

SUPREME COURT OF THE STATE OF NEW YORK

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DAS COMMUNICATIONS, LTD.

Plaintiff,

vs.

KESHA ROSE SEBERT p/k/a/ KESHA,

an individual, LUKASZ GOTTWALD p/k/a/

DR. LUKE, an individual,

Defendant.

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June 16, 2011

10:10 a.m.

Deposition of KESHA ROSE SEBERT, held
at the offices of Proskauer Rose, Eleven
Times Square, New York, New York before
David Henry, a Certified Shorthand Reporter
and Notary Public of the State of New York.

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

FREUNDLICH LAW
Attorneys for Plaintiff
16133 Ventura Blvd, Suite 1270
Encino, CA 91436-2441
BY: KENNETH D. FREUNDLICH, ESQ.

MITCHELL SILBERBERG & KNUPP, LLP
Attorneys for Defendant Lukasz
Gottwald
12 East 49th Street, 30th Flr.
New York, New York 10017-1028
BY: CHRISTINE LEPERA, ESQ.

PROSKAUER ROSE, LLP
Attorneys for Defendant Kesha Rose
Sebert
Eleven Times Square
New York, New York 10036-8299
BY: CHARLES B. ORTNER, ESQ.
BY: DANIEL P. GOLDBERGER ESQ.
AND: SANDRA A. CRAWSHAW-SPARKS, ESQ.

ALSO PRESENT:

LONNIE HAMERMAN
JACK ROVNER
EMILY BURTON
ILITCH PETERS, Videographer

1 SEBERT

2 Q. I've asked her if she thought her
3 mother was exaggerating here, and now she's
4 told me to go line-by-line, so that's what
5 we're doing.

6 Is there anything in this
7 document that's an exaggeration?

8 A. Yes.

9 Q. What?

10 A. They never forbid me from signing
11 with you.

12 Q. So they never forbade you from
13 signing with David Sonenberg?

14 A. Not to my recollection, no.

15 Q. Anything else that's an
16 exaggeration?

17 MS. LEPERA: Objection to the
18 characterization.

19 MR. ORTNER: Same objection.

20 A. I can't speak to the real estate
21 deal. The other issues is an exaggeration.

22 Q. Coke and drugs?

23 A. Yes.

24 Q. Dr. Luke never gave you coke or
25 drugs?

1 SEBERT

2 A. Dr. Luke never gave me coke.

3 Q. Did he give you drugs?

4 A. What kind of drugs?

5 Q. Any kinds of drugs that are not
6 purchasable at the pharmacy.

7 MR. ORTNER: If you know.

8 A. I don't know.

9 Q. You don't know? You just said
10 any kind of drugs. Didn't that imply or
11 didn't you mean to say that he was giving
12 you some kind of drugs?

13 MR. ORTNER: Could I have the
14 last question read back. You're
15 misstating what she said.

16 MR. FREUNDLICH: I asked if
17 Dr. Luke had given her drugs, and she
18 said any drugs?

19 Q. Were there some drugs that he
20 gave you?

21 MS. LEPERA: Objection to form.

22 MR. ORTNER: And you define
23 drugs --

24 MR. FREUNDLICH: As drugs that
25 couldn't be purchased at a pharmacy.

1 SEBERT

2 MR. ORTNER: Do you know
3 whether he gave you any drugs which
4 could not be purchased at a pharmacy?

5 A. I don't know.

6 Q. Was there a time that he might
7 have given you drugs that you don't
8 remember?

9 MR. ORTNER: Well, how could
10 she possibly remember?

11 MS. LEPERA: Objection to the
12 form of the question. Objection.

13 Q. We'll get there. I'll show you
14 that later.

15 Now, there came a point in time,
16 did there not, when you signed the deal
17 with Dr. Luke's company, correct?

18 A. Yes.

19 Q. And at that point in time did you
20 believe that it was a good deal for you?

21 MR. ORTNER: I object to the
22 form of the question.

23 MS. LEPERA: Same objection.

24 Q. When you signed it did you
25 believe it was a good deal for you?

1 SEBERT

2 extent. I can't recall right now off the
3 top of my head.

4 (Exhibit 89, GOTTWALD 01038-41,
5 marked for identification.)

6 Q. This is an e-mail from a
7 gentleman by the name of Jared Scharff to
8 Dr. Luke, an exchange between them, and
9 it's dated July 9, 2008. I'm going to ask
10 you in particular to look at the second
11 page, the e-mail which Jared Scharff
12 wrote -- excuse me, the third page where
13 Jared Scharff wrote on July 7, 2008 at
14 11:00 p.m., just read that.

15 Do you know what a roofie is?

16 A. Yes.

17 Q. What is that?

18 A. It's a drug.

19 Q. Which does what?

20 A. It's like a date rape drug.

21 Q. And do you know who Jared Scharff
22 is?

23 A. No.

24 Q. You don't remember meeting Jared
25 Scharff?

1 SEBERT

2 A. I remember this interaction.

3 Q. Did Dr. Luke ever give you a
4 roofie?

5 A. No.

6 Q. Did you ever tell your mother
7 that you woke up in a hotel room in
8 Gottwald's bed and you don't recall what
9 happened that night?

10 A. I don't remember.

11 Q. Now I'm going to give you another
12 exhibit that we talked about the other day,
13 number 71. Are you familiar with the term
14 CYA letter? Do you know what CYA means?
15 Is this an e-mail that you wrote to Barry
16 Perlman?

17 A. That looks as though it is.

18 Q. Do you remember chatting with
19 management trying to get your shit worked
20 out and then telling you they wanted to see
21 the final deal, which is referring to the
22 deal that you made with and signed with
23 Dr. Luke?

24 MS. LEPERA: Objection as to
25 form.

1 SEBERT

2 remember being upset at Max Martin. Again,
3 the thing that I was dissatisfied with or
4 kind of annoyed with was just getting in
5 the studio. I just wanted to get in the
6 studio.

7 Q. And was your mother present in
8 these early meetings with David and
9 Georgie?

10 MR. ORTNER: I object to the
11 form of the question. Can you be
12 specific about early meetings?

13 Q. Okay, when -- did you ever have
14 an intimate relationship with Gottwald?

15 MS. LEPERA: Objection as to
16 form.

17 A. No.

18 Q. Did Gottwald ever do drugs in
19 front of you?

20 MS. LEPERA: Objection as to
21 form.

22 A. What kind of drugs?

23 Q. Again, drugs that you can't buy
24 at Duane Reade.

25 MR. ORTNER: Objection, lack of

1 SEBERT

2 foundation. You haven't established
3 that she would be aware of whether
4 there would -- if he were taking
5 anything, whether they were controlled
6 substances or not.

7 Q. And did Gottwald ever take any
8 drugs that were not -- did Gottwald ever
9 take any drugs, to your knowledge, that
10 could not have been purchased
11 over-the-counter?

12 MS. LEPERA: Objection as to
13 form. Are you also including or
14 excluding prescription drugs?

15 MR. FREUNDLICH: No, I'm
16 including prescription drugs.

17 MS. LEPERA: As what?

18 MR. FREUNDLICH: As drugs that
19 I want to know whether Gottwald ever
20 did in front of her.

21 A. I don't -- I'm still a little
22 unclear as to the question. Like, could
23 you specify?

24 Q. Were you ever with Gottwald at a
25 time when you thought he was high?

1 SEBERT

2 MS. LEPERA: Objection to form.

3 A. He may or may not do drugs.

4 Q. You don't know if he does drugs?

5 A. I don't know if he does drugs.

6 Q. You don't know if he did drugs

7 back then?

8 MS. LEPERA: Objection as to

9 form. What does back then mean?

10 MR. ORTNER: Objection to the
11 form, objection to lack of foundation,
12 objection that you haven't established
13 even if he did take any, whether they
14 were any controlled substances or not.

15 Q. Did you ever fly on an airplane
16 with Gottwald?

17 A. Yes.

18 Q. And if someone testified that you
19 were making out with Gottwald on a
20 cross-country trip with Gottwald, would
21 that be a lie, on a plane?

22 A. No.

23 Q. It wouldn't be a lie?

24 A. No.

25 Q. So you were making out with him

1 SEBERT

2 bed?

3 MS. LEPERA: Asked and

4 answered.

5 Q. Did you ever sleep with

6 Mr. Gottwald in the same bed?

7 A. Yes.

8 Q. And you didn't have an intimate
9 relationship while you were sleeping with
10 him in the same bed?

11 A. No.

12 Q. So prior to the time that you
13 sent Luke the -- prior to the time that
14 someone on your behalf sent Luke the
15 termination letter, back in 05, terminating
16 him --

17 A. Do you have a date?

18 Q. Let me show it to you. This has
19 been marked already as Exhibit 17. So the
20 date is established as December 6, 2005.
21 Is that the letter that Fred Goldring wrote
22 terminating Mr. Gottwald's agreement?

23 A. This seems to be the letter.

24 Q. And that's your name in the CC
25 line at the bottom there?

1 SEBERT

2 answered.

3 Q. Did your mother complain to David
4 about the fact that Dr. Luke had used drugs
5 with you and in your presence?

6 MR. ORTNER: What time frame?

7 All of this is at the Chateau Marmont?

8 MR. FREUNDLICH: Yes.

9 Q. Did your mother complain about
10 Dr. Luke having made sexual advances to
11 you?

12 MS. LEPERA: Objection to form.

13 A. I don't know.

14 Q. You were at the meeting though,
15 weren't you? Is it that you don't know or
16 you don't remember?

17 A. I don't know what my mother told
18 to David. I know that I've -- Dr. Luke
19 never made sexual advances at me, so --

20 Q. Aside from managing your
21 relationship with Dr. Luke, what else was
22 it that you wanted DAS to do for you?

23 A. I wanted DAS to help get me in
24 the studio and start making a record. Just
25 help the recording process.