

1 UNITED STATES DISTRICT COURT OF NEW YORK

2 COUNTY OF KINGS - INDEX NO. CV 08 3367

3 VADIM MIKHLYN, INGA MIKHLYN

4 and ABC ALL CONSULTING, INC.

5 Plaintiffs, DEPOSITION UPON

6 -against- ORAL EXAMINATION OF:

7 ANA BOVE, POLINA DOLGINOV, POLINA DOLGINOV

8 ANNA BOVE EMBROIDERY SUPPLIES,

9 INC.,

10 Defendants.

11 -----x

12 ANA BOVE, ANNA BOVE COMPANY, LLC

13 and ANNA BOVE EMBROIDERY SUPPLIES,

14 INC.,

15 Counter-Plaintiffs,

16 -against-

17 VADIM MIKHLYN, INGA MIKHLYN

18 and ABC ALL CONSULTING, INC.

19 Counter-Defendants.

20 -----x

21

22

23 ROBERT CIRILLO, INC.
24 Certified Shorthand Reporters
182 Columbia Turnpike
25 Florham Park, NJ 07932
(973)740-1331

1 TRANSCRIPT of the deposition of POLINA
2 DOLGINOV, witness called for oral examination in
3 the above-entitled action, said deposition being
4 conducted pursuant to the Rules Governing Civil
5 Practice in the UNITED STATES DISTRICT COURT, by
6 and before MAUREEN M. RATTO, a Notary Public and
7 Registered Professional Reporter, License No.
8 817125, at the offices of Levinsohn & Berger, PC,
9 11 Broadway, New York, NY, 10004, on December 15,
10 2009, commencing at 10:15 a.m.

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

2 VAL MANDEL, P.C.

3 Attorneys for the Plaintiff/Counter-Defendants

4 80 Wall Street, Suite 1115

5 New York, New York, 10005

6 BY: ERIC WERTHEIM, ESQ.

7 DANIEL AKSELROD, ESQ.

8

9 BORIS KOGAN & ASSOCIATES

10 Attorneys for Defendants/Counter-Plaintiffs

11 277 Broadway, Suite 701

12 New York, New York, 10007

13 BY: BORIS KOGAN, ESQ.

14 JOSEPH ABEHOUSE, ESQ.

15

16 ~~LEVINSOHN BERGER, LLP~~

17 Attorneys for Defendants/Counter-Plaintiffs

18 11 Broadway, Suite 615

19 New York, New York 10004

20 BY: JONATHAN BERGER, ESQ.

21

22 ALSO PRESENT:

23 ALEX SAKIRSKI

24 INGA MIKHLYN

25 ANA BOVE

1 (Pause in the proceedings.)

2 A. Okay.

3 Q. Do you recognize Exhibit 12 to be
4 the transcript of an internet chat you had with
5 Ana in 2007?

6 A. I think that, yes, it was our chat.

7 Q. Do you remember the chat?

8 A. Well, I do remember certain parts
9 of it.

10 Q. Is this one of the chats you looked
11 at yesterday with your attorneys?

12 A. No.

13 Q. I'm just going to ask you to tell
14 me what parts, certain parts of the chat say,
15 okay? And just so we're clear, when there is a
16 statement from one person or the other that I
17 want you to translate for me or tell me what it
18 says, I will direct your attention to the hour,
19 minute and second of the statement I'm talking
20 about. Do you understand what I mean?

21 MR. KOGAN: I just want to make a
22 general objection to what was previously said of
23 Ana Bove and the chats. I repeat the objection.

24 MR. WERTHEIM: I understand you
25 have a standing objection about the chats.

1 MR. KOGAN: Just so as not to
2 interrupt the question.

3 Q. Look at the item on 10:42:30,
4 please?

5 A. Okay.

6 Q. I want you to tell me who's
7 speaking to who and what is said? And please
8 continue reading on in the chat until I tell you
9 to stop and I have further questions.

10 A. Do I understand correctly I should
11 start reading from 10:42:30?

12 Q. And tell me who's speaking to who?

13 A. Polina says to Ana: "Do what you
14 want?"

15 Q. Continue on.

16 A. In the next line Ana says to
17 Polina: "I realized that almost a month ago and
18 we do as we want." Next line Polina says to Ana:
19 "What did you expect from me? You got locked at
20 your house, wouldn't let me on your door step in
21 the -- in the literal meaning of the word. You're
22 behaving not just strangely but I don't know how
23 to call it. I'm not the person who makes scandals
24 and sorting out. I've been waiting for a long
25 time for you to come to your senses. But this is

1 by no means happening. I simply don't know how to
2 behave with you, to tell you truthfully."

3 Q. Okay. Stop there for a second. Were
4 you having problems with Ana at or around the
5 time this chat took place?

6 A. Evidently there were some problems.

7 Q. Do you remember what those problems
8 were?

9 A. I don't remember in the detail
10 entirety.

11 Q. Was one of the problems Ana not
12 letting you into her house?

13 A. No.

14 Q. At or around this time did you
15 perceive Ana to be hiding from you?

16 A. I don't remember.

17 Q. Read the next entry in the chat.

18 A. Ana says to Polina: "And did you
19 ask even once whether help was needed, even once?
20 We were redoing the site as crazy and corrected
21 your mistakes, by the way, which I showed you at
22 that time, simply shocked me. How -- how did you
23 in fact manage to bring the site to such a state.
24 I beg your pardon. The only thought is that it
25 is simply -- that all this is simply too much --

1 too hard and much for you. Even if -- when even
2 in 20 orders you manage to make mistakes. Next
3 line: Polina tells to Ana.

4 Q. Stop for a second. Stop for a
5 second. It seems to me there was a sentence
6 missed in the previous entry from Ana. Does the
7 last sentence say, "no one can even give you even
8 the smallest responsibility any more?

9 A. I don't see it here.

10 MR. KOGAN: Wait. I don't want the
11 interpreter to look at the exhibit and read from
12 the exhibit and assist in anyway.

13 THE INTERPRETER: I wasn't.

14 MR. KOGAN: Let the witness look at
15 the Exhibit.

16 THE WITNESS: Actually she -- I
17 translated the question to the interpreter. You
18 see that line but that doesn't mean I saw it.

19 MR. KOGAN: I understand. I'd like
20 the witness to know that the witness should
21 answer on her own without asking you for
22 assistance.

23 Q. If you don't see what I just said
24 you can let me know and we'll move onto the next
25 line.