

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF PENNSYLVANIA

3 LAVONA HILL,)
4)
5 Plaintiff,) 2:09-cv-04051-BMS
6)
7 vs.) Philadelphia, PA
8) October 21, 2010
9 BERT BELL/PETE ROZELLE NFL)
10 PLAYER RETIREMENT PLAN,)
11 et al.,)
12)
13 Defendants.)

14 TRANSCRIPT OF BENCH TRIAL
15 BEFORE THE HONORABLE BERLE M. SCHILLER
16 UNITED STATES DISTRICT JUDGE

17 APPEARANCES:

18 For the Plaintiff: DAVID B. SHERMAN, ESQ.
19 SOLOMON, SHERMAN & GABAY
20 8 Penn Center, Suite 2200
21 1628 J.F.K. Kennedy Boulevard
22 Philadelphia, PA 19103

23 For the Defendant, HISHAM AMIN, ESQ.
24 Bert Bell/Pete Rozelle GROOM LAW GROUP CHTD
25 NFL Player Retirement 1701 Pennsylvania Avenue NW
Plan: Suite 1200
Washington, DC 20006

For the Defendant, HISHAM AMIN, ESQ.
Retirement Board of GROOM LAW GROUP CHTD
the Bert Bell NFL 1701 Pennsylvania Avenue NW
Player Retirement Suite 1200
Plan: Washington, DC 20006

For Third-Party HISHAM AMIN, ESQ.
Plaintiff, Bert Bell/ GROOM LAW GROUP CHTD
Pete Rozelle NFL 1701 Pennsylvania Avenue NW
Player Retirement Plan: Suite 1200
Washington, DC 20006

26 (cont'd. on next page)

1 APPEARANCES (cont'd.):

2 For Third-Party ROBERT T. VANCE, JR., ESQ.
3 Defendant, Barbara LAW OFFICES OF ROBERT T. VANCE, JR.
4 H. Sullivan: 100 S. Broad Street
Suite 1530
Philadelphia, PA 19110

5 For Counter-Defendant, DAVID B. SHERMAN, ESQ.
6 Lavona Hill: SOLOMON, SHERMAN & GABAY
7 8 Penn Center, Suite 2200
1628 J.F.K. Kennedy Boulevard
Philadelphia, PA 19103

8 ESR OPERATOR: CHRIS CAMPOLI

9

10

11

12

13

14

15

16

17

18

19

20

21 Proceedings recorded by electronic sound recording.

22

23 Veritext National Court Reporting Company
24 Mid-Atlantic Region
1801 Market Street - Suite 1800
Philadelphia, PA 19103
25 888-777-6690

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESS DIRECT CROSS REDIRECT RECROSS
FOR THE PLAINTIFF:
Lavona Hill 14 28

EXHIBIT

No. Description Marked Admitted

PLAINTIFF:

P-1 Marriage license between 17 46
Lavona Hill and Thomas Sullivan
B Determination of Social Security 25
for Lavona Hill
P-2 Determination of Social Security 46
for Lavona Hill

DEFENDANT:

D-1 Decree 46 45
D-2 Application for Widow's or 46 45
Widower's Insurance Benefits

ORAL ARGUMENTS BY:

Mr. Sherman (Opening Statement) Pages 5 - 14
Mr. Sherman (Closing Argument) 52 - 60
Mr. Vance (Closing Statement) 60 - 68

RULING:

Mr. Sherman and Mr. Vance are to provide Page 69 Line 9
Supporting South Carolina case law by
Friday, October 29, 2010.

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE CLERK: All rise.

THE COURT: Good morning.

IN UNISON: Good morning, Your Honor.

THE COURT: This is the case of Lavona Hill v. The Retirement Board of the Bert Ball/Pete Rozelle NFL Player Retirement Board -- Plan, and Barbara Sullivan, Civil Number 09-4051.

You want to swear in the witnesses? We only have two witnesses here?

MR. SHERMAN: That's correct, Your Honor.

THE COURT: Okay. Go ahead. Swear in.

Ms. Hill?

THE CLERK: Please raise your right hand.

THE PLAINTIFF, LAVONA HILL, SWORN

THE COURT: Ms. Sullivan?

Swear in Ms. Sullivan.

UNIDENTIFIED SPEAKER: This is Ms. Sullivan.

THE CLERK: I was kind of doing it both for --

THE COURT: Oh, all right.

THE CLERK: Yeah, I told her 'You have to have to take the stand' --

THE COURT: All right, okay.

Counsel, identify yourselves for the record.

MR. SHERMAN: David Sherman, representing the

1 Plaintiff, from the law firm of Solomon, Sherman & Gabay.

2 THE COURT: Okay.

3 MR. VANCE: Robert Vance, representing Barbara
4 Sullivan.

5 MR. AMIN: Hisham Amin, representing the Bert
6 Bell/Pete Rozelle NFL Retirement Plan and its retirement
7 board.

8 THE COURT: Okay. All right, please be seated.
9 This is Ms. Hill's lawsuit, so you go first.

10 MR. SHERMAN: Thank you, Your Honor. May I make a
11 very brief opening --

12 THE COURT: Go ahead.

13 MR. SHERMAN: -- just to clarify some issues?

14 THE COURT: Sure.

15 MR. SHERMAN: I understand it's a bench trial, and
16 I'll keep it brief.

17 THE COURT: Okay.

18 MR. SHERMAN: I just wanted the Court to know from
19 the very onset that we're not making any specific claims
20 against the plan. We've had pretrial discussions, as Your
21 Honor may be well aware.

22 THE COURT: I saw that in your papers.

23 MR. SHERMAN: And it is our position at this point
24 that they've acted in good faith with respect to the
25 information that they had at the time. So just for your

1 purposes, we're not asking for a finding against them other
2 than an administrative act in terms of determining where the
3 ultimate benefits would go, which isn't in contest in our
4 case.

5 THE COURT: Okay.

6 MR. SHERMAN: Second --

7 THE COURT: Do you have any -- well, let's deal with
8 that issue.

9 MR. SHERMAN: Sure. Yes, Your Honor.

10 THE COURT: Do you have any problem with the finding
11 of no bad faith on the part of the retirement plan?

12 MR. VANCE: None, Your Honor.

13 THE COURT: Okay. All right.

14 MR. SHERMAN: Just thought --

15 THE COURT: There you go.

16 MR. SHERMAN: -- we'd narrow the issue --

17 THE COURT: All right.

18 MR. SHERMAN: -- for the new father in the courtroom.

19 MR. AMIN: Appreciate that. Much appreciate it.

20 THE COURT: All right.

21 MR. SHERMAN: Your Honor, with regard to the
22 substance, I'm not going to get into great detail except to
23 say that, as you know, this is a claim against Ms. Sullivan.
24 We will prove to you that the plaintiff in this case was
25 married lawfully in 1979. We'll prove to you that that

1 marriage was never annulled. There was never a divorce.

2 THE COURT: You don't have to prove it if the
3 stipulations have it as a legal marriage.

4 MR. SHERMAN: I'm not sure that was ever a stipulated
5 fact, Your Honor. That's why I'm --

6 THE COURT: Okay.

7 MR. SHERMAN: -- entering this --

8 THE COURT: All right.

9 And you've seen the documents?

10 MR. VANCE: I've seen the marriage certificate, Your
11 Honor, and it appears to be a certified copy. So I guess
12 that's prima facie evidence of a valid --

13 THE COURT: You're not attacking the fact that there
14 was a marriage?

15 MR. VANCE: Well, yes we are, Your Honor.

16 THE COURT: Oh, you are. Okay, okay.

17 Go ahead.

18 MR. SHERMAN: Your Honor, I didn't apprecia -- I
19 didn't understand that, Your Honor. We had several
20 conversations.

21 THE COURT: Well, that's why I asked.

22 MR. SHERMAN: And that's why I mentioned in my
23 opening remarks --

24 THE COURT: Okay.

25 MR. SHERMAN: -- that we'll prove to you, based upon

1 the credible testimony of Ms. Hill and a lawfully executed
2 marriage certificate from the State of Maryland, that in March
3 of 1979 this marriage was consummated legally, lawfully and
4 any other way that would be proper under all states' laws.

5 THE COURT: Okay.

6 MR. SHERMAN: We'll prove to you that it was never
7 annulled, that there was never a divorce. We'll prove to you
8 that there were never ever steps taken by either of the
9 parties -- Mr. Sullivan, the decedent; or Ms. Hill -- to
10 dissolve that marriage. Therefore, under all the applicable
11 law, this marriage remained in effect, it was lawful, and
12 therefore at the time of the unfortunate death of Mr. Sullivan
13 in 2002, any benefits due, either through Social Security or,
14 in our particular case, from this ERISA plan from the NFL,
15 those benefits would inure to Ms. Hill.

16 THE COURT: Well, the Social Security, you could have
17 beneficiaries -- more than one beneficiary.

18 MR. SHERMAN: The only reason I mentioned that, Your
19 Honor, is because, as a piece of evidence, we're going to
20 introduce into the record that Ms. Hill qualified as a
21 surviving spouse for Social Security benefits --

22 THE COURT: Okay.

23 MR. SHERMAN: -- and it was determined such from
24 Social Security.

25 THE COURT: Okay.

1 MR. SHERMAN: So I agree with you that it wouldn't
2 necessarily be a fact that would be a requirement of a finding
3 in her favor, but it's more indicia evidence that an
4 investigation ensued. She took the position she was married,
5 and a formal determination was made by Social Security that
6 she had a lawful marriage at the time.

7 THE COURT: Okay.

8 MR. SHERMAN: Now, we're also going to tell you
9 that -- so you understand, that there wasn't real
10 communication after about 1985, although Ms. Hill will tell
11 you in testimony that there were several conversations that
12 went back and forth between Mr. Sullivan and his attempts to
13 contact Ms. Hill. So we're going to concede to you, although
14 we contest -- contend that it's legally irrelevant, that there
15 wasn't significant contacts or communication after 1985.

16 We're also not going to contest the fact that he was
17 ostensibly married. I say "ostensibly", as you all
18 understand, because we believe it was a marriage that should
19 be void on its face. But he was ostensibly married to Ms.
20 Sullivan. And we're not going to produce any evidence
21 because, quite frankly, we don't have any to indicate that Ms.
22 Sullivan had any knowledge or information as to the
23 relationship that had existed and the marriage with Ms. Hill.
24 So it's not our contention that Ms. Sullivan is somehow
25 involved or committed any kinds of acts to perpetuate this

1 fraud. She was probably an innocent victim with respect to
2 the issue of the prior marriage. So I wanted you to
3 understand that, yet it'll be our position that her good faith
4 or her knowledge or lack thereof of the first marriage is
5 totally irrelevant as a legal matter.

6 THE COURT: Of the second marriage.

7 MR. SHERMAN: Of the second marriage, thank you.

8 Excuse me.

9 Basically, Your Honor, what we're going to prove is
10 that under those facts, unfortunate to Ms. Sullivan who may be
11 an innocent victim, the fact of the matter is that the law
12 requires that this marriage be recognized and therefore that
13 Ms. Hill be entitled to every single benefit to which she
14 would be entitled under the plan.

15 THE COURT: All right.

16 MR. SHERMAN: Your Honor, may I just say with regard
17 to the damages, I don't know if that's clear in the record,
18 just to give you a little bit of focus, there's two issues
19 here. Actually, there's three issues. Just to focus it a
20 little bit, there's approximately 29,000 dollars that the plan
21 properly interpled, and therefore that money's sitting around
22 waiting for determination. The second aspect of the damages
23 is that there was approximately 192,000 dollars paid. And I
24 may be off on my dollars, and I'll concede to the plan in
25 regards to the precise money, but I believe it's 192,900

1 dollars that has been paid improperly to the -- Ms. Sullivan,
2 defendant in this case. That money should revert back to Ms.
3 Hill under the law. And then there's prospective payments of
4 2,700 dollars.

5 THE COURT: The money that was already paid --

6 MR. SHERMAN: Yes.

7 THE COURT: -- to Ms. Sullivan, that's a claim you're
8 going to have outside this action.

9 MR. SHERMAN: We pled it, Your Honor.

10 THE COURT: I know you did.

11 MR. SHERMAN: It's part of the case. I don't mean to
12 argue; I hope I don't come across that way. But the fact of
13 the matter is that, if there was an improper determination --

14 THE COURT: This is -- that's a -- that is a claim
15 you are making against Ms. Sullivan, separate and apart from
16 this ERISA action.

17 MR. SHERMAN: We believe it should all be put into --

18 THE COURT: I know what you believe --

19 MR. SHERMAN: Well --

20 THE COURT: -- but I'm saying to you that you may
21 have to sue Ms. Sullivan, if I decide that way, in South
22 Carolina, not here.

23 MR. SHERMAN: Can I ask you to -- may I have an
24 opportunity, Your Honor, to argue and brief that? Because
25 it's -- if I may. I don't want to --

1 THE COURT: Well, I haven't decided yet, so --

2 MR. SHERMAN: What I'm suggesting to you is that,
3 because there's the law of the case doctrine, we cannot under
4 any laws in Pennsylvania split a cause of action. Therefore,
5 it's our position, since this claim -- that aspect of the
6 claim was pled and arises directly from the claims that are
7 being made in this case --

8 THE COURT: You can take whatever -- if I decide in
9 your favor, you can take that judgment down to South Carolina
10 and attach it to your complaint.

11 MR. SHERMAN: I agree with that.

12 THE COURT: Well, then that's --

13 MR. SHERMAN: I misunderstood. I thought you weren't
14 going to hear that issue. And if I misheard --

15 THE COURT: Well, I'm not going to hear the issue,
16 because that's -- as I said, if I decide that way, then
17 that's -- you'll file a complaint in South Carolina and, as
18 part of your evidence, you'll say that, if I decide that way,
19 that the federal court in Philadelphia decided that your
20 client was the legitimate beneficiary and therefore you're
21 coming after Ms. Hill -- I mean Ms. Sullivan --

22 MR. SHERMAN: Ms. Sullivan.

23 THE COURT: -- for the amounts she received
24 improperly. That's going to be your argument. And attach a
25 copy of -- a certified copy of my order.

1 MR. SHERMAN: I won't beat it to death, but may I
2 just ask you one question or make one statement about that?
3 If we're here arguing for -- or hearing the evidence on the
4 issues, wouldn't it be appropriate, I say rhetorically, to
5 have an order that would require -- since you're being asked
6 to determine equitable principles, both equity and law,
7 wouldn't it be appropriate to enter an order, since you're
8 hearing all of the issues, to compel, if your finding is such,
9 Ms. Sullivan to pay back without a second proceeding in the
10 state court of South Carolina?

11 THE COURT: I'm not so sure.

12 MR. SHERMAN: Well, that's why I wanted an
13 opportunity, because I believe, under the law of the case
14 doctrine, since I can't split a cause of action and that you
15 are entitled, under the jurisdictional principles that have
16 been cited, to make a determination as to the entitlement of
17 these claims, why then, I say again rhetorically and
18 respectfully, why then wouldn't you be able to order that Ms.
19 Sullivan, if your finding is such that they were improper,
20 that she return the money? Why do I have to start a separate
21 action is all I'm suggesting. It's not in the nature of a
22 judgment. It's not in the nature that you're ordering a
23 judgment. What you're doing is you're ordering an action on
24 monies that were improperly paid, and I think that you have
25 jurisdiction to do that.

1 THE COURT: I understand your argument.

2 MR. SHERMAN: Okay. At the end of the day, we'll
3 prove to you that, even if Ms. Sullivan is an innocent party
4 to this, certainly Ms. Hill was as well. And the state of the
5 law requires that you determine that Ms. Hill should be --

6 THE COURT: All right, let's get started.

7 MR. SHERMAN: I didn't -- the one last issue was the
8 prospect --

9 THE COURT: You promised me a short trial, if I
10 remember correctly.

11 MR. SHERMAN: I did, Your Honor.

12 THE COURT: Go ahead.

13 MR. SHERMAN: I'm sorry. Ms. Hill will be my first
14 witness, with your permission.

15 (Pause)

16 MR. SHERMAN: May I proceed, Your Honor?

17 THE COURT: Go ahead.

18 DIRECT EXAMINATION

19 BY MR. SHERMAN:

20 Q. Would you introduce yourself to His Honor?

21 A. My name is Lavona Hill.

22 THE COURT: [la-VONN-ah]. I'm sorry. I
23 mispronounced the name.

24 Q. Ms. Hill, where do you presently live?

25 A. I live at -- I live in -- in Folcroft, Pennsylvania, 600

1 Grant Road.

2 Q. Have you been a lifelong resident of Philadelphia or
3 Media?

4 A. Philadelphia. I was born and raised in Philadelphia and
5 moved to Media once I got married.

6 Q. Do you have children?

7 A. Yes.

8 Q. How many children do you have?

9 A. Two.

10 Q. And have you been responsible for raising and caring for
11 these children?

12 A. Yes, I have.

13 Q. Have you been employed?

14 A. Yes.

15 Q. And would you tell the Court what it is that you do?

16 A. I was a cocktail waitress.

17 Q. I want to direct your attention back to the 1970s. In
18 the 1970s -- I feel like the television show "The 70s" -- in
19 the 1970s, did you have occasion to meet Mr. Sullivan?

20 A. Yes.

21 Q. Could you tell His Honor how you met Mr. Sullivan; under
22 what circumstances?

23 A. I met him through a friend of my family. We were
24 introduced. He asked me for my phone number and he asked to
25 take me out to dinner.

1 Q. Let me cut through a little bit, although it's
2 interesting. The fact of the matter is, did you begin a
3 courting/a dating relationship?

4 A. Yes.

5 Q. And could you tell His Honor how long you had been dating
6 Mr. Sullivan before you ultimately married him?

7 A. I started dating him in the end of '75. We became
8 engaged in '76. We were married in '79.

9 Q. Where were you married?

10 A. We were married in Baltimore, Maryland.

11 Q. And under what circumstances were you married? And what
12 I mean by that is by a church, a court, a judge. How were you
13 married?

14 A. We were married at the courthouse.

15 Q. And was that on March 15, 1979?

16 A. Yes, it was.

17 Q. And did you receive an official marriage certificate?

18 A. Yes, we did.

19 Q. You were married in Maryland?

20 A. Yes.

21 Q. Why were you married in Maryland?

22 A. We were getting married in Maryland and our honeymoon was
23 going to be in Florida.

24 Q. And incidentally, before I show you a marriage
25 certificate, what was Mr. Sullivan's occupation at the time

1 that you met him?

2 A. He was playing for the Philadelphia Eagles.

3 MR. SHERMAN: May I approach, Your Honor?

4 THE COURT: Go ahead.

5 Q. I'm going to show you a document that I'm going to ask to
6 be marked as Plaintiff's Exhibit 1. And I'm going to ask you
7 if you could identify what that document is?

8 A. Our marriage license.

9 Q. Now, just to jump ahead a little bit, was your marriage
10 in 1979 ever annulled, divorced or withdrawn in any way?

11 A. Never.

12 Q. Are you sure about that?

13 A. I'm positive.

14 Q. Did you ever take any steps to annul, divorce or somehow
15 officially stop that marriage?

16 A. Never.

17 Q. Did Mr. Sullivan ever take any steps to stop that
18 marriage, annul or divorce?

19 A. Never.

20 Q. Let's go back and talk a little bit about your
21 relationship. You married in 1979 and you went to your
22 honeymoon in Florida?

23 A. Yes.

24 Q. Did you live as husband and wife?

25 A. Yes.

1 Q. Could you tell His Honor a little bit about that
2 relationship in the 1979 period time? Where did you live?
3 Where did you keep home? What did you do?

4 A. We lived in Media, Pennsylvania. Then he was traded to
5 the Cleveland Browns somewhere around '78. And we moved to
6 Strongsville, Ohio and lived in Barria (ph.) Towers.

7 Q. Now, you mention 1978, but your marriage was 1979, I just
8 heard, unless I misheard. Were you -- did you live with him
9 on occasion or at some point before the official marriage?

10 A. We lived together. We lived together.

11 Q. Now, after return from your honeymoon -- I know it's hard
12 to go back to all these dates and trades -- generally
13 speaking, where did you live, as best as you can remember?

14 A. Media.

15 Q. And was he playing for the Eagles at that time in 1979?

16 A. He had been traded to the Cleveland Browns. But we still
17 would travel from Strongsville, Ohio back to Media,
18 Pennsylvania. We would go back and forth.

19 Q. And did you go with him to Cleveland?

20 A. Yes.

21 Q. And did you maintain a residence in Cleveland as well as
22 in Media, Pennsylvania?

23 A. Yes. We lived in Barria (ph.) Towers in Strongsville,
24 Ohio.

25 Q. How long a period did that continue, going back and forth

1 between Philadelphia area and Ohio?

2 A. He was injured at the end of the season. So about a
3 year. And he was injured playing against the Pittsburgh
4 Steelers and he was unable to play; he retired after.

5 Q. Were you with him at that time when he was injured and
6 retired?

7 A. Yes.

8 Q. And just as an aside, after he was injured, did he ever
9 go back in the early 1980s to play football for any team?

10 A. No.

11 Q. Did he develop any kind of problems, physical problems or
12 emotional problems, during this period of your early marriage
13 years?

14 A. He had drug and alcohol problems.

15 Q. Was he getting treatment for that?

16 A. No, but he was supposed to. I was trying to get him to
17 get treatment.

18 Q. And without going into great detail, generally speaking,
19 what did you do to try to help him with this abuse issue?

20 A. I would try and get him to go into a rehabilitation for
21 drug and alcohol problems.

22 Q. At some point, did he leave the Philadelphia area?

23 A. Yes. He used to go to South Carolina to help his family
24 build a home over there.

25 Q. Did Mr. Sullivan have relations and

1 contacts/communication with members of your family?

2 A. Yes.

3 Q. Could you describe those briefly?

4 A. He used to come -- he used to come and visit my parents,
5 my grandmother and my mother.

6 Q. Do you recall when approximately Mr. Sullivan went to
7 South Carolina on a more permanent basis?

8 A. After '83, if I'm not mistaken.

9 Q. Okay. Roughly speaking, in that period of time up to
10 '83, would you go back and forth with him to South Carolina?

11 A. Yes.

12 Q. And would you stay together as husband and wife in South
13 Carolina?

14 A. Yes.

15 Q. And would he stay, on his occasions to be in
16 Philadelphia, with you in Philadelphia?

17 A. Yes.

18 Q. Now, at some point beyond 1983 and '4, did you maintain
19 communication with Mr. Sullivan?

20 A. After -- say that again.

21 Q. It was a poorly phrased question. Was there a point when
22 you ceased -- when you stopped communication with Mr.
23 Sullivan, or did the communication in some form continue?

24 A. After '74, '75.

25 Q. Do you mean '84?

1 A. I mean '85.

2 Q. Okay.

3 A. I'm sorry.

4 Q. And what happened? Was there any particular event or
5 circumstance that triggered that stopping of communication
6 with him?

7 A. Well, we were supposed to be purchasing a house, and at
8 the time he were -- he was helping his family in South
9 Carolina build their home. And we were supposed to be buying
10 a home here, but I wanted him to get help with his drug and
11 alcohol problem as well, because it was really bad.

12 Q. So that never materialized, obviously?

13 A. Well, he said he was getting help, but then I would find
14 out that he wasn't.

15 Q. After, let's say, 1985, all the way up till the time of
16 his death in 2002, did you have any communication with Mr.
17 Sullivan in any way?

18 A. No.

19 Q. And you don't know Mrs. Sullivan? You've never spoken to
20 her?

21 A. No.

22 Q. Did you ever learn at any time that Mr. Sullivan was
23 married to Mrs. Sullivan?

24 A. No.

25 Q. Did you ever hear that in a rumor, through a family

1 member or in any other way?

2 A. Not at all.

3 Q. Now, just so we're very clear, after '85 up until his
4 death in 2002, were you aware of any efforts that he made, or
5 did you make any efforts, to communicate with each other?

6 A. No.

7 Q. And what was the reason for that? Just so the judge
8 understands all the issues, why weren't you communicating at
9 all?

10 A. Because I wanted him to get help for his drug and alcohol
11 problem and, at the time, my mother was suffering from
12 terminal cancer. So the plan was I needed to help her here.
13 And he was supposed to help me buy a house here for us. And
14 at the time, I needed to be close to my mother, who was dying
15 from terminal cancer at the time.

16 Q. Now, in this period of time from '85 to 2002 when you
17 didn't have communication with him, did you ever seek to
18 obtain a divorce, an annulment or some dissolution of the
19 marriage?

20 A. No.

21 Q. Did Mr. Sullivan ever do that --

22 A. No.

23 Q. -- as far as you know?

24 A. No.

25 Q. Now, just let's talk about where you lived in that period

1 of time. Were you readily accessible living with your family
2 at that time in Media?

3 A. I was living in Philadelphia.

4 Q. And Mr. Sullivan had relationships with your family
5 members and knew where to reach you if he wanted to?

6 A. Yes.

7 MR. VANCE: Objection.

8 A. Yes, he did.

9 MR. SHERMAN: I'll rephrase, Your Honor. I'm sorry.

10 THE COURT: Yeah, that's sustained. Go ahead.

11 MR. SHERMAN: I almost sustained myself.

12 THE COURT: I know. Go ahead.

13 BY MR. SHERMAN:

14 Q. Were you available to be reached if Mr. Sullivan reached
15 out to you?

16 A. Yes.

17 Q. You weren't in hiding or anything of that nature?

18 A. No. I was at my parents' house.

19 Q. And that was the very house that your -- that Mr.
20 Sullivan had gone to during the time period of your
21 relationship to spend time with your mother and family?

22 A. Many times, yes.

23 Q. You didn't abandon Mr. Sullivan at all?

24 MR. VANCE: Objection.

25 A. No, I did not.

1 MR. SHERMAN: I'll rephrase.

2 Q. Did you abandon Mr. Sullivan?

3 A. No.

4 Q. In regards to your personal life, were you ever even
5 engaged, anything of that nature, other than to Mr. Sullivan?

6 A. No.

7 Q. Did you believe, after you learned that he was -- that he
8 died, and before that point, that you were lawfully and
9 legally married to Mr. Sullivan from this March 7, 1979
10 marriage?

11 A. Yes.

12 Q. Now, after Mr. Sullivan died, did you attempt to collect
13 any type of death benefits or survivor benefits?

14 A. Survivor benefits from Social Security.

15 Q. And in fact you made application with Social Security?

16 A. Yes, I did.

17 Q. And were you awarded Social Security benefits as the
18 lawful wife of Mr. Sullivan?

19 A. Yes.

20 Q. And did you provide documentation in that regard?

21 A. Yes.

22 Q. I'm going to show --

23 MR. SHERMAN: May I approach, Your Honor?

24 THE COURT: (No audible response).

25 (Pause)

1 MR. SHERMAN: I'm going to ask that the clerk mark
2 this as Exhibit B for identification.

3 BY MR. SHERMAN:

4 Q. Would it be accurate to say that this is the
5 determination of your Social Security?

6 A. Yes, it is.

7 Q. Now, in the process of collecting Social Security, did
8 you learn that Mr. Sullivan maintained benefits for survivors
9 for surviving spouses?

10 A. Yes.

11 Q. Could you explain that to His Honor? What did you learn?

12 A. I was receiving widow's benefits.

13 Q. And did Social Security tell you or inform you that you
14 were potentially entitled to survivor benefits under the NFL?

15 A. Yes.

16 Q. What did you do when you learned about that?

17 A. I tried to file benefits with NFL.

18 Q. And at that time, was that the first time that you
19 learned that Ms. Sullivan was collecting benefits?

20 A. Yes.

21 THE COURT: When was that?

22 Q. Can you tell us when that was?

23 A. In '08.

24 Q. Before '08 -- do you remember when in '08 when you first
25 learned the -- of the potential entitlement to NFL benefits?

1 A. That was in '07 -- '07 -- yeah, '07, I think it was.

2 Q. And what did you do?

3 THE COURT: I thought that the question was she
4 learned about the NFL benefits through Social Security.

5 MR. SHERMAN: It was.

6 THE COURT: Well, when was that?

7 MR. SHERMAN: I thought she answered it. I'm sorry
8 if I didn't hear it right, Your Honor.

9 BY MR. SHERMAN:

10 Q. Ms. Hill, you testified that you learned about the NFL
11 benefits while you were applying for Social Security?

12 A. Right.

13 Q. And did you learn that from Social Security?

14 A. Yes.

15 Q. And when was that that you learned that, to the best that
16 you can remember?

17 A. '06, '07.

18 Q. And what did you do once you learned that?

19 A. I hired a lawyer to try and get the benefits from NFL.

20 Q. And when did you learn for the first time of Ms.
21 Sullivan's involvement in regards to those benefits?

22 A. In '07.

23 THE COURT: Let me -- when did you first apply for
24 Social Security?

25 THE WITNESS: I first applied for Social Security in

1 '08, I -- '08 is when I got the Social Security.

2 THE COURT: And when did you first hear about Thomas
3 Sullivan's death?

4 THE WITNESS: In '02. And I did call and try and
5 apply with Social Security, but they said I had to wait until
6 fifty-one, and at that --

7 THE COURT: You were too young to --

8 THE WITNESS: I was too young at that time.

9 THE COURT: Okay.

10 All right.

11 BY MR. SHERMAN:

12 Q. Okay, and that's the reason there was a gap between the
13 2002 knowledge and your application?

14 A. Exactly.

15 THE COURT: All right.

16 Q. I gotcha. Obviously you were --

17 THE COURT: That was a gap I needed to fill up.

18 THE WITNESS: Yes.

19 MR. SHERMAN: Yeah, I -- as usual, you're smarter
20 than me. I didn't pick up the gap, Your Honor. Thank you.

21 THE COURT: Okay.

22 BY MR. SHERMAN:

23 Q. You went through the process and then you learned about
24 Mrs. Sullivan, and here we are today?

25 A. Yes.

1 MR. SHERMAN: No further questions.

2 Your witness.

3 MR. VANCE: Your Honor -- excuse me. Can I approach
4 the witness, Your Honor?

5 THE COURT: Sure.

6 MR. SHERMAN: If he's going to show a document, may I
7 see it, Your Honor?

8 THE COURT: Go ahead.

9 MR. SHERMAN: Thank you.

10 MR. VANCE: Okay.

11 CROSS-EXAMINATION

12 BY MR. VANCE:

13 Q. This document is entitled "Decree", issued by the Court
14 of Common Pleas of the City and County of Philadelphia, in the
15 matter of Lavona Bernadette --

16 THE COURT: [la-VONN-ah].

17 MR. VANCE: [la-VONN-ah].

18 THE COURT: Right?

19 THE COURT: [la-VONN-ah].

20 MR. VANCE: Sorry.

21 THE WITNESS: No problem.

22 MR. VANCE: Sorry.

23 BY MR. VANCE:

24 Q. -- Lavona Bernadette Wells v. Arthur James Wells, is that
25 right?

1 A. Yes.

2 Q. And this is your divorce decree?

3 A. Yes.

4 Q. From your first marriage, right?

5 A. Yes.

6 Q. And when did you marry Mr. Wells?

7 MR. SHERMAN: Your Honor, I would object. It's
8 irrelevant. The fact of the matter is next he's going to
9 contest somehow the validity, which he has a right to do, of
10 the marriage with Mr. Sullivan. What difference does it make
11 if there was a lawful divorce such that --

12 THE COURT: I think -- excuse -- when was the
13 divorce?

14 MR. SHERMAN: Before the marriage to Mr. Sullivan.

15 THE COURT: I -- I'm asking --

16 MR. SHERMAN: Oh, I'm sorry.

17 THE COURT: -- your opposing counsel.

18 MR. SHERMAN: I apologize.

19 THE COURT: Go ahead.

20 MR. VANCE: According to the decree, the divorce was
21 April 27, 1978.

22 THE WITNESS: '70 what?

23 MR. VANCE: '78.

24 MR. SHERMAN: And she was married 1979.

25 THE WITNESS: '79.