

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ANUCHA BROWNE SANDERS,

Plaintiff,

-against-

06 CV 0589 (GEL)

MADISON SQUARE GARDEN, L.P., ISIAH
LORD THOMAS, III and JAMES L. DOLAN,

Defendants.
-----X

C O N F I D E N T I A L

VIDEOTAPED DEPOSITION OF BROCK WEAVER

New York, New York

Thursday, December 21, 2006

REPORTED BY:

BARBARA R. ZELTMAN

JOB NO.: 11338



David Feldman
Worldwide

CONFIDENTIAL

805 Third Avenue, 8th Floor
New York, NY 10022
(800) 642-1099

600 Anton Boulevard, 11th Floor
Costa Mesa, CA 92626
(866) DFW-1380

1 BROCK WEAVER

2 or subscriptions that were used as
3 deductions. So no photocopies or no
4 evidence.

5 Q I refer you to the sheet that
6 has been marked MSG-40171, which you
7 referred to earlier.

8 Now, it includes both
9 typewritten items and handwritten notes.

10 Are those your handwritten
11 notes?

12 A Yes.

13 Q So all of the entries on this
14 sheet were prepared by you; is that
15 correct?

16 A Yes.

17 Q Now, how did you come to
18 prepare this sheet?

19 MR. MINTZER: Objection to
20 form.

21 A How did I prepare it? You
22 mean on the computer or ...

23 Q What was the reason that you
24 prepared this sheet on April 3?

25 A Really, just to get my

1 BROCK WEAVER

2 thoughts down on paper as far as what
3 needed to be done, what information needed
4 to be gathered in order to move forward in
5 completing the return.

6 Q And for what purpose were you
7 using this sheet?

8 A To organize my thoughts and,
9 again, the information that we needed.

10 Q So was there information from
11 this sheet that you then discussed with
12 Ms. Sanders?

13 A Yeah, all of those items were
14 addressed with Ms. Sanders.

15 Q And when were those items
16 addressed with Ms. Sanders?

17 A It would have been probably
18 within a week or two of April 3 of 2006.

19 Q And specifically, Item 3 of
20 the typewritten items concerns direct
21 marketing income or expenses in 2005.

22 Did you discuss this with
23 Ms. Sanders?

24 A Yes.

25 Q And would you tell me what you

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BROCK WEAVER

discussed with her?

A In my review of the 2004 return, there was a Schedule C that said "Direct Marketing," and there was no income, but 20-something-thousand dollars of expenses, which as a tax preparer, you know, seemed strange. So I inquired about those expenses with Ms. Sanders, and more specifically, wanted to know if such activities had occurred in 2005.

Q And how did she respond?

A She was surprised that I was asking her about business expenses, was her first reaction. And she had questioned the nature of my inquiry by saying, "What business expenses, what do you mean by a business?" And she said, "I don't have a business."

Q Now, at the time of this conversation, had you already received the 2004 return for Ms. Sanders?

A Yes.

Q And you had reviewed that return?

1 BROCK WEAVER

2 week prior to dropping off the documents.

3 Q And what was the discussion at
4 that time regarding Ms. Sanders?

5 A He had called me and said that
6 he had a friend that needed help with
7 their taxes, and he had asked me if I was
8 willing to take them on as a client.

9 Q Did he discuss any details
10 regarding any of her returns?

11 MR. MINTZER: Objection to
12 form.

13 A No. He led me to believe he
14 did not have any knowledge of the returns
15 themselves or any financial information
16 concerning them.

17 Q And how did you respond at
18 that time?

19 A I said I would be willing to
20 help this person.

21 Q In any of your discussions
22 with Ms. Sanders in April of 2006, was
23 there any discussion regarding amending
24 any prior returns, returns for years prior
25 to 2005?

1 BROCK WEAVER

2 MR. MINTZER: Objection to
3 form.

4 A Yes.

5 Q And when did that discussion
6 take place?

7 A It was a discussion that
8 occurred at the same time as we had talked
9 about the living arrangements between her
10 and her husband and I had defined for her
11 what her options were as far as what her
12 filing status could be. And I had
13 mentioned to her that I thought that she
14 had the wrong filing status in 2004. And
15 her response was, "Well, I've always filed
16 that way as far as I know."

17 And I told her, I said "you
18 probably need to go back and amend your
19 prior returns."

20 Q And what was her response to
21 that?

22 A It was something along the
23 lines of "I'll check into it" or "I need
24 to check into that."

25 I think her main focus was

1 BROCK WEAVER

2 about this.

3 A When I brought the subject up,
4 she was surprised that those expenses were
5 on the return and --

6 What was your specific
7 question about it?

8 Q About any additional
9 conversation that you had with her on the
10 topic of the material contained in
11 Schedule C.

12 MR. MINTZER: Objection to
13 form. Asked and answered.

14 The witness has already
15 testified about this.

16 A She was surprised they were on
17 the return, and she stated to me that she
18 did not have a business.

19 Q Did she tell you that she had
20 never had a direct marketing business?

21 A Yes.

22 Q So she told you that she had
23 no idea how this schedule would have ever
24 ended up on her return?

25 MR. MINTZER: Objection to

1 BROCK WEAVER

2 form.

3 A Yes.

4 Q Did she offer any explanation
5 as to how such a thing could have
6 occurred?

7 MR. MINTZER: Objection to
8 form.

9 A She said her taxpayer had --

10 Q Tax preparer. You said
11 "taxpayer."

12 A I'm sorry. Her tax preparer
13 had gotten that information from her and
14 she had thought he had just listed them as
15 expenses and her comment was she was not
16 aware that they were going on in this
17 schedule on her tax return.

18 Q So the information that went
19 on the schedule had come from her to her
20 tax preparer; is that what she indicated
21 to you?

22 MR. MINTZER: Objection to
23 form.

24 A Yeah, that's what she
25 indicated.

1 BROCK WEAVER

2 Q Did she tell you for what
3 purpose she had given that information to
4 her prior tax preparer?

5 MR. MINTZER: Objection to
6 form.

7 A She led me to believe that the
8 tax preparer was asking her questions
9 about deductions and that she had supplied
10 that information but did not have
11 knowledge of where or how they were going
12 to be used as deductions.

13 Q Did she tell you the source of
14 the information that she provided to her
15 tax preparer?

16 MR. MINTZER: Objection to
17 form.

18 A No, she did not.

19 Q Did she indicate to you
20 whether, for example, it was her husband's
21 business?

22 MR. MINTZER: Objection to
23 form.

24 A No.

25 Q But she indicated to you that