

State of New York
County of Clinton

SS:

I, Dr. Richard Smith, was the witness named in Asadourian's Memorandum of Law dated January 14, 2008. I state the following under oath:

1. I did not testify "the Plaintiff was doing all she could to save the parties' marriage," I said both parties were doing all they could do to save the marriage.

2. I did testify that Marsha Finnan never told me of any thing about the behavior by the defendant, Terence Finnan, described in Mr. Asadourian's Memo of Law copied below:

"Defendant's cruel and inhuman courses of conduct toward her during the five years preceding the commencement of the action for divorce including: physical assault; regular bouts of abusive, denigrating and demeaning screaming and yelling by the Defendant at Plaintiff, which would often continue for hours; repeated vulgar name calling; controlling vindictive behavior by the Defendant causing the Plaintiff to lose her friends and associates, efforts by the Defendant to destroy the Plaintiff's relationship with her daughters, including the apparent willingness of the Defendant to abandon the parties' child, Victoria, due to her lesbian tendencies; and cruel conduct by Defendant toward Plaintiff when she chose to spend time with her mother who was dying rather than do what the Defendant wanted her to do. Plaintiff, herself, testified to the emotional and physical toll the Defendant's conduct took on her physical and mental well being."

3. I did testify that it was my professional opinion that no such behavior described in #2 above occurred.

4. I felt the cross examination by Mr. Asadourian was loudly questioning me and at times leading me.

5. At trial my testimony did not corroborate anything in #2. The use of the term crisis in my testimony does not mean or imply that any of the statements in #2 ever occurred.

Richard M. Smith, Ph. D.
Dr. Richard Smith

Sworn to before me this 18 day of January 2008

Mag M Lavarado

2011

Exhibit A