

Dr. P. Mulhern - Plaintiff - Direct

1 THE WITNESS: I do.

2 D R. P R E C I O U S S E L L A R S - M U L H E R N,  
3 called by the Plaintiff, after being duly sworn, testified as  
4 follows:

5 THE COURT OFFICER: Name for the record?

6 THE WITNESS: Precious Sellars-Mulhern.

7 THE COURT OFFICER: Please be seated. Please  
8 spell your name.

9 THE WITNESS: Precious, like the word,  
10 P R E C I O U S, S E L L A R S - M U L H E R N.

11 THE COURT OFFICER: Thank you.

12 THE COURT: Thank you. Not finished yet. We've  
13 just begun.

14 All right, counsel. You may proceed.

15 DIRECT EXAMINATION

16 BY MR. SLEDZIK:

17 Q. Dr. Mulhern, let me introduce myself again to you. I'm  
18 Steven Sledzik. I represent Bridgette Belton.

19 How is it that you've come here today?

20 A. I came here because I was asked -- I was subpoenaed to  
21 be here to give testimony for my student that I support.

22 Q. How did you receive a copy of the subpoena?

23 A. Excuse me?

24 Q. How did you receive a copy of the subpoena?

25 A. The original one was mailed to me.

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1 Q. And did the subpoena direct you to bring anything?

2 A. It did.

3 Q. What did it direct you to bring?

4 A. My notes.

5 Q. Did you bring your notes?

6 A. I did.

7 Q. Okay. Do you need them to refresh your recollection  
8 about the evidence?

9 A. I do.

10 Q. Dr. Mulhern, what is your business address?

11 A. 199 Chambers Street, Manhattan.

12 Q. And who is your employer?

13 A. Borough of Manhattan Community College, City University  
14 of New York.

15 Q. What is your title or position with the Borough of  
16 Manhattan Community College?

17 A. I'm a counseling psychology associate professor in the  
18 department of student affairs, student life rather in the  
19 counseling center.

20 Q. Just briefly, if you can, what is your educational  
21 background?

22 A. I have a Ph.D., personality and associate psychology  
23 from NYU. M.E. did from Teacher's College, Columbia University.

24 Q. Of course you did an undergraduate study, yes?

25 A. Atlantic Union College.

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1 Q. If you can, just give us a brief overview of your  
2 employment history?

3 A. I have worked for City University of New York since  
4 1972. I started at Hunter in the career development and  
5 counseling center. I was -- at that time, I was in a masters  
6 program and working for Donald, Super and Kafkowitz. My  
7 chairperson, at that point, asked me if I wanted to work at the  
8 City University of New York because he had a friend there and I  
9 would make more money and I said, of course, and so I started  
10 working, at that time.

11 Q. And do you hold any professional licensures by the  
12 State of New York?

13 A. I'm a licensed psychologist in the State of New York.

14 Q. What are your duties and responsibilities as a  
15 counselor psychologist, associate professor at Borough of  
16 Manhattan Community College?

17 A. My function there is to assist students in their own  
18 personal development and their social and academic development to  
19 perform well in school. Our role in the counseling center is to  
20 help them with any issues that might impair their ability to  
21 think and perform in their classes and that is why we're there.

22 Q. Do you assist or counsel students?

23 A. I counsel students.

24 Q. Is there a charge for your services?

25 A. There is no charge. It is free to students.

1 Q. And did there come a time where you had contact with my  
2 client Bridgette Belton?

3 A. There came a time when I did have contact with  
4 Bridgette Belton.

5 Q. And you can identify -- is she in the courtroom?

6 A. She is.

7 Q. What was the problem that she presented with?

8 MR. DANDENEAU: Object to the form of the  
9 question, your Honor.

10 THE COURT: Sustained.

11 MR. DANDENEAU: Thank you.

12 MR. SLEDZIK: On what grounds?

13 THE COURT: You're assuming there was a problem.

14 Q. Why did she come to see you?

15 A. She came to see me because she wanted to discuss the  
16 situation that, it happened a year ago, that had her very upset,  
17 and it was interfering with her ability to get to her psychology  
18 class.

19 Q. What was the situation that she brought to your  
20 attention?

21 A. She said that a year prior she had been sexually  
22 harassed. I thought -- may I look at my notes to be clear?

23 Q. Would that refresh your recollection?

24 A. I need to look.

25 Q. That would refresh your recollection as to the problems

1 she presented?

2 A. Sorry.

3 Q. That would refresh your recollection as to the problems  
4 she presented?

5 A. It would.

6 THE COURT: You can look at your notes. Go ahead.

7 THE WITNESS: Okay.

8 THE COURT: But you can't read from them out loud.  
9 Just look, read, and then look up. There will be another  
10 question. Okay.

11 THE WITNESS: Okay.

12 Q. Does that refresh your recollection as to the problem  
13 she presented with?

14 A. It does.

15 Q. What was the problem that she presented with?

16 A. The problem was she wanted to discuss a situation that  
17 had occurred when she worked at Popeye's restaurant and the  
18 manager as she told me had fondled her breast, buttocks, and  
19 vagina. It was very upsetting and she wanted to discuss that  
20 with me.

21 Q. Did she present with any other problems at home or at  
22 school?

23 A. There was a problem about getting to class because she  
24 had to pass that restaurant in order to get to class. That was  
25 an issue that was a problem for her.

1 Q. What did she tell you about the problem she had getting  
2 to class?

3 A. She said that it was very disturbing to her to have to  
4 pass by the restaurant and that was in route to class.

5 Q. Did she use the word very disturbing?

6 A. She did not.

7 Q. Did you use a word to describe her condition regarding  
8 not wanting to pass the store?

9 A. She simply -- I don't remember her exact -- I didn't  
10 write her exact words in my notes, but it was so distressing to  
11 her that she had a friend drive her to school so that she would  
12 not have to ride the bus and pass the restaurant.

13 Q. And what is the first day that she visited you for  
14 treatment?

15 A. February 20, 2013.

16 Q. And did she say how much Mr. Pacheco's harassment of  
17 her affected her educational career?

18 MR. DANDENEAU: Objection. Leading.

19 THE COURT: Sustained, as to form.

20 MR. SLEDZIK: I'll rephrase the question, your  
21 Honor.

22 Q. Did she say how much Pacheco's actions impacted her  
23 educational career?

24 MR. DANDENEAU: Again, objection, your Honor, as  
25 to form. Leading. Leading question. Presumes that it did

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1 effect --

2 THE COURT: He has to transition into a new area.  
3 I will allow it.

4 You can answer the question.

5 Would you like it read back?

6 THE WITNESS: Yes, please.

7 THE COURT: Just a moment.

8 (Whereupon, the record was read back by the  
9 reporter.)

10 A. She did. And she was very disturbed by it. She had  
11 all of the signs of Post Traumatic Stress Disorder whenever she  
12 would talk about him in terms of trembling, shaking her legs.  
13 That is what people do when they are nervous, they shake the leg  
14 like that. Headaches, those were the signs that I could see, and  
15 the headache of course I couldn't see, but that is what she said.

16 THE COURT: Post Traumatic Stress Disorder, what  
17 does that mean for the jury?

18 THE WITNESS: Posttraumatic stress disorder, when  
19 you've been through a traumatic experience and you have  
20 something that reminds you of that, it sends you right back  
21 emotionally to the trauma or the experience that you had.  
22 So if it was negative, it sends you right back there  
23 emotionally.

24 Q. Did she tell you if she had told anyone other than you  
25 about what had happened with Pacheco?

1           A.    At that point she had not, and we discussed that  
2 because she had not told her family, her sisters, her father, no  
3 one, and so I remember thinking that that was clearly -- the  
4 shame was that she could not share that with anyone, and I was  
5 trying to work with her to be able to get some support around it  
6 and to not feel shame about what had occurred to her.

7           Q.    Did she tell you why she didn't tell her parents what  
8 had happened?

9           A.    She did. Because she felt that they would think she  
10 was a slut.

11          Q.    Those were her exact words?

12          A.    Now, that was her exact word.

13          Q.    Did she tell you about her efforts to seek work and the  
14 impact Pacheco's actions had on it?

15          A.    Sorry.

16          Q.    Did she tell you about her efforts to find work and  
17 Pacheco's, this impact Pacheco's actions had on her?

18          A.    That was a difficult period because I remember after,  
19 when she was looking for work, she said that she could not follow  
20 through on a number of interviews because she could not allow  
21 herself to be in a room by herself with a man, to be interviewed  
22 by a man. That is what she said.

23          Q.    Did she describe any issues that she had with self  
24 image?

25          A.    She did, and for some reason I think she felt

1 responsible for the interest because she's an attractive young  
2 woman, and I remember feeling that you would, you read about this  
3 in textbooks, but I've never actually had someone articulate that  
4 they gained 80 pounds so that they would no longer be attractive,  
5 and the person wouldn't find them attractive anymore. I never  
6 heard anyone articulate that, although we know it happens.

7 Q. That is something Ms. Belton said to you?

8 A. No, she said she gained the weight so she would not be  
9 attractive, so that he would leave her alone. That is what she  
10 said.

11 Q. Did you give her some exercises to do?

12 A. I did.

13 Q. And was that your means of treating her?

14 A. My goal in working with her was to help her find ways  
15 to calm that emotional, her emotions, so that she could think  
16 better because we know that -- well, from Heartmath's research  
17 out in California, company in California that does research on a  
18 person's emotional -- the impact of a person's emotions on their  
19 ability to think or to act, and because of that I knew that my  
20 first order of business was to help her to relax so she would be  
21 able to think more clearly and make good choices. So there are  
22 breathing techniques you teach a person in order to help them  
23 calm themselves. There are messages that you give them to help  
24 them remember things that make them feel better, help them to --  
25 help to divert their attention away from whatever is causing them

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1 distress, and to focus their attention on what causes them to  
2 feel better. That was one. And EFT is a tapping emotional  
3 freedom technique that taps the Meridian's and shown to help a  
4 person calm down. That is the one that seemed to work best with  
5 Bridgette. More so than the heart-focused breathing.

6 Q. So I'm clear, your testimony, you gave her these  
7 exercises what you are calling heart focused breathing?

8 A. Yes.

9 Q. You gave her exercises in ET --

10 A. EFT.

11 Q. Sorry, a tapping type exercise?

12 A. Yes.

13 Q. And did you give -- you mentioned something about  
14 messages to give them. Is there a name for those exercises, the  
15 messages you have your students repeat to themselves?

16 A. Affirmations and pleasant memories.

17 Q. Can you give me an example of an affirmation?

18 A. Oh, a general one, a general so it is not specific --

19 Q. Yes?

20 A. -- that I remember that I tell all students, and that  
21 is Jose Silva quote, "everyday in every way I'm getting better,  
22 better, and better."

23 Q. You mentioned that Jose Silva quote. Is there a name  
24 for those exercises?

25 A. That particular one, that work is the Jose -- the Silva

1 mind control method.

2 Q. And you were -- have you had training in Silva mind  
3 control?

4 A. Back in 1984.

5 Q. What is the purpose of those exercises that you gave  
6 Ms. Belton?

7 A. Again, the purpose of those exercises are to help her  
8 to calm and to refocus her thinking and by doing that her  
9 emotional state will calm and she'll be able to think and act  
10 better.

11 Q. The first time that you saw Ms. Belton, did she have an  
12 appointment with you?

13 A. I think the first time she saw me she just walked into  
14 the counseling center. Let me check. It was a walk-in.

15 Q. And how many times in total did you see Ms. Belton?

16 A. Fourteen.

17 Q. Was there a frequency or regularity to the contact that  
18 you had with her?

19 A. The pattern seems to be about twice a month over that  
20 period of time.

21 Q. And did that frequency or regularity change at any  
22 point?

23 A. It did when she was not in school one semester.

24 Q. When she was no longer at school, she no longer saw  
25 you; is that correct?

1 A. That's correct.

2 Q. And when she resumed school, did she resume contact  
3 with you?

4 A. She did.

5 Q. You and I have spoken before today, correct?

6 A. Yes.

7 Q. Have we ever spoken substantively about Ms. Belton's  
8 problems?

9 A. We have not.

10 Q. What are the things that we've spoken about?

11 A. We have spoken about me getting here today.

12 Q. Fair to say scheduling?

13 A. I'm sorry.

14 Q. Is it fair to say we've spoken about scheduling?

15 A. Yes.

16 Q. And did we speak about trying to have you provide a  
17 copy of your records to me at some point a while ago?

18 A. Yes.

19 Q. Did I at any point tell you anything to put in your  
20 notes or write down?

21 A. No.

22 Q. Did I tell you to say anything that you said here  
23 today?

24 A. No.

25 Q. Are you being paid or compensated in any way for being

1 here today?

2 A. No.

3 MR. SLEDZIK: I have no further questions, at this  
4 time, your Honor.

5 CROSS-EXAMINATION

6 BY MR. DANDENEAU:

7 Q. Hello, Doctor?

8 A. Hello.

9 Q. I'm Gerry Dandeneau, one of the attorneys representing  
10 the defendants in this case, and I will ask you some questions.

11 If for any reason you don't understand my questions,  
12 please let me know, I'll try to rephrase for you.

13 A. Okay.

14 Q. Now, you indicated that you first began seeing  
15 Ms. Belton in February of 2013, correct?

16 A. That's correct.

17 Q. And when was the last time you saw her?

18 A. November 12, 2014.

19 Q. I'm a little bit mixed up. Were you asked to supply  
20 records regarding your conversations between Ms. Belton to the  
21 attorney for the defendants?

22 A. I was.

23 Q. Did you supply those?

24 A. I did.

25 Q. Do you have documents in front of you today which are

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1 different from those documents which you supplied?

2 A. The documents that I submitted were the documents that  
3 were requested, at that time. Since I have -- some time has  
4 passed since then, and those records I have given to the lawyer  
5 today.

6 Q. Which lawyer -- today?

7 A. Today.

8 MR. DANDENEAU: Your Honor, I'm having a very  
9 significant problem. The documents --

10 THE COURT: Just a moment. Step up to the side.  
11 You will get a chance to see them right now.

12 (Whereupon, a discussion is held at the bench.)

13 THE COURT: Jurors, we will take a brief recess,  
14 hopefully no more than 15 minutes. We'll see you shortly.

15 THE COURT OFFICER: Jury exiting.

16 (Whereupon, the jury exits the courtroom.)

17 THE COURT: Okay.

18 (Whereupon, a short recess is taken.)

19 THE COURT: Okay.

20 THE COURT OFFICER: Jury entering.

21 (Whereupon, the jury enters the courtroom.)

22 THE COURT: Please be seated. Welcome back.

23 MR. DANDENEAU: Thank you, Doctor.

24 May I have the last question read back?

25 THE COURT: Yes.

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1 (Whereupon, the record was read back by the  
2 reporter.)

3 MR. DANDENEAU: Thank you.

4 Q. Doctor, I would like to ask you a couple of questions  
5 about how these notes were actually drafted, if I may.

6 Were these the actual notes that you took at the time  
7 that you were speaking with Ms. Belton?

8 A. Help me understand what you mean by that?

9 Q. Okay. Is there a process known as titanium?

10 A. There is.

11 Q. And what is that process, Doctor?

12 A. Titanium is a computer program where you at the end of  
13 your session you enter your notes from that session. When I'm  
14 working with a student, I'm jotting down notes, then I enter  
15 those notes into the computer.

16 Q. When you say --

17 MR. SLEDZIK: Your Honor, I object to this line of  
18 questioning. It is both irrelevant and outside of the scope  
19 of --

20 MR. DANDENEAU: Subject to --

21 MR. SLEDZIK: -- direct.

22 MR. DANDENEAU: Subject to connection, your Honor.

23 THE COURT: Yes. I was going to overrule it. I  
24 know where you are going with this.

25 MR. DANDENEAU: Thank you.

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1 Q. Now, you say you physically write down notes; is that  
2 correct, you physically write down notes as you're interviewing  
3 the student?

4 A. Yes.

5 Q. And they are on a piece of paper?

6 A. Yes, that gets shredded after I enter the information  
7 into the computer.

8 Q. You are a little ahead, Doctor. Okay. You take what  
9 you've written down and somewhere you input that into a computer;  
10 is that a yes, doctor?

11 A. That's correct.

12 Q. Now, how do you exactly input it into the computer, do  
13 you copy verbatim what you've written down?

14 A. Yes.

15 Q. On a piece of paper?

16 A. Yes.

17 Q. Every word that you've written down you copy and put  
18 into the computer?

19 A. I do.

20 Q. Do you know Robert Diaz?

21 A. Yes.

22 MR. SLEDZIK: Objection, your Honor.

23 THE COURT: Overruled. Go ahead.

24 Q. When the notes that I have were sent to the attorney  
25 that preceded me, his letter made a reference that you

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1 transferred some or all of the information into the college data  
2 tracking system?

3 A. Right.

4 Q. Now, some or all is different from all, correct?

5 A. Those words are different.

6 Q. Not the words, the information. Mr. Diaz who is the  
7 vice president of legal affairs --

8 MR. SLEDZIK: Objection, your Honor.

9 THE COURT: Sustained, as to form.

10 Q. The letter from Dr. Diaz indicates that this system,  
11 this titanium system, you input some or all of your notes, not  
12 all of your notes, some or all of your notes; is that correct?

13 MR. SLEDZIK: Your Honor, he's testifying about  
14 what someone else said.

15 THE COURT: Sustained. I was waiting. Sustained.

16 Q. Do you input every word that you've written down when  
17 you've had a session with a student?

18 A. If you want to get that precise, I tend not to even  
19 write down words, I do shorthand because my focus is on the  
20 person that I'm working with, and I don't -- at that time I'm  
21 listening to them, I jot down a few things. Some of it is in  
22 shorthand because I know I need to get the notes in later.

23 Q. So what I'm asking you, yes, Doctor you don't put  
24 everything into the computer that you've written down from the  
25 session?

1 MR. SLEDZIK: This has been asked and answered.

2 THE COURT: Overruled. You can answer that.

3 A. I write down -- if I may -- can I put it in the  
4 computer in my shorthand, no. I have to write words. I have to  
5 type in words.

6 Q. Okay. Doctor, I don't want to belabor the point with  
7 you. I am just trying to ascertain, do you always put into the  
8 computer every word that you've written down either in longhand  
9 or shorthand?

10 A. I tend to write down what I put in the computer, what I  
11 write in my notes.

12 Q. Okay. Thank you, Doctor. Now, the first notation that  
13 you've given to us is dated February 20, 2013; is that correct?

14 A. That's correct.

15 Q. And the first sentence which -- by the way, the name  
16 Bridgette Belton on the top, so I'm assuming this is the first  
17 meeting between yourself and Bridgette Belton?

18 A. It is the first meeting, but that is not why her name  
19 is written there. Her name is written there because that is the  
20 student and the name gets there.

21 Q. I understand. Just trying to connect it, Doctor.

22 Now, the first sentence states, "student walked into my  
23 office with confidence, stating she wanted to talk about  
24 something that happened over a year ago when she worked at  
25 Popeye's restaurant." Do you see that sentence?

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1 A. I do.

2 Q. Now, what do you mean she walked in "with confidence?"

3 A. She walked in, she was standing tall, she was poised.

4 Q. Did she seem upset to you?

5 A. Not at that moment.

6 Q. Did you have a conversation with her that first meeting  
7 where you discussed with her exactly what she was alleging  
8 occurred at the restaurant?

9 A. I don't understand your question.

10 Q. All right. At that first meeting, all right, there is  
11 a -- there is a statement in your notes that she had some  
12 encounter with a Mr. Pacheco at Popeye's restaurant, do you see  
13 that?

14 A. The sentence begins with the manager, yes.

15 Q. Did you discuss in detail with her exactly what  
16 occurred between the manager and Ms. Belton?

17 A. I discussed what you see here. You saw the note.

18 Q. Doctor, did you discuss in detail with her what she  
19 claimed to have happened when she was working at Popeye's  
20 restaurant?

21 A. I discussed those details that are right here, just  
22 those details.

23 Q. Just those details?

24 A. Just those details.

25 Q. So based upon your first conversation with Ms. Belton,

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1 she only told you that at -- he fondled her breast, butt, vagina,  
2 correct?

3 A. That's what I wrote.

4 Q. That is the only thing she spoke to you about?

5 A. She may have told me how, and under some of those  
6 cases, but when you ask me that, I don't know what you're getting  
7 at.

8 Q. Did she ever tell you that this gentleman offered to  
9 pay, offered to give her money for sex; did she ever tell you  
10 that?

11 A. I think she mentioned that.

12 Q. Why isn't it in your notes? You don't think that is  
13 something significant that should have been included in your  
14 notes?

15 A. It is not in my notes.

16 Q. Did she tell you that he had forced her hand on his  
17 penis; yes or no, Doctor?

18 A. Yes.

19 Q. Why isn't it in your notes? Why isn't it in your  
20 notes, Doctor?

21 A. Because it wasn't a verbatim account.

22 Q. Well, again, I'm a little bit confused here.

23 A. I wrote the statement about her, fondling the breasts,  
24 butt, vagina, and I put the little ellipsis there.

25 Q. The little what?

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1 A. The dots. Means that there was more that followed and,  
2 no, I didn't follow that line. You know why? Because I'm not a  
3 clinical psychologist.

4 Q. Doctor.

5 A. And my role in that position is not to --

6 MR. DANDENEAU: Your Honor, objection.

7 A. -- to get all the details.

8 THE COURT: Disregard the last few words, please.

9 MR. SLEDZIK: Your Honor.

10 Q. Doctor, I appreciate your education. It is phenomenal.  
11 I think you are an exceptionally intelligent woman. I'm an  
12 advocate for the defendants.

13 MR. SLEDZIK: Your Honor, this is not the time to  
14 give a speech.

15 THE COURT: Sustained. Just ask questions.

16 MR. DANDENEAU: Thank you.

17 Q. Are you seen here today as an advocate for Bridgette  
18 Belton?

19 A. I am an advocate for her.

20 Q. You are certainly not an advocate for the alleged  
21 harasser, are you?

22 A. I am not.

23 Q. Has there ever been a situation in your career where  
24 someone has come into you, into your office and wants to speak to  
25 you about a situation which occurred which was for the purposes

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1 of some different motive?

2 MR. SLEDZIK: Your Honor.

3 THE COURT: Sustained, as to form at this point.

4 Q. Did you ever have someone come into your office --  
5 withdrawn.

6 Bridgette Belton came into your office a little bit  
7 over a year after she left her employment at Popeye's, correct?

8 A. That is what my notes say.

9 Q. Did you ask her why it took so long to come in?

10 A. We had a discussion about that.

11 Q. Is it in your notes, Doctor?

12 A. It is not.

13 Q. So as far as I can tell, Doctor, so far your notes are  
14 not totally complete; is that correct?

15 A. Based on that standard, that is correct.

16 Q. So we don't know, and the jury doesn't know exactly  
17 what has been omitted by you based upon the conversations that  
18 you had with Bridgette Belton, and as an advocate --

19 THE COURT: Start over again, please.

20 MR. DANDENEAU: Thank you.

21 Q. So we don't know basically that everything which was  
22 said between you and Bridgette Belton isn't in these notes?

23 MR. SLEDZIK: Your Honor, asked and answered.

24 THE COURT: You can answer that one more time.

25 A. Judge, may I look? I'm looking for something that I

1 want to respond.

2 THE COURT: Yes, sure. You can refresh your  
3 recollection.

4 A. Okay. I noticed that November 4th of 2013, if you look  
5 on Page 4 --

6 Q. Let me get there, Doctor.

7 A. Look an Page 4. Look under the narrative.

8 Q. Which date is that, Doctor?

9 A. Page 4, and it is the first narrative. Look at that,  
10 please.

11 Q. First narrative starting with, "Bridgette is not doing  
12 well in her classes?"

13 A. Yes, that one.

14 Q. Okay. How does that answer my question?

15 A. That answers your questions because if you look  
16 because -- to help the jury understand the nature of my work and  
17 why I didn't dig as deeply as you might be implying, it said here  
18 that she was surprised when I was subpoenaed for this case. That  
19 was not something that she anticipated. And you notice the next  
20 sentence that I wrote in my notes, "I need to get a better  
21 understanding of this situation." Because my role with the  
22 student is not to dig into that. My role with the student is to  
23 help them perform better in school. That is my role. I'm not a  
24 clinical psychologist. I'm not an analyst. So, therefore, I  
25 don't dig into that unless I feel oh, my God, I guess I have to,

1 I need to know more with this because my role is to help her do  
2 better in school.

3 Q. I understand, but based upon the information she told  
4 you about, the sexual encounters, because you make reference in  
5 your notes to the fact that this really affected her, but you  
6 don't mention the request for sex, for money, you don't mention  
7 the force of touching of the penis, you don't mention that  
8 anywhere in the notes?

9 A. I didn't. You're right, I did not.

10 Q. Now, Doctor, could you turn to your notes for February  
11 20, 2013 which I believe is the first narrative?

12 A. What page? The page numbers are at the bottom.

13 Q. It is -- mine is Page 1, Doctor, but again it might be  
14 towards the back of yours. Yours would be Page 11, I believe.

15 A. Okay.

16 Q. Now, there is a reference that she spoke to you about  
17 her contacting a lawyer, do you see that?

18 A. Yes.

19 Q. And your notes say, "she contacted a lawyer about  
20 treatment at the restaurant, (all the female employees), the  
21 lawyer told her to get video, so she set up a camera to catch him  
22 in the act?"

23 A. No, that is not what my sentence says.

24 Q. Then we must have different narratives?

25 A. Says, "the lawyer told her to get evidence."

Dr. P. Mulhern - Plaintiff - Cross (Dandeneau)

1 Q. I'm sorry. I'm sorry. Jumped ahead of myself. Stand  
2 corrected. "She contacted a lawyer, the lawyer told her to get  
3 evidence, so she set up camera to catch him in the act. The  
4 lawyer suing the company, but the manager is still working  
5 there." Do you see that?

6 A. I do.

7 Q. Now, when was the first time that you knew that  
8 Ms. Belton was suing Popeye's restaurant?

9 MR. SLEDZIK: Your Honor, this is beyond the scope  
10 of direct.

11 THE COURT: I will allow it. You can answer that.

12 A. When what?

13 Q. When were you first advised that Ms. Belton was suing  
14 Popeye's restaurant?

15 A. The dates of this note are February 20, 2013.

16 Q. Now, that means that she was enrolled in these which  
17 semester, spring semester?

18 A. February is the spring semester.

19 Q. She started in the fall, correct?

20 A. I don't know. I don't have that before me.

21 Q. Did you ask her when she started school?

22 A. No.

23 Q. Did she tell you?

24 A. No, because when a student walks in I get the  
25 transcript, so I look at that. We don't have to talk about that.

Dr. P. Mulhern - Plaintiff - Cross (Dandeneau)

1 Q. Now, your notes reflect that she spoke to you about her  
2 self image and that she gained 80 pounds after she had left the  
3 restaurant?

4 A. No, they don't say that.

5 Q. Well, did she tell you in words and sum and substance  
6 that she gained 80 pounds so she would not be attractive to this  
7 gentleman?

8 A. My notes say that.

9 Q. Now, did she tell you when she gained this weight?

10 A. It was my understanding that she gained the weight  
11 while she was working there. What page are you looking at, and I  
12 will look to see.

13 MR. DANDENEAU: If I could just have a moment,  
14 your Honor?

15 THE COURT: Yes.

16 MR. DANDENEAU: Thank you.

17 (A brief pause.)

18 Q. I have it on -- notation of March 4, 2013 which would  
19 be on your copy, Doctor, Page 9 of 12?

20 A. Nine. Okay.

21 Q. Now, do you see the words, she gained 80 pounds after  
22 the sexual -- with Pacheco?

23 A. I see that sentence, yes.

24 Q. Now -- so, does that mean that she gained the weight  
25 after she left the restaurant?

Dr. P. Mulhern - Plaintiff - Cross (Dandeneau)

1           A. That wasn't my understanding. My understanding was  
2 that she started gaining the weight, at that time. That was my  
3 understanding.

4           Q. Then goes on to say, "I know it was my fault. If I  
5 wasn't attractive he would not have liked me." Does that mean  
6 she gained the weight in her eyes so that she would not be  
7 attractive to him?

8           A. If you read further, that is what I said.

9           Q. But yet did she tell you that she had left the  
10 restaurant in December of 2011?

11          A. I don't think I have a date about when she left. I  
12 don't recall that.

13          Q. Did she ever tell you she had any further contact with  
14 the gentleman after she left the restaurant?

15          A. That I don't know.

16          Q. But she did tell you though that she was afraid to go  
17 back to the restaurant?

18          A. She told me that.

19          Q. As a result, she had her ex-boyfriend drive her to her  
20 psych class?

21          A. She told me that.

22          Q. Did she also tell you she was contemplating dropping  
23 the psych class because she felt her teacher was rude to her?

24          A. She told me that.

25          Q. Can you turn to your notes for September 17, 2014.

Dr. P. Mulhern - Plaintiff - Cross (Dandeneau)

1 Sorry, October 7, 2014?

2 A. What page?

3 Q. It would be your Page 2 of 12?

4 A. Page 2. Okay. What am I looking for on Page 2?

5 Q. Now, she indicates to you at your session on September  
6 17, 2014 that she moved out of her father's house and she moved  
7 to Parkchester?

8 MR. SLEDZIK: Your Honor, again, outside of the  
9 scope of direct.

10 MR. DANDENEAU: I will go on.

11 THE COURT: I will allow it to a certain extent.

12 Q. And then she indicates that she was engaged to a 45  
13 year old man with four children from two different woman. Did  
14 she tell you that?

15 A. She did.

16 Q. Can you turn to your notes on, same page, October 8,  
17 2014. Right above the narrative that we just spoke about. Are  
18 you there, Doctor?

19 A. I'm there.

20 Q. She indicates that she wears two engagement rings. She  
21 didn't like the first one, so he bought her another one. The  
22 four set of diamonds would be replaced with a solitary when we  
23 get married. Did she indicate that to you that she didn't like  
24 the engagement ring and wanted a more expensive one?

25 A. She didn't say she wanted a more expensive one. That

1 is not in my notes. She just didn't like the way the first one  
2 -- this was just on the side, I mean, that is -- never mind.

3 Q. If it was on the side, I mean, it is still in your  
4 notes?

5 A. It is in my notes.

6 Q. Versus the other sexual acts that she complained about  
7 which are not in your notes, correct; she also became pregnant,  
8 didn't she; is that correct?

9 A. That's in my notes.

10 Q. Going to your notes for November 4, 2013, she told you  
11 that she was kicked out of the charter school because of the  
12 sexual harassment?

13 A. She told me that she was so distressed because of it  
14 that she was kicked out of the charter school.

15 Q. But you don't know whether or not that was the actual  
16 reason for her being kicked out of the charter school, do you?

17 A. That was not the nature of my visit with her, and I did  
18 not explore it.

19 Q. Appreciate that. Basically, this is what she's telling  
20 you?

21 A. That's correct.

22 Q. Which doesn't necessarily mean that is the reason why  
23 she was kicked out of the charter school?

24 A. I have no evidence.

25 Q. Can you turn to your narrative for November 4, 2013,

1 Page 4 of 12, Doctor. Tell me when you are there, Doctor.

2 A. I'm there.

3 Q. You played the video and watched it together?

4 A. That's correct.

5 Q. As you were watching the video with her, did she tell  
6 you again -- withdrawn.

7 As she was watching the video with her, did she tell  
8 you what was being seen on the video? Was she describing what  
9 was occurring on the video as you were both watching?

10 A. I really don't remember what she said when we were  
11 watching it. I remember she was fidgeting, as I wrote in my  
12 notes, and she couldn't sit still. She was pacing. It was  
13 painful to watch it. She wanted me to see it, so I watched it  
14 with her. I cannot remember ever word she said during that time.

15 Q. When you say it was painful for her to watch?

16 A. It was painful for me to watch it.

17 Q. Okay. Was it painful for her to watch it?

18 A. It appeared to be so.

19 Q. It appeared to be, have some affect on her?

20 A. It was an effect.

21 Q. And when you watched, after you -- advised of the fact  
22 she commenced a lawsuit --

23 A. Sorry.

24 Q. You watched this video after you knew that there was a  
25 lawsuit that she had filed against Popeye's?

Dr. P. Mulhern - Plaintiff - Cross (Dandeneau)

1 A. Probably. If you look at the dates, I think that would  
2 be so.

3 Q. And she also told you again, same narrative that quote,  
4 attorneys gets 33 percent of win," do you see that?

5 A. I don't know if she said that or what, but I have it.  
6 That is what I have in my notes. I don't know. I don't have  
7 anymore information about that.

8 Q. I mean, if she didn't say that, I could only imagine  
9 that you reviewed some documents between her and her attorney to  
10 indicate that the attorneys recovery would be 33 percent?

11 A. I really don't recall that.

12 Q. It is in your notes?

13 A. It is in my notes.

14 Q. Also heard in your notes that she told you that the  
15 attorney told her to get evidence and set up a video to record an  
16 incident, correct?

17 A. What was in my notes was that she needed evidence.

18 Q. And the attorney told her to video something which she  
19 did?

20 A. Did I write that? I don't recall that.

21 Q. In the very first narrative, again, as you go back to  
22 February 20, 2013, quote, "she contacted a lawyer about treatment  
23 at the restaurant. The lawyer told her to get evidence, so she  
24 set up camera to catch him in the act -- so she set up camera to  
25 catch him in the act." Didn't she tell you that? Didn't that at

Dr. P. Mulhern - Plaintiff - Cross (Dandeneau)

1 least plant a seed in your mind that the lawyer was, basically  
2 prompted her to set up this video camera?

3 MR. SLEDZIK: Objection.

4 A. It didn't do that to my mind.

5 MR. SLEDZIK: Objection.

6 THE COURT: Overruled. Go ahead. You can answer.

7 A. Okay. It didn't do that to my mind because, see  
8 remember, that is not how I work. I wasn't so into that. I was  
9 concerned about taking care of my student. That is what I was  
10 concerned about. And so in order to have a case, she needed  
11 evidence. How does she get evidence? I wrote what I wrote and  
12 that is all I can say about it.

13 MR. DANDENEAU: May I have one second, your Honor,  
14 please. I'm trying to find the location of recent documents  
15 I received.

16 (A brief pause.)

17 Q. Doctor, will you turn to the narrative. It is your  
18 Page 4 of 12 for your meeting on October 7, 2013.

19 Do you see the narrative at the bottom of the page?

20 A. I see it.

21 Q. In the narrative, Ms. Belton is telling you that she  
22 started dating a 29 year old man, a manager in his uncle's  
23 restaurant, do you see that?

24 A. I see that.

25 Q. Is that what she told you, Doctor, do you see that?

## Dr. P. Mulhern - Plaintiff - Redirect

1 A. I see that.

2 Q. And didn't she go on to say, has a lot of money, didn't  
3 she describe him as having a lot of money?

4 A. I'm not so sure. I'm looking at what I wrote and I  
5 think I was trying to figure out what was going on.

6 Q. Well, it seems --

7 A. Because I asked. I have here does -- is he living a  
8 double life. I was a little confused. That was not coming from  
9 her. That was just a side note, okay, what is this about. But  
10 that --

11 Q. Well, did you ask her does he have a lot of money or  
12 did she tell you he has a lot of money?

13 A. I didn't ask.

14 Q. Did Ms. Belton graduate from high school on time with  
15 her class?

16 A. I didn't ask that question.

17 MR. DANDENEAU: I have no further questions, your  
18 Honor. Thank you, Doctor.

19 MR. SLEDZIK: I have just a couple of brief  
20 questions.

21 REDIRECT EXAMINATION

22 BY MR. SLEDZIK:

23 Q. I can direct your attention to Page 9 of 12 of your  
24 records?

25 THE COURT: Keep your voice up.

## Dr. P. Mulhern - Plaintiff - Redirect

1 Q. Can I direct your attention to Page 9 of 12 of your  
2 records?

3 A. Oh, nine. Okay.

4 Q. You have that sentence where it indicates she gained 80  
5 pounds after the sexual abuse with Pacheco.

6 Is that sentence mean she gained the weight after the  
7 sexual abuse began?

8 A. That was my understanding.

9 MR. DANDENEAU: Could I have that answer read  
10 back, question and answer?

11 THE COURT: Yes.

12 (Whereupon, the record was read back by the  
13 reporter.)

14 THE COURT: You have to keep your voice up. I can  
15 hardly hear you.

16 Q. And --

17 MR. DANDENEAU: Note my objection. That calls for  
18 state of mind, but.

19 THE COURT: Well, little late, but I will allow  
20 it.

21 MR. DANDENEAU: Sometimes better to wait.

22 THE COURT: I understand.

23 MR. DANDENEAU: Thank you, Judge.

24 Q. If I just go to the next line of that same entry?

25 A. Yes.

1 Q. Mr. Dandeneau questioned you about that, he read some  
2 language. I will read it again. "I know it was my fault. If I  
3 wasn't attractive he would not have liked me. I don't want to  
4 face it," and that language is within quotations, correct?

5 A. Yes.

6 Q. And when you wrote that language down, was that a  
7 direct quote from Ms. Belton?

8 A. That was my perception at the time.

9 Q. But you are the one who used the quotations, yes?

10 A. I know, I know.

11 Q. Okay.

12 A. Because when you are writing your notes you don't  
13 expect that you're going to court, so therefore I don't write  
14 them with that in mind. I will take different notes in the  
15 future.

16 Q. Hopefully you won't have to. I want you to go down in  
17 the same entry again, there is a quotation about two or three  
18 lines down?

19 A. "The work is building self worth."

20 Q. "The work is building self worth, helping her forgive  
21 herself for the perceived role in the abuse." Why did you write  
22 that?

23 A. Because that was my perception of my work with her, to  
24 help her.

25 Q. Why did you write, "she had a perceived role in the

1 abuse?"

2 A. Because of what she said. She said that, "I know it  
3 was my fault. If I wasn't attractive, it wouldn't have  
4 happened," and I was thinking, but you -- and I think I did even  
5 write it there, it had nothing to do with you being attractive or  
6 not because it persisted. Even after you gained all the weight.

7 Q. You mean --

8 MR. DANDENEAU: Can I have the question read back?

9 THE COURT: Jurors, if you heard the question,  
10 please disregard. The reporter did not get it.

11 Q. What did you mean by it persisted?

12 A. I'm sorry, what?

13 Q. I will withdraw the question.

14 If we go back to the first entry that you made, Page 11  
15 of 12 from your notes?

16 A. Twelve.

17 Q. Page 11 of 12, it is the entry that starts February  
18 20th, 2013?

19 A. Yes, I have it.

20 Q. And I just want to ask you a question about that  
21 session with Ms. Belton. That is the first session you had with  
22 her, correct?

23 A. That is the first session, yes.

24 Q. Did she seem embarrassed in the course of that session?

25 MR. DANDENEAU: Objection.

Dr. P. Mulhern - Plaintiff - Redirect

1 THE COURT: Sustained, as to form. Sustained.

2 Q. You indicated she came into your office with  
3 confidence. Did she have that confidence throughout the entire  
4 session?

5 A. No.

6 Q. How did her condition change?

7 A. She walked in with confidence, but as she began to tell  
8 the story, um, she became more emotional. So she didn't have the  
9 same confidence then, and that is why you will notice in my notes  
10 when I began to compliment her on --

11 MR. DANDENEAU: Objection, your Honor.

12 Nonresponsive.

13 THE COURT: Sustained.

14 Disregard the last few words, please. Question,  
15 please.

16 Q. Yes. I want you to just go back, take a look at Page 4  
17 of 12 of your notes, entry dated November 4, 2014, it is the top  
18 section of that page. Let me know when you found it.

19 A. I'm on Page 4.

20 Q. Yes, ma'am. Four of 12 entry dated November 4, 2013?

21 A. Yes.

22 Q. You found that entry?

23 A. Yes.

24 Q. If you go to the last full paragraph section related to  
25 playing the video, you observed Ms. Belton physically shaking,

Dr. P. Mulhern - Plaintiff - Recross (Dandeneau)

1 fidgeting, had to stand up and paced the room. That allowed you  
2 to concluded she had signs of Post Traumatic Stress Disorder; is  
3 that correct?

4 A. Yeah, that's what I noticed.

5 MR. SLEDZIK: No further questions, at this time,  
6 your Honor.

7 MR. DANDENEAU: Your Honor, very briefly.

8 RE CROSS EXAMINATION

9 BY MR. DANDENEAU:

10 Q. Doctor, you are not a clinical psychologist, correct?

11 A. I'm not a clinical psychologist. I am not.

12 Q. So would it be fair to say that many of your  
13 impressions that you reduced to writing in your narratives are a  
14 subjective evaluation on your part?

15 A. Everything is subjective.

16 Q. Rather than objective?

17 A. Everything is subjective.

18 Q. Rather than objective, correct, Doctor?

19 A. Everything is subjective.

20 MR. DANDENEAU: Thank you. No further questions.  
21 Thank you very much, Doctor.

22 MR. SLEDZIK: I have no further questions, your  
23 Honor.

24 THE COURT: Okay. Thank you, Doctor.

25 (Whereupon, the witness steps off the stand and

Dr. P. Mulhern - Plaintiff - Recross (Dandeneau)

1 exits the courtroom.)

2 MR. DANDENEAU: Your Honor, can we take a brief  
3 personal break?

4 THE COURT: I think we are finished for the day,  
5 no?

6 MR. DANDENEAU: Are we?

7 MR. SLEDZIK: We will rest our case in chief, your  
8 Honor.

9 MR. DANDENEAU: Sorry.

10 THE COURT: So why don't you go ahead and  
11 officially rest in front of the jury, then I will speak to  
12 you on the side, we'll figure out what we are going to do  
13 for the rest of the afternoon.

14 MR. SLEDZIK: We rest our case in chief, your  
15 Honor.

16 THE COURT: You will withhold making motions at  
17 this point?

18 MR. DANDENEAU: I will, Judge.

19 THE COURT: Step up to the side, let's talk.

20 (Whereupon, a discussion is held at the bench.)

21 THE COURT: Okay. Please call your first witness.

22 MR. DANDENEAU: Your Honor, we would like to call  
23 the plaintiff, Bridgette Belton.

24 (The witness takes the stand.)

25 THE COURT OFFICER: Please be seated. Restate