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UNITED STATES DISTRICT COURT OF NEW YORK
COUNTY OF KINGS

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VADIM MIKHLYN, INGA MIKHLYN, and ABC ALL
CONSULTING, INC.,

Plaintiffs,
-against- Index No.: CV 08 3367

ANA BOVE, POLINA DOLGINOV, ANNA BOVE
COMPANY, LLC, ANA BOVE COLLECTIONS, INC.,
and ANNA BOVE EMBROIDERY SUPPLIES, INC.,

Defendants.

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ANA BOVE, ANNA BOVE COMPANY, LLC, and ANNA BOVE
EMBROIDERY SUPPLIES, INC.,

Counter-Plaintiffs,
-against-

VADIM MIKHLYN, INGA MIKHLYN, and ABC ALL
CONSULTING, INC.,

Counter-Defendants.

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11 Broadway
New York, New York

November 24, 2009
10:15 A.M.

CONTINUED EXAMINATION BEFORE TRIAL
of ANA BOVE, taken pursuant to Article 31 of the
Civil Practice Law and Rules of Testimony, held at
the above-mentioned time and place before Melissa
Valukis, a Notary Public of the State of New York.

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A P P E A R A N C E S :

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Also Present:
ALEX SAKIRSKI
VADIM MIKHLYN
INGA MIKHLYN
PETER BERGER
JOSEPH ABESHOUSE (Law clerk)
IRINA BARSKOVA (Interpreter)

1 A. Bove

2 partner in the business that was started in the
3 middle of the year of 2008 is Alex Sakirski.

4 Q The partnership that you have with Alex
5 Sakirski, what is its business?

6 A I don't understand the question.

7 Q What business is your partnership with
8 Alex Sakirski in?

9 A It's an identical business that Polina and
10 I started in the year 2001. The business that deals
11 with the production and sales of embroidery designs.

12 Q Does the business with your partner Alex
13 Sakirski operate websites?

14 A Yes.

15 Q Name the websites that your partnership
16 with Alex Sakirski operates?

17 A ABC Cross Stitch Patterns.com, ABC
18 Embroidery Designs.com, Ana Bove Company, LLC.

19 Q Does your partnership with Polina Dolginov
20 still operate websites?

21 A No.

22 Q What does it do?

23 A Our partnership ceded the right to the
24 company ABC, LLC in order to represent our rights
25 with Polina in the federal courts for proceeding of

1 A. Bove

2 the case, this case.

3 Q Why did you need to cede the right to the
4 websites to ABC LLC to certify or prosecute it's
5 rights in this lawsuit?

6 DEFT ATTY: Objection. The answer is
7 different.

8 A I deem it right that Polina and my rights
9 be represented by a separate legal entity and that
10 legal entity be created and have the American
11 status.

12 Q Do you know if anything prevented you as a
13 partner with Polina in asserting claims on behalf of
14 your partnership with Polina in this lawsuit?

15 A I don't understand the question.

16 Q Why did you cede the websites to a new
17 entity, explain?

18 A I believe I already answered this
19 question.

20 Q I want you to explain why. I don't
21 understand why.

22 A I don't have an addition to my
23 explanation. It seems to me a more right thing.

24 Q Why was it more right?

25 A As I said I want Polina and my rights

1 A. Bove

2 A From the paypal account opened at the
3 email address, if I'm not mistaken
4 Ana.Bove@fusemail.com, but I have to check.

5 Q Was that your personal paypal account?

6 A This status of the paypal account is
7 personal and I used it both for the personal
8 purposes and also transfers and payments to some
9 workers of our business with Polina.

10 MR. WERTHEIM: I'm going to ask the
11 witness to take a look at what was previously
12 marked as Plaintiff's Exhibit 3 (handing).

13 THE WITNESS: As far as I remember this
14 document was provided by me.

15 MR. WERTHEIM: I agree with that.

16 Q You produced more documents of this type,
17 correct?

18 A Yes.

19 THE WITNESS: Produced would mean turned
20 over to you?

21 MR. WERTHEIM: Yes.

22 Q Can you tell me what this document is?

23 A It's a print screen of the paypal account
24 of Ana Bove Collections, Inc. It was made by me
25 approximately in the period of April/May 2008.

1 A. Bove

2 Q When you say "made by me" do you mean
3 created by you?

4 A It was printed out later. The print
5 screen is just a function that is in the computer.
6 It creates images that is on the computer screen at
7 the home.

8 Q Who controlled the paypal account for
9 which this is a statement?

10 A At that moment, when I did the print
11 screen of this document that account was created and
12 controlled by the Mikhlyns.

13 Q Who opened the account, do you know?

14 A That is the same account that used to be
15 ABC Embroidery Fonts. In February of 2004 it was
16 opened by Inga Mikhlyn in the process after Polina
17 and I started using this account for our embroidery
18 business.

19 At some period of time we changed the
20 business name and as of the year 2006 this account
21 has the name Ana Bove Collections, LLC.

22 Q Is this the account that Inga Mikhlyn
23 opened in her name?

24 A The second page shows the first page of
25 this paypal account. Yes, the first page, I think,

1 A. Bove

2 A I believe I did not do the print out. I
3 saved the electronic version of this document.

4 Q Does it refresh your memory to look at the
5 words above the first line item where it says
6 "Payment sent from April 22, 2003 to May 22, 2008."?

7 A It helps me to presume that most likely
8 this document was saved from the period of April/May
9 of 2008.

10 Q Did you have a yahoo email address during
11 that period?

12 A Yes.

13 Q What was the address?

14 A Ana.Bove@yahoo.com.

15 Q Since that time have you had any other
16 yahoo email addresses?

17 A Yes.

18 Q Please identify your other yahoo email
19 addresses.

20 A All the addresses that I gave you have to
21 do with the embroidery business that has been
22 operating since in the middle of 2008.

23 Q Can you identify those addresses?

24 A A great number of the attachment before
25 the name, like, infosupport and after "@" they all

1 A. Bove

2 end up with Anaboveembroidery.com.

3 Q Were all those embroaidery email addresses
4 used by you?

5 A I don't understand.

6 Q Were they your email addresses?

7 A Those were the email addresses of the
8 Embroidery business. There are many of them. I
9 supposed there should be around 20.

10 Q Is each of those email addresses used for
11 a different business purpose?

12 A Yes.

13 Q Does Mr. Sakirski have an email address or
14 multiple email addresses?

15 A I don't know.

16 Q Does he have an email address or addresses
17 that he uses for your business?

18 A Yes.

19 Q More than one?

20 A As far as I recall one, but is it easy to
21 verify.

22 Q Can you identify his email address?

23 A Alex@Anaboveembroidery.com.

24 Q Let's go on to the next minimized window.
25 Do you see the next one, do you where it says

1 A. Bove

2 "Polina."

3 A Yes.

4 Q Can you tell me what is in that window?

5 A It's a window for SKYPE chat.

6 Q "SKYPE" is that a form of real live
7 internet chat?

8 A It's similar software to the MSN
9 messenger.

10 Q Can you tell me what is in the next
11 window?

12 A This window indicates an open folder named
13 Mesh Designs.

14 Q What's in that folder or was in that
15 folder at the time?

16 A I presume that this folder contained the
17 designs created by my sister Maryana.

18 Q Did your sister Maryana create embroidery
19 designs?

20 A Yes.

21 Q Do you know how many she created?

22 A I don't remember for certain, but
23 definitely more than ten.

24 MR. WERTHEIM: Skip past the next window
25 that says 14 percent complete.

1 A. Bove

2 Q Do you see the minimized window that says
3 "Mash T."?

4 A Yes.

5 Q Can you tell me what was in that window?

6 A It's a window of the SKYPE program and
7 "Mash T" is the nickname of my sister in this
8 program.

9 Q Go to the last window, can you tell me
10 what that represents?

11 A This is a MSN chat window with Polina
12 Dolginov.

13 Q Was there a time when you would chat with
14 Polina using two different chat services?

15 A As far as I explained as to what is seen
16 on this document, as to Polina Dolginov, she had two
17 computers at her disposal which had one of the
18 programs installed for the communication with the
19 world.

20 Q In or around May 2008, when you would sit
21 in front of the computer and you were doing work,
22 were you in the practice of keeping chats, online
23 chats, open but minimized on your screen?

24 A I would like the question to be clarified.

25 Q When you are working with Windows you can

1 A. Bove

2 keep more than one window open, correct?

3 A Yes.

4 Q And let's say if you have a chat going on
5 with someone else, could you stay connected in the
6 chat but minimize the window where you are having
7 the chat?

8 A This is what is seen in this document.

9 Q At or around the time of May 2008 were you
10 chatting frequently with Polina online?

11 A Yes.

12 Q During the whole course of your
13 partnership, did you chat with Polina online
14 frequently?

15 A Yes, all the time.

16 Q Did there come a time when you stopped
17 chatting with Polina frequently?

18 A No.

19 Q You still chat with Polina frequently?

20 A As of this moment, yes.

21 Q How about Masha, do you still chat with
22 her frequently?

23 A I never had chats with Masha as frequently
24 as I did with Polina.

25 THE WITNESS: Can we take a break?