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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ALFRED LEWIS, MATTHEW LOVELL, )  
RICARDO LECKY, HERMAN ANTLEY )  
and MAKANDA FORRESTER, )  
individually and behalf of )  
all other similarly situated )  
persons, )

Plaintiffs, ) 1:11-cv-00442-JBW-JMA

v. )

ALERT AMBULETTE SERVICE CORP., )  
MARK HANUKOV and JACOB )  
HANUKOV BUS SERVICE CORP., )

Defendants. )  
-----)

DEPOSITION OF MARK HANUKOV  
New York, New York  
Thursday, March 15, 2012

Reported by:  
JOMANNA DeROSA, CSR  
JOB NO. 46432

1  
2  
3 March 15, 2012  
4 10:00 a.m.  
5  
6

7 Deposition of MARK HANUKOV,  
8 held at the offices of TSG Reporting,  
9 747 Third Avenue, New York, New York,  
10 before Jomanna DeRosa, a Certified  
11 Shorthand Reporter and Notary Public  
12 of the States of New York, New Jersey,  
13 California and Arizona.  
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2 A P P E A R A N C E S:  
3

4 GETMAN & SWEENEY, PLLC  
5 9 Paradies Lane  
6 New Paltz, New York 12561  
7 BY: DAN CHARLES GETMAN, ESQ.  
8

9 LAW OFFICE OF RAYMOND NARDO  
10 129 Third Street  
11 Mineola, New York 11501  
12 BY: RAYMOND NARDO, ESQ.  
13

14 LAW OFFICE OF STEPHEN SOMERSTEIN  
15 53 Prospect Park West  
16 Brooklyn, New York 11215  
17 BY: STEPHEN SOMERSTEIN, ESQ.  
18

19  
20 ALSO PRESENT:  
21 BRENDAN WELSH  
22  
23  
24  
25

1 M. HANUKOV  
2 M A R K H A N U K O V, called as a witness,  
3 having been duly sworn by a Notary  
4 Public, was examined and testified as  
5 follows:  
6 EXAMINATION BY  
7 MR. GETMAN:

8 Q. Good morning, Mr. Hanukov. My name  
9 is Dan Getman, as you know. We've met before.

10 At the outset, this deposition is  
11 being taken under the federal rules. All  
12 objections except as to form are reserved until  
13 time of trial. Objections with respect to form  
14 will just be stated in simple and non-leading  
15 fashion.

16 Is there any reason today that you  
17 would have any difficulty in giving a deposition  
18 in competent form?

19 A. No.

20 Q. Okay. You're not under the  
21 influence of any medications, alcohol, drugs of  
22 any kind?

23 A. No.

24 Q. And no particular psychological  
25 distress, other than, obviously, it's a little bit

1 M. HANUKOV  
2 stressful to give a deposition, but anything other  
3 than that?

4 A. No.

5 Q. No illnesses, mental illness of any  
6 kind that would interfere with your ability to  
7 give a deposition?

8 A. No.

9 Q. Did you prepare for this  
10 deposition?

11 A. No.

12 Q. Did you review any documents in  
13 preparation for this deposition?

14 A. No.

15 Q. Did you talk with anyone in  
16 preparation for this deposition, other than your  
17 counsel; the two gentlemen here today?

18 A. No.

19 MR. GETMAN: And speaking of which,  
20 Steve, can we just put on the record the  
21 context in which you're here?

22 MR. SOMERSTEIN: Yes. I'm here of  
23 counsel to Ray Nardo.

24 Q. You didn't speak with anyone else  
25 about the business?

1 M. HANUKOV  
 2 A. No.  
 3 Q. Okay. You'll need to give your  
 4 answers verbally, and the stenographer cannot take  
 5 down head shakes. And uh-uhs and uh-huhs and  
 6 things that we use all the time to communicate can  
 7 be a little bit tricky on a transcript.  
 8 So, if I -- I remind you now to use  
 9 verbal answers, yes, no, explanation, things of  
 10 that sort, but I may remind you if you forget  
 11 during the course of the deposition.  
 12 Also, if I ask you a question and  
 13 you don't understand it, I won't know that unless  
 14 you tell me. So, if you don't understand my  
 15 question, simply say so and I'll rephrase it. All  
 16 right?  
 17 A. Okay.  
 18 Q. If you don't understand a word I'm  
 19 using, it's necessary that you raise that and  
 20 explain it to me that you don't understand the  
 21 word or the question. Okay?  
 22 A. Okay.  
 23 Q. State your full legal name, please.  
 24 A. Mark Hanukov.  
 25 Q. And that's Mark with a K?

1 M. HANUKOV  
 2 MR. SOMERSTEIN: Object.  
 3 MR. NARDO: Objection. He's  
 4 answered that question.  
 5 Q. Does anyone else own that property?  
 6 A. Under the advice of counsel, I  
 7 assert my right under the Fifth Amendment, and I  
 8 respectfully decline to answer that question.  
 9 Q. Do you pay rent to anyone for that  
 10 property?  
 11 A. Under the advice of counsel, I  
 12 assert my Fifth Amendment privilege and  
 13 respectfully -- of the United States Constitution,  
 14 and I respectfully decline to answer that  
 15 question.  
 16 MR. GETMAN: You can just say  
 17 "Fifth Amendment." Let's go off the record  
 18 for a second.  
 19 (Discussion off the record.)  
 20 MR. GETMAN: Okay. We've had a  
 21 discussion with counsel off the record in  
 22 which I've cited Andover Data Services 876  
 23 F.2d 1080, in which the 2nd Circuit stated  
 24 that the prohibition against compelling the  
 25 testimony of a witness is predicated upon

1 M. HANUKOV  
 2 A. That's correct.  
 3 Q. And have you ever been known by any  
 4 other names?  
 5 A. No.  
 6 Q. Where do you live now?  
 7 A. 2815 Ocean Parkway, Apartment 1K,  
 8 Brooklyn, New York, 11235.  
 9 Q. Do you own that property?  
 10 A. Under the advice of my counsel, I  
 11 assert my Fifth Amendment -- I assert my right  
 12 under the Fifth Amendment of the United States  
 13 Constitution and respectfully decline to answer  
 14 that question.  
 15 MR. GETMAN: Ray, about owning a  
 16 piece of property, can you explain how that  
 17 could be a Fifth Amendment privilege?  
 18 MR. SOMERSTEIN: I don't think any  
 19 explanation is required or necessary.  
 20 Explanations can lead to discussions of  
 21 possibly incriminating matters. He's  
 22 asserting his right. He has a good faith  
 23 belief that that may tend to incriminate him.  
 24 Q. Why do you believe that owning  
 25 property would be a criminal act?

1 M. HANUKOV  
 2 there being a real danger that the testimony  
 3 might be used against the witness in later  
 4 criminal proceedings.  
 5 I've pointed out that the  
 6 information I've asked for is public with  
 7 respect to the ownership of this Ocean Parkway  
 8 apartment, and being a public record, there  
 9 will be a deed indicating that fact. And,  
 10 therefore, I do not believe this is a proper  
 11 subject for a Fifth Amendment privilege.  
 12 We will raise that matter. Defense  
 13 counsel has, as far as I can tell, simply  
 14 asserted that it is how he came to own the  
 15 property that might tend to incriminate him.  
 16 MR. SOMERSTEIN: Well, I can make  
 17 our record. Our position is that Mr. Hanukov  
 18 is free to make his Fifth Amendment objection  
 19 if he believes there's a risk of  
 20 incrimination. The standard is that the  
 21 burden is on the other side to show that there  
 22 is no danger, and it's a heavy burden in that  
 23 there is to be no discussion of the reasons  
 24 for the assertion of the Fifth Amendment  
 25 because of the risk that that very discussion

1 M. HANUKOV  
 2 may breach the privilege.  
 3 MR. NARDO: And let me just add, we  
 4 do not agree with any characterizations of any  
 5 off-the-record conversation by Mr. Getman or  
 6 anyone else. If the conversation is off the  
 7 record, it should remain off the record, and  
 8 any references to off-the-record discussions  
 9 in a deposition are improper and we don't  
 10 agree to any characterizations of those  
 11 off-the-record conversations. And if this  
 12 continues to happen, we will not have  
 13 off-the-record conversations.  
 14 MR. GETMAN: In the Estate of  
 15 Fisher, 905 F.2d at 650, the 2nd Circuit  
 16 states the burden of establishing entitlement  
 17 to invoke the Fifth Amendment privilege rests  
 18 with the party asserting the privilege.  
 19 MR. SOMERSTEIN: Well, we'll argue  
 20 this in front of a magistrate.  
 21 Q. Okay. Do you own any other real  
 22 property?  
 23 A. I assert my right -- my rights  
 24 under the Fifth Amendment.  
 25 Q. Do you live anywhere else other

1 M. HANUKOV  
 2 than this 2815 Ocean Parkway?  
 3 A. I assert my rights under the Fifth  
 4 Amendment.  
 5 Q. What's your Social Security Number?  
 6 A. 068-64-4801.  
 7 Q. What's your educational background?  
 8 MR. SOMERSTEIN: You can answer  
 9 that.  
 10 A. High school graduate and maybe 30  
 11 credits of college.  
 12 Q. In what are those credits, what  
 13 subject area?  
 14 A. Just general beginning courses.  
 15 Q. What college?  
 16 A. John Jay College and Kingsborough  
 17 Community College.  
 18 Q. Were you born in the United States?  
 19 A. No.  
 20 Q. Where were you born?  
 21 A. In Moscow, of the former Soviet  
 22 Union.  
 23 Q. What year?  
 24 A. 1971.  
 25 Q. Birth date?

1 M. HANUKOV  
 2 A. February 16th.  
 3 Q. When did you first enter the United  
 4 States?  
 5 A. In 1980.  
 6 Q. And what's your current status with  
 7 respect to immigration in the United States?  
 8 A. I'm a citizen.  
 9 Q. Are you married?  
 10 A. Divorced.  
 11 Q. And who is the woman that you were  
 12 married to?  
 13 MR. NARDO: Objection as to  
 14 relevance. You can answer, though.  
 15 A. Natalie.  
 16 Q. Have you been married any other  
 17 time, other than to Natalie?  
 18 A. No.  
 19 Q. Natalie's last name was Hanukov?  
 20 A. Yes.  
 21 Q. Is it still Hanukov?  
 22 A. Yes, I believe so.  
 23 Q. And when were you divorced?  
 24 A. I believe it was March 2010.  
 25 Q. Do you have any children?

1 M. HANUKOV  
 2 A. Yes.  
 3 Q. Names, please, and ages.  
 4 MR. NARDO: Same objection, you can  
 5 answer.  
 6 A. Abigail, eight years old.  
 7 Q. That's the only child?  
 8 A. Yes.  
 9 Q. Parents living?  
 10 MR. NARDO: Objection. You can  
 11 answer.  
 12 A. My mother only.  
 13 Q. Your mother's name, please?  
 14 A. Mara.  
 15 Q. M-A-R-A?  
 16 A. Correct.  
 17 Q. And where does she live?  
 18 A. I don't remember her exact address  
 19 offhand.  
 20 Q. Does she live in a property that  
 21 you owned together at one time?  
 22 MR. SOMERSTEIN: Hold on just a  
 23 minute.  
 24 A. Fifth Amendment.  
 25 Q. Do you now recall the address of

1 M. HANUKOV  
 2 where she lives?  
 3 A. No.  
 4 MR. GETMAN: Mark, please, all  
 5 assertions of Fifth Amendment privilege.  
 6 Q. Do you own any real property?  
 7 A. Fifth Amendment.  
 8 Q. I'm going to talk about Alert  
 9 Ambulette Service Company. I may just call it  
 10 "Alert." Will you understand that I'm talking  
 11 about the company?  
 12 A. Yes.  
 13 Q. And can you tell me what Alert  
 14 Ambulette is?  
 15 A. Fifth Amendment.  
 16 MR. GETMAN: Are you guys serious?  
 17 MR. SOMERSTEIN: It's his  
 18 privilege.  
 19 MR. GETMAN: Do you want to have a  
 20 colloquy and talk about this?  
 21 MR. SOMERSTEIN: No.  
 22 Q. Okay. Can you tell me what Alert  
 23 Ambulette does?  
 24 A. Fifth Amendment.  
 25 Q. How does it get business?

1 M. HANUKOV  
 2 A. Fifth Amendment.  
 3 MR. GETMAN: Is there any area of  
 4 the subject of this deposition that this  
 5 witness would intend to answer, as far as you  
 6 know?  
 7 MR. SOMERSTEIN: Concerning the  
 8 operation of the company?  
 9 MR. GETMAN: Concerning anything  
 10 that might be relevant to this case. Are we  
 11 here for a charade or are we here for some --  
 12 is there something that you believe that I  
 13 could ask questions and get an answer?  
 14 MR. SOMERSTEIN: I object to the  
 15 characterization of "charade." We're  
 16 asserting Constitutional rights that we think  
 17 are legitimate and appropriate, and, you know,  
 18 he'll answer questions that don't fall within  
 19 that privilege, as he already has.  
 20 MR. GETMAN: Other than his name.  
 21 Q. Do you have an ownership role with  
 22 respect to Alert?  
 23 A. Fifth Amendment.  
 24 Q. Who founded the company?  
 25 A. Fifth Amendment.

1 M. HANUKOV  
 2 A. Fifth Amendment.  
 3 Q. How does it get paid?  
 4 A. Fifth Amendment.  
 5 Q. Does it have any bank accounts?  
 6 A. Fifth Amendment.  
 7 Q. Who has check cashing privileges?  
 8 A. Fifth Amendment.  
 9 Q. Does Alert Ambulette pay its  
 10 drivers overtime?  
 11 A. Fifth Amendment.  
 12 Q. Does Alert Ambulette pay minimum  
 13 wage?  
 14 A. Fifth Amendment.  
 15 Q. Does Alert Ambulette pay spread of  
 16 hours paid to drivers?  
 17 A. Fifth Amendment.  
 18 Q. Do you understand when I say  
 19 "spread of hours" I mean an additional hour of pay  
 20 to employees at the minimum wage rate when the  
 21 driver works from the start of the shift to the  
 22 end of the shift of work is over ten hours?  
 23 A. Fifth Amendment.  
 24 Q. How do you pay drivers at Alert  
 25 Ambulette, in cash or by check?

1 M. HANUKOV  
 2 Q. Did your father, Jacob Hanukov,  
 3 found the company?  
 4 A. Fifth Amendment.  
 5 MR. GETMAN: Can somebody explain  
 6 to me how Mr. Hanukov's father forming a  
 7 company, yes or not, could possibly implicate  
 8 a Fifth Amendment privilege?  
 9 MR. SOMERSTEIN: Our position is  
 10 that explanations are not required, and  
 11 specifically not required so that there's no  
 12 discussion that might lead to disclosure of  
 13 protected information.  
 14 MR. GETMAN: Let's go off the  
 15 record.  
 16 (Recess taken.)  
 17 Q. Are you familiar with the Jacob  
 18 Hanukov Bus Company that is a defendant in this  
 19 action?  
 20 A. Fifth Amendment.  
 21 Q. Do you have an ownership interest  
 22 in the bus company?  
 23 A. Fifth Amendment.  
 24 Q. What does the bus company do?  
 25 A. Fifth Amendment.

1 M. HANUKOV  
 2 Q. Do you take funds from the bus  
 3 company to pay the Alert Ambulette drivers?  
 4 A. Fifth Amendment.  
 5 Q. Do you take funds at will from the  
 6 Hanukov Bus Company for your personal use?  
 7 A. Fifth Amendment.  
 8 Q. Do you take funds from Alert  
 9 Ambulette at will to use for your personal  
 10 purposes?  
 11 A. Fifth Amendment.  
 12 Q. Do you have check cashing  
 13 privileges for the bus company?  
 14 A. Fifth Amendment.  
 15 Q. Do you have credit cards in the  
 16 name of the bus company?  
 17 A. Fifth Amendment.  
 18 Q. Do you have two sets of books for  
 19 Alert Ambulette?  
 20 A. Fifth Amendment.  
 21 Q. Do you have two sets of books for  
 22 Hanukov Bus Company?  
 23 A. Fifth Amendment.  
 24 Q. Have you transferred any work  
 25 formerly done by Alert to another company?

1 M. HANUKOV  
 2 A. Fifth Amendment.  
 3 Q. Have you transferred any funds from  
 4 Alert Ambulette to any relatives?  
 5 A. Fifth Amendment.  
 6 Q. Do any relatives of yours have an  
 7 ownership interest of Alert Ambulette?  
 8 A. Fifth Amendment.  
 9 MR. GETMAN: How could that  
 10 possibly -- how could that conceivably  
 11 implicate him? A Fifth Amendment privilege is  
 12 personal.  
 13 MR. SOMERSTEIN: Well, it's  
 14 personal, but it's also -- there's also what's  
 15 called the chain in -- the link in the chain  
 16 doctrine, and he's entitled to assert the  
 17 privilege as to any question that might  
 18 provide any link in the evidence that might  
 19 tend to incriminate him. So, the privilege is  
 20 very, very broad, and he's asserting it.  
 21 Q. Do you pay employees at Alert on a  
 22 daily rate?  
 23 A. Fifth Amendment.  
 24 Q. Does Alert Ambulette have a line of  
 25 credit?

1 M. HANUKOV  
 2 A. Fifth Amendment.  
 3 Q. Does it have credit cards?  
 4 A. Fifth Amendment.  
 5 Q. Does it pay taxes?  
 6 A. Fifth Amendment.  
 7 Q. Has any part of the business of  
 8 Alert been sold or transferred in any way?  
 9 A. Fifth Amendment.  
 10 Q. Has any part of Jacob Hanukov Bus  
 11 Company been sold or transferred in any way?  
 12 A. Fifth Amendment.  
 13 Q. Does anyone else own any part of  
 14 the Hanukov Bus Company?  
 15 A. Fifth Amendment.  
 16 Q. Do you keep records with respect to  
 17 who owns the Hanukov Bus Company?  
 18 A. Fifth Amendment.  
 19 Q. Do you keep records with respect to  
 20 who owns the Alert Ambulette Service Company?  
 21 A. Fifth Amendment.  
 22 Q. Have you transferred real estate to  
 23 your mother recently?  
 24 A. Fifth Amendment.  
 25 Q. Have you, within the last year,

1 M. HANUKOV  
 2 transferred real estate to your mother at  
 3 submarket rates?  
 4 A. Fifth Amendment.  
 5 Q. Have you transferred real estate to  
 6 your mother at submarkets rates in order to evade  
 7 the reach of creditors?  
 8 A. Fifth Amendment.  
 9 Q. Did you receive -- did you transfer  
 10 real estate to your mother without receiving  
 11 compensation?  
 12 A. Fifth Amendment.  
 13 Q. Are you your mother's heir?  
 14 A. Fifth Amendment.  
 15 Q. When you failed to pay overtime to  
 16 drivers at Alert Ambulette, did you know that you  
 17 were legally required to pay them overtime?  
 18 MR. NARDO: Objection as to form.  
 19 You can answer.  
 20 A. Fifth Amendment.  
 21 Q. Were you the person who decided not  
 22 to pay overtime to the plaintiff drivers in this  
 23 case?  
 24 MR. NARDO: Objection as to form.  
 25 You can answer.

1 M. HANUKOV  
 2 A. Fifth Amendment.  
 3 MR. GETMAN: And what's the formal  
 4 objection?  
 5 MR. NARDO: Objection as to form.  
 6 MR. GETMAN: No, no. What -- I'm  
 7 asking for the specifics here so I can address  
 8 it and reform my question.  
 9 MR. NARDO: Well, you're saying  
 10 that overtime was not paid, and we're not  
 11 conceding to that.  
 12 MR. GETMAN: Well, you are, insofar  
 13 as you've asserted a Fifth Amendment  
 14 privilege.  
 15 MR. SOMERSTEIN: We disagree with  
 16 that legal assertion, but we won't have a  
 17 legal argument on the record.  
 18 MR. GETMAN: Let's take a  
 19 two-minute break.  
 20 (Recess taken.)  
 21 Q. Mr. Hanukov, did you treat the  
 22 Alert Ambulette funds as your personal funds?  
 23 A. Fifth Amendment.  
 24 Q. Did you treat Jacob Hanukov Bus  
 25 Company funds as your personal funds?

1 M. HANUKOV  
 2 Q. Is that in your handwriting?  
 3 A. Fifth Amendment.  
 4 Q. Did you keep the records that you  
 5 see before you?  
 6 A. Fifth Amendment.  
 7 Q. Is there anything about either of  
 8 these exhibits that you can tell me that is not  
 9 related to the Fifth Amendment?  
 10 MR. NARDO: Objection.  
 11 A. Fifth Amendment.  
 12 MR. GETMAN: Let's go off the  
 13 record.  
 14 (Recess taken.)  
 15 MR. GETMAN: During the break  
 16 counsel conferred with the Court. Robert  
 17 Terranova informed us that the Judge wanted us  
 18 to discuss areas in which this defendant would  
 19 be able to testify or would be willing to  
 20 testify, in addition to other things that the  
 21 Judge said, and asking us to confer to discuss  
 22 what areas he would testify. We did. And it  
 23 appears, if I'm hearing it correctly, that the  
 24 only area that the defendant is able to  
 25 testify is about current ownership of real

1 M. HANUKOV  
 2 A. Fifth Amendment.  
 3 Q. Did you buy cigars and liquor for  
 4 your own personal use from Alert Ambulette Bus  
 5 Company funds?  
 6 A. Fifth Amendment.  
 7 Q. Did you go to nightclubs and hotels  
 8 on the company credit card?  
 9 A. Fifth Amendment.  
 10 Q. Did you go skydiving and go to  
 11 Costa Rica on the company credit card?  
 12 A. Fifth Amendment.  
 13 Q. What is Junior's Cheesecake?  
 14 (Discussion off the record.)  
 15 A. Fifth Amendment.  
 16 Q. Have you ever been to Costa Rica?  
 17 A. Fifth Amendment.  
 18 (Hanukov Exhibit 1 and Hanukov  
 19 Exhibit 2 marked for identification.)  
 20 Q. Turn your attention to Hanukov 1.  
 21 Can you tell me what this document is?  
 22 A. Fifth Amendment.  
 23 Q. Take a look at Hanukov 2, and tell  
 24 me what that document is.  
 25 A. Fifth Amendment.

1 M. HANUKOV  
 2 property.  
 3 MR. NARDO: That is correct. This  
 4 is an area that the parties agree is not  
 5 covered by the Fifth Amendment.  
 6 Q. Do you own any real property?  
 7 A. An apartment.  
 8 Q. And what is the address of that  
 9 apartment?  
 10 A. The same where I reside, 2815 Ocean  
 11 Parkway, Apartment 1K, Brooklyn, New York, 11235.  
 12 Q. Do you own that by yourself or does  
 13 anyone else own it with you?  
 14 A. Someone else owns it with me.  
 15 Q. Who is that?  
 16 A. My sister.  
 17 Q. And what's your sister's name?  
 18 A. Milena, M-I-L-E-N-A.  
 19 Q. Hanukov, last name?  
 20 A. Yes.  
 21 Q. And do you each own it -- own the  
 22 property as a whole? Is there any division of the  
 23 property that you own separately?  
 24 A. I'm sorry. Rephrase that.  
 25 Q. Do you both have an undivided

1 M. HANUKOV  
 2 interest in the property as a whole?  
 3 MR. NARDO: Objection. You can  
 4 answer.  
 5 Q. Do you both own the property in its  
 6 entirety?  
 7 MR. NARDO: Same objection. You  
 8 can answer.  
 9 A. No, there's a mortgage.  
 10 Q. In what form do you and your sister  
 11 co-own this property?  
 12 A. I don't understand.  
 13 Q. Do you own the property as joint  
 14 tenants?  
 15 A. I don't know the details of that.  
 16 Q. Does your sister live there?  
 17 A. No.  
 18 Q. Does anyone else live there with  
 19 you?  
 20 A. No.  
 21 Q. Did you each pay for the property?  
 22 A. Yeah, we both paid.  
 23 Q. And are you both on the mortgage?  
 24 A. That's correct.  
 25 Q. How much did you pay for the

1 M. HANUKOV  
 2 property?  
 3 A. 170,000.  
 4 Q. That was the sale price or the  
 5 amount of cash that you put in?  
 6 A. That was the sale price.  
 7 Q. Do you both live there?  
 8 A. No.  
 9 Q. Just you?  
 10 A. That's correct.  
 11 Q. How much is the mortgage for?  
 12 A. I believe it's for 70,000.  
 13 Q. And who's it with?  
 14 A. With the sponsor.  
 15 Q. With?  
 16 A. The sponsor who sold it.  
 17 Q. The seller?  
 18 A. Yes.  
 19 Q. So, it's a private mortgage?  
 20 A. Correct.  
 21 Q. And when did you purchase this  
 22 property?  
 23 A. Early this year.  
 24 Q. Approximately when?  
 25 A. In January.

1 M. HANUKOV  
 2 Q. Do you own any other property?  
 3 A. No.  
 4 Q. Did you and your sister each put  
 5 50,000 in for the property?  
 6 (The witness steps outside.)  
 7 MR. GETMAN: Only for purposes of a  
 8 colloquy about privilege.  
 9 (Recess taken.)  
 10 THE WITNESS: Please repeat the  
 11 question.  
 12 (The requested portion of the  
 13 record was read.)  
 14 A. No.  
 15 Q. How much did you put in?  
 16 A. I put in 100,000.  
 17 Q. And she put in nothing?  
 18 A. She put in nothing at the moment,  
 19 but she is liable in the mortgage.  
 20 Q. And you both are equally liable on  
 21 the mortgage? It's a single mortgage?  
 22 A. That's correct.  
 23 Q. And who pays the mortgage?  
 24 A. She does.  
 25 Q. And is she named on the deed?

1 M. HANUKOV  
 2 A. I believe so.  
 3 MR. NARDO: Objection. He can  
 4 answer.  
 5 Q. And are you named on the deed?  
 6 A. I guess so, yes.  
 7 Q. Anyone else named on the deed or  
 8 the mortgage?  
 9 A. No.  
 10 Q. Do you own any other assets other  
 11 than this piece of property?  
 12 A. No.  
 13 Q. Do you have any bank accounts,  
 14 personal bank accounts?  
 15 A. Fifth Amendment.  
 16 Q. Do you have any offshore accounts?  
 17 A. Fifth Amendment.  
 18 MR. NARDO: All right. For the  
 19 record, we're now going beyond what we had  
 20 stipulated was not covered by the Fifth  
 21 Amendment.  
 22 You can keep asking questions if  
 23 you want, but you know what the answer will  
 24 be.  
 25 Q. Have you ever owned any other real



1 M. HANUKOV  
 2 property?  
 3 A. I have.  
 4 Q. What else have you owned?  
 5 MR. NARDO: You're talking about  
 6 real property. Correct?  
 7 MR. GETMAN: Yes.  
 8 (The witness steps outside.)  
 9 (Recess taken.)  
 10 (The requested portion of the  
 11 record was read.)  
 12 A. I was a part owner in a condominium  
 13 apartment.  
 14 Q. Address?  
 15 A. 150 Oceania Drive West, Apartment  
 16 PH6, Brooklyn, New York, 11235.  
 17 Q. And did you own that with anyone  
 18 else?  
 19 A. Yes.  
 20 Q. And who?  
 21 A. My mother.  
 22 Q. And did you have a mortgage on that  
 23 property?  
 24 A. Yes.  
 25 Q. And were you both on the mortgage?

1 M. HANUKOV  
 2 Q. And did you receive that in cash or  
 3 did that money go to pay off the mortgage?  
 4 A. I received it in the form of a  
 5 check.  
 6 Q. Did you have an appraisal done for  
 7 the property in the course of the sale?  
 8 A. Yes.  
 9 Q. And who did the appraisal?  
 10 A. I don't remember at the moment.  
 11 Q. Do you have a copy of the  
 12 appraisal?  
 13 A. I might. Yeah, I should.  
 14 MR. GETMAN: I call for the  
 15 production of that.  
 16 MR. NARDO: Any document request,  
 17 just put them in writing and we'll take them  
 18 under advisement.  
 19 MR. GETMAN: They'll be in the  
 20 writing on the transcript. That's how you'll  
 21 see them. You have notice of it now.  
 22 MR. NARDO: How do I have notice of  
 23 it without the transcript?  
 24 MR. GETMAN: You have notice of it  
 25 now, and we'll get notice of it with the

1 M. HANUKOV  
 2 MR. NARDO: Objection. At any  
 3 time?  
 4 MR. GETMAN: Yes.  
 5 Q. Were you both on the mortgage?  
 6 A. I don't recall.  
 7 Q. Were you on the mortgage?  
 8 A. I really don't recall at the  
 9 moment.  
 10 Q. And when did you sell that  
 11 property?  
 12 A. In the summer of 2011.  
 13 Q. And you sold it to your mother.  
 14 Correct?  
 15 A. Yes.  
 16 Q. And how much did you sell it to her  
 17 for?  
 18 A. I don't remember the exact amount  
 19 but I believe I received somewhere in the lines of  
 20 175,000. No, I'm sorry, wait a second. I can't  
 21 remember. I'm sorry.  
 22 Q. But to the best of your  
 23 recollection you received 175,000?  
 24 A. I believe so, yes. I just can't  
 25 remember at the moment.

1 M. HANUKOV  
 2 transcript.  
 3 MR. NARDO: So, it will be in  
 4 writing when I get the transcript. We'll take  
 5 it under advisement after that.  
 6 Q. Do you personally know the person  
 7 who did the appraisal?  
 8 A. No.  
 9 Q. Does your mother personally know  
 10 the person who did the appraisal?  
 11 A. No.  
 12 Q. What did the appraisal state was  
 13 the value of the property?  
 14 A. I don't remember.  
 15 Q. How much of a mortgage did you have  
 16 on the property?  
 17 A. I don't recall.  
 18 Q. How much did you buy the condo for?  
 19 A. I don't remember.  
 20 Q. Do you know that you're under an  
 21 obligation to remember or to state the best of  
 22 your ability what you can recall.  
 23 Do you understand that?  
 24 MR. NARDO: Objection.  
 25 A. I do.

1 M. HANUKOV  
 2 Q. Why did you sell the property to  
 3 your mother?  
 4 A. I just did.  
 5 Q. No reason?  
 6 A. No reason.  
 7 Q. Did you ask to sell it to her or  
 8 did she ask to buy it from you?  
 9 A. It was a mutual decision.  
 10 Q. You just happened to arrive at the  
 11 same thought at the very same time?  
 12 A. Yes.  
 13 Q. Does she live there? Does your  
 14 mother live in that apartment, PH6, 150 Oceania  
 15 Drive?  
 16 MR. NARDO: Currently. Right?  
 17 Q. Now or at any point in the past.  
 18 A. Yes.  
 19 Q. Does she live there now?  
 20 A. Yes.  
 21 Q. And did she live there after you  
 22 bought it?  
 23 A. Yes.  
 24 Q. Did she live there continuously  
 25 throughout the period?

1 M. HANUKOV  
 2 Q. And was the sale price the same as  
 3 the appraisal value?  
 4 A. Yes.  
 5 Q. Were you and your mother equal  
 6 co-owners in the property?  
 7 A. I guess.  
 8 Q. Did you get one-half of the  
 9 proceeds of the sale?  
 10 A. Yes.  
 11 Q. Does your mother have a mortgage on  
 12 the property now?  
 13 A. I believe so.  
 14 Q. Did you ever live at the property,  
 15 PH6?  
 16 A. Yes.  
 17 Q. When did you live there?  
 18 A. Almost ten years ago.  
 19 Q. While you owned it?  
 20 A. Yes.  
 21 Q. And with your mother?  
 22 A. Yes.  
 23 Q. How long did you live there?  
 24 A. Maybe two years.  
 25 Q. Did you ever own any other

1 M. HANUKOV  
 2 A. Yes.  
 3 Q. How old is your mother?  
 4 A. 62.  
 5 Q. Your father passed away?  
 6 A. Yes.  
 7 Q. When did he pass away?  
 8 A. In 1993.  
 9 Q. Your father is Jacob Hanukov?  
 10 A. Yes.  
 11 Q. Has your mother remarried?  
 12 MR. NARDO: Objection.  
 13 A. No.  
 14 Q. Does your mother have any other  
 15 residences other than this apartment, PH6?  
 16 A. No.  
 17 Q. Did you pay close to a million  
 18 dollars for this condo when you bought it?  
 19 MR. NARDO: Objection. Which condo  
 20 are we on now?  
 21 MR. GETMAN: PH6.  
 22 A. I don't believe so.  
 23 Q. When did you have the appraisal  
 24 done for the property?  
 25 A. Right before the sale.

1 M. HANUKOV  
 2 property?  
 3 A. Yes.  
 4 Q. Can you list the properties you  
 5 owned by address?  
 6 A. 75 Oceania Drive East, Apartment  
 7 2B, Brooklyn, New York, 11235; 65 Oceania Drive  
 8 East, Apartment 4D, Brooklyn, New York, 11235, and  
 9 a house, I don't remember the exact number, but it  
 10 was on Haring Street in Brooklyn, New York. And I  
 11 don't recall the ZIP Code either.  
 12 Q. Any other properties?  
 13 A. I don't believe I owned anything  
 14 else.  
 15 Q. Were any of these properties  
 16 transferred since this lawsuit was filed?  
 17 A. No. I'm sorry. Rephrase your  
 18 question. What do you mean transferred?  
 19 Q. Did you transfer any ownership  
 20 interest in these properties since the lawsuit was  
 21 filed?  
 22 MR. NARDO: You're talking about  
 23 the properties he just mentioned?  
 24 MR. GETMAN: Right.  
 25 A. They were all dissolved way before

1 M. HANUKOV  
 2 the lawsuit.  
 3 Q. All sold before the lawsuit?  
 4 A. Yes.  
 5 Q. Do you own any other property, not  
 6 real property?  
 7 MR. NARDO: Objection.  
 8 A. Fifth Amendment.  
 9 MR. GETMAN: So, he's not going to  
 10 answer any questions about any other personal  
 11 property or assets that he may have?  
 12 MR. SOMERSTEIN: If you specify  
 13 particular types of assets, we'll take it  
 14 question-by-question.  
 15 MR. GETMAN: Well, I'm asking if  
 16 it's worth doing that. Is there some that  
 17 you're going to allow?  
 18 MR. SOMERSTEIN: I don't know.  
 19 Q. Do you have any bank accounts?  
 20 A. Fifth.  
 21 Q. Do you have any investment accounts  
 22 or investment vehicles of any kind?  
 23 A. Fifth Amendment.  
 24 Q. Do you have any offshore assets?  
 25 A. Fifth Amendment.

1 M. HANUKOV  
 2 Q. Do you have any other assets that  
 3 you own with other people?  
 4 A. Fifth Amendment.  
 5 Q. Are there any other individuals,  
 6 such as family members, that have assets belonging  
 7 to you?  
 8 A. Fifth Amendment.  
 9 MR. GETMAN: So, why can he talk  
 10 about real estate, but not personal property?  
 11 MR. SOMERSTEIN: No explanation  
 12 required at this time.  
 13 (Hanukov Exhibit 3 through Hanukov  
 14 Exhibit 13 marked for identification.)  
 15 (Recess taken.)  
 16 MR. NARDO: The witness, Mark  
 17 Hanukov, is going to assert the Fifth  
 18 Amendment privilege as it pertains to all  
 19 these documents, which have been marked and  
 20 provided to defendants as Hanukov 1 through  
 21 Hanukov 13.  
 22 MR. GETMAN: Well, I did want to  
 23 know your position with respect to asserting.  
 24 I mean, if the company is going to assert --  
 25 let's go off the record for a second.

1 M. HANUKOV  
 2 (Discussion off the record.)  
 3 MR. GETMAN: So, it is your  
 4 position that he's not going to answer any  
 5 questions of any kind about any of these  
 6 documents, including their authenticity.  
 7 MR. NARDO: His answer would be  
 8 Fifth Amendment. And we had another  
 9 discussion, during this break, in which I had  
 10 raised the idea that we would serve a 30(b)(6)  
 11 deposition notice to Alert Ambulette and Jacob  
 12 Hanukov Bus Company, and you indicated to me,  
 13 you being defense counsel, that the only  
 14 person who could answer these questions for  
 15 the company and could be designated would be  
 16 Mark Hanukov, and that Mark Hanukov would  
 17 assert the privilege to the same extent he did  
 18 here to answering those questions.  
 19 Well, we have not received the  
 20 30(b)(6) deposition notice, so it's premature.  
 21 If we did -- it's our intention if we do  
 22 receive one, but, you know, it's subject to  
 23 our receiving one. We reserve all our rights  
 24 that there's only one corporate officer of the  
 25 company who could possibly be designated, as

1 M. HANUKOV  
 2 there is only one corporate officer to the  
 3 company, and that his answers, even though a  
 4 corporation does not have a Fifth Amendment  
 5 privilege against self-incrimination under the  
 6 Constitution, the answers of Mark Hanukov  
 7 could subject him to criminal prosecution  
 8 personally, in his personal capacity.  
 9 And so, as a result, it's our  
 10 intention, if we receive a notice of that,  
 11 it's our current intention that Mr. Hanukov,  
 12 if he is forced to appear at such a  
 13 deposition, would assert the Fifth Amendment  
 14 privilege of self-incrimination since he would  
 15 be personally incriminated or possibly  
 16 personally incriminated by his answers.  
 17 Q. What's the company Courtesy  
 18 Transport?  
 19 A. I don't know. I take the Fifth  
 20 Amendment.  
 21 MR. GETMAN: About what another  
 22 company is?  
 23 Q. You don't own Courtesy Transport or  
 24 have any ownership in Courtesy Transport; do you?  
 25 A. Fifth Amendment.

1 M. HANUKOV  
 2 Q. Isn't Courtesy Transport a  
 3 competitor of yours?  
 4 A. Fifth Amendment.  
 5 Q. Is Alert Ambulette currently  
 6 running?  
 7 A. Fifth Amendment.  
 8 Q. What's the 2970 Gas Company?  
 9 A. Fifth Amendment.  
 10 Q. Did Alert Ambulette advertise in  
 11 Russian language newspapers?  
 12 A. Fifth Amendment.  
 13 Q. Do any of your family members have  
 14 any direct privileges with respect to checking  
 15 accounts, credit cards, cash accounts, in either  
 16 Alert Ambulette Service Company or Jacob Hanukov  
 17 Bus Company?  
 18 A. Fifth Amendment.  
 19 Q. Have any family members loaned any  
 20 money to Bus Company or Alert Ambulette?  
 21 A. Fifth Amendment.  
 22 Q. Do any family members provide any  
 23 services to Alert Ambulette or Bus Company?  
 24 A. Fifth Amendment.  
 25 (Recess taken.)

1 M. HANUKOV  
 2 A. Fifth Amendment.  
 3 Q. And, in fact, each of these  
 4 individuals was paid more than this gross amount  
 5 in cash wages. Isn't that right?  
 6 A. Fifth Amendment.  
 7 Q. And for the cash wages that was  
 8 reported to each individual and the IRS as their  
 9 wages in these quarterly reports, you and Alert  
 10 Ambulette withdrew a corresponding amount by check  
 11 from Alert Ambulette's bank account.  
 12 Isn't that true?  
 13 A. Fifth Amendment.  
 14 Q. And showing you Exhibit 3, these  
 15 checks in Exhibit 3 illustrate the cash payroll  
 16 amount that corresponded to the specific --  
 17 withdrawn. Let me rephrase that.  
 18 These checks which are reproduced  
 19 in Exhibit 3, to the extent that they're marked  
 20 cash payroll, those cash payroll payee checks  
 21 correspond to the reported amount of payroll to  
 22 each individual for the corresponding period.  
 23 Isn't that correct?  
 24 A. Fifth Amendment.  
 25 Q. And the payments in Exhibit 3 that

1 M. HANUKOV  
 2 (Hanukov Exhibit 14 through Hanukov  
 3 Exhibit 25 marked for identification.)  
 4 MR. NARDO: So, with Exhibits 14  
 5 through 25, the witness will, again, assert  
 6 his Fifth Amendment privilege against  
 7 self-incrimination, guaranteed by the United  
 8 States Constitution.  
 9 MR. GETMAN: Okay. I'm going to  
 10 ask a few questions that I want, just for  
 11 purposes of the inference, understanding that  
 12 you're not going to answer them, but I'm going  
 13 to put them on the record.  
 14 MR. NARDO: Okay. Well, he is  
 15 going to answer them. He's going to assert  
 16 his Fifth Amendment privilege.  
 17 Q. Okay. Showing you Exhibit 1, these  
 18 are quarterly pay records kept by Alert, are they  
 19 not, for the individuals that are asserted at the  
 20 bottom left?  
 21 A. Fifth Amendment.  
 22 Q. And where it states \$286 gross  
 23 wages, that's the amount that was reported to the  
 24 IRS as gross wages, and reported to the individual  
 25 as his gross wages on a W-2. Correct?

1 M. HANUKOV  
 2 are marked to Mark Hanukov were paid to you  
 3 individually by Alert. Correct?  
 4 A. Fifth Amendment.  
 5 Q. I'm showing you Exhibit 4. You  
 6 recorded in Exhibit 4, in the first column, the  
 7 employee's name. Correct?  
 8 A. Fifth Amendment.  
 9 Q. Their marital status?  
 10 A. Fifth Amendment.  
 11 Q. And their number of exemptions.  
 12 Correct?  
 13 A. Fifth Amendment.  
 14 Q. In the second column, headed  
 15 "Rate," the preprinted amount there represents the  
 16 weekly rate to which you reported to the IRS and  
 17 to the individual that they were being paid.  
 18 Correct?  
 19 A. Fifth Amendment.  
 20 Q. However, the actual amount paid to  
 21 the individual, which differs from the rate  
 22 information in Column 2, is in the final column on  
 23 the right. Isn't that true?  
 24 A. Fifth Amendment.  
 25 Q. And in the final column on the

M. HANUKOV

right, the last number represents the gross amount of wages paid to the individual. Correct?

A. Fifth Amendment.

Q. In the column marked "Code" the individuals's -- in the columns "Code" and "Hours," Columns 5 and 6 -- do you see those columns?

A. I see -- Fifth Amendment.

Q. Okay. Where there is just a single number in each of Columns 5 and 6, taking the top one, Aberman, the numbers 120 and 5 appear, indicating 120 is the daily rate paid to this individual, and 5 represents the total full days of work. Correct?

A. Fifth Amendment.

Q. And when there are two numbers in Columns 5 and 6, such as Azov, the third person down, A-Z-O-V, the bottom number, 103, represents 100 is the daily rate, and three is the number of full days worked. Correct?

A. Fifth Amendment.

Q. And the top numbers, 95 and one, represent one as the number of partial days, and 95 representing the amount of remaining time in

M. HANUKOV

excess of full days, which is stated below.

Correct?

A. Fifth Amendment.

Q. In the final column, where there is a single number, such as 600, that represents the gross pay. Is that true?

A. Fifth Amendment.

Q. And where there are two numbers bracketed, the bottom number represents the number of full day's payment, and the top number represents a remainder or partial day's payment.

Correct?

A. Fifth Amendment.

Q. And those two numbers are added together to make the gross. Correct?

A. Fifth Amendment.

Q. Except in those instances where there are deductions or loan payments either made or deducted from the individual's wages.

Correct?

A. Fifth Amendment.

Q. So, when you are taking repayment of a loan that you made to a worker, for example, Azov, you have 395 minus 100 loan equals 295.

M. HANUKOV

That is a deduction from their wages expressed as a negative. Correct?

A. Fifth Amendment.

Q. So, turning to the fourth page of Exhibit 4, do you see deductions of 115 for parking. Those indicate that you deducted from individuals' wages for parking violations.

Isn't that true?

A. Fifth Amendment.

Q. And on the next page, page 5 Alert 675, you see deductions for shirts of \$33. That represents the deduction from pay for uniforms.

Isn't that correct?

A. Fifth Amendment.

Q. And do you see below that in the same entry for Ford, it says deposit minus \$100. That entry refers to your collection of a performance guarantee or a performance deposit taken out of the first few week's wages of new employees. Isn't that true?

A. Fifth Amendment.

Q. And to the right, where you have deposit 100, that represents the tally of the deposit to generally between 100 and \$300.

M. HANUKOV

Correct?

A. Fifth Amendment.

Q. And you withdrew, generally speaking, \$300 deposit from the wages of each employee as a new driver as a performance guarantee. Correct?

A. Fifth Amendment.

Q. And you held on to that money until you repaid it at the end of employment. Correct?

A. Fifth Amendment.

Q. In the same exhibit, Alert 677, Maslov, M-A-S-L-O-V, in the final column you see a deduction for \$50 for red light. That's a traffic ticket. Is that right?

A. Fifth Amendment.

Q. That is a deduction for a traffic light. Isn't that right?

MR. NARDO: Objection. Asked and answered.

Q. Go ahead. Say Fifth Amendment if you're going to assert that privilege here.

A. Fifth Amendment.

Q. The amount stated in the column marked "Amount" represents the cash wages actually

1 M. HANUKOV  
 2 paid to the employee -- withdrawn.  
 3 The amount stated in the "Amount"  
 4 column represents a portion of the cash wages paid  
 5 to the employee, which when added to the amount  
 6 stated in the second amount column, the  
 7 penultimate column, added together equals the  
 8 gross amount of wages paid to the employee in the  
 9 final column. Isn't that true?  
 10 A. Fifth Amendment.  
 11 Q. Is this your handwriting on this  
 12 exhibit?  
 13 A. Fifth Amendment.  
 14 Q. I'm showing you Hanukov Exhibit 2.  
 15 These are the hours records as to each employee.  
 16 Correct?  
 17 A. Fifth Amendment.  
 18 Q. The top number over the slash mark  
 19 represents the time in, and the bottom number  
 20 represents the time out for each employee.  
 21 Isn't that true?  
 22 A. Fifth Amendment.  
 23 Q. And the X mark indicates that the  
 24 employee did not work on that day. Correct?  
 25 A. Fifth Amendment.

1 M. HANUKOV  
 2 Q. And a slash mark represents that  
 3 the employee did work that day. Correct?  
 4 A. Fifth Amendment.  
 5 Q. Where there's a slash mark and no  
 6 time recorded, the individual worked a full  
 7 12-hour day. Is that correct?  
 8 A. Fifth Amendment.  
 9 Q. The shifts were generally 12 hours.  
 10 Isn't that right?  
 11 A. Fifth Amendment.  
 12 Q. I'm showing you Exhibit 6. On  
 13 Alert No. 598, the fourth page down, there's a  
 14 deduction for maps of \$17, which represents a  
 15 deduction from the individual's wages for maps.  
 16 Is that correct?  
 17 A. Fifth Amendment.  
 18 MR. NARDO: What page was that?  
 19 MR. GETMAN: The fourth one down.  
 20 MR. NARDO: It's 598?  
 21 MR. GETMAN: Yes.  
 22 MR. NARDO: Okay.  
 23 Q. 599 you made deductions for  
 24 jackets. Those are uniform deductions. Correct?  
 25 A. Fifth Amendment.

1 M. HANUKOV  
 2 Q. And the same on Alert 600 and 601.  
 3 Those were uniform deductions. Correct?  
 4 MR. NARDO: Objection.  
 5 A. Fifth Amendment.  
 6 MR. GETMAN: Ray, we've not gotten  
 7 the updated payroll records that we've asked  
 8 for. We will be getting those to current?  
 9 MR. NARDO: We can discuss it off  
 10 the record.  
 11 MR. GETMAN: I would just like to  
 12 know and to tee that up. If there's going to  
 13 a Fifth Amendment claim that we're not going  
 14 to get those documents, I'd like to have that  
 15 on this record.  
 16 MR. NARDO: We can discuss that  
 17 later. Do I have to be sworn in? Am I going  
 18 to be deposed here?  
 19 MR. GETMAN: No, but you're  
 20 counsel, and I want to get all these issues on  
 21 the table before the Judge. If we're not  
 22 going to get these -- we've requested these  
 23 documents for months.  
 24 MR. NARDO: Let's discuss that when  
 25 we're done with the deposition.

1 M. HANUKOV  
 2 Q. I'm showing you Exhibit 7. Exhibit  
 3 7 represents the quarter-to-date earnings records  
 4 for employees that Alert Ambulette falsely  
 5 reported to the IRS and falsely reported to the  
 6 individual who is named there. Correct?  
 7 MR. NARDO: Objection as to form.  
 8 A. Fifth Amendment.  
 9 Q. I'm showing you Exhibit 8, Alert  
 10 179, Herman Antley. Do you see he has a deduction  
 11 for a red light of \$25 from his pay. Correct?  
 12 A. Fifth Amendment.  
 13 Q. And on Alert 195, Mr. Forrester has  
 14 a \$50 deduction from his pay for a -- a radio that  
 15 you claimed he damaged or lost. Correct?  
 16 A. Fifth Amendment.  
 17 Q. And on Alert 569 there's a  
 18 deduction from pay for \$120 for what's labeled an  
 19 "accident." Correct?  
 20 A. Fifth Amendment.  
 21 Q. And on the final page, Alert 591,  
 22 Clark, parking tickets of \$345 were deducted.  
 23 Correct?  
 24 A. Fifth Amendment.  
 25 Q. On Exhibit 9, on Alert 496,

M. HANUKOV

Mr. Bogdanov, you see in addition to the wages of \$1,000 for the prior week's pay, which was not made to the individual on a timely basis.

Correct?

A. Fifth Amendment.

Q. And that's marked by the words "last week" and a positive addition in this week.

Correct?

A. Fifth Amendment.

Q. And you'll notice on Alert 500, the same was done for numerous employees on -- with the addition noted as "last week" in the final column. Correct?

A. Fifth Amendment.

Q. And that shows that these individuals were not paid for the prior week's wages when the wages were due. Correct?

A. Fifth Amendment.

Q. I'm showing you Exhibit 10. No, I don't need to show you Exhibit 10. Actually, yes, let me show you Exhibit 10.

Turning to the last page of Exhibit 10, this chart shows a tally of a single individual's hours in and hours out for a single

M. HANUKOV

se 7 from Mr. Lewis, you recorded that as six full days at \$90, and the partial remaining hours at \$63. Correct?

A. Fifth Amendment.

Q. I'm showing you Exhibit 11. Do these checks from Alert indicate that you retained Lippman and Plessner and Jackson and Lewis as your employment law counsel?

A. Fifth Amendment.

MR. GETMAN: Is that -- the retaining of attorneys is Fifth Amendment privilege?

MR. SOMERSTEIN: Yes.

MR. NARDO: Any check from Alert Ambulette Service is Fifth Amendment privilege. It may also be attorney-client privilege.

Q. Exhibit 12, these checks to JPMorgan Chase Bank represent your tax payments, correct, in the first three pages of this exhibit?

A. Fifth Amendment.

Q. And the final two checks represent New York State income tax. Correct?

A. Fifth Amendment.

M. HANUKOV

week, which my office made, showing 80 hours and 35 minutes.

Do your time records show Mr. Lewis as having worked for that -- for 80 hours and 35 minutes over that period that's indicated on -- or highlighted on the third page of this exhibit?

On the highlighted hours --

MR. NARDO: What page are you on?

MR. GETMAN: The third page of that exhibit.

Q. -- those show a total of 80 hours and 35 minutes worked by this employee. Correct?

MR. NARDO: Nothing is highlighted on mine. Is it this here, the box?

MR. GETMAN: Yes.

Q. Which represents Mr. Lewis' pay records from the first page, pro se, one. Correct?

A. Fifth Amendment.

Q. And those show that he worked 80 hours and 35 minutes. Correct?

A. Fifth Amendment.

Q. And corresponding to that on the payroll record, which appears on defendants' pro

M. HANUKOV

Q. The same with the exhibits, Exhibit 13, each of these checks represents a tax payment by Alert?

A. Fifth Amendment.

Q. I'm showing you Exhibit 14. These checks represent cash payments that you made from Alert Ambulette to yourself. Correct?

MR. NARDO: Objection.

A. Fifth Amendment.

Q. And any time you paid yourself -- withdrawn.

Any time you took cash out of Alert Ambulette Service Corp. in the form of a check, you did it in amounts less than \$10,000.

Isn't that right?

A. Fifth Amendment.

Q. And you did that in amounts less than \$10,000 so that it wouldn't be reported to the IRS that you were taking that money out of Alert Ambulette Service Corp.

Isn't that right?

A. Fifth Amendment.

Q. And in the -- take, for example, the period of October '09. You made cash

M. HANUKOV

withdrawals for your own personal purposes of \$9,900 on October 8th, \$8,000 on October 12th, \$7,200 on October 22nd, and \$9,900 on October 23rd. Isn't that right?

MR. NARDO: Objection. You can answer.

A. Fifth Amendment.

MR. GETMAN: What's the basis for the objection?

MR. NARDO: The checks don't say they were made out to him.

MR. GETMAN: That's what I'm asking about, and he's taking the Fifth on it.

MR. NARDO: Well, but you're saying the checks show that they were payable to him.

MR. GETMAN: Yes, I'm stating that. They're payable to cash.

Q. They're payable to cash, and you cashed those checks. Isn't that right?

A. Fifth Amendment.

Q. And you took those monies for your own personal purposes out of the corporation. Isn't that right?

A. Fifth Amendment.

M. HANUKOV

Isn't that true?

A. Fifth Amendment.

Q. You had a credit line of 500,000 with one of those entities. Isn't that right?

A. Fifth Amendment.

Q. Do you still have a line of credit in that amount with these companies?

A. Fifth Amendment.

Q. I should say do you have a line of credit balance of 500,000 with Indus American Bank at this time?

A. Fifth Amendment.

Q. And you have a 100,000 outstanding balance with respect to the Bank of America as well. Is that true?

A. Fifth Amendment.

Q. And you have outstanding credit card debt. Is that true?

A. Fifth Amendment.

Q. And your line of credit account is secured by real property. Is that true?

A. Fifth Amendment.

Q. Did you use the money for the sale of your -- to the property you owned with your

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Q. When this case first began, and you were representing yourself, you made a production of documents to me, in which you represented that you were making unredacted disclosures to me on Exhibit 16. Isn't that correct?

A. Fifth Amendment.

Q. And, in fact, it turned out that you made a number of redactions of the deductions that you had made from worker's pay, but while making those redactions, you informed me that no redactions had been done. Isn't that true?

A. Fifth Amendment.

Q. So, you made hidden redactions from these time sheets in order to induce me to make a settlement based on false numbers with respect to the deductions that had been made from individuals' pay. Isn't that true?

MR. NARDO: Objection. You can answer.

A. Fifth Amendment.

Q. While you've been making cash withdrawals from Alert for your own personal purposes, you have been running up credit lines to Indus American Bank and Bank of America.

M. HANUKOV

mother, did you use that money to pay off any of the lines of credit?

A. Fifth Amendment.

Q. You did not pay off the lines of credit; did you?

MR. NARDO: Objection.

A. Fifth Amendment.

Q. At all times in which you failed to make overtime payments to the drivers who are plaintiffs in this case, you knew that the law required you to make overtime payments to those drivers. Correct?

MR. NARDO: Objection.

A. Fifth Amendment.

Q. And at all times that you failed to make an additional payment to cover the spread of hours, as required by New York Labor Law for all driver plaintiffs in this case, you knew that you were required to do so by the New York Labor Law. Correct?

A. Fifth Amendment.

Q. And at all times that you failed to make minimum wage payments to each of the drivers in this case, you knew that the minimum wage law



1 M. HANUKOV  
 2 applied to these drivers. Correct?  
 3 A. Fifth Amendment.  
 4 Q. At the times you failed to make the  
 5 required legal payments of wages to each of those  
 6 driver plaintiffs during the period covered by  
 7 this lawsuit, you did so in order to secure their  
 8 wages to yourself and Alert Ambulette, and to take  
 9 that -- those wages from the rightful recipient.  
 10 Isn't that true?  
 11 A. Fifth Amendment.  
 12 Q. Did you seek legal advice from  
 13 anyone concerning your wage and hour practices at  
 14 Alert?  
 15 MR. NARDO: Objection.  
 16 Attorney-client privilege. And I direct him  
 17 not to answer that.  
 18 MR. GETMAN: Whether he had  
 19 conversations with an attorney is not  
 20 attorney-client privilege.  
 21 MR. NARDO: Well, did he seek legal  
 22 counsel regarding FLSA.  
 23 MR. GETMAN: Yes. The  
 24 conversations themselves would be  
 25 attorney-client privilege, but whether he

1 M. HANUKOV  
 2 sought representation by any counsel with  
 3 respect to wage hour issues at any time would  
 4 not be.  
 5 MR. NARDO: I would disagree with  
 6 that.  
 7 MR. GETMAN: So, you're directing  
 8 him not to answer?  
 9 MR. NARDO: Yes.  
 10 Q. Did you have communications with  
 11 the U.S. Department of Labor in connection with  
 12 the wages paid by Alert to its drivers?  
 13 A. Fifth Amendment.  
 14 Q. And did you also have  
 15 communications with the New York State Department  
 16 of Labor in connection with how Alert Ambulette  
 17 paid its drivers?  
 18 A. Fifth Amendment.  
 19 Q. Any other stockholders besides  
 20 yourself in Alert Ambulette?  
 21 A. Fifth Amendment.  
 22 Q. Any stockholders besides yourself  
 23 in Jacob Hanukov Bus Company?  
 24 A. Fifth Amendment.  
 25 MR. GETMAN: Well, recognizing that

1 M. HANUKOV  
 2 we might well have asked lots and lots of  
 3 follow-up questions in and around these areas  
 4 that we were unable to do since Mr. Hanukov  
 5 has asserted the Fifth Amendment throughout  
 6 this deposition, at this point, reserving our  
 7 right to come back and to address other issues  
 8 as directed by the Court, I guess there's no  
 9 further purpose in asking questions of these  
 10 types here today.  
 11 We've put in the record  
 12 illustrative questions, and I believe we've  
 13 asked questions in the only areas that you've  
 14 allowed thus far.  
 15 Q. You said you had a sister. You did  
 16 allow that before. Do you just have one sister?  
 17 A. Yes.  
 18 Q. Do you have any brothers?  
 19 A. No.  
 20  
 21 (Continued on the next page to  
 22 allow for signature line and jurat.)  
 23  
 24  
 25

1 M. HANUKOV  
 2 MR. NARDO: I'd just like to say  
 3 that Mr. Hanukov has not asserted the Fifth  
 4 Amendment throughout this deposition.  
 5 He has asserted it in response to  
 6 some specific questions, and he has answered  
 7 other questions, as the record will  
 8 demonstrate.  
 9 (Time Ended: 1:38 p.m.)  
 10  
 11 \_\_\_\_\_  
 12 MARK HANUKOV  
 13  
 14 Subscribed and sworn to  
 15 before me this day  
 16 of \_\_\_\_\_, 2012.  
 17  
 18 \_\_\_\_\_  
 19  
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CERTIFICATE  
STATE OF NEW YORK )

)ss:  
COUNTY OF NEW YORK)

I, JOMANNA DeROSA, a Certified Shorthand Reporter and Notary Public within and for the States of New York, New Jersey, California and Arizona, do hereby certify:

That MARK HANUKOV, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such 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 March, 2012.

\_\_\_\_\_  
JOMANNA DeROSA

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\*\*\*ERRATA SHEET\*\*\*

NAME OF CASE: Lewis v. Alert Ambulette  
DATE OF DEPOSITION: 3/15/12  
NAME OF WITNESS: M. Hanukov

- Reason codes:
- 1. To clarify the record.
- 2. To conform to the facts.
- 3. To correct transcription errors.

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