

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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SUSANNE GOLD-SMITH,

Plaintiff,

Index No.: 605623/2019

-against-

RICHARD CUSTODIO, YANTI a/k/a MICHAEL
GREENE; SAUL B. ROTH; TYRONE DUX
FERDINAND a/k/a FRED CARVOUSANOS;

AFFIDAVIT OF
SAUL ROTH

Defendants.

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DAVID M. SMITH,

Plaintiff,

Index No: 607393/2019

-against-

INTERNATIONAL INVESTIGATIVE GROUP LTD., its
agents, servants, and/or employees; DANIEL D. RIBACOFF,
Individually and as Chief Executive Officer of
INTERNATIONAL INVESTIGATIVE GROUP, LTD;
LISA RIBACOFF, Individually and as Director and Manager
of INTERNATIONAL INVESTIGATIVE GROUP LTD;
and LANCE RIBACOFF, Individually and as International
Operations Manager of INTERNATIONAL INVESTIGATIVE
GROUP LTD, RICHARD CUSTODIO, YANTI a/k/a MICHAEL
GREENE; SAUL B. ROTH; JAMES MARR; TYRONE DUX;
FERDINAND a/k/a FRED CARVOUSANOS; and ANDREW
SPIELER ;

Defendants.

-----X
STATE OF NEW YORK

) ss.:

COUNTY OF NASSAU

SAUL ROTH, being duly sworn, deposes and says:

1. I am a defendant in the above-referenced action (the "Action"). As such, I have personal knowledge of the facts set forth herein.

2. I met Daniel D. Ribacoff ("Dan Ribacoff"), President and Chief Executive Officer ("CEO") of defendant International Investigative Group, Ltd. ("IIG"), while I was a Lieutenant in

the Nassau County Police Department ("NCPD"), where I was employed for approximately 24 years. I retired from the NCPD on February 8, 2014.

3. In or about July 2014, after I retired, I began working as a part-time employee of IIG. In this capacity I performed private investigative work on a variety of cases, including worker's compensation and matrimonial cases. I was hired as an employee of IIG because I do not possess my own New York State Private Investigator license.

4. While employed by IIG, I was never trained or provided with any procedure manuals, written guidelines, policies, or protocols to follow.

5. Between 2016 and July 9, 2018, I, along with other IIG private investigators, were directed by IIG to conduct surveillance of Susanne Gold-Smith ("Gold-Smith"), related to a matrimonial action then-pending involving Gold-Smith (the "Investigation"). In addition to myself, the investigators assigned to the Investigation included, among others, defendants Richard Custodio ("Custodio"), James Marr ("Marr"), Tyrone Dux ("Dux"), Andrew Spieler ("Spieler"), and Yanti a/k/a Michael Greene ("Greene"), and non-parties Amy Lurentzatos ("Lurentzatos"), Kathleen Hurley-Abitabile ("Abitabile"), Hiram "Ray" Ramos ("Ramos"), and Thomas McNamara ("McNamara") (collectively, the "Investigators").

6. I was assigned to work with these individuals during various shifts, in connection with the Investigation.

7. Between 2016 and July 9, 2018, I routinely communicated with the Investigators and IIG principals, Dan Ribacoff, Lance Ribacoff, and Lisa Ribacoff (collectively, the "Ribacoffs"), concerning the Investigation.

8. My communications with the Investigators and the Ribacoffs, during the Investigation, were sent via SMS Messaging, iMessage, Signal, or a mobile messaging application known as WhatsApp Messenger ("WhatsApp").

9. I communicated with the Investigators and the Ribacoffs via WhatsApp using the cellular number assigned to my cellular mobile device (the "Cell Phone"). My cellular phone number is, and at all times relevant to the Investigation, was 516-835-9064.

10. At all times relevant to the Action, I was the sole custodian of the Cell Phone.

11. At no point during the Investigation did any other person control the Cell Phone.

12. I did not lose or misplace the Cell Phone at any point during the Investigation.

Early Days of the Investigation

13. In the summer of 2016, Daniel Ribacoff assigned me to work on the Investigation. I understood from the Investigators that this was a lucrative assignment requiring many hours. I was never given any specific instructions from IIG or any of the Ribacoffs concerning the Investigation, but understood from other Investigators that this was a covert, private investigation related to a matrimonial action, similar to other cases I had worked on in the past for IIG. Based on my prior experience, I understood that private investigations are typically covert, and the investigators are never permitted to communicate or interact with the subject in any way. Since I started working for IIG in 2014, all other private investigations to which I was assigned were covert, and the investigators never interacted with the subject. In fact, during the Investigation, I was also assigned to work on other IIG private investigations, including the surveillance of the actress Leah Remini for IIG's client, who, upon belief, was The Church of Scientology.

14. On December 24, 2017, I was assigned to work the Investigation with Greene. That evening, Greene was instructed by IIG to personally serve Gold-Smith with legal documents. At that time and based upon my personal observations and conversations with Greene, during service

of the legal documents, Greene initiated a conversation with Gold-Smith, during which Gold-Smith agreed to be more compliant with the Investigators, if the Investigators agreed to be less aggressive and intrusive. From that point on, the dynamics of the Investigation changed dramatically.

15. Greene's conversation with Gold-Smith was discussed on December 25, 2017, via a group text chat on WhatsApp, which was monitored by the Ribacoffs. I was a participant of that group chat. Specifically, Greene advised IIG in the group chat that he had served Gold-Smith with the legal papers and "spoke to [Gold-Smith]" and her sister. Lisa Ribacoff responded, "you guys are amazing, thank you so much." In addition, Custodio captured a video of the conversation between Greene, Gold-Smith, and Gold-Smith's sister. The WhatsApp message chain indicated that Custodio sent the video to Lance Ribacoff around 3:52 a.m. on December 26, 2017.

16. While some Investigators interacted with Gold-Smith to provide IIG with relevant, case-related information, others clearly had ulterior motives.

17. While surveilling Gold-Smith, I personally witnessed on several occasions two IIG investigators, Dux and Greene, physically place their hands on Gold-Smith and make contact with her in an intimate manner. On each such occasion, Dux and Greene were assigned to the Investigation and engaged in active surveillance. I also learned from Custodio that he had entered in January, 2018 the private home of Gold-Smith and engaged Gold-Smith in unsolicited sexual contact.

**IIG's Awareness of Investigator Tyrone Dux's
Inappropriate Contact with Mrs. Gold-Smith**

18. It was well known among the Investigators and IIG that Dux was infatuated with Gold-Smith. As mentioned above, I personally witnessed Dux, while he was working the Investigation, interact with Gold-Smith. In the spring of 2018, for example, I witnessed Dux

engage in inappropriate intimate physical contact with Gold-Smith at Round One Entertainment in Hicksville, New York, while assigned to surveil her. I also witnessed Dux follow Gold-Smith into a private karaoke room at Round One Entertainment. The door was closed behind them and no one else was in the room with them.

19. It is my understanding that IIG was fully aware of Dux's repeated interactions with Gold-Smith and his interest in her. In fact, IIG eventually forbade Dux from entering any establishment where Gold-Smith was. It is my understanding that this was done as a token effort to keep Dux away from Gold-Smith during the Investigation.

20. I believe IIG's efforts were feigned because despite IIG's awareness of Dux's continued interactions with Gold-Smith, and the fact that IIG purportedly forbade Dux from entering establishments where Gold-Smith was located, IIG took no formal action against Dux for quite some time. In fact, even after prohibiting Dux from entering the establishments where Gold-Smith was located, IIG subsequently assigned Dux to surveil Gold-Smith during an overnight trip to the Mohegan Sun Casino in Connecticut.

**IIG's Awareness of Custodio's
Inappropriate Sexual Contact with Gold-Smith**

21. As mentioned above, in early January 2018, I learned from Custodio that he had entered Gold-Smith's private home in January 2018 and "banged" her there. I understood this to mean that Custodio engaged in sexual intercourse with Gold-Smith inside her home. I later learned from Custodio that other Investigators began arriving for their assigned surveillance shift before Custodio had left Gold-Smith's home. And so, Custodio had become "trapped" inside Gold-Smith's home the morning after this sexual activity took place. I also learned from Greene that Custodio contacted Greene for assistance that morning on how best to exit Gold-Smith's home

without detection by other Investigators, and Greene assisted Custodio by relieving the investigator parked in front of Gold-Smith's home, enabling Custodio to exit.

22. Gold-Smith told me on several occasions that she was frightened of Custodio, which I understood, because I personally witnessed Custodio driving in an extremely aggressive and threatening manner while pursuing Gold-Smith in her vehicle. During these pursuits, Custodio would often cut me off and take the lead in order to drive directly behind Gold-Smith's vehicle. I understood Custodio's aggressiveness was the result of Custodio's romantic and sexual interest in Gold-Smith and found his behavior akin to that of a stalker. IIG was aware of the interactions which took place between Custodio and Gold-Smith. For example, Investigator Marr sent IIG a video of Custodio lighting Gold-Smith's cigarette outside of the Walt Whitman Mall in early January 2018. In addition, it is my understanding that Greene advised Lance Ribacoff of Custodio's improper contact with Gold-Smith. Shortly after Custodio engaged in sexual activity with Gold-Smith inside her home, he was no longer permitted to "take the lead" during surveillance shifts of Gold-Smith, and was forbidden from entering any establishments where Gold-Smith was located.

23. In addition, Dan Ribacoff admitted to me and other Investigators that he hired Custodio for the Investigation, notwithstanding that Custodio had been fired by IIG on two separate occasions prior to the Investigation. Indeed, I learned from Dan Ribacoff that, although Custodio was removed from the Investigation, he wasn't terminated, but rather reassigned to what Dan Ribacoff referred to as only "on the ghetto cases."

**IIG's Awareness of Greene's
Inappropriate Sexual Contact with Gold-Smith**

24. IIG assigned me, Greene, and third investigator to surveil Gold-Smith between May 25, 2018 and May 27, 2018 at the Montauk Yacht Club. When I arrived that Friday afternoon, I

learned from the third IIG investigator that he was sexually involved with Gold-Smith's friend at the time, Katuria D'Amato ("D'Amato"), former Senator Alfonse D'Amato's wife, who I knew was also staying at the hotel that weekend. I also learned that Greene had prior sexual contact with Gold-Smith. I was provided this information by Greene and the third investigator, so I would not be surprised to witness intimate contact between the third investigator, Greene, Gold-Smith and D'Amato during that weekend.

25. During the weekend, I witnessed Greene touching Gold-Smith in an intimate manner. One such interaction occurred at the outdoor bar of the hotel, where I observed Greene consuming alcohol and placing his arms on and around Gold-Smith's body. Gold-Smith did not solicit this contact from Greene. At all points in time that weekend Greene was purportedly working and tasked with surveilling Gold-Smith.

26. The first night I was at the hotel, I found myself locked out of the hotel room I was sharing with the third investigator, as a "friend" was inside the room with him. I eventually regained access to the room, where I witnessed D'Amato and the third investigator in bed together. My understanding was that IIG paid for my room in advance and passed this expense on to its client, Smith.

27. During that same weekend, the Investigators assigned to surveil Gold-Smith, including myself, shared meals with, and socialized with Gold-Smith. Indeed, we met Gold-Smith and D'Amato at the hotel bar, ate lunch with them, and attended a fire pit together. And, as discussed *infra*, I also accompanied Gold-Smith and D'Amato on a sunset catamaran cruise, during which we drank and socialized together. My related expenses for this weekend in Montauk were submitted to and reimbursed by IIG. No legitimate covert surveillance took place that weekend. In addition, I witnessed the other Investigators direct Gold-Smith to pose for photographs and

videos, which we sent to IIG, and which I understood were provided by IIG to their client as evidence of “legitimate surveillance.”

28. From court filings, it was alleged by Gold-Smith that on May 17, 2018 Greene raped her during the Investigation. In response, Greene alleged that Gold-Smith raped him. Greene told me, just prior to being served with Gold-Smith’s legal complaint, that he shot a video during the incident to prove his allegations. I spoke with Greene several times about that particular incident and at no time did he ever tell me that Gold-Smith raped him. In fact, on Saturday, May 26, 2018, just ten (10) days after the incident took place between Greene and Gold-Smith, Greene and I sat together at the outdoor bar of the Montauk Yacht Club, where Greene told me details about the incident and boasted about his sexual activity with Gold-Smith.

29. Specifically, Greene said that Gold-Smith was driven by D’Amato to his vehicle on May 17, 2018; that Gold-Smith was already intoxicated upon arrival; that D’Amato brought alcohol and cups to Greene’s vehicle (which D’Amato confirmed to me personally in June 2018); and both Gold-Smith and D’Amato entered his vehicle. Greene told me that he observed Gold-Smith and D’Amato consuming alcohol inside his vehicle. Greene did not tell me whether he consumed any alcohol himself. Greene then admitted to me that Gold-Smith was “wasted” while she was inside his vehicle, that he had moved from the driver’s seat to the back seat of his vehicle while Gold-Smith was intoxicated and “fucked the shit out of her” there, which I understood to mean that Greene engaged in sexual intercourse with Gold-Smith while she was in a highly intoxicated state. I was taken aback by what Greene had just told me, as he – a former NYPD police officer – knew his actions towards Gold-Smith could be criminal in nature. In retrospect, as a former Lieutenant in the NCPD, I should have informed IIG and the authorities after learning what Greene had told me regarding his actions towards Gold-Smith that night. Based upon

Greene's admissions to me, and my understanding of the facts as I now know them, I would have had probable cause to report Greene's conduct to the police. As a former police officer myself, it is clear to me that Gold-Smith was a victim of Greene's actions.

30. Earlier in the instant litigation, my wife, Yolanda Roth, had conversations with Greene regarding the video he shot of Gold-Smith and Greene engaged in sexual activity in the back of Greene's vehicle. According to my wife (see Yolanda Roth affidavit), Greene admitted to her during their conversation, that Gold-Smith was "wasted" and completely unaware that Greene had recorded this video of her at the time. In addition, Marr informed me that he personally viewed the sexually explicit video of Gold-Smith that Greene had shot.

31. I have offered to cooperate fully with the Nassau County District Attorney and other law enforcement authorities regarding the May 17, 2018 incident between Greene and Gold-Smith and provide sworn testimony to them based on my knowledge.

32. It is my understanding that IIG was fully aware of ongoing contact between Greene and Gold-Smith, since a video was sent to them by Custodio of Greene communicating with Gold-Smith on December 26, 2017, and Greene himself told me that he was forbidden by IIG from entering any establishments where Gold-Smith was located, just as Custodio and Dux had been forbidden.

33. In addition, IIG was aware of Greene's sexual contact with Gold-Smith because my wife, Yolanda Roth, informed Dan Ribacoff of IIG in July 2018, that Greene had engaged in sexual contact with Gold-Smith.

Investigator Andrew Spieler's Interactions with Gold-Smith

34. To my knowledge, and based upon my observations during the Investigation, all of the Investigators named in the Action regularly interacted with Gold-Smith in myriad ways. I personally witnessed Spieler interacting with Gold-Smith on multiple occasions at several venues.

Specifically, I observed Spieler, while working the Investigation, consuming alcohol and socializing with Gold-Smith and other young women, at Hendricks restaurant and bar in Roslyn, New York. I also observed similar behavior by Spieler at "That Meetball Place" in Farmingdale, New York, and at Brio Restaurant at the Walt Whitman Mall in Huntington, New York. Spieler specifically told me that he and Dux followed Gold-Smith to, and had lunch *with* her at a diner in Huntington Station, New York, on the same day she left the Montauk Yacht Club to return home. On numerous occasions, while on duty, I witnessed Spieler conversing with Gold-Smith inside Lifetime Fitness in Syosset, New York. Since it was common practice for the IIG investigators to interact with Gold-Smith during the Investigation, it is my understanding IIG was fully aware of Spieler's contact as well.

Investigator Amy Lurentzatos's Interactions with Gold-Smith

35. On June 21, 2018, I was on duty and assigned to surveil Gold-Smith. Although I was "on duty," I was in the parking lot of the Holiday Inn near Gold-Smith's home, smoking cigars and hanging out with Spieler in the parking lot. While there, I received a call from Amy Lurentzatos, a retired FBI field agent and NYS Licensed Private Investigator, who was also assigned to the Investigation that day. I learned that Gold-Smith had, several minutes earlier, approached Lurentzatos because Gold-Smith's grandchild was locked inside a room in Gold-Smith's home. I understand from Lurentzatos that she entered Gold-Smith's home and opened the locked door to the room. I suggested to Lurentzatos that she promptly inform IIG of her actions. To my knowledge, although Lurentzatos informed IIG, IIG did not take any steps to admonish Lurentzatos or inform their client that one of its Investigators had been inside Gold-Smith's home. Rather, Lisa Ribacoff permitted Lurentzatos' entry to Gold-Smith's home and took no action against her.

36. I have personal knowledge that Lurentzatos interacted with Gold-Smith on numerous occasions. For example, I personally witnessed Lurentzatos interacting with Gold-Smith while Lurentzatos was on duty surveilling Gold-Smith. These interactions occurred at (i) The View restaurant, located in Centereach, New York, where Lurentzatos and Gold-Smith were observed dancing together, (ii) Hendricks in Roslyn, New York; and (iii) Brio, a restaurant located at the Walt Whitman Mall in Huntington, New York. Indeed, I had lunch with Lurentzatos, Spieler, and Gold-Smith at Brio in Huntington on June 7, 2018, where we sat together at the same table, ate lunch, and socialized. My expenses at Brio were sent to IIG for reimbursement.

My Inappropriate Contact with Gold-Smith During the Investigation

37. On or about January 3, 2018, while surveilling Gold-Smith at the Walt Whitman Mall in Huntington, New York, I witnessed Custodio interact with Gold-Smith in the Apple Store, socializing with Gold-Smith as though they were friends.

38. During the weekend of May 25, 2018 through May 27, 2018, while assigned to surveil Gold-Smith at the Montauk Yacht Club, I socialized and interacted with Gold-Smith and D'Amato. Specifically, I, along with Greene and another investigator, met Gold-Smith and D'Amato at the hotel bar, ate lunch with the two women, and even attended a fire pit together. In addition, on or about May 27, 2018, while surveilling Gold-Smith at the Montauk Yacht Club, I joined her on a sunset cruise ship, where I sat next to Gold-Smith and D'Amato, consumed a beer, and socialized. I am aware that a photograph was taken of me next to Ms. Gold-Smith during the cruise.

39. I submitted to IIG my time and expenses – including the catamaran cruise tickets and all meals I shared with Gold-Smith – which IIG reimbursed and paid for in full.

40. In fact, I often spoke with Gold-Smith about which restaurant she should dine at on a particular evening, depending on what type of food I was craving that day, as I knew IIG would fully reimburse me for all of my meal expenses.

41. In addition, Katuria D'Amato would send me dirty martinis, which I consumed, while I was on-duty, whenever I was assigned to surveil Gold-Smith at Rare 650 in Syosset, New York.

42. On or about July 7, 2018, Marr and I were assigned to surveil Gold-Smith at Aura, a dance club in East Meadow, New York.

43. That evening, I approached Gold-Smith on the dance floor and engaged in unsolicited intimate physical contact with her there. Specifically, I kissed her multiple times on her mouth in the middle of the dance floor in full view of the patrons and other investigators inside.

44. Gold-Smith was aware of the Investigators' presence at Aura and that we were taking photographs of her. Indeed, the other Investigators took photographs depicting Gold-Smith dancing by herself, even though I was personally dancing and engaging in physical contact with Gold-Smith at Aura.

45. The next day, I followed Gold-Smith to the Walt Whitman Mall in Huntington, New York. Although I was supposed to be surveilling her there, I approached Gold-Smith inside the mall and apologized for my extreme and inappropriate behavior towards her the previous night at Aura.

46. While speaking with Gold-Smith, I inadvertently left my radio on, which was monitored by principals at IIG, who overheard my entire conversation with Gold-Smith, including my apology for my behavior the night before at Aura. IIG instructed me to leave my shift that day.

47. I have since personally apologized to Gold-Smith for my shameful and inappropriate actions towards her during the Investigation.

IIG's Awareness of My Regular Contact with Gold-Smith During the Investigation

48. During the course of the Investigation, IIG was made aware and knew the Investigators, including myself, were interacting with Gold-Smith on regular basis. In February 2018, I personally informed Lance Ribacoff that I had spoken directly to Gold-Smith at the JetBlue terminal at JFK airport and informed him that Gold-Smith provided me with her travel plans and flight number. Lance Ribacoff did not seem surprised by my conversation with Gold-Smith and actually thanked me for this information. I later realized that another IIG investigator who was also assigned to surveil Gold-Smith at JFK airport, took videos of Gold-Smith and I talking and sent these videos to IIG via WhatsApp. IIG took no direct action against me due to this interaction with Gold-Smith.

49. In addition, Lisa Ribacoff was fully aware of the direct contact I was having with Gold-Smith while on duty. For example, on January 12, 2018, a group of investigators including Ramos, Custodio, Greene, and myself were surveilling Gold-Smith when she walked into the vestibule ATM area of Citibank. The Ribacoff's directed one of the investigators to enter the bank with Gold-Smith, so I followed her inside. Standing at the ATM machine next to her, less than 5 feet away, I took three photographs and a twelve second video of Gold-Smith and sent them via the WhatsApp chain monitored by the Ribacoffs and other investigators. The video clearly depicts me and Gold-Smith conversing. Outside the bank, Gold-Smith approached me on the sidewalk and asked how my recent vacation was. I later received a call from Lisa Ribacoff asking why I was interacting with Gold-Smith. I told Lisa Ribacoff that Gold-Smith and I exchanged pleasantries, nothing more. The call with Lisa Ribacoff ended and IIG took no further disciplinary action.

50. On January 18, 2018, Gold-Smith pulled her vehicle up alongside the vehicle I was in. This occurred in the parking lot of Lifetime Fitness located in Syosset, New York. Gold-Smith advised me not to take a polygraph examination, which was to be given by IIG. I do not know who informed Gold-Smith that IIG was planning on administering polygraph examinations to some of the Investigators. After this interaction, Lisa Ribacoff called me again to discuss why I was communicating with Gold-Smith. I believe another Investigator, Custodio, informed Lisa Ribacoff that he had observed me interact with Gold-Smith. I informed Lisa Ribacoff as to what was said, and she simply responded, "okay."

51. On another occasion in March 2018, I saw Gold-Smith at a gas station on Manetto Hill Road in Plainview, New York, and pulled next to her vehicle. I asked Gold-Smith what her plans were for the evening and she provided me with those details. Shortly thereafter, Lisa Ribacoff called to inquire as to why I was talking to Gold-Smith. I told Lisa Ribacoff of our conversation and she said nothing further. I was never admonished by the Ribacoffs for my interactions with Gold-Smith.

Text Messages from Lance Ribacoff Instructing Me to Manipulate My Invoices

52. During the Investigation, I was instructed repeatedly by Lance Ribacoff to add to my invoices hours that I did not work or perform services for the Investigation. I was further directed by Lance Ribacoff to send those inflated invoices to IIG for payment. I was also instructed repeatedly by Lance Ribacoff to reflect in my invoices to IIG earlier start times than when I actually began working, or to add later times to the end of my shift, even though I was instructed to "break," or end my shift several hours earlier. I did as I was directed and I now understand that the additional hours in my invoices were passed onto the client by IIG.

Invoices I Submitted to IIG for Payment

53. The directives to add unworked, fictitious hours to the Invoices are memorialized in text messages Lance Ribacoff sent to me. As mentioned above, I was directed on multiple occasions to add or "slap on" to my Invoices additional time of between two and four hours per shift, which I did. I estimate, with a reasonable degree of certainty, that these directives to submit additional, fictitious time that I did not work, amounted to between 10-15 additional hours of fraudulent billing per week.

54. It was my understanding that Greene, Marr, Spieler, and Lurentzatos also added, at Lance Ribacoff's direction, to their invoices unworked hours, and manipulated their shift start or end times on invoices sent to IIG for payment by their client, related to the Investigation.

55. I was also directed to submit all expenses relating to the Investigation to IIG for payment by their client. These expenses included meals, travel time and travel expenses including mileage, red-light tickets, hotels and rental cars. These expenses were fully paid for even though, along with other Investigators, I was frequently socializing or interacting with Gold-Smith, and, often times did not conduct legitimate surveillance of Gold-Smith. IIG reimbursed me for all of my submitted expenses and never questioned them.

IIG's Lack of Oversight During the Gold-Smith Investigation

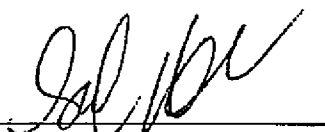
56. During the entire time I worked on the Gold-Smith Investigation, I never saw any IIG principals "out in the field" overseeing, supervising, or observing the investigators. It is my belief that due to the amount of money they were making during the Investigation, IIG turned a blind eye to what was going on behind the scenes. Although IIG would occasionally make meaningless gestures to discourage investigator contact with Gold-Smith, IIG did not take proper measures to ensure the Investigation was covert. Because of IIG's failure to take appropriate

action, all semblance of order vanished, and the Investigation itself spun out of control and into total chaos.


57. Despite IIG's occasional text admonishments in group chats, it became apparent to me that their words were meaningless because IIG never actually penalized any of the investigators for their interactions with Gold-Smith, especially when they knew Custodio slept inside Gold-Smith's home, and permitted him to continue working on the Investigation.

58. In July of 2018, following IIG principals overhearing my conversation with Gold-Smith at the Walt Whitman Mall in Huntington, New York, I personally informed Dan Ribacoff that there was mayhem occurring during the Investigation and encouraged him to get into the field and observe the remaining Investigators immediately. Further, my wife, Yolanda Roth, spoke directly to Dan Ribacoff around this same time and informed him of (i) the Investigators' inappropriate activities during the Montauk weekend, (ii) the third investigator's sexual contact with Katuria D'Amato at the Montauk Yacht Club, and (iii) Greene's prior sexual contact with Gold-Smith (*see*, Yolanda Roth Affidavit). It is my understanding that IIG took no action after learning these facts, never informed their client or his counsel, and permitted the "mayhem" to continue.

Dated: April 2, 2021
Carle Place, New York


Saul Roth

Sworn to before me
This 2 day of April, 2021

; Notary Public

DANIEL S. SZALKIEWICZ
Notary Public, State of New York
No. 02826225156
Qualified in New York County
Commission Expires 10/7/2021

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