

Series of Telephone Messages  
left on telephone number 917-  
from David Kearney  
From April 30, 2007 to May 9, 2007  
Transcribed: November 16, 2007

1

1

2

3

**APRIL 30, 2007**

4

DAVID KEARNEY: Teddy Smith, this is David Kearney.

5

We faxed over the consent statement for the final hearing

6

date of -- that is scheduled for May 10, 2007. We also

7

received an e-mail from Lillian and by fax asking to pick

8

up documents. We are going to do this one thing at a time

9

so we are going to ask that you either sign the statement

10

or notify us that you do not want us to continue. And

11

then, once that's accomplished, we will release any

12

documents that you need. So go ahead and give us a call if

13

you have any questions, but we expect to see that statement

14

either signed by 5 o'clock today or we want a clear

15

statement by you that you're discharging our office. 212-

16

986-6840. Feel free to call me or Neal. Thanks.

17

18

**May 2, 2007**

19

DAVID KEARNEY: Ted Smith, it's David Kearney.

20

Neal asked me to give you a ring. Pardon my voice,

21

I've got the flu. We are not going to release any

22

documents until you sign the form that we drafted and asked

Series of Telephone Messages  
left on telephone number 917-  
from David Kearney  
From April 30, 2007 to May 9, 2007  
Transcribed: November 16, 2007

1 you to return. We gave you a deadline. We didn't get the  
2 form back. We need that form. Otherwise, we're not going  
3 to do the argument. We're not going to release any more  
4 documents. So let's get that over today by say 1 o'clock.  
5 Thanks.

6 [HANG UP]

7 MACHINE: End.

8

9 May 2, 2007

10 Teddy Smith, we got your e-mail. It's David Kearney,  
11 by the way. 212-986-6840. The -- Here's the problem that  
12 we have.

13 The documents that are in your file, we are under no  
14 obligation to release them as long as you have outstanding  
15 costs to pay us. So I don't really understand your e-mail  
16 at all even if -- if our relationship were on a 100%  
17 contingency basis and it's not. You would still have to  
18 pay the outstanding costs that we've incurred in your  
19 matter. So I don't really understand the basis of your e-  
20 mail. No one is trying to black- [TELEPHONE NOISES] The  
21 fact is that we'd be happy to turnover your entire file to  
22 you, but you know, we just need some clear direction.

Series of Telephone Messages  
left on telephone number 917-  
from David Kearney  
From April 30, 2007 to May 9, 2007  
Transcribed: November 16, 2007

3

1           [TELEPHONE NOISE] ... us to do the hearing on the  
2 10th, and if you do, we need you to sign the form. If you  
3 don't sign the form and return it to us today, we are not  
4 going to attend the hearing on the 10th. So you can make  
5 all the threats that you want. You can make all the  
6 accusations that you want, but if we don't get the form  
7 today, we're not appearing on the 10th. And that's coming  
8 right from Neal and I'm with him 100% on that.

9           We've played too many games here. Just send us the  
10 form. We'll do the 10th and we'll give you whatever  
11 cherry-picked documents you want. But that's the deal.

12           [HANG UP]

13

14           **May 3, 2007**

15           DAVID KEARNEY: Teddy Smith, we just got your e-mail.  
16 We thought you were at work, but apparently you're able to  
17 send us e-mail as well. You need to sign the consent form  
18 or we don't show up on the 10th. I don't know how much  
19 clearer I can be. If there is something about the consent  
20 form that you'd like us to change, we -- we can work with  
21 you on that. But we need to know in the next hour.  
22 Because if you don't send -- if we don't have something

Series of Telephone Messages  
left on telephone number 917-  
from David Kearney  
From April 30, 2007 to May 9, 2007  
Transcribed: November 16, 2007

4

1 signed by an you in an hour and eight minutes, we are not  
2 going to the May 10th hearing. So that's that. Thanks.

3

4 **May 8, 2007**

5 Hey, Teddy Smith, it's David Kearny. You gotta call  
6 me -- 212-986-6840. I just got a call from the arbitrator  
7 and regarding your letter and we've got some problems. So  
8 give me a call 212-986-6840.

9 We're also waiting for you to sign the form. I know  
10 Neal has asked you to do so. So give me a ring. We've got  
11 some serious problems. So 212-986-6840. Thanks.

12 [BEEP]

13 MACHINE: This message --

14

15 **May 8, 2007**

16 Teddy Smith. For a man that likes to make demands  
17 that I give him explanations, you like to reject my calls.

18 The arbitrator, as I wrote you, has recused himself.  
19 He is no longer on the case because of your accusations and  
20 your various statements. So you got what you wanted. He's  
21 not -- the biased, tilted arbitrator is no longer on the  
22 case.

Series of Telephone Messages  
left on telephone number 917-  
from David Kearney  
From April 30, 2007 to May 9, 2007  
Transcribed: November 16, 2007

5

1           They're going to find a new arbitrator and on  
2 Thursday, there's just going to be conference call where he  
3 puts on the record that he's getting off the case.

4           That's all I've got to report to you today. I'm not  
5 going to respond to any more of your nonsense. You don't  
6 take my calls so I'm not going to play the circle-jerk game  
7 where you demand shit from me and you don't take my calls.  
8 So just back off. You got a new arbitrator. You will get  
9 a decision.

10           [HANG UP/BEEP]

11

12           **May 9, 2007**

13           Teddy Smith, I've got the code and the number to call  
14 in tomorrow. It is 1-877-900-9518. The guest code is  
15 8544. Once again, 1-877-900-9518, the guest code is 8544.

16           We understand that you will be proceeding *pro se* and  
17 making that application. We will be on the line just to  
18 make a record of the discharge and, alternatively, our  
19 withdrawal based on the accusations and threats and other  
20 things that you've made. So if you want to call and  
21 discuss it, that's fine. If you want -- if you want to  
22 sign the consent form, so that we'll be on the call and

Series of Telephone Messages  
left on telephone number 917-  
from David Kearney  
From April 30, 2007 to May 9, 2007  
Transcribed: November 16, 2007

1 represent you, you know our fax number. It's 212-986-7691.

2 Thanks.

3 [BEEP]

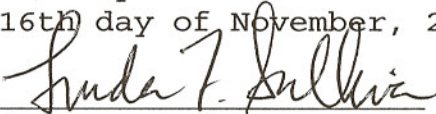
4 MACHINE: This message will be saved for 20 days.

5 [HANG UP NOISES]

6 [END OF RECORDING]

7 I hereby certify the foregoing, consisting of 6 pages,  
8 inclusive, to be a true and accurate transcription from the  
9 tape provided to me, to the best of my skill and ability.

10 Witness my hand, this the 16th day of November, 2007

11   
12 \_\_\_\_\_

13 Linda F. Sullivan

14 Transcriptionist