child which made it likely that the child would misbehave, and they have failed to take steps to restrain the child's inapposite conduct and actions." *In re S.*, 135 Cal. Rptr. 893, 899 (1977).

Further, Civil Code §1714.3 applies where, as here, there is an injury caused by discharge of a weapon by a minor: a parent is only liable for such an injury when (i) the parent permitted the minor to have a firearm or (ii) the parent left the firearm in a place accessible to the minor.

To win on a claim for common law negligence, therefore, Plaintiff would have to show that Mami (1) reasonably should have become aware of Nathaniel's violent habits or tendencies, and (2) failed to take steps to restrain such conduct. To prevail on a statutory claim under Civil Code §1714.3, Plaintiff must prove that Mami (1) permitted Nathaniel to have a firearm or (2) left the firearm in a place accessible to Nathaniel.

Here, there is a *complete lack of evidence* in support of the necessary elements of Plaintiff's negligence cause of action against Mami.

A. Mami Had No Reason To Be Aware of Nathaniel's Violent Habits or Tendencies, as Nathaniel Had Not Exhibited Any Such Habits or Tendencies

"In order to avoid the general rule of non-liability..., the plaintiff must show that the parent's own negligence was a cause of harm. California follows Restatement 2d of Torts, section 316 which finds a 'special relationship' between parent and child, and accordingly places upon the parent a duty to exercise reasonable care so to control his minor child as to prevent it from intentionally harming others or from so conducting itself as to create an unreasonable risk of bodily harm to them, if the parent (a) knows or has reason to know that he has the ability to control his child, and (b) knows or should know of the necessity and opportunity for exercising such control."" *Robertson v. Wentz*, 187 Cal.App.3d 1281, 1288 (1986).

"Knowledge of dangerous habits and ability to control the child are prerequisites to
imposition of liability. In *Costello v. Hart*, (23 Cal.App.3d 898, 901 (1972)) the court noted that in
cases 'where the parent did not observe and was not in a position to control the conduct which
endangered the plaintiff, recovery was denied on the ground that there was no showing that the

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parent knew of any dangerous tendency." Robertson v. Wentz, 187 Cal. App. 3d 1281, 1290 (1986).

In Singer v. Marx, 144 Cal.App.2d 637 (1956), a child had a propensity for rock throwing. This behavior was habitual and the parent would scold the child, give him hits on the back, or punish him with time-outs or sentence writing. When the child ended up blinding another child by throwing a rock at her eye, the court imputed liability onto the parent. The Court found that a jury could infer that the mother had "notice of Tim's dangerous proclivities and did not administer effective discipline."

Plaintiff's allegations as set forth in the Complaint are unsupported by admissible evidence, despite extensive discovery conducted in this case. The facts adduced in discovery show that neither Mami, nor anyone else in Nathaniel's life, was aware of any violent tendencies or habits of Nathaniel. Specifically:

- Mami called Nathaniel daily during lunch to make sure he was okay, and they talked every night. Mami believed he was okay. [Def. SS No. 7];
- After Mark's death, Nathaniel became more actively involved with his friends, and Mami believed he was okay. [Def. SS No. 8];
- As to the "writings" alleged in Paragraph 80 of the Complaint, Mami was unaware of their existence and never saw Nathaniel's journal, nor had she ever seen Nathaniel cutting himself. [Def. SS No. 9];
- The morning of the shooting was Nathaniel's birthday. Mami had bought Nathaniel two balloons and a birthday card. She sang Happy Birthday to Nathaniel three times that morning. They talked about where to eat out for his birthday later that day. She suggested Black Angus and Nathaniel responded "Mom, let's go to Souplantation as usual." She told him that because of his cross-country running he needed more protein and suggested they eat steak instead. [Def. SS No. 10]:
- During the ride to school on November 14, 2019, nothing appeared concerning in Nathaniel's behavior. [Def. SS No. 10];
- Mami paid attention to Nathaniel's schedule. She wanted him to succeed. She was involved with his school and with his activities. [Def. SS No. 12];
- Mami never observed Nathaniel cutting himself. Mami never observed any violent habits or tendencies of Nathaniel. Rather, Nathaniel was actively involved in

sanctioned constructive activities, particularly Boy Scouts and high school track and field. [Def. SS No. 13];

- Nathaniel's girlfriend, Kathryn Klassen, did not notice anything unusual about Nathaniel's behavior. [Def. SS No. 18];
- Another friend of Nathaniel -- Sofia Bizzle -- stated that she never saw any sign of Nathaniel cutting himself or any indication the Nathaniel would commit a shooting. She did not notice any change in Nathaniel's behavior before the shooting. She spoke with Nathaniel during lunch on November 13, 2019, and he appeared normal. [Def. SS No. 19].

In sum, there is no evidence that Mami knew, or had reason to know, of any violent or dangerous habits or tendencies of Nathaniel leading up to the shooting.

Plaintiff's allegations as set forth in the Complaint are unsupported by admissible evidence. The fact that Mami did not observe, and could not reasonably been aware of, any violent or dangerous habits or tendencies in Nathaniel means that the general rule controls: a parent is not liable for torts committed by his or her child. *Hagerty v. Powers*, 66 Cal. 368, 369 (1885); *In re S.*, 135 Cal. Rptr. 893, 899 (1977).

B. There Is No Evidence of the Elements of Liability Under Civil Code §1714.3.

Even if Plaintiff had pled statutory negligence against Mami under Civil Code §1714.3, that claim would fail as unsupported by admissible evidence. Under §1714.3, a parent is only liable for an injury caused by discharge of a weapon by a minor when either (i) the parent permitted the minor to have a firearm *or* (ii) the parent left the firearm in a place accessible to the minor. Cal. Civ. Code §1714.3 (emphasis added). Here, neither element has been met and Defendant Mami cannot be statutorily liable for Nathaniel's actions.

1. There Is No Evidence That Mami Permitted Nathaniel to Have a Firearm.

Even if it were alleged, no admissible evidence would support an allegation that Mami permitted Nathaniel to have a firearm. All of the evidence e is to the contrary, as follows:

- Mami did not know that Nathaniel had a firearm. [Def. SS No. 1];
- Mami had a sincere belief that on July 1, 2015, law enforcement had seized all

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firearms and ammunition from the property. [Def. SS No. 2];

- Mark became a prohibited possessor of firearms, and Mami believed that there were no longer any firearms or ammunition on the property. [Def. SS No. 3];
- Law enforcement came a second time to the property, sometime between September to October 2015, to search the home for additional firearms and ammunition – thereby reinforcing Mami's belief that there were no longer any firearms or ammunition on the property. [Def. SS No. 4];
- Mami never had any interest in firearms, and never herself purchased or owned any firearms. [Def. SS No. 6];
- Mami did not see the gun in Nathaniel's backpack on the morning of the shooting. If she had, she would have taken it away. [Def. SS No. 11].

Mami never allowed Nathaniel to have *any* gun, let alone the ghost gun described in the Complaint. Plaintiff can present no evidence otherwise.

2. There Is No Evidence that Mami Left a Firearm in a Place Accessible to Nathaniel.

The uncontroverted facts described above establish that Mami could not possibly have left a firearm accessible to Nathaniel, since Mami believed that there were no firearms in the house.

Neither element for statutory negligence under Civil Code §1714.3 exists. Plaintiff cannot show that Mami allowed Nathaniel to possess a firearm, or left such a firearm accessible to Nathaniel.

V. CONCLUSION

The event giving rise to this action was nothing short of a horrific tragedy. But there is no admissible evidence supporting Plaintiff's negligence against Mami. For the reasons discussed above, there is no triable issue of material fact as to Plaintiff's claim against Mami. Mami therefore respectfully requests that the Court grant this motion for summary judgment and dismiss this Complaint as to Mami.

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DONAHOE YOUNG & WILLIAMS LLP

By:

DONAHOE YOUNG & WILLIAMS LLP

MARK T. YOUNG TAYLOR F. WILLIAMS-MONIZ NATHANIEL P. MARK Attorneys for Defendant MAMI MATSUURA-BERHOW

1	DECLARATION OF MAMI MATSUURA-BERHOW
2	I, MAMI MATSUURA-BERHOW, declare as follows:
3	1. I am a defendant in this action. I am over the age of 21 years. I have personal knowledge of
4	the facts stated herein and could and would testify to those facts at trial.
5	2. I was married to Mark Berhow April 3, 1992 and had two children with Mark: Samantha and
6	Nathaniel.
7	3. While the children were growing up, both myself and Mark were highly involved in their
8	lives - from Samantha's karate to the various sports Nathaniel was interested in including
9	tee ball, soccer, flag football and baseball.
10	4. Nathaniel participated in Cub Scouts, and later in Boy Scouts. Mark actively participated
a 11	with Nathaniel's scout meetings, and later, when Mark became sick, I took over and
17 IN	participated in scout meetings.
& WILLIAMS LLP COURT, SUTTE 345 RNIA 91355-1081 51) 259-9000 51) 259-9000 71 71 71 71 71 71 71 71 71 71 71 71 71	5. Mark and Nathaniel were very close, and both were interested in science, history, politics,
	and reading.
E YOUNG & WILLI 2 Springfield Court, Suit encia, California 91355-1 Telephone (661) 229-9000 Telephone (661) 229-9000	6. Mark enjoyed hunting growing up and collected a variety of guns throughout his life, which
DONAHOE YOUNG & WILLIAM 25152 SPRINGFIELD COURT, SUITE 345 VALENCIA, CALIFORNIA 91355-1081 TELEPHONE (661) 259-9000 12 12 13 14 10 12 13 14 19 12 13 14 12 13 14 12 13 14 15 17 18 19 19 11 12 13 14 15 17 18	were located in the garage, in a locked box, of their home located at 22938 Sycamore Creek
VAL 2515 VAL VAL	Drive, Santa Clarita, California.
00 18	7. Mark and Nathaniel enjoyed the outdoors and often went on fishing and camping trips.
19	8. To my knowledge, Mark never taught Nathaniel how to actually hunt, he would just talk
20	about hunting trips and gun safety.
21	9. Mark and I were happily married for many years. Unbeknownst to me, Mark struggled with
22	depression and alcohol addiction. Mark successfully hid this from me until approximately
23	2014 when he fell into a deep depression.
24	10. In June 2015, I took Samantha and Nathaniel on a trip with me to Japan. During this time, I
25	believe Mark was struggling with depression and alcohol addiction.
26	11. On or about July 1, 2015, while I was away in Japan, a neighbor called the authorities to
27	report an incident at our home. I was later informed by law enforcement that they had seized
28	all firearms and ammunition from the property.
	DEFENDANT MAMI MATSUURA-BERHOW'S MOTION FOR SUMMARY JUDGMENT; DECLARATION OF DEFENDANT MAMI MATSUURA-BERHOW IN SUPPORT THEREOF

DEFENDANT MAMI MATSUURA-BERHOW'S MOTION FOR SUMMARY JUDGMENT; DECLARATION OF DEFENDANT MAMI MATSUURA-BERHOW IN SUPPORT THEREOF

1 12. Thereafter, Mark became a prohibited possessor of firearms, and I believed, based on the law 2 enforcement seizure, that there were no longer firearms or ammunition on the property. 3 13. Sometime between September to October 2015, law enforcement came back to search my home for additional firearms and ammunition – thereby reinforcing my belief that there were 4 5 no longer any firearms or ammunition on the property. 14. I have never had any interest in firearms, and have never myself owned or purchased any 6 7 firearms. 15. Mark continued to struggle with depression and alcohol addiction until he suddenly passed 8 9 away on December 4, 2017. 10 16. Thereafter, I needed to provide financially for our family. I had taken a nine month training 11 program at the LA County Retirement Association, however, I failed to pass the exam that 12 was given shortly after Mark's death because I was distraught. 17. I was able to, however, become a Special Circumstance Instructional Assistant at Golden 13 14 Valley High School where my duties included being a one-on-one aide for students with 15 special needs. I was happy with this position, as my work hours matched Nathaniel's school 16 hours. 17 18. I called Nathaniel almost daily during lunch, just to check in on him and make sure he was 18 okay. 19 19. I spoke to Nathaniel every night as well, and I believed he was okay. 20. After his father's death, he became more actively involved with his friends, and I believed 20 21 he was okay. 22 21. I never observed Nathaniel cutting himself. 22. I never observed any violent habits or tendencies of Nathaniel. Rather, Nathaniel was actively 23 24 involved in sanctioned constructive activities, particularly in Boy Scouts and his high school 25 track and field. 23. I never saw any journal or writings by Nathaniel that would cause me any concern over his 26 27 well-being or the well-being of others. 28 24. I never received a phone call, communications or otherwise from any of Nathaniel's friends,

> DEFENDANT MAMI MATSUURA-BERHOW'S MOTION FOR SUMMARY JUDGMENT; DECLARATION OF DEFENDANT MAMI MATSUURA-BERHOW IN SUPPORT THEREOF

1	family, or the school that would lead me to believe that Nathaniel had any violent habits or
2	tendencies whatsoever.
3	25. I never allowed Nathaniel to have any firearm.
4	26. I did not know that Nathaniel had a firearm in his room.
5	27. The school shooting took place on November 14, 2019, which was Nathaniel's sixteenth
6	birthday, and that morning I had bought him balloons and a card for his birthday, and sang
7	Happy Birthday to him three times.
8	28. During the ride to school on November 14, 2019, I offered to buy him a birthday steak at Big
9	Angus restaurant, to which he replied "Mom, let's go to Souplantation as usual."
10	29. During the ride to school that morning, nothing appeared concerning in his behavior.
11	30. I did not see the gun in Nathaniel's backpack on November 14, 2019, or I certainly would
12	have taken it away, and properly dealt with the situation.
0006 13	31. I believe I was an attentive mother: I paid attention to Nathaniel's school schedule, his track
13 14 15 15 16	and field schedule, and his grades. I knew that he desired to be an engineer, like his father,
9) EN 15	and I wanted him to succeed.
TELEPH	32. A few days before the shooting, I took Nathaniel to the Naval Academy in Maryland,
17	although, after the visit I do not believe it was the right school for him.
18	33. I knew Nathan was tired, but he never displayed any violent habits or tendencies for which I
19	was concerned. Had he displayed any violent habits or tendencies, I would have certainly
20	gotten him help and brought him to therapy.
21	
22	Executed on October 7_, 2022, at Mesa, Arizona.
23	I declare under penalty of perjury under the laws of the State of California, that the foregoing is
24	true and correct.
25	Mami Matsuura Berhow (Oct 7, 2022 12:07 PDT)
26	MAMI MATSUURA-BERHOW
27	
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	13 DEFENDANT MAMI MATSUURA-BERHOW'S MOTION FOR SUMMARY JUDGMENT; DECLARATION OF
	DEFENDANT MAMI MATSUURA-BERHOW IN SUPPORT THEREOF
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DONAHOE YOUNG & WILLIAMS LLP 25152 Springfield Court, Suite 345 Valencia, Callfornia 91355-1081 Telephone (661) 259-9000

10-7-22 MTY MSJ Matsura Dec (sent to client for signature)

Final Audit Report

2022-10-07

Created:	2022-10-07
By:	Kristy Ballew (kballew@dywlaw.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAIRwul4DCJDGs9oJTa-VmmP5MzoEDeZK9

"10-7-22 MTY MSJ Matsura Dec (sent to client for signature)" Hi story

- Document created by Kristy Ballew (kballew@dywlaw.com) 2022-10-07 - 7:04:45 PM GMT- IP address: 76.81.182.210
- Document emailed to matsuuramami@gmail.com for signature 2022-10-07 - 7:05:19 PM GMT
- Email viewed by matsuuramami@gmail.com 2022-10-07 - 7:06:13 PM GMT- IP address: 66.249.84.81
- Signer matsuuramami@gmail.com entered name at signing as Mami Matsuura Berhow 2022-10-07 - 7:07:42 PM GMT- IP address: 174.74.141.157
- Document e-signed by Mami Matsuura Berhow (matsuuramami@gmail.com) Signature Date: 2022-10-07 - 7:07:44 PM GMT - Time Source: server- IP address: 174.74.141.157
- Agreement completed. 2022-10-07 - 7:07:44 PM GMT

1	it works, for sure.	1	knowledge.
2	Q. Okay. So I just want to make sure. You	2	Q. Okay. Just - my question is - my only
3	know that Mark and Nathaniel went to the gun range.	3	question is that you told the police that Nathaniel
4	You just don't know exactly when they went; is that		and Mark went to the gun range, correct?
5	right?	5	A. Yes. That's correct.
6	A. Yes. And I do not know how he okay,	6	Q. But you don't know exactly when that
7	taught, I might be wrong explained how gun works.	7	they went to the gun range, correct?
8	That he explained probably I'm sure he explained	8	A. Yes. Correct.
	it no. I'm sorry, I wasn't there. So I'm not	9	Q. But there were other times that you told
10		10	the police that you went to the gun range with them,
11		11	correct?
12		12	A. Yes. Correct.
	for sure. He talked to him what the rule is.	13	Q. When you weren't there, you don't know
		14	exactly what happened at the gun range, because you
14		15	weren't there, correct?
15			
16		16	A. Correct.
17		17	MS. LEFKOWITZ: Mark, I'm done with this
18		18	document.
19		19	BY MS. LEFKOWITZ:
20		20	Q. Now, we talked about the fact that Mark
21		21	owned - your late husband owned a number of guns,
22			correct?
23		23	
24	safety course, I believe, or there was a test for	24	Q. And he kept many of those guns in a – in a
25	for about the gun. But that's all I have	25	vault in the garage, correct?
	53		54
	A What did you any? Voult?	1	A. I I believe across street, her name was
1	A. What did you say? Vault?	1	A. I I believe across street, her hame was
	O Did you have when a refrigerator	-	
2	Q. Did you have was there a refrigerator	2	Karen, she emailed me what's going on. So she told
3	A. Yes.	2 3	Karen, she emailed me what's going on. So she told me to come back.
3 4	A. Yes. Q in the garage?	2 3 4	Karen, she emailed me what's going on. So she told me to come back. Q. This is Karen this is a neighbor that
3 4 5	A. Yes.Q in the garage?And did he use did Mark use that	2 3 4 5	Karen, she emailed me what's going on. So she told me to come back. Q. This is Karen this is a neighbor that you had?
3 4 5 6	 A. Yes. Q in the garage? And did he use did Mark use that refrigerator to keep guns 	2 3 4 5 6	Karen, she emailed me what's going on. So she told me to come back. Q. This is Karen this is a neighbor that you had? A. Yes. Across street.
3 4 5 6 7	 A. Yes. Q in the garage? And did he use did Mark use that refrigerator to keep guns A. Yes. 	2 3 4 5 6 7	Karen, she emailed me what's going on. So she told me to come back. Q. This is Karen this is a neighbor that you had? A. Yes. Across street. Q. And what did she have a husband named
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3 4 5 6 7	 A. Yes. Q in the garage? And did he use did Mark use that refrigerator to keep guns A. Yes. Q in the refrigerator? And did it have a lock on it? 	2 3 4 5 6 7	 Karen, she emailed me what's going on. So she told me to come back. Q. This is Karen this is a neighbor that you had? A. Yes. Across street. Q. And what did she have a husband named Jared? Or is that someone else? A. No. Someone else.
3 4 5 6 7 8	 A. Yes. Q in the garage? And did he use did Mark use that refrigerator to keep guns A. Yes. Q in the refrigerator? And did it have a lock on it? 	2 3 4 5 6 7 8	 Karen, she emailed me what's going on. So she told me to come back. Q. This is Karen this is a neighbor that you had? A. Yes. Across street. Q. And what did she have a husband named Jared? Or is that someone else? A. No. Someone else. Q. Okay.
3 4 5 6 7 8 9	 A. Yes. Q in the garage? And did he use did Mark use that refrigerator to keep guns A. Yes. Q in the refrigerator? And did it have a lock on it? A. Yes. 	2 3 4 5 6 7 8 9	 Karen, she emailed me what's going on. So she told me to come back. Q. This is Karen this is a neighbor that you had? A. Yes. Across street. Q. And what did she have a husband named Jared? Or is that someone else? A. No. Someone else. Q. Okay.
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3 4 5 6 7 8 9 10	 A. Yes. Q in the garage? And did he use did Mark use that refrigerator to keep guns A. Yes. Q in the refrigerator? And did it have a lock on it? A. Yes. Q. Now, at a certain point in 2015 Mark's guns Were removed from the house? 	2 3 4 5 6 7 8 9 10 11	 Karen, she emailed me what's going on. So she told me to come back. Q. This is Karen this is a neighbor that you had? A. Yes. Across street. Q. And what did she have a husband named Jared? Or is that someone else? A. No. Someone else. Q. Okay. A. Andrew, I think, her husband. Andy, I believe.
3 4 5 6 7 8 9 10 1 ⁻¹	 A. Yes. Q in the garage? And did he use did Mark use that refrigerator to keep guns A. Yes. Q in the refrigerator? And did it have a lock on it? A. Yes. Q. Now, at a certain point in 2015 Mark's guns were removed from the house? A. Yes. Yes. 	2 3 4 5 6 7 8 9 10 11 12	 Karen, she emailed me what's going on. So she told me to come back. Q. This is Karen this is a neighbor that you had? A. Yes. Across street. Q. And what did she have a husband named Jared? Or is that someone else? A. No. Someone else. Q. Okay. A. Andrew, I think, her husband. Andy, I believe. Q. Karen and Andy?
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3 4 5 6 7 8 9 10 11 12 11 12 11 12 11 12 11 12 11 12 11 12 11 12 11 12 11 12 11 12 11 12 11 12 11 12 11 11	 A. Yes. Q in the garage? And did he use did Mark use that refrigerator to keep guns A. Yes. Q in the refrigerator? And did it have a lock on it? A. Yes. Q. Now, at a certain point in 2015 Mark's guns were removed from the house? A. Yes. Yes. Q. That was approximately July 1st, 2015 that his guns were removed, correct? A. Correct. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 Karen, she emailed me what's going on. So she told me to come back. Q. This is Karen this is a neighbor that you had? A. Yes. Across street. Q. And what did she have a husband named Jared? Or is that someone else? A. No. Someone else. Q. Okay. A. Andrew, I think, her husband. Andy, I believe. Q. Karen and Andy? A. Yes. Q. I understand. So while you were in Japan with the
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3 4 5 6 7 8 9 10 11 11 11 11 11 11 11 11 11 11 11 11	 A. Yes. Q in the garage? And did he use did Mark use that refrigerator to keep guns A. Yes. Q in the refrigerator? And did it have a lock on it? A. Yes. Q. Now, at a certain point in 2015 Mark's guns were removed from the house? A. Yes. Q. That was approximately July 1st, 2015 that his guns were removed, correct? A. Correct. Q. And that was after the time that you took him to the hospital, correct? A. Yes. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 8 9	 Karen, she emailed me what's going on. So she told me to come back. Q. This is Karen this is a neighbor that you had? A. Yes. Across street. Q. And what did she have a husband named Jared? Or is that someone else? A. No. Someone else. Q. Okay. A. Andrew, I think, her husband. Andy, I believe. Q. Karen and Andy? A. Yes. Q. I understand. So while you were in Japan with the sorry. Strike that. You were in Japan with your children, correct?
3 4 5 6 7 8 9 10 1 ² 12 12 12 12 12 12 12 12 12 12 12 12 12	 A. Yes. Q in the garage? And did he use did Mark use that refrigerator to keep guns A. Yes. Q in the refrigerator? And did it have a lock on it? A. Yes. Q. Now, at a certain point in 2015 Mark's guns were removed from the house? A. Yes. Yes. Q. That was approximately July 1st, 2015 that his guns were removed, correct? A. Correct. Q. And that was after the time that you took him to the hospital, correct? A. Yes. Q. You were in Japan when the you know, 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9 20	 Karen, she emailed me what's going on. So she told me to come back. Q. This is Karen this is a neighbor that you had? A. Yes. Across street. Q. And what did she have a husband named Jared? Or is that someone else? A. No. Someone else. Q. Okay. A. Andrew, I think, her husband. Andy, I believe. Q. Karen and Andy? A. Yes. Q. I understand. So while you were in Japan with the sorry. Strike that. You were in Japan with your children, correct? A. Yes.
3 4 5 6 7 8 9 10 1 ⁻¹ 12 1 ⁻¹ 12 1 ⁻¹ 1	 A. Yes. Q in the garage? And did he use did Mark use that refrigerator to keep guns A. Yes. Q in the refrigerator? And did it have a lock on it? A. Yes. Q. Now, at a certain point in 2015 Mark's guns were removed from the house? A. Yes. Yes. Q. That was approximately July 1st, 2015 that his guns were removed, correct? A. Correct. Q. And that was after the time that you took him to the hospital, correct? A. Yes. Q. You were in Japan when the you know, when the police came and took away the guns; is that 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 Karen, she emailed me what's going on. So she told me to come back. Q. This is Karen this is a neighbor that you had? A. Yes. Across street. Q. And what did she have a husband named Jared? Or is that someone else? A. No. Someone else. Q. Okay. A. Andrew, I think, her husband. Andy, I believe. Q. Karen and Andy? A. Yes. Q. I understand. So while you were in Japan with the sorry. Strike that. You were in Japan with your children, correct? A. Yes. Q. And while you were in Japan, Karen emailed
3 4 5 6 7 8 9 10 1 ⁻¹ 1	 A. Yes. Q in the garage? And did he use did Mark use that refrigerator to keep guns A. Yes. Q in the refrigerator? And did it have a lock on it? A. Yes. Q. Now, at a certain point in 2015 Mark's guns were removed from the house? A. Yes. Q. That was approximately July 1st, 2015 that his guns were removed, correct? A. Correct. Q. And that was after the time that you took him to the hospital, correct? A. Yes. Q. You were in Japan when the you know, when the police came and took away the guns; is that 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Karen, she emailed me what's going on. So she told me to come back. Q. This is Karen this is a neighbor that you had? A. Yes. Across street. Q. And what did she have a husband named Jared? Or is that someone else? A. No. Someone else. Q. Okay. A. Andrew, I think, her husband. Andy, I believe. Q. Karen and Andy? A. Yes. Q. I understand. So while you were in Japan with the sorry. Strike that. You were in Japan with your children, correct? A. Yes. Q. And while you were in Japan, Karen emailed you and told you that the police had come to the
3 4 5 6 7 8 9 10 11 12 12 12 12 12 12 12 12 12 12 12 12	 A. Yes. Q in the garage? And did he use did Mark use that refrigerator to keep guns A. Yes. Q in the refrigerator? And did it have a lock on it? A. Yes. Q. Now, at a certain point in 2015 Mark's guns were removed from the house? A. Yes. Yes. Q. That was approximately July 1st, 2015 that his guns were removed, correct? A. Correct. Q. And that was after the time that you took him to the hospital, correct? A. Yes. Q. You were in Japan when the you know, when the police came and took away the guns; is that right? A. Yes. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 20 21 22 23	 Karen, she emailed me what's going on. So she told me to come back. Q. This is Karen this is a neighbor that you had? A. Yes. Across street. Q. And what did she have a husband named Jared? Or is that someone else? A. No. Someone else. Q. Okay. A. Andrew, I think, her husband. Andy, I believe. Q. Karen and Andy? A. Yes. Q. I understand. So while you were in Japan with the sorry. Strike that. You were in Japan with your children, correct? A. Yes. Q. And while you were in Japan, Karen emailed you and told you that the police had come to the house, correct?
3 4 5 6 7 8 9 10 1 12 12 12 12 12 12 12 12 12 12 22 22 2	 A. Yes. Q in the garage? And did he use did Mark use that refrigerator to keep guns A. Yes. Q in the refrigerator? And did it have a lock on it? A. Yes. Q. Now, at a certain point in 2015 Mark's guns were removed from the house? A. Yes. Yes. Q. That was approximately July 1st, 2015 that his guns were removed, correct? A. Correct. Q. And that was after the time that you took him to the hospital, correct? A. Yes. Q. You were in Japan when the you know, when the police came and took away the guns; is that right? A. Yes. Q. So how did you find out about the police 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 24 24 24 24 24 24 24 24 24	 Karen, she emailed me what's going on. So she told me to come back. Q. This is Karen this is a neighbor that you had? A. Yes. Across street. Q. And what did she have a husband named Jared? Or is that someone else? A. No. Someone else. Q. Okay. A. Andrew, I think, her husband. Andy, I believe. Q. Karen and Andy? A. Yes. Q. I understand. So while you were in Japan with the sorry. Strike that. You were in Japan with your children, correct? A. Yes. Q. And while you were in Japan, Karen emailed you and told you that the police had come to the house, correct? A. Yes.
3 4 5 6 7 8 9 10 1 12 12 12 12 12 12 12 12 12 12 22 22 2	 A. Yes. Q in the garage? And did he use did Mark use that refrigerator to keep guns A. Yes. Q in the refrigerator? And did it have a lock on it? A. Yes. Q. Now, at a certain point in 2015 Mark's guns were removed from the house? A. Yes. Yes. Q. That was approximately July 1st, 2015 that his guns were removed, correct? A. Correct. Q. And that was after the time that you took him to the hospital, correct? A. Yes. Q. You were in Japan when the you know, when the police came and took away the guns; is that right? A. Yes. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 20 21 22 24 25 24 25 24 25 24 25 24 25 25 25 25 25 25 25 25 25 25	 Karen, she emailed me what's going on. So she told me to come back. Q. This is Karen this is a neighbor that you had? A. Yes. Across street. Q. And what did she have a husband named Jared? Or is that someone else? A. No. Someone else. Q. Okay. A. Andrew, I think, her husband. Andy, I believe. Q. Karen and Andy? A. Yes. Q. I understand. So while you were in Japan with the sorry. Strike that. You were in Japan with your children, correct? A. Yes. Q. And while you were in Japan, Karen emailed you and told you that the police had come to the house, correct? A. Yes.

Exhibit A: Page 1 of 9

2 A. I believe so, yes. 2 day Mark Berhow died) and the day of the Incident." 3 MS. LEFKOWITZ: I'd like to mark as an 3 Do you see that question? 4 ANI, Mark, if you could pull those up on 6 A. Yes. 5 responses. 6 And, Mark, if you could pull those up on 7 6 6 And, Mark, if you could pull those up on 7 7 7 7 1 6 Q. And then you provided answer to that 6 7 the things in your answer says, 'I had a sincere 8 belief that law enforcement had selzed all firearms 9 and ammunition on or around July 1st, 2015." 10 Do you see that answer? 10 Do you see that answer? 11 A. Yes. Nexs, 'I had a sincere 8 belief that law enforcement had selzed all firearms 9 and ammunition on or around July 1st, 2015." Do you see that answer? 11 Q. And, Marki. I'rm sorry. You're marking this 3 Q. You see that answer? THE WITNESS: I'll ask Mark, is that okay? 15 BY MS. LEFKOWITZ: 10 Q. You see that answer? THE WITNESS: Yes. 11 16 MS. LEFKOWITZ: 10 Q. So you see t		and the second		
3 MS. LEFKOWITZ: 'Id like to mark as an 4 exhibit, Mami Matsuura-Berhow's interrogatory 5 responses. 3 Do you see that question? 4 A. Yas. 6 And, Mark, If you could pull those up on 7 the screen. 4 A. Yas. 6 7 Drow answer sky, 'I had a sincere 8 6 4 6 question which says a number of things, but one of 6 6 8 (Whereupon, Exhibit 20 was marked for 9 1 0 Do you see that answer? 1 8 belief that law enforcement had selzed all firearms 9 and ammunition on around July 1st, 2015." 10 Da you see that answer? 1 A. Yes. 7 Subject to and without 9 waiving objectoms waiving objectoms.		•		(including the garage) between December 5, 2017 (the
4 exhibit, Mami Matsuura-Berhow's interrogatory 4 A. Yes. 5 responses. 5 Q. And then you provided answer to that 6 And, Mark, if you could pull those up on 6 Q. And then you provided answer to that 7 the screen. 6 Q. And, Mark, if you could pull those up on 6 8 (Whereupon, Exhibit 20 was marked for 9 and ammunition on a round July 1st, 2015." 9 Da you see that answer? 9 and ammunition on a round July 1st, 2015." 10 DY MS. LEFKOWITZ: 11 A. Yes. 11 BY MS. LEFKOWITZ: 11 A. Yes. 12 as Exhibit 20? 11 A. Yes. 13 A. Yes. 11 A. Yes. 14 BY MS. LEFKOWITZ: 11 A. Yes. 15 BY MS. LEFKOWITZ: 11 BY MS. LEFKOWITZ: 16 D. you see that answer? 11 BY MS. LEFKOWITZ: 17 BY MS. LEFKOWITZ: 11 A. Yes. 18 Q. And the question there is "State whether 23 A. Yes. 20 Q. And the question there is "State whether				
5 responses. 5 Q. And then you provided answer to that 6 And, Mark, If you could pull those up on 6 7 the screen. 7 8 (Whereupon, Exhibit 20 was marked for 9 9 identification.) 9 10 BY MS. LEFKOWITZ: 9 11 Q. And, Mami, If you could tell me when you 1 12 have the document in front of you. 12 13 A. Yes, I do have it. 13 14 MR. MARK: Tm sory. You're marking this 13 15 as Exhibit 20? 14 16 MS. LEFKOWITZ: 15 17 BY MS. LEFKOWITZ: 16 18 Dy ou see that? 17 19 Q. So you see that? 18 20 No. 2.* 17 21 Do you see that? 23 22 A. Yes. and ammunition on or around July 1st, 2015, frearms - 1 21 believed that, around July 1st, 2015, frearms - 2 2 23 A. That's correct. 1 Q. So when did Mark realize that his guns were<				
6 And, Mark, If you could pull those up on 6 question which says a number of things, but one of 7 the screen. 7 the screen. 7 8 (Whereupon, Exhibit 20 was marked for 9 and ammunition on or around July 1st, 2015." 9 and ammunition on or around July 1st, 2015." 9 Do you see that answer? 1 A. Yes, I do have it. 1 A. Yes. Okay. "Subject to and without 1 waing objections I was only aware." Yes. 13 A. Yes, I do have it. 1 A. Yes. Okay. "Subject to and without 1 A. Yes. 1 BY MS. LEFKOWITZ: 1 1 BY MS. LEFKOWITZ: 1 1 BY MS. LEFKOWITZ: 1			4	
7 the screen. 7 the things in your answer says, "I had a sincere 8 (Whereupon, Exhibit 20 was marked for identification.) 3 belief that law enforcement had selzed all firearms 9 adminitiation on around July 1st, 2015," Do you see that answer? 10 DX A, Yes, Ide have it. 10 Do you see that answer? 11 A, Yes, Ide have it. 13 Q, You see that answer? 12 have the document in front of you. 12 waiving objections I was only aware." Yes. 13 A, Yes, Ide have it. 13 Q, You see that answer? Yes. 14 MR. MARK. I'm sorty. You're marking this 14 THE WITNESS: Yes. 11 14 MS. LEFKOWITZ: Exhibit 20. Exactly. 16 THE WITNESS: Yes. 17 15 masterit says "Special Interrogatory 18 BY MS. LEFKOWITZ: 18 State Whether 20 19 Q. So you see that one of the things you said 12 Q. And the question there is "State whether 23 Do you see that? 20 10 Do you see that? 21 De you were aware of the presence of firearms, and ammunition on or around July 1st, 2015, firearms and ammunition on or	5		5	
8 (Whereupon, Exhibit 20 was marked for jeantification.) 9 belief that law enforcement had selzed all firearms and ammunition on or around July 1st, 2015." 9 Q. And, Mami, if you could tell me when you have the document in front of you. 10 Do you see that answer? 11 Q. And, Mami, if you could tell me when you have the document in front of you. 11 A. Yes. Okay. "Subject to and without 12 A. Yes, I do have it. 12 No. 2x* Ysubject to and without 13 A. Yes, I do have it. 13 O. You see that answer? 14 MR. MARK: I'm sorry. You're marking this as Exhibit 20? 14 THE WITNESS: Yes. 11 15 BY MS. LEFKOWITZ: 15 MR. MARK: Yes. 16 THE WITNESS: Yes. 16 M. EFKOWITZ: 16 Do you see that? 2 10 10 10 10 10 10 10 10 10 10 10 10 10 10 11 10 10 10 10 10 10 10 10 10 10 11 10 10 10 10 10 10 10 10 10 10 <td< td=""><td>6</td><td>And, Mark, if you could pull those up on</td><td>6</td><td></td></td<>	6	And, Mark, if you could pull those up on	6	
9 identification.) 9 and ammunition on or around July 1st, 2015." 10 BY MS. LEFKOWITZ: 10 Do you see that answer? 11 A. Yes, I do havet it. 13 A. Yes, I do havet it. 12 have the document in front of you. 12 A. Yes, I do havet it. 13 A. Yes, I do havet it. 13 Couse that answer? 14 MR. MARK: I'm sorry. You're marking this 14 THE WITNESS: I'll ask Mark, is that okay? 15 as Exhibit 20? 15 MR. MARK: Yes. 16 MS. LEFKOWITZ: Exhibit 20. Exactly. 16 THE WITNESS: Yes. 17 BY MS. LEFKOWITZ: 17 17 18 page number 3 where it says "Special Interrogatory responses is that you had a 10 12 A. Yes. 20 So you see that? 21 Do you see that? 21 11 23 Q. And the question there is "State whether 23 Do you see that? 24 A. Yes. 14 Q. So what I'm trying to figure out is why you had the atelief. 14 34 A. Oh. 1 Q. So what I'm trying to figure out is why you had the lelief. 15	7	the screen.	7	
10 BY MS, LEFKOWITZ: 10 Do you see that answer? 11 A, Yes, Ido have it. 11 A. Yes. Okay. "Subject to and without 12 waiving objections I was only aware." Yes. 11 13 A. Yes, Ido have it. 13 14 MR. MARK: I'm sorry. You're marking this 14 15 as Exhibit 20? 15 16 MR. MARK: I'm sorry. You're marking this 14 17 BY MS, LEFKOWITZ: 16 18 Q. Mami, I'm going to point you to the 18 19 page number 3 where it says "Special Interrogatory 19 20. And the question there is "State whether 20 21 Do you see that; 21 22 A. Yes. 22 32 A. That's correct. 23 41 believed that, around July 1st, 2015, firearms - 1 2 believed that, around July 1st, 2015, firearms - 1 2 A. That's correct. 20 3 A. That's correct. 20 4 A. So. 19 5 A. So what I'm trying to figure out is why you	8	(Whereupon, Exhibit 20 was marked for	8	
11 Q. And, Mami, if you could tell me when you 11 A. Yes. Okay. "Subject to and without 12 have the document in front of you. 12 waiving objections I was only aware." Yes. 14 MR, MARK: I'm sorry. You're marking this 3 Q. You see that answer? 14 MR, MARK: I'm sorry. You're marking this 3 Q. You see that answer? 15 ms, MARK: Yes. THE WITNESS: Yes. THE WITNESS: Yes. 16 O. Mami, I'm going to point you to the 18 BY MS. LEFKOWITZ: 17 Do you see that? 10 So you see that one of the things you said 20 No. 2." Q. So you see that one of the things you said 21 Do you see that? 21 So you see that one of the things you said 22 A. Yes. The incerns and ammunition on or around July 1st, 2015 23 Q. And the question there is "State whether 23 Do you see that? 24 You were aware of the presence of frearms, 24 A. Yes. 25 ammunition and/or firearm accessories in Your home, correct? 3 A. I don't know. He was in Olive View, then 4 A. Concet. 3 A. Yes. I's not only that.	9	identification.)	9	and ammunition on or around July 1st, 2015."
12 have the document in front of you. 12 waiving objections I vasi only aware." Yes. 13 A. Yes, I do have it. 13 Q. You see that answer? 14 MR. MARK: I'm sorry. You're marking this 14 THE WITNESS: 'Ill ask Mark, is that okay? 15 as Exhibit 20? 15 THE WITNESS: 'Ill ask Mark, is that okay? 16 MS. LEFKOWITZ: 17 THE WITNESS: 'Ill ask Mark, is that okay? 17 BY MS. LEFKOWITZ: 17 (inaudible discussion off the record.) 18 page number 3 where it says "Special Interrogatory responses is that you had a 1 19 page number 3 where it says "Special Interrogatory responses is that you had a 1 21 Do you see that? 21 22 A. Yes. 23 Q. And the question there is "State whether 23 24 You were aware of the presence of firearms, and ammunition on or around July 1st, 2015, forearms – 1 Q. So when did Mark realize that his guns were gene? 24 believed that, around July 1st, 2015, firearms – 1 Q. So when did Mark realize that his guns were gene? 3 A. That's correct. 3 A. Idon't know. He was in Olive View, then 4 A	10	BY MS. LEFKOWITZ:	10	Do you see that answer?
13 A. Yes, I do have it. 13 Q. You see that answer? 14 MR. MARK: I'm sorry. You're marking this 13 Q. You see that answer? 14 MR. MARK: I'm sorry. You're marking this 14 THE WITNESS: I'll ask Mark, is that okay? 15 MR. MARK: Yes. 16 MR. MARK: Yes. 16 MS. LEFKOWITZ: Exhibit 20. Exactly. 16 THE WITNESS: I'll ask Mark, is that okay? 17 BY MS. LEFKOWITZ: Exhibit 20. Exactly. 16 THE WITNESS: Yes. 17 Do you see that? 20 No. 2." 18 Store belief that law enforcement had seized all 18 Do you see that? 20 So you see that? 23 Do you see that? 21 Do you see that? 23 O. And the question there is "State whether 23 Do you see that? 24 23 Q. And the question there is "State whether 24 A. Yes. Q. So when did Mark realize that his guns were 25 ammunition and/or firearm accessories in Your house, correct? 3 A. I don't know. He was in Olive View, then 4 Q. So what I'm trying to figure out is why you 5 hd that belief. 3 Q. I couldn't communicate with him bec	11	Q. And, Mami, if you could tell me when you	11	A. Yes. Okay. "Subject to and without
14 MR. MARK: I'm sorry. You're marking this 14 THE WITNESS: I'll ask Mark, is that okay? 15 as Exhibit 20? 15 MR. MARK: Yes. 16 MS. LEFKOWITZ: Exhibit 20. Exactly. 16 THE WITNESS: Yes. 17 BY MS. LEFKOWITZ: Exhibit 20. Exactly. 16 THE WITNESS: Yes. 18 Q. Mami, I'm going to point you to the page number 3 where it says "Special Interrogatory. 18 BY MS. LEFKOWITZ: 20 No. 2." Q. So you see that one of the things you said 21 Do you see that? 21 So you see that one of the things you said 22 A. Yes. 23 O. And the question there is "State whether 23 23 Q. And the question there is "State whether 23 Do you see that? Q. And you wrote that as an answer because you 24 You were aware of the presence of firearms, 24 A. Yes. Q. So when did Mark realize that his guns were 25 ant at's correct. 1 Q. So what I'm trying to figure out is why you 5 A. I don't know. He was in Olive View, then 4 A. Ses. It's not only that. 9 A. Yes. It's not only that. Q. So when did Mark realize that his meanswas. 1 <	12	have the document in front of you.	12	waiving objections I was only aware." Yes.
15 as Exhibit 20? 15 MR. MARK: Yes. 16 MS. LEFKOWITZ: Exhibit 20. Exactly. 16 THE WITNESS: Yes. 17 BY MS. LEFKOWITZ: 17 (Inaudible discussion off the record.) 18 Q. Mami, I'm going to point you to the 18 Q. Mami, I'm going to point you to the 19 page number 3 where it says "Special Interrogatory 19 Q. So you see that one of the things you said 20 No. 2.* Q. And the question there is "State whether 20 No you were aware of the presence of firearms, 21 Do you see that? 21 Do you see that? 21 23 Q. And the question there is "State whether 23 A. Yes. 24 24 You were aware of the presence of firearms, 24 A. Yes. 24 24 You were aware of the presence of firearms, 24 A. Yes. 20 And dual Mark realize that his guns were 27 A. That's correct. 3 A. I don't know. He was in Olive View, then 4 A. Oh. 6 Q. You couldn't communicate with him. 5 5 Japan. I couldn't communicate with him. 5 Japan. I couldn't communicate with h	13	A. Yes, I do have it.	13	Q. You see that answer?
16 MS. LEFKOWITZ: Exhibit 20. Exactly. 16 THE WITNESS: Yes. 17 BY MS. LEFKOWITZ: 17 (Inaudible discussion off the record.) 18 Q. Mami, I'm going to point you to the page number 3 where it says "Special Interrogatory responses is that you had a sincere belief that law enforcement had seized all in your interrogatory responses is that you had a sincere belief that law enforcement had seized all sincere belief that law enforcement had seized all in your interrogatory responses is that you had a sincere belief that law enforcement had seized all sincere belief that law enforcement had seized all in your interrogatory responses is that you had a sincere belief that law enforcement had seized all firearms and ammunition on or around July 1st, 2015. 24 A. Yes. Q. And the question there is "State whether 22 anmunition and/or firearm accessories in Your home 25 Q. And you wrote that as an answer because you see that? 24 You were aware of the presence of firearms, and answer because you see that? 1 Q. So when did Mark realize that his guns were gone? 3 A. That's correct. 2 3 A. I that's belief. 1 4 Delieved that, around July 1st, 2015, firearms - 1 Q. So when did Mark realize that his guns were gone? 5 A. That's correct. 3 A. I that's belief. 1 6 A. Oh. 6 A. Correct. 9 A. I correct.	14	MR. MARK: I'm sorry. You're marking this	14	THE WITNESS: I'll ask Mark, is that okay?
17 BY MS. LEFKOWITZ: (Inaudible discussion off the record.) 18 Q. Marni, I'm going to point you to the page number 3 where it says "Special Interrogatory 9 20 No. 2." Q. So you see that one of the things you said in your interrogatory responses is that you had a 21 Do you see that? 20 23 Q. And the question there is "State whether 24 22 24 A. Yes. 22 25 ammunition and/or firearm accessories in Your home 25 23 1 believed that, around July 1st, 2015, firearms 2 24 2 the firearms were removed from your house, correct? 2 3 A. That's correct. 3 4 Q. So what I'm trying to figure out is why you had that belief. 5 6 A. Oh. 6 7 Q. Is your answer because you received an maint moy our neighbor? 7 9 A. Yes. It's not only that. 9 10 spoke with another neighbor. He knows 13 also. They were - Mark and him are really good 14 friends. So he informed me also they took all gun. 12 Torrance, so I had to pick him up. Yes. That's 13 right. 13 A. No. 1 Lome back to U.S., so she did for me because I/	15		15	
17 BY MS. LEFKOWITZ: (Inaudible discussion off the record.) 18 Q. Marni, I'm going to point you to the page number 3 where it says "Special Interrogatory 9 20 No. 2." Q. So you see that one of the things you said in your interrogatory responses is that you had a 21 Do you see that? 20 23 Q. And the question there is "State whether 24 22 24 A. Yes. 22 25 ammunition and/or firearm accessories in Your home 25 23 1 believed that, around July 1st, 2015, firearms 2 24 2 the firearms were removed from your house, correct? 2 3 A. That's correct. 3 4 Q. So what I'm trying to figure out is why you had that belief. 5 6 A. Oh. 6 7 Q. Is your answer because you received an maint moy our neighbor? 7 9 A. Yes. It's not only that. 9 10 spoke with another neighbor. He knows 13 also. They were - Mark and him are really good 14 friends. So he informed me also they took all gun. 12 Torrance, so I had to pick him up. Yes. That's 13 right. 13 A. No. 1 Lome back to U.S., so she did for me because I/	16	MS. LEFKOWITZ: Exhibit 20. Exactly.	16	THE WITNESS: Yes.
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19 page number 3 where it says "Special Interrogatory 19 Q. So you see that one of the things you said 20 No. 2." 21 Do you see that? 21 in your interrogatory responses is that you had a 21 Do you see that? 21 in your interrogatory responses is that you had a 22 A. Yes. 22 in your interrogatory responses is that you had a 22 A. Yes. 22 in your interrogatory responses is that you had a 23 Q. And the question there is "State whether 23 Do you see that? 24 You were aware of the presence of firearms and ammunition on or around July 1st, 2015 G. And you wrote that as an answer because you 25 ammunition and/or firearm accessories in Your house, correct? Q. So when did Mark realize that his guns were 26 A. That's correct. 3 A. I don't know. He was in Olive View, then 4 A. Oh. 5 Japan. I couldn't communicate with him. Les in the hospital, correct? 7 A. Ses. It's not only that. 9 A. Ses. It's not only that. 9 Q. But at some point both of you came home, 10 12 sorry, I just don't recall. He knas thim are really good 11 A. Yes. I knew Ma	18			
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14friends. So he informed me also they took all guns.14I spoke with Kaiser, his counselor.15Q. Is this Jared?15Therapist. I asked the therapist to hold Mark until16A. No.16I come back to U.S., so she did for me because I w17Q. No. Not Jared. Okay.17Very worried about Mark's situation. So I knew18A. It was not Jared.18where he was, and then as soon as I came back to19Q. I understand. Oh19U.S., I went to hospital to pick him up.20A. Not Tony. I can't recall.20Q. Did you and Mark ever talk about the fact21Q. And at some point in July 2015, did Mark21that his guns were taken away by the police?23A. Yes. He was in rehab while we when we23Q. Do you remember any part of that24left. Then while I was in Japan, I think he came25A. Yes, I probably I did.	13	also. They were Mark and him are really good	1:	3 right.
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Exhibit A: Page 2 of 9 CRANGLE

1 2015? 1 Q while this was going on, correct? 2 A. Right. Correct. 2 A. Yes. Correct. 3 MS. LEFKOWITZ: Mark, you can get rid of 3 Q. Was Mark home at the time? 4 this document for now. 4 A. No, he was not at home. 5 BY MS. LEFKOWITZ: 5 Q. Do you know where he was around that time? 6 Q. And do you know whether they found any 6 A. No. 7 guns? 7 Q. Was he living in a rehab facility around 8 A. I don't know. 9 A. I don't think so. I think he was working 9 Q. Did you at any point look around the house 9 A. I don't think so. I think he was working 10 to see if there were guns? 10 at Kaiser. He went back to work. But I didn't 11 A. I don't think so. He was with me entire 11 well yes, he was he went back to work. The 12 time while they were searching gun. And I was in 13 2 be you know why they came back, second search. 13 the living room with him. And they went to also 13 Q. Do you know why they came back to do the 14 garage and they took			
3 A. He understood. 3 Q. And you believe he was at Kaiser for 4 Q. He understood. He thought it was safer for approximately a week? 6 A. Yes, he knew. C. Now, on the same document that you were 7 Q. Why did he think it was safer for the guns 6 A. Probably belween a week to ten days. 8 Do be taken away? 8 Exhibit 20, Fm going to point you back to your 9 A. Because he was alcoholic. 9 response to Interrogatory No.2, where you say, 10 C. How long — you indicated a few minutes ago 13 and October of 2015." 13 C. How long — you indicated a few minutes ago 14 and back oyour 15 correct? 15 A. Yes. 16 A. Yes. Because I asked. 16 Q. And that was part of your answer to the 17 Q. Op you remember how many days, 17 question there, right? 18 approximately – 20 And what – why did you think that law 20 A. Approximately – 20 And what – why did you think that law 21 Then I knew Olive View would hold him for three 21 A. Kes. 22 Th	tokon owovil		
4 A. He understood. He thought it was safer for 4 approximately a week? 5 the guns to be taken away at that point? 5 A. Probably between a week to ten days. 7 Q. Why did he think it was safer for the guns 6 A. Wow, on the same document that you were 7 Q. Why did he think it was safer for the guns 6 Q. Now, on the same document that you were 9 A. Because he was alcoholic. 9 response to Interrogatory No. 2, where you say, 10 Q. And this is what he told you? 10 "Upon information and belief, taw enforcement 11 A. Ijust guessed it. He was not best 11 conducted another search for any firearms and 12 condition. He was sick. 13 and October 072015." 14 that he was transferred from Olive View to Kaiser, 14 Do you see that? 15 correct? 14 A. Yes. Q. And that was part of your answer to the 17 Q. Do you remember how many days, 17 question there, right? A. Yes. 18 A. Yes. 19 A. And what – why did you think that law 19 A. One week, I believe. I'm not sure. 19 A. And what – why did you think that law <tr< td=""><td></td><td></td><td></td></tr<>			
5 the guns to be taken away at that point? 5 A. Probably between a week to ten days. 6 A. Yes, he knew. Q. Now, on the same document that you were 7 Q. Why did he think it was safer for the guns The booking at before, that we were just discussing, 8 to be taken away? Exhibit 20, I'm going to point you back to your 9 A. Because he was alcoholic. 9 10 Q. And this is what he told you? 10 11 A. I just guessed it. He was not best 11 12 condition. He was sick. 11 13 C. How long – you indicated a few minutes ago 13 14 that the was transferred from Olive View to Kalser, 14 15 correct? 15 16 A. Yes. Because I asked. 16 17 Q. Do you remember how many days, 17 18 approximately, he was at Kaiser? 18 19 A. One week, Ibelieve. I'm not sure. 19 Q. And what - why did you think that law 20 Q. Approximately - 22 10 Cotober of 2015 to look for guns? 21 Then I knew Olive View would hold him for three 24			
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14 that he was transferred from Olive View to Kaiser, 14 Do you see that? 15 correct? A. Yes. 15 A. Yes. 16 A. Yes. Because I asked. 16 Q. And that was part of your answer to the 17 Q. Do you remember how many days, 17 question there, right? 18 approximately, he was at Kalser? 18 A. Yes. 14 Do wouse that? 16 Q. And what – why did you think that law 20 Q. Approximately – 10 A. Mes. Perscent again either in September or 21 A. Now work of the officer talked with me 20 enforcement came again either in September or October 24 So I couldn't change flight. It was 21 A. Because one of the officer talked with me 25 costing a lot, plus it was during summer vacation, 25 Q. This was either in September or October 1 2015? 1 Q			
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 22 Then I knew Olive View would hold him for three 23 days. 24 So I couldn't change flight. It was 25 costing a lot, plus it was during summer vacation, 2015? 2 A. Right. Correct. 3 MS. LEFKOWITZ: Mark, you can get rid of 4 this document for now. 5 BY MS. LEFKOWITZ: 6 Q. And do you know whether they found any 7 guns? 9 Q. Did you at any point look around the house 9 Q. Did you at any point look around the house 10 to see if there were guns? 11 A. I don't think so. He was with me entire 12 time while they were searching gun. And I was in 13 the living room with him. And they went to also 14 garage and they took all the bullets. 15 Q. When you say "he," you mean Mark? 16 A. I'm sorry? 17 Q. You said "he" was with you the whole time. 17 Q. So I just want to make sure I understand. 10 September/October of 2015 and one officer stayed 20 And in 2015 - one second. I'm Just 			-
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24 With you in the living room 24 wondering in other locks who are not the or Mark of	22 house looking for guns and ammunition in	a z.	
25 A. Yes. 25 Mami's lawyer could put themselves on mute.	house looking for guns and ammunition inSeptember/October of 2015 and one officer staye		
63	 house looking for guns and ammunition in September/October of 2015 and one officer staye with you in the living room 	2	4 wondering if other folks who are not me or Mark or

Exhibit A: Page 3 of 9 CRANGLE

5 MR. MARK: And, Counsel, we can hear you 6 A. When did I say that? 7 out, but we can hear you pretty clearly. 6 A. When did I say that? 7 out, but we can hear you pretty clearly. 7 Q. Why don't I refresh your memory on this. 8 (Discussion off the record.) 9 Whs. Dack to Exhibit 19, to page 97. 0 9 BY MS. LEFKOWITZ: 9 Turb ack to Exhibit 19, to page 97. 0 11 talking about the fact that Mark's guns were removed 11 0. And then in 2016, law enforcement actually 4 15 destroyed those guns, correct? 13 C. And then in 2016, law enforcement actually 4 16 A. That I heard, but I really don't know how 16 middle of 97 where we talked about Nathaniel and 17 they destroy or when they destroyed the torn 18 A. Yes. 18 know. 18 A. Yes. 19 Q. But you do know that they did destroy the 19 Q. And the nimicaliaely under that 13 2016, you ainer you saying that at the time, in 22 over the Internet but did notice in 2016, that the 13 Q. Now, does this refresh your memory in any 1		4	(Discussion off the record.) MS. LEFKOWITZ: Mami, the most important thing is, if you don't hear me or if you don't understand me, please let me know. Okay?	2 3 4	interviewed that, in 2016, Mark started getting a lot of packages, correct? A. Mark started I'm sorry? Q. That Mark started getting a lot of packages
7 QL, but we can hear you pretty clearly. 7 Q. Why don't I refresh your memory on this. 8 (Discussion off the record.) 8 If you could turn back to – if you could 9 BY MS. LEFKOWITZ: 9 turn back to Exhibit 19, to page 97. 10 Q. Okay. So I was asking that – we were 10 A. Yes. 11 taiking about the fact that Mark's gues were removed 11 Q. And then in 2016, law enforcement actually 14 A. And then in 2016, law enforcement actually 14 A. Yes. Yes. I recall. Yes. 15 destroyed those guns, correct? 15 Q. And then inzed, but I really don't know how 16 16 A. That I heard, but I really don't know how 17 Mark going to the gun range, correct? 18 know. 18 A. Yes. Yes. 19 Q. But you do know that they did destroy the 19 Q. And then inzediately under that 20 You – are you saying that at the time, in 22 received many packages through the mail." 22 G. You – are you sagting that at the time, in 22 received many packages through the mail." 23 A. Yes. 14 No. He used to bu			•		
8 If you could turn back to - if you could 9 BY MS. LEFKOWITZ: 9 10 Q. Kay. So I was asking that we were 10 11 taiking about the fact that Mark's guns were removed 11 11 taiking about the fact that Mark's guns were removed 10 11 A. Yes. Correct. 10 12 from the house in 2015, correct? 12 14 Q. And then in 2016, law enforcement actually 14 15 destroyed those guns, correct? 15 16 A. That I heard, but I really don't know how 16 17 they destroy or when they destroyed it. I don't 17 17 by our doknow that they did destroy the 19 18 a. Now. 18 20.16, you didn't know that they destroyed the guns? 21 21 A. No. 14 22 Q. You - are you saying that at the time, in 22 23 2016, you didn't know that they destroyed the guns? 22 22 Q. You said that hat we destroyed the guns? 24 23 2016, you guidy it haw to they destroyed the guns? 24 <td< td=""><td></td><td></td><td></td><td></td><td></td></td<>					
9 BY MS, LEFKOWITZ: 9 turn back to Exhibit 19, to page 97. 10 Q. Okay. So I was asking that we were 10 A. Yes. 12 from the house in 2015, correct? 12 13 A. Yes. Correct. 13 14 Q. And then in 2016, law enforcement actually 14 A. Yes. Correct. 15 destroyed those guns, correct? 15 Q. And we had looked at the paragraph in the police? 16 A. That I heard, built really don't know how 16 middle of 97 where we talked about Nathaniel and they destroy or when they destroyed it. I don't 17 18 know. 19 Q. And then immediately under that 20 guns, correct? 18 A. Yes. 14 A. Now I know. Yes. 19 Q. And then immediately under that 2016, you didn't know that they destroyed the guns? 23 correct was mark Berhow was ordering gun parks 25 Q. You told the police when you were 25 A. Yes. 26 You us the they destroyed the guns? 1 what you're saying? 2 A. No. 24 Do you see that? 25 Q. You usid tha the used to buy stuff through					
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11 talking about the fact that Mark's guns were removed 11 Q. And do you see this is the interview	1	10	Q. Okay. So I was asking that we were	10	A. Yes.
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25 Q. You didn't look at the packages; is that 25 believe that there were any real guns in the house,		$\begin{array}{c} 2 \\ 3 \\ 4 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 10 \\ 11 \\ 13 \\ 14 \\ 15 \\ 16 \\ 18 \\ 19 \\ 20 \\ 22 \\ 23 \\ 24 \end{array}$	 way that Mark was getting a lot of packages in 2016? A. Yes. Not only 2016. I have to say that. He used to buy stuff through the Internet. So he receive we received the package, like, on all days back then. Q. I'm sorry. I didn't understand that. Gina, did you get it? THE REPORTER: No, I was trying to interrupt to ask the same thing. THE WITNESS: Okay. Let me repeat. Yes. I received we received packages. On the package it was in Mark Berhow's name. (Reporter clarification.) BY MS. LEFKOWITZ: Q. And you said this was in 2016, correct? A. That's I'm not sure it was only 2016 or 2017. I do not remember. Q. Did you open any of the packages that were had his name on it? A. No. Q. Did Mark take those packages to the garage? A. I don't know. He always get package, then after that, I don't look at him. I don't know. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 24 24	 A. No. I had no interest in his package. Q. You said that he used to buy stuff through the Internet, correct? A. Yes. Q. Do you know what kind of stuff he used to buy through the Internet? A. No. I didn't ask. Q. And go ahead. Are you done? I just want to make sure I'm not interrupting you. A. Yeah. He had so many hobbies, like fishing and camping and, of course, guns. So I didn't ask him each time he ordered, what did you I was busy too, so I didn't involve too much. MS. LEFKOWITZ: I think I'm going to ask one more set of questions, and then I think we should take a break because we've been going for about two hours. Is that okay with everyone? Is that okay with you, Mami? THE WITNESS: Yes. BY MS. LEFKOWITZ: Q. Okay. Now, you've told the police that in 2019, at the time of the shooting, you did not
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Exhibit A: Page 4 of 9



	correct?	1	that bedroom, correct?
1	A. Correct.	2	A. Yes.
3	Q. But you did think that – sorry, I heard an	3	Q. That was the master bedroom?
4	echo, so I'm going to start again.	4	A. Yes.
5	But you did think that there was a BB rifle	5	Q. So let's concentrate let's start first
6	in the house?	-	on Nathan's bedroom.
7	A. Yes.	7	A. Yes.
8	Q. Why did you think there was a BB rifle in	8	Q. Did Nathan did Nathaniel like it when
9	the house?	9	you well, did you frequently go into his room?
10	A. Because I saw it.	10	A. Yes.
11	Q. And do you remember where you saw it?	11	Q. Why would you go into his room?
12	A. Maybe in the living room.	12	A. As a mother, I fixed his bedroom bed
13	Q. There were - there were three bedrooms in	13	
14	your house, correct?	14	desk. Dusting. Changing his bed sheet, and swipe
15	A. Yes.	15	[sic] floors.
16	Q. There was one bedroom that was Samantha's,	16	If there's clothes to wash, I pick up from
17	right?	17	
18	A. Yes.	18	the clothes, I put it back in the closet.
19	Q. And then there was another bedroom that was	19	Q. Are you aware that in 2019, after the
20	Nathan's – Nathaniel's, right?	20	shooting, that the police found a gun in your son's
21	A. Yes.	21	bedroom?
22		22	
23		23	
24		24	
25			all. It was shocking.
20	69	20	70
1	Q. So even though you would go into the	1	correct?
2	bedroom to, you know, pick up his laundry and dust	2	A. Yes.
3	1.1 I I I I I I I I I I I I I I I I I I		
10	his desk, you didn't know that he had a gun in his	3	Q. Now, let's talk about your bedroom. Okay?
4	nis desk, you didn't know that he had a gun in his room?	4	Q. Now, let's talk about your bedroom. Okay? And you said you slept in your bedroom,
		4	
4	room?	4	And you said you slept in your bedroom,
4 5	room? A. No.	4	And you said you slept in your bedroom, right? A. Yes. Q. That's the master bedroom?
4 5 6	room? A. No. Q. Do you know that law enforcement found two	4 5 6	And you said you slept in your bedroom, right? A. Yes.
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 room? A. No. Q. Do you know that law enforcement found two BB pistols in his room? A. Yeah, I didn't know, but I know he was using BB guns. Q. So you did know you did know that Nathaniel had BB guns, correct? A. Yes. But I was not using it. So he was using it for just at the backyard. Q. Okay. So I'm just asking about him at this point. You knew that he had BB guns, correct? A. Yes. Q. So earlier you indicated that you thought there was one BB rifle in the house, correct? A. At least one, yes. Q. At least one. Okay. But so you really knew that there were a number of BB guns in the house, correct? A. I believe so. Q. And these were the BB guns that Nathaniel 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 20 21 22 23 24 25	And you said you slept in your bedroom, right? A. Yes. Q. That's the master bedroom? A. Yes. Q. And that's the bedroom was it upstairs? A. No. Q. Is it all on one floor? A. One floor. Q. And the master bedroom had a bathroom attached? A. Yes. Q. Are you aware that law enforcement found a handgun under your bed in 2019? A. No. Q. You don't before I just said that today, you did not know that law that the police had found a handgun under your bed in 2019? A. I didn't know. Q. Did you know that they found a handgun under your bed?

Exhibit A: Page 5 of 9 CRANGLE

1 page of this document. 1 Do you see that sentence? Toward the bottom of the page, do you see 2 2 A. Yes. 3 where it says, "DCFS employee Deluca was notified at 3 Q. Was that person you who told the police 4 2305 hours of the incident under referral number." 4 that you would be storing the guns at your 5 A. Yes. 5 relative's house? 6 Q. Do you know what DCFS is referring to? A. I do not recall this sentence. 6 7 A. I think family service. 7 Q. Do you remember telling the police during Q. That's the Department of Children and this incident that there were firearms in the house? 8 8 9 Family Services, right? 9 A. Maybe, I'm not certain. A. Okay. Q. Do you remember taking the firearms to 10 10 Q. Is that right? store them somewhere else after this incident? 11 11 12 A. I believe so. Yes. 12 A. I do not recall. Priority was Mark's 13 Q. Do you remember the Department of Children 13 health. I didn't want to lose him at all, so I 14 and Family Services becoming involved with the 14 believe I was working. Also, I had a schedule for 15 family after that incident? children. I know on that night I was very upset 15 A. Yes. emotionally, so I may say that. I do not recall. 16 16 Q. Now, if you look further down on that Q. But you knew that in June 2015, that there 17 17 18 document, it says, "Alcohol was a contributing 18 were firearms in the house, correct? 19 factor in this incident." 19 A. Yes. In June. Yes. And then it says, "V" -- redacted, we don't 20 20 Q. And you knew that they were kept in the 21 see the name -- "stated firearms were inside the 21 garage? 22 residence and secured in a gun safe. V/redacted 22 A. Yes. 23 stated that she would be storing the firearms at her 23 Q. In the refrigerator, that was a gun safe, 24 relatives home so S/Mark did not have access to 24 you knew --25 them." 25 A. I actually -- yes. 89 90 Q. And did you know that it was guite a lot of Q. You were worried that if something happened 1 1 2 guns that were kept in the garage, right? to Mark, that you -- your family would have 2 financial trouble? Is that what you're saying? 3 A. Yes. 3 Q. Do you remember approximately how many guns A. Yes. Because I -- I couldn't make the 4 4 money as much as Mark made. 5 it was? 5 A. I never counted, but I heard, I think, 20 6 So Samantha was very smart. Both kids are 6 smart. That I knew. And Samantha had the very 7 guns. 7 Q. Well, one of the documents that you ambitious dream. I wanted her to succeed. 8 8 9 produced to us showed that there were 42 guns. So I told the kids we still keep going no 9 Does that sound right to you? 10 10 matter what. So they did. 11 A. I didn't know 42. 11 Q. So you don't remember telling the police that you were going to remove the firearms for the 12 Q. Were you -- you said you were very worried 12 13 about Mark's health, right? 13 time being to a relative's house? A. Yes. 14 A. I don't recall at all. 14 Q. And I assume you were worried about your 15 15 My main concern was just the health, as I 16 children's safety as well, correct? said, and the kids' future. I didn't like guns at 16 A. Of course. 17 all. Even I didn't want to touch. 17 Q. Were you worried about the presence of 18 Q. Did you think that if you tried to remove 18 19 firearms in the house when Mark was sick? 19 the guns from the house that Mark would be upset 20 A. Probably I did. So many factors I had. 20 about that? 21 Priority was Mark's health. And then secondly A. Well, I never thought about that. I never 21 22 children. I wanted them to be well in the school. 22 had the interest in guns. I --23 And also I was worried about their mentality also. 23 Q. You never -- go ahead. Go ahead. At the same time finance - our finance was A. Yeah. So I was more worried about my 24 24 25 concern if something happened to Mark. 25 family members, not guns. 92 91

Exhibit A: Page 6 of 9 REPORTING SERVICES

1	He was heavy. I couldn't move him. We		believe I believe Nathaniel went back. No,
2	tried move him from sofa and lay him down on the	2	before that, he went back to see friends. Samantha
3	floor. We wanted to do CPR, but we didn't even know	3	came home also for short time. Many people came to
4	how we did.	4	our house. I do not recall who came, but I remember
5	And then ambulance came. And then	5	my family came.
6	Nathaniel and I went to his room and laid down on	6	Q. Can you tell me about how things were in
7	the bed. We held each other, prayed.	7	your family in 2018 after your husband died?
8	Then after a while, officer came. He	8	A. Since I was in a training program, I had to
9	passed away.	9	go back. And also I needed life – medical
10	Q. And you said that you had a very hard time	10	insurance because Kaiser refused it. We didn't have
11	after your husband passed away, right?	11	any medical insurance.
12	A. Yes.	12	And at the same time, I had to contact with
13	Q. And did Nathaniel also have a hard time	13	lawyer, and I had so many calls from creditors.
14	after his dad passed away?	14	And then I rely on Mark finance, so tried
15	A. I believe so.	15	to figure out what to do. And that same time, we
16	Q. Did he did he ever go to therapy?	16	had a fraud from found out that somebody was
17	A. No. Yeah. I asked him, but he said, "I'm	17	taking money from Mark's account.
18	okay."	18	Q. You mean someone was removing money from
19	Then three days later, he went back to	19	Mark's bank account? Is that what you're saying?
20	school because he has many friends. His friends	20	A. Yes.
21	told him to come back to school. I said, "That's	21	Q. How did Nathaniel in 2018, how did
22	good idea," because I was working. I think I had to	22	
23	go back to work too.	23	
24	Well, my family came from Japan, and they	24	was - I was kind of relieved. He had many friends,
25		25	
	101		102
1	8:00 to 5:00, 8:00 to 6:00 o'clock no, 7:00 to	1	sure I was good mother.
2	6:00 o'clock, I was gone during the day.	2	And my son was good too. We followed all
3	And I the time when he was in school, I	3	rules. He was good student. He was such a kind
4	called him during lunchtime to make sure he's okay.	4	person to his Boy Scout and cross-country and all o
5	We talked at night every night. He seemed okay.	5	his friends. He had many friends. He was good
6	MS. LEFKOWITZ: I'm going to take a	6	listener. Why?
7	one-minute break. Could we go off the record for	7	
8	just one minute?	8	difficult questions, but I do have to ask them.
9	THE VIDEOGRAPHER: Sure. Going off the	9	Do you have you thought that the
10	record. The time is 1:22.	10	presence strike that.
11	(Recess taken.)	11	Have you thought about the impact that guns
12	THE VIDEOGRAPHER: Coming back on the	12	2 played in Nathaniel's life when he was growing up,
13	record. The time is 1:24. Please begin.	13	3 how that may have impacted him?
14	BY MS. LEFKOWITZ:	14	A. I don't know. I wish I knew. You know,
15	Q. On November 14th, 2019, your son shot a	15	
16		16	
17		17	
18		18	
19		19	
20		20	
21	Have you do you have any idea why he did	2	
22		22	
23		23	
23		- 24	
25			5 all the details. Nathaniel's schedule. I wanted
20	103 103 103 103 103 103 103 103 103 103		10 all the details. Nathanier's schedule. I wanted
1			

Exhibit A: Page 7 of 9 REPORTING SERVICES

E

1 him to be succeed, so I was totally opposite. 1 BY MS. LEFKOWITZ: 2 Involved with school. Involved with his activities. Q. In --- a few days before the shooting, you 2 3 He did more than anybody, I believe. So I blame and your son went to visit the Naval Academy in 3 4 myself. Maybe I push him so hard. Maryland, right? 4 Q. We talked about the fact that Nathaniel had 5 A. Yes. Correct. 5 6 a gun in his room in 2019, correct? 6 Q. Why did you go out there? 7 A. We talk about it, but I didn't know he had 7 A. Well, my girlfriend, her son was there. Her son was there. Yes. And she told us how 8 a gun. 8 MR. MARK: You know, Counsel, maybe we 9 wonderful to be in the Navy Academy, so I was very 9 10 could just take a minute. I just want to -- maybe 10 interested. 11 we could -- just a moment to collect herself. Five 11 So I asked Nathaniel, "Let's go to see the 12 school," because I knew he wanted to become 12 minutes. 13 engineer, and I knew he had ambition to be engineer. 13 MS. LEFKOWITZ: Yeah. Five minutes. So I wanted to take him to good school. 14 That's fine. 14 Q. And what did he think of the Naval Academy? 15 THE VIDEOGRAPHER: Okay. Going off the 15 How was your experience there? 16 record. The time is 1:29. 16 A. Well, it a good school. It was a good (Recess taken.) 17 17 THE VIDEOGRAPHER: Coming back on the 18 school, but I was worried about their schedule. 18 They had to do swim 5:00 o'clock in the morning. 19 record. The time is 1:32. Please begin. 19 MS. LEFKOWITZ: Gina, can you read my And we saw dormitory. It was very simple. 20 20 last --- just the question that I asked. 21 It's like a prison. So I didn't want him to -- am I 21 a good mother to put him here? That was kind of 22 (Record read as follows: We talked about 22 the fact that Nathaniel had a gun in his 23 23 auestion. 24 24 Q. And how was -- do you know how Nathaniel room in 2019, correct?) 25 25 was feeling after you came back from the Naval 105 106 1 Academy? 1 of conversation. 2 A. No. Q. His grades had been better before? 2 Q. Do you remember whether he was tired? A. I'm sorry? 3 3 Q. Were his grades better before? A. He was tired. Yes. 4 4 Q. Was he tired from the trip or did you feel A. I believe so. He told me he was good. I 5 5 6 like he was tired from school? totally trusted him. 6 Q. But in November 2019, you received a A. I don't know that one, exactly where or 7 7 8 mid-year report from the school? 8 what happened. He was tired. I know he had so much 9 pressure. Boy Scout, he was leader of little kids. 9 A. Yes. Q. "Yes"? 10 And he had cross-country training. He had a meet. 10 A. Yes. 11 And he didn't feel good. I believe September he was 11 12 sick, or October. MS. LEFKOWITZ: We haven't received a copy 12 13 of that report, so I'm just noting for the record 13 So it was not only one factor. It was 14 several issues that he had. And he had pressure 14 that that report would be responsive to our document 15 from school. I remember I yelled at because he --15 request, and we'll just ask for that to be 16 his grade went down. So he promise with me, yeah, I 16 supplemented. 17 will bring that. BY MS. LEFKOWITZ: 17 Q. When did his grades go down? Q. You indicated that Nathaniel had several 18 18 A. I think early November we receive the --19 issues which included him being tired and being 19 20 his -- it was not final report. It was middle 20 stressed? 21 report. And he got, I think, Ds. So I asked him, 21 A. Yes. 22 "Explain to me why this happening." 22 Q. Anything else? So he said that he didn't turn in homework. 23 A. Anything else. That his grade went down. 23 24 I think that's enough issues, isn't it? 24 And I said, "Why, Nathaniel? You're so smart. You 25 can just turn in." Something like that. Just kind Q. I'm just trying to get a complete record, 25 107 108



1 so I just want to make sure I ask you everything. 1 detailed his feelings of being psychotic and cutting A. Yes. As long as I know, he was tired from himself." 2 2 3 cross-country. Cross-country training was very 3 Do you see that? 4 exhausting. And they were very serious. Saugus A. Yes. 4 5 High School was well-known great school for 5 Q. Do you remember the police telling you cross-country. 6 about those journals? 6 7 A. Yes. 7 So - and Boy Scouts also, he was leader in Q. But you had never seen those journals 8 the troop. He had to take care of little ones. And 8 9 before? 9 he was working on Eagle Scout project also. 10 And he had AP classes. That's enough. 10 A. No. Q. Had Nathaniel ever told you that he was 11 Q. Could I ask you to turn back to Exhibit 19. 11 12 And that's -- and once you're at Exhibit 19, to turn 12 feeling psychotic? A. No. 13 13 to page 95. 14 Q. Did you ever notice that Nathaniel was 14 Are you there? 15 15 cutting himself? A. Yes. A. No. 16 Q. If you could just give me one second. 16 On page 95, do you see where it says 17 Q. Can you tell me, in your words, what 17 18 "Interview With Mami Matsuura-Berhow"? 18 happened on the morning of November 14th, 2019, from A. Yes. 19 when you left the house? 19 20 20 Q. And at the very bottom of page 95, the last A. I still -- I can tell you. Okay. 21 paragraph, it says, "Matsuura-Berhow said Nathaniel 21 In the morning, November 14 was Nathaniel's 22 Berhow was very close to his father, however, she 22 16th birthday. So I bought two balloons, happy 23 birthday balloons, and I put card on the table. And 23 [sic] showed very little emotion after his father's 24 death. Investigators told Matsuura-Berhow about the 24 I believe I made an omelet. And I sang song for 25 writings recovered in Nathaniel's bedroom that 25 him, happy birthday song, with Google. And we sang 109 110 (Reporter clarification.) 1 three times. 1 2 Nathaniel was happy. But we were late. He 2 THE WITNESS: Yeah, I --3 had first class, I believe it was 6:50 a.m. class. 3 MS. LEFKOWITZ: Do. 4 So I had to go to work, too, on time. So 4 Q. You want to take a little break? 5 we were hurry. I don't think Nathaniel ate omelet. 5 Another -- you okay? 6 He didn't have a chance to even open my card. 6 A. I'm sorry. I told him, "You need protein 7 We went to the car, "Let's go, let's go." 7 because you run so much." 5 miles or 6 miles for 8 training. So -- and he was skinny. "So let's eat 8 I said that. 9 Then in the car get to the schedule. I saw 9 steak," I told him. And then, "Do not forget telling teacher 10 another troop leader was working on his Eagle 10 11 project. So meeting -- his meeting was, I do not 11 your attendance. You are there," I told him. 12 remember exact time, but it was around 6:00 o'clock. 12 Before that day, he was marked absent first class, 13 13 but he was -- he had some meeting, so he was just So I asked Nathaniel, "Do you want to help 14 him out, then mama will get birthday cupcake 14 late in the classroom. So I told him, "Do not 15 wherever you are." I think he said maybe yes or 15 forget, let teacher know you are there." He said, "Okay." 16 nodding. 16 17 Then Nathaniel, after 2:30, because my job 17 That was the last conversation. Even I 18 finished 2:30, and then Nathaniel finished 18 didn't know that was last one. 19 cross-country training at 2:30, so I pick up at BY MS. LEFKOWITZ: 19 20 2:30. Then maybe we can go to Black Angus. I had a 20 Q. Did you see the gun that Nathaniel took 21 coupon. Do you want -- there were two kind of 21 with him to the school? 22 steaks. Which one do you want, prime rib or another 22 A. No. If I knew, I would take it out. 23 one. He said, "Mom, let's go Souplantation as Q. After the guns were removed by the police 23 24 usual." 24 in 2015, did you ever see any guns in the house that 25 "You need protein. Let's go" --25 were not BB guns? 111 112



I A Yes and no. Especially right following the	1 and I knew the girls who had just ran in, but they
2 shooting, I had a lot of reoccurring dreams, which are	2 definitely didn't see me.
3 pretty bad. I feel like the dreams have changed, but	3 I was kind of pulled into a different classroom
4 they're still there.	4 which happened to be my favorite teacher, Miss La Giusa,
5 Q Did you dream about the incident itself? 11:23:14	5 who was my Spanish teacher, but when I walked in, I was in 11:30:53
6 A Sometimes,	6 such shock that I just sat in my everyday seat that I'd
7 Q We're going to take as many breaks as you need to	7 been sitting in for the past three months. And it wasn't
8 get through this, but I do have to ask what you remember	8 until someone came over and told me that it's going to be
9 about the incident, and I think it would be easier, with	9 okay that I said, no, you don't understand. I've been
0 the permission of your attorney, to just let you tell me 11:23:37	10 shot. And that was the first time I or anyone around me 11:31:05
1 about it rather than go question by question. Is that okay	11 had really put that into perspective. They got me down on
2 with you?	12 the ground and put pressure on my stomach until the police
3 MR. KAMDANG: Yes.	13 came and I was ambulanced to Central Park, a nearby park,
4 MS. COHEN: Okay.	14 and airlifted to Holy Cross Hospital.
5 MR. KAMDANG: Can I talk to her about it first? 11:23:48	15 Q Okay. Who dropped you off at school? 11:31:26
6 MS. COHEN: Of course.	16 A My grandma.
7 MR. KAMDANG: Can we step out and go off the record?	17 Q Did she normally drop you off at school?
8 MS. COHEN: Sure, of course, and you can use the	18 A Sometimes. Sometimes it was my mom, but my mom
9 office that we gave you any time, yeah.	19 and my dad were going to work.
20 THE VIDEOGRAPHER: This is the end of media unit 11:23:59	20 Q What kind of work do your parents do? 11:31:43
21 No. 2. Off the record at 11:24 a.m.	21 A My dad's a television writer and my mom's an
22 (Brief recess taken.)	22 actress.
THE VIDEOGRAPHER: We are back on the record at 11:29	23 Q Thank you for explaining that, okay. Do you know
24 a.m. This is the beginning of media No. 3.	24 how far away you were from the shooter when you were shot?
25 /// 11:29:15	25 A I believe it was less than ten feet. 11:32:19
Page 50	Page 52
1 BY MS. COHEN:	1 Q Do you have any memory of seeing him?
2 Q Again you're still under oath.	2 A No.
3 A Yes.	3 Q Did you know him?
4 Q Okay, and prior to the break, I had asked if you	4 A No.
 4 Q Okay, and prior to the break, I had asked if you 5 would be willing to give me a narrative, telling of what 11:29:20 	 4 A No. 5 Q And when you say it was less than ten feet, do 11:32:37
5 would be willing to give me a narrative, telling of what 11:29:20	5 Q And when you say it was less than ten feet, do 11:32:37
5 would be willing to give me a narrative, telling of what 11:29:206 happened the day of the incident because I think that might	5 Q And when you say it was less than ten feet, do 11:32:37 6 you base that on your recollection or other factors?
 5 would be willing to give me a narrative, telling of what 11:29:20 6 happened the day of the incident because I think that might 7 be easier than me asking every little question, and you've 	 5 Q And when you say it was less than ten feet, do 11:32:37 6 you base that on your recollection or other factors? 7 A What people have told me I believe ranges from
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14 (Pages 50 - 53)

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Exhibit B: Page 1 of 2

1			1		No, but I've never really asked about having
2		Did you have your appendix out?		babies.	
3		Yes.	3	-	You're too young for that discussion.
4	Q	When was that?	4		Yes. COHEN: All right, 1 don't think 1 have any 12:22:04
5	A	When I was in like 7th grade. 12:19:10	5		
6	Q	Okay. Do you know did they do that			questions. I appreciate your patience and
		scopically?			e today. Thank you so much.
8		Correct.	8	In	3 WITNESS: Thank you. So do I look up there or?
9		Did you have any residual anything from that lure? 12:19:26	10		EXAMINATION 12:22:19
11	proced	No. 12.19.20	11		
12		Do you have any kind of food allergies or any		BY M	R. MARK:
	-	abdominal issues unrelated to this incident?	12		Hi, Mia, can you see me okay and hear me?
14		Not that I'm aware of.	14	-	Yes.
15	Q	Okay. Are there any other medical issues that 12:19:46	15		Very good. Well, again, thanks for being here 12:22:23
	-	elieve you have that are not related to the incident?	1	-	I know it's a long and tiring process so l only
17		Not that I can think of.	1		bout four or five questions. It won't take too long.
18	Q		18		So you testified earlier that you have never met
	vaccin		19		poter, Nathaniel Berhow; is that correct?
20	A	Yes. 12:20:26	20		Yes. 12:22:39
21	Q	And has this injury in any way affected your	21	Q	Now when you say met, you've never spoken to this
22	-	aly menstrual cycle?	22	individ	
23		Yes.	23	A	I knew nothing about him.
24	Q	How has it affected that?	24	Q	Never saw him around the school?
25	A	I didn't get it for seven months after, and then 12:20:46	25	i A	No. 12;22;49
		Page 74	-		Page 7
1	since	then, it's been very heavy and lasted sometimes	1	Q	Okay. And I take it you've never met his father,
2	almos	t two weeks.	2	Mark B	Jerhow?
3	Q	Have you ever tried any kind of medication for	3	A	No.
4	that?		4	4 Q	I take it you've never met his mother, Mami
5	A	Yes, and it helped kind of even it out, my 12:20:59	:	5 Matsur	a-Berhow? 12:23:00
6	horm	ones, but it still certainly is much different than it	1	6 A	No.
7	was b	efore.		7 Q	And I take it you've never visited the real
8	Q	Okay. Does it still last two weeks?		8 propert	ty located at 22938 Sycamore Creek Drive in Valencia?
9	A				No.
10	Q		1	0 MR	. MARK: All right, That's all I have, Thank you 12:23:13
11	have	any of your reproductive organs been affected by this		1 so muc	
12	incide		1	2 TH	E WITNESS: Thank you.
13	A	No. However, there's still a lot of things that	1	3 MR	L KAMDANG: I have no follow-up so.
14	•	don't necessarily know.			COHEN: Okay. These days we go by ocde. I think
15	-	Okay, but as far as you know, you will be able 12:21:28	1	5 she ne	eds to say something, and that's how it is these 12:23:24
		you wish, get pregnant and carry a pregnancy to		6 days.	
	term?				E COURT REPORTER: Does anybody need to order a
18				8 copy?	
19		use of where the scar tissue is.			S. COHEN: Josephine, we'll have a copy. Can you get
A					estimate for an expedite? 12:23:36
20		Correct.	1		E COURT REPORTER: Sure. How soon did you need it?
21				1 1/0	
21 22	Q				S. COHEN: Give me the various options if you don't
21 22 23	Q your	uterus?	2	23 mind	in an email so that I can send it to my carrier and
21 22	Q your A	uterus? No.	2	23 mind i 24 let the	

20 (Pages 74 - 77)

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Exhibit B: Page 2 of 2

TERRANCE JOSEPH OSMAN, JR. SEPTEMBER 17, 2021

Page 134 VIDEO OPERATOR: All counsel agree to go off 1 A Yes.	
	Page 135
the record? 2 Q Is that true?	
MS. COHEN: Yes. 3 A Yes.	
VIDEO OPERATOR: We are now off the record. 4 Q In other words, if we click that drop	-down menu
The time is 2:18 p.m. Pacific Time. 5 then we can have jig, et cetera added to the c	art?
(Brief recess.) 6 A Yes.	
VIDEO OPERATOR: We are now back on the record. 7 Q Then if we scroll down that just m	akes it
The time is 2:27 p.m. Pacific Time. 8 easier for the customer, right?	
BY MR. SCHORNBERGER; 9 A Yeah.	
Q So let's just show one final exhibit and then 10 Q And same thing here, if you want some	of these
we'll be done. I think it's D5. You should have D5. 11 things, then you can click on it and get them	
That will be next in order? 12 referencing Page 2 of this?	
MR. WEINER: And I'm marking it as Exhibit 17. 13 A Correct.	
(Whereupon Defendant's Exhibit 17 was marked 14 Q And then if we go down to the third p	age of
for identification.) 15 this it says, under "Description," "Approximat	-
BY MR. SCHOENBERGER: 16 completion 10 to 12 hours." So that's what yo	
Q All right. Mr. Osman, earlier we had shown an 17 on the website?	5
old website that referenced the 80 percent officer build 18 A Okay.	
kit. This is a current one. Do you recognize that? 19 Q Well, that's what you you put on t	he
A Yes, I do. 20 website, right?	
Q And this shows the parts, right? 21 A Yes.	
A Yes. 22 Q All right. Okay, and that's to compl	ete the
Q And then if we go down you can actually just 23 whole thing, obviously.	
sort of do the drop-down menu here that adds the 24 A Yes.	
finishing tools for home-built, 25 Q Mr. Osman that's all the questions I	have.
Page 136 Thank you. 1 A No.	Page 13
A You're welcome. 2 MR. MARK: All right, Mr. Osman, that	
	's all I
MR. MARK: Mr. Osman, I have a couple questions 3 have. Thank you.	's all I
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MR. MARK: if I may.3have. have.Thank you.If I may.4THE WITNESS: MR. MARK: Won't be long. MR. MARK: Won't be long. MR. MARK: EXAMINATION5MR. SCHOENBERGER: MR. SCHOENBERGER: Adrienne, about the topics for which you inst but based on the prior discussions that we've 8QFirst of all, let me commend you. EXAMINATION8Adrienne, about the topics for which you inst 9BY MR. MARK: Q9First of all, let me commend you. Evamination this virtual room understands how grueling and taxing this process can be, so well done making it through the day today. And, again, I won't take much of your time here.10deposition, or it's not over based upon those 10One of the things you might have noticed, Mr. Osman, is that my client Mami Matsuura-Berhow hasn't been brought up at all during today's proceeding. Are you aware of the claims that plaintiff has alleged against her?3have. Thank you.MR. SCHOENBERGER: Against her?14MS. COHEN: MR. SCHOENBERGER: All right, Thank	ted to make uestions, had ructed him ing the no more that on th er We'll ch. s all.
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Pages 134..137 Exhibit C: Page 1 of 1

JONATHAN GOOKIN JOB NO. 2 APRIL 04, 2022						
1 whether you've taken any medications or drug						
	2	alcohol of any kind that might make it difficult fo	or			
	3	you to answer the question the questions I ask				
4 you today.						
14:03:38	5	Have you taken anything?				
	6	A No.				
	7	Q In the previous 24 hours, no drugs nor				
	8	alcohol?				
	9	A No.				
14:03:44	10	Q Are you sick at all today?				
	11	A What was that?				
	12	Q Are you sick?				
	13	A No.				
	14	Q Is there any reason at all that you				
14:03:52	15	cannot give full, complete, and accurate testimony				
	16	today?				
	17	A No.				
	18	Q Great.				
19 I'm going to ask you a few questions		I'm going to ask you a few questions				
14:04:01	20	about your preparation for this deposition now.				
21 Though I'm not going to ask you any questions a		Though I'm not going to ask you any questions about	ıt			
	22	any conversations that you've had with your				
	23	attorney.				
	24	What do you know about the Saugus High				
14:04:14	25	School shooting in 2019?				

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Page 15 Exhibit D: Page 1 of 4

i

JONATHAN GOOKIN APRIL 04, 2022

	1	A Nothing.					
	2	Q Have you had any conversations with					
	3	Mr. Osman about the Saugus High School shooting?					
	4	A No.					
14:04:28	5	Q What do you know about this case that					
	6	we're speaking your testimony for today?					
	7	MS. COHEN: And I'm going to object to					
	8	the extent if you've learned anything from my office					
	9	or conversations when I am present or Sean is					
14:04:39	10	present, you cannot disclose that.					
	11	THE WITNESS: Nothing.					
	12	BY MR. WEINER:					
	13	Q In that case, I'll inform you what this					
	14	is about.					
14:04:49	15	In this case, we represent one of the					
	16	victims of a shooting. Her name is Mia Tretta. She					
	17	is a high school student at the Saugus High School.					
	18	And we contend that 1911builders.com sold the					
	19	shooter's father a 1911builders.com Officers Frame					
14:05:08	20	build kit and parts before the shooting, and that					
	21	the kit was finished into a pistol that was used in					
	22	the mass shooting where three children died, and					
	23	three children were hurt.					
	24	You are not a defendant in this case.					
14:05:21	25	You are not being sued. You are here because we					

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Exhibit D: Page 2 of 4

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		JONATHAN GOOKIN JOB NO. 229312 APRIL 04, 2022				
	1	One is: I don't know if I nailed down				
	2	earlier when you were hired at FPC.				
	3	A December 2018.				
	4	Q And when was Nathaniel hired at FPC?				
16:42:52	A Like, the beginning of this year. He					
	6 just started.					
	MR. WEINER: I have no further questions.					
8 Thank you, Mr. Gookin.						
	9					
	10 EXAMINATION					
	11	BY MR. MARK:				
	12	Q All right, Mr. Gookin. Just two				
	13	questions for you from my end. I'm one of the				
	14	attorneys that represented Mami Matsura-Berhow, a				
	15	co-defendant in this matter.				
	16	MS. COHEN: Can you speak up a little				
	17	bit? Sorry. Hard to hear you.				
	18	MR. MARK: Yeah.				
19		BY MR. MARK:				
16:43:25	20	Q Mr. Gookin, my name is Nathaniel Mark. I				
	21	represent co-defendant Mami Matsura-Berhow in this				
	22	matter.				
	23	Can you hear me okay?				
	24	A Yes.				
16:43:34	25	Q Okay. Are you aware of the claims that				

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Page 113 Exhibit D: Page 3 of 4

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1

		JONATHAN GOOKIN JOB NO. 229312 APRIL 04, 2022
	1	plaintiff has alleged against Ms. Matsura-Berhow?
	2	A No.
	3	Q "No."
	4	And have you had any communication or
16:43:46	5	otherwise any interaction with Ms. Matsura-Berhow?
	6	A No.
	7	MR. MARK: Okay. That's all I have.
	8	Thank you.
	9	THE CERTIFIED STENOGRAPHER: Same orders
16:44:01	10	as earlier?
	11	MS. COHEN: Yes.
	12	MR. WEINER: Let me reiterate while we're
	13	on the record that I would ask Ms. Cohen just to
	14	check with your clients if those documents exist.
16:44:13	15	MS. COHEN: Absolutely. I I think you
	16	have every I'm very confident you have anything
	17	[sic], but I understand there's been some confusion,
	18	and I will make sure and clarify that.
	19	MR. WEINER: I appreciate that. Thank
16:44:23	20	you.
	21	THE VIDEO OPERATOR: All right. I'll
	22	read us off the record.
	23	THE CERTIFIED STENOGRAPHER: Yeah, one
	24	second.
	25	Nathaniel, I didn't get your answer. You

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Page 114 Exhibit D: Page 4 of 4

to and to a main

JORDAN LAWRENCE LEASE APRIL 04, 2022

JOB NO. 229311

	1	that occurred before you got a lawyer.			
	2 Do you understand that?				
	3	A Okay. Yeah.			
	4	Q Okay. So I'm informing you that TJ Osman			
11:59:26	5	was deposed on September 17th, 2021. Did you have			
6 any conversations with Mr. Osman about that					
	7	deposition?			
	8	A No.			
	9	Q Did you have any conversations with			
11:59:37	10	anybody about that deposition?			
	11	A No. I didn't know about any of this			
	12	until a couple of days ago.			
	13	Q Understood.			
	14	And turning to this deposition, outside			
11:59:52	15	of your conversations with your lawyer, did you have			
	16 any conversations about this deposition with anyone				
	17 besides your lawyer?				
	18	A No.			
	19	Q No?			
12:00:02	20	A "No."			
	21	Q Okay. Have you had any conversations			
22 outside of your lawyer with Jonathan Gookin, for					
	23	example?			
	24	A No.			
12:00:15	25	Q Okay. We'll start with the easy stuff.			

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Exhibit E: Page 1 of 2

		JORDAN LAWRENCE LEASE JOB NO. 229311 APRIL 04, 2022
	1	Thank you.
	2	THE WITNESS: Okay.
	3	MS. COHEN: Now, the other guy is going
	4	to ask you.
13:40:40	5	
	6	EXAMINATION
	7	BY MR. MARK:
	8	Q Hi, Mr. Lease. Can you see me okay?
	9	MS. COHEN: No. Sorry. We have the
13:40:45	10	document view right now.
1	11	MR. MARK: That's all right. I don't
	12	want to complicate your setup. Just two questions.
	13	I'll be really quick here.
	14	BY MR. MARK:
13:40:56	15	Q So, Mr. Lease, I represent one of the
	16	attorneys representing Miami Matsura-Berhow. And I
17 just have two questions that relate to her.		
18 Are you aware of the claims plaintiffs		
	19	have alleged against Ms. Matsura-Berhow?
13:41:11	20	A No.
	21	Q Okay.
	22	Okay. And have you had any sort of
	23	communications or otherwise interacted with
	24	Ms. Matsura-Berhow?
13:41:20	25	A No.

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Page 91 Exhibit E: Page 2 of 2

AUGUST 25, 2020

-39-

019-17540-0605-011

INTERVIEW WITH KATHRYN KLASSEN

On December 3, 2019, at approximately 1345 hours, Detentive McGaughey and Sergeant Morales Interviewed Kathryn Klassen at her residence. Also present during the interview was Klassen's mother, Deldre Klassen. The Interview was audio-recorded and the following is a summary of the interview.

Klassen said she was an 11th grade student at Saugus High School. She had known Berhow since the 9th grade. Klassen and Berhow began a dating relationship in September of 2018 when they were in the 10th grade and ended the relationship in February of 2019. Klassen said she ended the relationship because she thought she was too young to have a boyfriend. In October of 2019, when Klassen became a high school junior, she felt she was now ready for a relationship, and she and Berhow reconciled and began dating again. During the reconciling period, Berhow admitted to Klassen that when they broke up in February, the breakup put him in a "bad place," Berhow did not elaborate on what he meant. Klassen asked if he thought about hurting himself, and he said, "Nothing like that."

When asked to describe Berhow, Klassen said he liked history, video games, and had a dry sense of humor. He was smart, quiet, and introverted. Berhow was an unemotional person who rarely shared his feelings with anyone. She indicated that although he was smart, he was lackadaisical in completing homework and was behind in school. He rarely talked about members of his family, but he appeared close to his mother. Klassen said that besides her, Berhow's best friends were Saugus High School students, Joseph Kelleher, and Sofia Bizzle. Investigators asked if Berhow was religious, and Klassen indicated he proclaimed to be an athelat.

Berhow was absent from school on Wednesday (November 6th), and Thursday (November 7th). On Wednesday (November 13th), Klassen asked Berhow why he was absent from school the previous Tuesday and Wednesday, and he attributed his absence from being ill from food poisoning. Berhow told her he was embarrassed to tell anyone he was suffering from food poisoning. Klassen thought his embarrassment was strange, however, in light of his actions, she believed the food poisoning was possibly untrue.

Klassen told investigators she knew, back in September of 2019, Berhow was taking a trip to Maryland on (Friday), November 8th. When he returned from the trip, Berhow told Klassen he and his mother visited the campus of the United States Naval Academy. He also told her he was uninterested in attending the institution, but his mother wanted him to attend a prestigious school.

AUGUST 25, 2020

-40-

Investigators asked Klassen about the text messages she received from Vincent Fatta and Diana David the day before the shooting that indicated they were concerned about Berhow's well-being. Klassen did not notice anything unusual about Berhow, but she said David speculated Berhow was stressed about school work. Klassen telephoned Berhow the night before the shooting and told him about Fatta and David's concern. Berhow agreed that he was stressed about school work. He had missed school assignments due to his absence and was stressed about it. Again, in light of his actions, Klassen believed Berhow's excuse that school work caused him stress was possibly untrue.

Sergeant Morales asked Klassen about her thoughts on Berhow's motive to shoot his fellow students and take his own life. She did not know but guessed his actions were related to the death of his father. She was unaware of what problems he had in his life because Berhow never spoke about his issues with her or their circle of friends.

Klassen said Berhow had an Instagram account with a user name of "Taschen_kartoffel," which Berhow indicated meant "pocket potato" in German. She believed he also had a Snapchat account but did not know his user name.

Klassen had nothing further to add, and the interview ended.

INTERVIEW WITH DIANA DAVID

On December 3, 2019, at 1453 hours, Detective McGaughey and Sergeant Morales Interviewed Diana David at her residence. The interview was audio recorded, and the following is a surgmary of the interview.

David told investigators she was an 11th grade student at Saugus High School. She said that she had known Nathaniel Berhow since the 9th grade but they did not become close friends until the 10th grade. She described the subject of their conversations as superficial, never serious, and rarely did they discuss anything related to his emotions. Occasionally, Berhow would confide to David that he was stressed about school work and assignments related to Boy Scouts. On the other hand, in September of 2019, Berhow confided to David that he was happy and excited about reuniting with Klassen.

Detective McGaughey asked about Berhow's relationship with his father. David said December of 2017, she learned Berhow came to school the day after his father passed

AUGUST 25, 2020

019-17540-0605-011

David had nothing further to add, and the interview ended.

INTERVIEW WITH SOFIA BIZZLE

On December 3, 2019, at approximately 1604 hours, Detective McGaughey and Sergeant Morales met with Sofia Bizzle at her residence. Sofia's mother and father, Mary and Donald Bizzle were also present during the interview. The Interview was audio recorded. The following is a summary of the conversation:

Bizzle said she attended Saugus High school and was in the 11th grade. Bizzle told investigators she first met Berhow approximately four years ago when they attended middle school together at Arroyo Seco. They met in the 7th grade and became closer later in the year. She said they were science lab partners and she described him as quiet and non-confrontational. She indicated he only spoke to close friends and had a "dry but sarcastic" sense of humor. She described him as quiet and respectful. Bizzle said Berhow was intrigued by German history. She indicated Joe Kelleher and Kathryn Klassen were his closest friends. She described her relationship with Berhow as a little sister big bröther relationship and said she introduced Berhow to Kathryn Klassen.

Bizzle said she walked home with Berhow along with another friend, Emil Guzman, while they attended middle school together at Arroyo Seco Junior High School. As they graw closer she noticed Berhow did not talk about his family. In fact, she learned of Berhow's father's death from Emil and not from Berhow: She said Berhow appeared normal when he returned to school after his father passed away. She said Berhow's relationship with his sister appeared normal.

Bizzle told investigators Berhow had an Instagram with a profile of "Taschen_kartoffel" which translated to "pocket potato," She said Berhow utilized a "random name generator" from an unknown game to get the name "Taschen_kartoffel" and the name stuck with him. She said he had a Snapchat account as well but could not recall what his Snapchat profile name was.

Bizzle described Berhow as socially closed off and provided examples of his personality to investigators. She said he never told her if anything was ever wrong with him. In fact, when she talked with Berhow about her feelings, he (Berhow) would listen to her but not share his feelings with her. She indicated it was uncommon for Berhow to share his birthdate with others and when he was asked when his birthday was, he would give

different dates⁵. She indicated Berhow was an atheist and although he was closed off, he (Berhow) was outspoken about the right to bear arms. Bizzle said she had never seen Berhow get angry at anyone. Bizzle said she never saw any sign of Berhow cutting himself or any indication Berhow would commit a shooting at the school.

Bizzle told investigators she did not notice any change in Berhow's behavior on the Tuesday or Wednesday before the shooting. She last spoke with Berhow during lunch on Wednesday and said he appeared normal.

During the Interview, Mary Bizzle Informed investigators that Berhow's mother (Mami Matsuura-Berhow) had called her a few days after the shooting. Mami called to see how Sofia was doing and to see if Sofia noticed anything about Berhow's behavior that would have forefold the shooting. Mami told Mary about their trip to Washington D. C. and said Berhow seemed happy. Mary and Sofia Bizzle had nothing further to add and the conversation was concluded.

INSTAGRAM & SNAPCHAT ACCOUNTS

On December 6, 2019, a search warrant for records relating to instagram account, *Taschen_Kantoffel," and Snapchat account, "Krito711," was authorized by the Honorable David Hizami, Judge of the Los Angeles County Superior Court.

Investigators reviewed records related to Instagram user "Taschen Kartoffe)," and learned the account was created on September 5, 2016, and was associated with Berhow's cell phone number. The email address, <u>brohamfreak@gmail.com</u>, was associated with the Instagram account.

investigators noted Berhow followed over 500 Instagram accounts. Investigators also noted Berhow followed the official military Instagram accounts of the U.S. Army, and the U.S. Marine Corps, but he also followed pro-military accounts named "TacticalGunners," "GruntStyle," "Angry_Vet_," and "US_Military_Footage." The "US_Military_Footage" account had a warning that the page contained graphic content.

In reviewing direct messages between Berhow and other Instagram users, investigators noted the content of the messages were benign and did not contain any information to advance this investigation.

^{*} Investigators learned from several of Berhow's friends that he would not provide his correct birtfidate when asked, In fact, he would provide different dates for his birthday and tease his friends when they missed it.

1	PROOF OF SERVICE BY ELECTRONIC SERVICE AND MAIL
2	(F.R.Civ.P. Rule 5(b); U.S.D.C., C.D. Cal. Local Rule 5-3) (Cal. Code of Civ. Proc. §§1005, 1010.6, 1013, 1013a; Cal. Rules of Court 2.251)
3	I, the undersigned, declare as follows: I am over the age of 18 years. I am not a party to the
4	within action. I am employed in Los Angeles County in the offices of a member of the bar licensed to practice before this court, to whose direction this service is made. My business address is 25152
5	Springfield Court, Suite 345, Valencia, California 91355. On October 7, 2022, I served the "
6	DEFENDANT MAMI MATSUURA-BERHOW'S MOTION FOR SUMMARY JUDGMENT; DECLARATION OF DEFENDANT MAMI MATSUURA-BERHOW IN
7	SUPPORT THEREOF" on the interested parties in this action as follows:
8	X <u>By Electronic Service</u> : I electronically served the document(s) described above on recipients designated on the Zachs Legal Services website
9	(http://efile.zachslegalservices.com/cabeta) pursuant to the Court Order establishing and authorizing electronic service of documents.
10	WALKUP, MELODIA, KELLY & SCHOENBERGER EVERYTOWN LAW
11	Richard Schoenberger, Esq.Alla Lefkowitz, Esq. alefkowitz@everytown.orgrschoenberger@walkuplawoffice.comLen Hong Kamdang, Esq. lkamdang@everytown.org
12	Spencer Pahlke, Esq. spahlke@walkuplawoffice.com Sara Peters, Esq. speters@walkuplawoffice.com
13	LAW OFFICE OF ADRIENNE D. COHEN
14	Sean Ferron, srf@adcohen.com
15	By General Logistics Systems ("GLS"): I placed a true and correct copy of the document in a sealed envelope marked for next business day delivery and addressed as follows:
16	I placed said envelope into a collection box for GLS before the posted time for the last
17	collection from said box (8:00 p.m.) on
18	<u>By Mail:</u> I placed a true and correct copy of the document in a sealed envelope addressed as follows:
19	The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with
20	the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the United States Postal Service on that same day with postage thereon
21	fully prepare at Valencia, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date
22	is more than one day after the date of deposit for mailing stated in this affidavit.
23	Executed on October 7, 2022, at Valencia, California.
24	I declare under penalty of perjury that the foregoing is true and correct.
25	Martin Dalla
26	Menutaris
27	Mechelle Parks
28	
	1

DEFENDANT MAMI MATSUURA-BERHOW'S MOTION FOR SUMMARY JUDGMENT; DECLARATION OF DEFENDANT MAMI MATSUURA-BERHOW IN SUPPORT THEREOF



Make a Reservation

MIA TRETTA, et al. vs TERRANCE J. OSMAN, et al.

Case Number: 20STCV48910 Case Type: Civil Unlimited Category: Other Personal Injury/Property Damage/Wrongful Death Date Filed: 2020-12-22 Location: Chatsworth Courthouse - Department F49

Reservation

Case Name:	Case Number:
MIA TRETTA, et al. vs TERRANCE J. OSMAN, et al.	20STCV48910
Type:	Status:
Motion for Summary Judgment	RESERVED
Filing Party:	Location:
Mami Matsura-Berhow (Defendant)	Chatsworth Courthouse - Department F49
Date/Time:	Number of Motions:
02/21/2023 8:30 AM	1
Reservation ID:	Confirmation Code:
236764373135	CR-FXTFZFWNYCDVPKZRH

Fees

Description	Fee	Qty	Amount
Motion for Summary Judgment	500.00	1	500.00
Credit Card Percentage Fee (2.75%)	13.75	1	13.75
TOTAL			\$513.75

Payment

Amount:	
\$513.75	

Account Number: XXXX6810 Type: Visa Authorization: 02405G

Print Receipt

Reserve Another Hearing