

MARK T. YOUNG (Bar No. 89951)
TAYLOR F. WILLIAMS-MONIZ (Bar No. 281331)
NATHANIEL P. MARK (Bar No. 328461)
DONAHOE YOUNG & WILLIAMS LLP
25152 Springfield Court, Suite 345
Valencia, California 91355-1081
Telephone: 661.259.9000 / Facsimile: 661.554.7088
Email: myoung@dywlaw.com; twilliams@dywlaw.com;
nmark@dywlaw.com

Attorneys for Defendant
MAMI MATSUURA-BERHOW

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

MIA TRETТА, through her guardian ad
litem Tiffany Shepis-Tretta,

Plaintiff,

vs.

TERRANCE J. OSMAN, an individual
a/k/a 1911builders.com; MAMI
MATSURA- BERHOW, an individual; and
DOES 1 - 50,

Defendants.

Case No. 20STCV48910
[Assigned to Hon. Stephen P. Pfahler]

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

(Filed concurrently with: Defendant's
Separate Statement of Undisputed Facts and
Appendix of Exhibits)

Reservation ID: 236764373135
Hearing Date: February 21, 2023
Hearing Time: 8:30 a.m.
Department: F49

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendant MAMI MATSUURA-BERHOW ("Mami"),
erroneously named and sued herein as "Mami Matsura-Berhow," hereby moves for summary
judgment against Plaintiff MIA TRETТА, through her guardian ad litem Tiffany Shepis-Tretta
("Plaintiff").

This motion is based on the following grounds:

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

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

7
8 Dated: October 7, 2022

DONAHOE YOUNG & WILLIAMS LLP

9
10 By: 

11 MARK T. YOUNG
12 TAYLOR F. WILLIAMS-MONIZ
13 NATHANIEL P. MARK
14 Attorneys for Defendant
15 MAMI MATSUURA-BERHOW
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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 TRETТА ("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

1 or ammunition at their home.

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

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

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

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

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

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

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

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

26 "Any party may move for summary judgment in any action or proceeding if it is contended
27 that the action has no merit." C.C.P. §437c(a). The purpose of §437c is to expedite litigation by
28 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).

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

5 California's Civil Discovery Act imposes on parties a duty to answer discovery requests in
6 a straightforward fashion and as completely as possible, given the information available to the party.
7 *Scheiding v. Dinwiddie*, 69 Cal. App. 4th 64, 76 (1999). "Parties must 'state the truth, the whole
8 truth, and nothing but the truth, in answering written interrogatories.'" *Id.* Therefore, a court may
9 presume that a party has answered discovery fully and truthfully, and can infer that party has no
10 other evidence to support her claims when those responses contain no admissible evidence. *Id.* For
11 this reason, "[t]he moving party on a motion for summary judgment need not support its summary
12 judgment motion with evidence negating an essential element of the nonmoving party's case to
13 satisfy its burden The moving party may simply point to the absence of evidence to support the
14 nonmoving party's case" *Hunter v. Pacific Mechanical Corp.*, 37 Cal. App. 4th 1282, 1286
15 (1995) (emphasis added).

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

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

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

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

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

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

8 To win on a claim for common law negligence, therefore, Plaintiff would have to show that
9 Mami (1) reasonably should have become aware of Nathaniel’s violent habits or tendencies, and (2)
10 failed to take steps to restrain such conduct. To prevail on a statutory claim under Civil Code
11 §1714.3, Plaintiff must prove that Mami (1) permitted Nathaniel to have a firearm or (2) left the
12 firearm in a place accessible to Nathaniel.

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

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

17 “In order to avoid the general rule of non-liability..., the plaintiff must show that the
18 parent’s own negligence was a cause of harm. California follows Restatement 2d of Torts, section
19 316 which finds a ‘special relationship’ between parent and child, and accordingly places upon the
20 parent a duty to exercise reasonable care so to control his minor child as to prevent it from
21 intentionally harming others or from so conducting itself as to create an unreasonable risk of bodily
22 harm to them, if the parent (a) knows or has reason to know that he has the ability to control his
23 child, and (b) knows or should know of the necessity and opportunity for exercising such control.”
24 *Robertson v. Wentz*, 187 Cal.App.3d 1281, 1288 (1986).

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

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

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

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

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

12 Plaintiff's allegations as set forth in the Complaint are unsupported by admissible evidence.
13 The fact that Mami did not observe, and could not reasonably been aware of, any violent or
14 dangerous habits or tendencies in Nathaniel means that the general rule controls: a parent is not
15 liable for torts committed by his or her child. *Hagerty v. Powers*, 66 Cal. 368, 369 (1885); *In re S.*,
16 135 Cal. Rptr. 893, 899 (1977).

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

18 Even if Plaintiff had pled statutory negligence against Mami under Civil Code §1714.3, that
19 claim would fail as unsupported by admissible evidence. Under §1714.3, a parent is only liable for
20 an injury caused by discharge of a weapon by a minor when either (i) the parent permitted the minor
21 to have a firearm *or* (ii) the parent left the firearm in a place accessible to the minor. Cal. Civ. Code
22 §1714.3 (emphasis added). Here, neither element has been met and Defendant Mami cannot be
23 statutorily liable for Nathaniel's actions.

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

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

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

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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1 Dated: October 7, 2022

DONAHOE YOUNG & WILLIAMS LLP

2
3 By: 

4 MARK T. YOUNG

5 TAYLOR F. WILLIAMS-MONIZ

6 NATHANIEL P. MARK

7 Attorneys for Defendant

8 MAMI MATSUURA-BERHOW

DECLARATION OF MAMI MATSUURA-BERHOW

I, MAMI MATSUURA-BERHOW, declare as follows:

1. I am a defendant in this action. I am over the age of 21 years. I have personal knowledge of the facts stated herein and could and would testify to those facts at trial.
2. I was married to Mark Berhow April 3, 1992 and had two children with Mark: Samantha and Nathaniel.
3. While the children were growing up, both myself and Mark were highly involved in their lives – from Samantha’s karate to the various sports Nathaniel was interested in including tee ball, soccer, flag football and baseball.
4. Nathaniel participated in Cub Scouts, and later in Boy Scouts. Mark actively participated with Nathaniel’s scout meetings, and later, when Mark became sick, I took over and participated in scout meetings.
5. Mark and Nathaniel were very close, and both were interested in science, history, politics, and reading.
6. Mark enjoyed hunting growing up and collected a variety of guns throughout his life, which were located in the garage, in a locked box, of their home located at 22938 Sycamore Creek Drive, Santa Clarita, California.
7. Mark and Nathaniel enjoyed the outdoors and often went on fishing and camping trips.
8. To my knowledge, Mark never taught Nathaniel how to actually hunt, he would just talk about hunting trips and gun safety.
9. Mark and I were happily married for many years. Unbeknownst to me, Mark struggled with depression and alcohol addiction. Mark successfully hid this from me until approximately 2014 when he fell into a deep depression.
10. In June 2015, I took Samantha and Nathaniel on a trip with me to Japan. During this time, I believe Mark was struggling with depression and alcohol addiction.
11. On or about July 1, 2015, while I was away in Japan, a neighbor called the authorities to report an incident at our home. I was later informed by law enforcement that they had seized all firearms and ammunition from the property.

12. Thereafter, Mark became a prohibited possessor of firearms, and I believed, based on the law enforcement seizure, that there were no longer firearms or ammunition on the property.
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 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 firearms.
15. Mark continued to struggle with depression and alcohol addiction until he suddenly passed away on December 4, 2017.
16. Thereafter, I needed to provide financially for our family. I had taken a nine month training program at the LA County Retirement Association, however, I failed to pass the exam that 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 Valley High School where my duties included being a one-on-one aide for students with special needs. I was happy with this position, as my work hours matched Nathaniel's school hours.
18. I called Nathaniel almost daily during lunch, just to check in on him and make sure he was okay.
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 he was okay.
21. I never observed Nathaniel cutting himself.
22. I never observed any violent habits or tendencies of Nathaniel. Rather, Nathaniel was actively involved in sanctioned constructive activities, particularly in Boy Scouts and his high school track and field.
23. I never saw any journal or writings by Nathaniel that would cause me any concern over his well-being or the well-being of others.
24. I never received a phone call, communications or otherwise from any of Nathaniel's friends,

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.


13 31. I believe I was an attentive mother: I paid attention to Nathaniel's school schedule, his track
14 and field schedule, and his grades. I knew that he desired to be an engineer, like his father,
15 and I wanted him to succeed.

16 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 
26 Mami Matsuura Berhow (Oct 7, 2022 12:07 PDT)
27 MAMI MATSUURA-BERHOW
28

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:	CBJCHBCAABAAIRwuI4DCJDGs9oJTa-VmmP5MzoEDeZK9

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

-  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

VIDEOTAPED DEPOSITION OF MAMI MATSUURA-BERHOW

1 it works, for sure.
 2 Q. Okay. So I just want to make sure. You
 3 know that Mark and Nathaniel went to the gun range.
 4 You just don't know exactly when they went; is that
 5 right?
 6 A. Yes. And I do not know how he -- okay,
 7 taught, I might be wrong -- explained how gun works.
 8 That he explained probably -- I'm sure he explained
 9 it -- no. I'm sorry, I wasn't there. So I'm not
 10 sure. But -- okay. It's so -- okay. I have to be
 11 accurate. I'm trying my best.
 12 He didn't teach him how to shoot people,
 13 for sure. He talked to him what the rule is.
 14 That's I want to try -- I want to say.
 15 Q. I understand what you're saying, and I'm
 16 not trying to imply anything.
 17 What I'm just trying to figure out is about
 18 the time that they went to the gun range. That's
 19 what I'm trying to figure out here --
 20 A. Yes.
 21 Q. -- because --
 22 A. My memory is very bad. I remember he --
 23 Nathaniel -- no, Mark suggested Nathaniel to take
 24 safety course, I believe, or there was a test for --
 25 for -- about the gun. But that's all I have

53

1 A. What did you say? Vault?
 2 Q. Did you have -- was there a refrigerator --
 3 A. Yes.
 4 Q. -- in the garage?
 5 And did he use -- did Mark use that
 6 refrigerator to keep guns --
 7 A. Yes.
 8 Q. -- in the refrigerator?
 9 And did it have a lock on it?
 10 A. Yes.
 11 Q. Now, at a certain point in 2015 Mark's guns
 12 were removed from the house?
 13 A. Yes. Yes.
 14 Q. That was approximately July 1st, 2015 that
 15 his guns were removed, correct?
 16 A. Correct.
 17 Q. And that was after the time that you took
 18 him to the hospital, correct?
 19 A. Yes.
 20 Q. You were in Japan when the -- you know,
 21 when the police came and took away the guns; is that
 22 right?
 23 A. Yes.
 24 Q. So how did you find out about the police
 25 coming and taking the guns?

55

1 knowledge.
 2 Q. Okay. Just -- my question is -- my only
 3 question is that you told the police that Nathaniel
 4 and Mark went to the gun range, correct?
 5 A. Yes. That's correct.
 6 Q. But you don't know exactly when that --
 7 they went to the gun range, correct?
 8 A. Yes. Correct.
 9 Q. But there were other times that you told
 10 the police that you went to the gun range with them,
 11 correct?
 12 A. Yes. Correct.
 13 Q. When you weren't there, you don't know
 14 exactly what happened at the gun range, because you
 15 weren't there, correct?
 16 A. Correct.
 17 MS. LEFKOWITZ: Mark, I'm done with this
 18 document.
 19 BY MS. LEFKOWITZ:
 20 Q. Now, we talked about the fact that Mark
 21 owned -- your late husband owned a number of guns,
 22 correct?
 23 A. Correct.
 24 Q. And he kept many of those guns in a -- in a
 25 vault in the garage, correct?

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1 A. I -- I believe across street, her name was
 2 Karen, she emailed me what's going on. So she told
 3 me to come back.
 4 Q. This is Karen -- this is a neighbor that
 5 you had?
 6 A. Yes. Across street.
 7 Q. And what -- did she have a husband named
 8 Jared? Or is that someone else?
 9 A. No. Someone else.
 10 Q. Okay.
 11 A. Andrew, I think, her husband. Andy, I
 12 believe.
 13 Q. Karen and Andy?
 14 A. Yes.
 15 Q. I understand.
 16 So while you were in Japan with the --
 17 sorry. Strike that.
 18 You were in Japan with your children,
 19 correct?
 20 A. Yes.
 21 Q. And while you were in Japan, Karen emailed
 22 you and told you that the police had come to the
 23 house, correct?
 24 A. Yes.
 25 Q. And she told you that the firearms had been

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VIDEOTAPED DEPOSITION OF MAMI MATSUURA-BERHOW

1 taken away, correct?
 2 A. I believe so, yes.
 3 MS. LEFKOWITZ: I'd like to mark as an
 4 exhibit, Mami Matsuura-Berhow's interrogatory
 5 responses.
 6 And, Mark, if you could pull those up on
 7 the screen.
 8 (Whereupon, Exhibit 20 was marked for
 9 identification.)
 10 BY MS. LEFKOWITZ:
 11 Q. And, Mami, if you could tell me when you
 12 have the document in front of you.
 13 A. Yes, I do have it.
 14 MR. MARK: I'm sorry. You're marking this
 15 as Exhibit 20?
 16 MS. LEFKOWITZ: Exhibit 20. Exactly.
 17 BY MS. LEFKOWITZ:
 18 Q. Mami, I'm going to point you to the
 19 page number 3 where it says "Special Interrogatory
 20 No. 2."
 21 Do you see that?
 22 A. Yes.
 23 Q. And the question there is "State whether
 24 You were aware of the presence of firearms,
 25 ammunition and/or firearm accessories in Your home

1 (including the garage) between December 5, 2017 (the
 2 day Mark Berhow died) and the day of the Incident."
 3 Do you see that question?
 4 A. Yes.
 5 Q. And then you provided answer to that
 6 question which says a number of things, but one of
 7 the things in your answer says, "I had a sincere
 8 belief that law enforcement had seized all firearms
 9 and ammunition on or around July 1st, 2015."
 10 Do you see that answer?
 11 A. Yes. Okay. "Subject to and without
 12 waiving objections... I was only aware." Yes.
 13 Q. You see that answer?
 14 THE WITNESS: I'll ask Mark, is that okay?
 15 MR. MARK: Yes.
 16 THE WITNESS: Yes.
 17 (Inaudible discussion off the record.)
 18 BY MS. LEFKOWITZ:
 19 Q. So you see that one of the things you said
 20 in your interrogatory responses is that you had a
 21 sincere belief that law enforcement had seized all
 22 firearms and ammunition on or around July 1st, 2015.
 23 Do you see that?
 24 A. Yes.
 25 Q. And you wrote that as an answer because you

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1 believed that, around July 1st, 2015, firearms --
 2 the firearms were removed from your house, correct?
 3 A. That's correct.
 4 Q. So what I'm trying to figure out is why you
 5 had that belief.
 6 A. Oh.
 7 Q. Is your answer because you received an
 8 email from your neighbor?
 9 A. Yes. It's not only that.
 10 I spoke with another neighbor. He knows
 11 Mark so well. His name was -- his name was -- I'm
 12 sorry, I just don't recall. He knows guns so well
 13 also. They were -- Mark and him are really good
 14 friends. So he informed me also they took all guns.
 15 Q. Is this Jared?
 16 A. No.
 17 Q. No. Not Jared. Okay.
 18 A. It was not Jared.
 19 Q. I understand. Oh --
 20 A. Not Tony. I can't recall.
 21 Q. And at some point in July 2015, did Mark
 22 come home from being in the hospital?
 23 A. Yes. He was in rehab while we -- when we
 24 left. Then while I was in Japan, I think he came
 25 home.

1 Q. So when did Mark realize that his guns were
 2 gone?
 3 A. I don't know. He was in Olive View, then
 4 he was transferred to Kaiser, I believe. I was in
 5 Japan. I couldn't communicate with him.
 6 Q. You couldn't communicate with him because
 7 he was in the hospital, correct?
 8 A. Correct.
 9 Q. But at some point both of you came home,
 10 correct?
 11 A. Yes. I knew Mark was in the hospital in
 12 Torrance, so I had to pick him up. Yes. That's
 13 right.
 14 I spoke with Kaiser, his counselor.
 15 Therapist. I asked the therapist to hold Mark until
 16 I come back to U.S., so she did for me because I was
 17 very worried about Mark's situation. So I knew
 18 where he was, and then as soon as I came back to
 19 U.S., I went to hospital to pick him up.
 20 Q. Did you and Mark ever talk about the fact
 21 that his guns were taken away by the police?
 22 A. Probably we did.
 23 Q. Do you remember any part of that
 24 discussion?
 25 A. Yes, I -- probably I did.

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VIDEOTAPED DEPOSITION OF MAMI MATSUURA-BERHOW

1 Q. Was he -- was he upset that his guns were
2 taken away?
3 A. He understood.
4 Q. He understood. He thought it was safer for
5 the guns to be taken away at that point?
6 A. Yes, he knew.
7 Q. Why did he think it was safer for the guns
8 to be taken away?
9 A. Because he was alcoholic.
10 Q. And this is what he told you?
11 A. I just guessed it. He was not best
12 condition. He was sick.
13 Q. How long -- you indicated a few minutes ago
14 that he was transferred from Olive View to Kaiser,
15 correct?
16 A. Yes. Because I asked.
17 Q. Do you remember how many days,
18 approximately, he was at Kaiser?
19 A. One week, I believe. I'm not sure.
20 Q. Approximately --
21 A. My trip was -- I believe it was 15 days.
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,

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1 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?
8 A. I don't know.
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.
18 Do you mean Mark?
19 A. Not Mark. Officer was with me.
20 Q. So I just want to make sure I understand.
21 There were some police officers in the
22 house looking for guns and ammunition in
23 September/October of 2015 and one officer stayed
24 with you in the living room --
25 A. Yes.

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1 so I couldn't change it, trip. So that's the reason
2 I called his therapist to transfer him to Kaiser.
3 Q. And you believe he was at Kaiser for
4 approximately a week?
5 A. Probably between a week to ten days.
6 Q. Now, on the same document that you were
7 looking at before, that we were just discussing,
8 Exhibit 20, I'm going to point you back to your
9 response to Interrogatory No. 2, where you say,
10 "Upon information and belief, law enforcement
11 conducted another search for any firearms and
12 ammunition in the home sometime between September
13 and October of 2015."
14 Do you see that?
15 A. Yes.
16 Q. And that was part of your answer to the
17 question there, right?
18 A. Yes.
19 Q. And what -- why did you think that law
20 enforcement came again either in September or
21 October of 2015 to look for guns?
22 A. Because one of the officer talked with me
23 and he came -- he explained that they are looking
24 for gun.
25 Q. This was either in September or October

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1 Q. -- while this was going on, correct?
2 A. Yes. Correct.
3 Q. Was Mark home at the time?
4 A. No, he was not at home.
5 Q. Do you know where he was around that time?
6 A. No.
7 Q. Was he living in a rehab facility around
8 that time?
9 A. I don't think so. I think he was working
10 at Kaiser. He went back to work. But I didn't --
11 well -- yes, he was -- he went back to work. The
12 second -- when they came back, second search.
13 Q. Do you know why they came back to do the
14 second search?
15 A. Yes. He explained it. That officer
16 explained to me they were looking for guns.
17 Q. But do you know what led them to come to
18 the house? What instigated the search?
19 A. I believe they were missing one gun.
20 Q. Now, in 2015, the police took Mark's guns,
21 correct?
22 A. Yes.
23 Q. And in 2016 -- one second. I'm just
24 wondering if other folks who are not me or Mark or
25 Mami's lawyer could put themselves on mute.

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VIDEOTAPED DEPOSITION OF MAMI MATSUURA-BERHOW

1 (Discussion off the record.)
 2 MS. LEFKOWITZ: Mami, the most important
 3 thing is, if you don't hear me or if you don't
 4 understand me, please let me know. Okay?
 5 MR. MARK: And, Counsel, we can hear you
 6 pretty well over here. Once in a while a word cuts
 7 out, but we can hear you pretty clearly.
 8 (Discussion off the record.)
 9 BY MS. LEFKOWITZ:
 10 Q. Okay. So I was asking that -- we were
 11 talking about the fact that Mark's guns were removed
 12 from the house in 2015, correct?
 13 A. Yes. Correct.
 14 Q. And then in 2016, law enforcement actually
 15 destroyed those guns, correct?
 16 A. That I heard, but I really don't know how
 17 they destroy or when they destroyed it. I don't
 18 know.
 19 Q. But you do know that they did destroy the
 20 guns, correct?
 21 A. Now I know. Yes.
 22 Q. You -- are you saying that at the time, in
 23 2016, you didn't know that they destroyed the guns?
 24 A. No.
 25 Q. You told the police when you were

1 interviewed that, in 2016, Mark started getting a
 2 lot of packages, correct?
 3 A. Mark started -- I'm sorry?
 4 Q. That Mark started getting a lot of packages
 5 in the mail?
 6 A. When did I say that?
 7 Q. Why don't I refresh your memory on this.
 8 If you could turn back to -- if you could
 9 turn back to Exhibit 19, to page 97.
 10 A. Yes.
 11 Q. And do you see this is the interview --
 12 your interview that we were discussing before,
 13 correct, with the police?
 14 A. Yes. I recall. Yes.
 15 Q. And we had looked at the paragraph in the
 16 middle of 97 where we talked about Nathaniel and
 17 Mark going to the gun range, correct?
 18 A. Yes.
 19 Q. And then immediately under that
 20 paragraph it says, "Matsuura-Berhow did not know
 21 whether or not Mark Berhow was ordering gun parts
 22 over the Internet but did notice in 2016, that he
 23 received many packages through the mail."
 24 Do you see that?
 25 A. Yes.

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1 Q. Now, does this refresh your memory in any
 2 way that Mark was getting a lot of packages in 2016?
 3 A. Yes. Not only 2016. I have to say that.
 4 He used to buy stuff through the Internet. So he
 5 receive -- we received the package, like, on all
 6 days back then.
 7 Q. I'm sorry. I didn't understand that.
 8 Gina, did you get it?
 9 THE REPORTER: No, I was trying to
 10 interrupt to ask the same thing.
 11 THE WITNESS: Okay. Let me repeat.
 12 Yes. I received -- we received packages.
 13 On the package it was in Mark Berhow's name.
 14 (Reporter clarification.)
 15 BY MS. LEFKOWITZ:
 16 Q. And you said this was in 2016, correct?
 17 A. That's -- I'm not sure it was only 2016 or
 18 2017. I do not remember.
 19 Q. Did you open any of the packages that
 20 were -- had his name on it?
 21 A. No.
 22 Q. Did Mark take those packages to the garage?
 23 A. I don't know. He always get package, then
 24 after that, I don't look at him. I don't know.
 25 Q. You didn't look at the packages; is that

1 what you're saying?
 2 A. No. I had no interest in his package.
 3 Q. You said that he used to buy stuff through
 4 the Internet, correct?
 5 A. Yes.
 6 Q. Do you know what kind of stuff he used to
 7 buy through the Internet?
 8 A. No. I didn't ask.
 9 Q. And go ahead. Are you done? I just want
 10 to make sure I'm not interrupting you.
 11 A. Yeah. He had so many hobbies, like fishing
 12 and camping and, of course, guns. So I didn't ask
 13 him each time he ordered, what did you -- I was busy
 14 too, so I didn't involve too much.
 15 MS. LEFKOWITZ: I think I'm going to ask
 16 one more set of questions, and then I think we
 17 should take a break because we've been going for
 18 about two hours.
 19 Is that okay with everyone? Is that okay
 20 with you, Mami?
 21 THE WITNESS: Yes.
 22 BY MS. LEFKOWITZ:
 23 Q. Okay. Now, you've told the police that in
 24 2019, at the time of the shooting, you did not
 25 believe that there were any real guns in the house,

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VIDEOTAPED DEPOSITION OF MAMI MATSUURA-BERHOW

1 correct?
 2 A. Correct.
 3 Q. But you did think that -- sorry, I heard an
 4 echo, so I'm going to start again.
 5 But you did think that there was a BB rifle
 6 in the house?
 7 A. Yes.
 8 Q. Why did you think there was a BB rifle in
 9 the house?
 10 A. Because I saw it.
 11 Q. And do you remember where you saw it?
 12 A. Maybe in the living room.
 13 Q. There were -- there were three bedrooms in
 14 your house, correct?
 15 A. Yes.
 16 Q. There was one bedroom that was Samantha's,
 17 right?
 18 A. Yes.
 19 Q. And then there was another bedroom that was
 20 Nathan's -- Nathaniel's, right?
 21 A. Yes.
 22 Q. And then there was a third bedroom that
 23 belonged to you and your husband, correct?
 24 A. Correct.
 25 Q. And after Mark passed away, you stayed in

1 that bedroom, correct?
 2 A. Yes.
 3 Q. That was the master bedroom?
 4 A. Yes.
 5 Q. So let's concentrate -- let's start first
 6 on Nathan's bedroom.
 7 A. Yes.
 8 Q. Did Nathan -- did Nathaniel like it when
 9 you -- well, did you frequently go into his room?
 10 A. Yes.
 11 Q. Why would you go into his room?
 12 A. As a mother, I fixed his bedroom -- bed
 13 comforters. What else? Sometimes I clean on his
 14 desk. Dusting. Changing his bed sheet, and swipe
 15 [sic] floors.
 16 If there's clothes to wash, I pick up from
 17 there. He had a basket, a laundry basket, and clean
 18 the clothes, I put it back in the closet.
 19 Q. Are you aware that in 2019, after the
 20 shooting, that the police found a gun in your son's
 21 bedroom?
 22 A. I was not aware at all. That I heard.
 23 Q. But you know now that the police --
 24 A. Now I know, yes. But I didn't aware at
 25 all. It was shocking.

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1 Q. So even though you would go into the
 2 bedroom to, you know, pick up his laundry and dust
 3 his desk, you didn't know that he had a gun in his
 4 room?
 5 A. No.
 6 Q. Do you know that law enforcement found two
 7 BB pistols in his room?
 8 A. Yeah, I didn't know, but I know he was
 9 using BB guns.
 10 Q. So you did know -- you did know that
 11 Nathaniel had BB guns, correct?
 12 A. Yes. But I was not using it. So he was
 13 using it for -- just at the backyard.
 14 Q. Okay. So -- I'm just asking about him at
 15 this point. You knew that he had BB guns, correct?
 16 A. Yes.
 17 Q. So earlier you indicated that you thought
 18 there was one BB rifle in the house, correct?
 19 A. At least one, yes.
 20 Q. At least one. Okay.
 21 But -- so you really knew that there were a
 22 number of BB guns in the house, correct?
 23 A. I believe so.
 24 Q. And these were the BB guns that Nathaniel
 25 would go into the backyard and shoot the can,

1 correct?
 2 A. Yes.
 3 Q. Now, let's talk about your bedroom. Okay?
 4 And you said you slept in your bedroom,
 5 right?
 6 A. Yes.
 7 Q. That's the master bedroom?
 8 A. Yes.
 9 Q. And that's the bedroom -- was it upstairs?
 10 A. No.
 11 Q. Is it all on one floor?
 12 A. One floor.
 13 Q. And the master bedroom had a bathroom
 14 attached?
 15 A. Yes.
 16 Q. Are you aware that law enforcement found a
 17 handgun under your bed in 2019?
 18 A. No.
 19 Q. You don't -- before I just said that today,
 20 you did not know that law -- that the police had
 21 found a handgun under your bed in 2019?
 22 A. I didn't know.
 23 Q. Did you know that they found a handgun
 24 under your bed?
 25 A. I didn't know.

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VIDEOTAPED DEPOSITION OF MAMI MATSUURA-BERHOW

1 page of this document.
 2 Toward the bottom of the page, do you see
 3 where it says, "DCFS employee Deluca was notified at
 4 2305 hours of the incident under referral number."
 5 A. Yes.
 6 Q. Do you know what DCFS is referring to?
 7 A. I think family service.
 8 Q. That's the Department of Children and
 9 Family Services, right?
 10 A. Okay.
 11 Q. Is that right?
 12 A. I believe so. Yes.
 13 Q. Do you remember the Department of Children
 14 and Family Services becoming involved with the
 15 family after that incident?
 16 A. Yes.
 17 Q. Now, if you look further down on that
 18 document, it says, "Alcohol was a contributing
 19 factor in this incident."
 20 And then it says, "V" -- redacted, we don't
 21 see the name -- "stated firearms were inside the
 22 residence and secured in a gun safe. V/redacted
 23 stated that she would be storing the firearms at her
 24 relatives home so S/Mark did not have access to
 25 them."

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1 Q. And did you know that it was quite a lot of
 2 guns that were kept in the garage, right?
 3 A. Yes.
 4 Q. Do you remember approximately how many guns
 5 it was?
 6 A. I never counted, but I heard, I think, 20
 7 guns.
 8 Q. Well, one of the documents that you
 9 produced to us showed that there were 42 guns.
 10 Does that sound right to you?
 11 A. I didn't know 42.
 12 Q. Were you -- you said you were very worried
 13 about Mark's health, right?
 14 A. Yes.
 15 Q. And I assume you were worried about your
 16 children's safety as well, correct?
 17 A. Of course.
 18 Q. Were you worried about the presence of
 19 firearms in the house when Mark was sick?
 20 A. Probably I did. So many factors I had.
 21 Priority was Mark's health. And then secondly
 22 children. I wanted them to be well in the school.
 23 And also I was worried about their mentality also.
 24 At the same time finance -- our finance was
 25 concern if something happened to Mark.

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1 Do you see that sentence?
 2 A. Yes.
 3 Q. Was that person you who told the police
 4 that you would be storing the guns at your
 5 relative's house?
 6 A. I do not recall this sentence.
 7 Q. Do you remember telling the police during
 8 this incident that there were firearms in the house?
 9 A. Maybe. I'm not certain.
 10 Q. Do you remember taking the firearms to
 11 store them somewhere else after this incident?
 12 A. I do not recall. Priority was Mark's
 13 health. I didn't want to lose him at all, so I
 14 believe I was working. Also, I had a schedule for
 15 children. I know on that night I was very upset
 16 emotionally, so I may say that. I do not recall.
 17 Q. But you knew that in June 2015, that there
 18 were firearms in the house, correct?
 19 A. Yes. In June. Yes.
 20 Q. And you knew that they were kept in the
 21 garage?
 22 A. Yes.
 23 Q. In the refrigerator, that was a gun safe,
 24 you knew --
 25 A. I actually -- yes.

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1 Q. You were worried that if something happened
 2 to Mark, that you -- your family would have
 3 financial trouble? Is that what you're saying?
 4 A. Yes. Because I -- I couldn't make the
 5 money as much as Mark made.
 6 So Samantha was very smart. Both kids are
 7 smart. That I knew. And Samantha had the very
 8 ambitious dream. I wanted her to succeed.
 9 So I told the kids we still keep going no
 10 matter what. So they did.
 11 Q. So you don't remember telling the police
 12 that you were going to remove the firearms for the
 13 time being to a relative's house?
 14 A. I don't recall at all.
 15 My main concern was just the health, as I
 16 said, and the kids' future. I didn't like guns at
 17 all. Even I didn't want to touch.
 18 Q. Did you think that if you tried to remove
 19 the guns from the house that Mark would be upset
 20 about that?
 21 A. Well, I never thought about that. I never
 22 had the interest in guns. I --
 23 Q. You never -- go ahead. Go ahead.
 24 A. Yeah. So I was more worried about my
 25 family members, not guns.

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1 He was heavy. I couldn't move him. We
2 tried move him from sofa and lay him down on the
3 floor. We wanted to do CPR, but we didn't even know
4 how we did.

5 And then ambulance came. And then
6 Nathaniel and I went to his room and laid down on
7 the bed. We held each other, prayed.

8 Then after a while, officer came. He
9 passed away.

10 Q. And you said that you had a very hard time
11 after your husband passed away, right?

12 A. Yes.

13 Q. And did Nathaniel also have a hard time
14 after his dad passed away?

15 A. I believe so.

16 Q. Did he -- did he ever go to therapy?

17 A. No. Yeah. I asked him, but he said, "I'm
18 okay."

19 Then three days later, he went back to
20 school because he has many friends. His friends
21 told him to come back to school. I said, "That's
22 good idea," because I was working. I think I had to
23 go back to work too.

24 Well, my family came from Japan, and they
25 stayed until December 31. Yeah. After that, I

1 believe -- I believe Nathaniel went back. No,
2 before that, he went back to see friends. Samantha
3 came home also for short time. Many people came to
4 our house. I do not recall who came, but I remember
5 my family came.

6 Q. Can you tell me about how things were in
7 your family in 2018 after your husband died?

8 A. Since I was in a training program, I had to
9 go back. And also I needed life -- medical
10 insurance because Kaiser refused it. We didn't have
11 any medical insurance.

12 And at the same time, I had to contact with
13 lawyer, and I had so many calls from creditors.

14 And then I rely on Mark finance, so tried
15 to figure out what to do. And that same time, we
16 had a fraud from -- found out that somebody was
17 taking money from Mark's account.

18 Q. You mean someone was removing money from
19 Mark's bank account? Is that what you're saying?

20 A. Yes.

21 Q. How did Nathaniel -- in 2018, how did
22 Nathaniel react to his father's death?

23 A. He involved with friends a lot. That
24 was -- I was kind of relieved. He had many friends,
25 and he was always talking with friends. So between

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1 8:00 to 5:00, 8:00 to 6:00 o'clock -- no, 7:00 to
2 6:00 o'clock, I was gone during the day.

3 And I -- the time when he was in school, I
4 called him during lunchtime to make sure he's okay.
5 We talked at night every night. He seemed okay.

6 MS. LEFKOWITZ: I'm going to take a
7 one-minute break. Could we go off the record for
8 just one minute?

9 THE VIDEOGRAPHER: Sure. Going off the
10 record. The time is 1:22.

11 (Recess taken.)

12 THE VIDEOGRAPHER: Coming back on the
13 record. The time is 1:24. Please begin.

14 BY MS. LEFKOWITZ:

15 Q. On November 14th, 2019, your son shot a
16 number of students at Saugus High School, correct?

17 A. True, yes. Shoot. Yes.

18 Q. Okay. And he also shot himself, correct?

19 A. Yes.

20 Q. It's been more than two years since then.

21 Have you -- do you have any idea why he did
22 it?

23 A. No. That's the question every day. Was I
24 bad mother? I have anger, to tell the truth. Why?
25 I did everything I could, but I'm hundred percent

1 sure I was good mother.

2 And my son was good too. We followed all
3 rules. He was good student. He was such a kind
4 person to his Boy Scout and cross-country and all of
5 his friends. He had many friends. He was good
6 listener. Why?

7 Q. And I'm sorry, I know I'm asking you very
8 difficult questions, but I do have to ask them.

9 Do you -- have you thought that the
10 presence -- strike that.

11 Have you thought about the impact that guns
12 played in Nathaniel's life when he was growing up,
13 how that may have impacted him?

14 A. I don't know. I wish I knew. You know,
15 regret doesn't come first. Front. If I knew, I
16 would do everything. I didn't know. I would be in
17 school. I didn't drop him off. I would talk with
18 Nathaniel, if I knew.

19 I worked for kids, disability kids. How
20 could I be negligent? I have so much anger. Why I
21 was negligent?

22 Q. What -- tell me, what is your anger about?

23 A. This lawsuit. I was not negligent at all.
24 Opposite. Totally opposite. I paid attention to
25 all the details. Nathaniel's schedule. I wanted

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VIDEOTAPED DEPOSITION OF MAMI MATSUURA-BERHOW

1 him to be succeed, so I was totally opposite.
 2 Involved with school. Involved with his activities.
 3 He did more than anybody, I believe. So I blame
 4 myself. Maybe I push him so hard.
 5 Q. We talked about the fact that Nathaniel had
 6 a gun in his room in 2019, correct?
 7 A. We talk about it, but I didn't know he had
 8 a gun.
 9 MR. MARK: You know, Counsel, maybe we
 10 could just take a minute. I just want to -- maybe
 11 we could -- just a moment to collect herself. Five
 12 minutes.
 13 MS. LEFKOWITZ: Yeah. Five minutes.
 14 That's fine.
 15 THE VIDEOGRAPHER: Okay. Going off the
 16 record. The time is 1:29.
 17 (Recess taken.)
 18 THE VIDEOGRAPHER: Coming back on the
 19 record. The time is 1:32. Please begin.
 20 MS. LEFKOWITZ: Gina, can you read my
 21 last -- just the question that I asked.
 22 (Record read as follows: We talked about
 23 the fact that Nathaniel had a gun in his
 24 room in 2019, correct?)
 25

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1 Academy?
 2 A. No.
 3 Q. Do you remember whether he was tired?
 4 A. He was tired. Yes.
 5 Q. Was he tired from the trip or did you feel
 6 like he was tired from school?
 7 A. I don't know that one, exactly where or
 8 what happened. He was tired. I know he had so much
 9 pressure. Boy Scout, he was leader of little kids.
 10 And he had cross-country training. He had a meet.
 11 And he didn't feel good. I believe September he was
 12 sick, or October.
 13 So it was not only one factor. It was
 14 several issues that he had. And he had pressure
 15 from school. I remember I yelled at because he --
 16 his grade went down. So he promise with me, yeah, I
 17 will bring that.
 18 Q. When did his grades go down?
 19 A. I think early November we receive the --
 20 his -- it was not final report. It was middle
 21 report. And he got, I think, Ds. So I asked him,
 22 "Explain to me why this happening."
 23 So he said that he didn't turn in homework.
 24 And I said, "Why, Nathaniel? You're so smart. You
 25 can just turn in." Something like that. Just kind

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1 BY MS. LEFKOWITZ:
 2 Q. In -- a few days before the shooting, you
 3 and your son went to visit the Naval Academy in
 4 Maryland, right?
 5 A. Yes. Correct.
 6 Q. Why did you go out there?
 7 A. Well, my girlfriend, her son was there.
 8 Her son was there. Yes. And she told us how
 9 wonderful to be in the Navy Academy, so I was very
 10 interested.
 11 So I asked Nathaniel, "Let's go to see the
 12 school," because I knew he wanted to become
 13 engineer, and I knew he had ambition to be engineer.
 14 So I wanted to take him to good school.
 15 Q. And what did he think of the Naval Academy?
 16 How was your experience there?
 17 A. Well, it a good school. It was a good
 18 school, but I was worried about their schedule.
 19 They had to do swim 5:00 o'clock in the morning.
 20 And we saw dormitory. It was very simple.
 21 It's like a prison. So I didn't want him to -- am I
 22 a good mother to put him here? That was kind of
 23 question.
 24 Q. And how was -- do you know how Nathaniel
 25 was feeling after you came back from the Naval

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1 of conversation.
 2 Q. His grades had been better before?
 3 A. I'm sorry?
 4 Q. Were his grades better before?
 5 A. I believe so. He told me he was good. I
 6 totally trusted him.
 7 Q. But in November 2019, you received a
 8 mid-year report from the school?
 9 A. Yes.
 10 Q. "Yes"?
 11 A. Yes.
 12 MS. LEFKOWITZ: We haven't received a copy
 13 of that report, so I'm just noting for the record
 14 that that report would be responsive to our document
 15 request, and we'll just ask for that to be
 16 supplemented.
 17 BY MS. LEFKOWITZ:
 18 Q. You indicated that Nathaniel had several
 19 issues which included him being tired and being
 20 stressed?
 21 A. Yes.
 22 Q. Anything else?
 23 A. Anything else. That his grade went down.
 24 I think that's enough issues, isn't it?
 25 Q. I'm just trying to get a complete record,

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VIDEOTAPED DEPOSITION OF MAMI MATSUURA-BERHOW

1 so I just want to make sure I ask you everything.
2 A. Yes. As long as I know, he was tired from
3 cross-country. Cross-country training was very
4 exhausting. And they were very serious. Saugus
5 High School was well-known great school for
6 cross-country.

7 So -- and Boy Scouts also, he was leader in
8 the troop. He had to take care of little ones. And
9 he was working on Eagle Scout project also.

10 And he had AP classes. That's enough.

11 Q. Could I ask you to turn back to Exhibit 19.
12 And that's -- and once you're at Exhibit 19, to turn
13 to page 95.

14 Are you there?

15 A. Yes.

16 Q. If you could just give me one second.

17 On page 95, do you see where it says
18 "Interview With Mami Matsuura-Berhow"?

19 A. Yes.

20 Q. And at the very bottom of page 95, the last
21 paragraph, it says, "Matsuura-Berhow said Nathaniel
22 Berhow was very close to his father, however, she
23 [sic] showed very little emotion after his father's
24 death. Investigators told Matsuura-Berhow about the
25 writings recovered in Nathaniel's bedroom that

1 detailed his feelings of being psychotic and cutting
2 himself."

3 Do you see that?

4 A. Yes.

5 Q. Do you remember the police telling you
6 about those journals?

7 A. Yes.

8 Q. But you had never seen those journals
9 before?

10 A. No.

11 Q. Had Nathaniel ever told you that he was
12 feeling psychotic?

13 A. No.

14 Q. Did you ever notice that Nathaniel was
15 cutting himself?

16 A. No.

17 Q. Can you tell me, in your words, what
18 happened on the morning of November 14th, 2019, from
19 when you left the house?

20 A. I still -- I can tell you. Okay.

21 In the morning, November 14 was Nathaniel's
22 16th birthday. So I bought two balloons, happy
23 birthday balloons, and I put card on the table. And
24 I believe I made an omelet. And I sang song for
25 him, happy birthday song, with Google. And we sang

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1 three times.

2 Nathaniel was happy. But we were late. He
3 had first class, I believe it was 6:50 a.m. class.

4 So I had to go to work, too, on time. So
5 we were hurry. I don't think Nathaniel ate omelet.
6 He didn't have a chance to even open my card.

7 We went to the car, "Let's go, let's go."

8 I said that.

9 Then in the car get to the schedule. I saw
10 another troop leader was working on his Eagle
11 project. So meeting -- his meeting was, I do not
12 remember exact time, but it was around 6:00 o'clock.

13 So I asked Nathaniel, "Do you want to help
14 him out, then mama will get birthday cupcake
15 wherever you are." I think he said maybe yes or
16 nodding.

17 Then Nathaniel, after 2:30, because my job
18 finished 2:30, and then Nathaniel finished
19 cross-country training at 2:30, so I pick up at
20 2:30. Then maybe we can go to Black Angus. I had a
21 coupon. Do you want -- there were two kind of
22 steaks. Which one do you want, prime rib or another
23 one. He said, "Mom, let's go Souplantation as
24 usual."

25 "You need protein. Let's go" --

1 (Reporter clarification.)

2 THE WITNESS: Yeah, I --

3 MS. LEFKOWITZ: Do.

4 Q. You want to take a little break?

5 Another -- you okay?

6 A. I'm sorry. I told him, "You need protein
7 because you run so much." 5 miles or 6 miles for
8 training. So -- and he was skinny. "So let's eat
9 steak," I told him.

10 And then, "Do not forget telling teacher
11 your attendance. You are there," I told him.
12 Before that day, he was marked absent first class,
13 but he was -- he had some meeting, so he was just
14 late in the classroom. So I told him, "Do not
15 forget, let teacher know you are there."

16 He said, "Okay."

17 That was the last conversation. Even I
18 didn't know that was last one.

19 BY MS. LEFKOWITZ:

20 Q. Did you see the gun that Nathaniel took
21 with him to the school?

22 A. No. If I knew, I would take it out.

23 Q. After the guns were removed by the police
24 in 2015, did you ever see any guns in the house that
25 were not BB guns?

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<p>1 A Yes and no. Especially right following the 2 shooting, I had a lot of reoccurring dreams, which are 3 pretty bad. I feel like the dreams have changed, but 4 they're still there.</p> <p>5 Q Did you dream about the incident itself? 11:23:14</p> <p>6 A Sometimes.</p> <p>7 Q We're going to take as many breaks as you need to 8 get through this, but I do have to ask what you remember 9 about the incident, and I think it would be easier, with 10 the permission of your attorney, to just let you tell me 11:23:37</p> <p>11 about it rather than go question by question. Is that okay 12 with you?</p> <p>13 MR. KAMDANG: Yes.</p> <p>14 MS. COHEN: Okay.</p> <p>15 MR. KAMDANG: Can I talk to her about it first? 11:23:48</p> <p>16 MS. COHEN: Of course.</p> <p>17 MR. KAMDANG: Can we step out and go off the record?</p> <p>18 MS. COHEN: Sure, of course, and you can use the 19 office that we gave you any time, yeah.</p> <p>20 THE VIDEOGRAPHER: This is the end of media unit 11:23:59</p> <p>21 No. 2. Off the record at 11:24 a.m.</p> <p>22 (Brief recess taken.)</p> <p>23 THE VIDEOGRAPHER: We are back on the record at 11:29</p> <p>24 a.m. This is the beginning of media No. 3.</p> <p>25 /// 11:29:15</p> <p style="text-align: right;">Page 50</p>	<p>1 and I knew the girls who had just ran in, but they 2 definitely didn't see me.</p> <p>3 I was kind of pulled into a different classroom 4 which happened to be my favorite teacher, Miss La Giusa, 5 who was my Spanish teacher, but when I walked in, I was in 11:30:53</p> <p>6 such shock that I just sat in my everyday seat that I'd 7 been sitting in for the past three months. And it wasn't 8 until someone came over and told me that it's going to be 9 okay that I said, no, you don't understand. I've been 10 shot. And that was the first time I or anyone around me 11:31:05</p> <p>11 had really put that into perspective. They got me down on 12 the ground and put pressure on my stomach until the police 13 came and I was ambulated to Central Park, a nearby park, 14 and airlifted to Holy Cross Hospital.</p> <p>15 Q Okay. Who dropped you off at school? 11:31:26</p> <p>16 A My grandma.</p> <p>17 Q Did she normally drop you off at school?</p> <p>18 A Sometimes. Sometimes it was my mom, but my mom 19 and my dad were going to work.</p> <p>20 Q What kind of work do your parents do? 11:31:43</p> <p>21 A My dad's a television writer and my mom's an 22 actress.</p> <p>23 Q Thank you for explaining that, okay. Do you know 24 how far away you were from the shooter when you were shot?</p> <p>25 A I believe it was less than ten feet. 11:32:19</p> <p style="text-align: right;">Page 52</p>
<p>1 BY MS. COHEN:</p> <p>2 Q Again you're still under oath.</p> <p>3 A Yes.</p> <p>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</p> <p>6 happened the day of the incident because I think that might 7 be easier than me asking every little question, and you've 8 spoken to your attorney and you've agreed to do that.</p> <p>9 So I'm going to ask you, you know, to tell me 10 what you remember about that day, starting from the 11:29:39</p> <p>11 beginning of the day before the incident, whatever you can 12 remember, if you can share that with me, I would appreciate 13 it.</p> <p>14 A Yeah, I got dropped off at school. I walked in 15 and went to the quad where I talked with my best friend, 11:29:53</p> <p>16 Dominic, and the rest of our group. We always got there 17 really early.</p> <p>18 I heard a bang and I wasn't sure what it was, but 19 then there was another and I was on the ground and I felt 20 pressure and it was wet, and I ran up some stairs and a 11:30:10</p> <p>21 ramp and more stairs and got to the second quad area where 22 I made a turn, and there was a bunch of kids running into a 23 classroom, so I knew I would be able to go in there, too, 24 and then they slammed the door as I was two feet away. I 25 was banging on the door, trying to get them to let me in, 11:30:37</p> <p style="text-align: right;">Page 51</p>	<p>1 Q Do you have any memory of seeing him?</p> <p>2 A No.</p> <p>3 Q Did you know him?</p> <p>4 A No.</p> <p>5 Q And when you say it was less than ten feet, do 11:32:37</p> <p>6 you base that on your recollection or other factors?</p> <p>7 A What people have told me I believe ranges from 8 six to eight feet, yeah.</p> <p>9 Q Okay. And right now I just want to know what you 10 remember. Do you remember seeing the shooter at all? 11:32:56</p> <p>11 A No.</p> <p>12 Q Okay. I know your friend, Dominic, was shot and 13 killed.</p> <p>14 A Correct.</p> <p>15 Q Do you remember seeing that happen at all? 11:33:07</p> <p>16 A I don't remember seeing it happen, but I do 17 remember hearing him.</p> <p>18 Q What did you hear?</p> <p>19 A Just screaming.</p> <p>20 Q Okay. Did you see anyone else get shot? 11:33:17</p> <p>21 A No.</p> <p>22 Q Do you remember who pulled you into the 23 classroom?</p> <p>24 A Ryan and Maria are their names.</p> <p>25 Q Do you recall their last names? 11:33:51</p> <p style="text-align: right;">Page 53</p>

14 (Pages 50 - 53)

<p>1 Q Congratulations. That's a big accomplishment.</p> <p>2 Did you have your appendix out?</p> <p>3 A Yes.</p> <p>4 Q When was that?</p> <p>5 A When I was in like 7th grade. 12:19:10</p> <p>6 Q Okay. Do you know did they do that</p> <p>7 laparoscopically?</p> <p>8 A Correct.</p> <p>9 Q Did you have any residual anything from that</p> <p>10 procedure? 12:19:26</p> <p>11 A No.</p> <p>12 Q Do you have any kind of food allergies or any</p> <p>13 other abdominal issues unrelated to this incident?</p> <p>14 A Not that I'm aware of.</p> <p>15 Q Okay. Are there any other medical issues that 12:19:46</p> <p>16 you believe you have that are not related to the incident?</p> <p>17 A Not that I can think of.</p> <p>18 Q Okay. Have you been able to get the COVID</p> <p>19 vaccine?</p> <p>20 A Yes. 12:20:26</p> <p>21 Q And has this injury in any way affected your</p> <p>22 monthly menstrual cycle?</p> <p>23 A Yes.</p> <p>24 Q How has it affected that?</p> <p>25 A I didn't get it for seven months after, and then 12:20:46</p> <p style="text-align: right;">Page 74</p>	<p>1 A No, but I've never really asked about having</p> <p>2 babies.</p> <p>3 Q You're too young for that discussion.</p> <p>4 A Yes.</p> <p>5 MS. COHEN: All right. I don't think I have any 12:22:04</p> <p>6 further questions. I appreciate your patience and</p> <p>7 fortitude today. Thank you so much.</p> <p>8 THE WITNESS: Thank you. So do I look up there or?</p> <p>9</p> <p>10 EXAMINATION 12:22:19</p> <p>11</p> <p>12 BY MR. MARK:</p> <p>13 Q Hi, Mia, can you see me okay and hear me?</p> <p>14 A Yes.</p> <p>15 Q Very good. Well, again, thanks for being here 12:22:23</p> <p>16 today. I know it's a long and tiring process so I only</p> <p>17 have about four or five questions. It won't take too long.</p> <p>18 So you testified earlier that you have never met</p> <p>19 the shooter, Nathaniel Berhow; is that correct?</p> <p>20 A Yes. 12:22:39</p> <p>21 Q Now when you say met, you've never spoken to this</p> <p>22 individual?</p> <p>23 A I knew nothing about him.</p> <p>24 Q Never saw him around the school?</p> <p>25 A No. 12:22:49</p> <p style="text-align: right;">Page 76</p>
<p>1 since then, it's been very heavy and lasted sometimes</p> <p>2 almost two weeks.</p> <p>3 Q Have you ever tried any kind of medication for</p> <p>4 that?</p> <p>5 A Yes, and it helped kind of even it out, my 12:20:59</p> <p>6 hormones, but it still certainly is much different than it</p> <p>7 was before.</p> <p>8 Q Okay. Does it still last two weeks?</p> <p>9 A It's better than that now, yes.</p> <p>10 Q It's better now, okay. And as far as you know, 12:21:13</p> <p>11 have any of your reproductive organs been affected by this</p> <p>12 incident?</p> <p>13 A No. However, there's still a lot of things that</p> <p>14 they don't necessarily know.</p> <p>15 Q Okay, but as far as you know, you will be able 12:21:28</p> <p>16 to, if you wish, get pregnant and carry a pregnancy to</p> <p>17 term?</p> <p>18 A There's no real way to be sure of that now</p> <p>19 because of where the scar tissue is.</p> <p>20 Q Because it's in your abdomen? 12:21:43</p> <p>21 A Correct.</p> <p>22 Q Okay. Has any doctor told you that it affects</p> <p>23 your uterus?</p> <p>24 A No.</p> <p>25 Q Okay. Or your other reproductive organs? 12:21:51</p> <p style="text-align: right;">Page 75</p>	<p>1 Q Okay. And I take it you've never met his father,</p> <p>2 Mark Berhow?</p> <p>3 A No.</p> <p>4 Q I take it you've never met his mother, Mami</p> <p>5 Matura-Berhow? 12:23:00</p> <p>6 A No.</p> <p>7 Q And I take it you've never visited the real</p> <p>8 property located at 22938 Sycamore Creek Drive in Valencia?</p> <p>9 A No.</p> <p>10 MR. MARK: All right. That's all I have. Thank you 12:23:13</p> <p>11 so much.</p> <p>12 THE WITNESS: Thank you.</p> <p>13 MR. KAMDANG: I have no follow-up so.</p> <p>14 MS. COHEN: Okay. These days we go by code. I think</p> <p>15 she needs to say something, and that's how it is these 12:23:24</p> <p>16 days.</p> <p>17 THE COURT REPORTER: Does anybody need to order a</p> <p>18 copy?</p> <p>19 MS. COHEN: Josephine, we'll have a copy. Can you get</p> <p>20 us an estimate for an expedite? 12:23:36</p> <p>21 THE COURT REPORTER: Sure. How soon did you need it?</p> <p>22 MS. COHEN: Give me the various options if you don't</p> <p>23 mind in an email so that I can send it to my carrier and</p> <p>24 let them decide what they want.</p> <p>25 THE COURT REPORTER: Sure. I'll do that later this 12:23:55</p> <p style="text-align: right;">Page 77</p>

20 (Pages 74 - 77)

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1 VIDEO OPERATOR: All counsel agree to go off
2 the record?
3 MS. COHEN: Yes.
4 VIDEO OPERATOR: We are now off the record.
5 The time is 2:18 p.m. Pacific Time.
6 (Brief recess.)
7 VIDEO OPERATOR: We are now back on the record.
8 The time is 2:27 p.m. Pacific Time.
9 BY MR. SCHOENBERGER:
10 Q So let's just show one final exhibit and then
11 we'll be done. I think it's D5. You should have D5.
12 That will be next in order?
13 MR. WEINER: And I'm marking it as Exhibit 17.
14 (Whereupon Defendant's Exhibit 17 was marked
15 for identification.)
16 BY MR. SCHOENBERGER:
17 Q All right. Mr. Osman, earlier we had shown an
18 old website that referenced the 80 percent officer build
19 kit. This is a current one. Do you recognize that?
20 A Yes, I do.
21 Q And this shows the parts, right?
22 A Yes.
23 Q And then if we go down you can actually just
24 sort of do the drop-down menu here that adds the
25 finishing tools for home-built.

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1 Thank you.
2 A You're welcome.
3 MR. MARK: Mr. Osman, I have a couple questions
4 if I may.
5 THE WITNESS: Okay.
6 MR. MARK: Won't be long. Just a few
7 questions, I assure you.
8 EXAMINATION
9 BY MR. MARK:
10 Q First of all, let me commend you. Everyone in
11 this virtual room understands how grueling and taxing
12 this process can be, so well done making it through the
13 day today. And, again, I won't take much of your time
14 here.
15 One of the things you might have noticed,
16 Mr. Osman, is that my client Mami Matsuura-Berhow hasn't
17 been brought up at all during today's proceeding. Are
18 you aware of the claims that plaintiff has alleged
19 against her?
20 A I don't recall.
21 Q No problem.
22 And we talked a lot about Mark Berhow earlier
23 today, but we didn't talk about Mami. Have you had any
24 sort of communication or otherwise any interaction with
25 her whatsoever?

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1 A Yes.
2 Q Is that true?
3 A Yes.
4 Q In other words, if we click that drop-down menu
5 then we can have jig, et cetera added to the cart?
6 A Yes.
7 Q Then if we scroll down -- that just makes it
8 easier for the customer, right?
9 A Yeah.
10 Q And same thing here, if you want some of these
11 things, then you can click on it and get them
12 referencing Page 2 of this?
13 A Correct.
14 Q And then if we go down to the third page of
15 this it says, under "Description," "Approximate time for
16 completion 10 to 12 hours." So that's what you've got
17 on the website?
18 A Okay.
19 Q Well, that's what you -- you put on the
20 website, right?
21 A Yes.
22 Q All right. Okay, and that's to complete the
23 whole thing, obviously.
24 A Yes.
25 Q Mr. Osman that's all the questions I have.

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1 A No.
2 MR. MARK: All right, Mr. Osman, that's all I
3 have. Thank you.
4 THE WITNESS: You're welcome.
5 MR. SCHOENBERGER: And so I just wanted to make
6 sure that we were clear that I have no more questions,
7 but based on the prior discussions that we've had
8 Adrienne, about the topics for which you instructed him
9 not to answer, I'm simply, I suppose, suspending the
10 deposition, or it's not over based upon those
11 discussions. I didn't want my saying I have no more
12 questions to be interpreted otherwise.
13 MS. COHEN: Understood. And we put that on the
14 record, Counsel, so -- and I am open to further
15 discussion on this issue.
16 MR. SCHOENBERGER: Yeah, understood. We'll
17 talk.
18 MS. COHEN: Okay. Thank you very much.
19 MR. SCHOENBERGER: All right. Thanks all.
20 VIDEO OPERATOR: Really quick. Just some
21 housekeeping things. I'm just going to go ahead and go
22 through transcript and video orders real quick.
23 So, Ms. Cohen, I'll start with you. Do you
24 want a transcript or a video?
25 MS. COHEN: Transcript, please.

1 whether you've taken any medications or drugs or
2 alcohol of any kind that might make it difficult for
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
14:04:01 20 about your preparation for this deposition now.
21 Though I'm not going to ask you any questions about
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?

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

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 5 A Like, the beginning of this year. He
6 just started.

7 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

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

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.

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.

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.

INTERVIEW WITH KATHRYN KLASSEN

On December 3, 2019, at approximately 1345 hours, Detective McGaughey and Sergeant Morales interviewed Kathryn Klassen at her residence. Also present during the interview was Klassen's mother, Deldra 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 atheist.

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.

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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 summary 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

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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 brother 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 grew 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

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different dates³. 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 foretold 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_Kartoffel," 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_Kartoffel," and learned the account was created on September 5, 2016, and was associated with Berhow's cell phone number. The email address, brohamfreak@gmail.com, 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.

³ Investigators learned from several of Berhow's friends that he would not provide his correct birthdate when asked, in fact, he would provide different dates for his birthday and tease his friends when they missed it.

PROOF OF SERVICE BY ELECTRONIC SERVICE AND MAIL**(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)**

I, the undersigned, declare as follows: I am over the age of 18 years. I am not a party to the 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 Springfield Court, Suite 345, Valencia, California 91355.

On October 7, 2022, I served the “

DEFENDANT MAMI MATSUURA-BERHOW’S MOTION FOR SUMMARY JUDGMENT; DECLARATION OF DEFENDANT MAMI MATSUURA-BERHOW IN SUPPORT THEREOF” on the interested parties in this action as follows:

☒ By Electronic Service: I electronically served the document(s) described above on recipients designated on the Zachs Legal Services website (<http://efile.zachslegalservices.com/cabeta>) pursuant to the Court Order establishing and authorizing electronic service of documents.

WALKUP, MELODIA, KELLY & SCHOENBERGER EVERYTOWN LAW

Richard Schoenberger, Esq.

Alla Lefkowitz, Esq. alefkowitz@everytown.org

rschoenberger@walkuplawoffice.com

Len Hong Kamdang, Esq. lkamdang@everytown.org

Spencer Pahlke, Esq. spahlke@walkuplawoffice.com

Sara Peters, Esq. speters@walkuplawoffice.com

LAW OFFICE OF ADRIENNE D. COHEN

Sean Ferron, srf@adcohen.com

☐ 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:

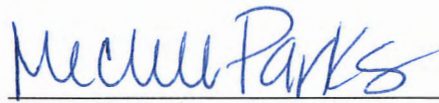
I placed said envelope into a collection box for GLS before the posted time for the last collection from said box (8:00 p.m.) on _____.

☐ By Mail: I placed a true and correct copy of the document in a sealed envelope addressed as follows:

The envelope was mailed with postage thereon fully prepaid. I am “readily familiar” with 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 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 is more than one day after the date of deposit for mailing stated in this affidavit.

Executed on October 7, 2022, at Valencia, California.

I declare under penalty of perjury that the foregoing is true and correct.



Mechelle Parks



Make a Reservation

MIA TRETТА, 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:
MIA TRETТА, et al. vs TERRANCE J. OSMAN, et al.

Case Number:
20STCV48910

Type:
Motion for Summary Judgment

Status:
RESERVED

Filing Party:
Mami Matsura-Berhow (Defendant)

Location:
Chatsworth Courthouse - Department F49

Date/Time:
02/21/2023 8:30 AM

Number of Motions:
1

Reservation ID:
236764373135

Confirmation Code:
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

Type:
Visa

Account Number:
XXXX6810

Authorization:
02405G

Print Receipt

[+ Reserve Another Hearing](#)