

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :

De Amigo, LLC :

t/a Sesto Senso/Andulo/Spot/ :

Lupe/MIA : Show Cause

1214 18th Street : Hearing

Retailer CT : (Status)

License No. 81092 and ANC 2b :

Case No. 11-251-00372 :

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May 15, 2013

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Ruthanne Miller presiding.

PRESENT:

- RUTHANNE MILLER, Chairperson
- NICK ALBERTI, Member
- DONALD BROOKS, Member
- HERMAN JONES, Member
- MICHAEL SILVERSTEIN, Member

ALSO PRESENT:

- LOUISE PHILLIPS, OAG

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P-R-O-C-E-E-D-I-N-G-S

(3:48 p.m.)

CHAIRPERSON MILLER: All right.

I'm going to call Case Number 11-251-00372.

I'm not sure exactly how this establishment is referred to, is it MIA? Or is it Sesto, Senso, Andula, Spot, Lupe, MIA.

MR. MPRAS: M-I-A.

CHAIRPERSON MILLER: M-I-A. Okay.

All right. And that's located at 1214 18th Street Northwest. License Number 81092 and ANC2B. Will the parties identify themselves for the record please.

MS. PHILLIPS: Louise Phillips, Attorney General for the District of Columbia. Good afternoon.

CHAIRPERSON MILLER: Okay.

MR. MPRAS: Emanuel Mpras for MIA.

MR. BEN KHAYAT: Mehdi Ben Khayat for MIA.

CHAIRPERSON MILLER: Okay. I'm sorry, sir, could you tell me your name again?

1 MR. BEN KHAYAT: Mehdi, M-E-H-D-I.

2 Last name Ben Khayat, B-E-N-K-H-A-Y-A-T.

3 CHAIRPERSON MILLER: Okay. And
4 what's your position with?

5 MR. BEN KHAYAT: Managing partner,
6 five percent managing partner.

7 CHAIRPERSON MILLER: Five percent
8 managing partner? All right. And, Mr. Mpras,
9 you represent the establishment as a whole,
10 correct?

11 MR. MPRAS: I do.

12 CHAIRPERSON MILLER: Okay. The
13 show cause hearing, are there any preliminary
14 matters?

15 MS. PHILLIPS: There are not,
16 Madam Chair.

17 CHAIRPERSON MILLER: Okay. About
18 your witness, the witnesses you intend to
19 call.

20 MS. PHILLIPS: I'm sorry, you're
21 dropping your voice.

22 CHAIRPERSON MILLER: Oh, sorry.

1 Do you have witnesses you intend to call?

2 MS. PHILLIPS: I do indeed.

3 CHAIRPERSON MILLER: Can you tell
4 me how many?

5 MS. PHILLIPS: I have three,
6 independant witnesses and one investigator at
7 this time. I have two other investigators on
8 hold if you --

9 CHAIRPERSON MILLER: You have
10 three what?

11 MS. PHILLIPS: Independent.

12 CHAIRPERSON MILLER: Independent,
13 okay.

14 MS. PHILLIPS: Non-agency.

15 CHAIRPERSON MILLER: Okay. And
16 one Government and one Government maybe?

17 MS. PHILLIPS: And two Government
18 maybe.

19 CHAIRPERSON MILLER: Okay. And,
20 Mr. Mpras?

21 MR. MPRAS: I have two witnesses.

22 CHAIRPERSON MILLER: Okay. And I

1 just want to check whether anybody wants to
2 invoke the rule on witnesses.

3 MR. MPRAS: I would.

4 CHAIRPERSON MILLER: You would,
5 okay.

6 MS. PHILLIPS: I can keep my
7 agency representative or does he have to
8 leave?

9 CHAIRPERSON MILLER: I think that
10 he qualifies as the party.

11 MS. PHILLIPS: That's the way I
12 look at it but I wanted to see how the Board
13 looks at it.

14 CHAIRPERSON MILLER: Okay.

15 MEMBER ALBERTI: He's also your
16 first witness though.

17 MS. PHILLIPS: No, he's not my
18 first witness.

19 CHAIRPERSON MILLER: Hold on a
20 second. Usually in trials you get to have an
21 agency representative as your client. And
22 since the owner is here and gets to hear

1 everything it seems to me that the agency
2 representative who's going to testify should
3 be allowed to sit and listen. Just as the
4 owner, who's probably going to testify gets to
5 sit and listen. The rule is the other party.

6 MS. PHILLIPS: He's my party
7 designation in this particular case. And you
8 don't object, Mr. Mpras?

9 MR. MPRAS: No, ma'am.

10 CHAIRPERSON MILLER: All right
11 then, we are ready when you are. Ms.
12 Phillips, are you ready with an opening
13 statement or anything?

14 MS. PHILLIPS: I am indeed.

15 CHAIRPERSON MILLER: Okay.

16 MS. PHILLIPS: This matter comes
17 before the Board on a A23 violation and
18 security plan violations. The Board has heard
19 the presentation with regard to a motion to
20 dismiss and opposition and a reply previously.

21 The motion to dismiss was denied
22 and I made the entire opposition part of the

1 record. And I would like the Board to be able
2 to take judicial notice of all of the
3 information contained in the opposition to the
4 motion to dismiss in this hearing.

5 That will help us not have to
6 reproduce the testimony that's already in
7 those documents. Because documents can be
8 testimony. Even though fact finding hearings
9 are not testimony.

10 As I indicated in my response in
11 opposition was that the owners came and the
12 people who testified came to tell the truth.
13 So I'm not having it admitted as testimony.
14 I'm having it admitted as just admissions of
15 party opponents for example.

16 CHAIRPERSON MILLER: Okay.

17 MS. PHILLIPS: You can take
18 judicial notice of it at your leisure because
19 it's all within your discretion.

20 CHAIRPERSON MILLER: Okay. So
21 you're not really asking us to admit anything
22 at this point. Just to take judicial notice

1 of the pleadings and what's in them.

2 MS. PHILLIPS: What's in the
3 record already.

4 CHAIRPERSON MILLER: Right.

5 MS. PHILLIPS: You know this
6 record is a little thicker than many of the
7 show cause records we have where I have to
8 introduce everything for the first time at the
9 show cause hearing.

10 CHAIRPERSON MILLER: Okay. All
11 right. Mr. Mpras, do you have a concern with
12 that?

13 MR. MPRAS: Yes, ma'am. Members
14 of the Board, we assert that Defendant Amigo
15 LLC trading is MIA and all of it's staff did
16 not in any way violate it's own security plan.
17 That was fully in compliance with it the date
18 in question.

19 We also assert that no continuing
20 force of conduct in violation of it's own
21 security plan was alleged by the investigator
22 report. Or the show cause notice pursuant to

1 1900 M Restaurant Association v the District
2 of Columbia Alcohol Beverage Control Board
3 which controls this matter. The defendant
4 cannot be found guilty of a security plan
5 violation.

6 Previous unrelated incidents
7 cannot be strung together to establish the
8 necessary continuous cause of conduct to meet
9 the threshold set forth by 1900 M Restaurant
10 Association.

11 In addition, Charge 1 in the show
12 cause notice is invalid on it's face as the
13 incident alleges that inside the club
14 establishment did not occur at 3:30 a.m. as
15 indicated on that notice. Or any time
16 approximate to 3:30 a.m. Thank you.

17 CHAIRPERSON MILLER: Okay. So did
18 you make an opening statement, or did you
19 just?

20 MS. PHILLIPS: No, what I did was,
21 I thought you were asking him was he okay with
22 having administrative notice of the record.

1 CHAIRPERSON MILLER: True.

2 MS. PHILLIPS: So that question
3 wasn't answered by his opening. But I will
4 just add that I disagree with everything he
5 says and we'll go forward.

6 CHAIRPERSON MILLER: Okay. All
7 right.

8 MS. PHILLIPS: That would be my
9 opening.

10 CHAIRPERSON MILLER: Okay. I did
11 ask if he had any concerns and didn't hear
12 any. So now, affirmatively, no.

13 MS. PHILLIPS: I just didn't hear
14 the answer if it was answered. And that's
15 sort of important for me when I go forward.

16 CHAIRPERSON MILLER: Okay.

17 MS. SMITH: All right. Now, are
18 we ready for the Government's first witness?

19 CHAIRPERSON MILLER: Yes, we are.

20 MS. PHILLIPS: All right. I'll
21 call Mr. Solomon. I don't know who's getting
22 my witnesses.

1 (Off the record comments)

2 MEMBER ALBERTI: I believe your
3 Government Agent has gone to get them.

4 MS. PHILLIPS: Thank you.
5 Government Agent, thank you very much Mr.
6 Alberti, I appreciate that.

7 CHAIRPERSON MILLER: Thank you.

8 MS. PHILLIPS: First and foremost
9 you're going to have to speak up and I think
10 you have a mic there, is the green light on?

11 MS. SOLOMON: Yes.

12 MS. PHILLIPS: Would you state
13 you're name and spell it for the record
14 please?

15 THE WITNESS: Timnit Solomon. T-
16 I-M-N-I-T. Last name, S-O-L-O-M-O-N.

17 CHAIRPERSON MILLER: I didn't
18 really hear that. Can you say the last name
19 louder?

20 MS. SOLOMON: S-O-L-O-M-O-N.

21 CHAIRPERSON MILLER: Great.

22 (Off the record comments)

1 MS. PHILLIPS: And how are you
2 involved with, I guess we're going to call it
3 MIA for the purpose of this hearing.

4 MR. MPRAS: Use MIA.

5 MS. PHILLIPS: MIA, which I
6 believe was Spot. How are you involved in the
7 incident that we're here to discuss today?

8 MS. SOLOMON: I was directly
9 involved with it. You want me to tell the
10 story?

11 MS. PHILLIPS: Not yet.

12 MS. SOLOMON: I went there with
13 friends that night and was assaulted indoors
14 and then outdoors.

15 MS. PHILLIPS: Okay. Thank you.
16 And can you tell me a little bit about
17 yourself, like what you do?

18 MS. SOLOMON: I work in a
19 commercial real estate company, I'm an
20 accountant there. I was grown up and raised
21 in the D.C. area, northern Virginia.

22 MS. PHILLIPS: Is this the first

1 time you visited, we're going to call it for
2 the purposes of this hearing, MIA.

3 MS. SOLOMON: Okay.

4 MS. PHILLIPS: I've never called
5 it that before but that's what we're doing for
6 this hearing.

7 MS. SOLOMON: Okay. I've been
8 there before when it was called Andulo.

9 MS. PHILLIPS: Andulo?

10 MS. SOLOMON: Yes, I think that
11 was the last time when I was there before.

12 MS. PHILLIPS: Do you remember the
13 date of the incident?

14 MS. SOLOMON: I don't remember the
15 exact date but it was a Wednesday night
16 because it was the night before Thanksgiving,
17 2011.

18 MS. PHILLIPS: Okay. Let's see,
19 if I were to tell you the date on the MPD
20 report and the date on the Alcohol Regulation
21 Administration case report was November 24th,
22 2011. Would you say that would be close?

1 MS. SOLOMON: Yes.

2 MS. PHILLIPS: All right. Now I
3 don't want to start from when you woke up in
4 the morning that day. But like in the evening
5 when you were thinking about going to MIA.
6 Could you tell me just a little bit about what
7 happened before you got there?

8 MS. SOLOMON: Okay. My friend,
9 Serat, who is also here.

10 MS. PHILLIPS: Last name?

11 MS. SOLOMON: Medhani.

12 MS. PHILLIPS: Medhani.

13 MS. SOLOMON: She was in town from
14 Cincinnati, she wanted to go out. We met up
15 around maybe 10 o'clock. I'm not sure what
16 time we actually met up. But I left my house
17 probably around 10 o'clock and met up with
18 her. And Walta Keflezghi who's the third
19 person here.

20 We were at Walta sister's
21 boyfriend's apartment and we left the house
22 around midnight. Took a cab into the city.

1 Probably got there about 12:30 or so.

2 MS. PHILLIPS: That's a good first
3 start. Now let me ask you this. That evening
4 before you went to Ms. Kiflezghi, we always
5 use last names in hearings. Sister's
6 boyfriend's house, right?

7 MS. SOLOMON: Yes.

8 MS. PHILLIPS: Did you have
9 dinner?

10 MS. SOLOMON: No I had dinner at
11 home.

12 MS. PHILLIPS: You had dinner at
13 home?

14 MS. SOLOMON: Yes.

15 MS. PHILLIPS: And so when you got
16 to the second destination did you have
17 anything to eat or any alcoholic beverages?

18 MS. SOLOMON: I don't remember if
19 we drink there. If we did I would have one
20 max two drinks. But I didn't not have
21 anything to eat there.

22 MS. PHILLIPS: And what I would

1 like for you to do is speak only about what
2 you did. So when you put we, I know who you
3 mean but I only want you to testify about what
4 you did. Now if there's something that you
5 saw I will ask you.

6 MS. SOLOMON: Okay.

7 MS. PHILLIPS: Like what happened
8 to you versus what you saw.

9 MS. SOLOMON: Okay.

10 MS. PHILLIPS: And would that be,
11 what type of alcohol would that have been?

12 MS. SOLOMON: Cognac, Hennessy.

13 MS. PHILLIPS: Okay. And how long
14 do you recall that you were at the second
15 destination?

16 MS. SOLOMON: Maybe two hours max.

17 MS. PHILLIPS: And then I
18 understand you went by cab, did you go from
19 the second destination directly to MIA?

20 MS. SOLOMON: Yes.

21 MS. PHILLIPS: Okay. And that
22 took, how long does that take from where it

1 was, a half hour, 20 minutes?

2 MS. SOLOMON: Not even, because
3 it's King Street in Alexandria. So it's right
4 off the highway. So it probably took max, 15
5 to 20 minutes to get to MIA.

6 MS. PHILLIPS: Okay. And so when
7 you got there do you remember what happened?
8 How you got in? What happened as you were
9 entering?

10 MS. SOLOMON: I remember walking
11 up and Ms. Kiflezghi and Ms. Medhani were in
12 front of me. I don't remember showing them my
13 ID. I think we just walked in. And we didn't
14 pay to get in. And that was it.

15 MS. PHILLIPS: Were you supposed
16 to pay, do you recall?

17 MS. SOLOMON: I don't know.

18 MS. PHILLIPS: But just for the
19 record you were over 21 at the time of the
20 incident, is that fair?

21 MS. SOLOMON: Yes.

22 MS. PHILLIPS: Okay. So it wasn't

1 like they were letting in underage drinkers?

2 MS. SOLOMON: Not that I know of.

3 MS. PHILLIPS: Not that you know.

4 All right. Now after you entered the
5 establishment did you go sit down? Where did
6 you go?

7 MS. SOLOMON: We went to the bar.

8 MS. PHILLIPS: Okay. Now, did you
9 order?

10 MS. SOLOMON: Yes.

11 MS. PHILLIPS: Do you recall what
12 you ordered?

13 MS. SOLOMON: Hennessy.

14 MS. PHILLIPS: Hennessy, okay.

15 And do you recall how long you were there
16 before something else happened besides the
17 interaction with just you three young women?

18 MS. SOLOMON: Something else
19 happening?

20 MS. PHILLIPS: How long were you
21 at the bar just interacting with your two
22 other friends before something else happened?

1 Do you recall?

2 MS. SOLOMON: It had to have been
3 two hours. Because the incident happened at
4 the end of the night. And that's around 3
5 o'clock. We probably got to the venue 12:30
6 ish.

7 MS. PHILLIPS: You think
8 approximately two hours you were there?

9 MS. SOLOMON: Yes.

10 MS. PHILLIPS: And during that two
11 hours did you eat or drink any alcoholic
12 beverages?

13 MS. SOLOMON: Yes, I had max, two
14 drinks. One of two, I can't remember. But I
15 know for sure it wouldn't have been more than
16 two drinks.

17 MEMBER SILVERSTEIN: I'm sorry?

18 MS. SOLOMON: I know for sure it
19 wouldn't have been more than two drinks when
20 I did order.

21 MS. PHILLIPS: And the same thing,
22 Hennessy?

1 MS. SOLOMON: Yes.

2 MS. PHILLIPS: Did you have a
3 snack?

4 MS. SOLOMON: No.

5 MS. PHILLIPS: No snacks. And
6 this was, can I sum it up fairly. This was
7 just an evening with an out of town friend the
8 day before Thanksgiving?

9 MS. SOLOMON: Yes.

10 MR. MPRAS: I'm going to object.
11 Leading questions.

12 MS. PHILLIPS: Oh, okay. We can
13 take as long as you like on irrelevant
14 questions that sort of segue, but it's fine.

15 I can't ask you leading questions
16 so I'm going to have to go a little bit
17 longer. So approximately two hours you there
18 drinking your one or two drinks? Had you
19 finished either of the drinks, do you recall
20 by the time two hours had passed?

21 MS. SOLOMON: I definitely
22 finished my first drink. I don't know how far

1 I got into the second drink. I don't know if
2 I finished it.

3 MS. PHILLIPS: Or even if you
4 ordered it? Is that what your testimony was?

5 MS. SOLOMON: Yes, even if ordered
6 it.

7 MR. MPRAS: Again, leading.

8 CHAIRPERSON MILLER: I'll
9 overrule. It's not strict. She's not really
10 leading her into saying really big stuff right
11 at this minute.

12 MS. PHILLIPS: I'm also trying to
13 summarize testimony to make sure I get it
14 right.

15 CHAIRPERSON MILLER: Yes,
16 clarification.

17 MS. PHILLIPS: All right. So
18 after approximately two hours what happened?

19 MS. SOLOMON: I was behind Ms.
20 Medhani, Ms. Kiflezghi was on the opposite
21 side of Ms. Medhani. So we were kind of
22 separated in a way.

1 Not completely because the space
2 is not that big between like the wall or table
3 area to the bar. So we're still close to each
4 other. But Ms. Kiflezghi was farther away
5 from me. Ms. Medhani was the closest.

6 I looked up at Ms. Medhani and she
7 had like a confused look on her face. And she
8 had two like girls around her. I took one
9 step closer to her just to see what is going
10 on. Or what is happening. Or why she had
11 that look on her face.

12 And when I took that step I feel
13 like people are hitting me. And I didn't
14 understand if I was just getting in the way of
15 something. Like somebody was just bumping
16 into me. It took me a second to realize that
17 I'm getting hit.

18 So when that happened, I don't
19 know how long it was, probably a couple of
20 minutes. But security came and broke it up.
21 I got up and there were people behind me.

22 Whoever was hitting me was in

1 front of the security guard, on the opposite
2 side of the security guard. There were people
3 behind me so once I got up there was a
4 gentleman to my left, as soon as I got up he
5 hit me. And I fell again to the floor.

6 MS. PHILLIPS: Now where did he
7 hit you?

8 MS. SOLOMON: On my face.

9 CHAIRPERSON MILLER: I'm sorry,
10 what do you say?

11 MS. SOLOMON: On my face.

12 MS. PHILLIPS: Could you identify
13 in any way this person who hit you in the
14 face?

15 MS. SOLOMON: No.

16 MS. PHILLIPS: All right. And did
17 you say you fell?

18 MS. SOLOMON: I fell to the
19 ground, yes.

20 MS. PHILLIPS: Do the ground?

21 MS. SOLOMON: Yes.

22 MS. PHILLIPS: Back, front? Did

1 you hit your head?

2 MS. SOLOMON: No, I just kind of
3 fell like on my side.

4 MS. PHILLIPS: Okay. And then
5 what happened next?

6 MS. SOLOMON: I got up. Everybody
7 was getting kicked out of the club because it
8 was the end of the night. And there was this
9 altercation that happened so they're just
10 trying to push everybody outside.

11 I got up, realized like, my
12 belongings weren't with me. So I'm trying to
13 look for my purse. I see my necklace across
14 from me. You know, towards the bar area, I go
15 and grab that.

16 As I was doing that Ms. Medhani
17 and Ms. Kiflezghi were also trying to find
18 their belongings. The security guard was
19 telling us to leave.

20 We're telling him if we could just
21 wait like. I was telling him my purse is
22 gone, I just want to look for it. But he

1 said, no. It's not here you have to leave.

2 Ms. Medhani and Ms. Kiflezghi were
3 telling him we can't leave because there are
4 people outside who were just hitting us are
5 waiting for us outside to hit us again.
6 Because, whatever. But he didn't care, he was
7 like, you have to leave. The police are
8 outside so they'll help you, whatever.

9 So we go upstairs and there, right
10 at the door entrance, as soon as walked
11 outside again, they immediately started
12 hitting us.

13 The police were there, I saw the
14 police, but, I mean, it took them, I don't
15 know how long to do anything. I remember the
16 police, one policeman grabbed me. I had two
17 ladies hitting me outside.

18 And I stumbled from the door
19 towards the police car that was on the side of
20 the street or whatever. So the policemen I
21 guess that belonged to that, anyway, a
22 policeman was holding me and I guess somehow

1 got the other ladies off of me.

2 As soon as he let me go I look and
3 I see a crowd, the crowd kind of shifts and I
4 see Seret, Ms. Medhani, on the floor. So I go
5 run to her and she's crying or whatever and
6 I'm trying to console her. Her belongings are
7 completely gone.

8 And then Ms. Kiflezghi comes from,
9 I guess, once the crowd had left her she came
10 out of that crowd. And we're all kind of like
11 frantic. Talking to the police, trying to get
12 them to do something because the people that
13 were hitting us just walked down the street.

14 The policemen weren't doing
15 anything. You know, like trying to hold on to
16 somebody, question anybody, anything. And
17 we're telling them, we're pointing, like
18 they're going, you know, like do something.

19 But they didn't do anything. We
20 were still there talking to the police. One
21 of the ladies that was part of that group came
22 back because she said she left her purse or

1 something inside the venue.

2 They wouldn't let her back in but
3 we were telling the police, this is one of the
4 ladies, can you please question her. Do
5 something about this. They refused.

6 That lady actually started getting
7 aggressive in front of the police. Threw her
8 shoes and wanted to fight us in front of the
9 police. But they still didn't do anything
10 about it.

11 She left, another lady came and
12 said my friend left her purse. Or I left a
13 purse. The first lady was the friend of
14 whoever lost their purse.

15 The actual lady that lost her
16 purse came back said I'm here to get my ID.
17 We were still speaking to the police outside.
18 And we were able to identify her as one of the
19 ladies that was hitting me outside.

20 And they arrested her for, at the
21 moment they said it was because she didn't
22 have an ID to identify herself. But later on

1 she was charged with civil assault.

2 MS. PHILLIPS: Okay. Let me ask
3 you this. Do you know how long you were in
4 the establishment after the first assault
5 incident happened to you before you were
6 ushered, or I didn't get a good feeling how
7 you were exiting the establishment.

8 MR. MPRAS: I object to the
9 commentary.

10 CHAIRPERSON MILLER: Do you want
11 to rephrase the question?

12 MS. PHILLIPS: I haven't even
13 gotten to the end of it. I'm sorry. Usually
14 you get to object after I finish the question.

15 And then if it's objectionable, so
16 I would like to be not interrupted in the
17 middle of my train of thought. I could lose
18 it. The whole train of thought.

19 CHAIRPERSON MILLER: Okay.

20 MR. MPRAS: The whole question is
21 out, the damage is done by then.

22 MS. PHILLIPS: How did you leave

1 the club? You said that you were told to
2 leave. Were you escorted? Were you pushed?
3 Were you led? Tell me how you left the club.

4 MS. SOLOMON: I felt like I was
5 being pushed out of the club. I wanted to
6 look around for my purse. I have a small
7 little purse. It could have been like
8 underneath some chair or table or something.
9 I wanted to look around for the purse at
10 least.

11 My main concern was more so for my
12 belongings than me thinking that there's
13 actually people outside waiting for me.
14 Because I really didn't think that there was
15 going to be people outside waiting.

16 Because I didn't know what was
17 going on indoors for them to be even hitting
18 us. So I didn't expect them to be waiting
19 outside.

20 So I was asking if I could just
21 look for my belongings. But I wasn't allowed
22 to do that. So I felt like I was being pushed

1 to just go.

2 MS. PHILLIPS: Did somebody from
3 the club that you recognized as somebody from
4 the club walk out with you? Or did they just
5 point to the door and say you had to leave?
6 Or some facsimile thereto?

7 MS. SOLOMON: No, they basically
8 just pointed to the door. Because the thing
9 is the club is kind of downstairs, so there's
10 like a flight of stairs that you have to go
11 and then you exit out.

12 So they just wanted to make sure
13 that we were at least at the stairs and
14 leaving. And then after that I didn't see
15 anybody that was from the venue.

16 MS. PHILLIPS: Did you tell
17 somebody that you recognized was from the club
18 that you were missing your belongings?

19 MS. SOLOMON: Yes.

20 MS. PHILLIPS: Did you ask for
21 them to do anything else besides let you stay
22 to look for them?

1 MS. SOLOMON: No. I mean, they
2 weren't even letting me stay to look for it so
3 I didn't think that they could do anything
4 else.

5 MS. PHILLIPS: Did you ask for
6 them to call the police?

7 MS. SOLOMON: Yes, we did. We
8 asked, we wanted to stay there so that we
9 could call the police and, you know, get
10 whatever happened indoors settle before we
11 walked outside. Because we felt like, you
12 know, something happened right there. Why
13 isn't this being reported? Or, you know, like
14 something.

15 I don't know, like we were asking
16 for help either way. Like whatever it was
17 that they could do for us for this incident.
18 We were asking and it was just like, no. Just
19 leave.

20 MS. PHILLIPS: Well, why didn't
21 you call the police?

22 MS. SOLOMON: Indoors?

1 MS. PHILLIPS: Yes.

2 MS. SOLOMON: You couldn't because
3 they were kicking us out.

4 MS. PHILLIPS: No I meant, did you
5 have a cell phone or something?

6 MS. SOLOMON: No.

7 MS. PHILLIPS: I carry my little
8 cell phone.

9 MS. SOLOMON: My cell phone was
10 stolen. It was in my purse.

11 MS. PHILLIPS: Okay. So you were
12 unable to call the police yourself.

13 MS. SOLOMON: Yes.

14 MS. PHILLIPS: So you had to ask
15 for help? Is that fair?

16 MS. SOLOMON: Yes.

17 MS. PHILLIPS: Do you recognize, I
18 think this is one of the owners. Do you
19 recognize anybody here?

20 MS. SOLOMON: No.

21 MS. PHILLIPS: Do you recognize
22 anybody that was affiliated with the club that

1 came into this hearing room?

2 MS. SOLOMON: The security guards
3 that broke up the fight and that was pushing
4 us out, I remember he had dread locks. I
5 don't remember his face. I remember he had
6 dreadlocks.

7 MS. PHILLIPS: Okay. I dodn't
8 remember whether I asked or not. How long did
9 it take between you being assaulted and you
10 leaving the establishment?

11 MS. SOLOMON: Less than five
12 minutes. Maximum five minutes.

13 MS. PHILLIPS: Okay. How long do
14 you recall did it take somebody from the club
15 to come break up the altercation?

16 MS. SOLOMON: I want to say it
17 didn't take that long. It probably was a
18 couple of minutes. It was, yes, maybe a
19 couple of minutes that the fight was going on
20 before somebody came in between me and whoever
21 was hitting me.

22 MS. PHILLIPS: You said you were

1 hit in the face. Were you bleeding?

2 MS. SOLOMON: No, I mean I had a
3 little knot, or a little scratch on my
4 forehead.

5 MS. PHILLIPS: Is it right where
6 you pointed?

7 MS. SOLOMON: Yes.

8 MS. PHILLIPS: Okay. So let the
9 record reflect she's pointing to the left side
10 of her forehead near her hairline.

11 MS. SOLOMON: Yes.

12 MS. PHILLIPS: Did I get it right?

13 MS. SOLOMON: Uh-huh.

14 MS. PHILLIPS: Okay. And you'll
15 have to say yes.

16 MS. SOLOMON: Yes. Sorry.

17 MS. PHILLIPS: Did you tell
18 anybody from the club that you were injured?

19 MS. SOLOMON: No. I mean, we just
20 said we just got in a fight, we were just
21 jumped in the, you just broke the fight up
22 and, you know.

1 CHAIRPERSON MILLER: I'm having
2 trouble hearing. If you could speak up a
3 little louder?

4 MEMBER SILVERSTEIN: If you could
5 describe your injuries again. I didn't hear
6 what you said.

7 MS. SOLOMON: I had like a scratch
8 on my forehead, left side of my forehead.

9 MS. PHILLIPS: And what of
10 possessions were missing or did you realize
11 you were missing before you left the inside of
12 the establishment?

13 MS. SOLOMON: I know I was missing
14 immediately my purse which had my cell phone,
15 my credit cards, my ID and some cash, maximum
16 \$40.

17 MEMBER SILVERSTEIN: Pardon?

18 MS. SOLOMON: Maximum \$40.

19 MS. PHILLIPS: Anything else? You
20 said something about a necklace being.

21 MS. SOLOMON: I found my necklace,
22 yes. It was in the club.

1 MS. PHILLIPS: So I assume without
2 leading you, you wore the necklace around your
3 neck when you walked into club?

4 MS. SOLOMON: Yes.

5 MS. PHILLIPS: And where did you
6 say you found it?

7 MS. SOLOMON: Across, towards the
8 bar area, on the floor.

9 MS. PHILLIPS: Okay. So how many
10 feet or what was the distance from your neck
11 to where you found it?

12 MS. SOLOMON: About four or five
13 feet.

14 MS. PHILLIPS: Okay. Five feet
15 would be nine inches shorter than I am. Is
16 that helpful? I don't know what distance.
17 Can you give a distance from the top of your
18 stand to any of the Board members or me?

19 MR. MPRAS: I would object, she
20 answered the question. You ask for a
21 distance, she said five feet.

22 CHAIRPERSON MILLER: Do you want

1 to answer that Ms. Phillips?

2 MS. PHILLIPS: You can either
3 overrule it or sustain it.

4 CHAIRPERSON MILLER: I'll overrule
5 because she sounded a little tentative so
6 therefore I think that Ms. Phillips was trying
7 to give her a chance to identify further if
8 she needed to.

9 MS. SOLOMON: I would say from
10 here to maybe at the middle of that table.
11 Yes.

12 CHAIRPERSON MILLER: The middle of
13 the licensee's table? Where the licensees are
14 sitting for the record? Okay.

15 MS. PHILLIPS: Thank you. At
16 least everybody now can see how far that is.

17 MS. SOLOMON: Yes.

18 MS. PHILLIPS: All right. And was
19 the necklace broken?

20 MS. SOLOMON: Yes, I repaired it.
21 But yes it was broken.

22 MS. PHILLIPS: So the clasp didn't

1 come undone, it had to break?

2 MS. SOLOMON: Yes.

3 MS. PHILLIPS: Did you feel it
4 being torn from your neck?

5 MS. SOLOMON: No. I mean, I just
6 felt a whole bunch of.

7 MS. PHILLIPS: Right.

8 CHAIRPERSON MILLER: What was the
9 answer to that?

10 MS. SOLOMON: I didn't feel it
11 break, I mean, like at the moment I didn't
12 feel anything besides being --

13 CHAIRPERSON MILLER: Besides being
14 hit?

15 MS. SOLOMON: Hit, yes.

16 CHAIRPERSON MILLER: You have to
17 complete your sentences. Your voice drops at
18 the end so we miss the key word.

19 MS. SOLOMON: Okay.

20 MS. PHILLIPS: They will let you
21 know when they can't hear. I will let you
22 know when I can't hear. Mr. Mpras will let

1 you know if he can't hear. And nobody else
2 needs to, except the court reporter.

3 All right. Did anyone you
4 recognized from the establishment help you up
5 off the floor?

6 MS. SOLOMON: No.

7 MS. PHILLIPS: All right. When
8 you got outside, I'm talking about the minute
9 you stepped through the door, how great a
10 distance did you travel before you were
11 attacked again?

12 MS. SOLOMON: Immediately. As
13 soon as I took one step outside. Actually Ms.
14 Medhani stepped outside first. As soon as she
15 stepped outside is when the group started
16 hitting her and then hitting me and then Ms.
17 Kiflezghi after.

18 MS. PHILLIPS: Okay. Could you
19 recognize any of the people who attacked you
20 inside the club? Were they the same people,
21 could you tell?

22 MS. SOLOMON: They were definitely

1 the same people. I mean I got a good look at
2 the male that hit me, not more so the first
3 group of ladies that were hitting me. But I
4 got a good look at the male that was hitting
5 me.

6 MS. PHILLIPS: Now I'm going to
7 backtrack. The male hit you outside?

8 MS. SOLOMON: No. Indoors.

9 MS. PHILLIPS: The male hit you
10 indoors?

11 MS. SOLOMON: Yes. He was the one
12 that actually the security guard broke us up,
13 he was on my left and he hit me and that's
14 when I fell to the ground.

15 MS. PHILLIPS: Okay. So in other
16 words the security guards broke up, I'm going
17 call it an altercation.

18 MS. SOLOMON: Yes.

19 MS. PHILLIPS: And somebody still
20 hit you in the face after they were present?

21 MS. SOLOMON: Yes.

22 MS. PHILLIPS: And how long, if

1 you can tell me, and if you can't just tell
2 me. How long after the security guards,
3 security personnel, arrived at the bar area
4 before you were hit in the face by this man?

5 MS. SOLOMON: The security guard
6 broke up the fight, or the altercation between
7 me and the ladies. Immediately as he came in
8 and stood in between me and the ladies is when
9 the male hit me.

10 MS. PHILLIPS: All right. These
11 he things are really difficult. So was it the
12 person who hit you? Is that the he that stood
13 between you and the ladies? Or was it the
14 security guard that stood between you and the
15 ladies?

16 MS. SOLOMON: The security guard
17 stood between me and the ladies. And then the
18 male --

19 MS. PHILLIPS: Came from where?

20 MS. SOLOMON: From the left side,
21 and hit me.

22 MS. PHILLIPS: Okay. Behind you?

1 MS. SOLOMON: No, from the left.

2 MS. PHILLIPS: Right beside you?

3 MS. SOLOMON: Right beside me. I
4 think the security guard wasn't facing me. He
5 had his back towards me and pushing the ladies
6 away. Because there was more than one.

7 MS. PHILLIPS: So let me ask you
8 this. You told me about one security
9 personnel who came to break up the fight.
10 Were there more than one?

11 MS. SOLOMON: I remember a second
12 security guard, he didn't break up the fight
13 with me. I don't know if he broke up the
14 fight with Ms. Medhani and Ms. Kiflezghi. But
15 I do remember a second security guard around
16 after. Like when they were telling us to
17 leave. I remember a second security guard
18 being there.

19 MS. PHILLIPS: Okay. So when you
20 were hit by the gentleman after the security
21 guard took the females away from you that
22 security guard was facing the other direction,

1 away from you? Is that correct?

2 MS. SOLOMON: Yes.

3 MS. PHILLIPS: And that was the
4 only one you saw on your immediate vicinity at
5 that time? Is that fair?

6 MS. SOLOMON: Yes.

7 MS. PHILLIPS: Did you ever find
8 out whether the man that hit you in the face
9 was with the women?

10 MS. SOLOMON: Yes, he was.

11 MS. PHILLIPS: He was. How many
12 women attacked you --

13 MS. SOLOMON: Indoors?

14 MS. PHILLIPS: Indoors.

15 MS. SOLOMON: I would say two.

16 MS. PHILLIPS: Two? Did you know
17 either of these two people?

18 MS. SOLOMON: No.

19 MS. PHILLIPS: Had you ever seen
20 them before or since?

21 MS. SOLOMON: No, not even that
22 same night, that night. I didn't see that

1 group of people at all. To be frank, that
2 night I saw a lot of Indian people at that
3 club. And the people that were assaulting us
4 were African-Americans.

5 So I didn't see any, besides me
6 and my friends, we were the only African-
7 Americans in the establishment, that I saw.

8 So this group of people I hadn't
9 seen the whole night. Never met them before.

10 MS. PHILLIPS: All right. So
11 there were two women that attacked you?

12 MS. SOLOMON: Yes.

13 MS. PHILLIPS: And then a security
14 guard came?

15 MS. SOLOMON: Yes.

16 MS. PHILLIPS: And moved them away
17 from you?

18 MS. SOLOMON: Yes. Well, they
19 were still kind of around. He was just
20 standing there, he didn't really move them
21 away. When the male hit me they were still
22 right around.

1 MS. PHILLIPS: What I'm asking
2 you, and I guess I was confusing. When the
3 women were hitting you?

4 MS. SOLOMON: Yes.

5 MS. PHILLIPS: Was it the security
6 guard who moved them away and got them to stop
7 hitting you?

8 MS. SOLOMON: Yes.

9 MS. PHILLIPS: Okay. That's what
10 I was trying to ask you. I'm sorry if I was
11 confusing. And then how long after that
12 happened that the man hit you in the face?

13 MS. SOLOMON: Immediately.

14 MS. PHILLIPS: Immediately. Was
15 he the one that hit you in the face that
16 caused the little injury that you described?
17 Or do you not know?

18 MS. SOLOMON: No, I don't think it
19 was because I felt like his, wherever he hit
20 me was like around my cheek area.

21 MS. PHILLIPS: You don't remember
22 which side in other words. And it doesn't

1 matter if you can't.

2 MS. SOLOMON: I think it was my
3 right, because I was kind of facing him
4 because I was trying to walk away from, like
5 go towards where my friends were so I was
6 walking away from behind the security guard.
7 And when I was going to my left is when he hit
8 me. I believe it was my right.

9 MS. PHILLIPS: Right. Were you on
10 the floor next to the bar when the security
11 guard moved the woman who attacking you away
12 from you?

13 MS. SOLOMON: No, we were opposite
14 the bar. Like Ms. Kiflezghi was at the bar.
15 So I was on the opposite side of room. But,
16 yes I was on the floor.

17 MS. PHILLIPS: Okay. But you were
18 still in the bar area?

19 MS. SOLOMON: Yes.

20 MS. PHILLIPS: And there's
21 apparently a bar.

22 MS. SOLOMON: Yes.

1 MS. PHILLIPS: And I don't know
2 how big it is. And then there's a space, it's
3 called the bar area.

4 MS. SOLOMON: Yes.

5 MS. PHILLIPS: And then there are
6 tables?

7 MS. SOLOMON: Yes.

8 MS. PHILLIPS: So do you remember
9 how big the bar area from the bar to the
10 table? Not in length of the bar, but from the
11 bar at any point to the table?

12 MS. SOLOMON: The same length as
13 where my necklace was. Like the middle of
14 that table to here.

15 MS. PHILLIPS: The middle of
16 respondent's table?

17 MS. SOLOMON: Yes.

18 MS. PHILLIPS: Because you found
19 your necklace under one of the tables?

20 MS. SOLOMON: No, by the bar.

21 MS. PHILLIPS: By the bar. So you
22 were near the table, the necklace went toward

1 the bar?

2 MS. SOLOMON: Yes.

3 MS. PHILLIPS: All right. I've
4 got it.

5 MS. SOLOMON: Sorry.

6 MS. PHILLIPS: That's all right.
7 It's hard when you don't have a picture and
8 diagrams of where you were and all we have to
9 work with is words.

10 MS. SOLOMON: Yes.

11 MS. PHILLIPS: All right. Now did
12 the security guard who came to help you move
13 the women away from you? Were you still on
14 the floor?

15 MS. SOLOMON: Yes.

16 MS. PHILLIPS: So you were on the
17 floor. Were they on top of you?

18 MS. SOLOMON: No.

19 MS. PHILLIPS: All right. So they
20 were just hitting you and you fell?

21 MS. SOLOMON: Yes.

22 MS. PHILLIPS: And he, the

1 security guard was a he?

2 MS. SOLOMON: Yes.

3 MS. PHILLIPS: Moved them away
4 from you?

5 MS. SOLOMON: Yes.

6 MS. PHILLIPS: And he kept them
7 away from you, those two women?

8 MS. SOLOMON: Yes.

9 MS. PHILLIPS: Okay. And then you
10 got yourself up without help, is that right?

11 MS. SOLOMON: Yes.

12 MS. PHILLIPS: And then
13 immediately hit?

14 MS. SOLOMON: Immediately hit by
15 the male and fell.

16 MS. PHILLIPS: Fell again?

17 MS. SOLOMON: Fell again.

18 MS. PHILLIPS: Did somebody that
19 you could identify from the club come to help
20 you then? And take the man away?

21 MS. SOLOMON: No.

22 MS. PHILLIPS: No. How did you

1 get up off the floor?

2 MS. SOLOMON: I got up by myself.

3 MS. PHILLIPS: Okay. And then how
4 long before you left the club after that?

5 MS. SOLOMON: I was in the club
6 like after everything was done, I got up and
7 left within five minutes.

8 MS. PHILLIPS: Okay. Now so, the
9 second time you were on the floor you got up?

10 MS. SOLOMON: Yes.

11 MS. PHILLIPS: And I assume you
12 never went to the floor again?

13 MS. SOLOMON: No. Yes, I never.

14 MS. PHILLIPS: And then you went
15 to look for your belongings?

16 MS. SOLOMON: Yes.

17 MS. PHILLIPS: Is that when you
18 found your necklace?

19 MS. SOLOMON: Yes.

20 MS. PHILLIPS: Did anybody that
21 you identify from the club come to ask you
22 what had happened?

1 MS. SOLOMON: No.

2 MS. PHILLIPS: Were the two women
3 that attacked you and were hitting you, did
4 they ever end up on the floor?

5 MS. SOLOMON: No.

6 MS. PHILLIPS: When they were
7 attacking you?

8 MS. SOLOMON: No.

9 MS. PHILLIPS: Okay. So after you
10 found your necklace, did anyone who identified
11 themselves from the club come to ask you how you
12 were and what happened?

13 MS. SOLOMON: No.

14 MS. PHILLIPS: Did you tell anyone
15 that you identified as being from the club
16 what happened, or that you were missing
17 property?

18 MS. SOLOMON: Yes.

19 MS. PHILLIPS: What did you tell,
20 and do you know who that person was?

21 MS. SOLOMON: I told the security
22 guard with the dreadlocks, who was trying to

1 tell us to leave. That we just got in a
2 fight, or we all told him we got into a fight,
3 we just drunk. And I said I'm missing my
4 purse. I don't have my purse. I'm trying to
5 look for my purse.

6 He didn't care. He said it's not
7 here, go.

8 MS. PHILLIPS: Okay. Did he ask
9 you whether or not you wanted to file a police
10 report?

11 MS. SOLOMON: No.

12 MS. PHILLIPS: Did he ask you if
13 you were hurt?

14 MS. SOLOMON: No.

15 MS. PHILLIPS: When you moved
16 toward going outside the club was there
17 anybody else besides your two friends there
18 still in the club?

19 MS. SOLOMON: No.

20 MS. PHILLIPS: So it was just the
21 three of you?

22 MS. SOLOMON: Yes. We had two

1 male friends with us as well. Sorry.

2 MS. PHILLIPS: Oh, sorry. That's
3 all right. So the five of you were still in
4 the club?

5 MS. SOLOMON: Yes.

6 MS. PHILLIPS: And did you hear
7 anyone ask for anyone identified with the club
8 to call the police?

9 MS. SOLOMON: Yes.

10 MS. PHILLIPS: Do you recall which
11 one?

12 MS. SOLOMON: I can't remember
13 which one of the girls it was but one of them
14 said that they need help and we couldn't go
15 outside. But the security guard said there's
16 police outside on the street so you'll be
17 fine.

18 MS. PHILLIPS: So when you were
19 leaving the club was there a security person
20 following close behind you, or somebody
21 identified from the club, following close
22 behind you?

1 MS. SOLOMON: To the stairs.

2 MS. PHILLIPS: To the stairs but
3 not up the stairs?

4 MS. SOLOMON: No.

5 MS. PHILLIPS: So when you got to
6 the top of the stairs as you were exiting the
7 door was there any people that you identified
8 from the club standing by the door?

9 MS. SOLOMON: No.

10 MS. PHILLIPS: And you went out
11 and you've already told us what happened?

12 MS. SOLOMON: Yes.

13 MS. PHILLIPS: Did you go to the
14 ground more than once when you were outside?

15 MS. SOLOMON: No I didn't go to
16 the ground at all outside.

17 MS. PHILLIPS: Okay. All right.
18 Did more than one person attack you when you
19 were outside?

20 MS. SOLOMON: Yes.

21 MS. PHILLIPS: Were they male,
22 female? Both?

1 MS. SOLOMON: Female.

2 MS. PHILLIPS: Female. Were they
3 the same people?

4 MS. SOLOMON: It was the same
5 group of people but I'm not sure if it was the
6 same two girls.

7 MS. PHILLIPS: Okay.

8 MS. SOLOMON: Because it was a
9 large group of them. I would say about ten in
10 total. Two males that I can remember. And
11 I'm assuming about eight girls.

12 MS. PHILLIPS: All right. Did you
13 take pictures of your injuries?

14 MS. SOLOMON: No.

15 MS. PHILLIPS: I think you gave me
16 something that was yours. Yes. I'm handing
17 you what's marked as Exhibit D. Can you tell
18 me what that is?

19 MS. SOLOMON: This is my card
20 holder dispute form. Like I said, in my purse
21 were my credit cards. And that same night it
22 was, I don't remember what time, it says here.

1 But anyway immediately after that
2 same night, it was probably like 3:00 or 4:00
3 in the morning. 4:00 something in the
4 morning, same night, maybe an hour after the
5 incident, I had a total of \$443.23 that were
6 used on my card. I think there was like one
7 large purchase at Safeway and I think maybe
8 two small purchases.

9 MS. PHILLIPS: I think you can
10 look at Page 2, they seem to be itemized. Is
11 that your, I think I have copies for the
12 Board. Or at least one copy for the Board.

13 CHAIRPERSON MILLER: Okay. Do you
14 have a copy for Mr. Mpras?

15 MR. MPRAS: I have a copy, thank
16 you.

17 MS. PHILLIPS: I gave him copies
18 of all my exhibits so far prior to the
19 beginning of this hearing.

20 CHAIRPERSON MILLER: Okay. Good.

21 MS. PHILLIPS: So the total loss
22 was \$443.42?

1 MS. SOLOMON: Yes.

2 MS. PHILLIPS: When did you call
3 the credit card company, that night? Or
4 sometime later?

5 MS. SOLOMON: I think, it was
6 either that morning when we got back to Ms.
7 Kiflezghi's sister's boyfriend's house. Or
8 the next, Thanksgiving morning. That
9 Thursday, sometime that Thursday.

10 MS. PHILLIPS: Okay. And these
11 charges, is it fair for me to summerize that
12 they occurred before you were able to do that?

13 MS. SOLOMON: Yes.

14 MS. PHILLIPS: Is that fair?

15 MS. SOLOMON: Yes.

16 MS. PHILLIPS: Okay. I move for
17 the admission of Exhibit D into the record
18 please.

19 CHAIRPERSON MILLER: Ms. Walker is
20 making copies so I don't have a copy to see
21 what it is.

22 MS. PHILLIPS: Oh, I just made one

1 for the Board. I have one for her and one for
2 me. And one for him. And you'll get the
3 original when she's finished with it.

4 CHAIRPERSON MILLER: Okay. I need
5 to see it in order to rule.

6 MS. PHILLIPS: If we could not
7 have that happen some more. Have copies made
8 so that it would not happen at the hearing.

9 CHAIRPERSON MILLER: Maybe next
10 time bring copies.

11 MS. PHILLIPS: Well I tried to.

12 CHAIRPERSON MILLER: Okay. We'll
13 work that out.

14 (Off microphone comments)

15 MR. MPRAS: I'm going to object,
16 as to relevance.

17 CHAIRPERSON MILLER: Okay. What's
18 the relevance?

19 MS. PHILLIPS: You know, one of
20 the things that you do in these A23 cases is
21 you look at damages. So like court, you look
22 at what did the agency do? Did they breach

1 any duty they had and were there any damages
2 as a result thereof? So I like to have these
3 things in the record.

4 CHAIRPERSON MILLER: That's the
5 purpose of this argument, the damages?

6 MS. PHILLIPS: No it's the purpose
7 to illustrate that there were damages. I know
8 that you're not going to assess damages.

9 CHAIRPERSON MILLER: Right.

10 MS. PHILLIPS: It's to show that
11 there were consequences to the actions of the
12 club in the District's mind.

13 CHAIRPERSON MILLER: Okay. I will
14 overrule the objection and admit it. This is
15 Government exhibit what?

16 MS. PHILLIPS: D.

17 CHAIRPERSON MILLER: Okay. It
18 doesn't say Government Exhibit D or anything
19 like that. There's a little D at the bottom.

20 MS. PHILLIPS: There's a little D
21 at the bottom. There will be an exhibit
22 sticker and it won't say Government either.

1 But it will say Exhibit D on the official copy
2 for the record which is what she's looking at.

3 CHAIRPERSON MILLER: Okay. All
4 right. Thank you.

5 MS. PHILLIPS: May I continue?
6 Madam Chair, may I continue?

7 CHAIRPERSON MILLER: Yes, please.

8 MS. PHILLIPS: Did you go to the
9 hospital, or the doctors?

10 MS. SOLOMON: No.

11 MS. PHILLIPS: Did you cancel your
12 phone?

13 MS. SOLOMON: Yes.

14 MS. PHILLIPS: Did you ever get
15 the phone back?

16 MS. SOLOMON: No.

17 MS. PHILLIPS: Did you ever get
18 your purse back?

19 MS. SOLOMON: No.

20 MS. PHILLIPS: Did you ever get
21 your ID back?

22 MS. SOLOMON: No.

1 MS. PHILLIPS: And would it be
2 fair to say that you cancelled this credit
3 card?

4 MS. SOLOMON: Yes.

5 MS. PHILLIPS: All right. Did you
6 have any other consequences of this evening as
7 we move forward?

8 MS. SOLOMON: Afterwards I
9 remember being, you know, being kind of scared
10 because they had my ID. So they knew where I
11 lived. And because there was a charge, one of
12 the ladies was arrested that night.

13 I was scared, like maybe, you
14 know, something. You know, they could come to
15 my house or whatever. I was assaulted for no
16 reason so I wouldn't put it past them to
17 possibly come in and look for me possibly. So
18 I was scared.

19 MS. PHILLIPS: Did there come a
20 point in time when you stopped being scared
21 that they were going to come after you?

22 MS. SOLOMON: Yes. I mean, after

1 it didn't happen initially, like within the
2 first month or so. I was still like a little
3 wary of going out. And just kind of always
4 looking around.

5 MS. PHILLIPS: Did you ever go
6 back to this establishment again?

7 MS. SOLOMON: No.

8 MS. PHILLIPS: Is there anything
9 that you feel the Board should know about this
10 incident that I haven't asked you? Because I
11 asked you a lot of questions.

12 MR. MPRAS: I'm going to object,
13 that's an extremely open ended question.

14 CHAIRPERSON MILLER: Okay. What's
15 the rule against open ended questions? I'm
16 just not aware.

17 MS. PHILLIPS: It's only leading
18 that there's a rule against.

19 CHAIRPERSON MILLER: So I'll
20 overrule.

21 MR. MPRAS: The objection is
22 broadness. It's not a question, it's just for

1 a narrative.

2 CHAIRPERSON MILLER: Okay.

3 Overruled. Anything else you want to add?

4 MS. SOLOMON: Nothing to add. I
5 mean, yes, nothing to add I guess.

6 MS. PHILLIPS: I've finished
7 questioning Ms. Solomon.

8 CHAIRPERSON MILLER: All right.
9 Mr. Mpras, do you have cross?

10 MR. MPRAS: I do, thank you.

11 CHAIRPERSON MILLER: Okay.

12 MR. MPRAS: Ms. Solomon, good
13 afternoon.

14 MS. SOLOMON: Good afternoon.

15 MR. MPRAS: Just to go over your
16 initial testimony. You stated that you left
17 your apartment and met up with your friends at
18 approximately 10:30, is that correct?

19 MS. SOLOMON: About, yes.

20 MR. MPRAS: Okay. And then your
21 first stop was at your sisters.

22 MS. SOLOMON: Friends sister.

1 MR. MPRAS: Your friend's sister's
2 boyfriend's apartment?

3 MS. SOLOMON: Yes.

4 MR. MPRAS: Okay. You were there
5 for a period, is that correct?

6 MS. SOLOMON: Yes, about two
7 hours.

8 MR. MPRAS: Okay. And during that
9 two hour period you consumed two alcoholic
10 beverages?

11 MS. PHILLIPS: Objection,
12 misstates testimony.

13 CHAIRPERSON MILLER: I think
14 that's a question. Is that a question?
15 You're asking if that's correct?

16 MR. MPRAS: I am. Did you
17 previously state that you consumed two
18 alcoholic beverages while there?

19 MS. SOLOMON: No. I wasn't sure
20 if I did. If I did though it would have been
21 next to --

22 MR. MPRAS: But you did consume

1 alcohol?

2 MS. SOLOMON: That night, yes.

3 But I'm not sure if it was prior to getting to
4 the place.

5 MR. MPRAS: So you're not sure you
6 consumed prior to the venue or after reaching
7 the venue, is that right?

8 MS. SOLOMON: No, after reaching
9 the venue I did.

10 MR. MPRAS: Okay.

11 MS. SOLOMON: But prior to the
12 venue I don't remember.

13 MR. MPRAS: Okay. That was a long
14 time ago, is your memory a little fuzzy about
15 some of the details?

16 MS. SOLOMON: I mean that was
17 fuzzy. But I remember the actual incident and
18 after that. But prior to the incident, no.

19 MR. MPRAS: Prior to the incident
20 you don't remember but after the incident you
21 do?

22 MS. SOLOMON: Yes. I remember the

1 actual incident and what happened. But I
2 don't remember if I drank at my friend's house
3 or not.

4 MR. MPRAS: Now when you're at the
5 bar you stated you saw two females next to
6 your friend?

7 MS. SOLOMON: Yes.

8 MR. MPRAS: And then you stated
9 that you were assaulted as you approached your
10 friend and those two females?

11 MS. SOLOMON: Yes.

12 MR. MPRAS: Do you know the reason
13 why?

14 MS. SOLOMON: No. I mean, there
15 no reason, because I had no interaction with
16 anybody. I took one little step forward.

17 MR. MPRAS: Who did you have
18 interaction with that evening? After entering
19 the venue?

20 MS. SOLOMON: Just my friends. I
21 didn't speak to anybody besides the bartender
22 and my friends that was the only people I

1 spoke to.

2 MR. MPRAS: Did you witness your
3 friends have any interaction with other people
4 there?

5 MS. SOLOMON: No.

6 MR. MPRAS: Now, have you ever
7 been involved in an altercation like this
8 before?

9 MS. SOLOMON: No.

10 MR. MPRAS: So, first time?

11 MS. SOLOMON: First time.

12 MR. MPRAS: Okay.

13 MS. PHILLIPS: Belated objection
14 to that question.

15 CHAIRPERSON MILLER: She's
16 answered do you want to put on the record?

17 MS. PHILLIPS: I just want the
18 objection in there. I just didn't get it out
19 fast enough.

20 CHAIRPERSON MILLER: For what
21 reason?

22 MS. PHILLIPS: It's not relevant

1 if she's been in an assault situation before.
2 That's not relevant, what is this a conduct
3 case?

4 MR. MPRAS: No.

5 MS. PHILLIPS: It's not a conduct
6 case. It was I was assaulted one time,
7 nothing before or after is relevant.

8 MR. MPRAS: This goes to
9 perception. Perception of time varies when
10 you're in the middle of a hurried and frenzied
11 situation such as assault. As opposed to not.
12 It's not going to the conduct of the
13 individual.

14 MS. PHILLIPS: I still object.

15 CHAIRPERSON MILLER: Okay.

16 MS. PHILLIPS: But the answer is
17 in the record.

18 MR. MPRAS: So when this happened
19 approximately how long did this last? Or did
20 you feel it lasted?

21 MS. SOLOMON: Less than five
22 minutes. It wasn't a very long fight.

1 MR. MPRAS: So people were
2 striking you continuously for five minutes?

3 MS. SOLOMON: No, no. When it
4 started to by the time the security guard came
5 and broke it up it was probably max five
6 minutes.

7 MR. MPRAS: Maximum?

8 MS. SOLOMON: Yes.

9 MR. MPRAS: Could it have been
10 quicker than that?

11 MS. SOLOMON: Quicker than five
12 minutes? It could have been three minutes, I
13 don't know.

14 MR. MPRAS: So this assault on
15 your person stopped when security came and
16 intervened, is that correct?

17 MS. SOLOMON: Yes.

18 MR. MPRAS: Okay. And what did
19 security do with the aggressors?

20 MS. SOLOMON: He was kind of
21 holding them back a little bit. And told them
22 to leave the club.

1 MR. MPRAS: Did they leave?

2 MS. SOLOMON: Yes.

3 MR. MPRAS: Now immediately after
4 they left did you begin looking for your
5 belongings?

6 MS. SOLOMON: Yes. I mean like,
7 because it was kind of like two parts inside.
8 The security guard broke up the altercation
9 between me and the ladies. And then the male
10 hit me, I fell down and then got up. Then I
11 started looking for my stuff.

12 MR. MPRAS: Did you identify this
13 male to security? Or was he present when you
14 were looking for your items?

15 MS. SOLOMON: No they were gone.

16 MR. MPRAS: They were gone, okay.
17 And approximately how long were looking for
18 your items?

19 MS. SOLOMON: It wasn't long. I
20 would say a minute or two. Yes, a minute or
21 two, I didn't get a chance to really look.

22 MR. MPRAS: Okay. All right. And

1 then from there. After you looked for your
2 items and you said that you felt like you were
3 being pushed out of the club at that point.

4 Is that correct?

5 MS. SOLOMON: Yes.

6 MR. MPRAS: Did anybody actually
7 physically touch you, push you?

8 MS. SOLOMON: No.

9 MR. MPRAS: Maybe hurried or
10 rushed a little bit?

11 MS. SOLOMON: Yes, definitely
12 hurried and rushed, yes.

13 MR. MPRAS: But no physical
14 contact?

15 MS. SOLOMON: No.

16 MR. MPRAS: When you walked to the
17 top of the stairs and exited the venue, were
18 the police present?

19 MS. SOLOMON: They were on the
20 street, not right at the door of the venue.
21 They were kind of --

22 MR. MPRAS: And how far would you

1 say away from you they were? They were
2 present you said in the street. So how far
3 from you, from the doorway approximately?

4 MS. SOLOMON: From the door. From
5 that wall. I mean, it wasn't close enough but
6 they could still see. I don't know how many
7 feet it is from the door to the actual
8 sidewalk.

9 MR. MPRAS: And how many officers
10 were there?

11 MS. SOLOMON: There were quite a
12 few. I don't remember, I remember about three
13 talking to us after everything was said and
14 done.

15 MR. MPRAS: Yes.

16 MS. SOLOMON: But then there were
17 more that came after the incident was over.

18 MR. MPRAS: Okay.

19 MS. SOLOMON: It's kind of a busy
20 area so there's always cops out in the street.

21 MR. MPRAS: So when you exited you
22 said you were assaulted by the same females

1 from inside, or you're unsure?

2 MS. SOLOMON: I'm not sure.

3 MR. MPRAS: You're not sure, okay.

4 How long, did the police intervene?

5 MS. SOLOMON: That seems like it
6 could have been five minutes.

7 MR. MPRAS: Really?

8 MS. SOLOMON: Yes.

9 MR. MPRAS: Okay. So there were
10 police there. You said they could see you?

11 MS. SOLOMON: Yes, I'm sure they
12 could see.

13 MR. MPRAS: And it took them five
14 minutes to intervene?

15 MS. SOLOMON: Yes.

16 MR. MPRAS: Okay. When they
17 eventually did intervene could you tell me
18 what they did?

19 MS. SOLOMON: Nothing. I mean,
20 one policeman intervened with me and the two
21 ladies that were hitting me. But as soon as
22 they got them off of me I walked off. He

1 didn't say anything to me or ask me to speak
2 to him or anything. I walked off and found my
3 friend on the floor so I walked to her.

4 MR. MPRAS: So as soon as
5 separated you just went on your own to find
6 your friend?

7 MS. SOLOMON: Yes, and she was in
8 front of me.

9 MR. MPRAS: And after you found
10 your friend did you proceed to leave the area?
11 At that time?

12 MS. SOLOMON: No, we stayed.

13 MR. MPRAS: And what did you do
14 when you stayed?

15 MS. SOLOMON: We stayed and we
16 were trying to get the police to do something
17 about the incident. You know, we were
18 assaulted indoors and outdoors so we were
19 trying to get something to be done.

20 We were pointing to the people
21 that were doing it. And telling them that
22 they're walking away. Please do something.

1 And they didn't do it.

2 MR. MPRAS: And you said they did
3 not do anything?

4 MS. SOLOMON: They did not do
5 anything.

6 MR. MPRAS: In your earlier
7 testimony you mentioned that someone was
8 arrested?

9 MS. SOLOMON: Yes.

10 MR. MPRAS: Okay. When did that
11 happen?

12 MS. SOLOMON: That happened, it
13 was probably a half an hour or so after the
14 incident outdoors ended. We were still there
15 talking to the police and explaining whatever
16 was going down. They were trying to calm us
17 down.

18 MR. MPRAS: So could that be
19 around 2:30 a.m.?

20 MS. SOLOMON: Yes.

21 MR. MPRAS: So how long were you
22 outside before they took any police action?

1 MS. SOLOMON: Like arresting her?

2 MR. MPRAS: Yes.

3 MS. SOLOMON: I would say half an
4 hour.

5 MR. MPRAS: Half an hour?

6 MS. SOLOMON: Yes.

7 MR. MPRAS: Okay. So another half
8 an hour, so that was at 3:30. So basically if
9 you were out there half an hour and they took
10 police action approximately 3:30 that means
11 you exited the venue at approximately 3:00
12 a.m., is that correct?

13 MS. SOLOMON: Yes.

14 MR. MPRAS: Okay. Now in your
15 earlier testimony you said the fight broke out
16 at approximately 2:30 a.m. Is that correct?

17 MS. SOLOMON: No, I said we
18 probably at the venue for about two hours.
19 But the venue was closing, it was the end of
20 the night. So it happened, I'm not sure what
21 time the venue ends. I'm assuming like
22 regular other venues, it's around 3:00 a.m.

1 So I guess, yes, between 2:30 and 3:00 a.m. is
2 when it occurred.

3 MR. MPRAS: Okay. So then with
4 that large a period of time that's a half an
5 hour. Where it could have occurred between
6 2:30 and 3:00. Isn't it possible you were at
7 the venue longer than 15 minutes after the
8 other people were escorted out?

9 MS. SOLOMON: Definitely not
10 longer than that. I mean around that time at
11 all.

12 MR. MPRAS: Did the police offer
13 you any medical attention?

14 MS. SOLOMON: I think they asked
15 if we wanted an ambulance and stuff but I
16 didn't need it personally.

17 MR. MPRAS: So you did not get
18 attended or get medical treatment?

19 MS. SOLOMON: Yes.

20 MR. MPRAS: Did you file a police
21 report for your stolen items?

22 MS. SOLOMON: Yes. My phone I

1 didn't, no.

2 MR. MPRAS: The only report filed
3 was for the assault?

4 MS. SOLOMON: Yes.

5 MR. MPRAS: The individual that
6 was arrested. Is that correct?

7 MS. SOLOMON: Yes.

8 MR. MPRAS: Now you stated that
9 there was \$443.42 that was charged to your
10 credit card?

11 MS. SOLOMON: Yes.

12 MR. MPRAS: Were you responsible
13 for paying those charges?

14 MS. SOLOMON: No, I was refunded.
15 My money was.

16 MR. MPRAS: All right. So you did
17 not suffer any damage at least as to the use
18 of your credit card?

19 MS. SOLOMON: No.

20 MR. MPRAS: And have you suffered
21 any permanent physical damage as a result?

22 MS. SOLOMON: No.

1 MR. MPRAS: Since you look good.

2 No further questions. Thank you very much.

3 MS. SOLOMON: You're welcome.

4 CHAIRPERSON MILLER: Okay. Thank
5 you. Are there Board questions? Mr. Brooks?

6 MEMBER BROOKS: Yes, thank you,
7 Madam Chair. Hello, Ms. Solomon.

8 MS. SOLOMON: Hello.

9 MEMBER BROOKS: Had you ever been
10 to that bar before?

11 MS. SOLOMON: Yes.

12 MEMBER BROOKS: You have?

13 MS. SOLOMON: Yes.

14 MEMBER BROOKS: How many times
15 approximately?

16 MS. SOLOMON: It was under a
17 different name. So in probably like in 2007
18 or so.

19 MEMBER BROOKS: So about four
20 years prior to 2011?

21 MS. SOLOMON: Yes.

22 MEMBER BROOKS: Okay. And did you

1 ever find out what caused the commotion? And
2 what caused the fight?

3 MS. SOLOMON: No. We still don't
4 know to this day what happened and why the
5 fight even occurred.

6 MEMBER BROOKS: So did you all
7 leave together and call a cab back to
8 Virginia, is that where you live?

9 MS. SOLOMON: Yes.

10 MEMBER BROOKS: And in discussing
11 it and reliving the events in the following
12 days and weeks in discussing it. You still
13 could not figure out the start of it?

14 MS. SOLOMON: Still could not
15 figure it out, no. Because the only reason
16 why I was aware of something that was going on
17 was because Ms. Medhani had confused look on
18 her face.

19 Because there were two females
20 arguing on the sides of her. And she assumed
21 that they were fighting amongst each other.
22 When she initially got hit she thought they

1 were trying to hit each other and she just got
2 in the way of it.

3 It wasn't until I think she said
4 the second person starting hitting her that
5 she realized she was the one being assaulted,
6 or the intent.

7 MEMBER BROOKS: Okay. And how
8 long were you there?

9 MS. SOLOMON: In the club?

10 MEMBER BROOKS: Yes, before the
11 fight?

12 MS. SOLOMON: Max, two hours.

13 MEMBER BROOKS: Two hours. And
14 approximately how many drinks did you have
15 within those two hours?

16 MS. SOLOMON: One for sure, two
17 maybe.

18 MEMBER BROOKS: And was the bar
19 crowded at the time you were there?

20 MS. SOLOMON: No. There was
21 enough people in the club that it wasn't empty
22 at all. But it wasn't crowded.

1 MEMBER BROOKS: Okay. Thank you,
2 Madam Chair, that's all I have.

3 CHAIRPERSON MILLER: Okay. Mr.
4 Alberti, did you have questions?

5 MEMBER ALBERTI: Yes. I notice
6 you're wearing glasses today. Were you
7 wearing glasses that evening?

8 MS. SOLOMON: No.

9 MEMBER ALBERTI: Just curious, you
10 haven't been there since 2007, this is the
11 first time since 2007. Why did you chose this
12 establishment that evening?

13 MS. SOLOMON: It was actually
14 another friend of ours that wasn't out with us
15 that night that suggested we go there.
16 Because I think he knew the promoter or
17 something. That was promoting the party I
18 guess that night there. That's the only
19 reason why we went.

20 MEMBER ALBERTI: What was going on
21 that night, do you know?

22 MS. SOLOMON: I don't know.

1 MEMBER ALBERTI: You described it
2 as a party.

3 MS. SOLOMON: To me it was just a
4 regular club night.

5 MEMBER ALBERTI: Was there a DJ?

6 MS. SOLOMON: Yes, there was a DJ.

7 MEMBER ALBERTI: Let's start with
8 you noticing that your friend looked confused.

9 MS. SOLOMON: Yes.

10 MEMBER ALBERTI: Two women on
11 either side of her. And you said you stepped
12 forward?

13 MS. SOLOMON: Yes.

14 MEMBER ALBERTI: The next thing
15 that happened when you stepped forward was
16 what?

17 MS. SOLOMON: I was getting
18 assaulted.

19 MEMBER ALBERTI: What's that mean?

20 MS. SOLOMON: I was, people were
21 punching me in the face.

22 MEMBER ALBERTI: Okay. And that

1 was, you know who it was? Men, women?

2 MS. SOLOMON: Two women.

3 MEMBER ALBERTI: Two women, the
4 same two women that were on the other side of
5 your friend?

6 MS. SOLOMON: No, not the same two
7 women.

8 MEMBER ALBERTI: Do you know where
9 they came from?

10 MS. SOLOMON: No.

11 MEMBER ALBERTI: Which direction
12 they came from I mean?

13 MS. SOLOMON: Oh when they were
14 hitting me?

15 MEMBER ALBERTI: Yes.

16 MS. SOLOMON: From my right.

17 MEMBER ALBERTI: You testified a
18 couple times it was like two minutes before
19 the -- let me back up. So they're hitting you
20 and what are you doing?

21 MS. SOLOMON: I'm trying to
22 protect myself. Trying to protect my face.

1 MEMBER ALBERTI: Was there any
2 pause in that relay?

3 MS. SOLOMON: No.

4 MEMBER ALBERTI: Just continuous?

5 MS. SOLOMON: Yes.

6 MEMBER ALBERTI: Until, was it
7 continuous until the security guard stepped
8 in?

9 MS. SOLOMON: Yes.

10 MEMBER ALBERTI: So how long do
11 you think they were hitting you?

12 MS. SOLOMON: Punching me?

13 MEMBER ALBERTI: Before the
14 security guards stepped in?

15 MS. SOLOMON: Two or three
16 minutes. It wasn't, I mean it seemed long.
17 But I would say that from the time that it
18 started and by the time the security guard
19 broke us up it was, we were separated --

20 MEMBER ALBERTI: Somebody hit you,
21 did you step back?

22 MS. SOLOMON: Yes, I stepped back.

1 And I put my hands up to protect my face.

2 MEMBER ALBERTI: Did they come
3 forward after you?

4 MS. SOLOMON: Yes.

5 MEMBER ALBERTI: How far did you
6 retreat?

7 MS. SOLOMON: A couple of steps
8 back. Because I was pretty much at like where
9 there were tables and seating areas. There
10 was not much room for me to go anywhere else.

11 MEMBER ALBERTI: So then the
12 security guards intervene, is that right?

13 MS. SOLOMON: Yes.

14 MEMBER ALBERTI: And you said you
15 were then hit?

16 MS. SOLOMON: Yes.

17 MEMBER ALBERTI: By the male. Is
18 that correct?

19 MS. SOLOMON: Yes.

20 MEMBER ALBERTI: And you fell to
21 the ground?

22 MS. SOLOMON: Yes.

1 MEMBER ALBERTI: Before that. Did
2 you notice, the security guard stepped in to
3 intervene when you were getting hit. Did you
4 notice any other, were you aware that there
5 were any other security guards in the
6 vicinity?

7 MS. SOLOMON: No.

8 MEMBER ALBERTI: You weren't,
9 okay. So you get hit, you go down, you stand
10 up and what's the next thing that happens?

11 MS. SOLOMON: I stand up, as soon
12 as I stand up and I'm trying to leave, like
13 trying to get away from behind the security
14 guard, I get hit again by that male. And then
15 I fall again.

16 MEMBER ALBERTI: When you went
17 down did you just bounce right back up? I
18 mean you're young and strong, did you just
19 bounce right back up?

20 MS. SOLOMON: Yes. It took me
21 like a second because I was a little shocked,
22 you know? But yes, I got right back up.

1 MEMBER ALBERTI: But did you have
2 to compose yourself on the ground?

3 MS. SOLOMON: Yes.

4 MEMBER ALBERTI: Pardon?

5 MS. SOLOMON: Yes.

6 MEMBER ALBERTI: How long do you
7 think you were on the ground?

8 MS. SOLOMON: Only seconds, like
9 maybe 30 seconds or so.

10 MEMBER ALBERTI: Okay. You get
11 back up and you're trying to get away. And
12 what happened next?

13 MS. SOLOMON: After the male hit
14 me you mean?

15 MEMBER ALBERTI: Yes.

16 MS. SOLOMON: By that time most
17 people had already left the club, yes, I would
18 say most of them had already left the club.
19 So I got up, realized I didn't have any of my
20 belongings.

21 Found my necklace across from me,
22 picked that up and I was trying to look around

1 on the ground for my purse. Telling the
2 security guard I lost my purse, I'm trying to
3 look for it.

4 MEMBER ALBERTI: Okay. I'm
5 confused. Let's step back a second. Because
6 somewhere in here and maybe I'm mistaken, I
7 thought you said you were hit twice.

8 MS. SOLOMON: I was.

9 MEMBER ALBERTI: And you hit the
10 ground twice?

11 MS. SOLOMON: Yes.

12 MEMBER ALBERTI: Okay. So I only
13 heard once.

14 MS. SOLOMON: Okay.

15 MEMBER ALBERTI: Okay. So the
16 security guard intervenes the first time?

17 MS. SOLOMON: Yes.

18 MEMBER ALBERTI: You're hit, you
19 go down and you stand up, what happens next?

20 MS. SOLOMON: And then that was
21 it. Well, the security guard, the reason why
22 he came was because I was getting hit by those

1 two females.

2 So when he came he broke up that
3 fight. That was one, the first.

4 MEMBER ALBERTI: Okay.

5 MS. SOLOMON: And then I got up
6 after he intervened, when I got up is when I
7 got hit the second time, by the male.

8 MEMBER ALBERTI: You went down
9 after being hit by the female?

10 MS. SOLOMON: Yes.

11 MEMBER ALBERTI: Oh, now I
12 understand. This is interesting. Okay.
13 Gives me a clearer picture of what's going on.
14 Okay. In that melee with the females you went
15 down?

16 MS. SOLOMON: Yes. Well, really
17 when the security guard came he kind of had to
18 get in between us, I think he kind of like
19 bumped me and that's why I fell.

20 MEMBER ALBERTI: Okay.

21 MS. SOLOMON: It wasn't
22 necessarily the girls pushing me down or

1 something.

2 MEMBER ALBERTI: Okay. So then
3 you get hit by that male, you stand up. And
4 what the security guard doing after you stand
5 up?

6 MS. SOLOMON: He's telling us to
7 leave.

8 MEMBER ALBERTI: Tell who to
9 leave?

10 MR. WATSON: Me and my friends.
11 Well he's telling everybody in the club to
12 leave. But he's also including us.

13 MEMBER ALBERTI: Where are the
14 girls who assaulted you at this time?

15 MS. SOLOMON: I think, the girls
16 had left or were leaving at least. They
17 weren't around me for sure.

18 MEMBER ALBERTI: Okay. So when
19 you stood up you didn't see them around you?
20 Is that what I'm hearing?

21 MS. SOLOMON: Yes, I don't
22 remember seeing them around me.

1 MEMBER ALBERTI: When you started
2 looking for your items, your personal items,
3 how many security guards were around you?

4 MS. SOLOMON: I remember one for
5 sure. But I remember another one around as
6 well. A second security guard around.

7 MEMBER ALBERTI: I assume that you
8 were pretty insistent in you telling them.
9 Were you insistent about getting your items
10 back?

11 MS. SOLOMON: Yes.

12 MEMBER ALBERTI: How did they
13 prevent you from doing that?

14 MS. SOLOMON: Well I asked them,
15 because they were trying to tell us to leave.
16 They were like the club is over. You have to
17 leave.

18 And I was being insistent about
19 looking for stuff. My purse is missing. My
20 purse is gone, I'm trying to look for, let me
21 just give a second to look for it and he said,
22 no. It's not here you have to leave.

1 MEMBER ALBERTI: So just verbally
2 he was ordering you leave? And you were
3 following his verbal command?

4 MS. SOLOMON: Right, he was kind
5 of ushering us out. Like trying to make sure
6 that you didn't go further into the club, like
7 behind him.

8 MEMBER ALBERTI: He was using his
9 body to interfering with progress in that
10 direction?

11 MS. SOLOMON: Yes.

12 MEMBER ALBERTI: How did you
13 describe the security guards? I mean, when it
14 happened you said you talked to them about it.
15 How did you describe them. What voice did you
16 use?

17 MS. SOLOMON: I personally, my
18 main concern was my belongings. The fact that
19 my purse was stolen. And I was trying to look
20 for that. So I didn't really say anything to
21 him about the fight. Ms. Kiflezghi and Ms.
22 Medhani were talking to him about the fight.

1 You know, saying like we just got jumped and
2 whatever.

3 MEMBER ALBERTI: But did you hear
4 that conversation?

5 MS. SOLOMON: Yes.

6 MEMBER ALBERTI: What words were
7 they using? Are they saying we had a fight?
8 How were they describing it?

9 MS. SOLOMON: Well, they were
10 saying we got jumped. We just got jumped. We
11 just got jumped.

12 MEMBER ALBERTI: And that's the
13 way they described it?

14 MS. SOLOMON: Yes. Like we need
15 to call the police, we need help, whatever.
16 he was saying, you have to leave. And they
17 told him we can't leave, or actually they said
18 we can't leave because they're outside.

19 MEMBER ALBERTI: How did you know
20 they were outside?

21 MS. SOLOMON: I didn't know,
22 that's what they were saying. But I had no

1 idea that they would be outside.

2 MEMBER ALBERTI: But your friends
3 were saying that they were outside?

4 MS. SOLOMON: I guess they just
5 assumed. But they wouldn't have known.

6 MEMBER ALBERTI: But they did say
7 that? You heard them say that to security,
8 that they were waiting outside for them?

9 MS. SOLOMON: Yes.

10 MEMBER ALBERTI: Okay. I have no
11 further questions.

12 CHAIRPERSON MILLER: Okay.
13 Others? I just have a couple quick questions
14 for you just to clarify your testimony with
15 respect to the way you were treated by the
16 security at this establishment. Could you
17 just articulate again what you think they did
18 that was wrong or harmful to you?

19 MS. SOLOMON: I would have wished
20 that they would have allowed us to take a
21 second to just regroup or whatever. Because
22 we just got into a fight that we had no idea

1 what was going on.

2 There was no verbal altercation.

3 There was no interaction with these people.

4 So we were confused. We were shocked,
5 whatever.

6 So I would have liked if they had
7 let us breathe for a second, allowed me to
8 look for my purse. Allowed us to call the
9 police if anything.

10 You know, instead of just ushering
11 us out like we literally felt like we were
12 being kicked out. And unfortunately Ms.
13 Medhani and Ms. Kiflezghi were right that
14 those people were waiting for us outside.

15 So I felt like they didn't care.
16 I mean, I'm sure, fights happen all the time
17 at clubs so I can understand. But it's like
18 they didn't care. And they just pushed us out
19 into another assault, which was even worse
20 than in the bar.

21 CHAIRPERSON MILLER: Thank you.

22 And then when you were pushed out there was

1 the police in the street and there was
2 security inside. And this is a question. If
3 I understand you correctly neither one came to
4 your assistance?

5 MS. SOLOMON: One policeman did
6 come to my assistance eventually. But again,
7 I felt like it took maybe five minutes for him
8 to do anything.

9 CHAIRPERSON MILLER: Was the door
10 closed so the security wasn't even there any
11 more? Or were they there?

12 MS. SOLOMON: I don't remember, I
13 mean, we walked outside. And there was no
14 security guard by the door. So I'm not sure
15 when the doors were closed but the next time
16 I looked, after the incident outside was over,
17 the doors were closed.

18 CHAIRPERSON MILLER: Okay. Thank
19 you. All right. Any other Board questions?

20 MS. PHILLIPS: I have a few.

21 CHAIRPERSON MILLER: Okay. You
22 answered Mr. Alberti's question about glasses.

1 Were you like not wearing your glasses? Or do
2 you wear contacts?

3 MS. SOLOMON: Contacts.

4 MS. PHILLIPS: So that night you
5 were wearing contacts?

6 MS. SOLOMON: Yes.

7 MS. PHILLIPS: I wasn't like you
8 couldn't see because you weren't wearing you
9 glasses?

10 MS. SOLOMON: Yes.

11 MS. PHILLIPS: I thought I'd clear
12 that up. And I can't remember who asked you
13 but there a particular reason why you didn't
14 do a police report about your stolen items?

15 MS. SOLOMON: No. I don't know
16 why I didn't. I just didn't think of it.

17 MS. PHILLIPS: Right. When you
18 were involved in the altercation where people
19 attacked you. Is that a fair summary of what
20 you told everybody?

21 MS. SOLOMON: Yes.

22 MS. PHILLIPS: You said you put

1 your hands up to protect yourself?

2 MS. SOLOMON: Yes.

3 MS. PHILLIPS: Did all the blows
4 then land on your arms not your face?

5 MS. SOLOMON: No, there were blows
6 that hit my face as well. But then like after
7 I realized what was going on and I put my
8 hands up.

9 MS. PHILLIPS: Then they hit your
10 arms?

11 MS. SOLOMON: Yes.

12 MS. PHILLIPS: Okay. Were your
13 arms bruised?

14 MS. SOLOMON: Yes. Like the next
15 day I could feel, you know, soreness.

16 MS. PHILLIPS: Right. You said
17 something about the bartender. Did the
18 bartender and you interact in any way after
19 punches were thrown?

20 MR. MPRAS: I object. Cross can
21 only be at the Boards questions.

22 CHAIRPERSON MILLER: That's true,

1 it's beyond the scope.

2 MS. PHILLIPS: Well somebody asked
3 about the bartender. It can't be only about
4 the Boards questions. It has to be his
5 questions. So he asked about the bartender.
6 I wrote it down and I circled it.

7 MR. MPRAS: I didn't ask her about
8 the bartender.

9 CHAIRPERSON MILLER: You do get
10 redirect.

11 MS. PHILLIPS: All right.

12 CHAIRPERSON MILLER: Well if you
13 want to explain it a little further, somebody
14 asked about the bartender?

15 MS. PHILLIPS: I thought I heard
16 somebody asking about the bartender. So I
17 wanted to clear it up. So if everybody is
18 saying nobody asked about the bartender. Well
19 then I won't ask a question.

20 CHAIRPERSON MILLER: Okay. I
21 don't think any of us remember the bartender.

22 MS. PHILLIPS: I can't remember

1 all what was asked.

2 MEMBER ALBERTI: Someone asked
3 what she was doing the rest of the evening.
4 Who she interacted with.

5 CHAIRPERSON MILLER: Oh, there you
6 go, that's right.

7 MEMBER ALBERTI: Was that you Mr.
8 Mpras?

9 MR. MPRAS: I didn't ask about the
10 bartender, I asked who she interacted with.

11 CHAIRPERSON MILLER: That's right,
12 she said bartender.

13 MEMBER ALBERTI: She said
14 bartender, so I think it's out there.

15 CHAIRPERSON MILLER: Thank you,
16 Mr. Alberti.

17 MS. PHILLIPS: I have it circled
18 on my paper but I don't remember.

19 CHAIRPERSON MILLER: All right.
20 then I'll overrule that, go ahead.

21 MS. PHILLIPS: After blows were
22 coming your direction at any point in time did

1 the bartender talk to you about this fight or
2 anything?

3 MS. SOLOMON: No. Nobody did.

4 MS. PHILLIPS: Okay. All right.

5 And then I have no questions.

6 CHAIRPERSON MILLER: Okay.

7 MR. MPRAS: I have a few, ma'am.

8 CHAIRPERSON MILLER: All right.

9 MR. MPRAS: Do you know
10 approximately how many times you were hit?

11 MS. SOLOMON: No, it was a lot.

12 MR. MPRAS: Did you fight back at
13 all?

14 MS. SOLOMON: I tried, I don't
15 know if I connected to anything. But I had my
16 hands up and kind like pushed stuff away.

17 MR. MPRAS: As best as you could.

18 MS. SOLOMON: Yes.

19 MR. MPRAS: Could you see your
20 friends or what was happening to them
21 throughout the struggle?

22 MS. SOLOMON: Yes, as soon as I

1 was getting hit and the security guard kind of
2 stopped my fight I knew that Ms. Medhani was
3 also in a fight. I knew that we were fighting
4 around the same time.

5 MR. MPRAS: My question is whether
6 you were defending yourself. You had your
7 hands up and were able to see your friends?

8 MS. SOLOMON: No.

9 MR. MPRAS: Was the music on when
10 this happened?

11 MS. SOLOMON: I don't remember.

12 MR. MPRAS: Were the lights bright
13 or dark?

14 MS. SOLOMON: When the incident
15 first started the light were a little dim.
16 After the incident the lights were on.

17 MR. MPRAS: Could it be that when
18 the incident was discovered they raised the
19 lights?

20 MS. SOLOMON: It's possible but it
21 also was the end of the night.

22 MR. MPRAS: Do you know where the

1 bartender was, was he in the bar when all this
2 happened?

3 MS. SOLOMON: No.

4 MR. MPRAS: So it's possible the
5 bartender may not have seen the altercation
6 when it started?

7 MS. SOLOMON: I have no idea.

8 MR. MPRAS: Okay. And are you
9 able to identify any or all of the security
10 guards if you were to see them right now, who
11 were working that night?

12 MS. SOLOMON: No. The only thing
13 I can identify about the security guard that
14 broke up the fight between me and the two
15 ladies. And the one that was kicking us out.
16 The only thing I remember is that he had
17 dreadlocks.

18 MR. MPRAS: But you don't know
19 what any of the security individuals looked
20 like?

21 MS. SOLOMON: No.

22 MR. MPRAS: So when you were

1 outside someone from security could have been
2 there but you would not have recognized him,
3 is that correct?

4 MS. SOLOMON: No I wouldn't
5 recognize him today. That night I would have
6 remembered their face.

7 MR. MPRAS: How many security
8 people were there total?

9 MS. SOLOMON: I remember two from
10 that night.

11 MR. MPRAS: Only two?

12 MS. SOLOMON: Yes.

13 MR. MPRAS: Thank you. No further
14 questions.

15 CHAIRPERSON MILLER: Okay.

16 MS. PHILLIPS: May this witness be
17 dismissed?

18 CHAIRPERSON MILLER: Yes. Thank
19 you very much.

20 MS. PHILLIPS: This is the
21 official Exhibit D.

22 CHAIRPERSON MILLER: So is your

1 next witness being gathered?

2 MS. PHILLIPS: Either one of the
3 next female witnesses can come in.

4 (Off the record comments)

5 MS. PHILLIPS: Just stand right
6 there and get ready to get sworn in. I don't
7 think the whole panel is here but the Chair
8 might swear you in.

9 CHAIRPERSON MILLER: I can swear
10 you in.

11 MEMBER SILVERSTEIN: Is that okay,
12 Mr. Mpras, if we swear her in while we wait?

13 MR. MPRAS: Sure, no problem.

14 (Whereupon, the foregoing matter
15 went off the record at 5:12 p.m. and went back
16 on the record at 5:21 p.m.)

17 MS. PHILLIPS: All right. Would
18 you state your name for the record so I'll get
19 it right this time.

20 MS. MEDHANI: Seret Medhani.

21 MS. PHILLIPS: Spell it please.

22 MS. MEDHANI: S-E-R-E-T, last

1 name, M-E-D as in dog -H-A-N as in Nancy -I.

2 MS. PHILLIPS: Now, are you the
3 one that just moved back here?

4 MS. MEDHANI: Yes.

5 MS. PHILLIPS: So in the police
6 report it says that you lived in Cincinnati?

7 MS. MEDHANI: Yes.

8 MS. PHILLIPS: Okay. And you just
9 moved back.

10 MS. MEDHANI: As of April 28th.

11 MS. PHILLIPS: Just in the nick of
12 time, in other words. All right.

13 Do you recall an incident that
14 happened on November 24th, 2011 at what we're
15 calling MIA, but which I believe you call
16 Spot?

17 MS. MEDHANI: Yes.

18 MS. PHILLIPS: How were you
19 involved?

20 MS. MEDHANI: I was hit. I was
21 the first one hit, I believe.

22 MS. PHILLIPS: All right.

1 CHAIRPERSON MILLER: Can you also
2 speak up?

3 MS. MEDHANI: I was the first one
4 hit.

5 CHAIRPERSON MILLER: Okay. Thank
6 you.

7 MS. PHILLIPS: Can you tell me,
8 I'm only going to start back around dinner
9 time for the evening in question.

10 And I can ask leading questions or
11 I can take longer and ask non-leading
12 question.

13 CHAIRPERSON MILLER: Let's give
14 you some slack. That's what would be my point
15 of view, is to see how leading they are or
16 important. Is that all right with you, Mr.
17 Mpras?

18 MR. MPRAS: That's fine.

19 CHAIRPERSON MILLER: Okay.

20 MS. PHILLIPS: Did you also go to
21 somebody's sister's boyfriend's house before
22 you went to the club in question?

1 MS. MEDHANI: Yes.

2 MS. PHILLIPS: Did you have dinner
3 there, or someplace else, or not at all?

4 MS. MEDHANI: I had dinner at
5 home.

6 MS. PHILLIPS: You had dinner at
7 home? Do you live with your parents, ma'am?

8 MS. MEDHANI: Yes.

9 MS. PHILLIPS: All right.

10 MS. MEDHANI: But I was visiting
11 at that time. I was visiting for
12 Thanksgiving.

13 MS. PHILLIPS: So you were the one
14 that came in to visit?

15 MS. MEDHANI: Yes.

16 MS. PHILLIPS: Okay. So you were
17 living in Cincinnati at the time --

18 MS. MEDHANI: Yes.

19 MS. PHILLIPS: -- and came to
20 visit your friends for --

21 MS. MEDHANI: My family for
22 Thanksgiving.

1 MS. PHILLIPS: -- for
2 Thanksgiving. Okay. Did you have anything to
3 eat or drink at what I'm going to call the
4 second location?

5 So your parents' house would be
6 the first. The second location would be the
7 friend's boyfriend's apartment. Did you have
8 anything to eat or drink there that you
9 recall?

10 MS. MEDHANI: Yes.

11 MS. PHILLIPS: What did you have?

12 MS. MEDHANI: I had one to two
13 drinks.

14 MS. PHILLIPS: What kind?

15 MS. MEDHANI: Alcoholic beverages.

16 MS. PHILLIPS: Okay. Do you
17 remember what kind of drink you drank?

18 MS. MEDHANI: Hennessey.

19 MS. PHILLIPS: Hennessey?

20 MS. MEDHANI: Yes.

21 MS. PHILLIPS: All right. Do you
22 remember how many there were, or is that your

1 usual custom and practice to only drink two
2 drinks, or three drinks, or whatever?

3 MS. MEDHANI: I just remember one
4 or two. I don't drink to get drunk.

5 MS. PHILLIPS: Okay. So did you
6 eat any food at the second location?

7 MS. MEDHANI: I don't recall.

8 MS. PHILLIPS: Okay. How long did
9 you stay at the second location?

10 MS. MEDHANI: I know I was
11 probably there about 10 o'clock and we left
12 late. So we left the scene about 12:20 and
13 12:45.

14 MS. PHILLIPS: Okay. And I assume
15 that you were going to the club in question?

16 MS. MEDHANI: Yes.

17 MS. PHILLIPS: Did you take a cab?

18 MS. MEDHANI: Yes.

19 MS. PHILLIPS: Do you usually take
20 a cab when you guys go out?

21 MS. MEDHANI: Yes.

22 MS. PHILLIPS: Okay. I understand

1 that you've been friends for awhile?

2 MS. MEDHANI: Yes.

3 MS. PHILLIPS: Do you recall what
4 time you got to the establishment in question?

5 MS. MEDHANI: No. I just remember
6 leaving late. And that was part of the reason
7 we took a cab, because we didn't want to look
8 for parking either.

9 MS. PHILLIPS: All right. Do you
10 know how you picked this establishment?

11 MS. MEDHANI: We have a friend
12 that promotes, so they suggested we go to this
13 establishment. We also looked it up on Yelp
14 and just decided to go. We've been before
15 when it was called Andulo.

16 MS. PHILLIPS: Okay. So actually
17 the three of you have been when it was Andulo,
18 or just --

19 MS. MEDHANI: Just two of us have
20 been when it was Andulo, Timnit and I.

21 MS. PHILLIPS: So that would be
22 Ms. Solomon?

1 MS. MEDHANI: Yes.

2 MS. PHILLIPS: Okay. We try to
3 use last names with a prefix like Ms., Mr.

4 MS. MEDHANI: Okay.

5 MS. PHILLIPS: Okay? That way I
6 can keep track too. All right. So you know
7 approximately when you got to the club?

8 MS. MEDHANI: It would be between
9 maybe 12:50 and 1:20 or so --

10 MS. PHILLIPS: Okay.

11 MS. MEDHANI: -- with travel time.

12 MS. PHILLIPS: Do you remember how
13 long you were there before you left from the
14 establishment?

15 MS. MEDHANI: We left when the
16 club was over, when we were told to leave.

17 MS. PHILLIPS: So you left at
18 closing?

19 MS. MEDHANI: Yes.

20 MS. PHILLIPS: Is that fair?

21 MS. MEDHANI: Yes.

22 MS. PHILLIPS: All right. When

1 you came to the club, what did you do?

2 MS. MEDHANI: When we came to the
3 club, I was the first one to walk up and see
4 how much it is.

5 And I spoke to the bouncer, and
6 the girls didn't pay. We had two guys that
7 came with us. They did pay. And I was
8 probably like the third or fourth one to
9 enter.

10 MS. PHILLIPS: Okay. Was there ID
11 checks at the door?

12 MS. MEDHANI: I didn't get my ID
13 checked.

14 MS. PHILLIPS: Now just to be
15 clear though, you were over 21 at the time of
16 the incident in question?

17 MS. MEDHANI: Yes.

18 MS. PHILLIPS: And it would be
19 fair to say that was in 2011?

20 MS. MEDHANI: Yes.

21 MS. PHILLIPS: Okay. So after you
22 entered the establishment, what did you do?

1 It's downstairs or is it upstairs?

2 MS. MEDHANI: It's downstairs.

3 MS. PHILLIPS: Downstairs.

4 MS. MEDHANI: We went downstairs
5 and proceeded to the bar.

6 MS. PHILLIPS: And do you recall
7 what you did?

8 MS. MEDHANI: Ordered a drink and
9 danced at that point.

10 MS. PHILLIPS: Okay. So my
11 understanding is five of you went.

12 MS. MEDHANI: Yes.

13 MS. PHILLIPS: So three women and
14 two men?

15 MS. MEDHANI: Yes.

16 MS. PHILLIPS: Okay. Did you sit
17 at the bar or is it a standing bar? I've
18 never been, so you'll have to tell the Board.

19 MS. MEDHANI: We stood. We stood
20 by one of the beams by the bar.

21 MS. PHILLIPS: Okay. Do they have
22 seating at the bar?

1 MS. MEDHANI: I don't believe so,
2 no.

3 MS. PHILLIPS: So no bar stool?

4 MS. MEDHANI: No.

5 MS. PHILLIPS: Is there a clear
6 area and then seating?

7 MS. MEDHANI: There is seating set
8 back further from the bar.

9 MS. MEDHANI: Okay. So you
10 ordered a drink. Then what happened?

11 MS. MEDHANI: We socialized
12 amongst ourselves.

13 MS. PHILLIPS: Right. Other than
14 the five of you, did you interact with anyone
15 else in the establishment?

16 MS. MEDHANI: I don't recall.

17 MS. PHILLIPS: Okay. I'm going to
18 move forward. Do you recall how long, before
19 when you first came in and were drinking and
20 socializing, how long before the incident
21 we're here to talk about happened? Do you
22 recall how long?

1 MS. MEDHANI: I don't know in
2 terms of time. I just know the incident
3 occurred as the place was closing.

4 MS. PHILLIPS: All right. Would
5 you tell me what you had happen to you and how
6 it happened?

7 MS. MEDHANI: At some point when
8 they were escorting people out, there's
9 movement behind me. So I turned around to see
10 what it was.

11 At that point, there was a female
12 standing to my right. I thought she was
13 getting into a verbal altercation with another
14 female to my left at this point.

15 The female to my right swung and
16 hit me. And at that point, I still thought I
17 may have turned around at the wrong moment and
18 got caught in the crossfire.

19 And then I turned to my left and
20 that female also hit me. So I, in return,
21 defended myself with the female to my left.

22 CHAIRPERSON MILLER: I'm sorry,

1 what did you just say?

2 MS. MEDHANI: I hit back.

3 CHAIRPERSON MILLER: You hit back?

4 Okay.

5 MS. MEDHANI: Yes. And at that
6 point, there was just commotion going on. And
7 it felt like about a minute or so later
8 security came and broke it up. And at that
9 point I realized my purse was taken.

10 MS. PHILLIPS: Right. When you
11 were hit, you said you were first hit by one
12 female and then hit by another female?

13 MS. MEDHANI: Yes.

14 MS. PHILLIPS: So was it like on
15 either side of your face?

16 MS. MEDHANI: Yes.

17 MS. PHILLIPS: Where did the blows
18 land? Do you recall?

19 MS. MEDHANI: Just right about
20 here on each side.

21 MS. PHILLIPS: Okay. Let the
22 record reflect that she pointed to just below

1 her cheekbone on both sides of her face. Did
2 you know either of these two females?

3 MS. MEDHANI: No.

4 MS. PHILLIPS: From your
5 perspective, had they said anything to you
6 prior to you being struck?

7 MS. MEDHANI: Not that I recall.

8 MS. PHILLIPS: Could you hear the
9 words that led you to believe that they were
10 having an argument amongst themselves? Did
11 you hear any words?

12 MS. MEDHANI: I didn't hear words.
13 I just saw facial expressions. And it just
14 looked angry.

15 MS. PHILLIPS: Okay. So when you
16 were hit, you said you fought back. How did
17 you do that?

18 MS. MEDHANI: I hit the female to
19 my left.

20 MS. PHILLIPS: Okay. And did you
21 get anymore than two blows --

22 MS. MEDHANI: Yes.

1 Q MS. PHILLIPS: -- to yourself?

2 MS. MEDHANI: Yes. At that point,
3 when I turned to my left and fought that
4 female, it was more than one female. The
5 female that hit me from my right was then
6 behind me hitting me from behind.

7 And as far as I can remember the
8 female in front of me and someone else, at
9 that point to my left, was there.

10 MS. PHILLIPS: So that sounds like
11 three to one, to me. Did I assess it
12 correctly?

13 MS. MEDHANI: Yes.

14 MS. PHILLIPS: Okay. And did you
15 know the third person who came in?

16 MS. MEDHANI: No.

17 MS. PHILLIPS: All right. How did
18 the altercation between you and the three
19 women end, from your perspective?

20 MS. MEDHANI: From my perspective,
21 it ended with security pushing them out and
22 from there security then telling us that we

1 had to leave as well.

2 MS. PHILLIPS: All right. Do you
3 recall how long the altercation, I'm going to
4 call it an altercation, lasted from the first
5 punch you received in your face to when
6 security came to break it up? Do you recall
7 the time, or you can't recall.

8 MS. MEDHANI: In the moment, it
9 felt long. But it was probably a minute.

10 MS. PHILLIPS: Okay. So prior to
11 the altercation while you were interacting
12 with your friends, and I think you said
13 dancing --

14 MS. MEDHANI: Yes.

15 MS. PHILLIPS: -- what kind of
16 music was it, DJ, band?

17 MS. MEDHANI: DJ.

18 MS. PHILLIPS: Okay. What kind of
19 music were they playing, mixed, one particular
20 kind? Do you remember at all?

21 MS. MEDHANI: I'd like to say it
22 was mixed, moreso hip hop.

1 MS. PHILLIPS: Before the blows
2 were exchanged, did you notice any security
3 around, other than what you've already told us
4 at the door?

5 MS. MEDHANI: No.

6 MS. PHILLIPS: Okay. The security
7 who came, how did they break up the
8 altercation?

9 MS. MEDHANI: I don't remember
10 exactly, but I know that at that point I was
11 still trying to figure out what I was missing.
12 And it just seemed like the people were just
13 taken out, whisked away.

14 MS. PHILLIPS: And I guess --

15 CHAIRPERSON MILLER: I'm sorry,
16 your voice dropped. It seemed like what?

17 MS. MEDHANI: Oh, they were just
18 whisked away, like one second they were there
19 and the next second they were gone.

20 MS. PHILLIPS: And I didn't ask my
21 question very well. What I want to know is,
22 you got one blow to one side, you got one blow

1 to the other side. You started to defend
2 yourself. Somebody started hitting you from
3 behind, I think you said.

4 How did end? How did they get off
5 you? Were they taken off you? Did they give
6 up? How did that end? How did the
7 altercation end?

8 MS. MEDHANI: I don't recall
9 exactly. I don't recall exactly.

10 MS. PHILLIPS: Okay. So when you
11 were able to recall, did you see them
12 surrounded by security guards? Or did you
13 security guards near them?

14 MS. MEDHANI: Yes.

15 MS. PHILLIPS: Okay. But you
16 don't remember whether the security guard got
17 between you and the women who were attacking
18 you?

19 MS. MEDHANI: Yes.

20 MS. PHILLIPS: They did, or you
21 just --

22 MS. MEDHANI: No, I do not recall.

1 MS. PHILLIPS: Okay. Did you fall
2 to the ground at all?

3 MS. MEDHANI: Yes.

4 MS. PHILLIPS: Tell me how that
5 happened, inside, we're still inside.

6 MS. MEDHANI: Yes.

7 MS. PHILLIPS: Okay.

8 MS. MEDHANI: I believe I just
9 lost my balance, along with being hit from
10 front and back.

11 MS. PHILLIPS: Okay. Did you hit
12 the floor flat out?

13 MS. MEDHANI: No, no. I landed on
14 my side. I believe on my right hand side.

15 MS. PHILLIPS: Okay. Were the
16 women who were attacking you, did they descend
17 on you while you were on the floor?

18 MS. MEDHANI: No. They did kick.
19 But no, no one --

20 MS. PHILLIPS: What did you just
21 say?

22 MS. MEDHANI: They kicked.

1 MS. PHILLIPS: They kicked.

2 MS. MEDHANI: Yes.

3 MS. PHILLIPS: Okay. All three of
4 them or just --

5 MS. MEDHANI: I don't recall.

6 MS. PHILLIPS: Oh, you don't
7 recall? Okay.

8 MS. MEDHANI: No, I just know
9 there was --

10 MS. PHILLIPS: So did security
11 intervene at that point, or did they just
12 stop? Or do you know?

13 MS. MEDHANI: At that point is
14 when the fight was broken up.

15 MS. PHILLIPS: Okay.

16 MS. MEDHANI: But I don't know how
17 it was broken up.

18 MS. PHILLIPS: Right, okay. How
19 did you get up off the floor? Did anybody
20 from the establishment help you get up off the
21 floor?

22 MS. MEDHANI: No.

1 MS. PHILLIPS: Do you know how
2 long you were on the floor?

3 MS. MEDHANI: Seconds.

4 MS. PHILLIPS: Yes. So you were
5 able to like spring back up?

6 MS. MEDHANI: Yes.

7 MS. PHILLIPS: To use Mr.
8 Alberti's word from the former questioning.
9 All right.

10 I think you said after those three
11 women were moved away from you, however that
12 happened, were you struck again inside?

13 MS. MEDHANI: No.

14 MS. PHILLIPS: Okay. What did you
15 do after the women no longer were hitting and
16 kicking you?

17 MS. MEDHANI: We just looked
18 amongst ourselves and asked what happened and
19 tried to figure out how did it start.

20 We realized my purse was gone,
21 along with someone else's purse was missing.
22 We tried to look for our stuff in the club.

1 And we were told to leave.

2 MS. PHILLIPS: Okay. Did anybody
3 that you recognized being from the club ask
4 you if you needed medical assistance?

5 MS. MEDHANI: No.

6 MS. PHILLIPS: Did you tell them
7 you were hurt?

8 MS. MEDHANI: No. I asked for
9 protection.

10 MS. PHILLIPS: You asked for
11 protection?

12 MS. MEDHANI: Yes.

13 MS. PHILLIPS: Did you say what
14 you meant by protection to them?

15 MS. MEDHANI: Yes. I said, one,
16 can we either stay in here or can you call the
17 police?

18 MS. PHILLIPS: And did they do
19 either of those things?

20 MS. MEDHANI: They told us that
21 the police were outside.

22 MS. PHILLIPS: Okay. Did they

1 offer to call the police inside?

2 MS. MEDHANI: No.

3 MS. PHILLIPS: I think you said
4 you were looking for your belongings. Did I
5 get that wrong?

6 MS. MEDHANI: No. That's correct.

7 MS. PHILLIPS: Okay. Did they
8 allow you to look for your belongings?

9 MS. MEDHANI: No.

10 MS. PHILLIPS: How long were you
11 in, oh, when the people were away from you,
12 were there still people in the club, moved
13 away from you --

14 MS. MEDHANI: No.

15 MS. PHILLIPS: -- the hitting and
16 kicking people?

17 MS. MEDHANI: I don't recall,
18 actually. But it seemed like we were the last
19 ones to leave.

20 MS. PHILLIPS: Right. Do you
21 recall how long you were in the club after the
22 melee had ceased?

1 MS. MEDHANI: Probably between
2 three and four minutes.

3 MS. PHILLIPS: Okay. Were you
4 allowed to look for your belongings?

5 MS. MEDHANI: No.

6 MS. PHILLIPS: Did you glance
7 around?

8 MS. MEDHANI: We tried.

9 MS. PHILLIPS: Okay. I assume at
10 some point you exited the club. Would that be
11 fair?

12 MS. MEDHANI: Yes.

13 MS. PHILLIPS: Three to five
14 minutes, is that what you're saying, after the
15 altercation ceased?

16 MS. MEDHANI: Three to four.

17 MS. PHILLIPS: Three to four,
18 sorry. If I mis-speak what you told me, you
19 let me know. How was your exit effectuated?

20 MS. MEDHANI: We were pretty much
21 walked up the stairs where we again repeated
22 can you call the police. And then we were

1 guided out.

2 MS. PHILLIPS: So you believe one
3 security guard walked you out, or two, three?

4 MS. MEDHANI: From what I recall,
5 there was one security guard at the top of the
6 stairs. They didn't walk out with us.

7 MS. PHILLIPS: Okay. So when you
8 were moving from the bar area to the stairs,
9 were there security guards accompanying you in
10 some way to the stairs?

11 MS. MEDHANI: There was a security
12 guard at the stair telling us to leave. So we
13 had to leave.

14 MS. PHILLIPS: So he was looking
15 down at you saying you must leave, no?

16 MS. MEDHANI: He was at the bottom
17 of the steps telling us to leave.

18 MS. PHILLIPS: All right. So
19 there was nobody in your vicinity that
20 escorted you or guided you?

21 MS. MEDHANI: I don't recall that.

22 MS. PHILLIPS: Okay. So he's at

1 the bottom of the stairs and telling you you
2 had to leave?

3 MS. MEDHANI: Yes.

4 MS. PHILLIPS: And so did he walk
5 with you up the stairs?

6 MS. MEDHANI: He walked up the
7 stairs first and then we had to go up too.

8 MS. PHILLIPS: Okay. At the top
9 of the stairs, did you interact with him in
10 any way?

11 MS. MEDHANI: Yes.

12 MS. PHILLIPS: What did you say to
13 him?

14 MS. MEDHANI: We repeated
15 ourselves and asked if we could stay or if
16 they could call the police.

17 MS. PHILLIPS: Okay. And the
18 response to that was?

19 MS. MEDHANI: The police are
20 outside.

21 MS. PHILLIPS: Do you recall what
22 this person you believe is a security

1 personnel looked like?

2 MS. MEDHANI: I mostly recall the
3 person who I spoke with when we were first
4 entering. That security guard I remember. I
5 don't recall if it was the same person.

6 MS. PHILLIPS: Okay. So you can't
7 tell us as we sit here today what the security
8 guard looked like who was at the bottom of the
9 stairs telling you you have to leave, and who
10 walked up with you?

11 MS. MEDHANI: It's between two
12 people. There's two security guards that I
13 recall.

14 MS. PHILLIPS: Okay. So can you
15 give us any help on what those two look like?

16 MS. MEDHANI: One was an African
17 American male with dread locks.

18 MS. PHILLIPS: Tall, short?

19 MS. MEDHANI: Really tall, maybe
20 6'3" a little heavier build. A little heavy,
21 not big, but heavy.

22 MS. PHILLIPS: Okay. And the

1 second one?

2 MS. MEDHANI: The second one was,
3 I can't determine his ethnicity, but he was
4 lighter skin, about the same build.

5 MS. PHILLIPS: Okay. About the
6 same height?

7 MS. MEDHANI: About.

8 MS. PHILLIPS: How did you know
9 that they were security, or establishment
10 personnel?

11 MS. MEDHANI: They were in all
12 black. And the African American male is the
13 first one that I spoke to when we were coming
14 in to the club.

15 MS. PHILLIPS: Did he identify
16 himself as security?

17 MS. MEDHANI: Not that I recall.

18 MS. PHILLIPS: When you first came
19 in, is that the guy that you were talking
20 about?

21 MS. MEDHANI: Yes.

22 MS. PHILLIPS: So he didn't ask

1 for your ID.

2 MS. MEDHANI: He didn't ask for my

3 --

4 MS. PHILLIPS: He just let you in.

5 MS. MEDHANI: He let me in.

6 MS. PHILLIPS: Okay. So that's

7 how you determined you thought they were

8 security?

9 MS. MEDHANI: Yes.

10 MS. PHILLIPS: And the other

11 gentleman, was he also in all black?

12 MS. MEDHANI: Yes.

13 MS. PHILLIPS: Okay. So at the

14 top of the stairs you said -- and I'm

15 summarizing -- don't send us out there. Why

16 did you not want to go outside?

17 MS. MEDHANI: Because we knew they

18 were still out there. There was still a crowd

19 on the sidewalk.

20 MS. PHILLIPS: How did you know

21 those people would still be out there?

22 MS. MEDHANI: I mean it's just a

1 natural, we were scared.

2 MS. PHILLIPS: Okay. All right.
3 But even at the top of the stairs, did they
4 escort you out? Or did they just say out?

5 MS. MEDHANI: Out.

6 MS. PHILLIPS: Okay. Did they
7 open the doors for you?

8 MS. MEDHANI: I don't recall. I'd
9 like to say, I don't recall.

10 MS. PHILLIPS: All right. So I
11 have you at the doorway from the inside to the
12 outside.

13 MS. MEDHANI: Yes.

14 MS. PHILLIPS: Up the stairs
15 there's a little landing going out the door.
16 As you are exiting, what do you see and what
17 happens?

18 MS. MEDHANI: There was an Indian
19 gentleman who, I believe, was still in the
20 club with us, that stood beside me that said
21 I'll walk out with you.

22 I was the first one to walk out.

1 And probably within two or three steps I was
2 engaged in another fight.

3 MS. PHILLIPS: Now, what do you
4 mean by engaged in another fight?

5 MS. MEDHANI: Attacked.

6 MS. PHILLIPS: All right. So you
7 didn't like jump out there fighting?

8 MS. MEDHANI: No.

9 MS. PHILLIPS: All right. So you
10 were attacked. Male, female?

11 MS. MEDHANI: I recall females at
12 that point.

13 MS. PHILLIPS: Females, does that
14 mean more than one?

15 MS. MEDHANI: More than two at
16 that point.

17 MS. PHILLIPS: More than two?

18 MS. MEDHANI: Yes.

19 MS. PHILLIPS: Were they the same
20 people who attacked you, same three that
21 attacked you in the bar? Could you tell?

22 MS. MEDHANI: I couldn't tell at

1 that point.

2 MS. PHILLIPS: All right. What
3 was this -- did you say he was an Indian
4 gentleman?

5 MS. MEDHANI: Yes.

6 MS. PHILLIPS: What did he do?

7 MS. MEDHANI: I saw him at the end
8 of the night. So he got hit as well. I don't
9 recall what he did --

10 MS. PHILLIPS: Okay. So you don't
11 recall that he tried to intervene since he
12 said he would walk you out?

13 MS. MEDHANI: He stood in front of
14 me. After I'd taken those first two steps, he
15 stood in front of me as if to take some of the
16 blows. But after that I don't recall.

17 MS. PHILLIPS: Where were you
18 struck after you took the couple of steps
19 outside?

20 MS. MEDHANI: At that point I
21 couldn't fight back. So I just protected my
22 face, really. So I was struck on the back of

1 the head at that point.

2 MS. PHILLIPS: Okay. Now you'll
3 have to explain yourself. Why couldn't you
4 fight back?

5 MS. MEDHANI: I was outnumbered at
6 that point. There was no --

7 MS. PHILLIPS: Okay. So you were
8 just --

9 MS. MEDHANI: Just trying to
10 protect myself.

11 MS. PHILLIPS: Okay. All right.
12 And I assume that particular assault ended.
13 Do you recall how it ended?

14 MS. MEDHANI: I recall falling
15 again outside. And then getting up and seeing
16 that one of the guys that was also involved in
17 the fight had Ms. Kiflexghi's purse.

18 And I went to grab it back, and at
19 that point he punched me in my forehead. And
20 I stumbled back and leaned up against the
21 window to Eighteenth Street Lounge.

22 And at that point is when I saw

1 the police starting to clear stuff out.

2 MS. PHILLIPS: Okay. So were you
3 able to observe what was going on those two
4 steps outside the door, like the number of
5 people on the sidewalk in the immediate
6 vicinity, whether there were police present
7 before you were struck?

8 Were you able to look at what was
9 going on before you were struck?

10 MS. MEDHANI: Before I was struck
11 I did see that there was like a MPD cruiser on
12 the sidewalk, parked on the curb. And I can't
13 recall how many people, but the sidewalk was
14 fairly crowded.

15 MS. PHILLIPS: Do you recall how
16 long the attack lasted on the outside?

17 MS. MEDHANI: I don't recall
18 exactly, but probably again four to five
19 minutes.

20 MS. PHILLIPS: Let me ask you
21 this. You were attacked for five minutes?

22 MS. MEDHANI: That's how long it

1 felt. I could have been shorter. But in that
2 time it was just, time was moving slow.

3 MS. PHILLIPS: Now, let me ask you
4 this. At least three people attacked you when
5 you walked out the door. Did I get that
6 right?

7 MS. MEDHANI: At least three
8 people attacked me inside. Outside it seemed
9 to be more.

10 MS. PHILLIPS: Okay. You said you
11 just tried to protect yourself. Did you sink
12 to the ground, or were you knocked to the
13 ground.

14 MS. MEDHANI: I was knocked to the
15 ground.

16 MS. PHILLIPS: Okay. Do you
17 recall, when you went to the ground did you
18 fall to the ground? Or did you sink to the
19 ground?

20 MS. MEDHANI: I don't recall.

21 MS. PHILLIPS: Okay. Did the
22 people who were attacking you come after you

1 still while you were on the ground?

2 MS. MEDHANI: I again got kicked.

3 But no one was on the ground --

4 MS. PHILLIPS: With you.

5 MS. MEDHANI: -- with me.

6 MS. PHILLIPS: All right. Do you
7 recall how that ended?

8 MS. MEDHANI: I know again I got
9 myself up.

10 MS. PHILLIPS: Okay. Did the
11 attackers like move away from you so that you
12 could get up?

13 MS. MEDHANI: I believe I didn't
14 get up with too much difficulty.

15 MS. PHILLIPS: Were they still
16 around you attacking you as you were getting
17 up? Or had they gone?

18 MS. MEDHANI: I don't recall.

19 MS. PHILLIPS: Okay. Do you
20 recall how long the fight might have lasted
21 inside?

22 MS. MEDHANI: Inside it felt like

1 a minute.

2 MS. PHILLIPS: Okay. And outside
3 it felt like five?

4 MS. MEDHANI: It felt like five.
5 But it could have been three.

6 Q MS. PHILLIPS: Right. I put two
7 color photos on your desk right in front of
8 you. I think one is A. Will you pick up
9 Number A?

10 MS. MEDHANI: Yes.

11 MS. PHILLIPS: And of course I
12 didn't leave myself one. So would you hold up
13 A so I can see it? All right, that's the
14 picture of two of you, that's A?

15 MS. MEDHANI: Yes.

16 MS. PHILLIPS: So you're in that
17 picture, correct?

18 MS. MEDHANI: Yes.

19 MS. PHILLIPS: All right. Does it
20 show your injuries?

21 MS. MEDHANI: Yes.

22 MS. PHILLIPS: All right. What

1 does the picture show.

2 MS. MEDHANI: Swelling.

3 MS. PHILLIPS: Where?

4 MS. MEDHANI: All of this was
5 swollen and pretty much all of my eyes.

6 MS. PHILLIPS: Okay. So this you
7 mean the bridge of your nose as it --

8 MS. MEDHANI: Yes.

9 MS. PHILLIPS: -- enters your
10 forehead?

11 MS. MEDHANI: Yes.

12 MS. PHILLIPS: Okay. All right.
13 Did you have bruising or swelling anywhere
14 else?

15 MS. MEDHANI: Yes.

16 MS. PHILLIPS: Where?

17 MS. MEDHANI: On my back I had
18 bruising and some on my forearms and the back
19 of my head as well.

20 MS. PHILLIPS: I think there's
21 another picture of you. Is that B?

22 MS. MEDHANI: Yes.

1 MS. PHILLIPS: Yes?

2 MS. MEDHANI: Yes.

3 MS. PHILLIPS: All right. That's
4 you and that shows your injuries on your face.
5 Is that fair?

6 MS. MEDHANI: Yes.

7 MS. PHILLIPS: Did you photograph
8 the injuries on any other part of your body?

9 MS. MEDHANI: No.

10 MS. PHILLIPS: Did you go to the
11 hospital or the doctors?

12 MS. MEDHANI: Yes.

13 MS. PHILLIPS: When did you do
14 that?

15 MS. MEDHANI: Very late Friday
16 night, Saturday morning.

17 MS. PHILLIPS: So you, let me get
18 the time line right. And if I'm wrong, you
19 tell me. This was the day before
20 Thanksgiving. So you were out the early
21 morning of Thanksgiving, is when this incident
22 happened. Is that fair?

1 MS. MEDHANI: Yes.

2 MS. PHILLIPS: And so then there
3 was Thanksgiving.

4 MS. MEDHANI: Yes.

5 MS. PHILLIPS: And then you went
6 to the hospital.

7 MS. MEDHANI: Yes. Well --

8 MS. PHILLIPS: You think.

9 MS. MEDHANI: No. I did go to the
10 hospital late Friday night. So it was
11 technically Saturday, I guess, when we were in
12 the ER.

13 MS. PHILLIPS: Oh, okay.

14 (Off the record comments)

15 MS. PHILLIPS: I'm going to hand
16 the witness an exhibit. I'm handing one Mr.
17 Mpras. And I have one for the Board.

18 And here's my comment. I got them
19 today when they came in. So I have not
20 redacted personal information from them.

21 So if I decide to make them an
22 exhibit, I'm going to give you a redacted copy

1 of the original exhibit at a later date if the
2 Board will agree.

3 And I'm asking for Mr. Mpras to
4 give it back to me. And I can give him a
5 redacted copy before we leave. I don't want
6 a copy with personal information in the record
7 at all.

8 I'm handing you what's been marked
9 as Exhibit B. Is that you? Are you the right
10 one?

11 MS. MEDHANI: Yes, yes.

12 MS. PHILLIPS: What is that.

13 MS. MEDHANI: My hospital record.

14 MS. PHILLIPS: And in brief, what
15 does it tell us? Here are the pictures.

16 CHAIRPERSON MILLER: Oh, thank
17 you.

18 MS. PHILLIPS: And here's the one
19 copy of the exhibit. I have pictures, I
20 think, for almost everybody.

21 CHAIRPERSON MILLER: Okay.

22 MS. PHILLIPS: And they are

1 labeled in the little corner.

2 (Off the record comments)

3 MS. PHILLIPS: And I didn't leave
4 myself a copy. But --

5 MR. MPRAS: Do you want mine?

6 MS. PHILLIPS: No. Can you just
7 tell me briefly what that tells us?

8 MS. MEDHANI: That I suffered
9 unspecified injury to face, and neck, and
10 scalp, abrasion, friction, burn without
11 infection, it says --

12 MS. PHILLIPS: A little louder
13 please.

14 MS. MEDHANI: Sorry. It says
15 other unspecified injury to face and neck,
16 area diagnosis, face, neck, and scalp,
17 abrasion, friction, burn without infection,
18 unarmed fight/brawl.

19 MS. PHILLIPS: Is there a cost, a
20 billing statement in any of those documents?

21 MS. MEDHANI: No. I believe that
22 came separately. And I was uninsured at the

1 time.

2 MS. PHILLIPS: Okay. So you paid
3 that out of your pocket. Do you recall what
4 it was?

5 MS. MEDHANI: Between either \$343
6 or \$373.

7 MS. PHILLIPS: Okay. Did you have
8 X-rays?

9 MS. MEDHANI: No.

10 MS. PHILLIPS: So you didn't have
11 X-rays?

12 MS. MEDHANI: No.

13 MS. PHILLIPS: Okay. Is that
14 basically all that packet of information says?

15 MS. MEDHANI: Yes.

16 MS. PHILLIPS: All right. I'm
17 going to move for the admission of A and B.
18 Those are the pictures that you have. Are
19 they A and B?

20 MS. MEDHANI: Yes.

21 MS. PHILLIPS: Into the record,
22 those are the pictures. A is two people, B

1 is one person.

2 CHAIRPERSON MILLER: Okay. But
3 can you describe just what the photos are? I
4 know what this B is. But I'm not sure who's
5 in A, photo of whom?

6 MS. PHILLIPS: It's her, as she
7 said. And then there's somebody else. Who
8 else is in A with you? Who's that other
9 person?

10 MS. MEDHANI: Ms. Kiflezghi.

11 MS. PHILLIPS: Ms. Kiflezghi,
12 okay.

13 CHAIRPERSON MILLER: And it was
14 taken when?

15 MS. MEDHANI: That was taken
16 Friday.

17 MS. PHILLIPS: Okay.

18 CHAIRPERSON MILLER: The one with
19 the two pictures?

20 MS. MEDHANI: Yes.

21 MS. PHILLIPS: Were they both
22 taken --

1 MS. MEDHANI: They were both taken
2 the same day, both taken Friday.

3 MS. PHILLIPS: Okay.

4 MS. MEDHANI: One was with makeup,
5 the other one was without.

6 MS. PHILLIPS: So which one was
7 with the makeup?

8 MS. MEDHANI: A.

9 MS. PHILLIPS: A, so that's with
10 the two people?

11 MS. MEDHANI: Yes.

12 MS. PHILLIPS: And B then would be
13 without makeup.

14 MS. MEDHANI: Yes.

15 MS. PHILLIPS: Shows the black
16 eyes and other things.

17 CHAIRPERSON MILLER: Okay. Mr.
18 Mpras, do you have any objection?

19 MR. MPRAS: No, ma'am.

20 CHAIRPERSON MILLER: Okay. Then
21 Government's Exhibits A and B are admitted.

22 MS. PHILLIPS: And I don't need to

1 have E admitted, just because it's going to
2 take a long time to redact it.

3 I just wanted it to be present,
4 identified, and that you'd see it, and that
5 she would identify what it said briefly.

6 CHAIRPERSON MILLER: Okay. It's
7 not going to be in the record.

8 MS. PHILLIPS: Right, unless you
9 want to ask questions. Why don't I just
10 admit it.

11 CHAIRPERSON MILLER: You want to
12 admit it?

13 MS. PHILLIPS: Yes. And then I'll
14 just redact it.

15 CHAIRPERSON MILLER: So, Mr.
16 Mpras, do you --

17 MR. MPRAS: This I would object as
18 to relevance.

19 CHAIRPERSON MILLER: The medical
20 report?

21 MR. MPRAS: The medical report.

22 MS. PHILLIPS: It's my same answer

1 that I gave the last time you objected to
2 medical reports and whether she went to the
3 hospital.

4 It shows that this incident was
5 serious enough for them to go to the
6 hospital, that they had serious injuries.

7 CHAIRPERSON MILLER: I think it's
8 relevant.

9 MEMBER BROOKS: I have a
10 question. I'm not a lawyer, so I'll have to
11 admit that. But we have a document that's
12 been shown to us. Can we use this in our
13 deliberations if it's not in evidence?

14 MS. PHILLIPS: I just asked to
15 have it admitted.

16 MEMBER BROOKS: Oh, you did.

17 CHAIRPERSON MILLER: You did.

18 MS. PHILLIPS: Yes.

19 MEMBER BROOKS: Okay, because you
20 said earlier that you weren't.

21 MS. PHILLIPS: I wasn't going to
22 and then people started looking askance. And

1 so I said okay. But you can use it in your
2 deliberations, but I will give you a redacted
3 copy for the official record.

4 MEMBER BROOKS: I understand
5 that. But I didn't understand that you were
6 --

7 MR. MPRAS: My objection goes to
8 it does specify medical treatment, you are
9 correct, but it doesn't specify when the
10 injuries were sustained?

11 MS. PHILLIPS: Were these injuries
12 a result of the altercations at the
13 establishment?

14 MS. MEDHANI: Yes.

15 MS. PHILLIPS: Thank you.

16 CHAIRPERSON MILLER: And there's a
17 date on this record, I would assume. Is
18 there not?

19 MR. MPRAS: There's a date as to
20 the treatment, yes.

21 CHAIRPERSON MILLER: Okay.

22 MS. PHILLIPS: Can you read into

1 the record what the date was that you got
2 your treatment?

3 And if you can't find it quickly,
4 don't worry about it, because we have --

5 MS. MEDHANI: It says my
6 admittance date was November 26th, 2011, at
7 12:00 a.m., discharged at 12:55.

8 MS. PHILLIPS: Okay. So you
9 stayed in just under an hour.

10 MS. MEDHANI: Yes.

11 MS. PHILLIPS: All right.

12 CHAIRPERSON MILLER: Okay. So did
13 you move that we admit this?

14 MS. PHILLIPS: I did.

15 CHAIRPERSON MILLER: Okay. I
16 haven't admitted it yet, I don't believe.

17 MS. PHILLIPS: Okay. We had
18 objections. I thought you overruled them.
19 I'm waiting for you to move it in.

20 CHAIRPERSON MILLER: Exactly. So
21 I'm going to move this in. But I'm also
22 going to say for the record that you are

1 going to be submitting a replacement that
2 redacts personal information for the public
3 record.

4 And I would ask that you provide
5 Mr. Mpras with a copy of that when you
6 substitute.

7 MS. PHILLIPS: Right. And I said
8 I would, so, yes. I will do that.

9 CHAIRPERSON MILLER: It's getting
10 late. Okay, good. Thank you.

11 MS. PHILLIPS: It is getting late.

12 CHAIRPERSON MILLER: All right,
13 done. All right, then that's Exhibit E is
14 admitted.

15 MS. PHILLIPS: So I didn't hear
16 whether you ruled on the two pictures? Did
17 you or did I just miss it?

18 CHAIRPERSON MILLER: Yes, I did.
19 Exhibits A and B were admitted.

20 MS. PHILLIPS: Okay. So I have A,
21 B, and D, and now E in the record. Is that
22 fair?

1 CHAIRPERSON MILLER: Yes, that's
2 correct.

3 MS. PHILLIPS: All right. Were
4 you asked outside the establishment by anyone
5 if you needed medical treatment?

6 MS. MEDHANI: Yes.

7 MS. PHILLIPS: Who asked you?

8 MS. MEDHANI: I don't recall. I
9 just recall someone asking me if I wanted
10 medical treatment. And at that point, I know
11 I don't have insurance. So I said no.

12 MS. PHILLIPS: Okay. If I ask you
13 if they were, as far as you knew, employees
14 of the establishment, would you be able to
15 distinguish between employees of the
16 establishment versus others or not?

17 MS. MEDHANI: I don't recall.

18 MS. PHILLIPS: Okay, that's fair.
19 After you exited the establishment, did you
20 ever see any of the security guards or the
21 people that you identified as security guards
22 or establishment personnel outside the

1 establishment?

2 MS. MEDHANI: I do not recall.

3 MS. PHILLIPS: When you looked up
4 was the door to the establishment open or was
5 it closed? Or do you know?

6 MS. MEDHANI: I don't recall. I
7 just know as time passed the door was closed.

8 MS. PHILLIPS: All right. Did you
9 talk to the police about the incident in
10 question?

11 MS. MEDHANI: Yes.

12 MS. PHILLIPS: Did they catch any
13 of the people who assaulted you?

14 MS. MEDHANI: Yes.

15 MS. PHILLIPS: Do you know who it
16 was?

17 MS. MEDHANI: Yes. I mean I know
18 the name now.

19 MS. PHILLIPS: Okay. But did you
20 have any follow-up with regard to that
21 arrest?

22 MS. MEDHANI: No.

1 MS. PHILLIPS: Okay. Did you see
2 an ambulance at the site?

3 MS. MEDHANI: I don't recall.

4 MS. PHILLIPS: Okay. Did you get
5 your property back?

6 MS. MEDHANI: No.

7 MS. PHILLIPS: What property did
8 you lose?

9 MS. MEDHANI: My purse, me phone,
10 my camera, my ID, my bank card, my car keys,
11 I think that was it, everything.

12 MS. PHILLIPS: Okay. What kind of
13 phone did you have?

14 MS. MEDHANI: I had an iPhone.

15 MS. PHILLIPS: Was it a new iPhone
16 or an old iPhone?

17 MS. MEDHANI: No. Mine was a
18 three, it wasn't new.

19 MS. PHILLIPS: It wasn't new,
20 okay. Somebody had a new iPhone. I just
21 can't remember. All right. Did you lose
22 cash?

1 MS. MEDHANI: No.

2 MS. PHILLIPS: Did you cancel your
3 credit card?

4 MS. MEDHANI: Yes.

5 MS. PHILLIPS: Did you have
6 charges on it before you were able to cancel
7 it?

8 MS. MEDHANI: Yes.

9 MS. PHILLIPS: How much were they?

10 MS. MEDHANI: I believe \$150.

11 MS. PHILLIPS: Okay. Do you
12 recall talking to an ABRA investigator with
13 regard to this?

14 MS. MEDHANI: Yes.

15 MS. PHILLIPS: Do you recall when
16 the charges showed up on your credit card?

17 MS. MEDHANI: They showed up that
18 night, like the 24th of November,
19 Thanksgiving.

20 MS. PHILLIPS: Okay. Did you tell
21 the ABRA investigator who contacted you how
22 much money you lost?

1 MS. MEDHANI: I believe so.

2 MS. PHILLIPS: Okay. All right.
3 I'm just trying to look and see. When did
4 you cancel your card?

5 MS. MEDHANI: I cancelled my card
6 when we got back to that same apartment that
7 we left from. At that point it might have
8 been 4:00 a.m.

9 MS. PHILLIPS: Were you able to
10 get anything from your credit card saying
11 that you had these charges? I know Ms.
12 Solomon was able to. Were you able to?

13 MS. MEDHANI: They told me that it
14 would take ten business days, because it had
15 been archived.

16 MS. PHILLIPS: Oh, okay. So you
17 requested it after I asked you if you still
18 had it. Would that be fair?

19 MS. MEDHANI: Yes.

20 MS. PHILLIPS: Okay. So you
21 didn't have it in your belongings from
22 Cincinnati back home.

1 MS. MEDHANI: No. I submitted the
2 dispute online.

3 MS. PHILLIPS: Okay. All right.
4 Did you speak to the police about what
5 happened to you? Or did anyone speak to the
6 police about what happened to you?

7 MS. MEDHANI: That night, yes.

8 MS. PHILLIPS: Okay. How long did
9 it take after your altercation outside was
10 completed before the police were able to take
11 a report from you? Do you recall?

12 MS. MEDHANI: Maybe 30 minutes.
13 It did take a long time.

14 MS. PHILLIPS: All right. How
15 long did it take for your bruises to heal?

16 MS. MEDHANI: About a week.

17 MS. PHILLIPS: You're a fast
18 healer.

19 MS. MEDHANI: Yes. It started off
20 as a punch to the forehead. And the blood
21 was dropping down. That's why it looks like,
22 they're not black eyes. They're the swelling

1 going down.

2 MS. PHILLIPS: Who told you that?
3 Are you a doctor or a nurse?

4 MS. MEDHANI: The doctor. That's
5 what the doctor told me.

6 MS. PHILLIPS: Okay. I want to
7 make sure how we got that information. All
8 right. So it was blood from the blow to your
9 head that sank down under your eyes.

10 Okay. All right. Did you have
11 any other residual effects from this incident
12 after you left the scene?

13 MS. MEDHANI: Yes. I was supposed
14 to go to work on Monday. And I had a
15 headache. So I called in and came in late
16 and ended up losing my job.

17 MS. PHILLIPS: And then you were
18 what?

19 MS. MEDHANI: I lost my job after
20 that.

21 MS. PHILLIPS: I beg your pardon?

22 MS. MEDHANI: I lost my job after

1 that. I was working for a temp agency.

2 MS. PHILLIPS: So were you told
3 that it was a result of this altercation and
4 your looks? Is that what you were told?

5 MS. MEDHANI: No. I was told as a
6 result of not showing up on time.

7 MS. PHILLIPS: Did you call and
8 say you were going to be late?

9 MS. MEDHANI: Yes.

10 MS. PHILLIPS: You said you lost
11 your identification. Did that have your
12 correct address on it?

13 MS. MEDHANI: My Cincinnati
14 address, right.

15 MS. PHILLIPS: So you didn't worry
16 that they were going to come after you in
17 Cincinnati. Is that fair?

18 MS. MEDHANI: No, I did not.

19 MS. PHILLIPS: Did you have any
20 other residual effects after this incident
21 for any period of time?

22 MS. MEDHANI: I just don't go out

1 in DC. That's my residual effect. I guess
2 it's the fear it could happen again.

3 MS. PHILLIPS: All right. So I
4 take it, just by intuiting from that answer,
5 that you never went back to this
6 establishment again.

7 MS. MEDHANI: No.

8 CHAIRPERSON MILLER: I'm sorry, I
9 didn't catch the whole thing you said. Did
10 you say you don't go out, or you don't go out
11 something?

12 MS. MEDHANI: I don't go out. And
13 the times that I have gone out, I've gone out
14 with my brother. I make sure that he's
15 around.

16 CHAIRPERSON MILLER: Thank you.

17 MS. PHILLIPS: The last part of
18 that question that the Chairman was asking
19 you about, you said I don't go out in DC. Is
20 that what you said?

21 MS. MEDHANI: Yes, I haven't.
22 Since I've returned, since that point, I have

1 not gone out in DC.

2 MS. PHILLIPS: In DC, okay. So
3 we've lost your business. Is that what
4 you're telling us?

5 MS. MEDHANI: For the most part,
6 unless I have my own protection.

7 MS. PHILLIPS: Okay. All right.
8 I can't think of any other questions to ask
9 you. So I turn you over to Mr. Mpras, unless
10 the Board has questions.

11 CHAIRPERSON MILLER: Mr. Mpras
12 first.

13 MR. MPRAS: Let's see. When you
14 arrived at what was referred to as the second
15 location, it would be the friend's
16 boyfriend's place, you said you were there
17 for approximately two hours?

18 MS. MEDHANI: Approximately.

19 MR. MPRAS: Okay. And you had
20 possibly as many as two drinks.

21 MS. MEDHANI: Yes.

22 MR. MPRAS: Okay. And you also

1 said that you don't drink often. Is that
2 correct?

3 MS. MEDHANI: I said I don't drink
4 to get drunk.

5 MR. MPRAS: Okay. What does that
6 mean?

7 MS. MEDHANI: I know my limit.
8 And I interchange with water.

9 MR. MPRAS: So after that you went
10 by cab and you arrive to the venue, right?

11 MS. MEDHANI: Yes.

12 MR. MPRAS: Okay. After entering,
13 you proceeded to the bar.

14 MS. MEDHANI: Yes.

15 MR. MPRAS: Okay. Now while you
16 were inside the establishment, aside from
17 your friends, and it was your two girlfriends
18 and two male friends, is that right?

19 MS. MEDHANI: Yes.

20 MR. MPRAS: Did you have any
21 interaction with any other individuals at the
22 establishment?

1 MS. MEDHANI: Not that I recall.

2 MR. MPRAS: Okay. So you ordered
3 a drink, you started dancing.

4 MS. MEDHANI: Yes.

5 MR. MPRAS: Okay. And how long
6 were you there before this altercation
7 occurred?

8 MS. MEDHANI: The altercation
9 occurred at the end of the club, when it was
10 closing.

11 MR. MPRAS: Is it fair to say you
12 were there about two hours, give or take?

13 MS. MEDHANI: Maybe an hour. If
14 it closes at two, and we probably arrived
15 between 12:50 and 1:15, so maybe an hour.
16 I'm assuming it closed at 2:00.

17 MS. PHILLIPS: Don't assume
18 anything.

19 MS. MEDHANI: Okay, sorry. I
20 don't know when it closed.

21 MR. MPRAS: You don't know what
22 time the establishment closed that night?

1 MS. MEDHANI: No, I don't.

2 MR. MPRAS: So were you given any
3 warning before you were struck?

4 MS. MEDHANI: No.

5 MR. MPRAS: Do you have any idea
6 whatsoever why you were struck?

7 MS. MEDHANI: No.

8 MR. MPRAS: Now you stated when
9 you were outside that one of the gentlemen
10 had your friend's purse, one of the
11 assailants had your friend's purse?

12 MS. MEDHANI: Yes.

13 MR. MPRAS: Is it possible that
14 this altercation was started for the purpose
15 of theft, they were trying to take your
16 belongings?

17 MS. PHILLIPS: I'm going to
18 object. It calls for speculation. And then
19 she could say what she thought.

20 MS. MEDHANI: Possibly.

21 CHAIRPERSON MILLER: Do you want
22 to rephrase the question so it's not

1 speculative, ask her if she knows?

2 MR. MPRAS: When you saw the
3 person upstairs holding the purse, your
4 friend's purse, at that time did it ever
5 cross your mind, when you saw him holding the
6 purse, that they stole the purse?

7 MS. MEDHANI: Yes. Because we
8 don't know him.

9 MR. MPRAS: Okay. And did it ever
10 cross your mind at that point that maybe the
11 altercation was started to steal the purse?

12 MS. MEDHANI: Possibly.

13 MR. MPRAS: Now how was the
14 altercation inside the establishment halted?

15 MS. MEDHANI: I'm sorry?

16 MR. MPRAS: How was the
17 altercation inside the establishment stopped?

18 MS. MEDHANI: I don't recall
19 exactly. I just know that they were whisked
20 away. I don't know who broke it up.

21 MR. MPRAS: Okay. So you wouldn't
22 be able to say if it was security or if it

1 was somebody else?

2 MS. MEDHANI: I wouldn't be able
3 to say.

4 MR. MPRAS: Okay. Did the two
5 males in your party assist in stopping this?

6 MS. MEDHANI: No.

7 MR. MPRAS: You laughed when I
8 asked that question. Can I ask why?

9 MS. MEDHANI: It just would have
10 been nice.

11 MR. MPRAS: I'm sorry.

12 MS. MEDHANI: It would have been
13 nice.

14 MR. MPRAS: Oh, okay.

15 CHAIRPERSON MILLER: What?

16 MS. PHILLIPS: She said it would
17 have been nice.

18 CHAIRPERSON MILLER: Oh.

19 (Laughter)

20 CHAIRPERSON MILLER: Thank you.

21 MR. MPRAS: So basically they
22 didn't come to your aid or protection?

1 MS. MEDHANI: No.

2 MR. MPRAS: And they were with
3 you.

4 MS. MEDHANI: Yes. They were in
5 the vicinity.

6 MR. MPRAS: Now, did you look
7 around the establishment for you possessions
8 after these other people were whisked away?

9 MS. MEDHANI: We tried to, not
10 successfully.

11 MR. MPRAS: You didn't
12 successfully find anything?

13 MS. MEDHANI: We didn't. We
14 weren't allowed to look around.

15 MR. MPRAS: You weren't allowed to
16 look around at all?

17 MS. MEDHANI: No. We glanced, but
18 we were not allowed to look.

19 MR. MPRAS: To walk around --

20 MS. MEDHANI: We were told to
21 leave.

22 MR. MPRAS: Let's go to, you were

1 going upstairs. And you were the last patron
2 in the establishment, correct?

3 MS. MEDHANI: Along with the
4 Indian gentleman.

5 MR. MPRAS: Okay. So it was the
6 five of you and one Indian gentlemen?

7 MS. MEDHANI: I believe.

8 MR. MPRAS: Okay. Now, when you
9 walked outside, did you see police in the
10 vicinity as soon as you walked out?

11 MS. MEDHANI: I saw the cruiser.
12 I didn't see police.

13 MR. MPRAS: Okay. You saw the
14 cruiser, but you didn't actually see an
15 officer.

16 Now, you said when you walked
17 outside you were attacked. But you don't
18 know by whom. Is that correct? You don't
19 know they were the same people as assaulted
20 you inside?

21 MS. MEDHANI: I wouldn't be able
22 to recall if it was.

1 MR. MPRAS: How was that attack on
2 you stopped?

3 MS. MEDHANI: I don't know either.
4 I'd fallen to the ground, and by the time I'd
5 gotten up and saw the gentleman holding the
6 purse, then I got punched. That's when the
7 fight stopped. At that point, the police
8 were present.

9 MR. MPRAS: Okay. So possibly the
10 police intervened at that point?

11 MS. MEDHANI: That's what we
12 thought, yes.

13 MR. MPRAS: Did the police
14 intervene at all?

15 MS. MEDHANI: People scattered
16 when the police showed up. So I wouldn't say
17 the police intervened. The police didn't
18 break anything up.

19 MR. MPRAS: Okay. It was simply
20 their presence affected, I guess the guests,
21 everybody had run away.

22 MS. MEDHANI: Yes.

1 MR. MPRAS: Okay. Now you said
2 that after all this stopped you tried to
3 recover the purse. Is that correct?

4 MS. MEDHANI: From the assailant?

5 MR. MPRAS: Yes.

6 MS. MEDHANI: Yes.

7 MR. MPRAS: How did you do that?

8 MS. MEDHANI: I snatched it off
9 his arm.

10 MR. MPRAS: So you did recover it?

11 MS. MEDHANI: Yes. But it was
12 empty.

13 MR. MPRAS: Okay. And after you
14 snatched it from him, what was his reaction
15 to that?

16 MS. MEDHANI: He punched me in the
17 forehead.

18 MR. MPRAS: And were the police
19 there when that happened?

20 MS. MEDHANI: No. The area wasn't
21 cleared out yet. After that punch, when I
22 took a couple of steps back and leaned up

1 against Eighteenth Street Lounge window,
2 that's when the police presence was felt.

3 MR. MPRAS: So the police presence
4 or intervention, per se, didn't cause
5 anything to happen until after you took the
6 purse back. And then that individual struck
7 you.

8 MS. MEDHANI: I didn't see the
9 police until that event occurred. After he
10 punched me in the forehead is when I saw the
11 police.

12 MR. MPRAS: You mentioned you had
13 \$150 in fraudulent charges. Were you
14 responsible for paying those charges?

15 MS. MEDHANI: No.

16 MR. MPRAS: And do you have your
17 own hospital report in front of you?

18 MS. MEDHANI: Yes.

19 MR. MPRAS: Okay. Am I correct,
20 if you look at Page 2 of your report, in
21 saying that the report states the injuries
22 were low to moderate severity?

1 MS. MEDHANI: Yes.

2 MR. MPRAS: And you look good. Do
3 you have any lasting physical effects from,
4 physiological effects from the assault?

5 MS. MEDHANI: Physiological, yes,
6 not physical.

7 CHAIRPERSON MILLER: I can't hear
8 you.

9 MS. MEDHANI: I said
10 physiological, yes, but not physical.

11 MR. MPRAS: Okay. So you don't
12 have any physical effects?

13 MS. MEDHANI: No.

14 MR. MPRAS: What physiological
15 effects do you have?

16 MS. MEDHANI: Just the paranoia,
17 that it could happen again.

18 MR. MPRAS: And has that caused
19 you to stop going out?

20 MS. MEDHANI: Yes. In DC, yes, in
21 certain areas, yes.

22 MR. MPRAS: And is it fair to say

1 that you're more cautious about where you go?

2 MS. PHILLIPS: I'm going to object
3 to more cautious, as if she wasn't cautious
4 before. That's my objection.

5 MR. MPRAS: Well, more than she
6 would have been before.

7 MS. PHILLIPS: All right, that's
8 fine.

9 MR. MPRAS: You said you take your
10 own security with you.

11 MS. MEDHANI: I just don't stray
12 far.

13 CHAIRPERSON MILLER: You don't
14 what?

15 MS. MEDHANI: I don't stray far
16 from the people. I just stand around my
17 brother, really.

18 MR. MPRAS: Now, going back to
19 those two gentlemen that were with you,
20 throughout all this, did they try to
21 intervene or assist in any way whatsoever?

22 MS. MEDHANI: I do not recall.

1 CHAIRPERSON MILLER: I'm sorry, I
2 can't hear.

3 MS. MEDHANI: I do not recall.

4 CHAIRPERSON MILLER: Thank you,
5 okay.

6 MR. MPRAS: Now you said you're
7 feeling a type of paranoia? Or you're
8 feeling a physiological effect from this.
9 Have you sought any treatment for that?

10 MS. MEDHANI: No.

11 MR. MPRAS: Did you file a police
12 report for your stolen items?

13 MS. MEDHANI: Yes.

14 MR. MPRAS: You did?

15 MS. MEDHANI: I assume that's at
16 the same time as we filed the police report.

17 MR. MPRAS: The only report on
18 file is for the assault.

19 MS. MEDHANI: Okay, then no.

20 CHAIRPERSON MILLER: Well, did she
21 file a police report for what?

22 MR. MPRAS: For the stolen items?

1 CHAIRPERSON MILLER: Oh, thank
2 you. Okay.

3 MR. MPRAS: Now, you said in your
4 testimony you spoke to an ABRA investigator.
5 Is that correct?

6 MS. MEDHANI: Yes. Well, I know
7 that there was a conversation that occurred
8 between Ms. Solomon and the ABRA
9 investigator. That's moreso what I recall.
10 I was maybe faulty in saying I spoke to him.
11 I don't --

12 MR. MPRAS: So you don't recall if
13 you spoke to an ABRA investigator or not?

14 MS. MEDHANI: No.

15 MR. MPRAS: You said you did in
16 your --

17 MS. MEDHANI: I remember his name.
18 I know the story. I would say yes, I spoke
19 to him.

20 MR. MPRAS: But simply my question
21 is did you personally speak to an ABRA
22 investigator?

1 MS. MEDHANI: I don't recall.

2 (Off microphone comments)

3 CHAIRPERSON MILLER: More
4 questions? Mr. Silverstein?

5 MEMBER SILVERSTEIN: I'm trying to
6 get the time line right on this, Ms. Medhani.
7 This happened on a Wednesday night/Thursday
8 morning right before Thanksgiving. Is that -
9 -

10 MS. MEDHANI: Yes, sir.

11 MEMBER SILVERSTEIN: And you went
12 to the hospital Thursday night/Friday
13 morning?

14 MS. MEDHANI: Friday night/
15 Saturday morning.

16 MEMBER SILVERSTEIN: Is there a
17 reason why you went then as opposed to
18 earlier?

19 MS. MEDHANI: Thursday I left.
20 And Friday I just wasn't feeling well. And
21 then Friday night we just decided that we
22 should probably go to the hospital, just to

1 make sure we were okay. I had a slight
2 headache. I just wanted to make sure I was
3 okay.

4 MEMBER SILVERSTEIN: The report
5 says head injury, minor head injury without
6 concussion. What did they tell you to do?

7 MS. MEDHANI: They just gave me a
8 prescription for vicodin for the pain.

9 MEMBER SILVERSTEIN: Okay. But
10 you suffered no long lasting permanent
11 physical injuries. You were fortunate in
12 that.

13 So many questions have been asked.
14 I'm going to allow my colleagues to go
15 forward.

16 CHAIRPERSON MILLER: Do others
17 have questions?

18 MEMBER ALBERTI: I have one.

19 CHAIRPERSON MILLER: Okay, Mr.
20 Alberti?

21 MEMBER ALBERTI: Good evening,
22 Ms. Medhani. Thank you for sticking with it.

1 I'm going to go back to earlier in the
2 evening, just before the melee began. All
3 right?

4 I want to hear from you. So I'm
5 not going to tell you what I heard your
6 testimony to be. But just before the melee,
7 what was the atmosphere in the club? What
8 was going on?

9 MS. MEDHANI: It seemed fairly
10 peaceful, it didn't seem hostile.

11 MEMBER ALBERTI: You said it was
12 the end of the evening?

13 MS. MEDHANI: Yes.

14 MEMBER ALBERTI: Were you
15 conscious of the time?

16 MS. MEDHANI: I just know at that
17 point it was getting late. And people were
18 moving all around. And when I turned around
19 is when I felt like an aggressive type
20 movement behind me.

21 MEMBER ALBERTI: People are moving
22 all around, in what way?

1 MS. MEDHANI: People were moving
2 towards the door.

3 MEMBER ALBERTI: Oh, so people
4 were moving towards the door at that hour?

5 MS. MEDHANI: Yes.

6 MEMBER ALBERTI: Because you said
7 earlier that, I don't know, you implied
8 earlier in your testimony that it was the end
9 of the night and they were telling people to
10 leave. Is that correct?

11 MS. MEDHANI: Yes.

12 MEMBER ALBERTI: It's just before
13 the melee.

14 MS. MEDHANI: Yes.

15 MEMBER ALBERTI: Okay. I'll ask
16 this. Do you have any sense of where your
17 friends were and what was going on while you
18 were being attacked?

19 MS. MEDHANI: I can just recall
20 slightly where Ms. Solomon was. And that was
21 to my left a few steps further back. That's
22 when I last saw her while I was getting hit.

1 MEMBER ALBERTI: I think you said
2 at some point the security broke this up.

3 MS. MEDHANI: Yes. Well, it was
4 broken up.

5 MEMBER ALBERTI: It was broken up.

6 MS. MEDHANI: Yes.

7 MEMBER ALBERTI: All right. At
8 some point it was broken up. What do you
9 mean it was broken up?

10 MS. MEDHANI: At some point they
11 were gone.

12 MEMBER ALBERTI: At some point
13 they were gone. Do you know if someone
14 intervened, or if they just decided they had
15 enough?

16 MS. MEDHANI: I don't recall when
17 this was over.

18 MEMBER ALBERTI: Okay. But it was
19 over for you?

20 MS. MEDHANI: At that point.

21 MEMBER ALBERTI: What'd you do
22 after that?

1 MS. MEDHANI: Tried to figure out
2 what just happened and tried to talk amongst
3 ourselves and figure out how it started.

4 We discussed at that point that we
5 were missing our stuff, or I was missing my
6 purse. And we glanced around to see if we
7 could find it. I didn't necessarily look.
8 But they told us to leave.

9 MEMBER ALBERTI: So while that was
10 going on, who was around you?

11 MS. MEDHANI: I know Ms. Solomon
12 and Ms. Kiflezghi. And security was present,
13 not necessarily around me.

14 MEMBER ALBERTI: You named two
15 friends. What about --

16 MS. MEDHANI: I don't recall where
17 they were.

18 MEMBER ALBERTI: You don't know
19 where they were.

20 MS. MEDHANI: I wasn't really
21 concerned with that.

22 MEMBER ALBERTI: Well, okay. So

1 let me, because I'm a little confused. When
2 you left -- I'm going to come back to earlier
3 than this -- but when you were at bottom of
4 the stairs leaving, how many of your friends
5 were together at that point?

6 MS. MEDHANI: We were all still
7 together at that point.

8 MEMBER ALBERTI: Okay.

9 MS. MEDHANI: I don't know where
10 the guys were while that altercation was
11 going on.

12 MEMBER ALBERTI: And you don't
13 know where they were while you were
14 discussing what just happened?

15 MS. MEDHANI: No.

16 MEMBER ALBERTI: Okay, all right.
17 That's fair, that's fair. I'm just trying to
18 get a sense of where we're at. So you wanted
19 to look for your stuff. Is that correct?

20 MS. MEDHANI: Yes.

21 MEMBER ALBERTI: All right. Did
22 you tell security why you wanted to look for

1 your stuff?

2 MS. MEDHANI: Yes. We told them.

3 MEMBER ALBERTI: And what did you
4 tell them?

5 MS. MEDHANI: Our stuff was
6 missing.

7 MEMBER ALBERTI: Okay. Did you
8 tell them why it was missing? Did you
9 describe to them at all what had happened to
10 you?

11 MS. MEDHANI: We told them we were
12 attacked, and we wanted to stay, and when
13 they were escorting us out, when they were
14 telling us to leave, that we wanted police to
15 come in first.

16 MEMBER ALBERTI: How did you
17 describe it to them? Did you say I was
18 attacked, did you say I got in a fight? Did
19 you say there was a scuffle? How did you
20 describe it to them?

21 MS. MEDHANI: We just got beat up.

22 MEMBER ALBERTI: That's the way

1 you described it to them?

2 MS. MEDHANI: Yes.

3 MEMBER ALBERTI: And what was
4 their reaction?

5 MS. MEDHANI: It didn't seem to
6 phase them.

7 MEMBER ALBERTI: So you regrouped
8 someplace down there by the bar and headed
9 toward the stairs.

10 MS. MEDHANI: Yes.

11 MEMBER ALBERTI: Okay. Who was
12 with you besides your friends?

13 MS. MEDHANI: It was the five of
14 us and the Indian gentleman.

15 MEMBER ALBERTI: Okay. Was
16 security around at all?

17 MS. MEDHANI: The last time I
18 remember security was up at the top of the
19 stairs.

20 MEMBER ALBERTI: Okay. So when
21 you were climbing the stairs you remember
22 security at the top of the stairs?

1 MS. MEDHANI: When I got to the
2 top of the stairs is when I remember security
3 at the top of the stairs.

4 Initially he was at the bottom of
5 the stairs. So he got to the top before us.
6 So I did not see him walk up.

7 MEMBER ALBERTI: Okay. So you saw
8 him. You were regrouping, you were going to
9 be leaving, and it was all kind of confusing
10 at this point.

11 You spotted this person you
12 believed to be security at the bottom of the
13 stairs.

14 MS. MEDHANI: Yes.

15 MEMBER ALBERTI: Correct. How
16 long before you started going up the stairs
17 did you see him at the top? Then you saw him
18 at the top of the stairs. How long
19 transpired between the --

20 MS. MEDHANI: Seconds. From the
21 time we approached the bottom of the stairs
22 he must have gone up. I didn't see him go

1 up. And we were still discussing. And then
2 finally he was telling us to leave.

3 MEMBER ALBERTI: So you got to the
4 top of the stairs and you walked out, all
5 right. Was security in front of you when you
6 walked out?

7 MS. MEDHANI: No. When you first
8 walk in, there's like a cove off to your
9 right. Security was standing right there.
10 So when we walked out, he was still inside on
11 our left hand side.

12 MEMBER ALBERTI: So he was inside.
13 He stayed --

14 MS. MEDHANI: Yes.

15 MEMBER ALBERTI: All right. So
16 as you left he was still inside?

17 MS. MEDHANI: He did not walk out
18 with us, yes.

19 MEMBER ALBERTI: Thank you. I
20 have no further questions.

21 CHAIRPERSON MILLER: Okay. We
22 actually need to recall a previous witness.

1 MS. PHILLIPS: Before we finish
2 with this witness and allow her to leave, can
3 I ask a few more questions based on what
4 we've heard?

5 CHAIRPERSON MILLER: Oh, yes. I'm
6 not finished with the witness. I'm just
7 wondering --

8 MS. PHILLIPS: Oh, you aren't
9 finished. So you're going to break her
10 testimony. You're not going to finish with
11 her testimony?

12 CHAIRPERSON MILLER: Well, I'm
13 going to ask if that's a problem. Because I
14 understand that we have people on the Fur
15 case that need to be heard.

16 And I'd ask that we take a short
17 break in this case and then come back. Is
18 that a problem? You want to finish this
19 witness.

20 MS. PHILLIPS: I want to finish
21 this witness. And I really prefer if we take
22 the witness who's come in, the other victim,

1 before we go to Fur. But I don't want my
2 colleague to like leap up to the table, get me
3 for that.

4 (Laughter)

5 MS. PHILLIPS: Strike that from the
6 record. I never said that.

7 MEMBER ALBERTI: You don't want to
8 be hit from behind, right.

9 MS. PHILLIPS: I really feel
10 strongly when victims take time out of their
11 day and their work to come in. Those of us
12 that are employed by the Government can wait
13 until they're finished.

14 And so unless they're police
15 officer who've met to back to the street,
16 that's my opinion. And I would do the same
17 for my colleague if I were back there.

18 CHAIRPERSON MILLER: Well, I think
19 it also depends if we're talking about ten
20 minutes or five minutes versus an hour.

21 MS. PHILLIPS: You asked my
22 opinion, and that's my opinion.

1 CHAIRPERSON MILLER: Okay. I'm
2 going to let my General Counsel confer with
3 your colleague and --

4 (Crosstalk)

5 MEMBER ALBERTI: We have Ms.
6 Medhani here and --

7 CHAIRPERSON MILLER: And I heard
8 what you said. And my General Counsel is
9 going to work it out with your colleague. Oh,
10 I'm sorry.

11 I said I heard what you had to say.
12 And my General Counsel is going to discuss it
13 with your colleague. And in the meantime, we
14 will continue with this witness.

15 MS. PHILLIPS: Oh, okay.

16 CHAIRPERSON MILLER: What we do
17 after this witness we can visit --

18 MS. PHILLIPS: Thank you.

19 CHAIRPERSON MILLER: -- shortly.

20 MS. PHILLIPS: Board questions, I
21 think.

22 CHAIRPERSON MILLER: So Board

1 questions, Mr. Alberti finished his. I just
2 have one question, I believe, and that is I
3 understand that you were in a group of five.

4 MS. MEDHANI: Yes.

5 CHAIRPERSON MILLER: And we already
6 heard from another woman who was attacked that
7 night, and you. And I just want to clarify
8 how many individuals in your group were
9 attacked?

10 MS. MEDHANI: Three.

11 CHAIRPERSON MILLER: Three. So
12 they were the women, correct?

13 MS. MEDHANI: Yes.

14 CHAIRPERSON MILLER: So the men
15 were not.

16 MS. MEDHANI: No.

17 CHAIRPERSON MILLER: Okay. All
18 right. That's all I wanted to clarify, I
19 believe. Are there other questions from Board
20 members?

21 Okay. So now we'll go back to
22 questions on Board questions and the Redirect.

1 Ms. Phillips?

2 MS. PHILLIPS: You said that you
3 grabbed at a purse that was on the arm of a
4 gentleman who attacked you. Is that correct?

5 MS. MEDHANI: Yes.

6 MS. PHILLIPS: That was Ms.
7 Kiflezghi's?

8 MS. MEDHANI: Yes.

9 MS. PHILLIPS: All right, purse.
10 Did you see him or anyone else take her purse?

11 MS. MEDHANI: No.

12 MS. PHILLIPS: Okay. Did you tell
13 the police when you were talking about this
14 incident that you had property stolen?

15 MS. MEDHANI: Yes.

16 MS. PHILLIPS: Okay. So whether or
17 not they recorded it in the report you didn't
18 know at the time. Is that fair?

19 MS. MEDHANI: Yes.

20 MS. PHILLIPS: But you reported
21 that you had stuff stolen?

22 MS. MEDHANI: Yes.

1 MS. PHILLIPS: All right. Thank
2 you. That's all I have.

3 CHAIRPERSON MILLER: Okay.

4 MR. MPRAS: I have just a couple of
5 questions.

6 CHAIRPERSON MILLER: Yes, Mr.
7 Mpras.

8 MR. MPRAS: So back to the police
9 report, you basically gave them your
10 statement, told them what happened, and that
11 you had property stolen, correct?

12 MS. MEDHANI: Yes.

13 MR. MPRAS: Did you follow-up with
14 the police report in any way whatsoever?

15 MS. MEDHANI: No.

16 MR. MPRAS: Did you make sure that
17 the lost property report was filed?

18 MS. MEDHANI: No.

19 MR. MPRAS: And again, any idea why
20 the men were not attacked, why only the women?

21 MS. PHILLIPS: Calls for
22 speculation.

1 MR. MPRAS: And during this whole
2 melee, basically you were engaged. And you
3 didn't know the location of your friends,
4 correct?

5 MS. MEDHANI: No.

6 MR. MPRAS: Thank you.

7 MS. MEDHANI: You're welcome.

8 CHAIRPERSON MILLER: May this
9 witness be dismissed?

10 MS. PHILLIPS: Yes.

11 CHAIRPERSON MILLER: Thank you.

12 MS. MEDHANI: Thank you very much.

13 MS. PHILLIPS: Thank you.

14 (Off the record comments)

15 CHAIRPERSON MILLER: I'm not sure
16 now where Mr. Rivero is. My understanding was
17 it would be a fairly short interruption.

18 MS. PHILLIPS: Well, since we have
19 to get the other witness you might as well
20 find him and maybe have a little break? Two
21 minutes? My witness is not here and I don't
22 see Mr. Rivero.

1 CHAIRPERSON MILLER: Mr. Rivero's
2 coming. You could take your break while we
3 heard from Mr. Rivero.

4 MS. PHILLIPS: Oh, that's what I
5 thought.

6 CHAIRPERSON MILLER: If he hasn't
7 disappeared. Here he is, okay.

8 MS. PHILLIPS: I only asked for me
9 to have a break, Mr. Alberti.

10 MEMBER ALBERTI: I understand.

11 CHAIRPERSON MILLER: Okay. So
12 since you're amenable to that, thank you.
13 We'll take break in the current case.

14 And we're going to hear from the
15 parties in Fur Factory, which we heard
16 previously, Case Number 13-251-00068.

17 MR. RIVERO: Good afternoon, Board
18 Members, Fernando Rivero for the District of
19 Columbia.

20 CHAIRPERSON MILLER: And, Mr.
21 Mpras, do you want to introduce yourself for
22 the record again?

1 MR. MPRAS: I'm Emanuel Mpras for
2 Fur Factory.

3 CHAIRPERSON MILLER: Okay, thank
4 you.

5 MR. ROMFU: Michael Romfu, Fur
6 Factory.

7 MR. SAH: Ahmed Shah, Fur Factory.

8 CHAIRPERSON MILLER: Thank you.
9 Okay. All right, Mr. Rivero.

10 MR. RIVERO: Thank you.

11 CHAIRPERSON MILLER: Do you have
12 something to tell them.

13 MR. RIVERO: Yes. The parties have
14 a revised plan that we believe address the
15 concerns that were articulated the last time
16 that we were before you.

17 And you don't have copies of this
18 right now. Copies will be provided.

19 CHAIRPERSON MILLER: Okay.

20 MR. RIVERO: I'll just hand this
21 document over. And we would like to state on
22 the record that parties agreed to what I'm

1 about to say.

2 MALE PARTICIPANT: We do.

3 CHAIRPERSON MILLER: Okay.

4 MR. RIVERO: So the additional
5 language to address a question concerning the
6 agreement with MPD to have someone in front of
7 the club, we have separated the statement in
8 a new section.

9 And that statement reads, "Licensee
10 agrees to escort violent aggressors to MPD
11 officer or officers --

12 MEMBER SILVERSTEIN: We need to
13 hear you in back? Thank you.

14 MR. RIVERO: Am I heard? Okay?

15 CHAIRPERSON MILLER: I can hear.

16 MEMBER SILVERSTEIN: I'm sorry.

17 MR. RIVERO: I will restart the
18 sentence. "Licensee agrees to escort violent
19 aggressors to the MPD officer or officers
20 customarily posted immediately in front of the
21 establishment."

22 So that refers to the fact that no

1 matter if MPD disagrees with putting somebody
2 right at the door, we know where they
3 customarily are. And that's the place where
4 I described.

5 So that's a separate sentence.
6 That does not hinge on MPD's agreement to
7 place somebody in a particularly close spot,
8 which is part of the plan. So that's a
9 revision.

10 CHAIRPERSON MILLER: Yes.

11 MR. RIVERO: The other revision
12 that we have is with respect to the
13 documenting of the weapons, and how to hand
14 them over, or whether or not to hand them
15 over.

16 The issue was consultation and how
17 do we know that consultation took place. That
18 was the question from the board.

19 There was an additional sentence in
20 the same section that deals with this that
21 says, "Licensee will document the date and
22 time of the consultation and include the name

1 and badge number of the officer consulted."

2 That sentence speaks to that
3 particular point that was raised.

4 CHAIRPERSON MILLER: Okay.

5 MR. RIVERO: There was another
6 concern that while we talked about pat downs
7 being used in conjunction with the wands,
8 that wasn't actually clearly spelled out in
9 the document.

10 Therefore, the sentence that has
11 been added reads as follows. "The wands will
12 be used in conjunction with physical pat down
13 searches as specified in the Licensee's
14 security plan."

15 And the Licensee's security plan
16 does have language about how to do that.

17 CHAIRPERSON MILLER: Okay.

18 MR. RIVERO: And I'm referring to
19 the pat down searches.

20 Then there is a language that has
21 been added, just to make sure we indicate that
22 the electronic ID scanners will be used in

1 conjunction with the full manual ID checking
2 procedures contained in the Licensee's
3 security plan.

4 So likewise, in this area, it was
5 not stated in the previous version of the
6 agreement that both would be used at once,
7 even though I said that, okay?

8 CHAIRPERSON MILLER: Yes.

9 MR. RIVERO: Now there were some
10 concerns about, really, the security plan.
11 Because there was a question about the
12 training that would be provided to the
13 security staff about escorting people from the
14 exit to the MPD officer.

15 And the question was you all wanted
16 to know how in the security plan the language
17 would differ from the existing instruction to
18 just put people out with the new instruction
19 about handing people over to MPD.

20 That difference will be shown in
21 the security plan, because the question
22 entailed showing you all how the security plan

1 differs. So necessarily, that's not part of
2 this document.

3 And there was another similar
4 concern along those lines. And that was the
5 basically the same thing with respect to the
6 use of the wands.

7 You wanted to know in the plan that
8 there will be language that shows that the
9 wands and the pat downs will be done together.
10 So there is a statement about that in the
11 document now.

12 But there will be language to that
13 effect in the security plan, which as you know
14 from last time, will be revised and provided
15 to you, probably tomorrow. That's the
16 Licensee's obligation.

17 So those are the changes that I
18 believe address what the Board's concerns
19 were. There was one final point about the
20 cameras. But there are already actual
21 diagrams in the file that show where the
22 cameras are.

1 And there are two floors. So
2 that's already existing. But I know that was
3 a point that was made.

4 And then the final point was that
5 no suspension would be lifted until an
6 approved security plan were in place. And
7 that, again, is a function of the security
8 plan that will be distributed to you.

9 I believe those are all the points
10 that were made by the Board and addressed.

11 CHAIRPERSON MILLER: I thought
12 there was a question about when the trainings
13 were going to take place. Am I mistaken?

14 MR. RIVERO: Well, yes. The
15 trainings would take place before the
16 suspension is lifted.

17 CHAIRPERSON MILLER: Okay. Okay,
18 good.

19 MR. RIVERO: Yes.

20 CHAIRPERSON MILLER: All right.

21 And you'll have a copy of a revised --

22 MR. RIVERO: Well, here's the

1 document.

2 CHAIRPERSON MILLER: Oh.

3 MR. RIVERO: But we haven't signed
4 it. But we can use this document to make
5 copies for the Board.

6 CHAIRPERSON MILLER: Okay.

7 MR. RIVERO: Actually, it's only
8 missing the Attorney's signature. And then
9 you could make copies and review it.

10 CHAIRPERSON MILLER: Okay.

11 MR. RIVERO: This is the only copy
12 that we have.

13 (Off the record comments)

14 MR. MPRAS: And I should have a
15 revised security plan for the Board sometime
16 tomorrow.

17 CHAIRPERSON MILLER: Okay, good.

18 MR. MPRAS: I'm not going to say
19 morning, just in case, but definitely before
20 the close of business.

21 CHAIRPERSON MILLER: Right. We
22 don't know what time this one's going to end.

1 Okay.

2 MEMBER ALBERTI: I have a question,
3 if I may.

4 CHAIRPERSON MILLER: Yes, sir.
5 Absolutely.

6 MEMBER ALBERTI: Mr. Rivero?

7 MR. RIVERO: Yes.

8 MEMBER ALBERTI: In the earlier
9 document you spoke of there would be enhanced
10 or improved, or something like that, training
11 for how to escort people out. All right.

12 MR. RIVERO: Correct, the training -
13 -.

14 MEMBER ALBERTI: Wait, wait, wait.
15 Let me finish, please. You just now spoke
16 about we would see in the security plan new
17 procedures that differed from the old
18 procedures on how to escort people out.

19 So I'm getting now that we're going
20 to see, that the statement is that we're going
21 to see different --

22 MR. RIVERO: No.

1 MEMBER ALBERTI: -- procedures.

2 But it doesn't speak to training.

3 MR. RIVERO: Right.

4 MEMBER ALBERTI: So you haven't
5 really addressed training. And you can tell
6 me that I'm taking this too literally. But
7 you spoke of training earlier.

8 And now I don't see that you're
9 going to tell us what the training was prior
10 to this.

11 MR. RIVERO: That's contained in
12 the security plan.

13 MEMBER ALBERTI: But that's not the
14 training. That's just the procedures.

15 MR. RIVERO: No.

16 MEMBER ALBERTI: Well, let me
17 finish. The security plan just tells me what
18 the procedures are. It doesn't tell me what
19 the training is.

20 MR. RIVERO: No. The security
21 plan has a section that says there will be
22 training provided on A, B, C, and D.

1 Because that's actually one of the
2 legal requirements under 25-403, that a
3 security plan address what kind of training is
4 provided.

5 MEMBER ALBERTI: Okay. So it says
6 specifically what items they have trained on.

7 MR. RIVERO: Correct.

8 MEMBER ALBERTI: Okay. I
9 misunderstood you.

10 MR. RIVERO: Yes. But that's
11 already --

12 MEMBER ALBERTI: I wanted to clear
13 that up.

14 MR. RIVERO: -- an underlying
15 requirement of the law, as it stands.

16 So on the prior case, when I
17 reviewed the section, if the law says you need
18 to show training on A, B, and C, then the plan
19 had that.

20 What's different now is that there
21 will also be a statement about training on the
22 new stuff, training about taking people from

1 the exit to the MPD, because that's missing.

2 MEMBER ALBERTI: Okay, got you.

3 All right.

4 MR. RIVERO: A statement about
5 training is missing.

6 MEMBER ALBERTI: Thank you for
7 clearing that up.

8 MR. RIVERO: Sure.

9 MEMBER ALBERTI: Thank you.

10 CHAIRPERSON MILLER: Okay. Any
11 other questions? Mr. Jones?

12 MEMBER JONES: Yes, Madam Chair.
13 Just as a follow-up to that, just to make sure
14 I'm clear, so is there an established training
15 package, or a company, or an entity that
16 provides said training that is referenced in
17 the security plan?

18 MR. RIVERO: The answer is yes.

19 MEMBER JONES: Okay.

20 MR. RIVERO: And the details of
21 that information the Licensee possesses.

22 MEMBER JONES: The details of that

1 information, so the --

2 MR. RIVERO: Who the company is and
3 all that.

4 MEMBER JONES: Understood. So the
5 Licensee would then be able to provide me a
6 delta between what was provided, in terms of
7 those specifics yesterday, and what they will
8 be providing as a revised version of said
9 tomorrow?

10 MR. RIVERO: Right. So the
11 Licensee will --

12 MEMBER JONES: Okay. So that's
13 what I will be expecting to see.

14 MR. RIVERO: The Licensee will be
15 able to provide, because I want to make sure
16 that I understood the question --

17 MEMBER JONES: Right.

18 MR. RIVERO: The Licensee will be
19 able to provide the name of the company, what
20 the company taught at this point in time, and
21 the name of the company, and what the company
22 will teach for this new training that we're

1 contemplating right now.

2 MEMBER JONES: Yes, thank you.

3 MR. RIVERO: And I believe that's
4 the point that's being discussed right now.

5 MEMBER JONES: So it is, sir.

6 MR. RIVERO: Okay.

7 MEMBER JONES: Thank you.

8 CHAIRPERSON MILLER: Okay. So at
9 this point we are waiting for the copies so
10 that Board members can look at it to make
11 sure. And then we could vote on it.

12 MEMBER ALBERTI: I'm assuming that
13 Mr. Mpras agrees, and his client agrees, with
14 all this, right?

15 MALE PARTICIPANT: Haven't heard a
16 word.

17 MR. MPRAS: No. We're in
18 concurrence with Mr. Rivero.

19 MEMBER ALBERTI: Okay, thank you.

20 CHAIRPERSON MILLER: Yes. I'm under
21 the understanding, and you've both signed it,
22 correct?

1 MR. MPRAS: We have both signed it,
2 yes.

3 CHAIRPERSON MILLER: Okay.

4 MR. RIVERO: The Licensee signed it
5 as well, so it has three signatures. So the
6 agreement is signed by three.

7 MR. MPRAS: She meant both, both of
8 us. And Mr. Rivero.

9 CHAIRPERSON MILLER: Okay. So I'm
10 sorry about your interruption. I think this
11 should not take very long though.

12 (Off the record comments)

13 MEMBER ALBERTI: May I just, I have
14 a question here I can ask?

15 CHAIRPERSON MILLER: Sure. That's
16 why --

17 MEMBER ALBERTI: And this question
18 is really for everyone. It was my
19 understanding that, with my Board members,
20 that we had agreed that the suspension would
21 not be lifted until there was a security plan
22 submitted --

1 CHAIRPERSON MILLER: Correct.

2 MEMBER ALBERTI: -- that met the
3 satisfaction of the Board. Okay. And it
4 doesn't really say that here. I just wanted
5 to make sure that everyone understands that.

6 MR. RIVERO: The terms of the
7 agreement is that there's 14 days. But of
8 course tomorrow is within 14 days.

9 (Laughter)

10 MR. RIVERO: So tomorrow they will
11 hand off, presumably, a security plan for the
12 Board's review.

13 MEMBER ALBERTI: Fine, got you. I
14 just wanted to make sure there was no
15 misunderstanding.

16 MR. RIVERO: None whatsoever.

17 MEMBER SILVERSTEIN: I'd like to
18 take this opportunity to thank Mr. Rivero for
19 his work on this. I know it's been a long
20 day.

21 MR. RIVERO: It happens.

22 MEMBER SILVERSTEIN: Mr. Shah, as

1 well, I know this is certainly in your self-
2 interest. But having worked on this all day,
3 thank you for your efforts.

4 (Off microphone comment)

5 CHAIRPERSON MILLER: Are there any
6 further questions or concerns with respect to
7 this offer and compromise? Are Board members
8 ready to vote on it then?

9 MEMBER ALBERTI: I am, Madam Chair.

10 CHAIRPERSON MILLER: Okay. Are you
11 ready to vote on this? All right. Then I
12 move that we approve this offer and
13 compromise. Do I have a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Mr. Brooks has
16 seconded the motion. All those in favor say
17 aye.

18 (Multiple Ayes)

19 CHAIRPERSON MILLER: All those
20 opposed, abstaining? The motion passes, 5-0-
21 0. Okay.

22 MR. RIVERO: Okay, thank you very

1 much.

2 CHAIRPERSON MILLER: Thank you very
3 much.

4 (Off the record comments)

5 CHAIRPERSON MILLER: All right.
6 That concludes the case of the Fur Factory.

7 And we're going to go back to the
8 MIA Case, Case Number 11-251-00372, and pick
9 up with the Government's third witness.

10 MS. PHILLIPS: The District calls
11 its next witness.

12 MS. KIFLEZGHI: Hi.

13 CHAIRPERSON MILLER: Would you
14 raise your right hand? I'm going to swear you
15 in. Do you swear to tell the truth, the whole
16 truth, and nothing but the truth?

17 MS. KIFLEZGHI: I do.

18 CHAIRPERSON MILLER: Okay. Thank
19 you.

20 MS. PHILLIPS: Would you state your
21 name and spell it for the record, please?

22 MS. KIFLEZGHI: Walta, W-A-L-T-A,

1 last name Kiflezghi, K-I-F-L-E-Z-G-H-I.

2 MS. PHILLIPS: Okay. Does your
3 little microphone have a green dot on it?

4 CHAIRPERSON MILLER: Yes, we
5 couldn't hear that.

6 MEMBER SILVERSTEIN: Yes, please
7 speak to us. Your last name is --

8 MS. KIFLEZGHI: Kiflezghi, K-I-F-L-
9 E-Z-G-H-I.

10 MS. PHILLIPS: Board's indulgence.
11 You can hear her? Okay, thank you. So, Ms.
12 Kiflezghi, your green light is on, right?

13 MS. KIFLEZGHI: Yes, it is.

14 MS. PHILLIPS: So you'll just have
15 to speak up so that the rest of us --

16 MS. KIFLEZGHI: Okay.

17 MS. PHILLIPS: -- can hear you.
18 The Court Reporter indicated he could hear
19 you.

20 MS. KIFLEZGHI: Okay.

21 MS. PHILLIPS: But you're not miked
22 for us. You're miked for him.

1 MS. KIFLEZGHI: Okay. I get it.

2 MS. PHILLIPS: All right. Just a
3 minute, I'll get it together in a minute. Ms.
4 Kiflezghi, tell me a little bit about yourself
5 briefly, please.

6 MS. KIFLEZGHI: In terms of what?

7 MS. PHILLIPS: Who you are, who are
8 you?

9 MS. KIFLEZGHI: Well --

10 MS. PHILLIPS: Are you employed?

11 MS. KIFLEZGHI: I am employed.

12 MS. PHILLIPS: Where do you work?

13 MS. KIFLEZGHI: I work at a leasing
14 agent.

15 MS. PHILLIPS: A leasing agent.

16 MS. KIFLEZGHI: Yes.

17 MS. PHILLIPS: What's that mean?

18 MS. KIFLEZGHI: I'm a leasing
19 consultant. And I'm also in school part-time,
20 nursing program.

21 MS. PHILLIPS: And where are you
22 going to your nursing program?

1 MS. KIFLEZGHI: At NoVa, NoVa
2 Community College.

3 MS. PHILLIPS: Okay. And were you
4 so employed at the time of this incident in
5 question?

6 MS. KIFLEZGHI: I was.

7 MS. PHILLIPS: Do you recall that
8 this incident occurred on November 24th, 2011?

9 MS. KIFLEZGHI: Yes.

10 MS. PHILLIPS: Was that the day
11 before Thanksgiving?

12 MS. KIFLEZGHI: It was.

13 MS. PHILLIPS: And I'm going to
14 ask, again, the Board's indulgence to ask
15 somewhat leading questions so we can move
16 along.

17 We're here to discuss an incident
18 which occurred the day before Thanksgiving.
19 And my recollection, and the reason you're
20 here, is that you were involved in an
21 altercation that occurred in what we're call
22 MIA.

1 I'll probably call it just the
2 establishment. But I think you know it as
3 Spot. Is that a fair summary?

4 MS. KIFLEZGHI: Yes.

5 MS. PHILLIPS: All right. I'm
6 going to take you back to around dinner time.
7 Did you have dinner that night?

8 MS. KIFLEZGHI: I did.

9 MS. PHILLIPS: Did you have it at
10 home or at the second location, which I
11 understand was your sister's boyfriend's
12 apartment.

13 MS. KIFLEZGHI: Right.

14 MS. PHILLIPS: We call that the
15 second location, okay.

16 MS. KIFLEZGHI: No. I had dinner
17 at my parents' house.

18 MS. PHILLIPS: Oh, your parents'
19 house. Were you living with your parents at
20 the time?

21 MS. KIFLEZGHI: I was.

22 MS. PHILLIPS: Okay. So when you

1 went to the second location, did you have
2 anything to drink, alcoholic?

3 MS. KIFLEZGHI: I did.

4 MS. PHILLIPS: Yes?

5 MS. KIFLEZGHI: Yes.

6 MS. PHILLIPS: What?

7 MS. KIFLEZGHI: I had Hennessey
8 with Coke.

9 MS. PHILLIPS: And how many do you
10 recall?

11 MS. KIFLEZGHI: I had one there.

12 MS. PHILLIPS: Okay. And do you
13 recall how long you stayed at the second
14 location?

15 MS. KIFLEZGHI: Probably about two
16 hours.

17 MS. PHILLIPS: Okay.

18 MS. KIFLEZGHI: We were there for
19 some time.

20 MS. PHILLIPS: And then what did
21 you do? I assume you left at some point and
22 then you went to the establishment. Is that

1 fair?

2 MS. KIFLEZGHI: Yes.

3 MS. PHILLIPS: Did you take a taxi?

4 MS. KIFLEZGHI: Yes.

5 MS. PHILLIPS: How did you figure
6 out that you were going to go to this
7 establishment?

8 MS. KIFLEZGHI: I believe it was
9 Ms. Medhani was looking up a place that we can
10 go. I've never been there before. And she
11 thought that it would be a nice spot. So we
12 ended up going there.

13 MS. PHILLIPS: Did you check it out
14 online?

15 MS. KIFLEZGHI: Ms. Medhani did.

16 MS. PHILLIPS: Did you know any of
17 the promoters? There's been testimony that
18 somebody knew promoters? That wasn't you, is
19 that fair?

20 MS. KIFLEZGHI: No. Yes, that
21 wasn't me.

22 MS. PHILLIPS: Okay. So I'm going

1 to start when you're approaching the door to
2 go into the establishment for the first time.
3 What happened?

4 MS. KIFLEZGHI: We walked in. And
5 there was a security guard at the door, or
6 actually he was before we got to the door, the
7 entrance.

8 And I remember I handed him my
9 driver license. He was speaking with someone
10 else to his right and didn't look at my
11 license, handed it right back.

12 I then turned and said had I given
13 him a business card he wouldn't have known the
14 difference. And then we proceeded to walk in.

15 MS. PHILLIPS: Okay. And do you
16 recall whether or not IDs were checked for the
17 rest of your party?

18 MS. KIFLEZGHI: I do not.

19 MS. PHILLIPS: My understanding is
20 that you were there with Ms. Medhani, Ms.
21 Solomon, and two gentlemen. Is that --

22 MS. KIFLEZGHI: Yes.

1 MS. PHILLIPS: Well, I'm going to
2 call them gentlemen.

3 (Laughter)

4 MS. PHILLIPS: I've heard some
5 testimony which might dispute that. But
6 that's okay. But they were two women friends
7 and two male friends.

8 MS. KIFLEZGHI: Right.

9 MS. PHILLIPS: Were they any
10 relation to you, those male friends?

11 MS. KIFLEZGHI: No.

12 MS. PHILLIPS: Were they boyfriends
13 of yours?

14 MS. KIFLEZGHI: No.

15 MS. PHILLIPS: All right. And just
16 to get it clear, you weren't under 21 on the
17 day of the incident. Is that fair?

18 MS. KIFLEZGHI: Yes.

19 MS. PHILLIPS: Okay. Because I
20 just want to make sure there's no underage
21 drinking now.

22 MS. KIFLEZGHI: Yes.

1 MS. PHILLIPS: Okay. All right. So
2 you went into the establishment. Now you've
3 gotten past that first security guard. Was
4 that who you thought it was?

5 MS. KIFLEZGHI: Yes.

6 MS. PHILLIPS: Can you describe who
7 that was?

8 MS. KIFLEZGHI: I just remember a
9 tall African American gentleman.

10 MS. PHILLIPS: Is this the person
11 with dread locks, or not? We've heard
12 testimony about dreadlocks.

13 MS. KIFLEZGHI: I don't recall.

14 MS. PHILLIPS: Okay. How did you
15 know, other than his position and the fact
16 that you handed him your ID, that he was
17 related to the establishment? Was there any
18 way you could tell, other than that?

19 MS. KIFLEZGHI: No. He just had an
20 air that he worked there. He was, I believe,
21 dressed in black, or it looked uniformed, his
22 outfit. And he was asking for my ID.

1 MS. PHILLIPS: All right. So now
2 you're inside the establishment. What do you
3 do?

4 MS. KIFLEZGHI: We walked in and I
5 was standing by the bar. And Seret and Timnit
6 were maybe a few steps in front of me.

7 MS. PHILLIPS: At the bar or
8 somewhere else?

9 MS. KIFLEZGHI: Away from the bar.

10 MS. PHILLIPS: Away from the bar.

11 MS. KIFLEZGHI: Yes.

12 MS. PHILLIPS: And what did you do
13 then?

14 MS. KIFLEZGHI: I ordered a drink.

15 MS. PHILLIPS: And what did you
16 order?

17 MS. PHILLIPS: I ordered Hennessey
18 and Coke.

19 MS. PHILLIPS: And I'm just going
20 to skip to the whole night. Did you have more
21 than one drink before any altercation
22 occurred?

1 MS. KIFLEZGHI: No. I didn't even
2 have a chance to finish the drink.

3 MS. PHILLIPS: Okay. So we're
4 talking first drink.

5 MS. KIFLEZGHI: Yes.

6 MS. PHILLIPS: First drink. So do
7 you recall, in your recollection, how long you
8 were in the establishment before the
9 altercation that we're here to discuss today
10 occurred? This is just your best
11 recollection.

12 MS. KIFLEZGHI: I would like to say
13 about 30 to 45 minutes.

14 MS. PHILLIPS: Right. So let me
15 ask you this. So do you recall what time you
16 got to the second location?

17 MS. KIFLEZGHI: My sister's house?

18 MS. PHILLIPS: I thought it was
19 your sister's boyfriend's house.

20 MS. KIFLEZGHI: Well, yes. They're
21 married now, so --

22 MS. PHILLIPS: The second location,

1 that's what we call the second location. So
2 they're married now. Second location, do you
3 recall when you got there?

4 MS. KIFLEZGHI: I got there maybe
5 about 8:00, 9:00, yes.

6 MS. PHILLIPS: All right. Would it
7 be fair to say you're fuzzy on times?

8 MS. KIFLEZGHI: Yes, I am.

9 MS. PHILLIPS: Do you recall how
10 long you were there? Did I ask you that
11 already, at the second location?

12 MS. KIFLEZGHI: Well, we were at my
13 sister's, or the second location, for about
14 three hours or so. Because we were trying to
15 figure if we even wanted to go out.

16 MS. PHILLIPS: You were the one
17 that was voting no. Is that right?

18 MS. KIFLEZGHI: Yes. I did not
19 want to.

20 MS. PHILLIPS: So you stayed there
21 two to three hours, you're not sure, a long
22 period of time?

1 MS. KIFLEZGHI: I'm not sure. But
2 it felt like a long period of time.

3 MS. PHILLIPS: Do you recall what
4 time you got to the club?

5 MS. KIFLEZGHI: Probably about a
6 little after 12:30 or so.

7 MS. PHILLIPS: And just to be
8 clear, this incident occurred right around
9 closing time. Is that fair, from your
10 recollection?

11 MR. MPRAS: Objection, it's a
12 little too leading.

13 CHAIRPERSON MILLER: Too leading,
14 do you want to rephrase it?

15 MS. PHILLIPS: All right, too
16 leading, okay.

17 MR. MPRAS: A little leeway, but
18 come on.

19 MS. KIFLEZGHI: I want to say yes.
20 Can I say why?

21 MS. PHILLIPS: Yes, you may say
22 why.

1 MS. KIFLEZGHI: Okay. Because it
2 felt that after the altercation happened, the
3 club was still going on. But once the
4 altercation happened it felt like the club was
5 closing at the same time. So it didn't seem
6 like we were there a long period.

7 MS. PHILLIPS: Okay. So what I'm
8 asking you I guess about this closing
9 incident, was it closed -- from your
10 perspective only -- because the incident
11 occurred. Or was it closing because it was
12 closing time or do you not know?

13 MS. KIFLEZGHI: I don't know.

14 MS. PHILLIPS: All right. And my
15 understanding is you're not sure how long you
16 were there, but did you say -- what did you
17 say?

18 MS. KIFLEZGHI: How long I was at
19 the club?

20 MS. PHILLIPS: At the club.

21 MS. KIFLEZGHI: Before the
22 incident?

1 MS. PHILLIPS: Before the incident.

2 MS. KIFLEZGHI: Yes. I want to say
3 about 30 minutes or so, 45 minutes, something
4 around that.

5 MS. PHILLIPS: All right. Would it
6 be fair that you didn't look at your watch?

7 MS. KIFLEZGHI: That would be fair.

8 MS. PHILLIPS: Did you look at your
9 watch when you entered?

10 MS. KIFLEZGHI: No.

11 MS. PHILLIPS: Did you look at your
12 watch when you left?

13 MS. KIFLEZGHI: No.

14 MS. PHILLIPS: Did you wear a
15 watch?

16 MS. KIFLEZGHI: No. I have a cell
17 phone.

18 MS. PHILLIPS: Cell phone.

19 MS. KIFLEZGHI: But I didn't look
20 at that either.

21 MS. PHILLIPS: All right. So you
22 ordered a drink, and you think you did not

1 even have time to finish that one drink. So
2 at some point in time, 30 to 40 minutes later,
3 what happened?

4 MS. KIFLEZGHI: Well, I remember I
5 was at the bar, and there was a friend that
6 came. And we were talking, him and I. And
7 Seret and Timnit were, like I said, a few
8 steps ahead of me, or in front of me.

9 MS. PHILLIPS: Now that's Ms.
10 Medhani and --

11 MS. KIFLEZGHI: And Ms. Solomon.

12 MS. PHILLIPS: Solomon, thank you.

13 MS. KIFLEZGHI: Yes. And I just
14 recall there was some noise. I turned back to
15 my side, because the way I was standing in
16 front of the bar, like the bar was behind me,
17 and then the front was here. And Ms. Medhani
18 and Ms. Solomon were on this side.

19 So I heard some altercations. I
20 turned around. What I saw was several girls
21 and guys kind of on top, like fighting with
22 them.

1 So I immediately went to the
2 situation. I don't really remember what
3 happened at that point. I just remember that
4 security came and we were expressing to them
5 that, well, Ms. Medhani and Ms. Solomon were
6 looking for their items.

7 I hadn't even realized that my
8 items were missing. Because I still had my
9 purse with me. And so we were searching.
10 Security at that point was telling us that we
11 needed to leave.

12 MS. PHILLIPS: So were you struck
13 inside the establishment?

14 MS. KIFLEZGHI: Yes.

15 MS. PHILLIPS: Who struck you?

16 MS. KIFLEZGHI: I don't know.

17 MS. PHILLIPS: Male, female?

18 MS. KIFLEZGHI: I don't know?

19 MS. PHILLIPS: Number?

20 MS. PHILLIPS: I don't know.

21 MS. PHILLIPS: Okay. You said you
22 went toward Ms. Medhani and Ms. Solomon.

1 MS. KIFLEZGHI: Yes.

2 MS. PHILLIPS: What did you intend
3 to do as you were walking toward them?

4 MS. KIFLEZGHI: Help them, protect
5 them.

6 MS. PHILLIPS: Help them, protect
7 them. Were you able to effectuate help or
8 protect them before you were assaulted?

9 MS. KIFLEZGHI: No. As I was
10 walking towards them, I basically got hit as
11 well.

12 MS. PHILLIPS: Okay. Do you recall
13 how many times you were hit?

14 MS. KIFLEZGHI: No.

15 MS. PHILLIPS: And you've already
16 said you don't know who, what.

17 MS. KIFLEZGHI: Yes. There were
18 just several hands.

19 MS. PHILLIPS: Did you fall to the
20 floor?

21 MS. KIFLEZGHI: I did not.

22 MS. PHILLIPS: You did not. Were

1 you injured?

2 MS. KIFLEZGHI: Yes.

3 MS. PHILLIPS: Okay. Oh, I gave
4 you A. May I have at least one copy of A,
5 please, back. Thank you, Mr. Alberti.

6 This is, I'm handing you Exhibit A.
7 And I'm handing you Exhibit C, I kind of want
8 to keep one for myself. I'm going to hand
9 several copies to the Board.

10 MS. KIFLEZGHI: Thank you.

11 MS. PHILLIPS: In A, are you in A?

12 MS. KIFLEZGHI: Yes.

13 MS. PHILLIPS: Somebody told me
14 that picture was taken with makeup.

15 (Laughter)

16 MS. PHILLIPS: So A is injuries
17 covered with makeup.

18 MS. KIFLEZGHI: Yes.

19 MS. PHILLIPS: All right. And then
20 C, is that you?

21 MS. KIFLEZGHI: Yes.

22 MS. PHILLIPS: I see an injury on

1 your chin, eye, and forehead. Did I enumerate
2 them all, add to?

3 MS. KIFLEZGHI: Yes. Well, I had
4 injuries on my back as well.

5 MS. PHILLIPS: I'm just talking
6 about this picture, Number C.

7 MS. KIFLEZGHI: Oh, yes, yes.

8 MS. PHILLIPS: All right. Were
9 there injuries on your head that do not show
10 in this picture?

11 MS. KIFLEZGHI: Yes.

12 MS. PHILLIPS: Where were those
13 injuries?

14 MS. KIFLEZGHI: Right on my back,
15 to the right.

16 MS. PHILLIPS: So that would be the
17 right occiput, right?

18 MS. KIFLEZGHI: Yes.

19 MS. PHILLIPS: Okay. And anywhere
20 else on your body?

21 MS. KIFLEZGHI: My back.

22 MS. PHILLIPS: Back?

1 MS. KIFLEZGHI: Yes.

2 MS. PHILLIPS: And was that
3 bruising?

4 MS. KIFLEZGHI: Yes.

5 MS. PHILLIPS: And did you take
6 pictures of that?

7 MS. KIFLEZGHI: I did not.

8 MS. PHILLIPS: Did you have
9 bruising on your arms?

10 MS. KIFLEZGHI: No, I don't think
11 so.

12 MS. PHILLIPS: Did you strike
13 anyone else, do you know? Or were your
14 actions mostly defensive?

15 MS. KIFLEZGHI: A little bit of
16 both.

17 MS. PHILLIPS: Okay. Did you see
18 who you struck?

19 MS. KIFLEZGHI: It was like a swarm
20 of people. That's how I felt. And at one
21 point I did lose consciousness.

22 MS. PHILLIPS: How do you know

1 that?

2 MS. KIFLEZGHI: Well, because I
3 remember pulling for my bag. And I remember
4 at that point we were outside. And one of the
5 guys came.

6 I was pulling it from one of the
7 girls and another guy came and punched me.
8 And at that point I fell. I don't remember
9 anything else until I was yelling at the cop
10 to help.

11 MS. PHILLIPS: All right. Let's go
12 back inside.

13 MS. KIFLEZGHI: Okay.

14 MS. PHILLIPS: We aren't outside
15 yet.

16 MS. KIFLEZGHI: Okay.

17 MS. PHILLIPS: Were you struck
18 before you landed any blows?

19 MS. KIFLEZGHI: Yes.

20 MS. PHILLIPS: Do you recall how
21 the people who were hitting you stopped
22 hitting you?

1 MS. KIFLEZGHI: How they stopped?

2 MS. PHILLIPS: How they stopped.
3 Was there intervention by anybody? Did they
4 just get tired?

5 MS. KIFLEZGHI: No. I don't know
6 how it stopped.

7 MS. PHILLIPS: Okay. All right.
8 Do you know how long the whole melee lasted?

9 MS. KIFLEZGHI: Inside?

10 MS. PHILLIPS: Inside, I'm still
11 inside.

12 MS. KIFLEZGHI: It felt like
13 awhile, but it was probably about three to
14 five minutes or so.

15 MS. PHILLIPS: Right.

16 MS. KIFLEZGHI: Did I ask you to do
17 that counting thing?

18 MS. KIFLEZGHI: You did.

19 MS. PHILLIPS: Did you do it?

20 MS. KIFLEZGHI: Yes, I did.

21 MS. PHILLIPS: Did that help you
22 figure out the time line?

1 MS. KIFLEZGHI: Yes, it did.

2 MS. PHILLIPS: Okay. Explain to
3 the Board what I asked you to do about for
4 time.

5 MS. KIFLEZGHI: She asked that we
6 have a time, like a watch, and then to either
7 speak or just figure out how long a minute
8 really is so that we could compute how long it
9 took to get a better sense of the time.

10 CHAIRPERSON MILLER: Okay, thank
11 you.

12 MS. PHILLIPS: A's already
13 admitted. I move for the admission of C.

14 CHAIRPERSON MILLER: Okay. Are
15 there any objections? Okay. Exhibit C is
16 admitted then.

17 MS. PHILLIPS: All right. I think
18 you said you still had your personal
19 belongings after the melee inside ended. Was
20 I right about that?

21 MS. KIFLEZGHI: Sort of, yes.

22 MS. PHILLIPS: Sort of. So explain

1 to me. Lots of people lost property in this
2 goings on. So what happened to you with
3 regard to property, inside?

4 MS. KIFLEZGHI: Well, inside, I
5 didn't think anything happened.

6 MS. PHILLIPS: Okay. So you still
7 had your purse?

8 MS. KIFLEZGHI: I had my purse.

9 MS. PHILLIPS: And you didn't bring
10 anything else in that --

11 MS. KIFLEZGHI: Well, I didn't
12 realize that everything outside of my purse
13 was already gone.

14 MS. PHILLIPS: I don't understand
15 what that means. What do you mean outside of
16 your purse?

17 MS. KIFLEZGHI: Everything inside
18 of my purse was gone. So all I was left with
19 was just the purse.

20 MS. PHILLIPS: But when you were
21 inside you did not realize that. Is that
22 fair?

1 MS. KIFLEZGHI: Yes.

2 MS. PHILLIPS: Did you check inside
3 your purse?

4 MS. KIFLEZGHI: No.

5 MS. PHILLIPS: No. While things
6 were happening to you, were you able to
7 observe what happened, other than you went to
8 rescue your friends? Were you able to see how
9 their altercations ended, how any of that
10 happened?

11 MS. KIFLEZGHI: When I stepped to
12 the girls, Ms. Medhani and Ms. Solomon, like I
13 said, it just seemed like there were just a
14 swarm of people.

15 So I can't differentiate if there
16 was three people, guy, girl. They were both
17 there, but I don't know --

18 MS. PHILLIPS: What were all those
19 people around them doing to them? Could you
20 tell what they were doing to them?

21 MS. KIFLEZGHI: Oh, yes. They were
22 fighting.

1 MS. PHILLIPS: Right. So could you
2 tell who started that fight?

3 MS. KIFLEZGHI: It was definitely
4 the group.

5 MS. PHILLIPS: The group?

6 MS. KIFLEZGHI: Yes.

7 MS. PHILLIPS: Not Ms. Medhani and
8 Ms. Solomon?

9 MS. KIFLEZGHI: No.

10 MS. PHILLIPS: You were able to see
11 that they didn't start it, in other words.

12 MS. KIFLEZGHI: No, right.

13 MS. PHILLIPS: Okay. After the
14 melee ended, did anyone that you could
15 identify from the establishment come up and
16 talk to you about what happened?

17 MS. KIFLEZGHI: No.

18 MS. PHILLIPS: Did you approach
19 anyone from the establishment and say,
20 whatever?

21 MS. KIFLEZGHI: Once it was over,
22 like I said, they were looking for their

1 items. And then the security guard was
2 telling us that we had to leave.

3 MS. PHILLIPS: All right. Did you
4 say anything to the security guard about
5 property, or not wanting to leave, or that you
6 were assaulted?

7 MS. KIFLEZGHI: Yes. We told him
8 that we were in the fight. And that we did
9 not want to leave. We felt that they were
10 probably outside waiting.

11 MS. PHILLIPS: Did you tell them
12 that you were in a fight or did you tell them
13 you were assaulted, or jumped, or attacked, or
14 --

15 MS. KIFLEZGHI: Well, I don't know
16 exact words. I'm saying fight because that's
17 what it was, more of assault.

18 MS. PHILLIPS: From you
19 perspective, did you think that the
20 establishment personnel knew that you didn't
21 start it?

22 MS. KIFLEZGHI: I don't know.

1 MS. PHILLIPS: Okay. All right.
2 You said Ms. Medhani and Ms. Solomon were
3 looking for their property.

4 What was said between anybody else
5 about the incident to any of the personnel for
6 the establishment, that you heard?

7 MS. KIFLEZGHI: Well, Ms. Solomon
8 and Ms. Medhani were saying the same things
9 that I was, in terms of not letting us go out,
10 or at least calling the cops. And then Ms.
11 Solomon was saying that she had to find or
12 look for her items.

13 MS. PHILLIPS: Okay. So why did
14 you want them to call the police? And why did
15 you not want to go out? That's a compound
16 question. Answer them sequentially, please.

17 MS. KIFLEZGHI: Yes. We wanted
18 them to call the police because we were
19 fearful of what would happen outside.

20 MEMBER SILVERSTEIN: I'm sorry,
21 because?

22 MS. KIFLEZGHI: We were fearful of

1 what would happen outside.

2 MS. PHILLIPS: All right. Do you
3 know how long you were in the establishment
4 after the melee ended before you got to the
5 front door to leave?

6 MS. KIFLEZGHI: We were pushed to
7 the front to leave by security. And it was
8 probably about, roughly, three to five minutes
9 as well.

10 MS. PHILLIPS: Okay. Now pushed is
11 an interesting term. Did they actually lay
12 hands on any of you?

13 MS. KIFLEZGHI: I don't know about
14 the other two, but yes.

15 MS. PHILLIPS: What happened to you
16 from the establishment with regard to
17 touching?

18 MS. KIFLEZGHI: I just remember
19 hands on the back and pushing me along.

20 MS. PHILLIPS: Like through the
21 club, up the stairs, and out the door?

22 MS. KIFLEZGHI: No. Not that far,

1 just getting me away from, I guess, where the
2 dance area would be and telling us that we had
3 to leave. I don't recall them coming to the
4 door or up the stairs.

5 MS. PHILLIPS: Okay. Did anyone at
6 the establishment ask if you were hurt?

7 MS. KIFLEZGHI: No.

8 MS. PHILLIPS: Did anyone from the
9 establishment offer you medical assistance?

10 MS. KIFLEZGHI: No.

11 MS. PHILLIPS: As far as you know,
12 were your injuries visible at the time you
13 were exiting the club?

14 MS. KIFLEZGHI: I'm not sure.

15 MS. PHILLIPS: Okay. I've got you
16 through the establishment, up the stairs. I
17 understand there's a little landing at the top
18 of the stairs. Is that fair?

19 MS. KIFLEZGHI: Uh-hum.

20 MS. PHILLIPS: Is that a yes?

21 MS. KIFLEZGHI: Yes.

22 MS. PHILLIPS: Okay. When you got

1 to the top of the stairs, did you see a
2 security personnel, establishment personnel,
3 anybody like that?

4 MS. KIFLEZGHI: I don't recall.

5 MS. PHILLIPS: All right. I assume
6 then you walked out the door.

7 MS. KIFLEZGHI: I did.

8 MS. PHILLIPS: And what happened?

9 MS. KIFLEZGHI: Ms. Medhani was in
10 front of me, Ms. Solomon, so I was the last
11 one to exit the establishment.

12 And as soon as I walked out there
13 were already several people on top of them.
14 And so --

15 MS. PHILLIPS: Did you just tell me
16 you were the last out. And by the time you
17 got out --

18 MS. KIFLEZGHI: Yes, they were
19 already being jumped.

20 MS. PHILLIPS: Okay. Now when you
21 say jumped, did you see the people start to
22 fight toward Ms. Medhani and Ms. Solomon? Or

1 did you just see them buried in people, as it
2 were?

3 MS. KIFLEZGHI: Buried in people.

4 MS. PHILLIPS: All right. Could
5 you tell how many were surrounding each one?
6 Were they like distinct groups, or like they
7 were in the middle and surrounded? What did
8 you see?

9 MS. KIFLEZGHI: There were probably
10 about four or five on Ms. Medhani. And Ms.
11 Solomon was in the midst of that, and like
12 maybe just a little to the right of her. And
13 so with Ms. Medhani it was more people than
14 Ms. Solomon.

15 MS. PHILLIPS: Okay. So you took,
16 that's two steps outside the door when you saw
17 that?

18 MS. KIFLEZGHI: I just walked out
19 the door. I don't know how many --

20 MS. PHILLIPS: Okay. You don't
21 know how many steps?

22 MS. KIFLEZGHI: Yes.

1 MS. PHILLIPS: Did you see police
2 when you walked out?

3 MS. KIFLEZGHI: Yes.

4 MS. PHILLIPS: Did you see police
5 officers?

6 MS. KIFLEZGHI: I saw police cars.

7 MS. PHILLIPS: Police cars, one car
8 or two cars?

9 MS. KIFLEZGHI: Maybe two.

10 MS. PHILLIPS: Okay. Did you see
11 any police officers in the vicinity of your
12 two friends?

13 MS. KIFLEZGHI: I don't recall.

14 MS. PHILLIPS: Okay. So you took
15 a couple of steps out and then what happened?

16 MS. KIFLEZGHI: And then I, again,
17 approached towards Ms. Medhani and Ms.
18 Solomon. And then there were more people that
19 started to attack me as well.

20 MS. PHILLIPS: Okay. And were you
21 hit multiple times?

22 MS. KIFLEZGHI: Yes.

1 MS. PHILLIPS: Did you fall to the
2 ground?

3 MS. KIFLEZGHI: Yes.

4 CHAIRPERSON MILLER: I'm sorry,
5 what was the answer to that?

6 MS. KIFLEZGHI: Yes.

7 CHAIRPERSON MILLER: Yes, thank
8 you.

9 MS. PHILLIPS: Now you said
10 something about losing consciousness. At what
11 point do you recall losing consciousness?

12 MS. KIFLEZGHI: Well, at this point
13 I didn't realize I was fighting for an empty
14 purse. But I had clipped my purse on my arm.
15 And one of the girls was trying to grab the
16 purse.

17 And so we were doing a back and
18 forth tug. And then the guy came and punched
19 me in the face. And then that's when I fell.

20 And then I don't remember anything
21 that happened until I was standing up and
22 yelling for the officer to help.

1 MS. PHILLIPS: And did officers
2 come to your assistance?

3 MS. KIFLEZGHI: No, not initially.

4 MS. PHILLIPS: When you were
5 standing up to holler for help were you still
6 being attacked?

7 MS. KIFLEZGHI: Yes.

8 MS. PHILLIPS: Who was attacking
9 you? Could you tell?

10 MS. KIFLEZGHI: At that point it
11 was maybe two girls.

12 MS. PHILLIPS: Okay. Were you
13 fighting back or just trying to cover up?

14 MS. KIFLEZGHI: Both.

15 MS. PHILLIPS: All right. Could
16 you see what was happening to Ms. Solomon or
17 Ms. Medhani?

18 MS. KIFLEZGHI: No.

19 MS. PHILLIPS: How long do you
20 think it took for anybody to give you
21 assistance, if anybody did?

22 MS. KIFLEZGHI: It felt like a

1 really long time. But we were probably out
2 there for about -- you mean while the fight
3 was happening --

4 MS. PHILLIPS: While the fight was
5 happening, did somebody come to your
6 assistance?

7 MS. KIFLEZGHI: Maybe like ten
8 minutes. It feels like ten minutes.

9 MS. PHILLIPS: But you're not sure.

10 MS. KIFLEZGHI: But I'm not sure.

11 MS. PHILLIPS: You did the counting
12 thing.

13 MS. KIFLEZGHI: I know. I did the
14 count. It felt like forever. And I'm not
15 sure.

16 MS. PHILLIPS: Okay. What made the
17 attack on you stop? Do you know?

18 MS. KIFLEZGHI: No. Because once I
19 fell, I don't remember anything past me
20 yelling.

21 MS. PHILLIPS: Okay. So do you
22 know how long you were out?

1 MS. KIFLEZGHI: No.

2 MS. PHILLIPS: Does anybody tell
3 you subsequently that they saw you and knew
4 how long you were out?

5 MS. KIFLEZGHI: Uh-uh.

6 MS. PHILLIPS: Is that a no?

7 MS. KIFLEZGHI: No.

8 MS. PHILLIPS: Okay. How did you
9 get up? Did somebody from the establish come
10 and help you up?

11 MS. KIFLEZGHI: No.

12 MS. PHILLIPS: When you got up, did
13 you look around and see if Ms. Medhani and Ms.
14 Solomon were still fighting?

15 MS. KIFLEZGHI: Yes.

16 MS. PHILLIPS: Were they?

17 MS. KIFLEZGHI: Ms. Solomon was
18 further away than from where I remember her
19 being. And I think Ms. Medhani, at that
20 point, I'm not sure what she was doing. I
21 just remember Ms. Solomon being further away.

22 MS. PHILLIPS: Okay, that's fair.

1 Did anybody from the establishment make
2 contact with you after you left the
3 establishment and went outside?

4 MS. KIFLEZGHI: No.

5 MS. PHILLIPS: All right. Did you
6 talk to the police about what happened to you?

7 MS. KIFLEZGHI: Yes.

8 MS. PHILLIPS: Did you get your
9 purse back?

10 MS. KIFLEZGHI: No. Well, I have -
11 -

12 MS. PHILLIPS: Is it empty or --

13 MS. KIFLEZGHI: Empty.

14 MS. PHILLIPS: Yes. So you managed
15 to keep it when you fell?

16 MS. KIFLEZGHI: Yes.

17 MS. PHILLIPS: Is that fair?

18 MS. KIFLEZGHI: Yes.

19 MS. PHILLIPS: Okay. All right.

20 So you have a purse, nothing else.

21 MS. KIFLEZGHI: Yes.

22 MS. PHILLIPS: What did you lose in

1 property?

2 MS. KIFLEZGHI: I lost a debit
3 card, I lost a camera that had really
4 important things on it, and then just makeup
5 and wallet.

6 MS. PHILLIPS: Did you say
7 telephone? Did you have your telephone?

8 MS. KIFLEZGHI: I didn't bring my
9 telephone.

10 MS. PHILLIPS: Okay. All right.

11 MS. KIFLEZGHI: Yes. It was the
12 camera.

13 MS. PHILLIPS: Okay. Now you said
14 important things on your camera. What were
15 they?

16 MS. KIFLEZGHI: Well, like I
17 mentioned, my sister ended up getting married.
18 And her fianc, did a really traditional
19 proposal. And I had it on camera because it
20 was a surprise. So I had it on camera.

21 And I never downloaded it. And so
22 there were other pictures. And I wanted to

1 put together a collage of their first
2 meetings, and into the engagement, things of
3 that sort, which obviously didn't happen.

4 MS. PHILLIPS: And you never got
5 those pictures back?

6 MS. KIFLEZGHI: No.

7 MS. PHILLIPS: All right. Did you
8 tell the police officer what happened to you -
9 -

10 MS. KIFLEZGHI: Yes.

11 MS. PHILLIPS: -- eventually?

12 MS. KIFLEZGHI: Yes.

13 MS. PHILLIPS: All right. Did you
14 tell the police officer that you were missing
15 property as well as injured?

16 MS. KIFLEZGHI: Yes.

17 MS. PHILLIPS: Did you ask for
18 medical help on the scene from the police
19 officers?

20 MS. KIFLEZGHI: No.

21 MS. PHILLIPS: Did they offer it?

22 MS. KIFLEZGHI: No.

1 MS. PHILLIPS: I think it says at
2 least one person refused. So let me check.
3 If it says that you refused, would you agree
4 with that or not agree with that?

5 MS. KIFLEZGHI: I wasn't asked.

6 MS. PHILLIPS: Okay. I'm not going
7 to look for it. All right. Did you file a
8 lost property report?

9 MS. KIFLEZGHI: We simply told
10 them, the police, the items that we lost.

11 MS. PHILLIPS: Okay. And did you
12 follow-up with any of that?

13 MS. KIFLEZGHI: No.

14 MS. PHILLIPS: Did you have a card
15 to call them and follow-up?

16 MS. KIFLEZGHI: Yes.

17 MS. PHILLIPS: Did you call?

18 MS. KIFLEZGHI: I did call one
19 officer. But it was to follow-up on what
20 happened with the young lady that was locked
21 up.

22 MS. PHILLIPS: Yes. Were you or

1 somebody else able to identify the people, at
2 least some of the people, who attacked you?

3 MS. KIFLEZGHI: Yes. We all were.

4 MS. PHILLIPS: And so how many
5 people did you identify?

6 MS. KIFLEZGHI: Two.

7 MS. PHILLIPS: And how many people
8 were at least stopped by the police and
9 questioned?

10 MS. KIFLEZGHI: One.

11 MS. PHILLIPS: And do you know if
12 anything happened subsequently on that?

13 MS. KIFLEZGHI: I know that she got
14 locked up that evening. And then she was
15 supposed to go to court, and she didn't go.
16 So she has a warrant out.

17 MS. PHILLIPS: Okay. Did you
18 subsequently get medical care?

19 MS. KIFLEZGHI: Yes.

20 MS. PHILLIPS: I'm going to do the
21 same thing that I did with the other medical
22 reports.

1 CHAIRPERSON MILLER: Okay.

2 MS. PHILLIPS: Let me do this back
3 here. I'll give you one, the yellow one.

4 CHAIRPERSON MILLER: Does that mean
5 you want to have them redacted later?

6 MS. PHILLIPS: Yes.

7 CHAIRPERSON MILLER: Okay.

8 MS. PHILLIPS: I'm handing you
9 what's been marked as Exhibit F. Here's a
10 copy for --

11 CHAIRPERSON MILLER: Okay, thank
12 you.

13 MS. PHILLIPS: What is that?

14 MS. KIFLEZGHI: A medical record.

15 MS. PHILLIPS: Just briefly tell me
16 what that medical record tells us.

17 MS. KIFLEZGHI: The prescription
18 that was given to me, the diagnosis,
19 instructions, vital signs, and injuries.

20 MS. PHILLIPS: What did the doctor
21 say was wrong with you? It says right on
22 there or he told you. Either one, I don't

1 care.

2 MS. KIFLEZGHI: As far as my
3 injuries?

4 MS. PHILLIPS: Yes.

5 MS. KIFLEZGHI: He said that I have
6 contortions and that he was concerned, that he
7 wanted to do a CAT scan to make sure that I
8 didn't have any internal issues, which I did
9 not.

10 MS. PHILLIPS: So you had at least
11 X-rays and a CAT scan.

12 MS. KIFLEZGHI: Yes.

13 MS. PHILLIPS: CAT scan of your
14 head?

15 MS. KIFLEZGHI: CAT scan of my head
16 and then here on the front as well.

17 MS. PHILLIPS: So you've had an X-
18 ray of your facial bones. Would that be fair?

19 MS. KIFLEZGHI: Yes.

20 MS. PHILLIPS: Is that what you
21 recollect?

22 MS. KIFLEZGHI: Yes.

1 MS. PHILLIPS: Did they do blood
2 work?

3 MS. KIFLEZGHI: I don't recall that
4 they did.

5 MS. PHILLIPS: Do you recall how
6 much the hospital bill was?

7 MS. KIFLEZGHI: No. I have
8 insurance.

9 MS. PHILLIPS: You had insurance?
10 Not that that's relevant. I'm going to move
11 for the admission of, I believe that's F, your
12 medical records are F?

13 MS. KIFLEZGHI: Yes.

14 MS. PHILLIPS: But for the
15 permanent record I'm going to submit a
16 redacted copy, as I was with E.

17 CHAIRPERSON MILLER: Right. Mr.
18 Mpras, do you have any objection?

19 MR. MPRAS: Similar objection as
20 the previous one.

21 CHAIRPERSON MILLER: That was
22 relevance?

1 MR. MPRAS: Relevance.

2 CHAIRPERSON MILLER: Okay. I'm
3 going to accept the document as Government's
4 Exhibit F into the record.

5 MS. PHILLIPS: What day did you go
6 to the hospital? It may even say on there if
7 you can't remember.

8 MS. KIFLEZGHI: Yes. I think it ws
9 like the 26th.

10 MS. PHILLIPS: Well, let's do a
11 time --

12 MS. KIFLEZGHI: Yes, November 26th.

13 MS. PHILLIPS: The 26th?

14 MS. KIFLEZGHI: Yes.

15 MS. PHILLIPS: At what time?

16 MS. KIFLEZGHI: I don't see the
17 time.

18 MS. PHILLIPS: If it doesn't say,
19 can you tell me?

20 MS. KIFLEZGHI: We went pretty
21 late. It was probably like 11:30, 12 o'clock.

22 MS. PHILLIPS: So that would be

1 Saturday into Sunday?

2 MS. KIFLEZGHI: Yes.

3 MS. PHILLIPS: Okay. And how long
4 were you at the hospital? Do you recall?
5 Because you were probably there longer than
6 the other person.

7 MS. KIFLEZGHI: Yes. I was there
8 for probably about two or three hours.

9 MS. PHILLIPS: Okay. And then they
10 let you go home after that?

11 MS. KIFLEZGHI: Yes.

12 MS. PHILLIPS: What did they tell
13 you to do when you got home?

14 MS. KIFLEZGHI: To pack ice on my
15 face and to, as well, take the medication for
16 pain as needed.

17 MS. PHILLIPS: What pain medicine
18 did they give you?

19 MS. KIFLEZGHI: They gave me
20 vicodin. And they also told me to take
21 Ibuprofen.

22 MS. PHILLIPS: Okay. And did they

1 tell you to stay in bed?

2 MS. KIFLEZGHI: I don't recall
3 that.

4 MS. PHILLIPS: Okay.

5 CHAIRPERSON MILLER: What was that
6 last answer?

7 MS. PHILLIPS: She didn't recall
8 that.

9 CHAIRPERSON MILLER: Okay, thank
10 you.

11 MS. PHILLIPS: Did you go back to
12 work on Monday?

13 MS. KIFLEZGHI: I went back to work
14 on Tuesday.

15 MS. PHILLIPS: Okay. So would that
16 be you took Monday off because of your
17 injuries?

18 MS. KIFLEZGHI: Yes.

19 MS. PHILLIPS: Okay.

20 MS. KIFLEZGHI: And I was just
21 going to say I had to wear glasses,
22 sunglasses, while I was at work for about two

1 weeks.

2 MS. PHILLIPS: Was that because you
3 were having photo sensitivity, as they call
4 it, or because you didn't like your black
5 eyes.

6 MS. KIFLEZGHI: Both, actually. I
7 definitely didn't like the black eye.

8 MS. PHILLIPS: Okay. If I were to
9 sum up your recollection of time lines, would
10 you say they're pretty fuzzy?

11 MS. KIFLEZGHI: Yes.

12 MS. PHILLIPS: How long did it take
13 for your black eyes to go away -- or purple, I
14 think they were?

15 MS. KIFLEZGHI: Yes. They went
16 from black, to purple, to reddish. It was
17 probably about three weeks, two weeks,
18 something around that time.

19 MS. PHILLIPS: What about the
20 bruising elsewhere on your body?

21 MS. KIFLEZGHI: That went away a
22 little quicker.

1 MS. PHILLIPS: A little quicker.

2 Did you say you were bruised on the back?

3 MS. KIFLEZGHI: Of my head, yes.

4 MS. PHILLIPS: Okay. And how long
5 did that bruise --

6 MS. KIFLEZGHI: Well, I could feel
7 the pain for maybe a week or so if I pressed
8 on it.

9 MS. PHILLIPS: Did you have a knot
10 back there?

11 MS. KIFLEZGHI: A little knot, yes.

12 MS. PHILLIPS: Did you bleed
13 anywhere other than into your tissues?

14 MS. KIFLEZGHI: No.

15 MS. PHILLIPS: Okay. Did you have
16 any other residual effects besides the
17 physical ones you've described following this
18 incident?

19 MS. KIFLEZGHI: Yes.

20 MS. PHILLIPS: What were they?

21 MS. KIFLEZGHI: One of my biggest
22 concerns was that they had my wallet, which

1 had my driver license and had my address on
2 it.

3 So I was really fearful that they
4 would probably come back to the house at some
5 point, especially because once they found the
6 girl that they locked up we were worried that
7 the rest of them would come and do anything.

8 MS. PHILLIPS: How long did that
9 fear last?

10 MS. KIFLEZGHI: Several months.

11 MS. PHILLIPS: Did you say you lost
12 your keys, or was that somebody else?

13 MS. KIFLEZGHI: That was someone
14 else?

15 MS. PHILLIPS: Oh, sorry. It's all
16 running together.

17 MS. KIFLEZGHI: Yes.

18 MS. PHILLIPS: You can help me keep
19 it straight?

20 MS. KIFLEZGHI: Okay.

21 MS. PHILLIPS: That fear lasted how
22 long?

1 MS. KIFLEZGHI: Several months.

2 MS. PHILLIPS: Okay. Did you ever
3 go back to this place again?

4 MS. KIFLEZGHI: No. I did not.

5 MS. PHILLIPS: Do you come into the
6 City?

7 MS. PHILLIPS: Sometimes.

8 MS. PHILLIPS: Okay. I mean to
9 party at alcohol establishments, not --

10 MS. KIFLEZGHI: Very rare.

11 MS. PHILLIPS: Okay. Is that a
12 result of this incident?

13 MS. KIFLEZGHI: It just put a lot
14 of things into perspective.

15 MS. PHILLIPS: Did you lose cash?

16 MS. KIFLEZGHI: No.

17 MS. PHILLIPS: Did somebody try to
18 access your debit card?

19 MS. KIFLEZGHI: Yes.

20 MS. PHILLIPS: Did they?

21 MS. KIFLEZGHI: They did, for \$60.

22 MS. PHILLIPS: \$60?

1 MS. KIFLEZGHI: Yes.

2 MS. PHILLIPS: Okay. And you
3 didn't have to pay that, right?

4 MS. KIFLEZGHI: No. My bank sent
5 it back.

6 MS. PHILLIPS: Sent it back, okay.
7 All right. I don't think I have any other
8 questions.

9 CHAIRPERSON MILLER: Okay. Mr.
10 Mpras, cross?

11 MR. MPRAS: Ms. Kiflexghi, you said
12 you reached the establishment at approximately
13 12:45. Is that correct?

14 MS. KIFLEZGHI: Around that time.

15 MR. MPRAS: And you also stated
16 that you were inside the venue approximately
17 30 to 45 minutes before the altercation broke
18 out?

19 MS. KIFLEZGHI: Yes.

20 MR. MPRAS: Okay. When you entered
21 the venue you entered with your two female
22 friends and your two male friends. Is that

1 correct?

2 MS. KIFLEZGHI: Yes.

3 MR. MPRAS: Okay. After entering,
4 passing through the doors, going downstairs,
5 what did you do?

6 MS. KIFLEZGHI: We walked towards
7 the dance floor. And then we stood at the
8 bar.

9 MR. MPRAS: And aside from your
10 companions, did you interact with any other
11 persons inside the establishment?

12 MS. KIFLEZGHI: Yes.

13 MR. MPRAS: Who did you interact
14 with?

15 MS. KIFLEZGHI: There was a mutual
16 friend that happened to be there.

17 MR. MPRAS: Okay. Male or female?

18 MS. KIFLEZGHI: Male.

19 MR. MPRAS: Was that friend in any
20 way associated, or in the vicinity, or keeping
21 company with the group that assailed your
22 friends?

1 MS. KIFLEZGHI: No.

2 MR. MPRAS: Now in your testimony,
3 you said that you saw your friends being
4 assaulted.

5 MS. KIFLEZGHI: Yes.

6 MR. MPRAS: And you attempted to
7 assist them. You walked towards them.

8 MS. KIFLEZGHI: Yes.

9 MR. MPRAS: And that was when
10 somebody struck you. Did you actually reach
11 them, or was it before?

12 MS. KIFLEZGHI: I didn't actually
13 reach them. We were close in proximity. But
14 I don't --

15 MR. MPRAS: Okay. Now do you have
16 any idea why this all started?

17 MS. KIFLEZGHI: I wish I did. I
18 have no idea. We still don't know.

19 MR. MPRAS: Totally random?

20 MS. KIFLEZGHI: Totally random.

21 MR. MPRAS: Okay. While your
22 friends were being assaulted and you attempted

1 to assist, what did the two gentlemen with you
2 do?

3 MS. KIFLEZGHI: I don't remember
4 them doing anything.

5 MR. MPRAS: So safe to say they
6 didn't help?

7 MS. KIFLEZGHI: Yes.

8 MR. MPRAS: All right. So at what
9 point, let me ask that differently, how did
10 the altercation end? How was it stopped?

11 MS. KIFLEZGHI: Inside of the club?

12 MR. MPRAS: Yes. We're inside
13 right now.

14 MS. KIFLEZGHI: Okay. I don't
15 recall how it stopped. I don't know if, I
16 don't recall how it stopped.

17 MR. MPRAS: Okay. Earlier in your
18 testimony you stated that you saw people
19 fighting with your friends, you approached,
20 and then security came. Is that correct?

21 MS. KIFLEZGHI: After the --

22 MR. MPRAS: You said that you saw

1 several people fighting with your friends and
2 then you went to approach them. And a little
3 bit afterwards security came. That was your
4 testimony. Is that correct?

5 MS. KIFLEZGHI: I don't recall
6 that.

7 MR. MPRAS: You don't recall that?

8 MS. KIFLEZGHI: No.

9 MR. MPRAS: Do you know what
10 happened while you were still inside. It
11 stopped. Do you know what happened to the
12 other people, let's say the people that you
13 said were attacking you and your friends?

14 MS. KIFLEZGHI: Yes. They were led
15 outside.

16 MR. MPRAS: Okay. By?

17 MS. KIFLEZGHI: I'm assuming
18 security.

19 MR. MPRAS: Okay. After they were
20 led out, what happened then?

21 MS. KIFLEZGHI: Then Ms. Medhani
22 and Ms. Solomon were looking for their items.

1 And then we were asking security, well,
2 security was telling us that we had to leave.

3 And we were asking security to not
4 let us leave yet, that we thought that they
5 would probably be outside. They refused.

6 Then we asked them if they can at
7 least call the cops. They said the cops would
8 be out there and that we had to leave.

9 MR. MPRAS: Now how long did you
10 feel you were inside between the removal of
11 the aggressive party and the time you left?

12 MS. KIFLEZGHI: You mean when they
13 were looking for their items?

14 MR. MPRAS: After you were
15 separated from the --

16 MS. KIFLEZGHI: From the group?

17 MR. MPRAS: Yes.

18 MS. KIFLEZGHI: Roughly three to
19 five minutes.

20 MR. MPRAS: Okay. So you said you
21 got there at approximately 12:45. It started
22 30 to 45 minutes afterwards. So we're at,

1 let's say, 1:30 when the fight happened. Does
2 that sound good to you?

3 MS. KIFLEZGHI: Okay.

4 MR. MPRAS: Okay. And at what
5 point did the establishment close?

6 MS. KIFLEZGHI: I'm not sure.

7 MR. MPRAS: Okay. Was the music on
8 when the altercation was taking place?

9 MS. KIFLEZGHI: When the
10 altercation was taking place?

11 MR. MPRAS: Yes, inside.

12 MS. KIFLEZGHI: Yes.

13 MR. MPRAS: Okay. Were the lights
14 down?

15 MS. KIFLEZGHI: Yes.

16 MR. MPRAS: At what point did the
17 lights come up, or did the lights come up at
18 some point?

19 MS. KIFLEZGHI: I can't recall.

20 MR. MPRAS: Okay. Now is it fair
21 to say that you were the last patrons in the
22 establishment? Everyone else had left before

1 your group?

2 MS. KIFLEZGHI: There were still a
3 few people within the club.

4 MR. MPRAS: There were?

5 MS. KIFLEZGHI: Yes.

6 MR. MPRAS: Do you know how many?

7 MS. KIFLEZGHI: No.

8 MR. MPRAS: And were your friends
9 able to find any of their belongings?

10 MS. KIFLEZGHI: No.

11 MR. MPRAS: None?

12 MS. KIFLEZGHI: Not to my
13 recollection, no.

14 MR. MPRAS: Okay. All right. Now,
15 moving towards the outside, you're walking up
16 the stairs. How many people are in your group
17 as you exit? Are you all together, all five
18 of you?

19 MS. KIFLEZGHI: I'm not sure where
20 the guys were. I know that I was behind. Ms.
21 Solomon was in the middle and Ms. Medhani was
22 leading.

1 MR. MPRAS: Okay. So you're not
2 sure the men may have been with you, they may
3 not have been.

4 MS. KIFLEZGHI: They might have
5 been in front of Ms. Medhani. They might have
6 been, I don't recall.

7 MR. MPRAS: Okay. So when you
8 exited the establishment you said that you saw
9 two police vehicles?

10 MS. KIFLEZGHI: Yes.

11 MR. MPRAS: Did you see any police
12 officers?

13 MS. KIFLEZGHI: I don't recall, no.

14 MR. MPRAS: You don't recall, or
15 you did not?

16 MS. KIFLEZGHI: I don't recall.

17 MR. MPRAS: All right. So you exit
18 the establishment, and you said that your two
19 friends ahead of you were once again attacked.

20 MS. KIFLEZGHI: Yes.

21 MR. MPRAS: Okay. Could you
22 identify the people that attacked them as

1 being the same persons inside?

2 MS. KIFLEZGHI: I don't recall.

3 MR. MPRAS: And you stated that you
4 went to assist them.

5 MS. KIFLEZGHI: That I went where?

6 MR. MPRAS: You stated that you
7 went to assist your friends at that point,
8 again.

9 MS. KIFLEZGHI: Yes.

10 MR. MPRAS: Okay. What caused the
11 second assault to end?

12 MS. KIFLEZGHI: I don't recall.

13 MR. MPRAS: You don't recall?
14 Could I suggest, could it have been police
15 intervention?

16 MS. KIFLEZGHI: Perhaps.

17 MR. MPRAS: And how long was this
18 going on before it was ended, or before it
19 stopped, outside?

20 MS. KIFLEZGHI: Probably about ten
21 minutes, approximately ten minutes.

22 MR. MPRAS: Now after it ended, did

1 you speak to any police officers?

2 MS. KIFLEZGHI: Yes.

3 MR. MPRAS: Okay. And did they
4 come to your assistance in any way whatsoever?
5 prior to you approaching them?

6 MS. KIFLEZGHI: No.

7 MR. MPRAS: No? When you spoke to
8 the officers, what did you state to the
9 officer that you had contact with?

10 MS. KIFLEZGHI: We expressed to
11 them, because we saw the direction that the
12 group was leaving, and so we expressed to them
13 that they're going this way. Someone get
14 them. Do something, which they didn't.

15 And then one of the girls came back
16 to look for a purse, or an ID, or something.
17 At that point we pointed her out and said that
18 she was one of the people that was involved.
19 And they let her go.

20 A second girl came and I guess was
21 looking for her friend's ID. And we expressed
22 to them that she also was part of the group.

1 And she stated I was with them, but I was not
2 involved in the fight.

3 At that point, they weren't going
4 to do anything. At that point we started
5 asking for badge ID numbers and things of that
6 sort.

7 MR. MPRAS: So you had to pressure
8 them to take police action?

9 MS. KIFLEZGHI: Yes.

10 MR. MPRAS: And at that point, what
11 did they do after you started asking for names
12 and badge numbers?

13 MS. KIFLEZGHI: It was only one
14 cop. And I don't recall his name. But he
15 approached the girl and questioned her.

16 I don't recall why, or she didn't
17 have an ID or something. And she was getting
18 a little loud with him. At that point, he
19 told her that he was going to place her under
20 arrest.

21 And then maybe about ten minutes
22 later the car with the group of people came

1 by, which were her friends. And we expressed
2 to them to get them as well. But obviously
3 they didn't.

4 MR. MPRAS: Okay. Now have you
5 suffered any permanent physical injury from
6 the assault that night?

7 MS. KIFLEZGHI: Physical, no.

8 MR. MPRAS: Now you said that you
9 suffered some mental, psychological trauma?

10 MS. KIFLEZGHI: Yes.

11 MR. MPRAS: Have you sought
12 treatment for that?

13 MS. KIFLEZGHI: No.

14 MR. MPRAS: May I ask why?

15 MS. PHILLIPS: Objection,
16 relevance.

17 CHAIRPERSON MILLER: Sustained.

18 MS. PHILLIPS: You don't have to
19 answer. She sustained it.

20 MS. KIFLEZGHI: Okay.

21 MS. PHILLIPS: The Chair sustained
22 it, not the she, this Chair.

1 MR. MPRAS: Did you file a police
2 report for any missing property?

3 MS. KIFLEZGHI: No.

4 MR. MPRAS: And two more things.
5 Had security been outside, were you able to
6 identify any security staff from inside? Do
7 you have any memory of any security staff
8 inside the establishment?

9 MS. KIFLEZGHI: Not where I can
10 identify them, no.

11 MR. MPRAS: And approximately what
12 time did you leave the area?

13 MS. KIFLEZGHI: I don't recall.

14 MR. MPRAS: What time did you go
15 home?

16 MS. KIFLEZGHI: I don't recall.

17 MR. MPRAS: I have nothing further
18 at this time.

19 CHAIRPERSON MILLER: Okay. Board
20 questions? Mr. Alberti?

21 MEMBER ALBERTI: Hi. I'm going to
22 try to keep this short. You testified that

1 you were standing inside just before you got
2 attacked.

3 You were standing inside. And I
4 don't remember if you said to your left or to
5 your right you saw your two female friends in
6 an altercation.

7 MS. KIFLEZGHI: That's correct.

8 MEMBER ALBERTI: Was it to your
9 left or to your right?

10 MS. KIFLEZGHI: It was to my left.

11 MEMBER ALBERTI: Your left, okay.
12 So you looked over to your left. This may
13 seem funny. I'll get to why I'm asking later.
14 But can you give me as much detail as you can
15 about what you saw?

16 MS. KIFLEZGHI: It happened really
17 fast. I looked to my left and, like I said,
18 there were just a group of girls fighting
19 them.

20 I immediately just went towards
21 them. There wasn't a lot of time between what
22 I saw and then the action.

1 MEMBER ALBERTI: Okay. Were both
2 of your friends engaged in a fight?

3 MS. KIFLEZGHI: I recall Ms.
4 Medhani. That's who I saw. But I know that
5 they were both involved because we were all
6 there.

7 MEMBER ALBERTI: Ultimately they
8 were involved.

9 MS. KIFLEZGHI: Right.

10 MEMBER ALBERTI: So what you saw
11 was Ms. Medhani.

12 MS. KIFLEZGHI: Yes.

13 MEMBER ALBERTI: All right. Was
14 she being hit, was she defending herself?
15 What was going on with her?

16 MS. KIFLEZGHI: She was defending
17 herself and being hit.

18 MEMBER ALBERTI: Okay. Do you have
19 any sense of how long that was going on from
20 what you saw?

21 MS. KIFLEZGHI: Before I was --

22 MEMBER ALBERTI: Before you

1 engaged.

2 MS. KIFLEZGHI: Well, seconds.
3 From the time that I saw it and I engaged it
4 was only a few seconds.

5 MEMBER ALBERTI: Okay. So you
6 don't really know how long that had been going
7 on before you became aware of it.

8 MS. KIFLEZGHI: Right. I do not.

9 MEMBER ALBERTI: The two people
10 that you were able to identify outside, that
11 you got the police to pay attention to
12 outside, do you know if you saw them inside?

13 MS. KIFLEZGHI: Do I know if I saw
14 them inside?

15 MEMBER ALBERTI: Yes. Do you
16 recall?

17 MS. KIFLEZGHI: No.

18 MEMBER ALBERTI: No you don't
19 recall or --

20 MS. KIFLEZGHI: I don't recall.

21 MEMBER ALBERTI: Okay. Now the
22 last thing, you said that the people who you

1 had the altercation with inside, all right,
2 who attacked you, all right, were led outside.

3 MS. KIFLEZGHI: Yes.

4 MEMBER ALBERTI: Were they led
5 outside from inside the club? Were they led
6 out by security or --

7 MS. KIFLEZGHI: Yes.

8 MEMBER ALBERTI: Did you see them
9 being led out? How do you know? You seem
10 pretty positive they were led out. Or are you
11 just assuming they were?

12 MS. KIFLEZGHI: I'm assuming they
13 were. They weren't there anymore.

14 MEMBER ALBERTI: Okay. I just need
15 need to know. I'm trying to get what you saw
16 and what you assumed from what was happening.

17 MS. KIFLEZGHI: Okay.

18 MEMBER ALBERTI: I have no further
19 questions. Thank you.

20 MS. KIFLEZGHI: Thank you.

21 CHAIRPERSON MILLER: Other Board
22 members? I just have a few. About this

1 picture, which is Exhibit C, can you tell me
2 who took it, when it was taken, where it was
3 taken?

4 MS. KIFLEZGHI: It was taken at my
5 parents' house, and it was my brother. I see
6 in the other picture we're laughing because he
7 was making jokes about the way we looked and
8 trying to make light of the situation.

9 CHAIRPERSON MILLER: When was it
10 taken?

11 MS. KIFLEZGHI: It was taken the
12 following day.

13 CHAIRPERSON MILLER: And did you
14 suffer --

15 MS. KIFLEZGHI: Not Thanksgiving
16 Day.

17 CHAIRPERSON MILLER: Okay.

18 MS. KIFLEZGHI: Friday after.

19 CHAIRPERSON MILLER: Right, okay.
20 Did you suffer an injuries to your eye itself?

21 MS. KIFLEZGHI: Yes. This is
22 actually when my eye could open. It was shut

1 for about two days.

2 CHAIRPERSON MILLER: Okay. But it
3 healed --

4 MS. KIFLEZGHI: It did.

5 CHAIRPERSON MILLER: -- whatever.
6 It looks like there's a red mark in your eye.

7 MS. KIFLEZGHI: That's what
8 prompted me to go to the hospital. Because I
9 was concerned about that.

10 CHAIRPERSON MILLER: Was that
11 diagnosed as something specific?

12 MS. KIFLEZGHI: Just that it was
13 bleeding.

14 CHAIRPERSON MILLER: But your
15 eyesight is the same now?

16 MS. KIFLEZGHI: It is.

17 CHAIRPERSON MILLER: Okay. All
18 right. And then I just wanted to clarify. Did
19 you say that two of, I'll call them your
20 attackers or whatever in the group that
21 attacked you, were arrested? Did you say
22 that?

1 MS. KIFLEZGHI: One.

2 CHAIRPERSON MILLER: One was
3 arrested.

4 MS. KIFLEZGHI: Yes.

5 CHAIRPERSON MILLER: That night or
6 later?

7 MS. KIFLEZGHI: That night.

8 CHAIRPERSON MILLER: Okay. Do you
9 know whatever happened with that case?

10 MS. KIFLEZGHI: She didn't go to
11 court. So there's a warrant for her arrest.

12 CHAIRPERSON MILLER: She didn't go?

13 MS. KIFLEZGHI: No.

14 CHAIRPERSON MILLER: Okay. All
15 right, thank you. Anybody else? Okay. Do
16 you have any questions on Board questions?

17 MS. PHILLIPS: Mr. Alberti covered
18 my follow-up question.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER ALBERTI: Oh.

21 CHAIRPERSON MILLER: You don't need
22 to ask it again.

1 MEMBER ALBERTI: Saving time.

2 MS. PHILLIPS: No. I do not need
3 to ask it again.

4 (Laughter)

5 MS. PHILLIPS: May this witness be
6 dismissed.

7 CHAIRPERSON MILLER: Yes. Thank
8 you very much.

9 MS. KIFLEZGHI: Thank you.

10 MEMBER ALBERTI: Yes.

11 MS. PHILLIPS: Thank you and your
12 friends for coming. We really appreciate it.
13 Thank you for following up.

14 (Off the record comments)

15 CHAIRPERSON MILLER: Ms. Phillips,
16 what have you decided about additional
17 witnesses?

18 MS. PHILLIPS: I'm going to call
19 one.

20 CHAIRPERSON MILLER: One?

21 MS. PHILLIPS: But I move we
22 adjourn and reschedule. I'm tired. But it's

1 up to you.

2 CHAIRPERSON MILLER: You're asking
3 that we adjourn and reschedule the rest of the
4 case.

5 MS. PHILLIPS: Yes. It's 7:39 at
6 night. I don't want to go until midnight
7 tonight or however long it lasts.

8 (Crosstalk)

9 MR. MPRAS: I think yours is 9:30
10 as well, so that's fine by me, if you would
11 like to do that, ma'am.

12 CHAIRPERSON MILLER: You would like
13 to as well? And we also have other business
14 that the Board has to do this evening.

15 MS. PHILLIPS: See, that's what I
16 also know, is that when we're through with you
17 there is other business.

18 (Off the record comments)

19 MS. PHILLIPS: I am asking for a
20 recess to reconvene to hear the one, or two,
21 or three witnesses.

22 MR. MPRAS: And I have to get one.

1 MS. PHILLIPS: No. I had one that
2 I was definitely going to call and two in
3 reserve if necessary to call. And you had --

4 MR. MPRAS: Two.

5 MS. PHILLIPS: -- two. So I
6 predict that we can go all the way through
7 this case and we'll get home sometime way too
8 late for me.

9 CHAIRPERSON MILLER: I'm certainly
10 amenable to that suggestion. Do you have any
11 idea, I'm going to talk to our General Counsel
12 who does our scheduling, how much time. Do
13 you have any idea how much time to allow?

14 MS. PHILLIPS: I'm going to call
15 one witness unless it becomes necessary.
16 Because the Board has taken administrative
17 notice of documents attached to the opposition
18 to the motion to dismiss.

19 So unless there's something that
20 comes up evidentially that makes me call two
21 more witness, I will only call one.

22 CHAIRPERSON MILLER: Okay. And Mr.

1 Mpras?

2 MR. MPRAS: Well, I have two.

3 CHAIRPERSON MILLER: You'll have
4 two. So I would say two hours anyway.

5 MS. PHILLIPS: At least two hours.

6 MR. MPRAS: At least two hours.

7 MS. PHILLIPS: Every witness has
8 taken at least an hour.

9 CHAIRPERSON MILLER: Okay.

10 MS. PHILLIPS: At least an hour
11 every witness has taken.

12 CHAIRPERSON MILLER: All right.
13 Does the Board have any problem with recessing
14 this case and picking it up on another day?

15 MEMBER SILVERSTEIN: Mr. Brooks?

16 MEMBER BROOKS: I'm fine.

17 CHAIRPERSON MILLER: I think it's
18 a good idea.

19 MEMBER SILVERSTEIN: I'm too
20 braindead to think.

21 CHAIRPERSON MILLER: Okay.

22 MS. PHILLIPS: I beg your pardon --

1 MEMBER SILVERSTEIN: I would ask
2 that those remarks be stricken from the
3 record. They were in jest.

4 (Laughter)

5 CHAIRPERSON MILLER: Again, we will
6 then recess this hearing and our General
7 Counsel will be in touch with both of you with
8 respect to us scheduling a date and time that
9 works for everyone.

10 MR. MPRAS: Okay.

11 MS. PHILLIPS: My understanding is
12 that I've admitted A through F, E and F to be
13 redacted for the official copy for the record.
14 Is that what the Chair has?

15 CHAIRPERSON MILLER: A through F,
16 is that what you said?

17 MS. PHILLIPS: I did.

18 CHAIRPERSON MILLER: What?

19 MS. PHILLIPS: A through F.

20 CHAIRPERSON MILLER: Correct, okay.
21 Yes, that is, with E and F will be replaced.
22 Maybe you'll have the redacted version by that

1 date when we reconvene the hearing.

2 MS. PHILLIPS: Oh, well for sure by
3 that date.

4 CHAIRPERSON MILLER: Good.

5 MS. PHILLIPS: I may submit it
6 earlier.

7 CHAIRPERSON MILLER: Okay, good.

8 MEMBER ALBERTI: Have we given Ms.
9 Phillips back all of those medical records or
10 not?

11 CHAIRPERSON MILLER: They were
12 Board copies.

13 MEMBER ALBERTI: Well, I think it
14 would be --

15 (Crosstalk)

16 MEMBER ALBERTI: The one sitting
17 next to you Ms. Miller, I will also give her
18 this.

19 CHAIRPERSON MILLER: Is that all of
20 them? I think that I gave --

21 MS. PHILLIPS: And this is the
22 original, anything with a sticker on it is --

1 CHAIRPERSON MILLER: Oh, is the
2 original.

3 MS. PHILLIPS: -- the original one.
4 The rest are just Board copies for your --

5 CHAIRPERSON MILLER: All right,
6 that's good. Okay.

7 MEMBER ALBERTI: Thank you, Ms.
8 Phillips.

9 MS. PHILLIPS: You're welcome, Mr.
10 Alberti.

11 CHAIRPERSON MILLER: All right,
12 then. The Board will recess and come back
13 later to do our agenda. Thank you.

14 MS. PHILLIPS: Thank you.

15 (Whereupon, the foregoing matter
16 went off the record at 7:43 p.m. and went back
17 on the record at 9:24 p.m.)

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