

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
Action No. 2:11-cv-07296 (KSH) (PS)

NATALIE A. WILLIAMS and	:	
ALAN J. SETNESKA,	:	
individually and on	:	
behalf of all others	:	DEPOSITION OF:
similarly situated,	:	
	:	RALPH GULKO
Plaintiffs,	:	
	:	
vs.	:	
	:	
PRESSLER & PRESSLER, LLC,	:	
	:	
Defendant.	:	

T R A N S C R I P T of the  
proceedings as taken stenographically by and before  
ANN P. CONLON, a Notary Public and Certified Court  
Reporter of the State of New Jersey, at the offices  
of Pressler & Pressler, 7 Entin Road, Parsippany, New  
Jersey, on Monday, October 15, 2012, commencing at  
11:34 a.m.

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

2

3

4 PHILIP D. STERN, ESQ.

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6 Maplewood, NJ 07040

7 908.379.7500

8 ATTORNEY FOR PLAINTIFFS

9

10

11 PRESSLER & PRESSLER

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15 BY: MITCHELL L. WILLIAMSON, ESQ.

16 MICHAEL J. PETERS, ESQ.

17 ATTORNEYS FOR DEFENDANT

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21 \* \* \* \* \*

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I N D E X

WITNESS: RALPH GULKO

EXAMINATION BY:	PAGE
Mr. Stern	4

E X H I B I T S

(Exhibits P-9 through P-14 were marked prior to the start of the deposition.)

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
P-9	Affidavit of Ralph Gulko	
P-10	Freeman Complaint	
P-11	unsigned Complaint	
P-12	Stipulation of Dismissal	
P-13	Stipulation of Dismissal	
P-14	Civil Action Complaint	
P-15	Court Rule 1:4-5	43
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REQUESTS FOR DOCUMENTS/INFORMATION

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none

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1 RALPH GULKO,  
 2 having been duly sworn according  
 3 to law, testified as follows:  
 4  
 5 EXAMINATION BY MR. STERN:  
 6 Q. Good morning, Mr. Gulko. My name is  
 7 Philip Stern and I'm representing Natalie Williams,  
 8 formerly known as Natalie Freeman, and Alan Setneska  
 9 with respect to a complaint that's been filed against  
 10 Pressler & Pressler. Have you read the complaint or  
 11 the amended complaint?  
 12 A. No.  
 13 Q. Do you have any understanding as to  
 14 what the nature of the lawsuit is about?  
 15 A. No.  
 16 Q. What's your understanding of the  
 17 reason why you're appearing this morning?  
 18 A. **I don't know. You haven't asked me**  
 19 **any questions yet.**  
 20 Q. You have no idea what this is about?  
 21 Is that what you're saying?  
 22 A. **I've never reviewed the file, no.**  
 23 Q. Do you have any understanding about  
 24 what this proceeding is about?  
 25 A. No.

5

1 Q. How did you find out that you would  
 2 need to be here today?  
 3 A. **Mr. Williamson notified me.**  
 4 Q. And without telling me the substance  
 5 of it, did you discuss with Mr. Williamson what the  
 6 reason for your appearing here today would be?  
 7 MR. WILLIAMSON: I'm going to let him  
 8 answer, but you're real close to attorney-client  
 9 privilege. I'll let him give a yes or no answer.  
 10 A. **I'm sorry, I don't understand the**  
 11 **question.**  
 12 MR. STERN: Can you repeat the  
 13 question, please?  
 14 (The question is read by the reporter.)  
 15 A. **I don't understand your question.**  
 16 MR. WILLIAMSON: Object to form as  
 17 well.  
 18 Q. Did Mr. Williamson explain to you any  
 19 reason why you would be appearing today?  
 20 MR. WILLIAMSON: Objection. Answer it  
 21 to the best of your ability.  
 22 A. **I don't understand what you mean by**  
 23 **"reason." I mean, I'm guessing at what you're asking**  
 24 **me and I don't want to guess.**  
 25 Q. Do you have any understanding about

6

1 why you're here today?  
 2 A. **I'm being deposed.**  
 3 Q. Do you have any idea as to what the  
 4 subject matter of the deposition is intended to be?  
 5 A. **It's my understanding that you are**  
 6 **deposing me as a fact witness as to the work I do on**  
 7 **behalf of this law firm.**  
 8 Q. Are you admitted to practice law?  
 9 A. **Yes.**  
 10 Q. In what jurisdictions?  
 11 A. **New Jersey, New York, and**  
 12 **Pennsylvania.**  
 13 Q. Where did you graduate law school?  
 14 A. **Rutgers in Camden.**  
 15 Q. Do you remember the year?  
 16 A. **1978.**  
 17 Q. Since that time, has your full-time  
 18 employment been engaged in the private practice of  
 19 law?  
 20 A. **Yes.**  
 21 Q. Can you run through chronologically  
 22 where you've worked since you graduated law school?  
 23 A. **I served a one-year clerkship for the**  
 24 **Honorable Amos Saunders in Paterson, Superior Court**  
 25 **of New Jersey. After the clerkship, I worked for the**

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1 **law firm of Celentano & Stadtmauer in Clifton. Then**  
 2 **I worked for the law firm of Eichenbaum, Cantowitz**  
 3 **and Leff beginning in May of 1980. The firm became**  
 4 **Eichenbaum, Kantrowitz, Leff & Gulko in 1986, and**  
 5 **then seven years ago I withdrew from that law firm**  
 6 **and associated myself with this law firm.**  
 7 Q. Just so I'm clear, 2005 is when you  
 8 started working with Pressler & Pressler?  
 9 A. **Yes, August, 2005.**  
 10 Q. Other than your license to practice  
 11 law in the three states you mentioned, do you hold  
 12 any vocational or professional licenses?  
 13 A. **Other than the practice of law?**  
 14 Q. Right, for those three states.  
 15 A. **Well, there are federal court licenses**  
 16 **in those states, but other than that, no.**  
 17 Q. From the time you began working at  
 18 Celentano & Stadtmauer, has your practice been  
 19 primarily related to the collection of defaulted  
 20 debts?  
 21 A. **Yes.**  
 22 Q. Has that been limited or focussed with  
 23 respect to consumer debts or both consumer and  
 24 commercial debts?  
 25 A. **Both, but primarily consumers.**

8

1 **Q.** What was the position for which you  
 2 were hired when you first came to Pressler &  
 3 Pressler?  
 4 **MR. WILLIAMSON:** Objection to form.  
 5 You can answer.  
 6 **A. I was hired as an associate attorney**  
 7 **for the firm.**  
 8 **Q.** Has your position changed since you  
 9 began working at Pressler & Pressler?  
 10 **A. No.**  
 11 **Q.** Do you report to any other attorney in  
 12 the office?  
 13 **A. I am subject to the partners.**  
 14 **Q.** Is there any particular individual who  
 15 is your immediate supervisor?  
 16 **A. I don't understand your question as to**  
 17 **"immediate supervisor."**  
 18 **Q.** Is there any one individual who has  
 19 primary responsibility for overseeing your work?  
 20 **A. I don't know about responsibility. I**  
 21 **have at times spoken with all the partners. If**  
 22 **there's one partner who you ask over the years do I**  
 23 **speak with more about my work than other partners,**  
 24 **that would be Mr. Felt, Gerald Felt.**  
 25 **Q.** Who are the other partners?

9

1 **A. Mr. McCabe, Mr. McDermott and there's**  
 2 **Mr. Pressler.**  
 3 **Q.** Please describe the work that you  
 4 perform currently for Pressler & Pressler.  
 5 **A. Currently, my work consists of**  
 6 **pleading and document review and approval.**  
 7 **Q.** So would it be fair to say that your  
 8 work is limited to cases that have been pending in  
 9 court?  
 10 **MR. WILLIAMSON:** Objection, form.  
 11 **MR. STERN:** I'll withdraw the  
 12 question.  
 13 **Q.** Would it be fair to say that your work  
 14 focuses on matters that are either being filed in  
 15 court or have already been filed in court matters?  
 16 **A. My work consists of whatever work is**  
 17 **given to me by the firm to review.**  
 18 **Q.** You said pleading and document review  
 19 and approval. Do you recall that testimony?  
 20 **A. Yes.**  
 21 **Q.** Pleading and review obviously, by  
 22 definition, pleading is referring to matters that are  
 23 pending in court, correct?  
 24 **A. Or about to be.**  
 25 **Q.** Okay. And would document review

10

1 relate to matters that have not been or are not about  
 2 to be filed in court?  
 3 **A. About to be.**  
 4 **Q.** Okay. So document review would  
 5 include matters that are about to be filed?  
 6 **A. Yes.**  
 7 **Q.** With respect to the courts in which  
 8 the matter is filed or about to be filed, are those  
 9 courts courts of the state of New Jersey?  
 10 **A. Yes, and Pennsylvania.**  
 11 **Q.** And what about New York?  
 12 **A. I do not presently do New York review.**  
 13 **Q.** Can you estimate how much of your time  
 14 is spent doing your work with respect to matters  
 15 filed or about to be filed in New Jersey as opposed  
 16 to matters that are filed or about to be filed in  
 17 Pennsylvania?  
 18 **A. The majority of my time is spent on**  
 19 **New Jersey.**  
 20 **Q.** Mr. Gulko, I'm showing you what's been  
 21 marked as P-10. Do you know what P-10 is?  
 22 **A. It appears to be a complaint that was**  
 23 **filed by this office through JEFIS with the Hudson**  
 24 **County Special Civil Part.**  
 25 **Q.** Mr. Gulko, I'm showing you what's been

11

1 marked as P-11 and I'll represent to you that Mr.  
 2 Williamson provided my office with P-11. Do you  
 3 agree that P-10 and P-11 are substantially the same  
 4 document?  
 5 **A. It would appear so.**  
 6 **Q.** If you want to, take a moment and  
 7 review it, because I want to ask you about this. It  
 8 appears the only difference that I've been able to  
 9 see between the two is that there's a typed signature  
 10 on P-10 and not on P-11. So I want to ask you about  
 11 that in a moment, but I want to give you an  
 12 opportunity to review it to see if there's any other  
 13 differences.  
 14 **A. Well, there are differences to the**  
 15 **extent that this would appear -- this appears to me**  
 16 **to be our -- P-11 appears to be our file copy and**  
 17 **P-10 appears to be a copy of what was filed with the**  
 18 **court. Because of the information received on the**  
 19 **top and the file date as well as the docket number**  
 20 **itself, this document appears to have come from the**  
 21 **court and this is the document before it was sent to**  
 22 **the court.**  
 23 **Q.** And just for purposes of the record,  
 24 the document that you said appears to have been  
 25 recorded is P-10?

12

1 **A. P-10.**

2 **Q.** And the document you said is from your

3 files as your file copy is P-11?

4 **A. Yes.**

5 **Q.** Is P-11 a version of P-10 which

6 existed prior to P-10? I'll withdraw that.

7 Did P-11 come earlier than P-10 in

8 time?

9 **A. It would appear so, yes.**

10 **Q.** And is the reason why it appears so is

11 because P-10 has a signature on it, a typed

12 signature?

13 **A. No, that's not what makes me say that.**

14 **What makes me say that P-10 comes after P-11 is P-11**

15 **looks like what is created in our office, and P-10**

16 **looks like what is generated by the court after it's**

17 **filed and the docket number is assigned.**

18 **Q.** Okay. Is there a point in time after

19 P-11 was created when your typed signature was added

20 to the document?

21 **A. Documents such as P-10 are what we**

22 **call a Special Civil Part complaint. All Special**

23 **Civil Part complaints by court rule are**

24 **electronically filed through the JEFIS system.**

25 **Therefore, none of the complaints filed in the court**

13

1 **contain an ink signature. They are processed as an**

2 **"S/type name" because it is an electronic download to**

3 **the court pursuant to court regulations. That is why**

4 **it appears this way from the court.**

5 **Q.** Do you know who added the typed

6 signature to P-10?

7 MR. WILLIAMSON: Objection to form.

8 **A. I'm presuming our office did during,**

9 **you know, when it's sent to JEFIS.**

10 **Q.** I appreciate your explaining it

11 through the JEFIS system that the signatures are

12 typed. To your knowledge, is there a difference in

13 effect between a typed signature and a handwritten

14 signature with respect to the complaints that are

15 filed through JEFIS?

16 MR. WILLIAMSON: Objection, form. I

17 don't understand it, but if you understand it,

18 answer. Read it back, please.

19 (The question is read by the reporter.)

20 **A. I've already testified to you that all**

21 **complaints filed through JEFIS are electronic.**

22 **Therefore, there are no ink-signed signatures on a**

23 **JEFIS-filed complaint. Where I would sign in ink a**

24 **complaint would be in a Law Division complaint for**

25 **matters over 15,000. JEFIS is not used to file a**

14

1 **complaint.**

2 **Q.** Based upon the volume of cases that

3 your firm brings, Pressler & Pressler is obligated to

4 file Special Civil Part matters through the JEFIS

5 system, correct?

6 **A. Yes.**

7 **Q.** To your knowledge, does the Special

8 Civil Part accept complaints for filing that are not

9 filed through the JEFIS system?

10 **A. I wouldn't know what the court does.**

11 **Q.** Is there a difference in effect

12 between your handwritten signature on a Law Division

13 complaint and your typed signature on a JEFIS-filed

14 complaint?

15 **A. I don't understand what you mean by**

16 **"difference."**

17 **Q.** The typewritten signature, is the S/

18 signature on P-10 your signature?

19 **A. I don't understand your question.**

20 **Q.** Does the S/ typed signature on P-10

21 constitute your signature on that complaint?

22 **A. It is my understanding that the format**

23 **of the P-10 document is indicative upon the filing**

24 **through JEFIS of a signed complaint.**

25 MR. WILLIAMSON: Could we go off the

15

1 record for a second?

2 MR. STERN: Are you going to talk

3 about this?

4 MR. WILLIAMSON: Yes.

5 MR. STERN: Just have him step

6 outside.

7 (The witness leaves the room.)

8 MR. WILLIAMSON: It would appear to me

9 that this is like you and I, we have the right to

10 file electronically with the District Court. So I

11 think we're spending a lot of time --

12 MR. STERN: He's fighting with me --

13 MR. WILLIAMSON: Well, I don't --

14 MR. STERN: But I'm pretty sure he

15 admitted in the answer that the complaint was signed.

16 MR. WILLIAMSON: Right, in the same

17 sense that you and I --

18 MR. STERN: It doesn't bother me to

19 forecast this a little bit. What I want to get to is

20 the process, how it goes from P-11 to P-10.

21 MR. WILLIAMSON: That's fine.

22 MR. STERN: We'll get to that, but

23 first I need him to acknowledge that yes, he signed

24 the document.

25 MR. WILLIAMSON: Well, no, you keep

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1 asking about signature. I think we're going to be  
 2 here for another half hour. You need to sign up so  
 3 that your typewritten -- your S/ constitutes --  
 4 MR. STERN: Right, is your signature.  
 5 MR. WILLIAMSON: Well, as a JEFIS  
 6 filer, your S/ constitutes --  
 7 MR. STERN: Okay.  
 8 MR. WILLIAMSON: Just to cut to the  
 9 chase.  
 10 MR. STERN: Right, I don't want to  
 11 belabor the point.  
 12 (The witness re-enters the room.)  
 13 **Q.** Mr. Gulko, are you a JEFIS filer?  
 14 **A.** **The law firm is a JEFIS filer.**  
 15 **Q.** So are you saying you are not a JEFIS  
 16 filer?  
 17 **A.** **I don't understand your question.**  
 18 **Q.** All right. Do you have authority to  
 19 file complaints through the JEFIS system?  
 20 **A.** **I have authority to approve or**  
 21 **disapprove complaints that are presented to me,**  
 22 **which, if approved, are JEFISed, yes.**  
 23 **Q.** Do you have an understanding as to  
 24 what effect the typewritten S/ has on the complaint?  
 25 **A.** **I don't understand your question.**

17

1 **Q.** Do complaints which you file require  
 2 you to sign it?  
 3 **A.** **In the computer, yes.**  
 4 **Q.** What do you mean by in the computer?  
 5 **A.** **I either approve it or don't approve**  
 6 **it upon my review of the proposed complaint that's**  
 7 **presented to me in my work. After I have reviewed it**  
 8 **and if I am satisfied that the complaint should be**  
 9 **filed in the manner that it's presented to me, I**  
 10 **imprint GD for good in the computer and hit enter.**  
 11 **If for any reason I don't want the**  
 12 **complaint filed, I enter NG in the computer and hit**  
 13 **enter and then the complaint is kicked back to**  
 14 **wherever I want it to go for further action.**  
 15 **Q.** Do complaints filed with the courts of  
 16 the state of New Jersey require a signature of the  
 17 attorney filing the complaint?  
 18 **A.** **Could you repeat that question?**  
 19 **Q.** Yes. Do complaints filed with the  
 20 courts of the state of New Jersey require a signature  
 21 of the attorney filing the complaint?  
 22 **A.** **What do you mean by "signature"? I've**  
 23 **already testified that in Law Division matters I sign**  
 24 **the complaint in ink and that in Special Civil Part**  
 25 **matters I approve the complaints which are**

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1 **transmitted electronically through the JEFIS system,**  
 2 **and that is why it appears as it does.**  
 3 **Q.** Is your approval of a complaint  
 4 different from your signing the complaint?  
 5 **A.** **On the JEFIS matters? Is that your**  
 6 **question?**  
 7 **Q.** Yes, I'm asking with respect to the  
 8 JEFIS matters.  
 9 **A.** **When I approve a matter for Special**  
 10 **Civil Part, once it is approved by me in the**  
 11 **computer, it is JEFISed to whichever court I want it**  
 12 **to be filed.**  
 13 **Q.** I'm showing you what's been marked as  
 14 P-14. Do you recognize P-14?  
 15 **A.** **I see it.**  
 16 **Q.** Do you recognize it?  
 17 **A.** **It looks like a Law Division complaint**  
 18 **prepared by this office.**  
 19 **Q.** And does your signature appear on that  
 20 complaint?  
 21 **A.** **As an S slash.**  
 22 **Q.** And to your knowledge, was that  
 23 complaint filed in that form with the Superior Court  
 24 of New Jersey?  
 25 **A.** **Law Division complaints are filed in**

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1 **multiple. There is what I would call the original**  
 2 **complaint, which has my signature in ink, and then**  
 3 **there's at least one copy filed with it which has the**  
 4 **S/F to allow the court upon receipt of the complaint**  
 5 **and the filing fee to stamp the court receipt date**  
 6 **and the docket number. And then the S/ copy is**  
 7 **returned to us and we use that copy to issue out a**  
 8 **summons to the sheriff for service.**  
 9 **Q.** Based upon the explanations you just  
 10 gave about your practice, are you able to say with  
 11 respect to P-14 that P-14 is the copy that you  
 12 received back from the Superior Court?  
 13 **A.** **Oh, I don't know that, because there's**  
 14 **no court received date or docket number. If you're**  
 15 **asking me what I think this is looking at the four**  
 16 **corners of P-14, I would say much as I said in P-11,**  
 17 **that this is our file copy of the complaint as it was**  
 18 **prepared. Looking at P-14, I couldn't testify**  
 19 **whether this document has been or ever was filed,**  
 20 **because there's no file stamp and no docket number.**  
 21 **Q.** Was there an original of the complaint  
 22 represented by P-14 which contained your wet ink  
 23 signature?  
 24 **A.** **I've already testified to that, sir.**  
 25 **Would you like me to repeat my testimony to you?**

20

1 **Q.** I don't mean to challenge you, but I  
 2 believe you testified, what I thought you were  
 3 talking about was your general practice with respect  
 4 to Law Division complaints and explaining how there's  
 5 one copy that's original with your signature and one  
 6 copy that goes with a typed signature. Was that what  
 7 you were saying was your prior answer to the  
 8 question?

9 **A. Now I'm not following you.**

10 **Q.** Okay.

11 **A. Why don't you re-ask your question**  
 12 **again. Maybe I'll understand you a second time**  
 13 **around.**

14 **Q.** Do you know whether there is a  
 15 complaint that is substantially identical to P-14 but  
 16 which contains your handwritten signature?

17 **A. Looking at this, I can't say, because**  
 18 **I would have to look at the file to see if I had**  
 19 **approved this document and whether it was sent to the**  
 20 **court and whether it was filed and whether a docket**  
 21 **number was assigned to it. If all that were to be**  
 22 **reflected in the file, then I would say that my prior**  
 23 **answer was that P-14 would represent a file copy of**  
 24 **an original that was filed with the court, which**  
 25 **would have had my signature. But like I said,**

21

1 **looking at P-14 here now, I don't know.**

2 **Q.** Okay. So you said you would have to  
 3 look at your file.

4 **A. Yes.**

5 **Q.** Is your file a physical file or is it  
 6 an electronic file?

7 **A. Electronic.**

8 **Q.** Is that electronic file accessible to  
 9 you from your office?

10 **A. Yes.**

11 **Q.** Is it accessible from other computers  
 12 in the law firm?

13 **A. I assume so, yes. My understanding is**  
 14 **yes.**

15 **Q.** Is there a file number, a Pressler &  
 16 Pressler file number associated with P-14?

17 **A. Yes.**

18 **Q.** Is there a Pressler & Pressler file  
 19 number associated with either P-10 or P-11?

20 **A. Yes.**

21 **Q.** Did you review either the file  
 22 reflected in P-14 or the file reflected in P-11 in  
 23 preparation for your deposition?

24 **A. No.**

25 MR. STERN: I have some questions, but

22

1 I think when we take a break for lunch I'm going to  
 2 request that he review the files. He's here to  
 3 testify about his knowledge about what he did in  
 4 preparation of these complaints and it appears that  
 5 he needs to review his files in order to be able to  
 6 answer questions regarding that.

7 MR. WILLIAMSON: Well, I'm not so sure  
 8 about that. I think if you're asking him about --  
 9 it's my understanding you wanted to ask him what he  
 10 generally does. If you're now limiting it to those  
 11 specific two complaints only, what he's specifically  
 12 done with regard to these two complaints in  
 13 isolation, that's a different issue. So is that what  
 14 you want?

15 MR. STERN: Well, your position with  
 16 respect to this, I thought with respect to these  
 17 issues generally is it doesn't matter what he does  
 18 generally, what matters is what he did here. I think  
 19 both issues are relevant. I don't think that we  
 20 limited the scope of his -- certainly he was  
 21 identified as a fact witness. I made a request for  
 22 his deposition.

23 MR. WILLIAMSON: No, you requested his  
 24 deposition. You didn't give details of what you  
 25 wanted to ask him and I had to assume, based on other

23

1 arguments, that the idea was what is it he does  
 2 before he files --

3 MR. STERN: I have no problem going  
 4 into those areas. Those are areas that I'll need to  
 5 go into, but if I'm going to ask him questions and  
 6 he's going to say I don't know because I haven't  
 7 looked at my file, and then we go to trial and he  
 8 says now I've looked at the file and have all these  
 9 other answers, I think that puts us at a  
 10 disadvantage.

11 MR. WILLIAMSON: I think that if he  
 12 recalls -- if he doesn't recall -- all right, I'll  
 13 take it under advisement.

14 MR. STERN: I can certainly sit here  
 15 and we can print out the case files that you provided  
 16 to me and I can go through and have him do all of  
 17 that. I think it's going to take many hours to do  
 18 that unnecessarily rather than just have him review  
 19 his files since we're here and he has access to them.

20 MR. WILLIAMSON: You want him to be  
 21 able to testify what he did prior to approving --

22 MR. STERN: I'm not going to limit  
 23 what I'm going to ask him about --

24 MR. WILLIAMSON: I'm going to tell you  
 25 right now I'm going to have him review the files. As



24

1 a compromise, I'm going to have him review the files  
 2 to the point that the complaint was filed, no  
 3 further. That's it, he's not going to look at  
 4 anything else and he's not going to testify about  
 5 anything else.  
 6 MR. STERN: But the fact that he's not  
 7 able to testify as to whether the Setneska complaint,  
 8 for example, was filed --  
 9 MR. WILLIAMSON: Fair enough. I'll  
 10 have him review the notes, the files, to the extent  
 11 to the time when these two were filed.  
 12 MR. STERN: Okay.  
 13 MR. WILLIAMSON: And not beyond.  
 14 MR. STERN: Okay. I assume we'll take  
 15 a break at some point.  
 16 (A discussion is held off the record.)  
 17 BY MR. STERN:  
 18 Q. Mr. Gulko, referring back again to  
 19 P-14, is the inclusion of the typed signature with  
 20 the S/ intended to represent that you had signed the  
 21 complaint.  
 22 A. **It is intended or was intended by me**  
 23 **to be an additional copy to the original complaint**  
 24 **that was signed by me. That would have been**  
 25 **submitted to the court for filing and the assignment**

25

1 **of a docket number.**  
 2 Q. Mr. Gulko, I'm showing you what's been  
 3 marked as P-9. Do you recognize P-9?  
 4 A. **It says it's an affidavit of Ralph**  
 5 **Gulko, and on the second page it bears a signature**  
 6 **that I recognize to be mine.**  
 7 Q. Would you take a moment and read to  
 8 yourself the affidavit? Let me know when you're  
 9 done?  
 10 Do you see on the second page there is  
 11 a jurat?  
 12 A. **Yes.**  
 13 Q. That indicates that it was signed on  
 14 the 2nd day of April, 2012?  
 15 A. **Yes.**  
 16 Q. Do you recall signing this affidavit  
 17 on or about April 2nd, 2012?  
 18 A. **I have no present recollection.**  
 19 Q. Is there anything stated in the  
 20 affidavit which you believe to be inaccurate?  
 21 A. **No.**  
 22 Q. Is there anything stated in the  
 23 affidavit which you believe to be untrue?  
 24 A. **No.**  
 25 Q. Is there anything stated in the

26

1 affidavit which you would like to change today?  
 2 A. **No.**  
 3 Q. Refer, if you will, please, to  
 4 paragraph number two in P-9.  
 5 A. **Yes.**  
 6 Q. Do you see that that refers to  
 7 describing a first step with respect to new retail  
 8 consumer collection claims?  
 9 A. **Yes.**  
 10 Q. Can you describe from the point in  
 11 time that the initial notice letter goes out until  
 12 the time that you would approve a complaint for  
 13 filing, what happens with respect to the claim?  
 14 A. **I don't see the file until the**  
 15 **complaint is presented to me for approval or**  
 16 **disapproval as stated in paragraph three, that step.**  
 17 **The presentation of the proposed complaint is not**  
 18 **presented to me until at least 35 days after the**  
 19 **mailing of the initial notice letter.**  
 20 Q. So you have no involvement with  
 21 respect to the claim until a complaint is presented  
 22 to you for approval?  
 23 A. **That's correct.**  
 24 Q. When a complaint is presented to you,  
 25 it's already been prepared? Someone has drafted the

27

1 complaint, correct?  
 2 A. **It's been prepared for my review, yes.**  
 3 Q. Do you know who prepares the  
 4 complaint?  
 5 A. **Not personally, no.**  
 6 Q. Are there individuals with designated  
 7 job titles or job functions who have responsibility  
 8 for preparing the complaints that are presented to  
 9 you?  
 10 A. **I don't know who the individuals are.**  
 11 **There are departments that prepare this pursuant to**  
 12 **forms that are within our computer system.**  
 13 Q. Do you know if the complaints are  
 14 prepared by an attorney at Pressler & Pressler?  
 15 MR. WILLIAMSON: Objection, form.  
 16 A. **I don't understand your question.**  
 17 Q. How do you find out that a complaint  
 18 has been prepared for your approval?  
 19 MR. WILLIAMSON: Objection to form.  
 20 You keep using the word "prepared." I'm not clear  
 21 what that word means. I think that's the problem.  
 22 Q. A complaint is presented to you for  
 23 approval.  
 24 A. **For review.**  
 25 Q. For review. And either approval or

28

1 disapproval, correct?

2 **A. Correct.**

3 **Q.** How is the complaint created?

4 MR. WILLIAMSON: Objection to form. I

5 want to cut to the chase. Are you asking him how it

6 gets drafted?

7 MR. STERN: Drafted, prepared,

8 created, whatever. How does it get to him in that

9 form? He's presented with something he calls a

10 complaint.

11 MR. WILLIAMSON: I don't mean to speak

12 for him, but I think he testified he's presented with

13 a draft complaint.

14 **Q.** Mr. Gulko, are you presented with a

15 draft complaint?

16 **A. Here is how my work is presented to**

17 **me. Complaints are either Special Civil Part for**

18 **purposes of being JEFISed upon approval or they're**

19 **Law Division complaints for purposes of being signed**

20 **and filed with the court manually.**

21 **The Special Civil Part complaint, the**

22 **daily work for my review comes in a computer printout**

23 **of file number and case name. When I work it on my**

24 **computer, the file is brought up on a double-screen**

25 **computer. On the right side of the screen is the**

29

1 **collection program that contains all the information**

2 **on the case that is pertinent for me to review, and**

3 **on the left side of the screen is the actual document**

4 **itself.**

5 **For instance, P-11 is what I would**

6 **actually see on the left side of my screen.**

7 **Likewise, P-14 is what I would -- well, P-14 comes**

8 **up, but since it's physically presented to me for**

9 **signing, my eyes are on the paper document, but it**

10 **does also come up because the computer pulls it up.**

11 **Q.** Okay. So the left side is the

12 document that you're reviewing.

13 **A. Yes.**

14 **Q.** The complaint. Do you know how that

15 document is created?

16 **A. At a point in time, a department**

17 **responsible for creating that work creates it. The**

18 **computer pulls the information, the variable**

19 **information in what is, for the lack of a better**

20 **form, a template computer complaint document. It**

21 **merges it. The work then comes to me on a daily**

22 **basis and I review it as to all aspects for approval**

23 **or disapproval.**

24 **Q.** In the course of what you do, you

25 approve complaints that are prepared on behalf of New

30

1 Century Financial Services?

2 **A. New Century Financial Services is a**

3 **client that I recognize to be a client of this**

4 **firm's, yes.**

5 **Q.** On the right screen, you said there is

6 information about the file?

7 **A. Yes.**

8 **Q.** Do you know how that information is

9 entered into your system?

10 **A. It is my understanding that we receive**

11 **files both electronically and manually depending on**

12 **the client. For New Century it would be electronic.**

13 **The information is received electronically by the**

14 **computer. It's set up. If it's a manual client, as**

15 **would be typical in our medical and veterinary**

16 **claims, we have a setup department where they take**

17 **the information and they input it into the collection**

18 **program that we use.**

19 **Q.** We can limit ourselves to what happens

20 with respect to New Century.

21 **A. Mm-hmm.**

22 **Q.** Okay?

23 **A. Mm-hmm.**

24 **Q.** I need a verbal response.

25 **A. Yes.**

31

1 **Q.** Please correct me if I'm wrong. I

2 believe you testified that you look at the document

3 on the left screen and you look at pertinent

4 information or relevant information for purposes of

5 the complaint on the right screen. Is that a fair

6 statement as to what you do?

7 **A. Yes.**

8 **Q.** When you're reviewing a complaint

9 that's prepared for New Century, what information on

10 that right screen are you looking for?

11 **A. The initial screen, which is the**

12 **computer program that I'm looking at, has the**

13 **Pressler file number, the claim name of both the**

14 **debtor and the plaintiff, the debtor's address, the**

15 **debtor's Social Security number, the debtor's date of**

16 **birth, the account number, the date of referral, the**

17 **referral balance, the amount referred.**

18 **There will be on the lower half of the**

19 **screen what's called the note set, which will have**

20 **information and a default pops up to the most recent.**

21 **So therefore the note set information can vary as to**

22 **what was last done on the case, last communications,**

23 **whatever.**

24 **The screen has the date of the initial**

25 **demand letter. It will also have any payments that**

1 had come in after referral. That will show on the  
 2 screen. It will flash if there was any bankruptcy  
 3 filed or any claim of death. I mean, there's a lot  
 4 of information and it's all on the screen in  
 5 designated areas, the same information in the same  
 6 place on the screen.

7 Q. You referred -- I want to make sure I  
 8 say it right. Was it the collection software, is  
 9 that what you said or the firm's software? How did  
 10 you describe what system you're using that's on the  
 11 right-hand side?

12 A. It's the firm's computer. I'm an  
 13 attorney, I'm not an IT wonk, so I don't know what  
 14 anybody else would call it. I call it our collection  
 15 software, whatever it is that we use to receive  
 16 claims and process them.

17 Q. Okay. Do you know if that collection  
 18 software is something that's proprietary to the firm  
 19 or is it something that's provided by some vendor?

20 A. I'm not really sure.

21 Q. Do you know how information regarding  
 22 -- again, limiting ourselves to New Century  
 23 matters -- do you know how the information that's  
 24 populated into the collection software gets into the  
 25 software?

1 A. Through electronic download transfer.

2 Q. From New Century to Pressler &  
 3 Pressler?

4 MR. WILLIAMSON: I'm going to object  
 5 because he already testified he's not a computer guy.  
 6 So now you're asking him how the computer works. I  
 7 think it's inappropriate.

8 MR. STERN: I asked him if he knows.  
 9 I asked him if he knows how it gets there and he said  
 10 from a download.

11 MR. WILLIAMSON: Well, part of the  
 12 problem, he's not a computer expert. So he can say  
 13 anything and I don't want that to become -- based on  
 14 the fact that he doesn't really know what he's  
 15 talking about.

16 MR. STERN: You can handle that on  
 17 cross or if it's not the firm's policy, there's ways  
 18 to correct that, but I can ask him what his  
 19 understanding is. That's his understanding. That  
 20 may or may not be binding on the firm.

21 MR. WILLIAMSON: Well, it certainly  
 22 isn't binding on the firm. He's here as an  
 23 individual, not as a representative of the firm.

24 Q. Do you know the term "placement  
 25 information"?

1 A. In what regard?

2 Q. In regard to the collection of  
 3 consumer debts.

4 A. Generally or in regard to New Century?

5 Q. Well, let's talk about New Century.

6 A. I'm not understanding your question.  
 7 What do you want me to --

8 Q. I want to know if you understand the  
 9 term. Do you know what's meant by "placement  
 10 information"?

11 A. My understanding of the term  
 12 "placement information" is the information that the  
 13 client provides the law firm.

14 Q. When you review a complaint for New  
 15 Century and you look at the information that's  
 16 populated into the collection software, is that  
 17 either all or part of the placement information from  
 18 New Century?

19 A. It's my understanding that's where  
 20 that information comes from, yes.

21 Q. Do you have an understanding as to how  
 22 New Century obtained that information?

23 A. No, I do not know. I mean, they're a  
 24 client. I'm not an employee of New Century, so I  
 25 don't know.

1 Q. With respect to medical claims, you  
 2 talked about that there's a department that takes the  
 3 information obtained from the clients and enters that  
 4 into your computers, correct?

5 A. Sent, by way of example, in manual  
 6 submissions.

7 Q. You say manual submissions. You mean  
 8 submissions on paper?

9 A. Yes.

10 Q. Does New Century submit anything  
 11 manually to Pressler & Pressler for collection?

12 A. I'm not aware one way or the other.  
 13 I'm not involved in the receipt aspect of New Century  
 14 claims.

15 Q. So then you don't know with respect to  
 16 the information that you see on your screen whether  
 17 the information comes either electronically or  
 18 manually from New Century?

19 A. I don't know. It was my understanding  
 20 it was electronic.

21 Q. What's the basis of your understanding  
 22 that it comes in electronically?

23 A. From general knowledge and practice  
 24 within the firm over the seven years. Also, a lot of  
 25 manual files, that paper is scanned into a separate

1 **screen, so you can determine if a file is manual or**  
 2 **electronic depending on the existence of scanned**  
 3 **documents.**

4 **Q.** Do you recall any instance where you  
 5 reviewed a New Century complaint where there were  
 6 scanned documents?

7 **A. Some are, some aren't.**

8 **Q.** With respect to New Century, when  
 9 there are scanned documents, do you recall what those  
 10 documents were? Either categorically or  
 11 specifically?

12 **A. It depends. It depends on the**  
 13 **particular file that we get. Sometimes we get what's**  
 14 **called the chain of ownership, because New Century is**  
 15 **a debt buyer. So the documents that link back to the**  
 16 **original creditor on the claim that we are now**  
 17 **collecting on behalf of New Century, again, depending**  
 18 **on the claim, there may be a monthly statement, there**  
 19 **may be an application. After the initial demand**  
 20 **letter there may be a letter response from the**  
 21 **debtor, correspondence. It depends on the file.**

22 **Q.** After you review a complaint and  
 23 approve it, is there anything else that you do with  
 24 respect to that claim?

25 MR. WILLIAMSON: Objection.

1 accounts after he approves an account --

2 MR. STERN: What is the difference if  
 3 you do anything after you've approved the complaint?  
 4 He's testified --

5 MR. WILLIAMSON: Any complaint, not a  
 6 complaint.

7 MR. STERN: As a general matter, yes.

8 **A. It depends on the history of the file.**  
 9 **Some cases I see again, some I don't.**

10 **Q.** What would be the basis why you would  
 11 see a complaint in a case again versus not seeing it  
 12 again?

13 **A. I approve a complaint, such as P-10.**

14 **Q.** Okay.

15 **A. I approve a compliant for filing. The**  
 16 **court serves it upon the debtor. The debtor goes to**  
 17 **a licensed attorney such as yourself and says defend**  
 18 **me. You'll pick up the phone, because my name is on**  
 19 **the complaint, you'll phone me, you'll introduce**  
 20 **yourself, you'll tell me what you want to do with the**  
 21 **file, whether you had a meritorious defense, the**  
 22 **defendant is in a financial problem, whether you want**  
 23 **to do a settlement, whether you want to do a consent**  
 24 **order, whatever, that's me seeing the case a second**  
 25 **time because you were obtained by the debtor to call**

1 MR. STERN: I'll withdraw the  
 2 question.

3 **Q.** Do you do anything with respect to a  
 4 claim after you have approved the complaint?

5 MR. WILLIAMSON: Objection. Do you  
 6 want me to expand?

7 MR. STERN: Go ahead.

8 MR. WILLIAMSON: I think Mr. Gulko  
 9 reviews multiple complaints on any given day. So  
 10 what he might do, I mean, it's pretty broad. Some  
 11 accounts he may look at at a later date, some he may  
 12 not. So you're asking --

13 MR. STERN: Well, you're testifying  
 14 for him.

15 MR. WILLIAMSON: Well, I'm just  
 16 pointing out that this is kind of like where are we  
 17 going?

18 MR. STERN: I just want to find out  
 19 what his functions are beyond approving the  
 20 complaint.

21 MR. WILLIAMSON: If you ask him  
 22 generally, I'm not going to object. If you're asking  
 23 on a complaint, if you ask him in general.

24 MR. STERN: In general what?

25 MR. WILLIAMSON: Does he come to see

1 **me.**

2 **Q.** For you to perform the functions that  
 3 you've described, is it important that you have an  
 4 understanding of the Fair Debt Collection Practices  
 5 Act?

6 **A. Yes.**

7 **Q.** And is it important that you stay  
 8 current with respect to any changes in that act or  
 9 any court decisions concerning that act?

10 **A. Yes.**

11 **Q.** What do you do to stay current with  
 12 respect to the Fair Debt Collection Practices Act?

13 **A. This firm has regular attorney**  
 14 **meetings at which changes are discussed and appellate**  
 15 **Supreme Court cases are distributed and discussed.**

16 **Q.** Anything else that you do with respect  
 17 to staying current with the Fair Debt Collection  
 18 Practices Act?

19 **A. Well, if it should be one of the cases**  
 20 **or one of the courses that I take, although by no**  
 21 **means required, my professional continuing legal**  
 22 **education can be satisfied through a course on that**  
 23 **topic.**

24 **Q.** Do you review periodicals with respect  
 25 to the Fair Debt Collection Practices Act? On a

40

1 regular basis.

2 **A. I don't know what you mean by**

3 **periodicals.**

4 **Q.** Magazines, newspapers, newsletters.

5 **A. If I see them or if they're**

6 **distributed within the office.**

7 **Q.** So it's fair to say that your

8 information is going to come from either taking

9 continuing education or from information that gets

10 circulated in the office?

11 **A. Yes, which is done on a regular basis.**

12 **Q.** Okay. Do you feel for your job it's

13 important that you have an understanding of the New

14 Jersey court rules?

15 **A. Yes.**

16 **Q.** And it's important that you stay

17 current with respect to any changes with respect to

18 the New Jersey court rules?

19 **A. Yes.**

20 **Q.** And also with respect to the court

21 rules in Pennsylvania?

22 **A. Yes.**

23 **Q.** What do you do to stay current with

24 respect to the court rules in those states?

25 **A. Every year I receive a copy -- and**

41

1 **it's in my office as we speak -- of the current New**

2 **Jersey court rules and the current Pennsylvania court**

3 **rules.**

4 **Q.** And you review them after they come

5 in?

6 **A. As I need them.**

7 **Q.** And to do your job properly it's

8 important that you have an understanding of the rules

9 of evidence?

10 **A. Yes.**

11 **Q.** And is it important that you stay

12 current with respect to any changes or

13 interpretations with respect to New Jersey Rules of

14 Evidence?

15 MR. WILLIAMSON: Objection, form,

16 relevance.

17 MR. STERN: We'll get there. I think

18 it's clearly relevant or likely to lead. Are you

19 instructing him not to answer?

20 MR. WILLIAMSON: Whether he needs to

21 know the rules of evidence relating to the review of

22 the complaint?

23 MR. STERN: No, that's not what I

24 asked him, I asked him for him to do his job properly

25 here, which could include whatever that is. He

42

1 talked about a lot of things.

2 MR. WILLIAMSON: Well, if his job was

3 to take a case to trial, I would agree with you.

4 However, this case is not about whether he takes a

5 case to trial. This case is limited to what he does

6 in reviewing complaints. It's not about what he does

7 otherwise. It's not about when he does discovery

8 issues, if he does that. It's not about whether he

9 does any other types of things subsequent on any

10 other accounts. That's not what it's about. We're

11 going overboard.

12 MR. STERN: I don't think it's

13 overboard. I think it's clearly within the scope of

14 it and I think I can ask him whether he feels that he

15 needs to know the rules of evidence.

16 MR. WILLIAMSON: He answered that.

17 MR. STERN: I don't know, I think you

18 objected before he answered. You're not letting him

19 answer that question?

20 MR. WILLIAMSON: I think it's

21 irrelevant.

22 You know what? For the sake of moving

23 on, if you want to tell him what you think briefly,

24 tell him.

25 Please reread just that question.

43

1 (The question is read by the reporter.)

2 **A. Yes.**

3 **Q.** And can you describe what you do to

4 stay current?

5 MR. WILLIAMSON: Now I'm going to

6 object and direct him not to answer because I think

7 we're going -- it's just ridiculous.

8 MR. STERN: Okay.

9 MR. WILLIAMSON: Is this a good time

10 to take a break?

11 MR. STERN: Yes.

12

13 (A one-hour recess is taken at 12:42 p.m.)

14

15 (Exhibit P-15, Rule 1:4-5, is marked

16 for identification by the reporter.)

17 (Exhibit P-16, Rule 1:4-8, is marked

18 for identification by the reporter.)

19

20 BY MR. STERN:

21 **Q.** Mr. Gulko, during the break did you

22 get an opportunity to look at your firm's files with

23 respect to the two complaints that we looked at

24 earlier?

25 **A. Yes.**

44

1 **Q.** Is your recollection refreshed with  
 2 respect to P-14 as to whether there was an original  
 3 of that complaint that was filed with your original  
 4 signature?  
 5 **A. I wouldn't use the phrase**  
 6 **"recollection refreshed." When I looked at the file**  
 7 **during the break, I saw in what we call the V screen,**  
 8 **which are scanned documents, I saw that this**  
 9 **document, P-14, was scanned in with a court filed**  
 10 **stamp and a docket number. That one also had the**  
 11 **S/Ralph Gulko, which would comport with my earlier**  
 12 **testimony that when a Law Division matter complaint**  
 13 **is filed by this office, since it is a manual filing,**  
 14 **I sign the first copy, the original copy and we send**  
 15 **at least one more copy in for filing carrying the S/**  
 16 **Ralph Gulko, so that the court will return to us a**  
 17 **filed copy. The court always keeps the original**  
 18 **signature copy of the complaint, and if you want to**  
 19 **obtain a copy of that, I suggest you contact the**  
 20 **clerk of the court.**  
 21 **Q.** Okay. P-14 refers to a particular  
 22 case, correct?  
 23 **A. Claim I would call it, a particular**  
 24 **claim.**  
 25 **Q.** All right. And your review of the

45

1 file reflects that a civil action was commenced with  
 2 respect to that claim, correct?  
 3 **A. I reviewed the file up until the point**  
 4 **of my involvement in it, and then I did another**  
 5 **review to see if I had ever viewed this file or done**  
 6 **anything on it after my involvement, which was**  
 7 **approval of suit, and I did not have any involvement**  
 8 **after the filing of the complaint.**  
 9 **Q.** Okay. Are you okay if we refer to  
 10 that matter as the Setneska matter? Is that a term  
 11 you're okay with?  
 12 **A. Yes. You can refer to it however you**  
 13 **want.**  
 14 **Q.** I want to make sure we're using the  
 15 same terms. So I want to be clear. You approved the  
 16 complaint in the Setneska matter?  
 17 **A. For filing, yes, I did.**  
 18 **Q.** And the other matter, we'll refer to  
 19 that as the Freeman matter.  
 20 **A. If you wish.**  
 21 **Q.** You approved the complaint for filing  
 22 in the Freeman matter?  
 23 **A. Yes, I did.**  
 24 **Q.** Was it the responsibility of any other  
 25 attorney to approve the complaint for filing in

46

1 either the Setneska matter or the Freeman matter?  
 2 **A. I already testified that I did it.**  
 3 **Q.** To your knowledge, no one else also  
 4 approved it. Is that correct?  
 5 **A. For the complaint?**  
 6 **Q.** For the complaint.  
 7 **A. No.**  
 8 **Q.** Is it common practice that complaints  
 9 that you approve for filing are not approved by  
 10 anyone else?  
 11 **A. I don't understand that question.**  
 12 **Q.** Does someone else approve the same  
 13 complaints that you approve?  
 14 **A. Twice you mean?**  
 15 **Q.** Yes.  
 16 **A. No.**  
 17 **Q.** So once you approve them, then the  
 18 standard practice is that they're sent in for filing?  
 19 **A. Yes.**  
 20 **Q.** Either through the JEFIS or in a  
 21 manual form if it's a Law Division matter?  
 22 **A. Yes.**  
 23 **Q.** I'm showing you what I've marked as  
 24 P-15, and I'll represent to you that P-15 is a copy  
 25 of one court rule which I obtained from West's, but

47

1 take a moment and tell me if you're familiar with  
 2 that rule.  
 3 **A. It appears to be a copy of New Jersey**  
 4 **Court Rule 1:4-5.**  
 5 **Q.** Referring your attention to the last  
 6 sentence, do you see there it says, "Every paper to  
 7 be filed should bear the date on which it was  
 8 signed"?  
 9 **A. Yes.**  
 10 **Q.** Are you aware as to whether the filed  
 11 complaint in either the Setneska matter or the  
 12 Freeman matter bears a date on which it was signed?  
 13 **A. A view of P-14 and P-11 does not**  
 14 **indicate a date.**  
 15 **Q.** To your knowledge, is it your practice  
 16 with respect to complaints that you approve that they  
 17 bear a date on which they're signed?  
 18 **A. I don't understand your question.**  
 19 **Q.** It appears that these complaints do  
 20 not bear a date on which it was signed. What I'm  
 21 trying to find out is, is that common practice with  
 22 respect to complaints filed or is this perhaps an  
 23 aberration?  
 24 **A. I would have no recollection.**  
 25 **Q.** I have in my possession -- and I can

48

1 mark them -- a bunch of complaints, I don't know how  
 2 many exactly, that appear to have your signature.  
 3 And I represent to you that none of them are dated,  
 4 and I can go through showing them to you --  
 5 MR. WILLIAMSON: Phil, is there any  
 6 point to that?  
 7 MR. STERN: Yes.  
 8 MR. WILLIAMSON: What's the point,  
 9 that you're going to allege that there was a  
 10 violation of the court rule that it was signed, that  
 11 there's no date on it?  
 12 MR. STERN: Is there an allegation?  
 13 No, I'm just trying to find out --  
 14 MR. WILLIAMSON: No, when you say  
 15 you're just trying to find out, I think you're just  
 16 going to waste time. If you have documents that you  
 17 want to know if -- and as to their authenticity, the  
 18 document is the document. If there's a date on it,  
 19 there's a date on it. If there's not, there's not.  
 20 Q. Mr. Gulko, do you know what date you  
 21 approved the Freeman complaint?  
 22 A. **I could if I went into the computer**  
 23 **screen, yes.**  
 24 Q. Do you know the date on which you  
 25 signed the Setneska complaint?

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1 A. **If I were to go into the computer**  
 2 **screen, yes.**  
 3 Q. When you sign complaints, handwritten  
 4 signatures for Law Division matters, is it your  
 5 practice to include the date on which you signed it  
 6 on the complaint?  
 7 A. **I don't prepare the complaint. I**  
 8 **review the complaint.**  
 9 Q. In Law Division cases?  
 10 A. **In all cases.**  
 11 Q. But you personally sign your name to  
 12 Law Division complaints.  
 13 A. **That are approved, yes.**  
 14 Q. That you approve?  
 15 A. **Yes, that I approve.**  
 16 Q. In those situations where it's a Law  
 17 Division complaint that you approve that you are  
 18 signing, is it your practice to include the date on  
 19 which you signed the complaint and include that date  
 20 on the complaint?  
 21 A. **It's not something I would have**  
 22 **recalled.**  
 23 Q. And do you recall when you review  
 24 complaints to be filed with JEFIS that they include  
 25 the date on which you either approve or that your

50

1 typed signature is added to the complaint?  
 2 A. **It's not something that I would recall**  
 3 **having looked for.**  
 4 Q. I'm showing you what's been marked as  
 5 P-16. Do you know what P-16 is?  
 6 A. **It purports to be New Jersey Court**  
 7 **Rule 1:4-8.**  
 8 Q. Do you recall ever reviewing rule  
 9 1:4-8 prior to today?  
 10 A. **I've read it in my lifetime, yes.**  
 11 Q. Referring to paragraph A and the first  
 12 sentence, it says, "The signature of an attorney or  
 13 pro se party constitutes a certificate that the  
 14 signatory has read the pleading, written motion or  
 15 other paper."  
 16 Is it your understanding that by  
 17 signing a complaint that you have certified that you  
 18 read the complaint?  
 19 A. **Yes, and I have.**  
 20 Q. Going to the next sentence, which we  
 21 can go through but I'd have to break it down because  
 22 it's a rather lengthy sentence, it says, "By signing,  
 23 filing or advocating a pleading, written motion or  
 24 other paper, an attorney or pro se party certifies to  
 25 the best of his or her knowledge information and

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1 belief formed after an inquiry reasonable under the  
 2 circumstances," and then there are four numbered  
 3 items and I'd like you to focus on number three.  
 4 "The factual allegations have  
 5 evidentiary support or as to specifically identify  
 6 the allegations, they're either likely to have  
 7 evidentiary support or they will be withdrawn or  
 8 corrected if reasonable opportunity for further  
 9 investigation or discovery indicates insufficient  
 10 evidentiary support."  
 11 Have you read the provisions that I  
 12 just read out loud prior to today?  
 13 A. **Yes, I previously testified that I**  
 14 **have read this rule before.**  
 15 Q. Okay. Is it your understanding that  
 16 -- let's go back. I want to get this very clear for  
 17 the record.  
 18 MR. WILLIAMSON: I'm also going to get  
 19 clear that this is what it's been alleged that you  
 20 haven't done in the filing of this complaint, because  
 21 you're now sitting here trying to find out if there  
 22 is any evidentiary support. You filed the complaint  
 23 without any evidentiary support other than your own  
 24 personal supposition.  
 25 MR. STERN: Is there an objection?

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1 MR. WILLIAMSON: Yes, I'm going to  
 2 object depending where we go with this. He's  
 3 admitted that he's read it. The rule is the rule.  
 4 MR. STERN: You are free to make any  
 5 application for sanctions against --  
 6 MR. WILLIAMSON: You're badgering him.  
 7 MR. STERN: I'm not badgering him.  
 8 There's no objection being stated. There's actually  
 9 no question pending for you to object to and there  
 10 shouldn't be speaking objections.  
 11 Q. With respect to complaints filed  
 12 through JEFIS which bears the typewritten signature  
 13 of S/Ralph Gulko, does the typewritten signature get  
 14 included before or after you have approved the  
 15 complaint?  
 16 MR. WILLIAMSON: Objection, asked and  
 17 answered. You can answer.  
 18 A. **It's my understanding that after I**  
 19 **approve a complaint and the document is JEFISed, the**  
 20 **document is JEFISed in the form that is reflected in**  
 21 **P-10, which has the S/Ralph Gulko.**  
 22 Q. Do you personally type in the S/Ralph  
 23 Gulko on those approved complaints?  
 24 A. **No.**  
 25 Q. Do you know whether a typist does it

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1 or whether the system automatically includes it?  
 2 A. **I have no personal knowledge. I can**  
 3 **hazard a guess.**  
 4 MR. WILLIAMSON: You're not here to  
 5 guess.  
 6 Q. Is it your intent that when you  
 7 approve a complaint for filing via JEFIS that the  
 8 typed signature be added to the complaint?  
 9 MR. WILLIAMSON: Could you read that  
 10 back, please?  
 11 (The question is read by the reporter.)  
 12 A. **I don't understand your question.**  
 13 Q. Does your approval of the complaint  
 14 include your authorization that your typed signature  
 15 be added to the complaint?  
 16 A. **I'm unclear what you mean by the use**  
 17 **of the word "authorization."**  
 18 Q. Permission.  
 19 A. **I don't even know what you mean by**  
 20 **that. I've previously testified this morning that**  
 21 **when a complaint is presented to me for approval,**  
 22 **since it is a computer-generated document to be**  
 23 **electronically transferred to the court by JEFIS,**  
 24 **that if I approve it, I enter GD for good and hit**  
 25 **enter, and then the JEFIS department JEFISes the**

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1 **document in the manner that it does.**  
 2 **I don't know what you want me to say,**  
 3 **what my entry of GD enter button, what that**  
 4 **represents to you beyond approving of the complaint**  
 5 **for filing with the court.**  
 6 Q. You know that once you approve the  
 7 complaint for filing that the typed signature will be  
 8 added to the complaint, correct?  
 9 A. **I have an awareness of that, yes.**  
 10 Q. Do you have an objection to Pressler &  
 11 Pressler typing your name as the signature after you  
 12 have approved a complaint for filing via JEFIS?  
 13 A. **I have no objection.**  
 14 Q. Does Pressler & Pressler have your  
 15 permission to type that signature on the complaint?  
 16 A. **I don't know what you mean by**  
 17 **permission.**  
 18 Q. Is it okay with you that Pressler &  
 19 Pressler adds your typed signature to the complaints  
 20 you have approved for JEFIS filing?  
 21 A. **If I have approved the complaint**  
 22 **within the computer by the entry of the characters GD**  
 23 **and the enter button, then I have done so with the**  
 24 **intent and purpose that the complaint be filed, and**  
 25 **if it's in Special Civil Part that it be JEFISed.**

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1 **Since, in my prior testimony, an**  
 2 **electronic transfer of a complaint by JEFIS does not**  
 3 **have an inked signature, it is my understanding that**  
 4 **as in P-14, that the S/Ralph Gulko is tantamount to**  
 5 **signing the complaint at the time of filing with the**  
 6 **court.**  
 7 Q. Okay.  
 8 A. **I don't know what else you're trying**  
 9 **to ask me.**  
 10 Q. So the typed signature is tantamount  
 11 to your having signed the complaint, correct?  
 12 A. **After I have approved it, yes.**  
 13 Q. Understood, it's after you have  
 14 approved it.  
 15 So would you agree that your  
 16 understanding of Court Rule 1:4-8 applies to the  
 17 complaints that you have approved for filing via  
 18 JEFIS?  
 19 MR. WILLIAMSON: Objection, asked and  
 20 answered I think three times now.  
 21 A. **I don't understand your question.**  
 22 Q. Do you understand that Rule 1:4-8A  
 23 applies to complaints signed by attorneys and filed  
 24 with the court?  
 25 A. **That is my understanding.**



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1           **Q.**       Therefore, is it your understanding  
 2 that Rule 1:4-8A applies to the complaints which you  
 3 have approved for filing?  
 4           **A.**       **If there were an independent factual**  
 5 **basis to support the application of 1:4-8, then yes.**  
 6           **Q.**       What factual basis would apply to  
 7 1:4-8?  
 8           **A.**       **As to whether any of the items of the**  
 9 **court rule have been violated.**  
 10          **Q.**       I'm not asking whether it's been  
 11 violated. My question is, is it your understanding  
 12 that the rule applies to the filing of the complaint  
 13 that you have approved and that contains either your  
 14 handwritten signature or the typewritten signature  
 15 which you said is tantamount to your signature?  
 16          **A.**       **The entire rules of court apply to the**  
 17 **documents that are filed with the court.**  
 18          **Q.**       Okay.  
 19          **A.**       **Rule 1:4-8 is just one.**  
 20          **Q.**       When you approved the complaint in the  
 21 Freeman matter, did you have an understanding as to  
 22 whether the factual allegations in the complaint had  
 23 evidentiary support?  
 24                 MR. WILLIAMSON: Objection. You've  
 25 got to read the whole rule. I don't see how reading

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1 half the rule or a word at a time is relevant.  
 2                 MR. STERN: I'm not reading from the  
 3 rule. I asked him a question. I didn't ask him a  
 4 question about the rule.  
 5                 Can you read the question back,  
 6 please?  
 7                 (The question is read by the reporter.)  
 8                 MR. WILLIAMSON: Objection. What  
 9 time? If you're going to parse the rule, you're  
 10 asking him specifically one aspect of that rule, of  
 11 that paragraph.  
 12                 MR. STERN: You said when?  
 13                 MR. WILLIAMSON: You're asking him as  
 14 to one aspect of that paragraph.  
 15                 MR. STERN: I didn't ask him anything  
 16 about the rule.  
 17                 MR. WILLIAMSON: You did. It says  
 18 here, "Factual allegations have evidentiary support."  
 19 You asked him if the factual allegations had  
 20 evidentiary support. You didn't ask him the rest as  
 21 it goes on "or they're likely to have evidentiary  
 22 support."  
 23                 MR. STERN: Okay.  
 24                 MR. WILLIAMSON: The rule is much more  
 25 broad than what you're making it out to be.

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1                 MR. STERN: Fine.  
 2           **Q.**       Mr. Gulko, do you understand what your  
 3 counsel is arguing?  
 4           **A.**       **Yes.**  
 5           **Q.**       In other words, that paragraph A-3 has  
 6 a disjunctive?  
 7           **A.**       **I've read the rule.**  
 8           **Q.**       Okay. Well, your point, the point  
 9 from counsel is that it has a disjunctive, it's the  
 10 factual allegation or, and then it goes on.  
 11                 MR. WILLIAMSON: Ask him if what he  
 12 did complies with the rule as it's written.  
 13                 MR. STERN: No.  
 14                 MR. WILLIAMSON: You want to ask him  
 15 something totally different.  
 16                 MR. STERN: No. I'm asking you, I  
 17 think your point is that Rule A-3 has two different  
 18 components written in the disjunctive.  
 19                 MR. WILLIAMSON: Two different  
 20 components and it also allows for subsequent action,  
 21 as I understand it, subsequent to the filing.  
 22                 MR. STERN: A-3?  
 23                 MR. WILLIAMSON: Yes, A-3.  
 24                 MR. STERN: As to the disjunctive,  
 25 there's two parts.

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1                 MR. WILLIAMSON: Correct.  
 2                 MR. STERN: Fine, I'm asking him is  
 3 that his understanding that it has two parts.  
 4           **Q.**       Mr. Gulko, do you agree with your  
 5 counsel's description of paragraph A-3 in Rule 1:4-8  
 6 that it has two parts in the disjunctive?  
 7           **A.**       **Yes.**  
 8           **Q.**       Can we agree that one part says the  
 9 factual allegations have evidentiary support?  
 10 Correct?  
 11           **A.**       **The rule is what the rule says.**  
 12 **You're reading it. You don't need me to say that's**  
 13 **what it says.**  
 14           **Q.**       I'm trying to find out what your  
 15 understanding is.  
 16                 MR. WILLIAMSON: He's not here to give  
 17 a legal conclusion.  
 18                 MR. STERN: I'm not asking for a legal  
 19 conclusion, I'm asking for his understanding.  
 20                 MR. WILLIAMSON: His understanding as  
 21 to what? As a layman, as a lawyer, as what? If  
 22 you're asking for his understanding as a lawyer, then  
 23 he is giving you -- you're asking him for a legal  
 24 interpretation.  
 25                 MR. STERN: No, I'm not asking for a

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1 legal interpretation, I'm asking for his  
 2 understanding. He may have an understanding based on  
 3 the fact that he's a lawyer, but he's here to testify  
 4 about what he does. He's already testified that  
 5 certain information he takes into account when he  
 6 performs his duties.  
 7 MR. WILLIAMSON: Right, that's  
 8 factual.  
 9 MR. STERN: So I'm asking him about --  
 10 MR. WILLIAMSON: And he's testified  
 11 that he's read the rule, he understands the rule and  
 12 he complies with the rule.  
 13 MR. STERN: Fine. Now I want to ask  
 14 him specifics about that.  
 15 MR. WILLIAMSON: Now we're into  
 16 argument. What he understands the rule to mean.  
 17 MR. STERN: I can say, for example,  
 18 that, you know what, that I'm a really ey man as an  
 19 example, all right? But that doesn't bar you, if the  
 20 issue is am I a wealthy man into going into specifics  
 21 as to what assets I have and what they're worth, all  
 22 right? So the same thing applies here. Him saying a  
 23 flat statement of "I comply with the rules" does not  
 24 bar me -- excuse me I'm not done -- does not bar me  
 25 from asking specifics to inquire as to his general

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1 statement.  
 2 MR. WILLIAMSON: Yes, and he's  
 3 testified what he does. If you want to argue at a  
 4 later date that what he does does not comply with the  
 5 rule --  
 6 MR. STERN: I don't know that I've  
 7 covered everything so I --  
 8 MR. WILLIAMSON: Knock yourself out,  
 9 that's fine. I'm saying that's the factual. If  
 10 you're asking --  
 11 MR. STERN: I want to end the argument  
 12 because I want to ask the question. Read the last  
 13 question back.  
 14 (The question is read by the reporter.)  
 15 Q. Is your understanding different than  
 16 that one part of A-3 deals with factual allegations  
 17 that have evidentiary support?  
 18 A. **It's what the rule says.**  
 19 Q. Okay. And the other part of the rule  
 20 says as to specifically identified allegations and  
 21 then it has requirements as to those specifically  
 22 identified allegations.  
 23 A. **It says likely to have evidentiary**  
 24 **support.**  
 25 Q. As to specifically identified

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1 allegations, correct?  
 2 A. **Yes.**  
 3 Q. So it requires that there be  
 4 specifically identified allegations which will likely  
 5 have evidentiary support, correct?  
 6 A. **Yes.**  
 7 Q. So if you would, turn to any version  
 8 of the complaint that you may have, whether it's here  
 9 or whether you need to get it from your file, of the  
 10 Freeman complaint.  
 11 A. **I have P-10 in front of me.**  
 12 Q. Can you tell me where in P-10 there  
 13 are any specifically identified allegations where you  
 14 asserted that they were likely to have evidentiary  
 15 support?  
 16 A. **Paragraph one.**  
 17 Q. What does it say?  
 18 A. **It says that "The Plaintiff is the**  
 19 **owner of Defendant's GE Capital Regular Walmart**  
 20 **Account number C77W0342324478, which is now in**  
 21 **default. There is due the plaintiff from the**  
 22 **Defendant Natalie Freeman the sum of \$720.11 plus**  
 23 **interest from October 27, 2010 to December 15, 2010**  
 24 **in the amount of \$1.45 for a total of \$721.56."**  
 25 Q. Are you testifying that that is a

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1 specifically identified --  
 2 MR. WILLIAMSON: No, no, stop.  
 3 Because what you're reading of the rule is totally  
 4 incorrect. If you're asking him if he specifically  
 5 identified allegations, if he parsed them back and  
 6 forth, whether they might? Or whether you -- are you  
 7 now pointing to a specific allegation?  
 8 You're trying to imply -- you're  
 9 trying to revamp this rule in your interpretation of  
 10 it and I don't think that's appropriate in a  
 11 deposition. Ask him a factual question. Ask him a  
 12 simple factual question, but don't ask him to try to  
 13 interpret based on your interpretation, which is what  
 14 you're doing. You're asking him to interpret an  
 15 interpretation, which I think is incorrect.  
 16 MR. STERN: You may be right, you may  
 17 be wrong as to the interpretation issue, but it  
 18 doesn't matter. That's what a judge will decide,  
 19 whose interpretation is right or wrong. Let me  
 20 finish. It's not an argument. I can ask him facts  
 21 based upon my interpretation of the rule, whether  
 22 it's wrong or right, and as to facts.  
 23 MR. WILLIAMSON: Well, ask him facts.  
 24 MR. STERN: If you want to argue that  
 25 it doesn't matter --

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1 MR. WILLIAMSON: If you ask facts, I'm  
 2 quiet.  
 3 MR. STERN: It is a fact. I'm asking  
 4 him as to where in the complaint it specifically  
 5 identifies an allegation that it's either likely to  
 6 have evidentiary support or will be withdrawn or  
 7 corrected if reasonable opportunity for further  
 8 investigation or discovery indicates insufficient  
 9 evidentiary support.  
 10 MR. WILLIAMSON: I'm going to direct  
 11 him not to answer, because I don't see anywhere in  
 12 the rule where each individual line needs to be under  
 13 that rubric.  
 14 Q. Is there anywhere that there is any  
 15 allegation that is specifically identified?  
 16 MR. WILLIAMSON: I'm going to direct  
 17 him not to answer because that makes no sense. By  
 18 who?  
 19 Q. Mr. Gulko, we've just identified in  
 20 paragraph A-3 that there are two parts, correct?  
 21 MR. WILLIAMSON: If you want to  
 22 specifically identify an allegation --  
 23 MR. STERN: Excuse me, I asked him a  
 24 question.  
 25 MR. WILLIAMSON: He's not going to

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1 explain the rule to you.  
 2 MR. STERN: I'm not asking him to  
 3 explain the rule. I'm asking his understanding of  
 4 the rule. The rule has two parts.  
 5 MR. WILLIAMSON: The rule is a whole  
 6 and he's already testified to it.  
 7 MR. STERN: I'm not going to argue.  
 8 You want to interpret it your way, but I'm going to  
 9 ask my questions. Let's get the judge on the phone.  
 10 MR. WILLIAMSON: Okay.  
 11 (A brief recess is taken.)  
 12 BY MR. STERN:  
 13 Q. Mr. Gulko, did you conduct any inquiry  
 14 about anything prior to approving the Freeman  
 15 complaint?  
 16 A. I reviewed the file in its entirety.  
 17 Q. That's the items that you described as  
 18 being on the right screen previously?  
 19 A. Yes.  
 20 Q. Anything else beyond what was on the  
 21 right screen?  
 22 A. If anything on the right screen  
 23 appears unusual or incomplete or in any way peaks my  
 24 interest or makes me question what it is, there are  
 25 other things I can look to to further my

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1 **determination as to whether I am to approve or**  
 2 **disapprove the complaint.**  
 3 Q. I think I asked you with respect to  
 4 the Freeman complaint. Is there anything that you  
 5 looked at beyond what was on the right screen with  
 6 respect to approving the Freeman complaint?  
 7 A. No.  
 8 Q. Is there anything you looked at beyond  
 9 the right screen in approving the Setneska complaint?  
 10 A. No.  
 11 Q. Is there anything that you ask to see  
 12 in the process of approving a complaint?  
 13 MR. WILLIAMSON: Objection, form.  
 14 You've already asked that, come on.  
 15 A. I don't understand your question.  
 16 Q. You only look at what's on the right  
 17 screen or the V screen I think you talked about,  
 18 correct?  
 19 MR. WILLIAMSON: Objection. You  
 20 mischaracterized his prior testimony.  
 21 MR. STERN: I asked him if it was  
 22 correct, I'm not mischaracterizing. He can either  
 23 say it is correct or it's not correct.  
 24 A. I said the right screen contained the  
 25 computer collection software program that we use. I

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1 **look at that. There is an initial screen. There are**  
 2 **things on it that may cause me to bounce to**  
 3 **additional screens within the collection program, so**  
 4 **that by the time I'm done, I have looked at more than**  
 5 **one screen in the collection program.**  
 6 Q. With respect to New Century Financial,  
 7 you stated that they are a debt buyer, correct?  
 8 A. Yes.  
 9 Q. So that every claim that you have with  
 10 respect to them is a claim that was purchased from  
 11 someone else who held the account.  
 12 A. Yes.  
 13 Q. And that could either be the issuer of  
 14 the account, correct, or someone who has purchased  
 15 from the issuer, correct?  
 16 A. Yes.  
 17 MR. WILLIAMSON: Objection. I don't  
 18 know whether he's competent to testify to that, but  
 19 keep going.  
 20 Q. Do you review the chain of assignment  
 21 in every New Century complaint?  
 22 A. I don't know what you mean by review.  
 23 I mean, it's there in the placement information.  
 24 It's either there to be seen or it isn't.  
 25 Q. The placement information is the data

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1 or the copies of the documents?

2 MR. WILLIAMSON: Could you read back

3 his question? Because your second question was

4 totally different. I don't know if he responded to

5 your question. You're asking one thing and he's

6 answering another.

7 (The record is read by the reporter.)

8 **A. I view what's there.**

9 **Q.** And sometimes it includes copies of

10 the chain of assignment documents?

11 **A. Sometimes it will.**

12 **Q.** And sometimes it does not?

13 **A. That's correct.**

14 **Q.** What happens more often?

15 **A. It's hard to say.**

16 **Q.** Can you tell me with respect to the

17 Freeman complaint whether you reviewed the credit

18 card agreement as part of your process of approving

19 the complaint?

20 **A. What do you mean by the credit card**

21 **agreement review?**

22 **Q.** Is it your understanding that with

23 respect to bank-issued credit cards that there is a

24 document which contains the written terms of the

25 agreement between the account issuer and the account

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1 debtor?

2 **A. In my capacity as a lawyer, it's my**

3 **understanding that original bank creditors do provide**

4 **that upon the issuance of the plastic credit card,**

5 **yes.**

6 **Q.** Is that document something that you

7 review with respect to reviewing and approving the

8 complaint in the Freeman matter?

9 **A. No.**

10 **Q.** Is that something that you looked at

11 in connection with your review of the file and your

12 approval of the Setneska complaint?

13 **A. No.**

14 **Q.** Did you review any copies of any

15 billing statements in connection with your review and

16 approval of the Freeman complaint?

17 **A. No.**

18 **Q.** Did you review any copies of any

19 billing statements with respect to your review and

20 approval of the Setneska complaint?

21 **A. No.**

22 **Q.** In connection with your approval of

23 either the Setneska complaint or the Freeman

24 complaint, did you draw a conclusion as to whether

25 the factual allegations had evidentiary support?

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1 **A. I don't know what you mean by draw**

2 **conclusions. I don't know what you mean in this**

3 **regard as evidentiary support.**

4 **Q.** Do you see in P-16, which is a copy of

5 Rule 1:4-8, do you see paragraph A-3? It uses the

6 term "evidentiary support."

7 **A. Yes.**

8 **Q.** Do you have an understanding as to

9 what that means?

10 **A. Yes.**

11 **Q.** What's your understanding?

12 **A. That a client who comes to this office**

13 **with a claim for collection, that it has given us**

14 **information sufficient for me as an attorney to**

15 **believe that a legal claim does exist as alleged for**

16 **the filing of a lawsuit.**

17 **Q.** With respect to the information that

18 the client brings, do you engage in any evaluation as

19 to the admissibility of that information in court for

20 purposes of proving the claim?

21 **A. Since I would not know what defenses**

22 **might be interposed for which there might be an**

23 **argument over admissibility, I'm not sure what you're**

24 **talking about.**

25 **Q.** Do you evaluate the information

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1 provided by the client to determine whether it's

2 admissible under the rules of evidence?

3 MR. WILLIAMSON: Objection, form.

4 **A. I don't know which rule of evidence**

5 **you're referring to.**

6 **Q.** I'm referring to any rule of evidence

7 as to admissibility. The question is, do you make an

8 evaluation in the course of approving a complaint as

9 to the admissibility under any rule of evidence with

10 respect to the information that client has supplied

11 regarding the client?

12 **A. I make an analysis on the review of**

13 **the complaint whether the information provided, the**

14 **placement information, is sufficient to support the**

15 **allegation that is contained in the complaint to be**

16 **filed. That's what I do.**

17 **Q.** That's not the question I asked. The

18 question I asked is whether you evaluate it for

19 purposes of whether it's admissible under any rule of

20 evidence.

21 **A. It is my understanding that it would**

22 **be.**

23 **Q.** That it would be admissible into

24 evidence?

25 **A. Yes.**

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1 **Q.** What information did you look at with  
 2 respect to the Freeman complaint that you evaluated  
 3 would be admissible into evidence?  
 4 **A.** **My client has provided us information**  
 5 **that it is the owner of a GE Capital Regular Walmart**  
 6 **account, and it gave an account number and that it**  
 7 **belonged to the Defendant Natalie Freeman. And it**  
 8 **provided us information that the account is in**  
 9 **default and it provided us information as to the**  
 10 **amount that was in default and gave us the date from**  
 11 **which we then calculated accruing interest to arrive**  
 12 **at a total demand in the complaint.**  
 13 **Q.** And your evaluation was that that  
 14 information that was supplied to you by your client  
 15 was admissible in evidence?  
 16 **A.** **That it would be, yes.**  
 17 **Q.** Where did your client obtain that  
 18 information?  
 19 MR. WILLIAMSON: What information?  
 20 MR. STERN: The information that he's  
 21 identified as the client supplied information on  
 22 which he relied in terms of approving the complaint.  
 23 MR. WILLIAMSON: You're talking about  
 24 the Freeman complaint?  
 25 MR. STERN: We're talking about the

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1 Freeman complaint. He's identified the information.  
 2 **A.** **That's the business records.**  
 3 **Q.** Whose business records?  
 4 **A.** **My client's business records.**  
 5 **Q.** Could we go back to the question? If  
 6 I understand, because there was some interruption  
 7 between the question and the answer, are you saying  
 8 that your client obtained the information from its  
 9 own business records?  
 10 **A.** **No. My client's business records is**  
 11 **this account. It claims it is the owner of it. It**  
 12 **provided me the name of the debtor. It provided us**  
 13 **the address, it provided us the account number, the**  
 14 **amount of the debt, the date of the debt. It**  
 15 **provides us all this information.**  
 16 **Q.** Okay. And I'm asking you, you  
 17 concluded that that information was admissible  
 18 evidence, correct?  
 19 MR. WILLIAMSON: You're now getting to  
 20 a point where you're just arguing with him over what  
 21 is or is not admissible.  
 22 MR. STERN: No, I asked him what he  
 23 concluded. That's all I asked him was what he  
 24 concluded.  
 25 **A.** **I don't conclude anything. My client**

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1 **provided us with this information. If you're asking**  
 2 **me in my review as an attorney did I consider this**  
 3 **information sufficient to form the basis of a lawsuit**  
 4 **for filing, yes.**  
 5 **If you're asking me would I consider**  
 6 **this information sufficient in the event of no answer**  
 7 **to the complaint and the submission of a**  
 8 **certification of proof and nonmilitary service for**  
 9 **filing with the court to obtain a money judgement,**  
 10 **the answer to that is yes.**  
 11 **Q.** Are there any of the factual  
 12 allegations in the Freeman complaint which you  
 13 concluded to have evidentiary support at the time you  
 14 approved the complaint?  
 15 MR. WILLIAMSON: Objection, form.  
 16 You're asking him for a legal conclusion. When you  
 17 say evidentiary support, that's a legal  
 18 determination.  
 19 MR. STERN: Can you read back the  
 20 question.  
 21 (The question is read by the reporter.)  
 22 MR. WILLIAMSON: And the question is  
 23 what's the difference whether he does or he doesn't?  
 24 What he concludes?  
 25 MR. STERN: It's not an objection,

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1 it's not a speaking objection --  
 2 MR. WILLIAMSON: But we're going on  
 3 and on and on about it, that's why I'm asking the  
 4 question. What is the point? Is there any point to  
 5 what he concludes?  
 6 MR. STERN: I asked him the question.  
 7 I'd like an answer to the question. It's a factual  
 8 question.  
 9 **Q.** Answer the question.  
 10 MR. WILLIAMSON: We're going to spend  
 11 an hour on what he thinks is evidential and what he  
 12 doesn't think is evidential? Again, what is the  
 13 point? If there's a point to it, I wouldn't argue, I  
 14 wouldn't complain. Is there a point?  
 15 MR. STERN: Mr. Williamson, I don't  
 16 have to --  
 17 MR. WILLIAMSON: You do have to have a  
 18 point.  
 19 MR. STERN: Excuse me. I don't have  
 20 to explain where I'm going with every question that  
 21 I'm asking so that you understand where I'm going.  
 22 MR. WILLIAMSON: I'm not asking you  
 23 to, but it's not open-ended. Let's talk about  
 24 anything. It's not open-ended.  
 25 MR. STERN: This is not an open-ended

1 question. Can we read back the question, please?  
 2 (The question is read by the reporter.)  
 3 **A. Yes, the placement information that my**  
 4 **client provided me.**  
 5 **Q.** I don't think your answer was  
 6 responsive and I'll explain why. The question I  
 7 asked you was about allegations, not about what was  
 8 provided to you. So if we can read back the question  
 9 and you can answer.  
 10 (The question is read by the reporter.)  
 11 **Q.** The question was, are there  
 12 allegations?  
 13 MR. WILLIAMSON: And he's testified to  
 14 what that placement information was.  
 15 MR. STERN: I didn't ask him about  
 16 placement information. I asked him about  
 17 allegations. I didn't ask him about placement  
 18 information.  
 19 **Q.** Mr. Gulko, I asked you whether there  
 20 were any allegations --  
 21 **A. I don't understand your question,**  
 22 **counselor. My client alleges that it is owed money**  
 23 **because it owns an account and it identified the**  
 24 **account by name, it identified the account holder, it**  
 25 **identified the account number, it identified the**

1 **amount due, it identified the date due. That's the**  
 2 **allegation, that's the information that my client**  
 3 **provided me. That's what I reviewed. Anything else,**  
 4 **I'm just not following you.**  
 5 **Q.** Okay. Mr. Gulko, I know from our  
 6 initial discussion this morning that you knew very  
 7 little about this case, so I'll give you a little bit  
 8 of background and hopefully that will assist in your  
 9 ability to answer questions.  
 10 **A. Excuse me, counselor. What I had said**  
 11 **was I hadn't reviewed the file before. Okay? You're**  
 12 **now saying that I never knew anything about this**  
 13 **case.**  
 14 **Q.** I apologize if I mischaracterized what  
 15 you had said.  
 16 MR. WILLIAMSON: This is three years  
 17 ago or two years ago.  
 18 **Q.** Mr. Gulko, you indicated that you had  
 19 some familiarity and that it was important for you to  
 20 have familiarity with the Fair Debt Collection  
 21 Practices Act. Do you recall that?  
 22 **A. Yes.**  
 23 **Q.** Have you ever heard of the term in  
 24 connection with the Fair Debt Collection Practices  
 25 Act of meaningful attorney involvement?

1 **A. Yes.**  
 2 **Q.** Do you have an understanding as to  
 3 what that means?  
 4 **A. Yes.**  
 5 **Q.** What is your understanding?  
 6 **A. It means that the attorney is involved**  
 7 **in a review of the information provided by the client**  
 8 **to make a determination whether there is a good faith**  
 9 **belief that what is alleged by the client is**  
 10 **supportable.**  
 11 **Q.** And do you understand also that there  
 12 is a provision of the Fair Debt Collection Practices  
 13 Act that deals with debt collectors not stating false  
 14 information?  
 15 **A. I'm aware that there is some provision**  
 16 **to that effect.**  
 17 **Q.** Do you understand that in connection  
 18 with your work in connection with the collection of  
 19 consumer debts that the Fair Debt Collection  
 20 Practices Act applies to you?  
 21 **A. Yes.**  
 22 **Q.** Are you aware that by virtue of either  
 23 signing a complaint or approving a complaint so that  
 24 your typewritten signature is placed upon it, that  
 25 there is a certain certification that you have made

1 as set forth in Court Rule 1:4-8?  
 2 MR. WILLIAMSON: Objection, he's  
 3 already answered this repeatedly. And it does become  
 4 badgering when you ask the same question over and  
 5 over and over again. Answer it one more time,  
 6 please.  
 7 (The question is read by the reporter.)  
 8 **A. Yes.**  
 9 **Q.** And do you understand that that  
 10 certification includes making a statement with regard  
 11 to the factual allegations contained in the  
 12 complaint?  
 13 **A. Yes.**  
 14 **Q.** And you approved factual allegations  
 15 in the Setneska and the Freeman complaints, which  
 16 asserted factual allegations, correct?  
 17 **A. Yes.**  
 18 **Q.** That was a circular question. And  
 19 you're aware that you certified that to the best of  
 20 your knowledge, information, and belief, which was  
 21 formed after a reasonable inquiry under the  
 22 circumstances, you made, among other things,  
 23 certification as to those factual allegations?  
 24 **A. Yes.**  
 25 **Q.** And you've also testified that as part

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1 of your evaluation process in approving the complaint  
 2 that you looked at the placement information that was  
 3 provided to you in your firm's collection software,  
 4 correct?  
 5 **A. Yes.**  
 6 **Q.** And your review of information did not  
 7 include reviewing the credit card agreement that  
 8 would have applied to either the Freeman matter or  
 9 the Setneska matter, correct?  
 10 **A. Correct.**  
 11 **Q.** And in connection with your approval  
 12 of those complaints, your inquiry did not include  
 13 reviewing a billing statement with respect to either  
 14 account referred to in either the Freeman complaint  
 15 or the Setneska complaint, correct?  
 16 **A. Correct.**  
 17 **Q.** Is it your understanding with respect  
 18 to the allegations in the Freeman complaint that you  
 19 certified by approving and your typed signature being  
 20 on there, that the factual allegations were likely to  
 21 have evidentiary support?  
 22 **A. Yes.**  
 23 **Q.** Was it your understanding with respect  
 24 to the factual allegations in the Freeman complaint  
 25 that they did in fact have evidentiary support at the

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1 time you approved the complaint?  
 2 MR. WILLIAMSON: Could you read that  
 3 back, please?  
 4 (The question is read by the reporter.)  
 5 MR. WILLIAMSON: Object. You can  
 6 answer.  
 7 **A. It was my opinion that it did have**  
 8 **evidentiary support to the extent that electronic**  
 9 **records are admissible under the New Jersey Rules of**  
 10 **Evidence and the client, through the placement**  
 11 **information which is electronically transferred, gave**  
 12 **me specific and concrete information that would**  
 13 **support the allegations that are contained in the**  
 14 **complaint.**  
 15 **Q.** And you knew that your client obtained  
 16 that information from somebody else, correct? In  
 17 connection with New Century Financial complaints.  
 18 **A. That is my understanding, yes.**  
 19 **Q.** Did you ever inquire with respect to  
 20 either the Freeman or the Setneska complaint as to  
 21 whether there were any affidavits of custodian of  
 22 records for any documents which were created at or  
 23 near the time of the event of the information being  
 24 recorded?  
 25 **A. Not prior to the complaint, no.**

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1 **Q.** Do you do that as a regular course?  
 2 When I say that, do you make that inquiry as to  
 3 whether there are affidavits as a regular course --  
 4 **A. Not I. Not I, not for purposes of**  
 5 **complaint review.**  
 6 **Q.** Do you inquire for purposes of  
 7 complaint review whether New Century has possession  
 8 or access to billing statements with regard to the  
 9 accounts?  
 10 **A. Not at the time that I review the**  
 11 **complaint.**  
 12 **Q.** All right. Did I cut you off? I  
 13 heard your answer. I wasn't sure if I caught you at  
 14 a pause or whether you were done.  
 15 **A. Well, some claims have documents at**  
 16 **the time of placement, okay, and some don't. So**  
 17 **since under the New Jersey Rules of Evidence**  
 18 **electronic records are admissible and constitute**  
 19 **provable evidence, the fact that I would be reviewing**  
 20 **for approval a complaint in which I don't have any**  
 21 **paper documents, which you really seem to be**  
 22 **referring to, is not something that would cause me**  
 23 **pause if the electronic information provided by the**  
 24 **client is otherwise complete and on its face**  
 25 **reasonable.**

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1 **Remember also that these claims are**  
 2 **not prepared for filing until 35 days after an**  
 3 **initial demand letter is sent to the defendant. And**  
 4 **if a defendant does not exercise his or her federal**  
 5 **rights and notifies our office of a request for debt**  
 6 **verification or a defense, we will assume, as allowed**  
 7 **by the Fair Debt, that the information provided is**  
 8 **accurate in all respects.**  
 9 **Q.** The understanding that you just  
 10 referred to by the failure of a consumer to dispute  
 11 the debt within 30 days --  
 12 **A. To ask for debt verification, yes.**  
 13 **Q.** Is it your understanding that the  
 14 consumer has to ask for debt verification?  
 15 **A. It says if the debtor does not request**  
 16 **debt verification within 30 days, then the debt**  
 17 **collector has the right to assume that the**  
 18 **allegations contained in the demand letter are**  
 19 **accurate.**  
 20 **Q.** Are you familiar with whether that  
 21 assumption can be used for evidential purposes?  
 22 MR. WILLIAMSON: I'm going to let him  
 23 answer, but I mean, really, you're now giving him a  
 24 test on the FDCPA rules in evidence which has nothing  
 25 to do with the complaint.

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1 MR. STERN: There's no speaking  
 2 objections.  
 3 MR. WILLIAMSON: Come on. We're just  
 4 wasting time.  
 5 MR. STERN: I'm not wasting time.  
 6 MR. WILLIAMSON: Yeah, you are,  
 7 because you're going in an area that has nothing to  
 8 do with the allegations in the complaint.  
 9 Answer the question, please.  
 10 (The question is read by the reporter.)  
 11 **A. No.**  
 12 **Q.** The answer is no, you were not aware  
 13 of that?  
 14 **A. No.**  
 15 **Q.** Mr. Gulko, are you able to state the  
 16 amount of time you spend reviewing a complaint on  
 17 behalf of New Century?  
 18 **A. It depends on the particular account.**  
 19 **Q.** Can you give an approximation of sort  
 20 of the least amount of time and the most amount of  
 21 time you generally spend?  
 22 **A. The least amount of time would be less**  
 23 **than a minute. The most amount of time could be two,**  
 24 **three, four, five minutes.**  
 25 **Q.** You testified earlier that when you

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1 start your day you're provided a computer printout,  
 2 which is a list of the files in which you need to  
 3 review the complaints?  
 4 **A. Yes.**  
 5 **Q.** With respect to when you're reviewing  
 6 New Century accounts, generally your list only  
 7 includes New Century?  
 8 **A. No.**  
 9 **Q.** So your list will be mixed in terms of  
 10 who the clients are?  
 11 **A. Yes.**  
 12 **Q.** Do you know who generates that list?  
 13 **A. The department in the firm that is**  
 14 **responsible for generating the complaint list.**  
 15 **Q.** Is there a name for that department?  
 16 **A. We call it the SAC department for**  
 17 **summons and complaint.**  
 18 **Q.** In connection with your reviewing and  
 19 approving complaints for New Century, do you review  
 20 the agreement between New Century and the entity from  
 21 whom it acquired the accounts?  
 22 **A. No, especially since I may not have**  
 23 **that. There may not be anything to review as to that**  
 24 **particular question.**  
 25 **Q.** Would it be relevant in your review of

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1 complaints on behalf of New Century as to whether  
 2 there was a choice of law provision in the credit  
 3 card agreement?  
 4 **A. That could be relevant.**  
 5 **Q.** Would it be relevant as to whether or  
 6 not there was an arbitration agreement in the credit  
 7 card agreement?  
 8 **A. That could be relevant also.**  
 9 **Q.** In connection with your review and  
 10 approval of complaints on behalf of New Century, do  
 11 you make a determination as to whether a default has  
 12 occurred?  
 13 MR. WILLIAMSON: Excuse me. Could you  
 14 read that again?  
 15 (The question is read by the reporter.)  
 16 **A. Well, part of the placement**  
 17 **information is that the client is alleging that**  
 18 **there's a default. I can determine from the**  
 19 **placement information when the last payment was. So**  
 20 **merely by the passage of time, it can confirm to me**  
 21 **the client's position, the client's allegation that**  
 22 **there is a default.**  
 23 **Q.** I understand that you're relying upon  
 24 the information that the client is giving you. I'm  
 25 asking you whether you make any independent

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1 evaluation as to whether the account is in default.  
 2 MR. WILLIAMSON: I'm going to object  
 3 to the word "evaluation." Do you mean investigation?  
 4 That makes sense, the other way doesn't. Because  
 5 he's answered that already.  
 6 MR. STERN: I'll withdraw the  
 7 question.  
 8 **Q.** Do you make an inquiry into any  
 9 information beyond what the client has given you as  
 10 to whether a default has occurred?  
 11 **A. I'm unclear about your question. Let**  
 12 **me repeat my prior answer. The client places a claim**  
 13 **with us because of claims that the account is in**  
 14 **default. It gives me a date of last payment. So I'm**  
 15 **able to -- if they were to send me a claim today and**  
 16 **it said that a hundred dollars was last paid**  
 17 **yesterday, I'm going to kick that back saying what's**  
 18 **going on here. But if they send me a claim and they**  
 19 **claim it's in default and in the placement**  
 20 **information it says that a hundred dollars was last**  
 21 **paid June 20th, 2010, then there's nothing in there**  
 22 **for me to disbelieve that this account is not in**  
 23 **default as my client advises me.**  
 24 **Q.** So you rely upon your client advising  
 25 you that the claim is in default?



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1 **A. And my viewing the information that**  
 2 **the client provides me.**  
 3 **Q.** And the connection with New Century,  
 4 that's information that New Century obtains from  
 5 other parties, correct?  
 6 **A. In part or in whole. And if you want**  
 7 **to know what that means, when New Century buys a**  
 8 **claim, they own it. They can work it. It could be,**  
 9 **for all I know, that the last payment was a payment**  
 10 **that was made to New Century at a time that it**  
 11 **already owned it. So the information that it**  
 12 **provides me could be a combination of its own**  
 13 **information and the information as it bought the**  
 14 **account.**  
 15 **Q.** Okay, I understand. The information  
 16 you would have that comes from New Century is  
 17 information they would have of any activity once New  
 18 Century owned the account?  
 19 **A. Yes. And the information --**  
 20 **Q.** And the information that they obtained  
 21 from whoever they purchased from.  
 22 **A. Yes.**  
 23 **Q.** With respect to the Freeman complaint,  
 24 were you able to determine the date default occurred?  
 25 **A. I don't recall. It did have -- yes,**

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1 **it did have a date. Without being able to pull up**  
 2 **the computer, I couldn't give it to you.**  
 3 **Q.** And the same answer applies with  
 4 respect to the Setneska matter?  
 5 **A. Sure.**  
 6 **Q.** In connection with your review and  
 7 approval of claims on behalf of New Century, do you  
 8 review a credit report of the defendant?  
 9 **A. Yes, I can. I often do. In the case**  
 10 **of the Freeman file, before a complaint could be**  
 11 **prepared for review, the claim came in without a**  
 12 **Social Security number. It's required that we not**  
 13 **file consumer claims without a Social Security**  
 14 **number. A review of the file prior to suit indicated**  
 15 **that an accurate credit report was obtained for the**  
 16 **purposes of determining the Social Security number**  
 17 **and that's how the Social Security number was**  
 18 **obtained.**  
 19 **In the Setneska file, the Social**  
 20 **Security number was provided at the time of**  
 21 **placement.**  
 22 **Q.** Was the --  
 23 **A. That I remember from just lunchtime**  
 24 **when I was asked to review the file.**  
 25 **Q.** So is that a situation where,

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1 referring to the Freeman matter, you had reviewed it,  
 2 there was no Social Security number and you rejected  
 3 it, and that came back --  
 4 **A. No.**  
 5 **Q.** Or that was already taken care of  
 6 before it came to you?  
 7 **A. That's correct. I reviewed to see**  
 8 **that there was a social, and by looking at the**  
 9 **collections software screen, I was able to pick up**  
 10 **how it was obtained.**  
 11 **Q.** Got it. Are you involved in the  
 12 creation of the template that was used for creating  
 13 the complaints?  
 14 **A. No.**  
 15 **Q.** Are you aware that the template that  
 16 your office is using has recently changed?  
 17 **MR. WILLIAMSON:** Objection,  
 18 foundation.  
 19 **Q.** Are you aware that the court rules  
 20 changed effective September 1st of 2012 --  
 21 **A. Yes.**  
 22 **Q.** -- and that those rules required a  
 23 change in the template with respect to the  
 24 complaints?  
 25 **A. Yes.**

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1 **Q.** Were you involved in drafting any part  
 2 of the change in the template?  
 3 **A. My only involvement, not directly, my**  
 4 **only involvement was there was a Law Division**  
 5 **complaint that was presented to me for approval, and**  
 6 **while the body of the complaint complied with the new**  
 7 **rule, for whatever reason on that one case the**  
 8 **plaintiff's name did not include the prior original**  
 9 **creditor's name. I killed that complaint and**  
 10 **notified I believe it was Mr. Felt. And a change to**  
 11 **the template was put in and it was fixed on that case**  
 12 **and it was fixed thereafter. I've never killed a**  
 13 **complaint since for that reason.**  
 14 **Q.** So is it fair to say you found a  
 15 glitch and it was corrected?  
 16 **A. Exactly, and that was the Law Division**  
 17 **only. The template for the Special Civil Part was**  
 18 **fully compliant.**  
 19 **Q.** Did the scope of your review of  
 20 complaints change as a result of the recent change in  
 21 the court rules?  
 22 **A. Only to the extent, as I just**  
 23 **testified, that I began to look to make sure that the**  
 24 **form of the complaint was compliant under the**  
 25 **requirements of the new rule. Once all the glitches**

1 were worked out, then it's fairly easy to give it a  
2 quick look and know that you're okay in regard to  
3 those changes.

4 Q. Okay.

5 A. Looking at new matters, I am reviewing  
6 in totality, as I do on every case, as I did on every  
7 case. I'm looking for all the information for, as  
8 you said earlier, meaningful attorney review.

9 Q. Is there anyone else at Pressler &  
10 Pressler who performs the same function as you do  
11 with respect to reviewing and approving complaints?

12 A. For New York, yes. Mitchell Zipkin  
13 approves New York complaints.

14 Q. So it would be fair to say that all or  
15 virtually all of the complaints filed in New Jersey  
16 or Pennsylvania are reviewed and approved by you?

17 A. Yes, while I'm here. When I am on  
18 vacation, Mr. Felt switches the work, because you  
19 can't let it sit a week or more. He switches the  
20 work over to another attorney who is also trained to  
21 do complaint review, and those complaints go out  
22 under that attorney's name. Then when I come back,  
23 it's switched over again.

24 Q. To your knowledge, are there records  
25 contained of the number of complaints that you review

1 on a daily basis?

2 A. Well, I'm given the feed list and I go  
3 through it in a day, so of course I know how many I  
4 go through in a day.

5 Q. Are the feed lists generally the same  
6 length in terms of number of complaints?

7 A. No, they vary from day to day.

8 Q. What do they vary from?

9 A. Well, the variance can go from as  
10 little as a hundred or less to as much as hundreds a  
11 day. If you're asking what my average is, how much  
12 do I see mostly? I would say between three and four  
13 hundred a day.

14 Q. Does it ever get as high as a thousand  
15 in a day?

16 A. Yes.

17 Q. Two thousand?

18 A. I don't recall that high, no.

19 Q. And you generally get through your  
20 list every day? If you're working the full day,  
21 you're getting through your list?

22 A. Yes. The new list is given to me in  
23 the afternoon. So I'll work a little in the  
24 afternoon and I finish it up the next day. So if the  
25 list is given to me first thing in the morning, then

1 I can get it all done in a day. So I don't want to  
2 mislead you. Sometimes on a clock, I'm doing it into  
3 the next day, but that's not a problem for me. I  
4 don't in any way feel stressed or behind the eight  
5 ball by that.

6 Q. I understand. Talking only about  
7 JEFIS-filed complaints, do you know how much time  
8 expires after you approve a complaint until when it  
9 gets filed?

10 A. No, but it's easy enough to find out.  
11 If I know the date that I approve a complaint, then I  
12 can go to another screen called the BDF screen and it  
13 gives me the date that it was JEFISed. So even  
14 though I don't have personal knowledge as we speak,  
15 it's not something that's hidden from me. I can find  
16 that out.

17 Q. And to your knowledge, once you  
18 approve it there's a department that handles then the  
19 JEFIS filing?

20 A. Yes.

21 Q. Do you have any reason to believe that  
22 it's more than several days from the time that you  
23 approve it until the time that it's filed?

24 A. No, they're pretty quick about it.  
25 (A brief recess is taken.)

1 Q. Mr. Gulko, I apologize, I know there  
2 have been comments about me going over stuff that's  
3 been gone over, but I want to wrap up on a couple of  
4 things.

5 If systems are working correctly, the  
6 information contained in the complaint should be  
7 identical to the information that's in your placement  
8 information.

9 A. Unless it's been reviewed and vetted  
10 for corrections and also for changes, additional  
11 information that has come in after the date of  
12 placement to the date of presentation to me for  
13 approval.

14 Q. I understand your answer, and I may  
15 not have been clear with my question.

16 A. Okay.

17 Q. What I'm talking about is, the  
18 complaint gets prepared and it contains information  
19 about the defendant and about the claim.

20 A. Yes.

21 Q. That information about the debtor and  
22 about the claim should be identical to the  
23 information that you have as the placement  
24 information.

25 A. If we have not determined it to be

<p style="text-align: right;">96</p> <p>1 <b>erroneous otherwise, yes.</b></p> <p>2 <b>Q.</b> You may have other information in I</p> <p>3 think it was the right side of your screen, your</p> <p>4 computer software?</p> <p>5 <b>A. Yes.</b></p> <p>6 <b>Q.</b> That may cause you to question whether</p> <p>7 the complaint should be filed.</p> <p>8 <b>A. Yes.</b></p> <p>9 <b>Q.</b> But if the systems are working</p> <p>10 correctly, the complaint should have the information</p> <p>11 that matches the information that you have in the</p> <p>12 placement information.</p> <p>13 <b>MR. WILLIAMSON:</b> Objection.</p> <p>14 <b>Q.</b> I guess what I'm asking -- let me</p> <p>15 withdraw it, because looking at your face, I see that</p> <p>16 you're not quite comfortable with the question I had</p> <p>17 asked.</p> <p>18 <b>A. I don't want to go into a big long</b></p> <p>19 <b>narrative.</b></p> <p>20 <b>Q.</b> We described earlier that you use a</p> <p>21 template and there's a merge of information. To your</p> <p>22 understanding, does the information that gets merged</p> <p>23 into the complaint have its source as the placement</p> <p>24 information that you have on the right side of the</p> <p>25 screen?</p>	<p style="text-align: right;">98</p> <p>1 be the same.</p> <p>2 <b>A. Sure.</b></p> <p>3 <b>Q.</b> That should not be something where</p> <p>4 there's a mistake.</p> <p>5 <b>A. Right.</b></p> <p>6 <b>Q.</b> It's going to have the file number,</p> <p>7 the plaintiff's name, your client, correct?</p> <p>8 <b>A. As of this date.</b></p> <p>9 <b>Q.</b> Right, I understand.</p> <p>10 <b>A. Since September it now appears</b></p> <p>11 <b>different.</b></p> <p>12 <b>Q.</b> I understand.</p> <p>13 <b>A. Prior to the rule, it did not</b></p> <p>14 <b>constitute a mistake.</b></p> <p>15 <b>Q.</b> I'm not suggesting that.</p> <p>16 <b>A. Okay.</b></p> <p>17 <b>MR. WILLIAMSON:</b> Just focus on that</p> <p>18 complaint.</p> <p>19 <b>Q.</b> Let's assume the rule didn't change in</p> <p>20 September or that we're back to before the rule</p> <p>21 changed. So it contains the plaintiff information,</p> <p>22 the defendant information in the caption.</p> <p>23 <b>A. Yes.</b></p> <p>24 <b>Q.</b> The venue?</p> <p>25 <b>A. Yes.</b></p>
<p style="text-align: right;">97</p> <p>1 <b>A. Yes.</b></p> <p>2 <b>Q.</b> So that if the right side of the</p> <p>3 screen is different from left side of the screen, it</p> <p>4 means something went wrong.</p> <p>5 <b>A. Yes.</b></p> <p>6 <b>Q.</b> And I gather from your answer a few</p> <p>7 minutes ago is probably something happened, some</p> <p>8 event happened between when the complaint was</p> <p>9 prepared and when you're reviewing it.</p> <p>10 <b>A. That could be one of multiple reasons.</b></p> <p>11 <b>Q.</b> Okay. But if you're going to approve</p> <p>12 it, the information is going to match up and there's</p> <p>13 going to be nothing in the placement information</p> <p>14 that's going to cause you to question whether the</p> <p>15 complaint should be filed.</p> <p>16 <b>A. I'm sorry. You're losing me on that,</b></p> <p>17 <b>you are really are.</b></p> <p>18 <b>Q.</b> What I'm asking you about is, and I</p> <p>19 realize that there's more information that's required</p> <p>20 in your complaints now that the rules have recently</p> <p>21 changed, but if we go back to P-10, because that's</p> <p>22 the complaint that was filed with JEFIS, it</p> <p>23 identifies your file number. I assume on all your</p> <p>24 complaints, the initial information about the name of</p> <p>25 the firm and its address and phone number is going to</p>	<p style="text-align: right;">99</p> <p>1 <b>Q.</b> And it's in Special Civil Part.</p> <p>2 <b>A. Yes.</b></p> <p>3 <b>Q.</b> P-10 obviously has the docket number</p> <p>4 but that's because it's after it was filed and when</p> <p>5 you approve it, it does not have a docket number.</p> <p>6 <b>A. Yes.</b></p> <p>7 <b>Q.</b> And then in the introductory sentence</p> <p>8 it's got to have the address of the plaintiff?</p> <p>9 <b>A. Yes.</b></p> <p>10 <b>Q.</b> And then in the paragraph one there's</p> <p>11 two sentences and it's going to include the name of</p> <p>12 the original creditor?</p> <p>13 <b>A. Yes.</b></p> <p>14 <b>Q.</b> The account number that the original</p> <p>15 creditor signed?</p> <p>16 <b>A. Yes.</b></p> <p>17 <b>Q.</b> And just for purposes of the record,</p> <p>18 I'm running through sequentially what's in the</p> <p>19 complaint. It will have the defendant's name?</p> <p>20 <b>A. Yes. But before then it includes the</b></p> <p>21 <b>allegation that the account is in default.</b></p> <p>22 <b>Q.</b> Correct, but that would be the same in</p> <p>23 all of the complaints. The complaints would all be</p> <p>24 the same.</p> <p>25 <b>A. Yes.</b></p>

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1           **Q.**     That would be template information as  
 2 opposed to variable information.  
 3           **A.**     **Very well, go ahead.**  
 4           **Q.**     It includes, at least for purposes of  
 5 P-10, it includes a start date and end date for an  
 6 allegation for interest.  
 7           **A.**     **Yes.**  
 8           **Q.**     And then a total amount including the  
 9 principal amount of the claim plus the interest.  
 10          **A.**     **It also includes the placement amount.**  
 11          **Q.**     Right, what you're calling the  
 12 placement amount.  
 13          **A.**     **Yes.**  
 14          **Q.**     And then there's the wherefore clause?  
 15          **A.**     **Right.**  
 16          **Q.**     Which includes the total amount of the  
 17 claim and then some language that's required by the  
 18 rules about certifying information, and then a  
 19 signature block at the end.  
 20          **A.**     **Yes.**  
 21          **Q.**     If nothing has caused you to question  
 22 the information and you would approve the complaint,  
 23 all the information that we talked about, the various  
 24 variable information would appear as fields in your  
 25 placement information side that would be identical to

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1 the information that's in the complaint.  
 2          **A.**     **Yes.**  
 3          **Q.**     Okay. And it's your understanding  
 4 that the reason why that should occur is because the  
 5 complaint is being generated from the same data that  
 6 is populating the right side of your screen?  
 7          **A.**     **Yes.**  
 8          **Q.**     And what you also then do is look to  
 9 see if the information on the right side of your  
 10 screen gives you cause to question whether there is  
 11 some reason not to file a complaint.  
 12          **A.**     **Yes.**  
 13          **Q.**     And that essentially is the scope of  
 14 your review of the matter in terms of deciding  
 15 whether or not to approve the complaint.  
 16          **A.**     **You simplify it, but yes.**  
 17                   MR. STERN: I don't have any further  
 18 questions.  
 19                   MR. WILLIAMSON: We're done.  
 20  
 21           (The deposition is concluded at 3:16 p.m.)  
 22  
 23                   \* \* \* \* \*  
 24  
 25

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1                   CERTIFICATE OF OFFICER  
 2  
 3                   I, ANN P. CONLON, a Notary Public and  
 4 Certified Court Reporter of the State of New Jersey,  
 5 do hereby certify that prior to the commencement of  
 6 the examination, the witness was duly sworn by me.  
 7  
 8                   I DO FURTHER CERTIFY that the  
 9 foregoing is a true and accurate transcript of the  
 10 testimony as taken stenographically by and before me  
 11 at the time, place, and on the date hereinbefore set  
 12 forth.  
 13                   I DO FURTHER CERTIFY that I am neither  
 14 a relative nor employee, nor attorney or counsel to  
 15 any of the parties involved, that I am neither  
 16 related to nor employed by such attorney or counsel,  
 17 and that I am not financially interested in the  
 18 outcome of the action.  
 19  
 20  
 21  
 22 \_\_\_\_\_  
 23 NOTARY PUBLIC OF THE STATE OF NEW JERSEY  
 24 My Commission Expires: 2/3/16  
 25 License No. 30XI000999

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