

1 DANIEL J. CHEREN (SBN: 175475)  
2 **CHEREN AND ASSOCIATES**  
3 16055 Ventura Blvd., Suite 525  
4 Encino, CA 91436  
5 Tel: 818-990-7700; Fax: 818-990-9888

**FILED**  
LOS ANGELES SUPERIOR COURT

MAY 14 2004  
JOHN J. ...  
BY J. CHEREN, DEPUTY

6 Attorney for Plaintiff, BURTON, et al.

7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF LOS ANGELES**

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11 ALEXANDER BURTON, MARK RYAN,  
12 and BONNIE MOUND, as guardian ad  
13 litem for MICHAEL E., a minor,

CASE NO. LC053103

14 Plaintiffs,

**NOTICE OF LODGING OF  
DEPOSITION TRANSCRIPT OF  
MELVIN BERMAN**

15 v.

Date: May 17, 2004  
Time: 8:30 a.m.  
Dept.: T

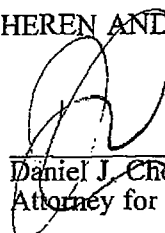
16 MARC COLLINS-RECTOR, CHAD  
17 SHACKLEY, BROCK PIERCE, DIGITAL  
18 ENTERTAINMENT NETWORK, INC.;  
DOES 1 through 100, inclusive; ABC  
CORPORATIONS 1 through 100, inclusive,

19 Defendants.

20  
21  
22 PLAINTIFFS by and through counsel undersigned hereby give Notice of their having lodged the  
23 Certified Copy of the Deposition Transcript of Melvin Berman taken on Thursday, February 5,  
24 2004 in Department T of the above-captioned Court.

25 Dated: May 14, 2004

CHEREN AND ASSOCIATES

26  
27   
28 Daniel J. Cheren, Esq.  
Attorney for Plaintiffs

CHEREN AND ASSOCIATES  
16055 Ventura Boulevard, Suite 525  
Encino, California 91436  
Telephone: (818) 990-7700

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA.

2 FOR THE COUNTY OF LOS ANGELES

**CERTIFIED  
COPY**

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5 ALEXANDER BURTON; MARK RYAN; and )  
6 MICHAEL E., a minor, by and )  
7 through his Guardian ad Litem, )  
8 BONNIE MOUND, )  
9 Plaintiffs, )

VS.

Case No. LC 053 103

10 MARC COLLINS-RECTOR; CHAD SHACKLEY; )  
11 BROCK PIERCE; DIGITAL ENTERTAINMENT )  
12 NETWORK, INC., et al., )  
13 Defendants. )

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15

16

DEPOSITION OF MELVIN BERMAN

17

TAKEN ON

18

THURSDAY, FEBRUARY 5, 2004

19

20

21

22

23

24 Reported by: MARLA GORLICK

25 CSR No. 3767



Legalink Los Angeles  
16830 Ventura Blvd, Suite 315  
Encino, CA 91436

tel (818) 986-5270  
tel (800) 826-0277  
fax (818) 783-7310

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1 A. Predominantly, yes.

2 Q. You said that you had a discussion with  
3 Mike Egan at some point regarding this litigation;  
4 correct?

5 A. Yes.

6 Q. Where were you when you had this discussion with  
7 Mike Egan?

8 A. Where was I?

9 Q. Physically.

10 A. I was in my car.

11 Q. And where was the car located? What city?

12 A. City of Los Angeles.

13 Q. What address?

14 A. Don't know.

15 Q. How did you get -- well, did the two of you  
16 arrange for a meeting place?

17 A. Yes.

18 Q. What was the meeting place that you had arranged  
19 for?

20 A. Denny's in Valencia.

21 Q. And was this before or after the whole events  
22 with the fax from Mr. Palmieri?

23 A. After.

24 Q. How long after would you estimate?

25 A. Four to six weeks.

1 A. I don't know how that transpired.

2 Q. Did you ever hear Pierce or Shackley or  
3 Collins-Rector talking about how they thought it might  
4 have happened?

5 A. Yes.

6 Q. What did you hear them say?

7 A. They said there may be a higher hand involved in  
8 this.

9 Q. Did you ever hear them talk about their belief  
10 that it might have been Burton who had leaked that  
11 information to the press?

12 A. They never made it specific, no.

13 Q. To your knowledge, did this fax from Palmieri in  
14 May, the middle of May of 2000, have anything to do with  
15 this particular lawsuit by Alex Burton?

16 A. Not to my knowledge. They had faxes coming in  
17 left and right all the time.

18 Q. Do you have any idea when Pierce or Shackley or  
19 Collins-Rector first learned that Alex Burton or Michael  
20 Egan was suing them for these types of things?

21 A. No.

22 Q. And you first learned about it in July of 2000  
23 when you met with Alex Burton and Michael Egan?

24 A. I never met with Alex. He was on the phone.  
25 They said they were going to pursue something. It was

1 never defined to me except for, "Do you want half." They  
2 thought that that's all I cared about, so that's why they  
3 offered half. It was never defined half of what.

4 Q. Did you understand that to mean half of  
5 what they might recover if they went after Marc  
6 Collins-Rector?

7 A. Yes, I did understand that.

8 Q. And was it your understanding that they were  
9 essentially asking you to help them with the lawsuit?

10 A. Yes.

11 Q. At the time did you believe that Alex Burton or  
12 Michael Egan had suffered any mistreatment at the hands  
13 of Collins-Rector or any of these other fellows?

14 A. No, I do not believe they suffered any.

15 Q. You didn't believe it then and you don't believe  
16 it now?

17 A. I don't believe it today.

18 Q. And you didn't believe it then.

19 A. Correct.

20 Q. Why don't you believe it?

21 A. Because why wasn't I approached?

22 Q. Do you have any theory as to why?

23 A. Because this is not their MO. I don't see them  
24 doing this. Marc and Chad were a couple. They cared for  
25 each other. They wore rings that said M & C. The home

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1 money from Marc Collins-Rector?

2 A. The Post-Its were found prior to me speaking to  
3 them.

4 Q. Do you have any belief or understanding as to  
5 when Michael Egan and Alex Burton decided to pursue this  
6 plan?

7 A. No. From the conversation we had when I was at  
8 the Denny's, they were in pursuit of it. Not, you know,  
9 they hadn't already, to the best of my knowledge, filed a  
10 Complaint.

11 Q. So prior to your meeting with Michael Egan in  
12 July of 2000, you didn't have any idea that they were  
13 planning to file some sort of a lawsuit against Marc  
14 Collins-Rector.

15 A. No.

16 Q. Do you believe that Michael Egan and Alex  
17 Burton's plan to make up this story and get money from  
18 Marc Collins-Rector had anything to do with the  
19 settlement of the Jacob Walker lawsuit?

20 A. Yes.

21 Q. How so?

22 A. Well, they had an IPO coming up for DEN. They  
23 had -- you know, they would overhear things like with  
24 phone conversations with the attorney, Ron Palmieri, and  
25 two weeks later it was settled. And I don't know how the

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1 sum of money was let out. I don't even know if it's a  
2 correct sum, but it's my understanding they got wind of  
3 this and figured out wow, three weeks for a few million  
4 dollars. Why not.

5 Q. So it's your belief that they heard about the  
6 settlement of the Walker lawsuit and then just conspired  
7 among themselves to make similar allegations against  
8 Collins-Rector?

9 A. Yes, because they saw how easily it was solved.

10 Q. And when you say how easily it was solved, you  
11 mean the fact that within three weeks Collins-Rector had  
12 agreed to pay some --

13 A. Yes.

14 Q. -- amount of money to settle it.

15 A. Yes.

16 Q. In the discussions that you had with Egan and  
17 Burton in late June or early July of 2000, did those  
18 discussions essentially reinforce or confirm that belief?

19 A. Yes.

20 Q. And how is that?

21 A. Because they didn't care what they were doing  
22 and they threw money at me first versus their own  
23 personal safety. They never said, "Mel, how are you  
24 doing after this?" They didn't care. Their thoughts  
25 were let me have money.

1 I, MARLA GORLICK, CSR No. 3767, a Certified  
2 Shorthand Reporter for the State of California, do hereby  
3 certify:


4 That prior to being examined, MELVIN BERMAN, the  
5 witness named in the foregoing deposition, was by me duly  
6 sworn to testify the truth, the whole truth, and nothing  
7 but the truth pursuant to Section No. 2093 of the Code of  
8 Civil Procedure;

9 That said deposition was taken before me pursuant to  
10 Notice, at the time and place therein set forth, and was  
11 taken down by me in shorthand and thereafter reduced to  
12 typewriting via computer-aided transcription under my  
13 direction;

14 I further certify that I am neither counsel for, nor  
15 related to, any party to said action, nor in anywise  
16 interested in the outcome thereof.

17 In witness whereof, I have hereunto subscribed my  
18 name this 9<sup>th</sup> day of February, 2004.

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MARLA GORLICK  
CSR No. 3767