

1 SUPREME COURT OF THE STATE OF NEW YORK.
2 COUNTY OF QUEENS

3 - - - - -x

4 BENJAMIN SAKHAI,

5 Plaintiff,

6 Index No: 707005/2021

7 -against-

8 DELKAP MANAGEMENT, INC., ALEXANDER
9 WOLF & COMPANY, INC., M&R COOP LLC, M&R
10 CP LP, THE PORT WASHINGTON APARTMENT
11 CORP., W.E. BONNIE CONTRACTING, INC.
D/B/A ISLAND SNOW SERVICES, ISLAND SNOW
SERVICES,

12 Defendants.

13 - - - - -x

14 December 8, 2025
15 2:15 p.m. (EST)

16
17 Examination Before Trial of
18 Benjamin Sakhai, taken by Defendant,
19 pursuant to Notice, held via Zoom
20 videoconference, before Garry J. Torres, a
21 Stenographer, and Notary Public of the
22 State of New York.

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24
25

* * *

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

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Attorneys for Plaintiff
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5 BY: ^ATTORNEY, ESQ.

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Attorneys for Defendant
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^ADDRESS

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BY: ^ATTORNEY, ESQ.

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ALSO PRESENT:

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STIPULATIONS

IT IS HEREBY STIPULATED, by and between the attorneys for the respective parties hereto, that:

All rights provided by the C.P.L.R., and Part 221 of the Uniform Rules for the Conduct of Depositions, including the right to object to any question, except as to form, or to move to strike any testimony at this examination is reserved; and in addition, the failure to object to any question or to move to strike any testimony at this examination shall not be a bar or waiver to make such motion at and is reserved to, the trial of this action.

This deposition may be sworn to by the witness being examined before a Notary Public other than the Notary Public before whom this examination was begun but the failure to do so or to return the original of this deposition to counsel, shall not be deemed a waiver of the rights provided by Rule 3116, C.P.L.R. and shall be controlled thereby.

The filing of the original of

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1 this deposition is waived.

2 IT IS FURTHER STIPULATED, a copy
3 of this examination shall be furnished to
4 the attorney for the witness being
5 examined without charge.

6 * * *

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1 understand you were involved with back on
2 February 4th of 2021. And we're here to
3 take your deposition today which is -- I
4 think you know what it is but it is a
5 question and answer session about the
6 accident, your alleged injuries and your
7 treatment for those injuries so I'm going
8 to give you some instructions and then I'm
9 going to ask you some questions about
10 those topics and I just ask that you
11 answer those questions to the best of your
12 ability.

13 You were just sworn in bit court
14 reporter and we're conducting this matter
15 virtually and we're in different locations
16 but you still have to tell the truth as
17 though were you anywhere courtroom in
18 front of a Judge.

19 The court reporter is taking
20 down everything we say so just please make
21 sure all your answers are clear and
22 verbal, no uh-huhs or shoulder shrugs or
23 hand gestures. Also please let me finish
24 my question before you answer and I'll do
25 the same for you, I'll allow to complete

1 your answer before I ask the next
2 question. It's very important that only
3 one person be speaking at a time.

4 If I ask you a question and you
5 answer it I'm going to assume that you
6 understood the question. If I ask a
7 question and you don't know the answer
8 please don't guess. It's perfectly all
9 right to say you don't know. However if
10 you question calls for an estimate
11 medication or an approximation please just
12 tell me that that's what you're doing
13 before you provide your answer. Your
14 attorney is here you with you today and
15 there are other attorneys that represent
16 other parties as well and you may hear one
17 of them object to one of my questions. If
18 he objects to one of my questions please
19 let that attorney state the reason for the
20 objection and then wait for instructions
21 for your attorney to answer before
22 answering. Finally if you got stand up,
23 take a break, whatever you need to do just
24 let me know. There's no reason for you to
25 feel uncomfortable so if you need a break

1 it's fine. I don't expect this deposition
2 to be very long. Only thing I ask is that
3 if there's a question pending please
4 answer it before we take a break. Do you
5 understand all of those instructions?

6 A. Yes?

7 Q. Do you have any questions?

8 A. I don't.

9 Q. Have you ever been deposed
10 before?

11 A. Yes.

12 Q. And when was that?

13 A. I don't remember the exact date.

14 Q. Was it relative to this action
15 this case?

16 A. Yes.

17 Q. Aside from this case have you
18 ever been deposed before?

19 A. No.

20 Q. Are you currently under the
21 influence of any substances or medications
22 that would affect your ability to recall
23 the accident, your injuries or your
24 treatment?

25 A. No.

1 Q. Is there any reason you can't be
2 truthful with me here today?

3 A. No.

4 Q. Have you reviewed any documents
5 in preparation for this deposition?

6 A. No.

7 Q. Have you reviewed any
8 photographs in preparation for this
9 deposition?

10 A. I did look at photographs.

11 Q. What photographs did you look
12 at?

13 A. The accident photographs.

14 Q. And when you say the accident
15 photographs what were these photographs
16 of?

17 A. Me on the -- on the ground and
18 the parking lot.

19 Q. And who took these photographs
20 if you know?

21 A. I took the picture -- I took
22 some pictures and I believe my wife.

23 Q. Do you have these photographs?
24 Are they in your possession?

25 A. I believe we have provided them

1 before.

2 Q. Okay.

3 Q. Aside interest your attorney and
4 don't tell me any conversations you had
5 with your attorney have you discussed this
6 case with anyone else in preparation for
7 your deposition?

8 A. No.

9 Q. What's your date of birth and
10 we're just put year on the record?

11 MR. TAIWO: Thank you.

12 A. 1984.

13 Q. How old are you?

14 A. 41.

15 Q. And at the time of the accident
16 how old were you?

17 A. 37.

18 Q. And what's your current address?

19 A. Seven North Plandome Road.

20 Q. That in Port Washington?

21 A. Port Washington, New York 11050.

22 Q. How long have you lived at that
23 address?

24 A. Just over four years now.

25 Q. And your address is that home a

1 one family, a two family home or something
2 else?

3 A. It's a one family.

4 Q. Do you own it, rent it or
5 something else?

6 A. Own it.

7 Q. Did you live at that property on
8 February 4, 2021?

9 A. No.

10 Q. Where did you live on
11 February 4, 2021?

12 A. I lived at 125 Main Street
13 apartment 10 Port Washington, New York.

14 Q. And on February 4, 2021, how
15 long were you living at that address?

16 A. We had moved in October 2020 --
17 2018.

18 Q. /AUPBLD say we. Who did you
19 live with at that time?

20 A. My girlfriend that became my
21 wife.

22 Q. And what is her name?

23 A. Melody.

24 Q. What's her last name?

25 A. Sakhai.

1 Q. Do you still live with your wife
2 I'm assuming?

3 A. Yes.

4 Q. Do you live with anyone else?

5 A. My kids.

6 Q. How many -- how many children do
7 you have?

8 A. Two kids.

9 Q. Are they minors?

10 A. Yes.

11 Q. What are their names and can we
12 just put initials on the record?

13 A. M. and A..

14 Q. How old is M.?

15 A. M. is a little over three years
16 old now and A. is a little over one year
17 old.

18 Q. Have you ever gone by any other
19 names or aliases?

20 A. No.

21 Q. Where were you born?

22 A. I was born in New York.

23 Q. And you're a United States
24 citizen?

25 A. Yes.

1 Q. What's your social security
2 number and we'll just put Xs on the
3 record?

4 MR. TAIWO: Thank you.

5 A. XXX-XX-XXXX.

6 Q. Sorry, that was XX?

7 A. XX.

8 Q. XX okay. And again just Xs on
9 the record. How long have you been
10 married to Melody?

11 A. A little over five years now.

12 Q. Prior to your marriage to Melody
13 you were ever married before?

14 A. No.

15 Q. What's your highest level
16 education?

17 A. I went to college.

18 Q. What college?

19 A. New York University.

20 Q. Did you graduate?

21 A. Yes.

22 Q. What year?

23 A. 2006.

24 Q. And what is your degree in?

25 A. Economics.

1 Q. And aside from NYU did you go to
2 any other secondary school or graduate
3 school?

4 A. No.

5 Q. Have you gone to any trade
6 schools?

7 A. No.

8 Q. Do you have a /PRO*F license by
9 that I mean are you a licensed stock
10 broker, plumber or anything like that?

11 A. No.

12 Q. Do you currently have a driver's
13 license?

14 A. Yes.

15 Q. In what state?

16 A. New York.

17 Q. And when did you first obtain a
18 driver's license?

19 A. I believe I was 17.

20 Q. Has your driver's license ever
21 been suspended or revoked?

22 MR. TAIWO: Objection but you
23 can answer.

24 A. Not that I recall.

25 Q. Were you employed at the time of

1 the accident?

2 A. Self-employed.

3 Q. What was your job?

4 A. So I was both a sales person for
5 destiny *** SPELLING REQUESTED ***

6 international realty not as a W2, as a
7 1099 there and I have my own businesses.

8 Q. What kind of business do you
9 have?

10 A. Consulting and real estate.

11 Q. What type of consulting work do
12 you do?

13 A. Various industries.

14 Q. And is it commercial,
15 residential, something else?

16 A. I don't understand the question.

17 Q. Like what type of industries?
18 You said real estate is it like commercial
19 real estate you deal with or something
20 else?

21 A. Both commercial and residential.

22 Q. Okay. And what was your job
23 title at destiny international?

24 A. Sales person.

25 Q. And who was your supervisor?

1 A. Grace lay sack *** SPELLING
2 REQUESTED ***.

3 Q. And what was your annual salary
4 at the time of the accident?

5 A. Wasn't a salaried position.

6 Q. Approximately how much did you
7 make weekly at that position at destiny
8 international?

9 A. I don't know.

10 MR. TAIWO: Just for the record
11 my understanding is that the loss
12 wages claim has not -- has been
13 withdrawn so that's not at issue here
14 but you can continue.

15 MR. ANELLO: Right.

16 Q. Did you file a /W*BGS claim
17 consult of the /STKHAEPBT gave rise to
18 this lawsuit?

19 A. No.

20 Q. Are you currently employed
21 today?

22 A. Self-employed.

23 Q. Request the same positions you
24 just described?

25 A. I'm not currently with destiny

1 international realty.

2 Q. Okay. What do you do currently?

3 A. I just do consulting.

4 Q. And you work for yourself /*ES?

5 A. Yeah.

6 Q. Have you ever served in theed
7 military?

8 A. No.

9 Q. Have you ever convicted of a
10 crime?

11 A. No.

12 Q. Aside from this all have you
13 ever been involved in a personal injury
14 lawsuit before?

15 A. No.

16 Q. Have you ever been involved in
17 any other type of accident aside from the
18 one that gave rise to this lawsuit where
19 you injured your right arm?

20 A. No.

21 Q. Ever been involved in a motor
22 vehicle accident when you injured your
23 right arm?

24 A. No.

25 Q. Ever been involved in any other

1 type of accident with your suffered
2 injuries to the same part of your body
3 that you're alleging you are injured in
4 this lawsuit?

5 A. No.

6 Q. What was the date of the
7 accident that gave rise to this lawsuit?

8 A. February 4, 2021.

9 Q. And do you remember what Dave
10 /TWHAOEBG was?

11 A. Thursday.

12 Q. And about what time of day did
13 the accident happen?

14 A. About 5:30.

15 Q. In the afternoon?

16 A. Yeah.

17 Q. Where did the accident happen?

18 A. In the parking lot.

19 Q. In the parking lot of --

20 A. Parking lot behind of 125 Main
21 Street.

22 Q. This is where you were living at
23 that time?

24 A. Correct.

25 Q. Okay. And where specifically

1 did you fall, was it in the parking lot,
2 the street or something else?

3 A. In the parking lot.

4 Q. Was anyone with you?

5 A. My wife was with me.

6 Q. Anyone else?

7 A. No.

8 Q. Where were you going?

9 A. I was take my wife to a doctors
10 appointment.

11 Q. And had had the accident not
12 occurred where were you -- where were you
13 planning on going?

14 A. To the doctors appointment.

15 Q. Were you using your phone at the
16 time of the accident?

17 A. No.

18 Q. Did you have a phone at the time
19 of the accident?

20 A. In my pocket.

21 Q. Was it a cell phone, a galley
22 *** SPELLING REQUESTED *** or something
23 else an I phone I mean a --

24 A. I phone.

25 Q. It was an I phone. And you'd

1 been in this area before I'm assuming
2 since you lived there?

3 A. Yes.

4 Q. Were you work to your car or
5 some place else?

6 A. I don't think I understand the
7 question. Can you repeat --

8 Q. At the time you fell were you
9 walking to your car or were you going to
10 catch a bus or something else?

11 A. Yes, walking to the car.

12 Q. What kind of car did you have at
13 the time?

14 A. X5, BMW.

15 Q. And your wife's doctor where was
16 it located?

17 A. I believe in Manhasset. I'm not
18 sure. I don't recall exactly.

19 Q. Had you gone out at all earlier
20 that day?

21 A. No.

22 Q. What time did you wake up on the
23 morning of date date *** SPELLING
24 REQUESTED ***?

25 A. I don't recall.

1 Q. Did you have break and a half
2 morning?

3 A. I don't recall.

4 Q. Did you have lunch?

5 A. I don't recall.

6 Q. Did you have dinner?

7 A. I don't believe so.

8 Q. What did you do prior to leaving
9 your house?

10 MR. TAIWO: Objection but he can
11 answer.

12 A. I was working.

13 Q. Approximately how long had you
14 been working before you left your house?

15 A. It's an estimate like eight
16 hours.

17 Q. What time did you go to bed on
18 February 3, 2021?

19 A. I don't recall.

20 Q. Did you excuse me any alcohol in
21 the 24 hours before the accident?

22 A. No.

23 Q. Did you excuse me any -- any
24 drugs or intoxicants including manner or
25 THC products in the 24 before the

1 accident?

2 A. No.

3 Q. Did you take any prescription
4 medications on the date of the accident?

5 A. No.

6 Q. Did you for get or fail to take
7 any prescription medication you were
8 supposed to take on the date of the
9 accident?

10 A. No.

11 Q. On the date of the accident did
12 you have any dizziness?

13 A. No.

14 Q. Any difficulty walking?

15 A. No.

16 Q. Any balance problems?

17 A. No.

18 Q. Any vision problems?

19 A. No.

20 Q. Any problems with rites ***
21 SPELLING REQUESTED *** in your legs or
22 knees?

23 A. No.

24 Q. I see that you're wearing
25 glasses. Did you have to wear glasses at

1 the time of the accident?

2 A. Yes.

3 Q. Were you in fact wearing them at
4 the time of the accident?

5 A. Yes.

6 Q. And what are those glasses for?

7 A. For vision.

8 Q. Do they help you improve your --
9 can you -- can you not see far, can you
10 not see close? Do you have in /SPH* other
11 issue?

12 A. It's for distance.

13 Q. What was the weather like on the
14 date of the accident?

15 A. It was cold.

16 Q. Was there any precipitation,
17 rain, snow?

18 A. No.

19 Q. Do do you know if it had rained
20 or snowed the day before?

21 A. I believe it was two days
22 beforehand, it had snowed two days
23 beforehand.

24 Q. I'm sorry. It had snowed two
25 days beforehand and three days beforehand?

1 Q. And what part of your body hit
2 the ground second?

3 A. I guess my /PW*UT.

4 Q. Okay. Any other parts of your
5 body hit the ground?

6 A. I was on the ground afterwards.

7 Q. Do you recall any other parts of
8 your body specifically hitting the ground?

9 A. I guess my feet, my legs.

10 Q. In what position did you land?

11 A. Kind of like a seated position
12 almost.

13 Q. Did you hit your head?

14 A. I did not luckily.

15 Q. Did you lose consciousness at
16 all?

17 A. No.

18 Q. What caused you to fall?

19 A. I slipped on black ice.

20 Q. Did you observe the ground with
21 your fell offfell?

22 A. Can you repeat the question?

23 Q. Sure. Did you -- offfell were
24 you able to observe the ground on which
25 you fell?

1 A. Yes, I was sitting on it.

2 Q. And what did you observe on the
3 ground?

4 A. It was icy.

5 Q. Was there anything else?

6 A. I don't know --

7 Q. Was there any salt or sodium
8 /KHROER ride on the ground to your
9 knowledge?

10 A. Nothing.

11 Q. Did you notice this -- did you
12 notice this black ice before you fell?

13 A. No.

14 Q. Did you notice black ice
15 anywhere else in the parking lot before
16 you fell?

17 A. No.

18 Q. Did you notice black ice in the
19 parking lot on the days prior to your
20 fall? You had said it snowed a few days
21 before?

22 A. No, I didn't go out.

23 Q. Okay. This /THAOEUPL went out
24 to take your wife to the doctor when was
25 the last time you went out before that?

1 A. I don't recall.

2 Q. Offfell what happened?

3 MR. TAIWO: Objection, but he
4 can answer.

5 A. What do you mean?

6 Q. Sure. Your wife was with you?

7 A. My wife with me, yes.

8 Q. Did she say anything to you?

9 A. I think I said to her that I
10 broke my arm, I need her to call 911.

11 MR. TAIWO: I'm so sorry. Are
12 you done.

13 MR. ANELLO:

14 THE WITNESS: Yeah.

15 MR. TAIWO: Before you ask the
16 next question can we get a five-minute
17 break.

18 MR. ANELLO: Sure.

19 MR. TAIWO: Thank you so much.

20 (Whereupon, a recess was taken.)

21 Q. Aside from your wife did anyone
22 see you fall?

23 A. No.

24 Q. Did anyone come to your aid?

25 A. He -- the ten ant came and the

1 ambulance came --

2 Q. Aside from them did anyone else
3 immediately after the accident come?

4 A. Come to help me is that the --

5 Q. Yes.

6 A. No.

7 Q. Do you know if anyone other than
8 your wife saw you fall?

9 A. I don't know if anybody saw me
10 fall /PWE size my wife.

11 Q. Did you take any pictures
12 offfell?

13 A. Did I take any pictures?

14 Q. Yes.

15 A. No.

16 Q. Did your wife take any pictures?

17 A. Yes.

18 Q. What did she take pictures of?

19 A. Me fall -- me after I had fallen
20 on to the floor in agonizing pain sitting
21 there waiting for the ambulance.

22 Q. Did you take pictures of anyone
23 else?

24 A. I don't know.

25 Q. Do you know if anyone else took

1 any pictures of you or the accident scene?

2 A. I don't know.

3 Q. Were you able to get abandoning
4 offfell?

5 A. No.

6 Q. Did you ever dish mean obviously
7 you got back up but did you require any
8 aassistance in getting up?

9 A. There was -- there was ice to
10 the point where lieutenant almost slipped
11 and fell also. The EMS person that had
12 come almost slipped on to me when the
13 lieutenant screamed at him and told him to
14 get down on his hands and knees and crawl
15 to me with the board. There was no chance
16 that I could get up. And they put me on
17 to the board and put me on to the
18 ambulance.

19 Q. So the EMTs put -- so you didn't
20 /TKPWEUPT until the EMTs put you on to the
21 board and put you in the ambulance?

22 A. I did not get up after I had
23 fallen. I did not get up. The EMS put me
24 onto a board. With the lieutenant and
25 whoever else was there they put me into

1 the ambulance.

2 Q. What were the lighting
3 conditions like at the time of the
4 accident?

5 Q. What is that -- what's the
6 question?

7 Q. It was dark out, correct?

8 A. I think it was just getting
9 dark.

10 Q. All right. So was the sun still
11 up or was it totally dark?

12 A. It was -- I don't recall
13 exactly.

14 Q. Were there any streetlights or
15 anything in the area?

16 A. I can seat /STPRAOET back of the
17 /TPRARLT behind --

18 Q. Were there any lights from the
19 back of the parking lot anything that
20 helped I /HRAOUPPL anyway the area?

21 A. There are lights there. They
22 were not on.

23 Q. Require to the accident had you
24 ever made any complaints to the -- to the
25 building or anyone associated with the

1 building about snow or ice in the parking
2 lot?

3 A. No.

4 Q. Did you ever make any complaints
5 about snow or ice anywhere else on the --
6 on the facility?

7 A. No.

8 Q. Are you aware of any -- any
9 prior accidents involving snow or ice in
10 that parking lot until particular?

11 A. No.

12 Q. What were you wearing on the
13 date of the accident?

14 A. What was the question?

15 Q. What were you wearing on the
16 date of the accident? Did you have a
17 jacket on?

18 A. It was cold. I had jeans,
19 jacket and snow boots.

20 Q. What kind of -- what kind of
21 snow boots were they?

22 A. The brand is that what you're
23 asking?

24 Q. Yeah sure. The brand?

25 A. I believe it's Columbia.

1 Q. Were they actually snow boots or
2 work boots or something else?

3 A. Snow boots.

4 Q. Do you still have those snow
5 boots?

6 A. Yes.

7 Q. When did you purchase those
8 /STPHOEF boots if you recall?

9 A. I don't recall.

10 Q. Were you carrying anything at
11 the time of the accident?

12 A. No.

13 Q. Did any part of your body come
14 into contact with anything other than the
15 ground as a result of this slip?

16 A. Can you repeat the question?

17 Q. Sure. Did your -- did any part
18 of your body as a result of this slip come
19 into contact with anything else besides
20 the ground, a car, anything else?

21 A. No.

22 Q. Did you feel pain immediately
23 after the impact?

24 A. Yes a ton of pain and I was
25 sitting there waiting for the ambulance.

1 I asked my wife for water because I just
2 needed to have some water. I was in
3 shock.

4 Q. Where did you feel this pain?

5 A. In my arm.

6 Q. In your right arm?

7 A. My right arm.

8 Q. Did you feel pain anywhere else?

9 A. No.

10 Q. If you had to describe this pain
11 in your right arm on a scale from 1 to 10,
12 10 being the worst, one being the best how
13 would you describe it?

14 A. Ten. From the elbow to the
15 shoulder was a complete ten.

16 Q. Were you bleeding from anywhere
17 in your body after the impact?

18 A. No.

19 Q. Was there any swelling anywhere
20 on your body after the -- after the fall?

21 A. I don't recall.

22 Q. Did you have any other visual
23 injuries immediately after the impact
24 anywhere else on your body?

25 MR. TAIWO: Objection. He can
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1 answer if he understands.

2 A. Can you explain the question
3 again?

4 Q. Sure. Aside interest your right
5 ample which you described did you have any
6 other visual injuries, bleeding, bruising,
7 swelling anywhere else on your body?

8 A. I was wearing a jacket. You
9 couldn't even see my arm that it was
10 injured.

11 Q. Were you aware of any other --
12 any other injuries to any other parts of
13 your body immediately after the fall?

14 A. No.

15 Q. Who /TKURB said an ambulance
16 arrived. Who called the ambulance?

17 A. My wife called 911.

18 Q. And approximately how long did
19 it take for 911 to arrive after she
20 called?

21 A. I believe lieutenant showed up
22 within five minutes or so.

23 Q. And what police department did
24 that lieutenant belong to?

25 A. I believe Port Washington.

1 Q. And how long after -- after that
2 did the ambulance arrive?

3 A. Couple minutes.

4 Q. So from the time of the call
5 until the time the ambulance arrived about
6 about ten minutes went by is that fair to
7 say?

8 A. It's probably a good estimate.

9 Q. Approximately how long were you
10 on the ground after you fell?

11 A. Approximately the ten minutes
12 that I was waiting.

13 Q. Did you speak to the EMTs when
14 they arrived?

15 A. Sorry.

16 Q. The EMTs the ambulance workers
17 did you speak to them when they arrived
18 /-FRPBLG yes?

19 Q. Okay. What did you say to them?

20 A. Told them I slipped and I fell
21 and I believe I broke my arm.

22 Q. And what did they -- what did at
23 the say to you?

24 A. They told me they're going to
25 take me to the hospital.

1 Q. Did they treat you at the scene
2 for anything?

3 A. I don't recall.

4 Q. Did they treat you in the
5 ambulance for anything?

6 A. I don't recall.

7 Q. What hospital did they take you
8 to?

9 A. North well in Manhasset.

10 Q. Did you ask to go to that
11 hospital or that's just the hospital they
12 took you to?

13 A. I don't recall.

14 Q. How long did it take for them to
15 get out to hospital?

16 A. As an estimate maybe five
17 minutes or so.

18 Q. Other than the EMTs did anyone
19 else ride in the ambulance with you?

20 A. No one sells allowed in the
21 ambulance because of COVID at the time.

22 Q. Did you report your slip and
23 fall to the -- any property managers or
24 owners of the building?

25 A. I believe that we -- I had

1 looked for the contact information for the
2 building manager and the super had come
3 out. He had seen me and we told the owner
4 of the unit.

5 Q. Who is is the super?

6 A. Super is jack.

7 Q. Do you know jack's last name?

8 A. I don't.

9 Q. How long after you fell did jack
10 come out?

11 A. I don't know.

12 Q. What did he say to you?

13 A. I don't recall.

14 Q. Did he do anything?

15 A. I don't recall.

16 Q. And when did you report this
17 accident to the property manager?

18 A. I don't recall.

19 Q. Did you fill out a form or
20 anything like that?

21 A. I don't believe so. I don't
22 recall though.

23 Q. Who specifically did you -- did
24 you report it to, do you know his or her
25 name?

1 A. I don't recall.

2 Q. And when you first met with a
3 health care provider was it a doctor a
4 nurse or someone else?

5 A. I don't recall.

6 Q. Did you see a doctor at the
7 hospital?

8 A. Yes.

9 Q. Do you recall the name of the
10 doctor?

11 A. I don't.

12 Q. What -- what did you tell the
13 doctor? What did you complain of?

14 A. I complained of the pain in my
15 arm, in elbow and shoulder and that I had
16 slipped on ice and broke my arm.

17 Q. And did the doctor examine you?

18 A. Yes.

19 Q. Did he diagnosis you with any
20 injuries or conditions?

21 A. They took x-rays and then told
22 me that my arm was broken and it was --
23 the way he described it is it was like
24 /STPRAEUT across where it was like two
25 water bottle openings trying to line up

1 together and they would manually happen to
2 put it back as best as possible together
3 but that I would need surgery to be able
4 to fix the broken arm.

5 Q. And who took the x-rays?

6 A. I don't know.

7 Q. The x-rays were done at the
8 hospital though?

9 A. Yes.

10 Q. And you reviewed the x-rays with
11 a doctor before you left?

12 A. I don't recall. I believe so.

13 Q. Approximately how long were you
14 in the emergency room?

15 A. Approximately seven hours.

16 Q. Where did you go when you left
17 the hospital?

18 A. Home.

19 Q. How did you get home?

20 A. I don't recall.

21 Q. You say you had x-rays at the
22 hospital /-FRPLT besides your right arm
23 did they x-ray any or parts of your body?

24 A. I don't recall.

25 Q. Did they do any other diagnostic

1 testing like MRIs or CT scans?

2 A. No.

3 Q. Are you familiar with a doctor
4 arrest /KWRAL gold man *** SPELLING
5 REQUESTED ***?

6 A. Yes.

7 Q. Okay. How are you familiar with
8 him?

9 A. He did the surgery to put my arm
10 back together.

11 Q. And who referred to you Dr.
12 Goldman?

13 A. I found him online.

14 Q. Is he the doctor you treated
15 with at the hospital?

16 A. I don't think so.

17 Q. When was your first visit with
18 Dr. Goldman?

19 A. The week after the accident.

20 Q. So approximately February 10th,
21 February 11th around there?

22 A. I believe so.

23 Q. Where is Dr. Goldman's office
24 located?

25 A. I believe it's Manhasset also.

1 Q. Approximately how far from your
2 home at the time was Dr. Goldman's office?

3 A. About the same 5 or 10 minutes,
4 5 to 10 minutes.

5 Q. And on your first visit there
6 who examined you?

7 A. Dr. Goldman.

8 Q. Did he diagnose you with any
9 injuries or conditions?

10 A. He telled me my arm was broken
11 and I need surgery.

12 Q. Can you describe that initial
13 examination with Dr. Goldman?

14 A. What do you mean?

15 Q. Did he go over any x-rays with
16 you, derecommend any MRIs, anything like
17 that?

18 A. Yeah he showed meet x-ray and
19 showed me that my arm was broken and told
20 me that I was going to need a surgery to
21 be able to put it back together.

22 Q. What surgery did he recommend
23 that you made?

24 A. I believe it was open reduction
25 where he would need to put in a plate and

1 screws and screw it all back together
2 because my arm was in totally pulled apart
3 /PWHRAEUFBG so but the bones were not
4 together.

5 Q. Did -- derecommend anything
6 other than /STOURPBLG treat your injuries?

7 A. There was nothing else that I
8 could do.

9 Q. Dein fact perform this surgery
10 on your arm -- on your right arm?

11 A. De.

12 Q. When did you perform that
13 surgery?

14 A. I believe it was February
15 /#12K3W4R5*9 and where did he perform that
16 surgery.

17 A. At /TPHO*L *** SPELLING
18 REQUESTED ***.

19 Q. And after the -- after the
20 surgery how long were you hospitalized?

21 A. I went home that day.

22 Q. Approximately how long did the
23 surgery talk?

24 A. He told me that the surgery was
25 going to take approximately two hours. I

1 believe it was two hours and change.

2 Q. And approximately how long you
3 were -- were you in the hospital from
4 start to finish for the surgery?

5 A. I don't recall.

6 Q. It was all done in a day. You
7 weren't -- you didn't stay overnight?

8 A. Did I not stay overnight.

9 Q. Did the surgery alleviate the
10 pain this your right arm?

11 A. No.

12 Q. Do you still have pain this your
13 right arm?

14 A. I still have pain sitting here
15 right now.

16 Q. Is it -- is it better or worse
17 since the surgery?

18 A. The pain at the time of the
19 surgery was a ten. I could -- I was
20 screaming every time I would get into a
21 car and move so I would say it's better
22 since the surgery.

23 Q. Prior to the accident did you
24 have any -- any other injuries -- any
25 injuries to your right arm?

1 A. No.

2 Q. Did you have any surgeons before
3 the -- before the accident?

4 A. No.

5 Q. Aside from the surgery to your
6 right arm have you had any other surgeries
7 for any other parts of your body for
8 injuries you alleged to have sustained in
9 this accident?

10 A. Can you repeat the question?

11 Q. Sure. Aside from -- aside from
12 the surgery to your arm that you just
13 described have you had any other surgeries
14 related to injuries you claim to have
15 sustained during this accident?

16 A. No. The doctors told me that I
17 followed up with tolled me that I likely
18 need a second surgery and I'm very scared
19 to do that.

20 Q. What kind of surgery did they
21 say you need?

22 A. One told me I need arrest throw
23 /SKOPic surgery in the right shouldersm
24 the others told me that I likely need
25 other surgeries that are even more

1 intensive but I'm scared to do any of
2 that.

3 Q. What doctor told you that you
4 need right shoulder surgery?

5 A. I saw three doctors after Dr.
6 Goldman and all three of them told me that
7 I likely need surgery.

8 Q. What are the names of the three
9 doctors that you saw after the surgery?

10 A. I saw Dr. Tuck man *** SPELLING
11 REQUESTED *** I saw /TKHR-FPLT go /HRA Doe
12 and I saw Dr. Degree *** SPELLING
13 REQUESTED ***.

14 Q. And who is that third doctor?

15 A. District attorneyingly ***
16 SPELLING REQUESTED ***.

17 Q. District attorneyingly. Do you
18 know Dr. Item man's first name?

19 A. Don't.

20 Q. And who referred to you Dr. Item
21 man?

22 A. I wasn't referred to him.

23 Q. How did you come to learn of
24 him?

25 A. He works in the same office as

1 Dr. /PHAOUS at that if a *** SPELLING
2 REQUESTED ***.

3 Q. Who is Dr. /RAO*US *** SPELLING
4 REQUESTED ***?

5 A. /RAO*US was the first doctor
6 that I saw after the /STKPWHREPBT how did
7 you learn about Dr. /RAO*US.

8 A. My wife had seen himsm he's an
9 orthopedic doctor.

10 Q. Sand Dr. /T*UPL /TK*EL also an
11 orthopedic doctor?

12 A. Yes.

13 Q. Do you know /WHAE specializes
14 in?

15 A. I believe in the shoulder.

16 Q. And this other doctor is it
17 Dr. /TKPWO*L *** SPELLING REQUESTED ***
18 you said?

19 A. /TKPWO*L.

20 Q. /TKPWO*L. Do you know his first
21 name?

22 A. I don't.

23 Q. And how did you learn of /TKO*L
24 *** SPELLING REQUESTED ***?

25 A. I had seen somebody who looked

1 like they had a shoulder surgery in my
2 daughter's office, doctor's office and I
3 asked him, you know, did you have shoulder
4 surgery, he said yes and he told meet
5 doctor's name.

6 Q. Where is /TKO*L's office
7 located?

8 A. In Manhattan HSS.

9 Q. And this guy you -- did you ever
10 see him before of that recommended him to
11 you or he's just somebody /SU met randomly
12 /-FRPBLG met randomly?

13 Q. How did you know he had shoulder
14 surgery?

15 A. It looked like he could have
16 been and I think he had writing up on his
17 shoulder.

18 Q. Writing on his shoulder?

19 A. It looked like he had marks on
20 his shoulder.

21 Q. Oh. And when was your first
22 treatment with or first visit with /TKO*L?

23 A. I don't recall.

24 Q. Do you know what kind of doctor
25 /TKO*L is?

1 A. He's one of the top doctors in
2 HSS for shoulders --

3 Q. And did he -- have you had
4 /PH*ULT visits with him or it was just
5 that one visit?

6 A. I don't recall.

7 Q. Dr. /T*UPL or /TKO*L did they
8 recommend you undergo any MRIs on your
9 shoulder or any other MRIs any other part
10 of your body?

11 A. Yes.

12 Q. Did you in fact undergo MRIs on
13 your right shoulder?

14 A. Did I MRIs for my shoulder and
15 my elbow.

16 Q. When did you do the MRI on your
17 shoulder?

18 A. After Dr. Tuckman told me to.

19 Q. When was that?

20 A. I don't recall the exact date.

21 Q. Where did you get this MRI?

22 A. It was Zwanger & Pesiri.

23 Q. Where is that? What was that?

24 A. Zwanger & Pesiri.

25 Q. Is that a doctor's name or a

1 name of the -- is that the name of the
2 place where they did it?

3 A. That's the name of the place
4 where they did it at.

5 Q. Where is that located?

6 A. I don't recall.

7 Q. Is that where Dr. Tuckman told
8 you to go or?

9 A. Don't -- I don't recall.

10 Q. Where is that place located with
11 respect or where is it located?

12 A. I believe plain view. I'm not
13 sure.

14 Q. And that's in Long Island?

15 A. Yes.

16 Q. How far is it from your home?

17 A. I believe 20 minutes.

18 Q. All right. And how many times
19 did you treat with Dr. Tuckman or visit
20 with Dr. Tuckman?

21 A. I don't recall exactly.

22 Q. De/SRAO*UT MRI results with you?

23 A. Yes.

24 Q. Oh I'm sorry just back up a
25 little bit. Did you get your elbow MRIed

1 the same /TKHAEU got your --

2 A. No.

3 Q. Where did you get your elbow
4 MRIed?

5 A. It was after.

6 Q. Was it at the same facility?

7 A. No.

8 Q. Where did you get your elbow
9 MRIed?

10 A. In the office I believe
11 downstairs from where Dr. Tuckman's office
12 is.

13 Q. Somewhere Dr. Tuckman's office?

14 A. In Manhasset.

15 Q. Do you know the name of that
16 facility or --

17 A. I don't recall.

18 Q. Aside from the -- your elbow and
19 your shoulder did you have any other body
20 parts MRIed since this -- since this
21 accident?

22 A. No.

23 Q. And you said -- you mentioned a
24 third doctor doctor district attorneyingly
25 /SWAS it?

1 A. Yeah.

2 Q. How did you come to learn of
3 /TKA*G *** SPELLING REQUESTED ***?

4 A. I found him online.

5 Q. And where is his office located?

6 A. I don't recall.

7 Q. When did you first visit with
8 him?

9 A. I don't recall exact date.

10 Q. What can you described of doctor
11 is he?

12 A. He's also an orthopedic
13 specialist.

14 Q. Specializing in the shoulder or
15 /SPH* other body part?

16 A. I don't recall.

17 Q. Did of these doctors diagnose
18 you with any injury or condition with
19 respect to your right shoulder?

20 A. They told me that I have
21 weakness and that the -- it likely needs
22 surgery to be able to bring pain down and
23 to get full range of motion hopefully
24 back.

25 Q. And did call four of these

1 doctors recommend you have surgery on your
2 right shoulder?

3 A. Yes.

4 Q. Did any of them recommend
5 anything other than surgery?

6 A. /TKO*L told me I can take shots
7 and try that.

8 Q. Did you take shots?

9 A. No.

10 Q. Did they recommend physical
11 therapy?

12 A. I had done physical therapy
13 after Dr. Goldman had told me to and I did
14 that for almost two years.

15 Q. When -- when did you start
16 physical therapy?

17 A. I believe it was immediately
18 after my surgery.

19 Q. So that was about 2021?

20 A. Yeah.

21 Q. Where did you -- where did you
22 do physical therapy?

23 A. Stars.

24 Q. Where is that?

25 A. /PHA*PBS *** SPELLING REQUESTED

1 ***.

2 Q. And how did you learn about that
3 place?

4 A. My wife had gone to them.

5 Q. And what -- about how many tush
6 said you went for approximately two years.
7 How many times a week would you go
8 /TWOFRPBLGTS to three times a week for
9 about 20 to 20 months or so?

10 Q. Okay. And what kind of -- what
11 parts of your body did you work on at
12 physical therapy?

13 A. My right arm and shoulder and
14 elbow.

15 Q. Did -- did the physical therapy
16 help alleviate your pain at all?

17 A. They -- can you repeat the
18 question?

19 Q. Sure. Did the physical therapy
20 help alleviate your pain?

21 A. It helped me live with my arm
22 that wasn't working.

23 Q. After you completed physical
24 therapy was it would you say your shoulder
25 was /PWERBGTS worse or about the same

1 /R-FRPBLGTS from the /TKHAEU /TPWHAUBGD?

2 Q. Yes.

3 A. I was not able to move my arm at
4 all when I walked in. I couldn't dish
5 could barely do anything. When I walked
6 out I was still able to at least be able
7 to pick up a bottle of water.

8 Q. So the physical therapy helped?

9 A. Yes.

10 Q. And not only with your shoulder
11 it helped with your arm as well on your
12 elbow?

13 A. I couldn't move anything when I
14 walked into that office.

15 Q. Okay. When was the last time
16 you went for physical therapy?

17 A. I don't recall.

18 Q. Do you currently have any
19 surgeries scheduled relative to the
20 injuries you alleged to have sustained in
21 the accident?

22 A. No but it's been a consideration
23 to go for the surgery because of the
24 /TPHAEUPB I'm in and at times it's gotten
25 really bad to the point where I feel I

1 have no choice but to go for surgery.
2 I've about just been putting it off
3 because of thes /TPHAEUBGT have two young
4 kids and I don't want to take the risk a
5 drop wrist or having to go /TKPWEB through
6 another two years of recovery and ending
7 up in the same position without being able
8 to help my family throughout the time.

9 Q. And that's a surgery on your
10 right shoulder you're considering?

11 A. Yes.

12 Q. Are you considering any other
13 surgeries?

14 A. No.

15 Q. Are you currently treating for
16 any of the injuries that you alleged to
17 have sustained in this accident?

18 A. No. Treating way doctor is that
19 what you mean?

20 Q. /KWREFPLT are you currently
21 treating with any doctor whatsoever for
22 any injuries you alleged to have sustained
23 in this accident?

24 A. No.

25 Q. Is there anything that you could

1 do before the accident that you cannot do
2 now?

3 A. Many things.

4 Q. Okay like what for instance?

5 A. Playing /SPORTSZ, being able to
6 pick things up, being able to lift
7 /WAETSZ, being able to put furniture
8 together, being able to change the light
9 bulbs easily. Being able to shave easily.
10 Being able to brush my teeth easily.
11 There's pain involved in all the things
12 that I have to do now on a daily basis.
13 Being able to pick up my kids is painful.
14 It's -- I have to hold my kids /WHEB I can
15 with my left arm which I'm not that
16 comfortable with. At times when I have to
17 switch to the right arm for a quick second
18 it's very uncomfortable and does result in
19 further pain.

20 Q. You mentioned -- you mentioned
21 sports. Before the accident did you --
22 did you play any sports?

23 A. I would play sports, I would
24 swim, I would do thing to try to be
25 active, I would go to the gym. A lot of

1 these things I /O can't do anymore.

2 Q. What sports did you play?

3 A. I would play basketball. I
4 would swim, I would play tennis.

5 Q. And you're not able to do any of
6 those things anymore?

7 A. I'm able to do things with a
8 large amount of pain so it's not that, you
9 know, my arm doesn't move at all. My arm
10 thankfully does move and I can could thing
11 but it either causes a ton of pain at the
12 time or thereafter also.

13 Q. Where did you -- you said you
14 would play tennis. Where would you play
15 tennis before the accident?

16 A. I would play socially.

17 Q. And all these /SPOURTS said were
18 you in any lesion or did you just play
19 with friends or socially --

20 A. No play with friends socially.

21 Q. Okay. And you're no longer able
22 to -- are you able to play any sports now?

23 A. I can't play a game of
24 basketball.

25 Q. Can you play tennis?

1 A. No.

2 Q. Do you have any social media
3 accounts?

4 A. I do.

5 Q. Do you have /TP*B?

6 A. Yes.

7 Q. Do you have /*EUG?

8 A. Yes.

9 Q. Do you have Twitter or X?

10 A. Yes.

11 Q. Do you have linked in?

12 A. Yes.

13 Q. Do you have Snapchat?

14 A. I don't recall.

15 Q. Do you have TikTok?

16 A. No.

17 Q. Do you have any other social
18 media accounts on any other platforms that
19 I haven't mentioned?

20 A. I don't recall.

21 Q. Have you ever posted anything on
22 social media regarding the accident?

23 A. I posted one picture.

24 Q. And which picture is that?

25 A. Picture of my arm wrapped up

1 after the accident.

2 Q. And who /THAOBG picture?

3 A. My wife.

4 Q. When did you post it?

5 A. Couple of days after the
6 accident.

7 Q. Any other posts?

8 A. No.

9 Q. /TPH*EU other -- any other posts
10 about your injuries?

11 A. No.

12 Q. In the two years since the
13 accident or however long it's been since
14 the accident, almost four years now, have
15 you traveled outside of the United States?

16 A. No.

17 Q. Have you traveled outside of the
18 State of New York?

19 A. Yes.

20 Q. Where have you gone?

21 A. I believe New York, Florida and
22 Hawaii. Sorry. New Jersey.

23 Q. Oh okay. When did you go to
24 Florida?

25 A. I don't recall.

1 Q. How many times have you gone to
2 Florida?

3 A. I think once.

4 Q. Where did you go in Florida?

5 A. I don't recall.

6 Q. Was it for vacation, business?

7 A. I believe to go see family in my
8 a/PHEU.

9 Q. And how did you get to
10 /PHAO*EUPL *** SPELLING REQUESTED ***?

11 A. Via plane.

12 Q. And how did you get back?

13 A. Plane.

14 Q. How long were you there?

15 A. I don't recall.

16 Q. Where did -- where did you stay?

17 A. (Pause.) I stayed in a hotel,
18 know /PWAOU hotel.

19 Q. And that's in /PHAO*EUPL ***
20 SPELLING REQUESTED ***?

21 A. Yeah.

22 Q. You said you went to Hawaii as
23 well.

24 A. Yeah.

25 Q. When was that?

1 A. I don't recall.

2 Q. How did you get to Hawaii
3 /-RBLGTS plane?

4 Q. How long were you in Hawaii for?

5 A. Couple of days.

6 Q. And where -- where specifically
7 did you go in Hawaii?

8 A. /PHAU which.

9 Q. And was this for a vacation,
10 business or something sells?

11 A. Vacation *** SPELLING REQUESTED
12 ***.

13 Q. And where did you say in /PHAU
14 which?

15 A. Hotel.

16 Q. What was the name of the hotel?

17 A. I don't recall.

18 Q. How did you get back from
19 Hawaii?

20 A. Plane.

21 Q. And these flights Florida and
22 Hawaii are these commercial flights you
23 took or private flights or something else?

24 A. Commercial.

25 Q. Since the accident have you

1 taken out any -- any loans?

2 MR. TAIWO: Objection. I'm
3 going to instruct the witness not to
4 answer any questions about legal
5 financing.

6 MR. ANELLO: We're mark it for a
7 ruling. I don't know if you know
8 about that case that just came down
9 but.

10 NOTE!!NOTE!! Ruling

11 Q. The treatments in the surgery
12 that you describe today who paid for it?

13 A. My insurance company united
14 health care.

15 Q. And you had insurance at the
16 time of the accident?

17 A. Yes.

18 Q. And how did you -- what kind of
19 plan did you have?

20 A. I don't know.

21 Q. Did you obtain it through your
22 employment or some other way?

23 A. It's through my wife's
24 employment.

25 Q. Oh okay. And where does your

1 wife work?

2 A. She works Hadasa.

3 Q. Hadasa?

4 A. Hadasa it's called.

5 Q. What kind of business or
6 establishment is that?

7 A. It's a nonfor profit that works
8 with a hospital.

9 Q. Do you have any other
10 outstanding medical bills as a result of
11 your treatment?

12 A. I don't believe so.

13 Q. Are you aware of any -- any
14 liens that any health care provider or
15 medical company has with /TROPT your
16 treatment?

17 A. I don't know.

18 Q. I don't have anything further at
19 this time?

20 MR. TAIWO: Can I -- can we just
21 take a quick break.

22 MR. ANELLO: Sure.

23 MR. TAIWO: Just a couple of
24 minutes I'm not going to go anywhere.

25 (Whereupon, an off-the-record

1 discussion was held.)

2 MR. TAIWO: Over my objection
3 I'm going to let my client answer the
4 question about legal funding so yeah
5 and my -- I believe he also wants to
6 correct his previous answers about
7 where he went to for vacation.

8 A. Yeah so I don't believe Florida
9 was after the accident. It was California
10 and Hawaii for my honey /PHOPB and I went
11 to Canada once within the last year I
12 believe it was.

13 Q. Where did you go in Canada?

14 A. Montreal.

15 Q. And how did you get there?

16 A. I took a plane also.

17 Q. How long were you in Canada or
18 in Montreal?

19 A. Couple of days few days.

20 Q. Was it for business, vacation or
21 something else?

22 A. Vacation.

23 Q. Okay. And you said you went
24 to -- was it California to Hawaii one
25 trip?

1 A. Went to California, stayed there
2 I think for a couple of days, went to
3 Hawaii and then back to California to New
4 York.

5 Q. Okay. And that was for your
6 honeymoon?

7 A. Yes.

8 Q. And do you recall when exactly
9 that was?

10 A. I believe the end of 2021.

11 Q. Have you -- and my question
12 about loans, have you taken out any loans
13 since this accident?

14 MR. TAIWO: Related to --

15 Q. Related to /TKPWA*EUGS funding?

16 MR. TAIWO: Okay.

17 Q. Or treatment funding?

18 A. No.

19 Q. Okay. All right. I appreciate
20 your clarification. I don't have anything
21 further at this time. I might be missing
22 some medical records /REL /TOEUF his
23 shoulder treatment?

24 MR. ANELLO: And we can go off
25 the record on this.

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(Whereupon, the Examination
Before Trial of Benjamin Sakhai
conducted via Zoom video-conference
concluded at 3:24 p.m. on Monday,
December 8, 2025.)

1 I have read the foregoing transcript
2 of my deposition, and find it to be
3 true and accurate to the best of my
4 knowledge and belief.

5
6

7 _____

8 BENJAMIN SAKHAI

9

10 Sworn and subscribed to before me,

11 On this _____ day

12 of _____ 2025.

13

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16 Notary _____

17 My Commission Expires _____

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<u>WITNESS</u>	<u>EXAMINATION BY</u>	<u>PAGE</u>
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5

BENJAMIN SAKHAI MR. ANELLO

6

MR. ELYASH

MR. COOPER

7

8

E X H I B I T S

9

<u>DEFENDANT'S</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
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Exhibit ^ DOCUMENT ^

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Exhibit ^ DOCUMENT ^

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Exhibit ^ DOCUMENT ^

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14

Attorney ^ NAME from ^ FIRM NAME

15

has retained all exhibits.

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INSERTIONS

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CERTIFICATION

I, Garry J. Torres, a Notary Public for and within the State of New York, do hereby certify:

That, Benjamin Sakhai, the witness whose testimony as herein set forth, was duly sworn by me; and that the within transcript is a true record of the testimony given by said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of December, 2025.

GARRY J. TORRES

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