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V I R G I N I A

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

CHERI SMITH, :

Complainant, :

-vs- : In Chancery No. 53360

WESLEY C. SMITH, :

Defendant. :

Leesburg, Virginia

Wednesday, January 28, 2004

Deposition of:

IGOR BAKHIR,

a witness, called for examination by counsel for the
defendant, pursuant to notice, at the offices of John C.
Whitbeck, KAZEM, WHITBECK, SECK & KAZEM, 15-D Loudoun
Street, S.W., Leesburg, Virginia, beginning at 10:30 a.m.,
before Wendy L. Wieben, a Court Reporter and a Notary Public
in and for the State of Virginia at Large, when there were
present on behalf of the respective parties:

1 FOR THE COMPLAINANT:
2 Loretta Vardy, Esquire
3 12388 Silent Wolf Drive
4 Manassas, Virginia 20112
5 703-791-6078

6 FOR THE DEFENDANT:

7 John C. Whitbeck Jr., Esquire
8 KAZEM, WHITBECK, SECK & KAZEM
9 15-D Loudoun Street, S.W.
10 Leesburg, Virginia 20175
11 703-777-1795

12 FOR THE WITNESS:

13 Charles A. Anderson, Esquire
14 GRENADIER, ANDERSON, SIMPSON, STARACE & DUFFETT
15 11710 Plaza America Drive, Suite 130
16 Reston, Virginia 20190
17 703-683-9000

18 -0-

19 I N D E X

20 WITNESS	PAGE
21 IGOR BAKHIR	
22 Examination by Mr. Whitbeck	3
23 -0-	
24 E X H I B I T S	
25 FOR IDENTIFICATION	
26 PAGE	
27 None.	
28 -0-	

1 that she had had some difficulty with her car on Route 15
2 getting here and offering -- authorizing us to proceed
3 without her.

4 MR. WHITBECK: You are Mr. Charles Anderson?

5 MR. ANDERSON: That's correct. I represent
6 Mr. Bakhir.

7 BY MR. WHITBECK:

8 Q Mr. Bakhir; is that right?

9 A Yeah.

10 Q I'm going to ask you a series of questions, I'm
11 going to try to get through it as quickly as possible. No
12 intention of embarrassing you, this is simply to gather
13 evidence for a divorce case in the matter of Cheri Smith
14 versus Wesley Smith.

15 Certainly, anytime you want to take a break,
16 consult with your counsel, please feel free to do so. If
17 you need coffee, water, anything, just let me know.

18 A Okay.

19 Q What's your address, sir; could you state your
20 address, please?

21 A 1548 Cameron Crescent Drive, Apartment 21-B,
22 Reston, Virginia, ZIP Code 20190.

23 Q That's in Reston?

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

2 Whereupon,

3 IGOR BAKHIR,

4 a witness, was called for examination by counsel on behalf
5 of the defendant, and, after having been duly sworn, was
6 examined and testified as follows:

7 EXAMINATION BY COUNSEL ON BEHALF OF THE DEFENDANT

8 BY MR. WHITBECK:

9 Q It is Wednesday, January 27, 2004 -- or the 28th,
10 2004. You're here in the law offices of Kazem, Whitbeck,
11 Seck & Kazem for the deposition.

12 Sir, could you state and spell your name?

13 A Igor Bakhir, first name, I-G-O-R, and last name
14 B-A-K-H-I-R.

15 Q Do you have a middle name, sir?

16 A Possibly here, Valerievich.

17 THE REPORTER: You're going to have to spell
18 that.

19 THE WITNESS: Give me a piece of paper.

20 MR. ANDERSON: While he's doing that, I'll put on
21 the record that shortly before 10:00 this morning I took a
22 call from a woman identifying herself as Loretta Vardy,
23 whose voice I recognized, saying that she would be late.

1 A Yep.

2 Q What's your phone number at your apartment?

3 A 703-834-7574.

4 Q Do you have a cellular phone?

5 A Yes.

6 Q What's that phone number?

7 MR. ANDERSON: I'm going to advise my client at
8 this point to take the Fifth Amendment to any questions that
9 might lead to evidence concerning adultery or that directly
10 address adultery or the nature of his relationship with the
11 complainant in this case, Cheri Smith.

12 MR. WHITBECK: I -- certainly, a telephone number
13 is not evidence of sexual conduct, nor, as you all know,
14 this is also a custody matter, and whether this gentleman is
15 around Liam Smith or calling Liam Smith is relevant to that.
16 He can take the Fifth Amendment as to criminal conduct such
17 as sexual contact, but I think it's improper for him to not
18 answer questions unrelated to that.

19 MR. ANDERSON: Go ahead give him the telephone
20 number. We'll go on a question-by-question basis.

21 THE WITNESS: 703-930-8171.

22 BY MR. WHITBECK:

23 Q And your work phone number?

1 (Whereupon, a recess was taken.)
 2 MR. WHITBECK: For the record, Loretta Vardy,
 3 counsel for Cheri Smith, the complainant, has just arrived
 4 and is present.
 5 BY MR. WHITBECK:
 6 Q Mr. Bakhir, have you used any other cellular
 7 phones in the last four years?
 8 A No.
 9 Q You've had that cell phone for how long, then?
 10 A I don't know, maybe three, two years.
 11 Q You didn't have a cell phone before that?
 12 A No, I don't.
 13 Q Is this home telephone number that you stated
 14 earlier, is that your home telephone phone number for the
 15 last four years?
 16 A I think for the last three years.
 17 Q Do you remember your home telephone number before
 18 that?
 19 A I didn't have.
 20 Q You didn't have a telephone before that?
 21 A I stayed in this apartment three years.
 22 Q What's your date of birth?
 23 A March 8, 1965.

1 Q Did you tell us your work phone number already?
 2 MR. ANDERSON: I believe so.
 3 BY MR. WHITBECK:
 4 Q Why don't you state it again. She came in, I
 5 didn't hear. Can you state a work telephone number again?
 6 A 703-318-4560.
 7 Q What is your place of birth?
 8 A I better write it because --
 9 Q That's all right. It's not the United States,
 10 correct?
 11 A Okay.
 12 Q Russia?
 13 A Soviet Union, former Soviet Union.
 14 Q Would it be Russia now?
 15 A Yes, Russia.
 16 Q Are you still -- are you a U.S. citizen?
 17 A No.
 18 Q What's your immigration status currently? Do you
 19 have a green card, visa, what?
 20 A Alien applicant.
 21 Q What is that? What's your understanding of what
 22 that is?
 23 A You better ask my immigration lawyer. It's a

1 long explanation.
 2 MR. ANDERSON: I'm going to object to relevancy.
 3 What difference does it make?
 4 MR. WHITBECK: Okay. He still has to answer the
 5 question.
 6 BY MR. WHITBECK:
 7 Q What's your understanding of what your
 8 immigration status is?
 9 A I'm legal here. I have work authorization.
 10 That's pretty much it.
 11 Q Does it expire at any time?
 12 A You can renew it every year.
 13 Q It's your understanding it renews annually?
 14 A It depends.
 15 Q Depends on what?
 16 MR. ANDERSON: I'm going to renew the -- you've
 17 got a whole list of -- how many pages have you got there?
 18 So if you have relevant questions, go ahead and get to them,
 19 because I'm only going to let him answer so many irrelevant
 20 questions. You started a half hour late, we're leaving, so
 21 pick up the pace.
 22 MR. WHITBECK: You're can leave, but there will
 23 be a rule issued if you leave. This subpoena's good for the

1 day until we're done so I'm going to ask him questions, and
 2 whether you believe it's relevant or not, that doesn't
 3 matter at this point. You can advise him as to what he has
 4 to answer criminally, but we're not going to do this all
 5 day.
 6 BY MR. WHITBECK:
 7 Q Your understanding is that this can be renewed
 8 annually?
 9 A Yeah.
 10 Q Do you have any plans to move back to Russia at
 11 this time?
 12 A No. I have job here. I have everything here.
 13 Q Are you planning on applying to be a U.S.
 14 citizen?
 15 A I don't know.
 16 Q You plan on staying here permanently? Are you
 17 planning on staying here for the next five years?
 18 A If I find job in Europe, I will move to Europe if
 19 I find job somewhere else good job, good pay, so who cares.
 20 Q Are you actively seeking a job in Europe right
 21 now?
 22 A No.
 23 Q Are you actively seeking other employment in the

1 United States?
 2 A Yeah.
 3 MR. ANDERSON: I'm going to have an ongoing
 4 relevancy objection. I'll just say "relevancy" from time to
 5 time.
 6 MR. WHITBECK: Counsel for the complainant can
 7 make objections.
 8 MR. ANDERSON: I can make objections.
 9 MR. WHITBECK: You cannot make objections.
 10 You're not a party to this case.
 11 MR. ANDERSON: I'm his representative.
 12 MR. WHITBECK: You're not his representative for
 13 the purpose of making objections for the complainant.
 14 MR. ANDERSON: I'm not making objections for her.
 15 MR. WHITBECK: I want on the record that --
 16 MR. ANDERSON: I want on the record that you
 17 started a half hour late; you didn't have a right to do
 18 that. You don't even have a valid service on him.
 19 MR. WHITBECK: It's posted service. I don't know
 20 what the purpose of this is --
 21 MR. ANDERSON: The purpose is to tell you to move
 22 along. We're not going to spend the whole day because you
 23 can't ask a relevant question.

1 BY MR. WHITBECK:
 2 Q Are you -- do you regularly drink alcohol?
 3 A Not really.
 4 Q Approximately how much per week, how many drinks
 5 do you have per week?
 6 MR. ANDERSON: Relevancy objection again.
 7 MS. VARDY: I'll make the relevancy objection as
 8 well.
 9 THE WITNESS: What kind of alcohol?
 10 BY MR. WHITBECK:
 11 Q Alcohol, beer, wine.
 12 A Maybe once a month.
 13 Q Once a month?
 14 A Yeah, overall, if you take a year, I can say.
 15 Q What kind of car do you drive?
 16 A Honda Accord 2000 coupe.
 17 Q What color is it?
 18 A Black, I think. It's a black, maybe blue,
 19 depends of light.
 20 Q What's your driver's license number -- or, excuse
 21 me, your tag number?
 22 A Don't remember.
 23 Q Liam Smith ever ridden in your car?

1 A Not as far as I remember.
 2 Q Cheri Smith ever ridden in your car?
 3 MR. ANDERSON: Objection, take the Fifth
 4 Amendment on anything having to do with his relationship
 5 with Mrs. Smith.
 6 BY MR. WHITBECK:
 7 Q It's not implying -- with respect to Liam Smith,
 8 have you ever transported Cheri Smith to pick up her child?
 9 MR. ANDERSON: Going to object, Fifth Amendment.
 10 THE WITNESS: I'll go with my attorney.
 11 BY MR. WHITBECK:
 12 Q What's your driving record like?
 13 A What?
 14 Q What's your driving record like? Do you have any
 15 speeding tickets?
 16 A About four years ago.
 17 Q Reckless driving convictions?
 18 A No.
 19 Q DUI's?
 20 A A clean history.
 21 Q Are you a convicted felon?
 22 A No.
 23 Q Ever been convicted of a misdemeanor for lying,

1 cheating, or stealing?
 2 A Okay. Can you rephrase the questions because
 3 level -- of like, maybe high school stealing, because my
 4 English. You ask about --
 5 Q Have you ever been convicted of a larceny,
 6 meaning stealing?
 7 A No.
 8 Q Shoplifting?
 9 A I already answered this question because you ask
 10 question in general have I ever been convicted --
 11 Q Have you ever been convicted of perjury?
 12 A No.
 13 Q Any member of Cheri's family, Cheri Smith's
 14 family, ridden in your car that you can recall since you've
 15 met her?
 16 MR. ANDERSON: Can you define the word "family"?
 17 MR. WHITBECK: Sister, brother, mother, father?
 18 THE WITNESS: No.
 19 BY MR. WHITBECK:
 20 Q Anyone else drive your car more than once a
 21 month?
 22 A Please describe what mean drive else?
 23 Q Get in the car, put the seatbelt on, turn the

1 key, ignition on?
 2 A My kid, but he drove with me.
 3 Q Does anyone else drive your car, use your car
 4 more than once a month?
 5 A No.
 6 Q In the last four years has anyone else used your
 7 car more than once a month, have you loaned it to anybody?
 8 A No.
 9 Q No?
 10 A This car, no.
 11 Q How long have you had this 2000 Honda Accord?
 12 A Since -- I think it's been almost -- actually, it
 13 was, like, four years.
 14 Q Four years?
 15 A Uh-huh.
 16 Q When did you first meet Cheri Smith?
 17 MR. ANDERSON: Fifth Amendment.
 18 MR. WHITBECK: He can testify as to whether he
 19 knows her.
 20 MR. ANDERSON: He can answer all your questions;
 21 he's not going to. Go ahead.
 22 BY MR. WHITBECK:
 23 Q Tell me any family members that you regularly

1 see more than once a year?
 2 A Again?
 3 MR. ANDERSON: Who is family?
 4 BY MR. WHITBECK:
 5 Q Your family, can you tell me any of your family
 6 members that you regularly see more than once a year?
 7 MR. ANDERSON: Relevancy.
 8 MR. WHITBECK: Let's go off the record for a
 9 minute.
 10 (Whereupon, a recess was taken.)
 11 BY MR. WHITBECK:
 12 Q You have any family members that you see
 13 regularly more than once a year?
 14 A Please specify.
 15 Q Family members: mother, father, brother, sister,
 16 cousins, uncles, aunts?
 17 A I don't have anybody here.
 18 Q Do you see any of them more than once a year?
 19 A Did you hear my answer? I said I don't have
 20 anybody here.
 21 Q You don't have anyone, but do you see any of
 22 them?
 23 A No.

1 MR. ANDERSON: Mr. Bakhir -- just as a point of
 2 clarification -- doesn't speak English as his native tongue,
 3 and when you defined family members you didn't include
 4 children and he has a son that he sees --
 5 BY MR. WHITBECK:
 6 Q You have a son that you see more --
 7 A He lives with me.
 8 Q How old is your son?
 9 A Almost 17.
 10 Q Seventeen years old. He lives in the apartment
 11 with you that you live in?
 12 A Yep.
 13 Q Are you divorced?
 14 A Yep.
 15 Q What how long ago were you divorced?
 16 A A couple of years, I think.
 17 Q Where is your wife now?
 18 A No idea.
 19 Q Do you have -- do you ever see her?
 20 A No.
 21 Q Do you communicate with her at all?
 22 A No.
 23 Q Did you have counsel during the divorce? Was it

1 in court?
 2 MS. VARDY: What's the relevance there? It's his
 3 divorce.
 4 MR. SMITH: I'll answer it for you: If he's
 5 going to sleep with my wife, be around my son, every single
 6 aspect of this guy's character and life is relevant. If
 7 that's not clear to you, get a different job.
 8 MR. WHITBECK: Let's move on.
 9 BY MR. WHITBECK:
 10 Q Was Cheri Smith -- the name Cheri Smith mentioned
 11 in any court papers or anything having to do with your
 12 divorce?
 13 A With my divorce?
 14 Q Yes.
 15 A No.
 16 Q Did you receive court papers from your wife or
 17 her lawyer or the Court during your divorce?
 18 A Yeah, I think so.
 19 Q Was the name Cheri Smith ever mentioned in those
 20 papers?
 21 MR. ANDERSON: He's going to take the Fifth
 22 Amendment. The papers speak for themselves.
 23

1 BY MR. WHITBECK:
 2 Q What was the basis for the divorce?
 3 MR. ANDERSON: You're talking about his divorce,
 4 right?
 5 MR. WHITBECK: Yes.
 6 BY MR. WHITBECK:
 7 Q Adultery, physical or mental abuse, desertion,
 8 anything like that?
 9 MR. ANDERSON: Let me talk with my client for a
 10 second.
 11 (Whereupon, a recess was taken.)
 12 BY MR. WHITBECK:
 13 Q Let me ask you again: What was the basis for the
 14 divorce?
 15 A To tell you the truth, I don't remember.
 16 Q Did your wife cheat on you?
 17 A You can go to the Fairfax County Court and find
 18 the case.
 19 Q You don't recall why you got divorced?
 20 MR. ANDERSON: Objection. You didn't properly
 21 characterize his answer. Why he got divorced and what the
 22 papers say may not be the same thing.
 23

1 BY MR. WHITBECK:
 2 Q Why did you get divorced, in your mind?
 3 A Wife left, just left.
 4 Q Did she tell you why she left?
 5 A I didn't speak with her since she left.
 6 Q Did she tell you when she left why she was
 7 leaving?
 8 MR. ANDERSON: I'm going to object to relevancy,
 9 this is invasion of his privacy, this has nothing to do with
 10 your case.
 11 MR. WHITBECK: If the name Cheri Smith was
 12 involved at all in that divorce it is relevant to the case.
 13 MS. VARDY: John, you have no reason to believe
 14 that it is. He has answered --
 15 MR. WHITBECK: That's what we do depositions for,
 16 is to find out if that's the case. He can take the Fifth,
 17 fine, but it's relevant.
 18 THE WITNESS: Not as far as I remember. You can
 19 write -- name Cheri Smith, as far as I remember, never
 20 mentioned during divorce case.
 21 BY MR. WHITBECK:
 22 Q Did you and your wife have conversations about
 23 Cheri Smith while you were still married?

1 MR. ANDERSON: Objection. Take the Fifth
 2 Amendment.
 3 THE WITNESS: Could you specify time frame, just
 4 time frame?
 5 BY MR. WHITBECK:
 6 Q Do you recall any discussion or conversation
 7 between you and your wife where the name Cheri Smith came
 8 up?
 9 MR. ANDERSON: Take the Fifth Amendment.
 10 THE WITNESS: I'll take Fifth Amendment, but --
 11 MR. WHITBECK: Why don't you let him answer no if
 12 the answer to the question is no?
 13 MR. ANDERSON: Because that could be a waiver of
 14 the Fifth Amendment.
 15 BY MR. WHITBECK:
 16 Q Do you discuss personal relationships, romantic
 17 relationships, with any family members?
 18 MR. ANDERSON: Take the Fifth Amendment.
 19 BY MR. WHITBECK:
 20 Q Do you discuss personal relationships, romantic
 21 relationships, with any friends?
 22 MR. ANDERSON: Take the Fifth Amendment.
 23

1 BY MR. WHITBECK:
 2 Q Who would you say is your best friend?
 3 A I don't have best friends.
 4 Q Do you have any friends, male friends, that you
 5 regularly hang out with?
 6 A Not in U.S.
 7 Q No friends?
 8 A Not here, not in this country.
 9 Q Any co-workers that you see outside of work?
 10 A What do you mean "see outside of work"?
 11 Q That you socialize with, go to a bar with, go to
 12 dinner with?
 13 A I don't talk with them, basically, if we went
 14 somewhere or we went just for a party.
 15 Q So you do go to social events with co-workers?
 16 A Very seldom.
 17 Q Who would that be?
 18 A I don't know what you say. What do you mean who
 19 would it be? You need name?
 20 Q I need names. I want the names of anybody that
 21 you regularly -- co-workers that you would go out to a bar
 22 with or hang out with after work?
 23 A How it's effect --

1 MR. ANDERSON: I'm going to direct him to take
 2 the Fifth Amendment again.
 3 THE WITNESS: Okay.
 4 BY MR. WHITBECK:
 5 Q Do you have a roommate that lives with you and
 6 your son?
 7 A No.
 8 Q Does your son -- do you discuss personal
 9 relationships you may have with your son?
 10 MR. ANDERSON: Take the Fifth Amendment.
 11 THE WITNESS: I'll go with my attorney.
 12 BY MR. WHITBECK:
 13 Q Where are you employed?
 14 A SAIC.
 15 Q What does that stand for?
 16 A It's Science Applications International
 17 Corporation.
 18 Q What's your work address?
 19 A I don't remember the building number, but it's
 20 Roger Bacon Drive in Reston.
 21 Q What's your position there?
 22 A Program analyst, I think.
 23 Q Program analyst?

1 A Uh-huh.
 2 Q What is a program analyst?
 3 A Software development, pretty much.
 4 Q What is your hourly wage or salary?
 5 A I don't even know.
 6 MR. ANDERSON: I'm going to object to it on
 7 relevancy, but I think you have to answer it.
 8 THE WITNESS: My salary I can say. I don't know
 9 the hourly rate.
 10 BY MR. WHITBECK:
 11 Q What's your salary?
 12 A Seventy thousand.
 13 Q Do you have vacation time each year?
 14 A Yeah, but I use it only once.
 15 Q How many vacation days, how many paid vacation
 16 days do you get a year?
 17 A Depends on calendar sometimes. Week, sometimes,
 18 about two weeks.
 19 Q Two weeks paid. How much unpaid leave do you
 20 have?
 21 A What do you mean, unpaid leave?
 22 Q If you took a day off you would not get paid. Do
 23 you have a set amount of days where if you took off you

1 would not get paid, over the two weeks vacation?
 2 A I didn't get question, but I cannot take more
 3 than -- I have to make 40 hours a week to get all the
 4 benefits, even vacation, and medical insurance, and all this
 5 stuff, so if I take day off, so I basically have to return
 6 it.
 7 Q So your testimony, you're not granted unpaid
 8 vacation time as part of your job?
 9 A Rephrase.
 10 Q Is it your testimony that the company does not
 11 allow you to take vacation time that is not paid?
 12 A Allowed, but per request. So you need to --
 13 like, guys from India who work for us usually apply, because
 14 they can't go for one week to India, they usually take
 15 months and they take an advance. In this case, you need to
 16 get it all approved. So if I live here I don't need this
 17 stuff. If I take off, I take off.
 18 Q In the year 2004 have you taken any paid vacation
 19 leave?
 20 A 2004?
 21 Q Yes, this year.
 22 A Not as far as I remember.
 23 Q What about the year 2003, how many days did you

1 take off in the year 2003?
 2 A I don't have time cards with me.
 3 Q Give me your best recollection. What do you
 4 remember taking off in 2003? I have a calendar if you'd
 5 like to look at it. Would that help?
 6 A The way you ask questions, the way I answer you.
 7 I don't remember. So if you want, go for it and get these
 8 numbers from my company.
 9 Q One day, more than one day?
 10 A More than one, I did.
 11 Q More than five days?
 12 A Don't remember.
 13 Q When did you start working at SAIC?
 14 A '99 August. It's actually not SAIC, it's --
 15 there is a child company. It's a long story.
 16 Q August of 1999, you began working there?
 17 A Yeah.
 18 Q So in August of 1999, how many days off did you
 19 take off in 1999; do you recall?
 20 A No.
 21 Q More than five?
 22 A I worked as a -- I wasn't -- so I didn't have
 23 paid vacation, whatever I took off it's on my own. As far

