

1 MR. WALKER: Thank you, Your Honor.

2 THE COURT: Just to make sure, is there any  
3 objection to 160.03 being admitted?

4 MR. KIRSCH: No objection.

5 THE COURT: That is what you would like to do is  
6 have it admitted?

7 MR. WALKER: Yes, Your Honor.

8 THE COURT: 160.03 is admitted.

9 (Exhibit No. 160.03 is admitted.)

10 Q. (BY MR. WALKER) Okay. Ms. Bergman, we've just  
11 established the fact that you stated in your e-mail to  
12 Mr. Harper that you wanted to "be on the ground floor," in  
13 your words -- your words, "in a contract with the NYPD."  
14 That e-mail was sent on November 30, 2004, at 2:54 p.m.

15 The exhibit we're now dealing with, 160.03, the  
16 Government's exhibit --

17 MR. WALKER: Please scroll up a little higher to  
18 get the date and time.

19 Q. (BY MR. WALKER) You will see there, Ms. Bergman --  
20 what is the date and time on that e-mail?

21 A. November 30th at 5:33 p.m.

22 Q. So do you agree that this e-mail was sent to you  
23 after your e-mail to Mr. Harper?

24 A. Yes.

25 Q. Stating you wanted to "get in on the ground floor"?

1 A. Yes.

2 MR. WALKER: Can we scroll down?

3 Q. (BY MR. WALKER) And if you look, Ms. Bergman, at the  
4 first paragraph, and the third line. Read that to  
5 yourself. Let me know when you have read it.

6 Could you read that for the Court, please, that one  
7 sentence.

8 A. "We have a great project that we will be looking to  
9 wrap up for the New York Police Department."

10 Q. And so would you agree, Ms. Bergman, that Mr. Harper  
11 does not state there that there was a contract in place  
12 with the NYPD?

13 A. Do I have to answer yes or no?

14 Q. Yes, please. I will restate the question for you.

15 A. Thank you.

16 Q. Does Mr. Harper, in that sentence, indicate that IRP  
17 Solutions had a contract with the NYPD?

18 A. I am sorry, could you say it one more time? I don't  
19 mean to be difficult.

20 Q. Sure. Not a problem. Does Mr. Harper, in that line  
21 which you just read, state that IRP Solutions had a  
22 contract with NYPD?

23 A. He does not.

24 Q. Could you answer --

25 A. No, there is no contract.

1 Q. Thank you. And, in the course of bringing on people  
2 for IRP Solutions, they mention to you that they were  
3 working with law enforcement; is that correct?

4 A. Yes.

5 Q. And they did mention that they were working on  
6 projects for different agencies; is that correct?

7 A. I was under -- no. I was under the impression that  
8 it was the New York Police Department.

9 Q. Okay. And so they indicated they were working on  
10 projects with the NYPD that is correct?

11 A. Yes.

12 Q. And in the course of working on projects -- clarify  
13 this is your understanding, as well. A company builds a  
14 product that is encompassed within a project. Would you  
15 agree with that?

16 A. Yes. But usually with a contract in place,  
17 especially --

18 Q. Okay. Let me stop you right there. So you are  
19 making the assumption that a contract is in place;  
20 correct?

21 A. Yes.

22 Q. Okay. Thank you.

23 Ms. Bergman, did Headway initiate any type of  
24 litigation against IRP Solutions for non-payment --

25 A. Yes.