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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW
YORK

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UNITED STATES OF AMERICA, -versus- RACHEL CHERWITZ
AND NICOLE DAEDONE, Defendants.

23-CR-146 (DG) United States Courthouse Brooklyn, New York
June 09, 2025 9:00 a.m.

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TRANSCRIPT OF CRIMINAL CAUSE FOR TRIAL BEFORE THE
HONORABLE DIANE GUJARATI UNITED STATES DISTRICT
JUDGE

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APPEARANCES For the Government: UNITED STATES
ATTORNEY'S OFFICE Eastern District of New York 271 Cadman
Plaza East Brooklyn, New York 11201 KAYLA BENSING, ESQ.
KAITLIN FARRELL, ESQ. NINA GUPTA, ESQ. SEAN FERN, ESQ.
Assistant United States Attorneys BY:

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For Defendant Cherwitz: BALLAD SPAHR LLP 1675 Broadway
New York, New York 10019 CELIA COHEN, ESQ. MICHAEL P.
ROBOTTI, ESQ. KELLY LIN, ESQ. SCHUYLER LA BARGE, ESQ.
KELLY LENAHAAN-PHAHLERT, ESQ. BY:

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(Continued on next page.)

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PROCEEDINGS 5358

1 (In open court.))

2 THE COURTROOM DEPUTY: All rise. United States of
3 America against Rachel Cherwitz and Nicole Daedone.
4 Is the Government ready.

5 MS. BENSING: Yes. Kayla Bensing, Kaitlin Farrell,
6 Nina Gupta and Sean Fern. We're joined by paralegal
7 specialists Liam McNett and Marlane Bosler. Good
8 morning,
9 your Honor.

9 THE COURT: Good morning.

10 MS. COHEN: Celia Cohen, Michael Robotti, Kelly Lin,
11 Schuyler La Barge on behalf of Rachel Cherwitz.

12 THE COURT: Good morning.

13 MS. BONJEAN: Good morning, your Honor. Jennifer
14 Bonjean, Ashley Cohen, Soph Moazed and Galila Assefa on
behalf

15 of the defendant Ms. Daedone.
16 THE COURT: Where did your co-counsel go?
17 MS. BONJEAN: She had to get back to Montana.
18 THE COURT: I wanted to note that it was very clear
19 that even though she did not have a speaking role she was
20 working very hard. You can pass that along to her, it did not
21 go unnoticed.
22 MS. BONJEAN: I apologize, I should have mentioned
23 earlier
24 THE COURT: You don't have to tell me. I was just
25 wondering if she was coming back or not. You can extend to

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1	(APPEARANCES CONTINUED)	5357
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3	For Defendant Daedone:	BONJEAN LAW GROUP PLLC 30 Van Brunt Street Brooklyn, New York 11231 BY: JENNIFER A. BONJEAN, ESQ. KELSEY KILLION, ESQ.
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5		
6	Also Present:	LIAM MCNETT, Paralegal U.S. Attorney's Office MARLANE BOSLER, Paralegal U.S. Attorney's Office GALILA ASSEFA, Paralegal Bonjean Law Group KAMILLE SIMONS, Paralegal Ballard Spahr
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13	Court Reporter:	Rivka Teich, CSR, RPR, RMR, FCRR Phone: 718-613-2268 Email: RivkaTeich@gmail.com
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15	Proceedings recorded by mechanical stenography. Transcript produced by computer-aided transcription.	
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PROCEEDINGS 5360

1 (Brief recess.)
2 (In open court.)
3 THE COURT: We have another jury note, I marked
4 Court Exhibit 16. Let me read the note it says:
5 Questions. Email/chat/text between Nicole,
6 Michelle/Wright/Yia end of 2013/2014.
7 Then the next request says:
8 Rob Kandell/testimony regarding employee status and
9 wages.
10 The third request says: Rob Kandell testimony
11 regarding Reese Jones handlers interaction/Michelle
12 Maddie, Yia and Alicia Price with Nicole D. Thank you. It's
13 signed by juror number seven.
14 I'm sure the parties haven't had a chance to fully
15 consider what they think is responsive to this note. If you
16 want to tell me anything now; if not, I'll give you time to do
17 that.
18 MS. BENSING: We need a little more time.
19 MS. COHEN: We're working on it.
20 MS. BONJEAN : We're working on it.
21 THE COURT: Somebody email Mr. D'Agostino when
22 you're ready.
23 And I should also say that the alternates were here
24 this morning in their separate room. Okay, we'll go for a
25 recess.

PROCEEDINGS 5361

1 (Brief recess.)

2 (In open court.)

3 THE COURTROOM DEPUTY: All rise.

4 THE COURT: So I know the parties spent quite a bit
5 of time and reached agreement on almost everything with
6 respect to what the jury is asking for. There is one
7 objection and I can hear the Government out on that now,
which

8 is about pages 3612, just page 3612 line one through 15.

9 MS. BENSING: Yes, your Honor. So I think those
10 portions pertain to an agreement that came into evidence
and

11 it was reading out a portion of that agreement. From the
12 Government's perspective that does not fall within Robert
13 Kandell's testimony regarding employee status and wages.

14 THE COURT: I'll hear from Mr. Robotti.

15 MR. ROBOTTI: I think that's from the employee
16 handbook.

17 THE COURT: I think it is.

18 MR. ROBOTTI: From the perspective of the defense,
19 this is responsive to the jury's note which asked for
20 testimony from Robert Kandell about employees' status.
This

21 portion of the handbook is explaining the status of these
22 employees at the company, which is they are at-will.

23 In addition, we note on page 3440 which is out of
24 direct examination of Ms. Bensing, that they are submitting
25 back to the jury Mr. Kandell does reference that the
employees

PROCEEDINGS 5371

1 ideal if everybody has a few minutes to regroup. So I'm
going

2 to speak to the jury for a few minutes. I obviously don't
3 offer any opinions to the jury and I don't pry into their

4 deliberations, it is simply to thank them for their service
5 because jurors make sacrifices to sit on any case, especially
6 a long case.
7 We will just recess and then there will be some
8 matters to take up. You're welcome to - - I think it's better
9 to stay in the courtroom, but if you feel you need to get
some
10 air and come back in ten minutes, that's fine as well.
11 (Brief recess.)
12 THE COURTROOM DEPUTY: All rise.
13 THE COURT: Okay. There are a few things we need to
14 take up at this time.
15 I'm going to schedule the sentencings in this case
16 for Ms. Cherwitz on September 25 at 10:00 a.m. and
Ms. Daedone
17 September 26 at 10:00 a.m. That's September 25, 2025 for
18 Ms. Cherwitz; September 26, 2025 for Ms. Daedone, both
at
19 10:00 o'clock in the morning.
20 Does any party wish at this time to be heard on bail
21 status? I'm also willing to give the parties until tomorrow
22 at 10:00 a.m. to be heard as to bail status, if the parties
23 request that. Government?
24 MS. BENSING: Your Honor, the Government did have an
25 opportunity to speak with some of the defense attorneys
while

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VERDICT 5369

1 THE COURTROOM DEPUTY: Juror number seven, is that
2 your verdict?
3 JUROR NO. 7: Yes.
4 THE COURTROOM DEPUTY: Juror number eight, is that
5 your verdict?
6 JUROR NO. 8: Yes.
7 THE COURTROOM DEPUTY: Juror number nine, is that
8 your verdict?
9 JUROR NO. 9: Yes.
10 THE COURTROOM DEPUTY: Juror number ten, is that
11 your verdict?

12 JUROR NO. 10: Yes.
13 THE COURTROOM DEPUTY: Juror number eleven, is that
14 your verdict?
15 JUROR NO. 11: Yes.
16 THE COURTROOM DEPUTY: Juror number twelve, is that
17 your verdict?
18 JUROR NO. 12: Yes.
19 THE COURTROOM DEPUTY: The jury has been polled.
20 THE COURT: Mr. D'Agostino, please file and record
21 the verdict.
22 Is there anything that the parties wish to raise to
23 me at sidebar before I discharge the jury? Government?
24 MS. BENSING: No, your Honor.
25 THE COURT: Counsel for Ms. Cherwitz?

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PROCEEDINGS 5374

1 THE COURT: That's fine. Again, we're going to have
2 a proceeding on bail tomorrow and you can raise any other
3 requests in terms of a schedule for briefing. I am not
4 interested in really an extended schedule, obviously I'll
5 consider a reasonable request though.
6 For today, until we meet at ten tomorrow, all of the
7 conditions on which each of the defendants were released
up
8 until now continue to apply. The penalties for violating the
9 conditions can be severe. And I set the sentencing date, and
10 of course, failure to appear for sentencing also carries with
11 it serious consequences. But in the short-term we will be
12 reconvening tomorrow at 10:00 a.m.
13 One moment, please.
14 Again, I'll remind the Government of the importance
15 of making sure that any victim notification requirements
are
16 complied with, including as to the issue of bail status.
17 MS. BENSING: Yes, your Honor, we plan to speak to
18 them shortly.
19 (Continued on next page.)
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PROCEEDINGS 5359

1 her that I noticed that she was working very hard.
2 This jury is prompt, as always, and they are all
3 here. I actually think I will bring them out to say good
4 morning and let them know that they can continue their
5 deliberations.
6 Of course everyone at Ms. Cherwitz's table is
7 working very hard, but you're still here.
8 MS. COHEN: Kelly Lenahan-Phahlert had to go back to
9 Philly and -
10 THE COURT: Then you can also let her know I noticed
11 she was working very hard.
12 MS. COHEN: Rich Hobbs as well.
13 THE COURT: Yes.
14 (Jury enters the courtroom.)
15 THE COURT: Everyone may be seated.
16 Good morning to the members of the jury. It's nice
17 to see everybody. I hope everyone had a relaxing and
18 weekend. You're all here, SO you may resume your
19 deliberations. We are here, but I think the same as Friday,
20 if you're still deliberating at 1:00 o'clock to 2:00 o'clock
21 hour we won't be available to take any notes, but other than
22 that we are around today. Please continue your
23 deliberations.
24 (Jury exits the courtroom.)
25 THE COURT: We'll just email if there is anything
from the jury; otherwise, we're in recess.

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PROCEEDINGS 5365

1 everybody, of course with the exception of the one portion
2 of
3 the transcript that the Government did not want to go back
4 that I am sending back, does everybody agree that I read
5 the
6 numbers out correctly and that what I handed you that will
7 go
8 back to the jury, the hard copies, what everybody intends to
9 go back to the jury?
10 MS. BENSING: Yes, your Honor.
11 MS. COHEN: Yes, your Honor.
12 MS. BONJEAN: Yes.
13 THE COURT: Okay. So I think we'll get it to the
14 jury now and we'll recess. Everybody can stay close by.
15 (Brief recess.)
16 THE COURTROOM DEPUTY: All rise.
17 THE COURT: Everyone may be seated.
18 As you know we have received a note. I marked it
19 Court Exhibit 17. We'll give you a copy of it but it says
20 simply: We have reached a verdict.
21 Mr. D'Agostino, you can show the original note.
22 The note is not signed, but that is not required.
23 If anybody wants to be heard on that you can be heard.
24 MS. BENSING: No, your Honor.
25 MS. COHEN: No, your Honor.
26 MS. BONJEAN : No, your Honor.
27 THE COURT: I have not obtained the form yet. I do
28 not know what the verdict is, but whatever the verdict is, I

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PROCEEDINGS 5364

1 Page 3629 lines 13 through 17,
2 and line 20.
3 And page 3629 line 25 to 3630
4 line 24.
5 Then page 3663 line nine to 3664
6 line three.
7 And finally, page 3664 line nine.
8 Did I get that all correct?
9 MS. BENSING: I believe so, your
10 Honor.

7 MS. BONJEAN: Can you read the
last one again, your

8 Honor?

9 THE COURT: 3663 line nine to
3664 line three, and

10 3664 line nine.

11 MS. COHEN: That's because of
those objections.

12 THE COURT: Yes. I think
originally you hadn't

13 redacted them out.

14 MS. COHEN: That's right.

15 MS. BONJEAN:

I think that's right. If I
can have

16 one second to confirm here?

17 THE COURT:

Then the pages 3313 I
read that

18 correctly, correct?

19 MS. COHEN:

Yes, you did.

20 THE COURT: We're going to give
you the pages to

21 physically look at SO there is no
confusion.

22 We gave Ms. Cohen the hard copy
SO you can take a

23 look.

24 (Brief pause.)

25 THE COURT: I want to confirm on
the record that

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PROCEEDINGS 5362

1 are at-will. So this is directly responsive to that
2 explaining, what at-will means in the context of OneTaste.

3 THE COURT: Do you want to respond?

4 MS. BENSING: Well, I think the line that he's

5 taking about is: Even if they are an at-will employee can
6 lead to backlash issues and attention from state agencies.

7 Again, the Government thinks this is far afield from
8 what the jury is requesting.

9 THE COURT: I take the Government's point on this,

10 but it is testimony of Robert Kandell regarding employee
11 status, SO I do think that I will be sending it back to the
12 jury.
13 I think that was the only issue that the parties
14 disagreed on; is that correct?
15 MS. BENSING: Yes.
16 MR. ROBOTTI: That's correct.
17 MS. BONJEAN: Yes.
18 THE COURT: Let's go through the tedious process of
19 me reading to you what I'm going to send to the jury. Pay
20 close attention because I'll ask you to confirm at the end.
21 And of course, I'll let you look at the documents - of course
22 you produced the documents, but I think there were a few
that
23 got changed at the end and I want to make sure everybody
sees
24 what is going to the jury.
25 Defense Exhibit 3EA will go to the jury.

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Court Reporter

VERDICT 5366

1 expect that there will be silence when the jury is here,
when
2 the jury is returning the verdict, and when the verdict is
3 announced. I do not want noise. It's not respectful. It's
4 distracting. I want everybody to be on notice of that now,
5 including the public in the gallery.
6 Government, have all required victim notifications
7 been made?
8 MS. BENSING: Yes, your Honor.
9 THE COURT: I am going to actually bring the
10 alternates out and they will be sitting in that first bench
11 here in the well. If I can ask, I think it's the FBI agents,
12 to maybe just move down a bit. Thank you. And once the
13 alternates are here, we'll bring in the jury.
14 While we're waiting, would the parties like me to
15 poll the jury after I read the verdict Government?

16 MS. BENSING: No, your Honor.
17 MS. COHEN: Yes, your Honor.
18 MS. BONJEAN: Yes.
19 (Alternates enter the courtroom.)
20 THE COURT: And the Marshal will bring the jury in.
21 (Jury enters the courtroom.)
22 THE COURT: Everyone may be seated.
23 Members of the jury, I have received a note
24 indicating that the jury has reached a verdict. I'm going to
25 ask the foreperson - and that's number seven, correct?

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Reporter

PROCEEDINGS 5372

1 the Court took a brief recess. Obviously the Government's
2 concern has been and continues to be with the victims in
3 this
4 case, but the Government is not seeking remand at this
5 time.
6 THE COURT: The Court is considering all options at
7 this time and paying particular attention to the governing
8 statutes. So do the parties want to be heard now or wait
9 until 10:00 o'clock tomorrow morning.
10 MS. BENSING: We can wait until 10:00 o'clock
11 tomorrow morning.
12 THE COURT: Ms. Cohen?
13 MS. COHEN: Either way, we can be heard now or
14 MS. BONJEAN: If the Court would like a letter brief
15 for 10:00 a.m. we can do that.
16 THE COURT: Okay. Everybody should be aware of the
17 relevant statute here. So I think it makes sense, if the
18 defense wants to be heard I will hear from you either at ten
19 tomorrow or you can put in something before that if you
20 wish
21 MS. BONJEAN: Yes.
22 THE COURT: - on the issue of bail versus remand.
23 Let me ask, though, what is the - I have the bail
24 paperwork somewhere of course - what are the current

23 conditions? I'm interested in knowing about the co-signers.
24 I believe at least one co-signer at some point was a
25 co-conspirator, in the Government's view.

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PROCEEDINGS 5370

1 MS. COHEN: No, your Honor.
2 THE COURT: Counsel for Ms. Daedone?
3 MS. BONJEAN: No, your Honor.
4 THE COURT: Do the parties believe that it is
5 appropriate for the jury to be discharged at this time?
6 MS. BENSING: Yes, your Honor.
7 MS. COHEN: Yes, your Honor.
8 MS. BONJEAN: Yes.
9 THE COURT: Members of the jury and the alternates,
10 jury service is important and the Court recognizes that it
11 isn't always convenient. You were an attentive and
12 respectful
13 jury and this was a lengthy trial. Thank you for your
14 service.
15 The trial has now concluded and you are dismissed as
16 jurors. I would, however, would like to come back to the
17 jury
18 room to give you my personal thanks again, and that would
19 include the alternates as well. If you wouldn't mind waiting
20 a few minutes in the jury room for me, all 17 of you, it
21 would
22 be my honor to come and really thank you for being jurors
23 on
24 this somewhat lengthy trial.
25 With that, again, all of the jurors including the
alternates are dismissed as jurors.
(Jury exits the courtroom.)
THE COURT: Everyone may be seated. I know there
are matters that we need to take up. I think it's probably

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PROCEEDINGS 5363

1 Then, transcript page 3422 line 18 to 3424 line 16.
2 Page 3425 line one to 3428 line four.
3 Page 3432 line eight to 3433 line two.
4 Page 3433 line seven to 3437 line 11.
5 Page 3437 line 23 to 3443 line one.
6 Page 3520 line 12 to 3523 line eight.
7 Page 3523 line 14 to 3524 lines one through 16.
8 Page 3525 line four to 3527 line six.
9 Page 3527 line 15 to 3528 line 17.
10 Page 3528 line 20 to 3529 line one.
11 And then the part the Government objected to that I
12 am going to send back, 3612 lines one through 15.
13 I think I'm going to say it slightly different for
14 the next one because it's a broader range, same numbers,
15 but
16 the way you've broken up is strange.
17 Page 3313 lines one through five and page 3313 line
18 eight to 3316 line nine.
19 Page 3272 lines one through seven, lines 11 through
20 19, and lines 23 through 25.
21 Page 3295 lines six through 13.
22 Page 3346 lines 12 through 15.
23 Page 3367 line 21 to 3368 line two.
24 Page 3628 lines three through 21.
25 Again I'm going to break this up a little
differently, listen carefully.

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PROCEEDINGS 5375

1 THE COURT: Anything else to take up before tomorrow
2 morning? Government?
3 MS. BENSING: No, your Honor.
4 MS. COHEN: No, your Honor.
5 MS. BONJEAN: No, your Honor.
6 THE COURT: Okay. Thank you all. We are adjourned
7 until ten tomorrow.
8 (Proceedings adjourned at 4:32 p. m. to resume on
9 June 10, 2025 at 10:00 a.m.)
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VERDICT 5368

1 guilty?
2 THE FOREPERSON: We find her guilty.
3 THE COURT: The jury will now be polled. Again,
4 you're being asked whether the verdict as it has been
5 published constitutes your verdict in all respects.
6 Mr. D'Agostino, will you please poll the jury.
7 THE COURTROOM DEPUTY: Juror number one, is that
8 your verdict?
9 JUROR NO. 1: Yes.
10 THE COURTROOM DEPUTY: Juror number two, is that
11 your verdict?
12 JUROR NO. 2: Yes.
13 THE COURTROOM DEPUTY: Juror number three, is that
14 your verdict?
15 JUROR NO. 3: Yes.
16 THE COURTROOM DEPUTY: Juror number four, is that
17 your verdict?
18 JUROR NO. 4: Yes.
19 THE COURTROOM DEPUTY: Juror number five, is that

20 your verdict?
21 JUROR NO. 5: Yes.
22 THE COURTROOM DEPUTY: Juror number six, is that
23 your verdict?
24 JUROR NO. 6: Yes.
25 Q

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VERDICT 5367

1 THE FOREPERSON: Yes.
2 THE COURT: Has the jury unanimously agreed on its
3 verdict? I'm not asking what it is, has the jury unanimously
4 agreed on its verdict?
5 THE FOREPERSON: They have.
6 THE COURT: Will you please hand the verdict form to
7 my deputy, Mr. D'Agostino. I'm mark the verdict form Court
8 Exhibit 18.
9 Mr. D'Agostino can you come up here for a moment,
10 please.
11 The verdict will now be published; that is, read
12 aloud in open court. I ask that the jurors please pay close
13 attention as the verdict is published because you will be
14 asked momentarily about what is about to be read to you;
that
15 is, the jury will be polled, each juror will be asked
16 individually whether the verdict as it has been published
17 constitutes that juror's individual verdict in all respects.
18 Mr. D'Agostino will now read the verdict.
19 THE COURTROOM DEPUTY: As to the charge of forced
20 labor conspiracy how do you find the defendant Rachel
21 Cherwitz, guilty or not guilty?
22 THE COURT: Number seven should answer.
23 THE FOREPERSON: We find her guilty.
24 THE COURTROOM DEPUTY: As to forced labor conspiracy
25 how do you find the defendant Nicole Daedone, guilty or
not

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PROCEEDINGS 5373

1 MS. BENSING: Mr. Rathnathicam
2 THE COURT: Yes.
3 MS. BENSING: Yes, your Honor, we can double check
4 the status of that. I want to make sure what we have is
5 current. Let us triple check that. I believe on
6 Ms. Daedone's bond I believe there are at least three
7 suretors. But let me -
8 THE COURT: I think her mother is one.
9 MS. BENSING: I'm not sure if - okay. There was
10 some switch at some point.
11 THE COURT: Somebody sold a property.
12 MS. BENSING: That's why I'm hesitating, I want to
13 make sure we have the accurate information for the Court.
14 THE COURT: Okay. Is there anything else the
15 parties think we need to take up at this time before
tomorrow
16 at 10:00 a.m?
17 MS. BENSING: Does the Court want to set a schedule
18 for post-trial briefing?
19 THE COURT: The schedule is set by the rule. If
20 anybody is seeking an extension of that they can seek an
21 extension. I can hear you out on that now or tomorrow as
22 well.
23 MS. BENSING: I think it's up to the defense.
24 MS. BONJEAN: We'll raise it all at once tomorrow,
25 your Honor.

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