

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 FRONT SIGHT MANAGEMENT LLC, a
4 Nevada Limited Liability Company,

5 Petitioner,

6 vs.

7 THE EIGHTH JUDICIAL DISTRICT
8 COURT OF THE STATE OF NEVADA,
9 IN AND FOR THE COUNTY OF CLARK;
10 and THE HONORABLE TIMOTHY C.
11 WILLIAMS, DISTRICT COURT JUDGE,

12 Respondents,

13 and

14 LAS VEGAS DEVELOPMENT FUND
15 LLC, a Nevada Limited Liability Company;
16 EB5 IMPACT CAPITAL REGIONAL
17 CENTER LLC, a Nevada Limited Liability
18 Company; EB5 IMPACT ADVISORS
19 LLC, a Nevada Limited Liability Company;
20 ROBERT W. DZIUBLA, individually and
21 as President and CEO of LAS VEGAS
22 DEVELOPMENT FUND LLC and EB5
23 IMPACT ADVISORS LLC; JON
24 FLEMING, individually and as an agent of
25 LAS VEGAS DEVELOPMENT FUND
26 LLC and EB5 IMPACT ADVISORS LLC;
27 LINDA STANWOOD, individually and as
28 Senior Vice President of LAS VEGAS
DEVELOPMENT FUND LLC and EB5
IMPACT ADVISORS LLC,

Real Parties in Interest.

No.: _____ Electronically Filed
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Elizabeth A. Brown
Dist. Ct. Case No: A-18-781084-B
Clerk of Supreme Court

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PETITION FOR EXTRAORDINARY WRIT RELIEF

PETITIONER'S APPENDIX

VOLUME VI

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1 CASE NO. A-18-781084-B

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DISTRICT COURT

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CLARK COUNTY, NEVADA

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9 FRONT SIGHT MANAGEMENT LLC,)

10 Plaintiff,)

11 vs.)

12 LAS VEGAS DEVELOPMENT FUND LLC,)

13 Defendant.)

14

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REPORTER'S TRANSCRIPT

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OF
PRELIMINARY INJUNCTION HEARING

17

18

BEFORE THE HONORABLE JUDGE TIMOTHY C. WILLIAMS

19

DISTRICT COURT JUDGE

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DATED MONDAY, JULY 22, 2019

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REPORTED BY: PEGGY ISOM, RMR, NV CCR #541

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* * * * *

Peggy Isom, CCR 541, RMR

1 LAS VEGAS, NEVADA, MONDAY, JULY 22, 2019

2 9:41 A..M.

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

4 * * * * *

12:00:00 5

6 THE COURT: All right. Good morning.

7 IN UNISON: Good morning, your Honor.

8 THE COURT: And let's go ahead and place our
9 appearances on the record.

09:41:38 10

11 MR. ALDRICH: Good morning, your Honor. John
12 Aldrich on behalf of the plaintiff. For the Court's --
13 just so the Court knows, Traci Bixenmann from my staff
14 is here with me.

09:41:48 15

16 MR. GREER: Good morning. Keith Greer on
17 behalf of the defendants, and Mr. Dziubla, Robert
18 Dziubla, is here with me today. Ms. Holbert is going
19 to be addressing the Court via telephonic appearance, I
20 believe, as we start the proceedings and request
21 permission to be relieved of her duties -- relieved of
22 her duties for the day, as she's engaged a trial in San
23 Diego.

09:42:07 20

22 THE COURT: I understand. Hopefully we can
23 get her.

09:42:45 25

24 COURT CALL MODERATOR: Good morning. My name
25 is Cynthia. I'll be the moderator assisting you today.

09:42:46 1 THE COURT: Good morning, ma'am. Do we have
2 Ms. Kathryn Holbert on the line?

3 COURT CALL MODERATOR: Yes, we sure do, and
4 she's muted, and I can go ahead and unmute her when
09:42:55 5 you're ready.

6 THE COURT: Yes, you can, ma'am.

7 COURT CALL MODERATOR: Just give me one
8 moment.

9 MS. HOLBERT: Good morning, your Honor.

09:43:08 10 THE COURT: Good morning. And you can go
11 ahead and place your appearance on the record.

12 MS. HOLBERT: Kathryn Holbert for the
13 defendant.

14 THE COURT: All right, ma'am. And it's my
09:43:16 15 understanding you're currently in trial in San Diego;
16 is that correct?

17 MS. HOLBERT: That is correct, your Honor.
18 And I would just request, then, that I be excused from
19 personally appearing there this morning.

09:43:29 20 THE COURT: I understand, ma'am. Any
21 objection from the defense -- I mean from the
22 plaintiff?

23 MR. ALDRICH: Your Honor, Ms. Holbert talked
24 to me on Friday, let me know her situation, and I
09:43:38 25 advised her I would not object.

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09:43:40 1 THE COURT: Okay.

2 All right, ma'am, we're going to go ahead and
3 relieve you of -- well, technically, for purposes of
4 the rule, you probably did appear today. So we'll keep
09:43:49 5 it at that. We'll keep it like that.

6 MS. HOLBERT: All right.

7 THE COURT: I have no problem with you not
8 being here. I understand you have other commitments,
9 you can't be in two places at the same time. And good
09:43:59 10 luck with your trial, ma'am.

11 MS. HOLBERT: Thank you so much. Same thing
12 tomorrow morning?

13 THE COURT: Yes.

14 MS. HOLBERT: Thank you, your Honor.
09:44:06 15 Appreciate it.

16 THE COURT: Okay. I would say enjoy your day,
17 but she's not going to enjoy her day in trial.

18 MR. GREER: It's just the way it is.

19 THE COURT: So where did we leave off?

09:44:29 20 MR. ALDRICH: Your Honor, Mr. Dziubla was
21 testifying. That's where we left off.

22 THE COURT: Yes.

23 MR. ALDRICH: That's where we're going to pick
24 up.

09:44:35 25 THE COURT: Okay. All right. And, sir, you

09:44:56 1 understand you're still under oath?

2 THE WITNESS: I do, your Honor.

3 THE COURT: Okay. And before --

4 MR. ALDRICH: Good morning, your Honor.

09:45:09 5 THE COURT: Before we get started, how -- I
6 remember I think the last hearing, we actually
7 expedited 16.1 and all those things in discovery;
8 right?

9 MR. ALDRICH: Yes, we did.

09:45:18 10 THE COURT: How are we doing in that regard?

11 MR. ALDRICH: So -- he's laughing.

12 MR. GREER: Funny you asked, your Honor.

13 MR. ALDRICH: So here's how that all went
14 down. The Court may recall when -- we were ready to
09:45:32 15 send requests. When your Honor made that order for 14
16 days, I asked, is there a limitation? The Court said
17 no.

18 So that afternoon, we served -- I didn't count
19 them, but I know it's more than 500, less than 600
09:45:46 20 requests for production of documents, when you count
21 all six defendants. Some more, some less. Those are
22 due on Wednesday. So...

23 THE COURT: Well, there is a proportionality
24 requirement under the rules, but I understand there
09:46:00 25 might be a lot of documents you need in this case, sir.

09:46:03 1 MR. ALDRICH: Yeah. So we made those
2 requests. Those are not due until Wednesday. The
3 Court may recall we -- as we had that discussion, there
4 was a discussion about moving the hearing so that I
09:46:14 5 could have the documents. Defendants objected to that,
6 so we're here still going forward on the documents that
7 I have.

8 And then the defendants served requests on
9 us -- Wednesday last week?

09:46:27 10 MS. BIXENMANN: I believe so, yeah.

11 MR. ALDRICH: Around Wednesday of last week.
12 I believe ours are due on the 31st, if I'm not
13 mistaken, our responses to their requests for
14 production of documents.

09:46:36 15 MR. GREER: A carefully tailored 40 requests.

16 THE COURT: Here's my next question. And then
17 we'll get to the testimony.

18 Hypothetically, after the written discovery is
19 done, how much -- and in a way, since we have a
09:46:55 20 preliminary injunction hearing, we have testimony under
21 oath, that could potentially slow down or I should say
22 truncate the length of any depositions in this case,
23 because I would anticipate the depositions would be
24 limited to maybe something that came up as a result of
09:47:14 25 a request for production of documents you might have

09:47:17 1 questions on, but there's so much other background and
2 other type of information you already have.

3 So how much deposition discovery do you think
4 you have in this case? I realize there will be experts
09:47:28 5 potentially.

6 MR. ALDRICH: There will be experts. There
7 are some other witnesses -- third-party witnesses that
8 we would want to take some depositions of.

9 As I'm standing here today, I don't want to
09:47:39 10 limit myself --

11 THE COURT: No, I understand.

12 MR. ALDRICH: -- but certainly if I talked to
13 Mr. Dziubla for most of the day last time and most of
14 the day today, I certainly recognize that I'm going to
09:47:49 15 need to justify additional deposition time.

16 THE COURT: Yes. Well, my whole point is I
17 would anticipate if there is additional deposition
18 time -- for example, you don't have the documents yet.

19 MR. ALDRICH: Correct.

09:47:59 20 THE COURT: And something could come up in the
21 documents you might want to know about. I could see
22 where that could be potentially a line of inquiry any
23 lawyer may have. Right. That's just how it is.

24 So I'm kind of looking at it, I'm looking at
09:48:12 25 this case because, you know, as I was thinking about

09:48:14 1 this case earlier this morning, I was saying to myself,
2 wow, we could have potentially be conducting voir dire
3 right now. Right? I mean --

4 MR. GREER: Close.

09:48:25 5 THE COURT: Yeah, close. And so I don't know
6 how we're going to end up. But I was trying to think
7 about efficiency, right? And understand this is
8 business court. Was there a jury demand in this case?

9 MR. GREER: Yes.

09:48:35 10 THE COURT: Okay. And what I'm thinking is --

11 MR. GREER: The --

12 THE COURT: Go ahead.

13 MR. GREER: It wasn't solid. It was made to
14 reserve the right -- no final decision is made. It
09:48:44 15 might be withdrawn.

16 THE COURT: I understand. That's a right too.
17 But my point is this, depending on where we go and so
18 on, worse -- I'll call this worst-case scenario. To be
19 candid, I'd like to get this case tried this year, if
09:48:59 20 possible.

21 MR. GREER: Yeah.

22 THE COURT: You see where I'm going on that?
23 I really and truly would. Because understand this is
24 business court, and that gives me a lot more
09:49:07 25 flexibility. And I do have other cases. I do have

09:49:09 1 cases that are not necessarily where time is of the
2 essence like this one is in a way. So I'm just looking
3 at it that depending on what happens over the next,
4 say, 30 days or so -- and it might be a little
09:49:24 5 optimistic, and I don't like having jury trials over
6 the Christmas holidays at all. I don't -- I don't
7 think that is good for anyone. I really don't, because
8 I feel you should be spending time with your family.
9 Just as important, too, it's very difficult to get
09:49:40 10 experts here. And just as important, too, the jury
11 doesn't want to be here. You know, and that's --
12 that's the realities of it. It just is.

13 And to be candid, you don't want to be here.
14 I know I wouldn't.

09:49:51 15 And so I take a very pragmatic approach in
16 that regard. So these are things I'm thinking about.
17 It would be nice if, say, if we could try this in early
18 November or something like that, worst-case scenario, I
19 would love to do that just to put it to bed. I don't
09:50:07 20 know if that's humanly possible. From my perspective,
21 I can get you a jury. We can do that. We can kind of
22 work towards that.

23 MR. GREER: Yeah.

24 THE COURT: But --

09:50:15 25 MR. GREER: The thing is --

09:50:17 1 THE COURT: It would be good for everyone to
2 have some potentially finality, and then at the end of
3 the day, regardless of all the law and motions and
4 stuff like that, I could actually say we were

09:50:27 5 efficient, we got a case tried within a year or so.

6 MR. GREER: Um-hum. I think it's very doable.

7 THE COURT: What do you think?

8 MR. ALDRICH: I disagree, but -- I think we
9 just filed a joint case conference report.

09:50:40 10 THE COURT: Right.

11 MR. ALDRICH: And, honestly, as I'm standing
12 here, I do not remember what kind of discovery schedule
13 we had in there. If we were to try this case in early
14 November, we're talking about normally an expert

09:50:53 15 deadline of in about two weeks.

16 THE COURT: But the only reason I bring that
17 up, like you've already -- you have a report and all
18 those wonderful things.

19 MR. ALDRICH: I have one expert already, yes.

09:51:03 20 That is true.

21 THE COURT: Right. Beyond -- and I understand
22 I'm kind of catching you right now when you might not
23 be prepared to answer these questions. How many
24 experts would you need in this case?

09:51:13 25 MR. ALDRICH: As I'm standing here, I'm going

09:51:14 1 to need a forensic accountant.

2 THE COURT: Okay.

3 MR. ALDRICH: It seems to me I was thinking
4 one more expert, but I can't recall as I'm standing

09:51:25 5 here what the issue was.

6 THE COURT: I understand. Maybe two experts.
7 Two additional.

8 MR. ALDRICH: Two, three, tops.

9 THE COURT: Yeah, three tops.

09:51:31 10 MR. GREER: Same here.

11 THE COURT: Okay.

12 MR. GREER: Pretty easy.

13 THE COURT: I understand. I'm just sitting

14 here thinking, you know, because all experts have

09:51:41 15 reports, they prepare the reports. And I do get the
16 reports aren't a substitute for deposition testimony.

17 Although, some lawyers feel they are, they're not. You
18 know, you might want to ask questions.

19 But sometimes, you know, lawyers make

09:51:55 20 decisions that -- I have their report, and they don't

21 necessarily want to take depositions on reports. It

22 just depends on the lawyer. I've seen lawyers that are

23 very successful not taking depositions if they have a

24 report, you know, and -- interesting.

09:52:12 25 I don't know.

09:52:13 1 But I'm just sitting here thinking, you know,
2 because for everyone involved, it just seems to me that
3 at the end of the day, finality is good, you know. And
4 this is business court. And unlike construction
09:52:30 5 defect, where I couldn't say this because those cases
6 would go four to six months, you know, this one two
7 weeks?

8 MR. ALDRICH: Yeah.

9 THE COURT: Something like that, you know. So
09:52:41 10 anyway, that's just something to think about. I don't
11 want you to -- I'm not going to hold anybody to
12 anything right now. I haven't even looked at my
13 calendar yet, but I'll take a look and see what we
14 have. I know traditionally I don't have any big cases
09:52:57 15 set for trial in November.

16 Because I worry about Thanksgiving too, you
17 know. I'm pretty -- because I just understand the
18 realities of trial work and how difficult it is to get
19 experts and all those things.

09:53:09 20 And I kind of -- mid-November to first of the
21 year, those are reserved for small cases. That's kind
22 of how I look at it. Anything that's going to take a
23 week or two, we start that mid-January up until
24 October.

09:53:24 25 That's ten months to try bigger cases, and

09:53:28 1 that's more than enough time. The small stuff I
2 reserve for the end of the year because I just think
3 it's very difficult and -- and it's a tough time to try
4 cases.

09:53:37 5 So the bottom line is, I wouldn't worry about
6 anything over the holidays, but we'll see what we can
7 do and see where things are. Because I would think for
8 everyone, you know, especially a case like this, I
9 understand there's a lot of issues regarding breach of
09:53:52 10 contract and certain obligations and all those things.

11 I get that. But, you know --

12 MR. GREER: Your Honor, too, we will be filing
13 shortly here the motion to go bifurcate the two also.
14 Because I think we have the LVD Fund, the lending issue
09:54:08 15 is very separate and distinct -- our position is --
16 that's a very short, quick trial to be done.

17 The other issues about what happened before
18 the LVD Fund was created and the monies were lent would
19 be a more complicated issue and maybe perhaps a longer
09:54:24 20 trial. Maybe that would be, you know, a week, you
21 know, week and a half or so.

22 But the bifurcated lending case is probably
23 three, four days maybe. Certainly not more than a
24 week.

09:54:36 25 So there might be an opportunity to do that to

09:54:38 1 bifurcate it. Get part done. If we can't get them
2 both done this year, at least get one done.

3 THE COURT: All I can say in that regard, I
4 mean, I had a lawyer the other day -- I think it was a
09:54:49 5 couple weeks ago, they tell me one thing they like
6 about this department, I have an open mind. So -- and
7 what I mean by that is my mind is never completely made
8 up on any issues. I listen, and as the facts come in,
9 my view changes sometimes, you know, and so I'm open to
09:55:04 10 anything and I let everyone present their sides, then I
11 have to make the tough decisions, but -- maybe so, at
12 this point, at this level.

13 But just something to think about, and --
14 because there's no -- I just don't think that
09:55:22 15 there's -- especially in this case where there's some
16 time issues involving everyone that we just have to
17 take that into consideration.

18 And, Mr. Aldrich, as you know, that's one of
19 the reasons why we started business court, to handle
09:55:41 20 these types of matters much more efficiently than
21 general civil litigation.

22 So that's how I see it. And we'll see where
23 we're at.

24 MR. GREER: Thank you.

09:55:53 25 THE COURT: Okay.

09:55:54 1 MR. ALDRICH: So -- and I just -- since all
2 that was up, just a couple of things -- thoughts I'll
3 throw out there.

4 I'm trying to find out what the dates we all
09:56:03 5 agreed to in the joint case conference report are. And
6 the other thought that I had was, obviously, there has
7 been an abundance of motion practice in this case.

8 THE COURT: Oh, yes, absolutely.

9 MR. ALDRICH: In fact, we were here a couple
09:56:20 10 of weeks ago, I think we were here to hear something --
11 the attorney who said that your Honor has an open mind,
12 I think we were sitting in the jury box for that a
13 couple weeks ago.

14 THE COURT: Yeah.

09:56:28 15 MR. ALDRICH: There's still pending motion
16 practice. There's still motions to dismiss on some
17 counterclaims that haven't been heard yet. There
18 hasn't even been an Answer on those claims.

19 And so while I am certainly happy to move
09:56:44 20 forward as quickly as we can, it seems to me that three
21 months from the time that an Answer comes, if the
22 motion to dismiss is denied, is really short.

23 THE COURT: Yeah.

24 MR. ALDRICH: So --

09:56:56 25 THE COURT: And I'll admit this.

09:56:57 1 Traditionally, absolutely. But this is -- but
2 understand this, this case has evolved in such a way
3 where there is a lot done before the Answer was filed.
4 I mean, really. We have testimony, we have all sorts
09:57:13 5 of things ongoing.

6 And so I was looking at it from this
7 perspective, I don't know how many more percipient
8 witnesses we might have, but I would anticipate not a
9 whole lot.

09:57:23 10 And I do -- I was thinking about it as I was
11 driving in today. I said to myself, the big issue
12 probably here would be what the experts will opine on
13 and those types of things, and that's kind of how I see
14 it. And so I was thinking, you know, historically,
09:57:40 15 once lawyers have the reports, they can take expert
16 depositions after a week or two, and they know what
17 they need to get to.

18 And just makes the job much easier. For the
19 most part, it's been my recollection expert opinions
09:57:57 20 don't change very much during their deposition. The
21 primary reason we take the depositions is to do two
22 things. Number one, you want to limit the scope of
23 their opinions to make sure nothing new comes in,
24 right. And then, secondly, you just want to make sure
09:58:13 25 you understand the foundation for those opinions,

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09:58:15 1 because hypothetically if there's not a proper
2 foundation, maybe that opinion should be stricken, and
3 that's kind of the thrust of it, you know.

4 And, of course, it's much more complex than
09:58:25 5 that, but that's where -- that's what we, as lawyers,
6 attempt to do when we take an expert's deposition;
7 right? Don't want any new stuff at trial. You just
8 want to make sure there's a foundation for his opinion,
9 because if there isn't a proper foundation, you're
09:58:39 10 going to move to have him excluded. And that's kind of
11 how that goes; right?

12 MR. GREER: Yes, sir.

13 THE COURT: All right. So just things to
14 think about. And we'll talk about it maybe after we're
09:58:51 15 done with the final testimony at the preliminary
16 injunction setting, see what we can do. But my mind is
17 open. I would say that.

18 And, Mr. Aldrich, you're ready to continue,
19 sir?

09:59:07 20 MR. ALDRICH: Yes, your Honor.

21 THE COURT: Okay.

22 ROBERT DZIUBLA,
23 previously sworn, was examined and testified as
24 follows:
25 \\

09:59:07 1 RESUMED DIRECT EXAMINATION

2 BY MR. ALDRICH:

3 Q. Good morning, Mr. Dziubla.

4 A. Good morning.

09:59:14 5 Q. Now, you and I have talked about for almost an

6 entire day before, and you probably know my style, but

7 if I -- you see me get to where you didn't know where I

8 was at, please let me know if there is something you

9 don't understand that I'm asking you about, okay?

09:59:28 10 A. Yes.

11 Q. All right. Since we were here on June 3, you

12 have been charged criminally in Nye County related to

13 the underlying facts in this case; correct?

14 MR. GREER: Objection, your Honor, relevance.

09:59:47 15 MR. ALDRICH: The relevance is it's for the

16 exact same conduct that we've alleged in the Second

17 Amended Complaint, so it's absolutely relevant to this

18 case because as we talked about at the last hearing, if

19 Mr. Dziubla and Mr. Fleming are convicted on those

10:00:03 20 charges, it's conclusive proof in this case.

21 MR. GREER: We have a brief going in today,

22 Your Honor, in response to their motion to freeze the

23 assets that shows that that's not even -- it's not

24 admissible evidence. It's a charge; it's not a proof

10:00:14 25 of anything. It's not admissible in a civil

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10:00:17 1 proceeding, not relevant to the civil proceedings.
2 THE COURT: Under Chapter -- I think is it
3 41.1?
4 MR. GREER: I'd have to pull up our papers.
10:00:24 5 THE COURT: Something like that.
6 MR. GREER: It's Black Letter Law. I think
7 it's 41.133.
8 THE COURT: Yeah, 133. This is rote memory.
9 Under that statute, we do have to have a conviction,
10:00:32 10 and it deals specifically with the elements, the
11 underlying elements and it being conclusive. Of course
12 it makes sense, because why try it again; right? Under
13 a criminal matter, you have a higher burden of proof.
14 So if you --
10:00:44 15 MR. GREER: Yeah, that's just prejudicial. No
16 probative value at all. It opens up a whole can of
17 worms about talking about what goes on in Pahrump and
18 what happened here and why it happened.
19 THE COURT: I'm going to -- this is what I'm
10:00:57 20 going to do. I think this is -- and I understand
21 there's been an issue in southern California too;
22 right?
23 MR. GREER: He's -- that's -- Mr. Piazza has a
24 trial coming up in August for cyberterrorism charges in
10:01:10 25 San Diego County against Mr. Dziubla and his wife.

Peggy Isom, CCR 541, RMR

10:01:14 1 MR. ALDRICH: I don't think there was
2 cyberterrorism. Was his wife there?

3 MR. GREER: No, it's against Mr. Dziubla and
4 his wife.

10:01:22 5 MR. ALDRICH: Okay. Got it.

6 THE COURT: You know, I sit back and I think,
7 you know, this should be just a very simple breach of
8 contract case, and it's involved in much more.

9 This is what I'm going to do. As far as the
10:01:32 10 objection is concerned, I'm going to sustain it in this
11 regard. Because right now we don't have a conviction.
12 Maybe, maybe not. I mean, I won't dwell on that, but I
13 would anticipate potentially there could be some
14 factual issues that can -- could impact the criminal
10:01:52 15 proceeding, and it's not my role as a trial judge to
16 impact that in any way. And I understand.

17 MR. GREER: We're not -- Mr. Dziubla is not
18 asserting Fifth Amendment privilege. He's here to
19 testify fully on every issue related to this matter,
10:02:06 20 whether it impacts the criminal proceedings or not.
21 He's here to testify truthfully about all the related
22 facts.

23 THE COURT: I understand. And how new is it?
24 I'm just curious. When was that done? Within the last
10:02:23 25 30 days?

10:02:23 1 MR. ALDRICH: Yeah.

2 THE COURT: Okay.

3 MR. DZIUBLA: If I may your, Honor the,
4 cyberterrorism charges were filed in March of this year
10:02:32 5 against Mr. Piazza, and that's going to trial on
6 August 19.

7 MR. GREER: Yeah.

8 THE COURT: So that's going to trial coming up
9 within 30 days. I didn't even know they had such a
10:02:47 10 cause of action, but it makes sense, I guess.

11 All right. Let's just handle the civil
12 matters. We'll leave that up to the District Attorney,
13 the DA.

14 BY MR. ALDRICH:

10:03:03 15 Q. All right. Mr. Dziubla, I have some follow-up
16 questions from the last hearing. At the last hearing,
17 we talked about the fact that Mr. Flynn did an economic
18 study related to this project. Do you remember that?

19 A. I don't recall that specific conversation
10:03:30 20 during the testimony. It was seven hours, but I do
21 know that Professor Flynn did perform an economic
22 analysis.

23 Q. Okay. And you testified that Professor Flynn
24 received a 20 percent interest in the regional center
10:03:48 25 for performing that study, correct?

10:03:52 1 A. We had an agreement that -- you know, our
2 agreement with Front Sight was an engagement letter,
3 was that we would provide certain services in -- as
4 part of our obligations under the engagement letter,
10:04:06 5 and Front Sight would pay the budgeted items, and then
6 we would pay our subcontractors.

7 Professor Flynn was a subcontractor. I've
8 known Sean -- Professor Flynn since he was a student of
9 mine at USC in the early 1990s, and we were hoping that
10:04:24 10 the regional center would become very successful, and
11 so we had a discussion about him allowing us to, you
12 know, keep the 20,000 within the company so that we
13 could keep it afloat, and he'd get a 20 percent
14 interest in the regional center.

10:04:43 15 Q. And that's actually what happened, correct?

16 A. Yes.

17 Q. And the budget that you provided to Front
18 Sight showed that it was going to cost \$20,000 for
19 Professor Flynn to perform that study, correct?

10:04:56 20 A. Yes.

21 Q. And indeed the \$20,000 was never paid to
22 Professor Flynn, correct?

23 A. That was his charge for the study, and he
24 agreed to invest it into the company in return for a
10:05:07 25 20 percent capital interest.

Peggy Isom, CCR 541, RMR

10:05:10 1 Q. So Professor Flynn never received \$20,000 for
2 performing the study, correct?

3 A. He invested that \$20,000 into the regional
4 center in return for a 20 percent interest.

10:05:21 5 Q. And is there a written agreement to that
6 effect?

7 A. I'd have to look at my records. It was a long
8 time ago.

9 Q. Would you have kept the records related to
10:05:31 10 that?

11 A. Probably.

12 Q. So it's your testimony today, then, that
13 Professor Flynn invested the \$20,000 in the regional
14 center?

10:05:56 15 A. Correct.

16 Q. And during the discussions before the regional
17 center was created, Front Sight actually expressed that
18 it wanted to own the regional center, correct?

19 A. No, never.

10:06:12 20 Q. So you never told Front Sight that it could
21 not own the regional center?

22 A. I don't understand the question.

23 Q. I'm asking you is it your testimony today that
24 you never told Front Sight that Front Sight was not
10:06:29 25 permitted by the USCIS to own the regional center?

Peggy Isom, CCR 541, RMR

10:06:35 1 A. That was never part of the discussion. We
2 explained to them that we were acting as a third-party
3 helping to market their project in the EB5 world, and
4 to avoid very apparent conflicts of interest where the
10:06:54 5 very real estate developers are also on the lending
6 side, they tend to take the money and run.

7 And so in order to avoid those sorts of
8 conflicts of interest and to provide this project with
9 credibility in the marketplace, it was, you know, not
10:07:12 10 in accordance with the best practices of the industry
11 association. And Front Sight never expressed any
12 interest in owning a part of the regional center. They
13 say, hey, it's yours. You know, you set it up. You
14 operate it, and help us to raise the money that we'd
10:07:29 15 like.

16 Q. During the testimony last time, there was some
17 questions about where the interest payments actually go
18 once you receive them. And you -- I asked if the
19 immigrant investors receive any portion of that, and
10:08:13 20 you told me they receive 1 percent. Do you remember
21 that?

22 A. Yes.

23 Q. So when you say that the immigrant investor
24 receives 1 percent, that's 1 percent of what?

10:08:27 25 A. Front Sight, as the borrower, pays on at least

10:08:31 1 the initial portion of the loan that we disbursed
2 6 percent interest, and of that 6 percent, 1 percent
3 goes to the EB5 investors.

4 Q. So my understanding is that that 6 percent
10:08:45 5 interest is about \$36,000 a month. Does that sound
6 right?

7 A. On the amount that's currently lent, yes.

8 Q. Okay. And so just to make sure I understand
9 correctly, then, of that \$36,000 that comes in,
10:08:58 10 one-sixth would go to the immigrant investors and then
11 five-sixth of it would go to Las Vegas Development
12 Fund?

13 A. All the 6 percent is income to Las Vegas
14 Development Fund, and we use it to pay our obligations.

10:09:17 15 Q. All right. And one-sixth of that monthly
16 payment is something you pay out as an obligation to
17 your immigrant investors?

18 A. It is allocated to the immigrant investors,
19 yes.

10:09:31 20 Q. And so that -- that one-sixth gets divided
21 among all 10 or 12 or 14 investors that there are,
22 correct?

23 A. I think so. I'm not sure I completely
24 understand your question.

10:09:49 25 Q. My recollection is that -- and I actually

10:09:50 1 don't have this written down. My recollection is that
2 you had told me there were 12 to 14 investors in this
3 project. Does that sound about right?

4 A. Twelve, 14, 16, 18, I'd have to take a look.

10:10:01 5 Q. Okay.

6 A. There would be more if we could market it.

7 Q. You say there would be more if you could

8 market it. You stopped marketing it, correct?

9 A. Because of the litigation, I have no choice.

10:10:22 10 Q. So -- so let's assume there are 14 investors.

11 That 1 percent, or roughly about \$6,000, that goes to

12 the immigrant investors gets divided among those 14.

13 Do I understand that correctly?

14 A. It would be divided equally among the

10:10:37 15 investors, yes.

16 Q. During the last hearing, we were discussing
17 Exhibit 3, which is in Volume I.

18 And it is an engagement letter with Kenworth
19 Capital.

10:11:46 20 A. It was a proposal. It was not an engagement
21 letter.

22 Q. Okay. And that is dated September 13 of 2012,
23 correct?

24 MR. GREER: Which exhibit are we looking at?

10:12:05 25 MR. ALDRICH: 3.

10:12:06 1 MR. GREER: 3?

2 MR. ALDRICH: Yes.

3 THE WITNESS: That is the date on Exhibit 3.

4 MR. ALDRICH: Okay.

10:12:09 5 BY MR. ALDRICH:

6 Q. And in that exhibit, there's reference to your
7 network of contacts.

8 MR. GREER: Your Honor, could we just object
9 on foundational question here as to whether or not this
10:12:27 10 is the actual operative contract that the parties
11 entered into or if it's a draft.

12 MR. ALDRICH: I think he testified it's a
13 proposal, not the actual agreement.

14 BY MR. ALDRICH:

10:12:49 15 Q. My question is, can you tell me specifically
16 as we sit here today what relationships with investors
17 or agents for raising EB5 you had personally as of
18 September of 2012?

19 A. In particular, I had, a few years previously,
10:13:13 20 taken a Macau Gaming company public on NASDAQ. Through
21 that process, I had met many wealthy Chinese people who
22 were especially involved with gaming.

23 And at that point, Macau was becoming the
24 gaming capital of the world and, in particular, the
10:13:38 25 Chinese entrepreneurs that I worked with when I took

10:13:43 1 that gaming company public on NASDAQ had relationships
2 with hundreds, if not thousands, of very wealthy
3 Chinese investors.

4 Q. Can you name any of the people you had a
10:13:56 5 personal relationship with?

6 A. Yes, I can.

7 Q. Okay. Would you do so, please.

8 MR. GREER: He's --

9 THE WITNESS: That's confidential.

10:14:04 10 MR. GREER: Actually, I'm going to object, as
11 this is proprietary information. To the extent it
12 isn't proprietary, I would not object to the witness
13 answering, but this -- who the -- who the company, LVD
14 Fund and EB5 Impact Advisors, works with in Asia is
10:14:26 15 confidential, proprietary, and it's particularly
16 problematic in this case because releasing that
17 information in these proceedings would go to what has
18 become a direct competitor of LVD Fund.

19 And also we know this -- Mr. Dziubla can
10:14:43 20 testify to this, that Front Sight has caused problems
21 with the agents that they're aware of by sending the
22 criminal charges that have been made to the agents that
23 Front Sight is aware of to undermine LVD Fund's
24 business relationships.

10:14:58 25 So this is proprietary information generally;

10:15:01 1 and very specifically in this case between these
2 parties, it's highly proprietary.

3 And the names would not be relevant anyway.

4 MR. ALDRICH: To start, we have a stipulated
10:15:21 5 protective order. If we need to have that information
6 be subject to the stipulated protective order so that
7 it is not provided outside the parties to the
8 litigation, that's fine. I'm happy to stipulate to
9 that.

10 I'm not aware of the reference to criminal
11 charges being sent anywhere. But this is specifically
12 important to this case because I'm back to we have
13 fraudulent inducement charges and representations of
14 all of these relationships which I want to know what
10:15:54 15 they are specifically, but supposedly within two or
16 three degrees of a relationship with someone rich in
17 Macau, there's thousands of people, yet we have a dozen
18 or so investors.

19 So it's relevant to this because we have
10:16:10 20 fraudulent inducement claims here.

21 MR. GREER: Your Honor, this is exactly the
22 type of a proprietary trade secret that is protected.
23 I do have a short brief that we could give to the
24 Court. The protective order does not solve the problem
10:16:30 25 because the information is still going to a direct

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10:16:32 1 competitor for the funds.

2 Mr. Dziubla can also testify that during the
3 course of his dealings with Mr. Piazza, and during the
4 early phases of funding, direct contact was made by
10:16:46 5 Dr. Piazza -- Mr. Piazza to some of those agents
6 overseas in an effort to end run around LVD Fund and
7 Mr. Dziubla. So there's already been -- what little
8 information was given to Piazza, he's already attempted
9 to exploit earlier in their relationships, now has just
10:17:05 10 used it to try and destroy the relationship and to
11 really gut LVD Fund and eliminate what contacts it has
12 by disseminating the charges that were filed in
13 Pahrump. So the protective order doesn't protect in
14 this case.

10:17:24 15 THE COURT: What about that?

16 MR. ALDRICH: Which part?

17 THE COURT: Well --

18 MR. ALDRICH: I can address the proprietary
19 part. As to whether stuff has been sent somewhere,
10:17:35 20 Your Honor, honestly, I don't have any information
21 about that to rebut it.

22 MR. GREER: The witness is here.

23 MR. ALDRICH: And I'm just simply saying that
24 Mr. Greer has made the representation; I have nothing
10:17:45 25 to rebut it. I'm not aware of that, so...

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10:17:47 1 THE COURT: I think we can always handle this
2 in a very, very prudent manner. If there's some -- I
3 can understand the concerns about potential proprietary
4 information, reputation impact and all those types of
10:18:04 5 concerns. I get that.

6 And I'm thinking maybe the appropriate way to
7 handle this would be essentially this, and, I mean,
8 this is unlike most cases I've had, I don't mind saying
9 that, where this normally could be handled based upon a
10:18:32 10 confidentiality stipulation, right? But if there's
11 allegations -- I'm concerned about the overall posture
12 of the case.

13 How about this? Maybe we can handle this a
14 little bit later. Has this been subject to some sort
10:18:51 15 of written discovery? Do you know? This specific
16 question.

17 MR. ALDRICH: I'm sure that I asked for it in
18 the discovery. I guess, based on what -- the objection
19 that I'm hearing now, I'm going to probably get back an
10:19:07 20 objection that it's proprietary and it will be
21 provided, is my, I guess, expectation as I stand here.

22 THE COURT: What I'm thinking -- I mean, I'm
23 going to -- I'll sustain the objection for now.
24 However, that's -- you're not weighing your client's
10:19:20 25 rights. I think this is something that potentially we

10:19:22 1 should dig much deeper down on and maybe require -- I
2 guess there's going to be a brief on that coming down
3 the road, or one is already ready to go on this issue,
4 I don't know. But it seems like to me this should be
10:19:35 5 more importantly vetted a little bit more.

6 And I don't know what types of procedural
7 safeguards we can put in place. Don't know yet. But
8 this is just sprung on me. And I can see the --

9 MR. ALDRICH: Right. So if I'm understanding
10:19:56 10 the Court, I can't ask those questions, and I guess
11 we'll have to make it subject to a motion to compel
12 through discovery or something to that effect.

13 THE COURT: Yes, yes.

14 MR. GREER: And, again, to the extent the
10:20:04 15 witness is the one who knows which agents have been
16 disclosed already, there's some names, some leadership,
17 senior -- I don't know if you call them senior agents
18 in India and in Asia that he can share the names for
19 those. Those are out. Those have been exchanged
10:20:22 20 between the parties. Those are the ones that got the
21 notice of criminal charges from Mr. Piazza.

22 So there are some names he can share without
23 stepping over the bounds of any proprietary interest or
24 trade secrets, and I would not object to him sharing
10:20:36 25 those.

10:20:38 1 THE WITNESS: If I may, I think I can help a
2 little bit here. Because through my relationship with
3 that Macau Gaming company and the very well-connected
4 Chinese entrepreneurs and businessmen who owned it and
10:20:59 5 who worked in that milieu, they introduced me to a
6 well-established immigration agency in Hangzhou, China.

7 I think we discussed it last time. The name
8 of that agent was, at that point, First Way, if I
9 recall correctly, and then they changed their name to
10:21:20 10 Sunny Way. And the president of that company is a
11 woman by the name of Celinka, C-E-L-I-N-K-A, Zhou,
12 Z-H-O-U.

13 And I personally took her and her partner to
14 Front Sight sometime right around this letter, give or
10:21:41 15 take six months, so that they could see Front Sight.

16 And Mike Meacher gave them Front Sight hats
17 and let them shoot guns at Front Sight.

18 And they were excited about the project, and
19 Mr. Meacher was thrilled to have met them. Then later
10:21:59 20 on, they did end runs around me.

21 BY MR. ALDRICH:

22 Q. So did Celinka Zhou -- I think is how you said
23 that. I do not speak Chinese -- did she and her
24 partner invest in this project or provide any
10:22:19 25 investors?

Peggy Isom, CCR 541, RMR

10:22:20 1 A. They introduced several investors to this
2 project, or they tried to. It did not come to fruition
3 because one of her other projects in Portland, I
4 believe, the developer ran off with the money, which is
10:22:35 5 something we were trying to prevent here.

6 Q. So just to be clear, whatever happened in that
7 Portland project had nothing to do with this project?

8 A. Well, it impacted her ability to help source
9 investors for the Front Sight project.

10:22:57 10 Q. Okay. Is there anybody else in this 20 --
11 sorry, September of 2012 time frame that has already
12 been disclosed at Front Sight that you can tell me
13 about?

14 A. I'd have to look at my documents. You know,
10:23:15 15 Front Sight knows who my current agents are and has
16 directed contacted them without my knowledge a couple
17 of times.

18 Q. Okay. So to the best of your recollection as
19 you're sitting here today, you can't think of anybody
10:23:32 20 else that was one of your contacts back in September of
21 2012 that Front Sight already knows about; is that a
22 fair statement?

23 A. It's hard to say, and I'd have to really go
24 back and pore through the records, but Celinka Zhou and
10:23:50 25 her company and her partner -- and, you know, her

Peggy Isom, CCR 541, RMR

10:23:54 1 partner was a very successful television producer in
2 Beijing and Shanghai and so well known in the upper
3 echelons of Chinese high society, and so they were the
4 first people that I introduced to Front Sight, and they
10:24:08 5 were excited about the project. And, unfortunately,
6 they weren't able to source investors. And then there
7 were other investors -- other agents that we brought on
8 later on.

9 Q. Sorry, my note showed which entity I wanted to
10:25:04 10 ask you about. Give me just one second.

11 In the last hearing, I asked a couple of
12 questions about updates that Las Vegas Development Fund
13 was providing to the immigrant investors, and you told
14 me that you believed that the last report that you had
10:25:46 15 given to the immigrant investors was either the end of
16 2018 or the first quarter of 2019. Do you remember
17 talking about that?

18 A. I remember it generally, yes.

19 Q. Okay. Can you tell me as you sit here today
10:26:05 20 whether it was, indeed, at the end of 2018 or the first
21 quarter of 2019 that you gave a report to the immigrant
22 investors?

23 A. I can't say without looking at the records.

24 Q. Okay. And so since the last hearing until
10:26:17 25 today, did you do any investigation into whether you

10:26:20 1 had last sent a report to the immigrant investors
2 either in -- at the end of 2018 or the first quarter of
3 2019?

4 A. No.

10:26:36 5 Q. Did your last report to the immigrant
6 investors disclose the existence of this litigation?

7 A. I believe so.

8 Q. You believe, or do you know?

9 A. I can't say definitively. I can say that we
10:26:52 10 advised them that Front Sight was substantially behind
11 on the construction schedule and that there hadn't been
12 progress in six to 12 months.

13 Q. But you don't remember if you told them that
14 the litigation -- that the litigation was going on?

10:27:08 15 A. I don't recall. I'd have to look at what I
16 sent.

17 Q. Did you send the immigrant investors an update
18 for the end of the quarter for that year?

19 A. I don't believe so.

10:27:52 20 Q. As we sit here today, do you remember
21 approximately when the last time there was a new
22 investor for the Front Sight project?

23 MR. GREER: Vague and ambiguous.

24 THE COURT: I'll overrule.

10:28:11 25 THE WITNESS: A new investor for the project?

10:28:13 1 Well, I've had my agents say if we didn't have this
2 stupid litigation, they'd have investors ready and
3 willing to go, but they can't bring them in because
4 we're in litigation.

10:28:23 5 BY MR. ALDRICH:

6 Q. How many agents have told you that?

7 A. All of them.

8 Q. Okay. How many agents is that?

9 A. That's two master agents, one for China and

10:28:32 10 one for India. Especially India.

11 Q. So all of your agents is two?

12 A. Master agents. They have multiple subagents
13 in their countries.

14 Q. Has the master agent from China made any

10:28:53 15 representation to you about how many investors are
16 interested in this project?

17 A. Not for the past several months, because while
18 this has been going on, the China EB5 market has
19 declined substantially.

10:29:10 20 Q. When is the last time that your China master
21 agent told you that it had investors that were
22 interested in this project?

23 A. I'd have to look at my records.

24 Q. Can you give me your best estimate as you sit

10:29:25 25 here today?

Peggy Isom, CCR 541, RMR

10:29:29 1 A. Probably sometime around when I was -- we were
2 talking about -- we were getting ready to file the
3 foreclosure notice, the notice of default against Front
4 Sight.

10:29:51 5 Q. So it would have been before the filing of the
6 notice of default?

7 A. Most likely. I'd have to look at my records.

8 Q. What did you tell the agent when they said
9 they had investors?

10:30:03 10 A. I put off discussing the issue because I was
11 so horribly concerned about the lack of construction
12 progress at Front Sight.

13 Q. And how many investors did the master agent
14 from China have at that time?

10:30:19 15 A. I don't remember.

16 Q. Do you remember if it was more than one?

17 A. I frankly don't.

18 Q. So now with regard to the master agent for
19 India, when is the last time that master agent told you
10:30:46 20 that he had immigrant investors for this project?

21 A. Sometime over the last six months, he told me
22 that if this litigation was not happening, and if Front
23 Sight were building the project according to the
24 contract, they'd have investors ready to go.

10:31:14 25 Q. And how many investors would he have ready to

10:31:17 1 go?

2 A. He said several.

3 Q. All right. Also during the last hearing, I
4 had asked you if the USCIS had asked you for any

10:31:55 5 additional documents after the original filings. Do
6 you remember -- do you -- has the USCIS asked you for
7 any documents after the original filing between the
8 last hearing and today?

9 A. I'm sorry. Say that again.

10:32:12 10 Q. Has -- between June 3 and today, has the USCIS
11 asked you for any additional documents related to the
12 Front Sight project, the regional center, or anything
13 related?

14 A. No.

10:33:25 15 Q. At the hearing on the 3rd of June, I asked you
16 some questions about the submission of the application
17 to the USCIS, and I asked you if you listed any other
18 partners in this business besides Mr. Fleming. At that
19 hearing, you told me you did not recall.

10:33:46 20 Between June 3 and today, have you looked at
21 any documents that would refresh your recollection as
22 to whether you provided information to USCIS about
23 additional partners besides yourself and Mr. Fleming?

24 A. No.

10:34:11 25 Q. Did you review any documents in preparation

10:34:13 1 for testifying today?

2 A. I reviewed the accounting documents that we
3 provided to you several months ago.

4 Q. Okay. Anything else?

10:34:27 5 A. No.

6 Q. Did you review any documents in preparation
7 for providing discovery responses on Wednesday of this
8 week?

9 MR. GREER: Your Honor, that's going to invade
10:34:38 10 the attorney-client and work product doctrine.

11 MR. ALDRICH: Asking what documents he
12 reviewed in preparation for providing discovery
13 documents to me on Wednesday does not invade either the
14 attorney-client privilege or the work product doctrine.

10:34:58 15 MR. GREER: He's --

16 MR. ALDRICH: It's not a communication, number
17 one. So that's attorney-client privilege.

18 Work product doctrine is somebody's
19 impressions, those types of things.

10:35:08 20 So I will concede if he tells me that he
21 reviewed briefs written -- memos written by Mr. Greer
22 or his other attorney or something like that, then
23 maybe that's -- but the question of did you review it
24 isn't privileged. What's in it might be, but if it's

10:35:26 25 just documents that were prepared by somebody else, not

10:35:29 1 work product protected.

2 MR. GREER: What I asked him to review would
3 be work product, to identify -- what I've asked him to
4 review in response -- preparing responses to discovery
10:35:40 5 demands, that's intimate communication between attorney
6 and client. I don't think he -- opposing counsel has a
7 right to delve into the inner workings with me and my
8 client, what I asked him to look at and what he did
9 look at in working towards discovery responses which
10:35:56 10 haven't been completed yet.

11 MR. ALDRICH: Again, I respectfully disagree,
12 because it's asking for documents that need to be
13 produced in the case.

14 THE COURT: You can ask it another way. I'll
10:36:14 15 sustain. You can ask it another way.

16 MR. ALDRICH: Okay.

17 BY MR. ALDRICH:

18 Q. Well, I still think this question is okay.
19 Did you review documents in preparation for the
10:36:39 20 discovery disclosures or responses for this Wednesday?

21 MR. GREER: Same objection.

22 THE COURT: You can ask him if he reviewed
23 documents.

24 MR. GREER: "Reviewed documents" is vague and
10:36:51 25 ambiguous --

10:36:51 1 (Reporter clarification)

2 MR. GREER: Vague and ambiguous from the

3 witness's perspective.

4 THE COURT: Overruled. You can ask him what

10:37:02 5 documents he reviewed, if he reviewed documents.

6 MR. ALDRICH: If he -- yes or no, correct.

7 THE WITNESS: Could you restate the question,

8 please.

9 MR. ALDRICH: Would you read back the

10:37:12 10 question, please.

11 (Requested portion was read back by the

12 court reporter.)

13 THE WITNESS: Yes.

14 BY MR. ALDRICH:

10:37:29 15 Q. Did any of the documents you reviewed contain

16 memos or thoughts or impressions of your attorneys?

17 A. Yes.

18 Q. Were there documents that you reviewed that

19 did not contain memos or thoughts and impressions of

10:37:48 20 your attorneys?

21 A. Yes.

22 Q. Okay. What documents did you review?

23 MR. GREER: That goes to work product there,

24 your Honor. What I asked him to review or not review,

10:37:58 25 it goes right to what I think is relevant in the case,

Peggy Isom, CCR 541, RMR

10:38:02 1 which is my work product, which is going to be exposed
2 by whatever he's asked to review by me.

3 MR. ALDRICH: If I may --

4 THE COURT: The way I look at it is this, I
10:38:09 5 mean, this won't be the end of discovery. I would
6 anticipate once those documents are produced, you can
7 ask him questions about that.

8 MR. ALDRICH: That's true. But he's also the
9 custodian of record for all three entity defendants, so
10:38:22 10 when the requests come, he's the one that has the duty
11 to go look for the documents, locate them, and provide
12 them. So that's irrespective of what Mr. Greer asked
13 him to review. And my question isn't: What did
14 Mr. Greer ask you to review? It is: What did you
10:38:41 15 review to respond to my discovery requests?

16 MR. GREER: Your Honor, he's not in pro per.
17 He has an attorney. Those discovery requests went to
18 me. I then work with my client to determine how and
19 when and what we're going to be responding to. I just
10:38:58 20 don't see how counsel can have a right to delve into
21 that process and invade that relationship.

22 I mean, if he has a question about a document,
23 he has a right to ask it, but asking it -- whether the
24 client reviewed it in response to discovery, which
10:39:14 25 necessarily involves me deciding what is being done,

Peggy Isom, CCR 541, RMR

10:39:18 1 is -- invades the attorney-client privilege and work
2 product doctrine, as phrased.

3 THE COURT: This is what I'm going to do, and
4 it's really this simple. We don't know what documents
10:39:32 5 were reviewed. And I do agree with you that if he's
6 the custodian, he produced certain documents. I don't
7 know if they're at the direction of the Court or not,
8 but I'm going to sustain the objection for now.
9 However, that should have no impact on your duty to --
10:39:48 10 on your desire to conduct a thorough inquiry in those
11 documents at the time of his deposition.

12 And like earlier today, we anticipated that
13 would be fair game because, quite frankly, you don't
14 have those documents, so you can't ask him really any
10:40:13 15 germane or important questions on the documents, the
16 genesis of the documents, what they were used for, and
17 all those wonderful things during the course of what he
18 does.

19 So I'm not going to prevent you from going
10:40:26 20 into that in great detail. Right now, it's just like
21 we don't know what they are anyway, so once they're
22 produced, they're fair game.

23 MR. ALDRICH: Okay.

24 THE COURT: And it's fair game to find out if
10:40:38 25 there's other documents, too, at his deposition.

10:40:40 1 MR. ALDRICH: Sure.

2 BY MR. ALDRICH:

3 Q. Did you --

4 THE COURT: So it's a very limited sustaining
10:40:46 5 of the objection; do you understand that?

6 MR. ALDRICH: I understand.

7 BY MR. ALDRICH:

8 Q. All right. At the last hearing on June 3, we
9 had a discussion about the agents and how they get
10:41:40 10 paid. I was not permitted to ask you splits. But one
11 of the things that you said to me is that you said, "I
12 don't know all of the ways that they, being agents, get
13 paid."

14 What are the ways that you know of that an
10:42:02 15 agent for an immigrant investor can get paid?

16 MR. GREER: Your Honor --

17 THE WITNESS: Like I say --

18 MR. GREER: -- I'm going to object. I just
19 need to object here. We're here for a preliminary
10:42:16 20 injunction to get a notice of default expunged. That's
21 the goal here of the moving party.

22 And it seems like we're going way afield. As
23 you know from earlier discussions today, I'm dealing
24 with 600 document demands. I'm now talking about other
10:42:33 25 ways that agents get paid. I just -- maybe a showing

Peggy Isom, CCR 541, RMR

10:42:37 1 of relevance. I think these proceedings may need to be
2 focused a bit more. Maybe I missed it. Maybe it's
3 particular, but I want to object as relevance in light
4 of what we're here for and what the purpose of this
10:42:52 5 particular hearing is.

6 MR. ALDRICH: So we're here for -- we've got
7 the causes of action. I can run through them. But we
8 have fraud in the inducement claims. We have
9 conversion claims. We have breach of contract claims.
10:43:07 10 We have lots of different claims that are going on
11 here.

12 One of the issues is whether Mr. Dziubla had
13 the knowledge to actually handle an EB5 fundraise. And
14 I've been limited in some of the questions that I can
10:43:27 15 ask about how much compensation Mr. Dziubla and
16 Mr. Fleming were paying themselves out of the entities.
17 I've been limited on asking information about certain
18 agents.

19 THE COURT: I understand. I'll overrule.

10:43:42 20 MR. ALDRICH: But -- but --

21 THE WITNESS: As I said before, I don't know
22 all of the ways that the agents can get paid. They are
23 very clever people.

24 BY MR. ALDRICH:

10:43:59 25 Q. So how do you know if an agent is being fairly

10:44:03 1 compensated as part of your deal if you don't know how
2 they get paid in general?

3 A. Front Sight had that exact question. And in
4 response to that, we had our then master agent for
10:44:17 5 China, Sinowel, provide a written statement to Front
6 Sight that they were very happy with their compensation
7 and were being compensated at the top of the market.

8 MR. ALDRICH: Madam court reporter, could you
9 read my question back to Mr. Dziubla again, please.

10:44:46 10

11 (Requested portion was read back by the
12 court reporter)

13 BY MR. ALDRICH:

14 Q. Can you answer my question, please.

10:45:09 15 MR. GREER: Asked and answered.

16 THE COURT: I'll overrule. If you have
17 anything additional to answer...

18 THE WITNESS: We understood through our
19 discussions in the marketplace as to what the
10:45:27 20 prevailing payment to the agents were.

21 And we strove to ensure that the agents we
22 recruited were paid at the top end of the market. And
23 as I just testified, Sinowel provided that statement to
24 Front Sight because they were concerned about it.

25 \\

10:45:48 1 BY MR. ALDRICH:

2 Q. So how did you determine what was at the top
3 of the market?

4 A. Talking to other agents in the field. Talking
10:45:59 5 to other regional centers. Talking to consultants in
6 the industry.

7 Q. So do you -- strike that.

8 All right. How many different countries --
9 I'm sorry, strike that. I'll ask it differently.

10:47:02 10 You mentioned that you had some investors from
11 China, correct?

12 A. Yes.

13 Q. How many?

14 A. I'd have to look at my records.

10:47:11 15 Q. Give me your best estimate.

16 A. Eight to ten maybe. Again, I'd have to look
17 at my records.

18 Q. And I understand there was some from India; is
19 that correct?

10:47:29 20 A. Yes.

21 Q. How many from India, to the best of your
22 recollection?

23 A. About the same.

24 Q. Were there investors from any other countries?

10:47:39 25 A. Yes.

Peggy Isom, CCR 541, RMR

10:47:40 1 Q. What other countries?

2 A. Russia.

3 Q. How many from Russia?

4 A. One.

10:47:46 5 Q. Any other countries?

6 A. No.

7 Q. Another point of clarification. I asked you

8 at the last hearing if Las Vegas Development Fund holds

9 any licenses. I'll just tell you what the answer said.

10:48:37 10 It said, "No, a business license in the state of

11 Nevada." And so I -- it was ambiguous for me, so I

12 wanted to follow up on that.

13 Does Las Vegas Development Fund have any

14 licenses?

10:48:50 15 A. It has a business license in Nevada.

16 Q. Okay. And besides that, any other licenses?

17 A. Not that I recall.

18 Q. Does the regional center have any licenses?

19 A. It has a federal government approval to

10:49:20 20 operate as a regional center within the parameters of

21 the EB5 program.

22 Q. Any other licenses?

23 A. I'd have to check my records. It may also

24 have a business license in Nevada.

10:49:53 25 Q. And EB5 Impact Advisors, does it have any

Peggy Isom, CCR 541, RMR

10:50:00 1 licenses?

2 A. It no longer exists.

3 Q. Has EB5 Impact Advisors ever had any licenses?

4 A. Yes.

10:50:17 5 Q. And what licenses has it had?

6 A. It had a Nevada business license.

7 Q. Any other licenses?

8 A. Not that I recall.

9 THE COURT REPORTER: Is this a good time to

10:50:59 10 take a break?

11 THE COURT: Yes. It is. We'll take 15.

12 -o0o-

13 (Recess)

14 -o0o-

15 THE COURT: And, sir, you understand you're

11:22:41 15 still under oath?

16 THE WITNESS: I do.

17 THE COURT: All right. We can continue on.

18 BY MR. ALDRICH:

19 Q. Mr. Dziubla, I would like to have you look at

11:22:57 20 Exhibit 45, which is in Volume II of the binders. Just

21 go ahead and take a look at it and let me know you've

22 had a chance to just refresh your memory as to what

23 that is.

24 A. Yes.

11:24:28 25 Q. Okay.

Peggy Isom, CCR 541, RMR

11:24:28 1 MR. ALDRICH: Before we start talking about
2 it, I'll move for admission of Exhibit 45.
3 MR. GREER: No objection.
4 THE COURT: Okay. So admitted.
11:24:33 5 (Exhibit 45 admitted)
6 BY MR. ALDRICH:
7 Q. All right. Mr. Dziubla, this is -- Exhibit 45
8 is a declaration and supporting documents that were
9 provided by you on behalf of EB5 Impact Advisors in
11:24:52 10 response to Front Sight's request for an accounting; is
11 that correct?
12 A. Yes.
13 Q. All right. And between -- I'm sorry, the
14 question was -- if you'll look just briefly at
11:25:17 15 Exhibit 46, you'll see you provided some supplemental
16 documentation.
17 A. Yes.
18 Q. And Exhibit 46 was also provided in response
19 to Front Sight's request for an accounting, correct?
11:25:42 20 A. Yes.
21 Q. All right.
22 MR. ALDRICH: I'll move for admission of 46
23 right now.
24 MR. GREER: No objection.
11:25:47 25 THE COURT: Okay. It shall be admitted, sir.

11:25:50 1 (Exhibit 46 admitted)

2 MR. ALDRICH: Thank you, your Honor.

3 BY MR. ALDRICH:

4 Q. Besides -- strike that.

11:25:55 5 I need to try to get this right.

6 Following the updated declaration, which is in

7 Exhibit 46, did you do any further investigation into

8 whether you have documents related to the accounting

9 that Front Sight requested?

11:26:11 10 A. No.

11 Q. And you understand that based on a prior order

12 of the Court, EB5 Impact Advisors has a duty to

13 seasonably supplement the documents in the event there

14 are additional documents, correct?

11:26:29 15 A. Yes.

16 Q. Since this last set of the documents in

17 Exhibit 46 was provided, have you done anything to look

18 for additional accounting documents for EB5 IA?

19 A. No.

11:26:55 20 Q. And have you looked for any additional

21 accounting documents related to EB5 IA in preparation

22 for responding to the request for production of

23 documents that had been sent by my office?

24 A. No.

11:27:18 25 Q. All right. Now we can go to Exhibit 48, and

11:27:20 1 I'll ask you some questions about that.

2 So Exhibit 45 has four exhibits attached to it
3 labeled A, B, C, and D, correct?

4 A. Yes.

11:27:57 5 Q. Okay. And paragraph 4 of your declaration
6 makes reference to the preliminary budget that is in
7 Exhibit A to Exhibit 45, and it has a Bates label 0272
8 on the preliminary budget; is that correct?

9 A. Yes.

11:28:23 10 Q. And your paragraph 4 notes that Front Sight
11 was to pay \$277,230 to develop structure and implement
12 an EB5 financing platform, correct?

13 A. That would -- and to continue, "that would
14 raise EB5 immigrant investor funds to be lent to
11:28:48 15 plaintiff pursuant to a five-year construction loan at
16 an interest rate of 6 percent per annum as shown on the
17 summary of indicative terms attached as Schedule A to
18 the engagement letter," is how that sentence completes.

19 Q. Okay. And that schedule -- I'm sorry, strike
11:29:11 20 that.

21 And the budget is what you have attached as
22 Exhibit A to this Exhibit 46, correct?

23 A. Yes.

24 Q. Paragraph No. 5 says, "As a matter of course
11:29:33 25 and practice, EB5 IA maintained, processed and tracked

11:29:38 1 all of its financial transactions through QuickBooks."

2 Did I read that correctly?

3 A. You did.

4 Q. Is that a true statement?

11:29:47 5 A. Yes.

6 Q. Okay.

7 Now, paragraph 6 makes reference to Exhibit B,

8 which is payments from Front Sight, and Exhibit B is

9 Bates No. 0274. Do you see that?

11:30:10 10 A. Yes.

11 Q. Okay. And is this Exhibit B page 0274 an
12 accurate reflection of the money that was paid by Front
13 Sight for the development, structure, implementation of
14 the regional center?

11:30:33 15 A. It didn't say for the regional center; it said
16 to develop the financing platform.

17 Q. Okay. So it's not to create the regional
18 center?

19 A. It's to create the entire platform, as
11:30:44 20 discussed in the engagement letter.

21 Q. Okay. So when you say discussed the entire
22 platform -- or I'm sorry, to create the entire
23 platform, what do you mean?

24 A. To create, number one. To engage, you know,
11:30:55 25 the various professionals. To determine whether, you

11:31:01 1 know, this would qualify for EB5 financing. To hire
2 Professor Flynn to do the economic impact analysis. To
3 hire an appraiser to value Front Sight to see whether
4 it had value enough to sustain the project. To hire
11:31:16 5 the securities lawyers. To hire the EB5 lawyers. To
6 hire the corporate lawyers.

7 And then with all of that information and
8 legal support, establish the regional center and
9 ultimately apply for federal government approval of the
11:31:34 10 regional center and of the Front Sight project.

11 Q. And those are the things that are outlined in
12 the preliminary budget that is Exhibit A of Exhibit 45,
13 correct?

14 A. Yes.

11:31:55 15 Q. So if we look at Exhibit B to Exhibit 45, your
16 declaration says that that represents payments from
17 plaintiff totaling \$249,730 during the term of the
18 engagement letter from February 2013 to October 2016
19 and prior to the execution of the construction loan
11:32:25 20 agreement on October 6, 2016.

21 Is that your understanding, that Exhibit B is
22 the payments that Front Sight made?

23 A. Correct.

24 Q. Okay. I noticed from the budget that it said
11:32:36 25 Front Sight was going to pay \$277,230. Is it your

11:32:43 1 position as you sit here today that Front Sight did not
2 pay enough to have this work done?

3 A. What I'm saying is that according to our
4 records, they paid 244,000 and -- \$249,730.

11:33:08 5 Q. Are you -- is it your position that Front
6 Sight has not paid enough for the services that were
7 provided?

8 A. No.

9 Q. All right. If you'll take a look at Exhibit C
11:33:35 10 to Exhibit 45, it runs from Bates label 0276 to 0288.
11 Are you with me there?

12 A. I am.

13 Q. Okay. And your declaration indicates that
14 this Exhibit C is a true and correct copy of a
11:34:32 15 transaction ledger from QuickBooks showing total
16 expenses \$320,152.18 that EB5 IA incurred during the
17 same period of February 2013 to October 2016. Is that
18 your understanding of what this is?

19 A. Yes.

11:34:52 20 Q. And then to make sure that I'm reading this
21 QuickBooks ledger correctly, I notice on page 0276, the
22 first page of the ledger -- are you with me?

23 A. I am.

24 Q. At the top, it says "Legal Expenses" and then
11:35:07 25 it has an amount 122,206.23. Do you see that?

11:35:15 1

A. Yes.

2

Q. And then if you flip the page one page, it

3

appears that at the end of that section, you can see on

4

the far right 122,206.23.

11:35:27 5

A. Yes.

6

Q. Okay. And then if I'm understanding

7

correctly, if we go through each category, it gives us

8

the amount for each category there, and then that total

9

number ends up at the very bottom of the last page of

11:35:39 10

the QuickBooks?

11

A. Yes.

12

Q. All right. I'm going to ask you some

13

questions about this QuickBooks ledger. We'll start on

14

page 0276. I notice this is, obviously, legal

11:35:58 15

expenses. There are a lot of attorneys -- or law firms

16

mentioned there. And you later provided a lot of those

17

invoices to us, correct?

18

A. Yes.

19

Q. And I don't know if you had a chance to look

11:36:11 20

at 46. They're in Exhibit 46, just for your

21

information.

22

A. Yes.

23

Q. All right. Seven lines from the bottom on

24

0276, there is a payment to the State Bar of California

11:36:34 25

for \$105.

11:36:37 1 Do you know what that's for?

2 A. Yes.

3 Q. What's it for?

4 A. My registration as an inactive attorney with
11:36:44 5 the State of California.

6 Q. How is that related to marketing Front Sight's
7 project?

8 A. Because my credibility with the investors
9 rested in large part on my 20 years of experience as a
11:37:17 10 lawyer and as an international finance partner at Jones
11 Day and Baker & McKenzie, and because of that legal
12 experience and my membership in the Bar, the investors
13 had more confidence in my ability to maintain
14 supervision of this project to ensure that the monies
11:37:39 15 were properly spent on construction.

16 Q. Fair to say that you are the one who
17 authorized that expenditure --

18 A. Yes.

19 Q. -- from EB5 IA?

11:37:53 20 A. Yes.

21 Q. And did you notify Front Sight that you would
22 be paying your Bar dues out of the money they were
23 providing for this project?

24 MR. GREER: Lacks foundation that it was paid
11:38:06 25 out of that. There is \$320,000 into the business, I

11:38:13 1 think we just had testimony to that effect, of which
2 277 -- or 249 came from Front Sight. So there's
3 another, what, 70,000 that's not Front Sight money that
4 was infused into EB5 Impact Advisors.

11:38:35 5 THE COURT: I'll sustain. You can rephrase.

6 MR. ALDRICH: Can you read back the question
7 for me, please, Madam Court Reporter.

8 (Requested portion was read back by the
9 court reporter)

11:38:56 10 THE COURT: I think the objection is there's
11 more than one source of the money; is that correct?

12 MR. GREER: Lacks foundation, yeah.

13 THE COURT: Yeah.

14 BY MR. ALDRICH:

11:39:04 15 Q. Did you notify Front Sight that you would be
16 paying your Bar dues out of EB5 IA, the marketing
17 entity that was set up for the project?

18 A. I had no obligation to do so.

19 Q. So the answer to my question is no, you did
11:39:28 20 not notify Front Sight?

21 A. No, I had no obligation to do so.

22 Q. Okay. So the answer to my question is that
23 no, you did not notify Front Sight; is that correct?

24 A. Correct.

11:39:50 25 Q. Do you have an invoice for that expense?

11:39:54 1 A. That was a long time ago. I'd have to check
2 our records. If we had it, we would have produced it.
3 It was probably on one of the debit card statements.

4 Q. So if you had it, you'd have already produced
11:40:10 5 it?

6 A. Yes.

7 Q. Okay. So likely if I don't have it already,
8 there's not an invoice for it, correct?

9 A. Correct.

11:40:27 10 MR. GREER: Counsel is not testifying that
11 it's not that; right? You're just -- it's a question
12 that if it's not there, that he doesn't have it, is
13 that -- I'm sorry. Could we read the question back,
14 please.

11:40:39 15 THE COURT: You want to say it again?

16 MR. ALDRICH: Well, I'm not testifying to
17 anything. I'm asking questions.

18 THE COURT: I understand.

19 MR. ALDRICH: I don't have it. I can say that
11:40:51 20 as an officer of the Court. I -- my recollection is I
21 do not have the invoice.

22 But I still asked the question if it exists.

23 MR. GREER: He's -- assumes -- lacks
24 foundation that he had a diligent search, and if it is
11:41:06 25 there, he would have found it. I mean, counsel is

11:41:09 1 testifying he can't find it. Is that what you're
2 saying?

3 MR. ALDRICH: I didn't testify to anything. I
4 asked a question, "If you had an invoice" --

11:41:18 5 MR. GREER: Okay.

6 MR. ALDRICH: -- "you would have already
7 provided it; is that correct?"

8 THE WITNESS: That is correct.

9 BY MR. ALDRICH:

11:41:32 10 Q. All right. If you'll turn the page to the one
11 that's Bates labeled 0277. Under "International
12 Marketing/Travel" with expenses of \$167,587.95. Do you
13 see where I am?

14 A. Yes.

11:42:01 15 MR. GREER: I'm sorry, which page?

16 MR. ALDRICH: 0277.

17 MR. GREER: Okay. Thank you.

18 BY MR. ALDRICH:

19 Q. Okay. The first four entries are for payments
11:42:13 20 to someone named Teresa, and the last name is
21 X-I-N-H-E-Y-O-U.

22 Who is that?

23 A. Well, actually, you got it wrong. Teresa
24 Xinhe is her given name. You is her surname.

11:42:34 25 And she was a Chinese summer intern that we'd

11:42:40 1 hired to help us put together a PowerPoint presentation
2 for the Front Sight project.

3 Q. Okay. All right. Then the next entry after
4 those first four is to Stephanie Dziubla. The memo is
11:43:16 5 "PPT" for \$106. What is that?

6 A. Actually, I think it's \$105, and it was for my
7 daughter to clean up the formatting of the PowerPoint
8 presentation that Ms. You had prepared.

9 Q. All right. Then if we move down a few of
11:43:51 10 those, we'll get Strategic Hospitality Advisors.

11 What is that for? \$7,500.

12 A. That was, I believe, the initial retainer for
13 an appraiser to make an appraisal of the Front Sight
14 project, as required by USCIS.

11:44:32 15 Q. All right. The next three entries say
16 "association to" and then "INV," then reference "check
17 card purchases," one for \$750, one for \$100, one for
18 1,250. Do you know what those are for?

19 A. I do, and if I can help you, the following
11:44:52 20 entry as well for IIUSA, and there are several more
21 lower down for IIUSA. They're all the same. It's the
22 invest- -- no, IIUSA, I forget exactly what their full
23 name is, but it's the industry association for EB5.
24 And originally their name was Association to Invest in
11:45:18 25 the USA.

11:45:20 1 And then I think they shortened it up to be
2 just the acronym IIUSA, and I don't recall what that
3 stands for.

4 Q. Okay. So what would those entries be related
11:45:37 5 to?

6 A. Annual membership dues for IIUSA and paying
7 for attendance at their annual conferences and regional
8 conferences that they held for the industry.

9 Q. How often were they holding conferences?

11:45:56 10 A. It depends on the year.

11 Q. So are you able to say as you sit here today
12 that all of these entries for this association were
13 either for annual conference or annual dues?

14 I'm sorry, strike that. That was a --

11:46:15 15 Are you able to say as you sit here today that
16 all of these entries are for either annual dues or
17 conferences for that association?

18 A. Yes.

19 Q. And did you ever advise Front Sight that your
11:46:43 20 marketing efforts would include hiring an intern to
21 create a PowerPoint or hiring your daughter to clean it
22 up?

23 A. We had no obligation to tell Front Sight how
24 we ran our business.

11:47:13 25 Q. All right. About two-thirds of the way down

11:47:17 1 the page, there is an entry for Elance, and then
2 there's several on that page. Do you see that?
3 A. I do.
4 Q. What is that for?
11:47:27 5 A. It would have been for translations into
6 Chinese, most likely.
7 Q. When you say translations into Chinese, do you
8 mean translation of documents?
9 A. Yes.
11:48:08 10 Q. If you'll turn -- kind of keep your finger
11 there, because we're going to come back, turn to page
12 that's Bates labeled 0287.
13 A. 0287 --
14 Q. Yes, sir.
11:48:19 15 A. -- or seven -- eighty-seven. Okay.
16 Q. Down about the bottom third of page, there is
17 a category for translations. Do you see that?
18 A. I do.
19 Q. Can you help me understand why these Elance
11:48:36 20 would not have appeared in translation if that's what
21 they're for?
22 A. Classification error by our bookkeeper.
23 Q. Who's your bookkeeper?
24 A. Bonnie Zito.
11:48:55 25 Q. Bonnie -- can you spell the last name for me,

11:48:58 1 please.

2 A. Z-I-T-O.

3 Q. Thank you. Was Bonnie an employee of one of
4 the defendant entities in this matter or as an

11:49:12 5 independent contractor from an outside firm --

6 A. She's an independent contractor.

7 Q. Was Bonnie the one who prepared this
8 spreadsheet?

9 A. Yes.

11:49:24 10 Q. And did she prepare the spreadsheet
11 contemporaneously or was it prepared to respond to the
12 request for accounting?

13 A. It was in response to your request for an
14 accounting.

11:49:37 15 Q. Okay. Let me go back to the page Bates
16 labeled 0277. I see an entry for Legacy Productions
17 for video production. Looks like \$1,550. Do you see
18 that entry?

19 A. There are two -- one, two -- two entries for
11:50:23 20 Legacy Productions.

21 Q. You are correct, there's one at the bottom of
22 the page as well.

23 A. Yes.

24 Q. Okay. And those are for video?

11:50:34 25 A. Correct.

11:50:34 1 Q. Okay. Who owns Legacy Productions?
2 A. I don't know.
3 Q. Did you hire Legacy Productions?
4 A. Yes.
11:50:52 5 Q. Okay. You don't remember who runs that
6 company?
7 A. You didn't ask me that question. You asked me
8 who owns it. I don't know who owns it.
9 Q. Okay.
11:51:00 10 A. I know who made the video.
11 Q. Okay. Who made the video?
12 A. Jim Ellis.
13 Q. Okay. How do you know Mr. Ellis?
14 A. John Fleming knew him, I believe, through
11:51:22 15 prior work or his church perhaps.
16 Q. Just turn the page for me and then look at the
17 page Bates labeled 0278. Right there at the top, looks
18 like it says -- I'll have to spell it -- Colyn maybe,
19 C-O-L-Y-N, Desatnik, D-E-S-A-T-N-I-K, legal services,
11:52:09 20 then TRUS, then it says, "Travel advance to M. Rogan to
21 USSR, Ukraine, Kazakhstan." Do you see that?
22 A. I do.
23 Q. It's an 8,000-dollar entry?
24 A. Yes.
11:52:24 25 Q. Tell me about that entry, please.

11:52:26 1 A. As it says, it was a travel advance that was
2 paid to Michael Rogan. Colyn Desatnik was an
3 immigration lawyer based in the Las Angeles area that
4 Mr. Rogan consulted about the EB5 industry and then how
11:52:44 5 to -- you know, his upcoming travel to Russia, Ukraine
6 and Kazakhstan.

7 Q. Did Michael Rogan go to those places on behalf
8 of EB5 IA?

9 A. Yes. Well, it was to market the Front Sight
11:53:06 10 project.

11 Q. So was Mr. Rogan an independent contractor of
12 EB5 IA?

13 A. Yes.

14 Q. Is Mr. Rogan one of the people in your network
11:53:26 15 that you had referred to in the emails we talked about
16 at the last hearing?

17 A. Yes.

18 Q. And what's Mr. Rogan's experience with EB5 IA?
19 I'm sorry, strike that.

11:53:39 20 What is Mr. Rogan's experience with EB5
21 financing?

22 A. Mr. Rogan is Russian. He's Russian by birth
23 and lived in Russia until an adult, and then as I
24 understand it, he moved to the United States. He had a
11:53:58 25 high level of contacts in -- throughout the Russian

11:54:03 1 government, and I had worked with him previously when I
2 had a 50/50 joint venture with Guggenheim Partners, the
3 150-billion-dollar money management firm.

4 Q. So did Mr. Rogan, indeed, go on that trip?

11:54:36 5 A. Yes.

6 Q. And did it result in any investors?

7 A. Not from him, no.

8 Q. All right. The next entry says, "Williams
9 Global Law, PLLC, initial payment for premarketing
11:55:01 10 services," and that's in the amount of \$2,500. Do you
11 see that?

12 A. I do.

13 Q. What's that for?

14 A. That was, as it says, the initial payment for
11:55:12 15 premarketing services to Williams Global Law, which is
16 an EB5 -- well, a general immigration practice with a
17 lot of experience in EB5, which is owned, I believe, by
18 the principal Simone Williams, who is a very
19 experienced EB5 lawyer, and previously had been in the
11:55:35 20 global immigration practice at Baker & McKenzie, where
21 I had been a partner at one point.

22 Q. So you had been a partner with Simone Williams
23 before?

24 A. I didn't know her when I was a partner,
11:55:46 25 because I'm quite a bit older than she is, but I knew

11:55:49 1 her through some of my old -- my old friends who were
2 partners at the time I was a partner.

3 Q. And what are the premarketing services that
4 are referenced there? What was she doing?

11:56:06 5 A. I'd have to look at the premarketing services
6 agreement.

7 Q. Do you recall if that was one of the
8 agreements you provided?

9 A. If we had it, it would have been produced.

11:56:31 10 Q. I'll look for that at lunch to see if I can
11 find it.

12 Did you give any report to Front Sight about
13 the work that Mr. Rogan was doing for EB5 IA or
14 Ms. Williams?

11:57:00 15 A. Not specifically. I didn't identify them by
16 name because I was concerned about Front Sight doing
17 end runs around me.

18 Q. In 2015, you were concerned about Front Sight
19 doing an end run around you?

11:57:19 20 A. Yes.

21 Q. Why were you concerned about that?

22 A. Because of the very -- the way they were
23 acting, and it was all really becoming quite strange.

24 Q. In September of 2015, had Front Sight done an
11:57:50 25 end run around you, as you've called it?

11:57:55 1 A. I don't recall specifically if they had
2 already tried to do it, or if my antenna were saying be
3 careful because they're trying to do stuff, because
4 they were introducing us to some shady characters.

11:58:09 5 Q. Front Sight was introducing you to shady
6 characters?

7 A. Yes.

8 Q. Was that people who were involved in EB5
9 lending?

11:58:27 10 A. They were people that Front Sight told us were
11 connected to very wealthy people around the world. And
12 one of them, because he bought and sold million-dollar
13 cars, and the other because he was based in Panama and
14 represented very wealthy people who were trying to
11:58:49 15 shield their money, including Mr. Piazza.

16 Q. I didn't understand that. I'm --

17 A. The person that they referred -- they referred
18 us to a man in Panama whose name escapes me, who
19 advises wealthy US individuals and other people around
11:59:13 20 the country about how to shelter their money in Panama,
21 as was exposed in substantial part through The Panama
22 Papers.

23 Q. All right. So we've got -- still on
24 page 0278, about six down, it says, "Industrial and
11:59:45 25 C-O-M-M," \$12,000. What is that for?

11:59:53 1 A. Industrial and COMM is a shorthand for, I
2 believe, Industrial and Commercial Bank of China. And
3 if you continue to read across, it was a wire transfer
4 to Gang Lin. G-A-N-G. L-I-N is the surname.

12:00:12 5 And that was for \$12,000. And he was one of
6 our -- he and his partner were one of our initial
7 agents in China.

8 Q. What's the \$12,000 for?

9 A. It was his retainer pursuant to his EB5
12:00:33 10 consulting agreement or agent agreement, whatever it
11 was that we had with him.

12 Q. So was he -- he wasn't paid by commission when
13 he got investors?

14 A. No. Well, that would have been back-end
12:00:48 15 payment. We had to pay him an up-front retainer and
16 commission to set up his agent network to recruit his
17 agent -- subagent network around China.

18 Q. So he didn't already have a subagent network?
19 He had to go and recruit one?

12:01:13 20 A. They told us that they had a large network,
21 but they were working on other projects, so he had to
22 go -- number one, he and his partner had to educate
23 themselves about the Front Sight project. And they
24 asked exhaustive questions, especially about the
12:01:29 25 five-year pro forma that Front Sight had provided to

12:01:35 1 us.

2 And so they had to educate themselves about
3 the project, which took time. And then they had to
4 translate some of the marketing materials that we had
12:01:47 5 prepared in English into Chinese.

6 And then they had to educate potential
7 subagents in their network about the Front Sight
8 project and tried to persuade them to take on the Front
9 Sight project.

12:02:11 10 Q. All right. Then the next -- there's another
11 entry -- there's actually two that follow that are the
12 same amount. One says Bank of China, the other one
13 says Industrial and COMM. \$3,977.50. What can you
14 tell me about those two entries?

12:02:30 15 A. Those are payments to the same agents.

16 Q. So I see the Bank of China, there's a name
17 spelled, Y-A-N-X-I-N-H-U-A.

18 Is that a different partner than Lin Gang?

19 A. Yes.

12:02:52 20 Q. Is that the partner of Lin Gang?

21 A. I'm not sure if that is the Chinese name for
22 his partner or the wife. You know, it was an account
23 into which they could receive US dollars.

24 Q. All right. Skipping down a couple more.

12:03:24 25 There on 11-18-2015, it looks like M-A-N and

12:03:31 1 then N-I-N-A.

2 And there's reference to Hong Kong for \$8,000.

3 What is that?

4 A. It's the same agents. It was the next monthly

12:03:43 5 payment.

6 Q. How do you know it's the same agents?

7 A. Because I recognize the name and the amounts.

8 Q. And do I understand correctly that this one

9 went to Hong Kong instead of China?

12:04:10 10 A. I would think so, given that it says "Hong

11 Kong WT," which means wire transfer.

12 Q. Do you know why that is that it went to Hong

13 Kong instead of China?

14 A. Because that -- if my recollection is correct,

12:04:22 15 that was an account that could receive US dollars.

16 Q. Safe to say that those other payments also

17 went to an account that could receive US dollars?

18 A. I would assume so, given that they went

19 through.

12:04:54 20 Q. All right. Down a little bit farther.

21 February 1 of 2016. Looks like W-E-I-L-L-I-N is the

22 first name, H-U-A-N-G is the second, for \$260. Do you

23 know what that's for?

24 A. Yes. Weillin Huang is -- at that time was a

12:05:17 25 Chinese exchange student in Houston, and I was there

12:05:22 1 for an IIUSA industry conference, and there were
2 multiple new China agents that were there who didn't
3 speak English, and so I hired Weillin Huang as an
4 independent contractor to be my translator for that
12:05:41 5 conference.

6 Q. All right. And the next entry for Ethan
7 Divine says February 2016 retainer, \$1,750.

8 Who's Ethan Devine?

9 A. Ethan Divine is a very smart young man who
12:06:13 10 graduated from Temple University and then got his
11 master's of international management from the
12 University of California in San Diego.

13 He is a very, very fluent Chinese speaker, and
14 we had brought him on as an independent contractor to
12:06:31 15 help inject additional energy into our marketing. And
16 he had been successfully engaged a few months
17 previously in raising money for a different EB5
18 project. If I recall correctly, I think it might have
19 been in the Los Angeles area, but I'm not entirely sure
12:06:57 20 at this point.

21 Q. All right. Just below that, there's a
22 Pay Pal, there's a purchase for the date, \$195. Do you
23 have any idea what that's for?

24 A. Not at this point in time.

12:07:26 25 Q. All right. Then we have several entries going

12:07:30 1 down the page with the entry that's titled "Upwork."

2 What is that?

3 A. Upwork was the new name for Elance.

4 And Upwork/Elance is an online platform where

12:07:47 5 you can engage folks to do just about anything you need

6 being done. And for this, it would have been more

7 Chinese translation.

8 Or, actually, these -- these very small

9 amounts, I think these were just Upwork trying to

12:08:05 10 verify that the debit card we had used to post our job

11 listing was indeed a valid credit card. \$3.07, and

12 then there was an offset for \$3.07.

13 Q. Okay. All right. Then we get down to

14 March 28, 2016, Takaroa Corporation, invoices 4 and 5

12:08:50 15 in the amount of \$6,159.17. What's that for?

16 A. Ethan Divine had his own corporation, Takaroa

17 Corporation, which is this entity, and he requested

18 that we make the payments -- his payments to his

19 corporation.

12:09:17 20 Q. Then at the end of that category, on

21 August 31, 2018, there is an ATM withdrawal \$569.68.

22 Do you know what that's for?

23 A. I don't remember.

24 Q. Do you remember how that money was spent, by

12:09:43 25 chance?

12:09:43 1 A. Well, it's in the international marketing
2 travel, so it was spent for -- it might have been a
3 travel advance. It might have been a travel
4 reimbursement. I don't recall.

12:10:06 5 Q. All right. The next category, it doesn't say
6 at the top, but by flipping to the next page, it looks
7 like it's hotels.

8 Are these payments for hotels you stayed in?

9 A. That myself, John Fleming, Ethan Devine.

12:10:38 10 Q. Anybody else that -- whose hotel room would be
11 reflected on this?

12 A. I don't believe so.

13 Q. Do you have any other documentation related to
14 these hotel entries?

12:10:56 15 A. If we did, you'd have them.

16 Q. All right. The first one is Omni Los Angeles
17 in Los Angeles California, March 12 of 2015. Do you
18 know what that related to?

19 A. The amount is \$15, so I would assume it was
12:11:19 20 for parking at the Omni Hotel where EB5 conferences are
21 often held.

22 Q. All right. The next entry, August 5, 2015, is
23 Hyatt Los Angeles for \$145.99. Do you know what that's
24 for?

12:11:43 25 A. For somebody to stay at the Hyatt hotel, I

12:11:46 1 would assume, or it might have -- I would assume it
2 could have been a meal with an agent at the Hyatt hotel
3 in LA.

4 Q. So from this, you're not able to tell which it
12:12:02 5 would have been?

6 A. No.

7 Q. All right. August 1st, 2011, Silverton Hotel
8 in Las Vegas for \$326.37. Do you know what that's for?

9 A. That was for us or us and an agent or somebody
12:12:22 10 who was visiting Front Sight, because the Silverton
11 Hotel is the closest hotel outside of Pahrump where you
12 can stay and get to Front Sight in less than an hour.

13 Q. And so if you had an agent that came to go out
14 to Front Sight to tour the project, would EB5 IA pay
12:12:47 15 for their hotel room?

16 A. It would depend on the occasion. Perhaps.

17 Q. But not necessarily every time?

18 A. Not necessarily every time.

19 Q. All right. August 31, 2015, Watermark Hotel
12:13:06 20 and Spa. It says it's a purchase, then it says
21 "surfers P-A-R-A-D" and then "AU" for \$243.68.

22 Do you know what that is for?

23 A. I do.

24 Q. What is that for?

12:13:24 25 A. It's a hotel in Brisbane, Australia. I was

12:13:27 1 there hoping to recruit investors -- Chinese investors
2 who were looking at potentially moving to Australia
3 under their version of an EB5 program. And through a
4 friend's introduction, I was meeting with some of them,
12:13:44 5 hoping to redirect them to the Front Sight project.

6 Q. And did that pan out?

7 A. It did not.

8 Q. Did EB5 IA pay for your trip to Australia?

9 A. I'd have to look. If I did it, it might have
12:14:23 10 well been as part of another trip, because I always
11 tried to minimize the expenses.

12 Q. So you're not sure?

13 A. No.

14 Q. All right. The next entry is September 16,
12:15:03 15 2015, the Westin Shanghai for \$724.50. And then
16 there's a -- the very next entry on the next page, it's
17 also related to staying at Westin Shanghai. Did you go
18 on that trip to Shanghai?

19 A. I believe so. I think both John and I went on
12:15:29 20 that marketing trip.

21 Q. Anybody else go with you?

22 A. I don't believe anybody else went on that
23 trip. It was the two of us.

24 THE COURT: We're going to break for lunch.

12:15:46 25 MR. ALDRICH: Okay.

12:15:54 1 THE COURT: All right. 1:30 p.m.
2 -o0o-
3 (Recess)
4 -o0o-
5 THE COURT: Okay. All right. We can go back
01:41:20 6 on the record. Are we ready to continue?
7 MR. ALDRICH: Yes, your Honor.
8 THE COURT: Okay.
9 And, sir, you're under oath.
10 THE WITNESS: Yes.
01:41:30 11 BY MR. ALDRICH:
12 Q. All right. Mr. Dziubla, before the lunch
13 break, we were going through some of these
14 transactions, and I believe we were on -- still in
15 Exhibit 45, page 0279. I believe we talked about the
01:42:10 16 very top entry there.
17 So it looks to me those first several entries
18 we're able to tell where those hotels are, based on the
19 city that shows up in that entry; is that fair?
20 A. Yes.
01:42:38 21 Q. Okay. The one that's on October 26, I think,
22 of 2015, Sheraton Dallas in Dallas, Texas, what was
23 that for?
24 A. That was most likely an IIUSA conference.
01:43:04 25 Q. Did you attend that conference personally?
A. I'd have to check my records. I can't say

01:43:08 1 offhand.

2 Q. Did Mr. Fleming attend it personally?

3 A. I'm sorry, say that again.

4 Q. Did Mr. Fleming attend that conference?

01:43:18 5 A. I don't know. I'd have to check my records.

6 Q. Do you have any records that would tell you

7 who attended that?

8 A. I can't say offhand. If -- if there were an

9 invoice or a receipt, you'd have it.

01:43:40 10 Q. All right. Down a little ways, there is one

11 that is Agoda, A-G-O-D-A, Hotel?

12 A. Um-hum.

13 Q. Do you know where that hotel is?

14 A. Agoda, that may -- that may be a hotel booking

01:44:01 15 website that's popular in Asia, or it could be a hotel

16 in Bangkok. Just looking at the adjoining entries, it

17 would be a hotel in Bangkok.

18 Q. Okay. I see Marriott in Bangkok.

19 A. Yes.

01:44:36 20 Q. That's only a five-dollar entry.

21 A. Probably been a cup of coffee.

22 Q. Okay. I see the next one January 5, 2016,

23 Hyatt in Incline Village, Nevada. Do you know what

24 that was for?

01:44:55 25 A. It was most likely visiting my business office

01:44:59 1 up in Incline Village.

2 Q. And what was the purpose of visiting the
3 business office?

4 A. Because that's where I keep a lot of my
01:45:11 5 business records.

6 Q. How often did you go up to Incline Village to
7 visit your business office?

8 A. I lived in Incline Village for many years and
9 spent the majority of my time there, and had a summer
01:45:31 10 home down in San Diego.

11 And so by this point, I had gotten too old to
12 be moving back and forth like that. So I had gotten
13 rid of my home in Incline Village, but had to keep my
14 office there for tax reasons.

01:45:59 15 Q. And the several entries of Airbnb. Looks like
16 some are debits and some are credits. What can you
17 tell me about those entries?

18 A. If I recall correctly, that would have been an
19 Airbnb booking here in the Las Vegas area because we
01:46:16 20 were visiting out at Front Sight with investors or
21 agents or meetings with Mike Meacher.

22 Q. Did you stay in the same -- same place as
23 these investors or agents?

24 A. No. If it was an Airbnb booking, it would
01:46:42 25 probably have been just myself or John. I would guess.

01:46:46 1 Q. Do you know why you would have booked an
2 Airbnb for a little over \$500 versus, like, a room at
3 the Silverton?

4 A. I don't know. Maybe the Silverton was booked
01:46:58 5 up with a convention at the time.

6 Q. When you went on these trips, did your wife
7 ever accompany you?

8 A. No.

9 Q. All right. On April 25, 2016, there is
01:47:32 10 Marriott Hotel, and then it looks like it says "DC
11 card" for a little over \$1,000. Do you know if that
12 was in Washington, D.C., that Marriott?

13 A. I assume so. I think John was there for an
14 EB5 conference.

01:48:03 15 Q. Did you also attend an EB5 conference?

16 A. Well, I couldn't be in Las Vegas and in
17 Washington, D.C. at the same time, so John was in one
18 place and I was in the other.

19 Q. So the answer to my question is, no, you did
01:48:24 20 not attend that EB5 conference in D.C.?

21 A. No. That wouldn't have been me. That was
22 John's card.

23 Q. You know that was John's card because the last
24 four are 4727?

01:48:41 25 A. Correct.

01:48:59 1 Q. All right. Raises an interesting question.
2 So the one that ends in 6935, the card that ends in
3 6935, whose card is that?

4 A. That would be mine.

01:49:19 5 Q. A little bit further down, there's one that is
6 0351. Whose card is that?

7 A. I don't know. I don't recall whether Ethan
8 had a company card or whether John used something else.

9 Q. Okay. And then up above, for example, the
01:49:46 10 Hyatt entry at Incline Village had a card looks like
11 9660. Does that ring a bell? Do you know whose that
12 is?

13 A. Well, there's several above that were 9660.
14 If I recall correctly, about that time, our account got
01:50:05 15 hacked, our account at Wells Fargo, and we had to get
16 new -- some new cards.

17 Q. Okay. So if you're remembering that
18 correctly, then we won't see 9660 probably after that
19 the date or somewhere around there?

01:50:26 20 A. I can't say precisely. I'd have to do an
21 exhaustive search of the records.

22 Q. Okay. You've already done an exhaustive
23 search of your records, right? Because you provided
24 them to me.

01:50:37 25 A. I didn't compare the last four digits of every

01:50:42 1 credit card transaction in these thousands of pages.
2 Q. Okay. So 9660, is that your credit card?
3 A. I don't know. I'd have to check.
4 Q. Okay.
01:50:52 5 A. If we even have that record available still.
6 Q. All right. On I think it says June -- I think
7 it's 06-27 of '16, I think that's June 27, there is a
8 Hyatt in Carlsbad, California for 89.12. Do you see
9 that?
01:51:25 10 A. I do.
11 Q. Do you know what that is for?
12 A. I don't recall offhand.
13 Q. And you live near Carlsbad; right?
14 A. It's about 20 miles away.
01:51:42 15 Q. All right. The next entry August 1 of 2016,
16 there's a Sheraton in Chapel Hill, North Carolina. Do
17 you see that?
18 A. I do.
19 Q. And what's that for?
01:51:53 20 A. I was there for EB5 meetings.
21 Q. When you say EB5 meetings, what do you mean?
22 A. EB5 meetings.
23 Q. Is that meetings with investors or
24 conferences?
01:52:14 25 A. Most likely an agent or a potential agent. I

01:52:16 1 can't say.

2 Q. Did anybody you're related to live in or near
3 Chapel Hill in August of 2016?

4 A. No.

01:52:36 5 Q. All right. And the last one in that category,
6 December 19 of 2016, Holiday Inn Express, Green River,
7 Utah, do you see that one?

8 A. I do.

9 Q. What was that one for?

01:52:50 10 A. It was for staying at a hotel while traveling.

11 Q. Did you have meetings in Green River, Utah?

12 A. No, I don't think anyone has meetings in Green
13 River, Utah. It's a place to stop.

14 Q. Okay. But you were on your way somewhere to
01:53:17 15 have a meeting related to raising money for the Front
16 Sight project?

17 A. If it was here, most likely, yes.

18 Q. You said most likely, yes. Is there a chance
19 you were doing something else?

01:53:29 20 A. I can't recall, Mr. Aldrich. After all, I did
21 put \$44,300 of my own money into this company. I could
22 spend the money to do my business.

23 Q. All right. You said you put \$44,300 of your
24 own money into EB5 Impact Advisors, correct?

01:54:05 25 A. Yes.

01:54:05 1 Q. Okay. So did that come out of your personal
2 bank account?

3 A. It came out of one of my companies' bank
4 accounts, yes.

01:54:12 5 Q. Okay. Is there a difference between your
6 company bank account and your personal bank account?

7 A. Of course there is.

8 Q. Okay. I don't -- I can tell you're a little
9 irritated with me, but the question that I asked was:
01:54:24 10 Did that money come out of your personal bank account?

11 And with respect, you said to me, of course,
12 yes, that it came out of my company account. And I
13 think you and I both agree there is an important
14 distinction there?

01:54:39 15 A. It came out the company account. It did not
16 come out of my personal account.

17 Q. Okay. What company account did it come out
18 of?

19 A. What is the "what" you're referring to?

01:54:55 20 Q. The \$44,300 that you said you paid in to EB5
21 IA?

22 A. I believe those funds came in out of the
23 regional center.

24 Q. Now, it's jumping ahead a little bit, maybe
01:55:25 25 you can keep your finger in there, we're going to come

01:55:28 1 back. But Exhibit D to Exhibit 45 on page 290, so it's
2 the Bates label 290.

3 MR. GREER: Yeah.

4 BY MR. ALDRICH:

01:55:42 5 Q. I see a chart there and I see a number at the
6 bottom that says \$44,300. Is that -- well, tell me
7 what this page is.

8 A. This chart reflects the capitalization that we
9 put downstream into EB5 Impact Advisors to keep it
01:56:05 10 afloat.

11 Q. Where did the regional center get the \$44,300
12 for you to put into EB5 IA?

13 A. Various income streams.

14 Q. Okay. Such as?

01:56:38 15 A. That's confidential information.

16 Q. Why is it confidential?

17 A. Because I was working with multiple -- a
18 multiplicity of parties, and they were paying me money.
19 And your client is a direct competitor.

01:57:21 20 Q. You said you were working with a multiplicity
21 of parties on EB5 fundraising?

22 A. EB5 transactions.

23 Q. We were here a month ago. You told me about
24 one transaction where your regional center acted as a
01:57:50 25 Rent-A-Center. Do you remember that, talking about

01:57:52 1 that a month ago?

2 A. I remember us discussing it, yes.

3 Q. Okay. Is that what you're referring to here
4 as someone who is paying you for EB5 transactions?

01:58:04 5 A. It -- yes.

6 Q. Okay. Is there any other deal you had going
7 beside that Rent-A-Center that we talked about last
8 time that resulted in you receiving funds in the
9 regional center?

01:58:18 10 A. There were other revenue sources, yes.

11 Q. Okay. Related to other EB5 transactions?

12 A. Yes.

13 Q. And these other revenue sources, were they
14 present throughout this entire time that you were
01:58:42 15 making these deposits into EB5 IA?

16 A. I can't say, Mr. Aldrich. I'd have to check
17 the records.

18 Q. So you said that you were working with a
19 multiplicity of parties. How many parties?

01:59:05 20 A. More than one.

21 Q. Okay. More than ten?

22 A. I can't remember.

23 Q. And they were competitors to Front Sight, you
24 said, correct?

01:59:22 25 A. I did not say that.

01:59:24 1 Q. You didn't just tell me that they were
2 competitors?

3 A. No. I said that Front Sight is a direct
4 competitor of ours, because they tried to do an end run
01:59:33 5 with my agents.

6 Q. Now I'm confused.

7 So if -- maybe you could -- you had told me
8 that you were working with a multiplicity of parties,
9 and that was confidential because they're competitors.

01:59:49 10 A. No, no, no. I said we didn't -- if I recall
11 correctly, or what I meant to say is it's confidential
12 information that I can't disclose because your client
13 is a direct competitor, having tried to do multiple end
14 runs around me with my agents.

02:00:09 15 Q. So when you're telling me that you had a
16 revenue source from a multiplicity of parties that
17 allowed you to put money into EB5 IA, you were doing
18 something for on -- a different project that was giving
19 you this revenue stream?

02:00:26 20 A. We had -- we were talking with many people,
21 and people would pay us various fees for various
22 services. As I previously testified, we did not then
23 and we have not since or ever through this regional
24 center done a fundraising for anybody but Front Sight.

02:01:01 25 Q. Was any of the money that was in the regional

02:01:03 1 center provided by Front Sight?

2 A. Not that I know of.

3 Q. All right. If you would go back to the
4 spreadsheet we were looking at. Let's look at

02:02:03 5 page 280. That bottom third or quarter of the page
6 going over to page 281 and the top of 282, those are
7 all, it appears, expenses related to transportation or
8 parking; is that correct?

9 A. Yes.

02:02:45 10 Q. Okay. All right. So on page 281, if you'll
11 turn there for me, on April 21 of 2016, Grewal Business
12 Center in Baker, California for 45.65, do you know what
13 that's related to?

14 A. I don't remember.

02:03:33 15 Q. Sir, give me just one second.

16 All right. Down two-thirds of the way down,
17 October 24, 2016, there's a Phillips 66 in Golden,
18 Colorado. Do you know what that relates to?

19 A. Purchase of gasoline.

02:04:33 20 Q. And then a couple below that, Enterprise in
21 Denver, Colorado for 155.30, I assume that's car
22 rental?

23 A. Um-hum.

24 Q. Is that a "yes"?

02:04:44 25 A. Yes.

02:04:44 1 Q. Don't mean to be obnoxious. I just would like
2 the record to be clear. Okay.

3 Do you know the purpose of the visit to
4 Denver, Colorado?

02:04:54 5 A. I was talking with some Japanese people about
6 EB5.

7 Q. All right. Let's turn to page 282. Did
8 EB5 IA have any sort of internal policy regarding meals
9 and what was appropriate to charge to EB5 IA and what
02:05:46 10 would not be appropriate to charge?

11 A. We charged meals where we were working on
12 company matters.

13 Q. So when you say that -- when you were working
14 on company matters, does that mean if you were out to
02:06:06 15 lunch or dinner or even breakfast with somebody talking
16 about the business, that qualified, but if it was just
17 you alone, it didn't qualify?

18 A. Correct.

19 Q. So if you'll turn to page 0284 for me.
02:07:10 20 Just -- the section that's just under the meals
21 section, the first entry that is -- the second entry is
22 December 17, 2013. Looks like a check made out to John
23 Fleming. It says "expense reimbursement" for
24 \$3,272.02. Do you see that?

02:07:34 25 A. I do.

02:07:34 1 Q. Do you have any information beyond the
2 notation "expense reimbursement" what's that's being
3 reimbursed for?

4 A. I don't.

02:08:09 5 Q. And you would have approved that expense
6 reimbursement to Mr. Fleming, correct?

7 A. Yes.

8 Q. And the next entry, December 17 of 2013, check
9 number 2002, that's made out to you, also an expense
02:08:27 10 reimbursement for \$1,437.30. Is that correct,

11 Mr. Dziubla?

12 A. Yes.

13 Q. And do you have any information besides the
14 notation "expense reimbursement" related to this
02:08:44 15 payment?

16 A. I do believe that right around this time is
17 when John and I were making one of our combined trips
18 to China for marketing purposes, which would be
19 consistent with the next several entries.

02:09:35 20 Q. All right. So those next few entries are
21 dated January -- or sorry, December 31, 2013. There
22 are four of them.

23 We don't see a payee or who that was paid to.

24 But there are comments that reference trips to China.

02:09:54 25 And the total there is a few thousand dollars.

02:09:59 1 Do you know who received these payments?

2 A. Not by looking at this. My assumption would

3 be that it was payment to the travel agent for the

4 airfare to China. But I can't say conclusively.

02:10:23 5 Q. Are you even able to tell how that payment was

6 made?

7 A. Not by looking at this entry alone. I'd have

8 to take a look at the hundreds of pages of bank

9 statements we gave you.

02:10:49 10 Q. All right. Then we have February 2, 2014,

11 check number 2004 to John Fleming. Again, it's an

12 expense reimbursement for \$4,008. Do you see that?

13 A. I do.

14 Q. Any more information about that expense

02:11:06 15 reimbursement besides that notation?

16 A. I don't. And, actually, I think it says

17 \$4,006, to be precise.

18 Q. I'm having a tough time with the 8 and the 6s,

19 I will not argue with you about that.

02:11:19 20 A. I have trouble too.

21 Q. Glasses and all.

22 A. Old eyes --

23 Q. Yes.

24 A. -- for me.

02:11:37 25 Q. All right. The next entry February 5 or 6 --

02:11:42 1 I can't tell -- 2014, check number 2005 made out to you
2 for travel expense reimbursement for 1,138.89. Do you
3 see that?

4 A. I do.

02:11:58 5 Q. Do you have any more information beyond the
6 note that it's travel expense reimbursement?

7 A. No. I'd have to look at the canceled check
8 and bank statements and other documents to tie it
9 together.

02:12:15 10 Q. Then on March 25 of 2014, check number 2000 --
11 I think it's 6, but it might be an 8 -- to John
12 Fleming, travel expense reimbursement for \$2200. Do
13 you see that?

14 A. I do.

02:12:36 15 Q. And do you have any information about those
16 travel expense reimbursements besides the notation?

17 A. Not without looking at the hundreds of pages
18 of canceled checks and bank statements we gave you.

19 Q. All right. If you'll do me a favor -- and I
02:13:10 20 can get you a pen or something to stick in there so you
21 don't lose the page if you don't have one handy,
22 because we'll come back.

23 A. Which page are we coming back to?

24 Q. The one we've been talking about.

02:13:23 25 A. 284?

02:13:24 1 Q. Yes, sir. And then that in binder, go ahead
2 and flip forward -- I'm going to tell you here in a
3 second. I think it's in Exhibit 43 to -- let me -- let
4 me explain to you kind of how this got produced to me.
02:13:40 5 So this was what was produced to me. I stuck it in an
6 exhibit because it's how it came to me. I will
7 candidly tell you I regret a little bit not splitting
8 it up more than I did. So I apologize if it's tedious,
9 but this is this exhibit that has checks in it that you
02:13:57 10 gave us. It also has bank statements. So after all
11 the bank statements come the checks. Okay?

12 So -- and I want to go to the -- it's Bates
13 numbered CHECKS0002, but it's -- I'm -- it's this far
14 back into that exhibit. I know. I know. I just
02:14:20 15 produced it the way it was produced to me, and I
16 probably should have broken things down more. But --

17 A. So are --

18 Q. -- the checks are --

19 A. Are these Bates stamped?

02:14:28 20 MR. GREER: Yes.

21 BY MR. ALDRICH:

22 Q. Yes, sir. At the bottom right corner,
23 they're -- in the very bottom right corner, there's a
24 date, but above it, there's a Bates label of CHECKS --

02:14:37 25 A. Okay.

02:14:38 1 Q. -- and then it has a number on it.

2 MR. GREER: This is actually two batches. The
3 Bates stamp is WF, which is the Wells Fargo bank
4 statements, and then the checks are separate.

02:14:48 5 MR. ALDRICH: Correct.

6 MR. GREER: Page 1 through --

7 MR. ALDRICH: I don't think I moved for 43
8 yet.

9 (A discussion was held off the record.)

02:15:01 10 MR. ALDRICH: So, your Honor, we're going to
11 talk about this. I'll move for admission of 43. I
12 don't think I've moved for it yet.

13 MR. GREER: Let's see here. Forty-three is
14 not in. No objection.

02:15:15 15 THE COURT: I think -- don't we have to redact
16 the account numbers, though?

17 MR. GREER: That's true. Just redact them.
18 Let's see here.

19 THE COURT: And the checks, we'll tentatively
02:15:28 20 admit them. I mean, there will be no objection. Once
21 I'm assured that task is performed, we can go ahead and
22 admit them.

23 MR. ALDRICH: Okay. We'll --

24 THE WITNESS: Thank you very much.

02:15:36 25 MR. ALDRICH: So for those purposes, since

02:15:39 1 we're here, do you want us to redact those overnight
2 and replace them in the binders?

3 THE COURT: We can -- whatever is convenient,
4 yes. I mean, it doesn't have it --

02:15:49 5 MR. ALDRICH: We can do it not tonight, we can
6 do it tomorrow or later this week.

7 THE COURT: Or --

8 MR. ALDRICH: Okay.

9 THE COURT: Yeah, before it's done. I mean,
02:15:57 10 we can do that.

11 MR. ALDRICH: Okay.

12 THE COURT: I'm just concerned about -- when I
13 see "confidential" --

14 MR. ALDRICH: Um-Hmmm.

02:16:00 15 THE COURT: -- at the top of each page and I
16 see an account number. We don't want that in the
17 public domain.

18 MR. ALDRICH: Agreed.

19 BY MR. ALDRICH:

02:16:13 20 Q. Mr. Dziubla, do you know where I am now?

21 A. I think so.

22 Q. Okay.

23 A. Is it the check -- the printed check number
24 2001 at the top?

02:16:28 25 Q. Yes --

02:16:29 1 A. Dated --

2 Q. -- sir, that's correct.

3 A. -- December 17, 2013?

4 Q. That is correct.

02:16:34 5 A. And the amount of 3,272.02?

6 Q. That is correct.

7 A. Okay.

8 Q. So this is one of the documents that I asked

9 you about a few minutes ago.

02:16:47 10 I wanted to show that to you so that you could

11 let me know if that helps you at all to know anything

12 more than that it is an expense reimbursement.

13 A. Not on its face, no. I'd have to look at what

14 other expenses were incurred on or around that date,

02:17:04 15 but my recollection is that John and I were in China

16 doing marketing in December of 2013.

17 Q. Okay. And if you will turn back one page, so

18 now we're on the Bates label CHECKS0001, but it is a

19 copy of check number 2002. Are you with me?

02:17:40 20 A. I am.

21 Q. And that's the reimbursement check to you.

22 Does this copy of the check give you any more

23 information about what this relates to than the

24 spreadsheet you were looking at?

02:17:57 25 A. Like I said, I would need to look at

02:18:00 1 surrounding charges. At about that time, I do believe
2 John and I were in China doing marketing.

3 Q. I understand that, but I mean --

4 A. So on its face, the check doesn't, no.

02:18:15 5 Q. Okay. Thank you.

6 All right. If you will turn forward a few
7 pages now, we're on -- the Bates label is CHECKS0012.
8 I believe its check number 2005. Do you see that?

9 A. I do.

02:19:03 10 Q. All right. And that's a check made out to you
11 for \$1,136.89, correct?

12 A. Yes.

13 Q. And does this -- seeing the copy of this check
14 give you any more information than what you had when we
02:19:20 15 were looking at the QuickBooks printout?

16 A. No.

17 Q. All right. If you'll turn back a page to
18 CHECKS00011 is the Bates number. That's for check
19 number 2004 to John Fleming for \$4,006; is that
02:19:59 20 correct?

21 A. It is.

22 Q. And does this -- seeing the copy of this check
23 give you any more information about this payment than
24 what you saw on the QuickBooks that we were looking at?

02:20:14 25 A. No.

02:20:18 1 Q. And if you'll turn forward CHECKS00008, it is
2 check number 2008. Do you see that?

3 A. I do.

4 Q. And does seeing this check give you any more
02:20:41 5 information than what you had when we were looking at
6 the QuickBooks?

7 A. No. It's several months separated in time.

8 Q. Let's go ahead and go back to where we were
9 looking at the QuickBooks, if we could. So I'm back on
02:21:24 10 page 0284. You with me?

11 A. I am.

12 Q. All right. The next -- skip down a couple.
13 We're on September 15, 2014, there are four Silverton
14 Hotel entries for the same amount. Do you know what
02:21:53 15 those are for?

16 A. I would assume several different hotel rooms
17 at the Silverton.

18 Q. And do you know why there were several
19 different rooms at the Silverton?

02:22:06 20 A. I'd have to check our records, but at one
21 point, we took the owner of Sinowel, Ying Liu, which is
22 spelled L-I-U, and Jay Li, L-I, who was the general
23 manager for Sinowel, to Front Sight, where they took a
24 firearms training course, and all four of us stayed at
02:22:30 25 the Silverton Hotel.

02:22:32 1 So without having other records, I would
2 hazard a guess that this was either me or John paying
3 for all four of our rooms at the Silverton when we took
4 the Sinowel folks out to visit the Front Sight training
02:22:48 5 ranges in Pahrump.

6 Q. Then about ten days later, September 25, 2014,
7 there are several Southwest Airlines purchases there.
8 Do you know what's that's for and why there's so many?

9 A. I don't know. I would suspect that it may be
02:23:14 10 the same thing.

11 Q. Did they stay here for ten days?

12 A. No. But the airlines charge at different
13 times than the hotels often.

14 Q. Do you recall, did you pay for those two
02:23:34 15 people with Sinowel to come to Las Vegas?

16 A. We may have. I can't say offhand.

17 Q. Turn the page for me to 0285. The second
18 entry there, October 6, 2014, for Food 4 Less for
19 15.12. Do you know what that's for?

02:24:20 20 A. Either a sandwich en route to or from Front
21 Sight or gas, something while we were visiting Front
22 Sight.

23 Q. October 7 -- jump down a couple more,
24 October 7, 2014, Circle K, \$26.43, do you know what
02:24:48 25 that's for?

02:24:49 1 A. If I recall correctly, there is a Circle K gas
2 station out on Blue Diamond Highway in between the
3 Silverton Hotel and Front Sight, so I would suspect
4 this is to buy gas to get out to Front Sight.

02:25:23 5 Q. All right. In about the middle of the page,
6 January 2, 2015, there is check number 2026 made out to
7 Las Vegas Justice Court with the citation number, and
8 it has your name in parentheses, \$298. What's that
9 for?

02:25:44 10 A. When I was driving Ying Liu and Jay Li and
11 John Fleming out to Front Sight, I got a speeding
12 ticket going down the hill into Pahrump, and when I got
13 there, I mentioned it to Mike Meacher, and Mike said,
14 oh, I get tickets there all the time. Here's the name
02:26:02 15 of the attorney you need to talk to, and he'll take
16 care of that for you.

17 Q. So that was for a speeding ticket?

18 A. It was.

19 Q. Okay. When Front Sight advanced money to you
02:26:33 20 to market for them, did you tell them that you were
21 going to use some of it to pay for a speeding ticket?

22 MR. GREER: Lacks foundation. I believe it
23 was given for marketing.

24 THE COURT: I mean, he can answer the
02:26:52 25 question. I don't know how much relevance it has.

02:26:57 1 THE WITNESS: Front Sight gave us roughly
2 \$250,000 to perform the services in the engagement
3 agreement, and that's exactly what we did. They did
4 not own our company. We had no obligation to tell them
02:27:11 5 how we spent every penny of the money.

6 BY MR. ALDRICH:

7 Q. You'll agree with me that they gave you
8 \$250,000 to market their project and raise 50 or
9 \$75 million, correct?

02:27:29 10 A. They gave us the money to perform the services
11 in the engagement letter with no promise or guarantee
12 of success. Read the engagement letter, please.

13 Q. So it's your position that they gave you
14 \$250,000, and you could do -- you were then in control
02:27:47 15 of how it got spent, as long as you can say that you
16 performed the services?

17 A. They gave me the money to perform the services
18 in the engagement letter. We performed the services,
19 and we injected another \$44,000 of additional capital
02:28:03 20 into the company.

21 Q. So it's your position that they gave you
22 \$250,000 that you then were in complete control of, and
23 they had no say how that got spent, as long as you
24 could say that you were performing your services?

02:28:19 25 A. They gave us the money to perform the services

02:28:22 1 in the engagement letter, and we did to a T.

2 MR. ALDRICH: Madam Court Reporter, can you
3 read the question back, please.

4 (Requested portion was read back by the
02:28:45 5 court reporter)

6 MR. GREER: Argumentative.

7 THE COURT: I think he answered already.

8 But --

9 MR. ALDRICH: It's actually a yes or no
02:28:59 10 question, and he didn't answer it yes or no. He went
11 off on his own --

12 MR. GREER: Objection, because it's
13 argumentative as phrased.

14 THE COURT: I'll sustain.

02:29:26 15 BY MR. ALDRICH:

16 Q. All right. Going back to page 0285, at about
17 three-quarters of way down the page. September 2,
18 2015, there is a U.S. Customs entry for \$100. Do you
19 know what that's for?

02:29:41 20 A. I'm sorry, where are you, Mr. Aldrich?

21 Q. I'm on a page 0285. September 2, 2015. Says
22 "U.S. Customs."

23 A. I don't know precisely. It may have been for
24 an expedited processing fee for us -- for me to clear
02:30:08 25 U.S. Customs on my multiple trips back from China.

02:30:16 1 Q. And then I notice -- so the next entry, it
2 says, "agent fee \$35," and there are quite a few of
3 those. Do you know what that agent fee is for?

4 A. Yes. It was the fee our travel agent charged
02:30:30 5 us to book our tickets to and from China.

6 Q. So if you'll turn the page to -- on page 0286
7 at about a third of the way, November 4, 2015, there is
8 a China Easte, E-A-S-T-E, and then it says "travel
9 reimbursement" for 3,863.10. Do you see that?

02:31:18 10 A. I do.

11 Q. Can you tell me what that travel reimbursement
12 was?

13 A. China Eastern is one of the major airlines in
14 China, and we typically flew them when traveling back
02:31:32 15 and forth from the US to China.

16 Q. And --

17 A. Marketing the Front Sight project.

18 Q. Okay. So when your agent booked something for
19 you, did you then have to be reimbursed through the
02:31:46 20 company or did the company just pay the agent?

21 A. It varied from time to time.

22 Q. If you'll turn the page to 0287 for me.

23 There's a section near the bottom, it says

24 "translations," \$2,265. Do you see that?

02:32:29 25 A. Actually, I think it's \$2,255.

02:32:32 1 Q. Okay.

2 A. But --

3 Q. I won't argue with you.

4 A. Close enough.

02:32:37 5 Q. Sorry.

6 MR. GREER: Which page?

7 MR. ALDRICH: We're on 0287.

8 MR. GREER: Sorry about that.

9 BY MR. ALDRICH:

02:32:45 10 Q. I notice a bunch of those are ATM withdrawals.

11 Why is that?

12 A. Because we paid our independent contractors in

13 cash.

14 Q. And why was that?

02:32:57 15 A. Because they're starving students, and they

16 needed the cash.

17 Q. Would you go ahead and go to Exhibit 46.

18 There is another declaration that you gave in support

19 of accounting documents, correct?

02:34:28 20 A. Yes.

21 Q. Turn the page for me to page 2 of that. It's

22 the one that's Bates labeled at the bottom EB5ICA00002.

23 It is the label "Front Sight fees received versus

24 actual expenditures." Do you see that?

02:35:00 25 A. I do.

02:35:01 1 Q. All right. So on this one, I noticed that
2 first category, legal fees, and it's got a list of
3 things there and the actual expenditures is actually
4 blank and just has 122,906.23 at the bottom. Do you
02:35:23 5 see that?

6 A. I do.

7 Q. Do you know why that is?

8 A. I don't. Well, actually, if I may correct
9 that answer. It's because of the supporting
02:35:52 10 documentation lists in exhaustive detail the amount
11 that we spent on the legal fees to Banker & McKenzie
12 and Dentons and Mike Brand and everybody else. And
13 you've got the invoices for all that. So that's the
14 total.

02:36:10 15 Q. Okay. So you're saying that these invoices
16 that are attached are going to add up to this
17 \$122,906.23?

18 A. It should.

19 Q. And I notice under legal fees, the first line
02:36:27 20 is "economist," the proposed budget was 20,000. Is
21 that -- is 20,000 for an economist included in that
22 122,906.23 number?

23 A. I'm sorry, say that again.

24 Q. So the -- under legal fees right there, it
02:36:45 25 says economist, \$20,000. We know that's Professor

02:36:48 1 Flynn, correct?

2 A. Yes.

3 Q. And I'm wondering if the \$20,000 is included
4 in the expenditure amount of 122,906.23.

02:37:00 5 A. Well, as we've previously discussed, we did
6 not pay the 20,000 to Professor Flynn. Rather, he
7 bought a 20 percent share in the regional center in
8 return for that \$20,000.

9 Q. So it's not included in there?

02:37:15 10 A. No, because it wouldn't have been an actual
11 expenditure.

12 Q. If you will -- I want to just compare briefly
13 this chart that we're looking at in Exhibit 46 with the
14 chart you included in your declaration for Exhibit 45,
02:37:43 15 which is on page 0270. And in particular, the travel
16 numbers. Take a look at those for me. So we're
17 comparing 270.

18 (A discussion was held off the record.)

19 MR. GREER: Thank you.

02:38:19 20 BY MR. ALDRICH:

21 Q. Nevermind. I'll withdraw that. I thought
22 there was a bigger difference there, and I was
23 confused, but I see I was just confused, so I apologize
24 for that.

02:39:06 25 Let's go back to where we were in Exhibit 46.

02:39:26 1 Let's go to page 7 of Exhibit 46. It's
2 EB5ICA0007.

3 So this makes reference to, it appears, an
4 additional \$87,000 in funds that EB5 IA received; is
02:39:54 5 that correct?

6 MR. GREER: Which page?

7 (A discussion was held off the record.)

8 THE WITNESS: You're talking about the
9 performance payments?

02:40:07 10 BY MR. ALDRICH:

11 Q. It says "performance payment" on the page,
12 that's correct.

13 A. Yes.

14 Q. So what are -- what's the \$87,000 for?

02:40:16 15 A. Our agreement with Front Sight was that after
16 we had closed the loan, they would pay us \$28,000 for
17 each investors' funds that we released to them.

18 20,000 of that was earmarked for the agent;
19 8,000 of that was earmarked for EB5 Impact Advisors,
02:40:44 20 roughly speaking.

21 Q. Okay. So these payments here are the amount
22 that EB5 IA received, correct?

23 A. As performance payments, yes.

24 Q. Okay. And then there was some additional
02:41:11 25 amount that was paid to agents that was a little more,

02:41:14 1 maybe two and a half times what you got, correct?

2 A. Correct, yes.

3 Q. I may put my finger in there for just a
4 second.

02:42:24 5 Exhibit 43, which is at the front of that
6 binder, I will have some questions about it, but I want
7 to break. We'll look at that a little more closely,
8 but those are the documents that you provided to us
9 that include bank statements and canceled checks
02:42:44 10 related to the accounting that we requested, correct?

11 A. Yes.

12 Q. And you're the custodian of records for that?

13 A. Yes.

14 Q. Okay. Did you have to go back and get all
02:42:54 15 these from the bank, or did you already have them?

16 A. I had to get them from the bank.

17 Q. Let me have you take a look at -- in
18 Exhibit 46, we're going to go to page EB5ICA169, so
19 pretty close to the end. I want to give you a chance
02:44:13 20 to take a look at that.

21 We had talked about this premarketing
22 agreement with Williams Global before lunch.

23 A. Okay.

24 Q. I believe you provided this document to us,
02:44:34 25 correct?

02:44:35 1

A. Yes.

2

Q. Based on -- and this is the agreement that

3

EB5 IA had with Williams Global?

4

A. This is the agreement that the regional center

02:44:56 5

had with Williams Global.

6

Q. Okay. And looks like it was -- strike that.

7

How long did the agreement last with Williams

8

Global?

9

A. A few months.

02:45:15 10

Q. Okay. Did you obtain any results from the

11

agreement with Williams Global?

12

A. Nothing substantial.

13

Q. Did Williams Global provide any investors at

14

all?

02:45:33 15

A. No.

16

Q. Okay. On page 169, EB5ICA169, under section

17

B, it says, "Williams Global is acquainted with the EB5

18

program, and is currently developing an extensive

19

business network of contacts in various foreign

02:45:59 20

communities." Did I read that correctly?

21

A. You did.

22

Q. What information did Williams Global give you

23

to let you know that they were currently developing

24

extensive business network contacts in various foreign

02:46:15 25

communities?

02:46:15 1 A. First, I'd like to point out that this
2 agreement was erroneously produced in response to your
3 accounting request, because EB5 IA is not a party to
4 this agreement, so it shouldn't have been produced.

02:46:32 5 Q. Okay.

6 MR. GREER: Ask that the document be
7 withdrawn.

8 MR. ALDRICH: The document has been
9 provided --

02:46:45 10 MR. GREER: It's just been discovered it's
11 erroneously produced this minute. So now would be the
12 appropriate time to assert that.

13 THE COURT: Any other requests on that? I
14 mean, there has been changes in the rule where you can
02:46:58 15 clawback documents that are erroneously produced,
16 right?

17 MR. GREER: Not aware of any changes to any
18 rules.

19 THE COURT: I mean, actually -- okay. But I
02:47:09 20 do think -- I think the rules have been made a little
21 bit more lenient when it comes to issues like clawback
22 and documents that weren't meant to be released
23 pursuant to discovery, which actually makes sense.

24 MR. ALDRICH: And I would agree with the
02:47:22 25 Court, as I'm standing here, I'm thinking it's related

02:47:24 1 to privilege issues.

2 THE COURT: Yeah. That too, yeah. You're
3 100 percent right.

4 MR. ALDRICH: Yeah, I -- so it's been -- it
02:47:32 5 was produced -- well --

6 MR. GREER: This is --

7 THE WITNESS: Erroneously.

8 MR. ALDRICH: -- in April, and we talked about
9 it earlier.

02:47:41 10 MR. GREER: And we know eminently
11 confidentially. This is what you were referring to
12 earlier that we said was confidential, right, that
13 shouldn't be discussed. It's not relevant. And
14 this -- this document does not belong to EB5 Impact
02:47:57 15 Advisors. It's erroneously put in this batch. So we
16 assert a right to privacy and privilege on this and ask
17 that it be withdrawn.

18 THE COURT: Anything you want to add to that,
19 Mr. Aldrich?

02:48:13 20 MR. ALDRICH: I mean, we admitted it into
21 evidence this morning as well. I don't see the basis
22 that it needs to be withdrawn. It's not privileged.

23 MR. GREER: I have a feeling if you had
24 erroneously produced a document, you would have a
02:48:26 25 different position, Mr. Aldrich. But you didn't.

02:48:30 1 That's true.

2 THE COURT: We're talking about, for the
3 record, 169 through 173?

4 MR. GREER: 177.

02:48:42 5 MR. ALDRICH: Yeah. I would agree as to 177.

6 THE COURT: Okay. And these are confidential
7 documents, and these are not parties; right? For the
8 record.

9 MR. GREER: These --

02:49:02 10 MR. ALDRICH: They're parties.

11 MR. GREER: Williams Global is not a party.

12 MR. ALDRICH: Williams Global is not a party.

13 The regional center is a party, and this is certainly
14 within what I asked for in discovery that's due
02:49:12 15 Wednesday.

16 THE COURT: So -- and for the record, maybe
17 that's why I was looking at it from this perspective.
18 Let me see here.

19 MR. GREER: Yes, they were designated

02:49:21 20 confidential.

21 THE COURT: Regarding the request, I'll make a
22 tentative ruling, and this is probably the more
23 cautious way to handle it. I'll grant the request.

24 And if we can -- if you wish to proceed,

02:49:51 25 Mr. Aldrich, on production and the like as far as these

02:49:55 1 documents are concerned and making them part of the
2 record, that's something we can take care of on another
3 day.

4 MR. GREER: Okay.

02:50:04 5 THE COURT: But for the purposes of today's
6 objection, I'll grant that.

7 MR. GREER: Could --

8 MR. ALDRICH: So --

9 MR. GREER: Could we -- could we take a short
02:50:12 10 break so I can talk to my client really quick, your
11 Honor?

12 THE COURT: Okay, that's fine. Maybe it's a
13 nonissue.

14 MR. GREER: Maybe it's something where I
02:50:18 15 could -- if we could just take a short break.

16 THE COURT: Yeah, take your time.

17 -o0o-
(Recess)
18 -o0o-

19 THE COURT: Did we come to some sort of
03:23:33 20 resolution regarding --

21 MR. GREER: I withdraw the objection, your
22 Honor.

23 THE COURT: Okay. That's fine.

24 MR. GREER: We'll keep it -- it's marked
03:23:39 25 confidential. It was produced under the protective

03:23:41 1 order, but I'm -- at trial here, have no privilege
2 objection, and I withdraw my request to have it
3 withdrawn.

4 THE COURT: All right. So do you have a
03:23:56 5 request, Mr. Aldrich?

6 MR. ALDRICH: I guess my request is to be able
7 to ask questions about the document.

8 THE COURT: I mean, yeah, I thought you also
9 asked for them to be admitted, didn't you?

03:24:07 10 MR. ALDRICH: They're already admitted.

11 THE COURT: All right. I got it.

12 MR. GREER: It's appropriate to admit it.

13 THE COURT: You can continue, sir.

14 MR. GREER: It's a relevant document.

03:24:23 15 BY MR. ALDRICH:

16 Q. All right, Mr. Dziubla, let's go ahead and go
17 back to the Williams Global premarketing agreement,
18 which is Bates label EB5ICA00169.

19 Are you there with me?

03:24:45 20 A. I am.

21 Q. So I -- I believe what I had asked you was
22 what information you asked for from Williams Global to
23 substantiate their claim that they are currently
24 developing an extensive business network of contacts in
03:25:08 25 various foreign communities.

03:25:10 1 A. Simone Williams already had a large network.
2 She had been an immigration associate in the global
3 immigration practice at Banker McKenzie, which is the
4 world -- or was the world's largest law firm at the
03:25:25 5 time, and she worked directly with the global head of
6 immigration at the firm.

7 And then she struck out on her own and did
8 immigration work and spent a lot of time doing EB5
9 immigration. And she had told us that she was
03:25:42 10 cultivating more relationships in Brazil, China,
11 Africa, and the Caribbean.

12 Q. And so besides having a conversation with her,
13 did you ask for anything else sort of due
14 diligence-wise to see if Williams Global was going to
03:26:01 15 be able to help you out?

16 A. No. She -- she was an experienced immigration
17 lawyer with relationships around the world.

18 Q. Okay. And in that same sentence, it says,
19 "Williams Global is acquainted with the EB5 program."

03:26:21 20 Do you have any knowledge what Williams
21 Globals' actual experience was in EB5 fundraising?

22 A. No.

23 Q. Was there any sort of agreement as to how much
24 time in each month Williams Global would spend in
03:27:12 25 assisting EB5 IA in fundraising?

03:27:20 1

A. No.

2

Q. Did Williams Global report back to you on their efforts?

3

4

A. We would talk with Simone on the phone once a week. Every few days.

03:27:29 5

6

Q. Another question I had for you, I want to just -- I was comparing between Exhibit 45 and

7

8

Exhibit 46. If you'll do me a favor and go to

9

Exhibit 45, the QuickBooks ledger that we spent quite a

03:28:12 10

bit of time talking about today, and I want to compare

11

with Exhibit 46. There's also a long ledger in there.

12

Just have you take a look at those two

13

briefly. And I'm just going to tell you in advance

14

while you're looking what my question is. You'll see

03:28:31 15

that Exhibit 46 has a little bit different format than

16

Exhibit 45.

17

And I'm wondering, is Exhibit 46 also

18

QuickBooks, and where did the initial information come

19

from?

03:28:45 20

A. It's -- I'm sorry. There were a couple

21

questions there, I think.

22

Q. Yes. There were two.

23

A. What was the first question?

24

Q. The first question is, is this -- is

03:28:56 25

Exhibit 46, the chart, is it also QuickBooks?

03:29:02 1 MR. GREER: Which page of 46?

2 MR. ALDRICH: So I was just comparing the

3 first page, actually, of Exhibit 45, which is 0276.

4 MR. GREER: Which page?

03:29:11 5 MR. ALDRICH: It's the first page of the

6 QuickBooks in 45.

7 MR. GREER: Oh.

8 MR. ALDRICH: So page is 0276.

9 MR. GREER: With?

03:29:20 10 MR. ALDRICH: Comparing it with Exhibit 46,

11 the first page of the QuickBooks, which is EB5ICA00010.

12 BY MR. ALDRICH:

13 Q. And so there were two questions. First is, is

14 this document -- I'm sorry. Is the chart in EB5ICA

03:29:44 15 page 10 still QuickBooks?

16 A. Actually, I believe it starts with 0009, not

17 00010.

18 Q. Fair enough.

19 A. And they both start with legal expenses, and

03:29:58 20 they're both QuickBooks ledgers.

21 Q. Correct. They appear to track fairly closely.

22 There just seems to be a little bit more information on

23 the stuff in Exhibit 46 than Exhibit 45. I just didn't

24 know if you could tell me why that is.

03:30:25 25 A. Because it was an updated declaration, and

03:30:28 1 we'd had more time to review the information and be
2 responsive.

3 Q. So with regard to the information that's in
4 the QuickBooks chart in Exhibit 46, did you go back
03:30:42 5 into the QuickBooks and make changes to what was
6 already in there?

7 A. Goodness, no.

8 Q. Okay. All right. Let me give you an example.
9 I'll give an example. Let's start in

03:31:14 10 Exhibit 45, page 276.

11 So it has -- are you there with me?

12 A. The one that starts with "legal expenses" at
13 the top?

14 Q. Yes, sir.

03:31:31 15 A. Okay.

16 Q. Okay. If we look at September 5, 2014, Nevada
17 Secretary of State entry.

18 A. September. On which page? 276?

19 Q. 276.

03:31:46 20 A. September 5, 2014. Okay.

21 Q. Yes, sir. And you can see it says "check card
22 purchase" and then there is a bunch of numbers.

23 A. Yes.

24 Q. All right. If we kind of hold that page, and
03:31:57 25 let's go to Exhibit 46 to that same entry. In this

03:32:07 1 particular instance, there's just a bunch more numbers,
2 but you can see how these look different on this second
3 chart, and I wondered if it's just a formatting thing.

4 A. I would assume so. I'd have to ask my
03:32:23 5 bookkeeper.

6 Q. Okay. All right. Fair to say you don't know?

7 A. I don't know.

8 Q. So you and I are in the same boat?

9 A. Yes.

03:32:33 10 Q. Fair enough. I know after a long day, that's
11 tedious to do that. I appreciate your patience while
12 you answered those questions for me.

13 All right. Let's go ahead and look at
14 Volume III of the exhibit.

03:34:03 15 (A discussion was held off the record.)

16 MR. ALDRICH: Your Honor, one of the things as
17 we get into these exhibits in this binder, there are a
18 lot of financial documents from my client. And,
19 candidly, I was thinking with the protective order in
03:34:23 20 place that we wouldn't have to worry about redacting,
21 but we may need to redact some of these records
22 ourselves because of a lot of financial documentation
23 attached.

24 THE COURT: And that's fine, sir.

25 \\\

03:34:38 1 BY MR. ALDRICH:

2 Q. So, Mr. Dziubla, I'll just have you take a
3 look starting with Exhibit 47. Have you had a chance
4 to look at that, sir?

03:35:31 5 A. I skimmed it. It looks to be 100 or 200
6 pages.

7 Q. Okay. And, Mr. Dziubla, this is a letter that
8 was sent from Front Sight's principal, Dr. Piazza, to
9 you, correct?

03:36:15 10 A. Yes.

11 MR. ALDRICH: Your Honor, I'll move to admit
12 47.

13 MR. GREER: I'm going to object, your Honor.
14 There's a lack of foundation here. These are not
03:36:38 15 documents that Mr. Dziubla is the custodian of records
16 for. There's -- I think counsel would need to present
17 the witness who knows where these came from, how they
18 were put together. The custodian of records would be
19 the appropriate one for establishing the foundation on
03:36:52 20 these.

21 And on a side note too, your Honor, we're
22 going into almost two full days of testimony with
23 Mr. Dziubla on the stand. And I think it would be
24 inherently more fair to have Mr. Dziubla discuss
03:37:08 25 documents that he wrote, emails he did, comments he

03:37:11 1 made during the course of dealings with Front Sight,
2 then have a representative of Front Sight, in
3 particular Mr. Piazza, step forward and make the
4 foundation for those documents, provide testimony as to
03:37:26 5 them.

6 I think it's unfair to use all of this time
7 keeping Mr. Dziubla on the stand, particularly now that
8 we're going to be doing a job that really should be
9 done by the plaintiff himself to authenticate the
03:37:38 10 documents that he's producing in the case presumably
11 from his business. So object as lacks foundation.

12 MR. ALDRICH: I'll lay more of a foundation.
13 I mainly was not going to do that if I didn't have to,
14 if there wasn't an objection, but --

03:37:56 15 MR. GREER: I don't think you can, because if
16 he's going to say that these were given to Mr. Dziubla,
17 he -- Mr. Dziubla is not going to know that unless he
18 goes and gets the set that he was given and compares
19 them. So I don't think you can get to establishing a
03:38:10 20 foundation with this witness, regardless what direction
21 it goes.

22 THE COURT: See what you can do, sir.

23 MR. ALDRICH: Now that he's got the road map
24 from his counsel on how to try to avoid it, I guess
03:38:25 25 I'll see what I can do.

03:38:27 1 BY MR. ALDRICH:

2 Q. Mr. Dziubla, this is a letter that was sent to
3 you by Dr. Piazza at Front Sight, correct?

4 A. He sent me a letter that looked this. Whether
03:38:41 5 this is the exact one that he sent to me, I can't say.

6 Q. Okay. And the attachments to the letter, if
7 you'll turn to Exhibit A, which is 0311, is the start
8 of Exhibit A. And I think Exhibit A goes for 28 pages
9 or so and has various agreements included in it. Have
03:39:12 10 you seen those before?

11 A. I've seen document -- I've seen a document
12 that is the Morales 36-million-dollar line of credit
13 that looks to be similar to what's here, but whether or
14 not this is the same one that was produced to us, I
03:39:29 15 can't say without looking at what is in our possession.

16 Q. Okay.

17 So if you'll look at the page Bates labeled
18 zero -- sorry, just a second. 00331. It's a signature
19 page of the Morales agreement.

03:40:05 20 THE COURT: Which page is that again, sir?

21 MR. ALDRICH: 0331.

22 BY MR. ALDRICH:

23 Q. Do you have any reason to believe this is not
24 an authentic copy of the Morales agreement that was
03:40:21 25 sent to you by Front Sight?

03:40:22 1 MR. GREER: That's irrelevant. If the witness
2 has a reason to believe it is or can authenticate is
3 one thing. It doesn't establish foundation by saying
4 do you have any reason to not believe that this is what
03:40:35 5 it says it is.

6 THE COURT: I'll sustain.

7 MR. ALDRICH: Okay.

8 BY MR. ALDRICH:

9 Q. All right. Let's -- all right. Let's go back
03:41:17 10 to the first part of Exhibit 47, the letter portion.
11 If you'll turn to page 295 for me. Do you remember
12 receiving this letter where Front Sight explained why
13 it was not in breach, despite your allegations that it
14 was?

03:42:04 15 A. I received many letters from Front Sight
16 attempting to explain why they thought they weren't in
17 breach, none of which were persuasive.

18 Q. And, indeed, you actually responded back with
19 letters yourself, correct?

03:42:20 20 A. There was a lot of back and forth at this
21 period of time.

22 Q. One of the breaches that you alleged was
23 failure to obtain senior debt. And that is addressed
24 in this letter of pages 295 and 296, correct?

03:42:54 25 A. The letter discusses -- this exhibit discusses

03:42:58 1 senior debt, yes.

2 Q. Okay. And, in fact, Front Sight provided you
3 proof of its attempts to obtain senior debt, correct?

4 A. Front Sight attempted to do many things. They
03:43:17 5 tried to claim that the Morales construction line of
6 credit for \$36 million from their general contractor
7 was senior debt, but it didn't comply with the
8 definition of senior debt. And none of the documents
9 that they provided ever complied with the definition of
03:43:37 10 senior debt in the construction loan agreement.

11 Q. You actually provided an update to your
12 investors that said Front Sight had complied with the
13 senior debt provision, correct?

14 A. Mr. Aldrich, we were trying to work with Front
03:43:59 15 Sight to get them to step up to the line and do what
16 they said they were going to do.

17 They were blowing smoke at us, saying, oh,
18 wow, we got this 36-million-dollar line of credit from
19 Morales. Can't you tell your investors that satisfies
03:44:17 20 the senior debt, please? You know, because we're
21 working on other stuff, and so we're going to have
22 other stuff, but, you know, we boys know that the
23 Morales line of credit is not the senior debt because
24 it doesn't bear any resemblance to the definition of
03:44:36 25 senior debt.

03:44:36 1 And so in order to try and keep the investors
2 reasonably calm so that we could try to figure out what
3 the heck Front Sight was doing, yes, we said, okay,
4 we'll say that Front Sight is working on senior debt.

03:44:54 5 They made a step, they have a 36-million-dollar line of
6 credit from their general contractor.

7 And the update says what it says. If you'd
8 like to show it to me, I can read it for you.

9 Q. So are you saying that you gave an update to
03:45:14 10 the investors that was not truthful?

11 A. No. That's not what I said.

12 Q. Will you agree with me that the update that
13 you gave to your investors was that Front Sight had
14 complied with the provision of the senior debt?

03:45:36 15 A. Please show me the document.

16 Q. So you're not agreeing with me?

17 A. I'm not agreeing with you. I don't have the
18 document.

19 Q. Did you -- would you have kept that document?

03:45:51 20 A. Yes.

21 (A discussion was held off the record.)

22 BY MR. ALDRICH:

23 Q. If you want to turn to Exhibit 41. It's
24 page 265.

03:46:43 25 A. I'm sorry, turn where?

03:46:46 1 Q. Exhibit 41. It's in Volume II.
2 MR. GREER: End of Volume I.
3 MR. ALDRICH: Oh, it's end of Volume I.
4 MR. GREER: Yeah.

03:46:54 5 BY MR. ALDRICH:
6 Q. Sorry, sir. It's end of Volume I.
7 A. I'm sorry, what's the exhibit number?
8 Q. It's Exhibit 41. Page 265. Do you see where
9 it -- this is your update to the investors of 24
03:47:36 10 October, 2017, correct?
11 A. It is.
12 Q. And under "senior construction lender," does
13 that indicate to your investors that Front Sight has
14 met its obligation regarding the senior construction
03:47:52 15 lender?
16 A. No, it does not by a long stretch of the
17 imagination.
18 Q. Okay.
19 MR. ALDRICH: Your Honor, I move to admit
03:48:27 20 Exhibit 41.
21 MR. GREER: No objection.
22 THE COURT: It shall be admitted, sir.
23 (Exhibit 41 admitted).
24 BY MR. ALDRICH:
03:48:38 25 Q. Another -- if you'll turn to -- so now I'm

03:48:56 1 back in binder 3. And Exhibit 47. You've -- under
2 Section 3 on page -- it's Bates labeled 297, Front
3 Sight addresses the alleged breach of not showing that
4 the expenses had met the amount loaned.

03:49:55 5 Would you agree that contemporaneously with
6 the letter that was sent to you, this Exhibit 47 on
7 August 20, 2018, that there were also -- I'm sorry,
8 strike that. Let me back up.

9 The objection there is that they had -- they
03:50:34 10 had not used at least \$2,625,000 to -- for construction
11 of the project; is that fair?

12 A. That's what this letter says.

13 Q. Okay. Was that the allegation of breach that
14 you had sent shortly before this?

03:50:51 15 A. There were multiple breaches from the
16 beginning.

17 Q. The letter over the next few pages goes
18 through and talks about, in particular, paying off the
19 existing debt that was on Front Sight in the amount of
03:51:14 20 just over 9 million dollars.

21 And as you sit here today, is it your position
22 that Front Sight could not use the loan proceeds that
23 were provided to it to pay off the existing debt on the
24 property?

03:51:32 25 A. Mr. Aldrich, as we previously discussed, money

03:51:36 1 is fungible. We didn't put tracers on the \$2,625,000
2 that we had lent at that point.

3 As we subsequently found out, Front Sight
4 spent only a portion of our money on hard construction
03:51:53 5 costs, and Mr. Piazza put \$17 million into his pocket.

6 Q. I understand that you've made that assertion
7 several times. But Front Sight's actually provided
8 documentation to you that shows that they spent way
9 more than what you loaned them on this project,
03:52:12 10 correct?

11 A. They have not spent anywhere close to what we
12 have lent them on constructing the project. That's why
13 we're here.

14 Q. You're carefully wording your answer. You're
03:52:24 15 saying on constructing the project. But they're
16 entitled to use the proceeds pursuant to the
17 construction loan agreement on much more than just
18 constructing the project; correct?

19 A. Their fundamental obligation was to build the
03:52:39 20 project that was approved by the federal government.
21 Period. End of statement.

22 Q. But that's not an answer to my question.
23 My question is: The construction loan
24 agreement permits them to spend the loan proceeds on
03:52:57 25 much more than just current construction of the

03:53:01 1 project?

2 A. The loan agreement says what it says. They
3 failed to spend the money on construction of the
4 project.

03:53:14 5 Q. In fact, the private placement memorandum
6 contemplated \$9 million going to paying for the
7 existing debt; correct?

8 A. The Front -- I'm sorry. The private placement
9 memorandum contemplated that Front Sight would also be
03:53:34 10 spending its own revenues to be paying down the senior
11 debt and to construct the project.

12 Q. And it provided that Front Sight could use
13 \$9,037,000 to pay off the preexisting debt; correct?

14 A. The construction loan agreement states what it
03:53:58 15 states, and it requires them to build the project that
16 was approved by the federal government.

17 Q. If you'll turn for me to Exhibit 33, which is
18 the construction loan agreement. I believe it's
19 already admitted.

03:56:19 20 Mr. Dziubla, you have told me that under the
21 construction loan agreement, Front Sight was obligated
22 to finish the project. Can you point me to the
23 provision of the construction loan agreement that you
24 assert says that?

03:56:34 25 A. Paragraph -- Section 1.1. "Subject to the

03:57:00 1 terms and conditions of this agreement, lender agrees
2 lend to borrower (Front Sight) and borrower agrees to
3 borrower from lender the proceeds of the loan from time
4 to time in accordance with the terms hereof until
03:57:14 5 maturity date for the purpose of refinancing,
6 developing, and constructing the project."

7 Q. That's the provision that you're -- you assert
8 requires Front Sight to finish the project, or it's in
9 breach?

03:57:42 10 A. There are multiple provisions and terms in the
11 loan agreement and the deed of trust that required them
12 to build the project as approved by the federal
13 government.

14 Q. And --

03:57:54 15 A. And in the private placement memorandum that
16 was circulated to the investors after their approval as
17 well.

18 Q. And you'll agree with me that Section 1.1, the
19 part you just read, includes the purpose of
03:58:08 20 refinancing; correct?

21 A. The agreement speaks for itself.

22 MR. GREER: Actually, that's my objection.
23 Your Honor, the document does speak for itself, your
24 Honor. We've addressed each of these provisions in our
03:58:25 25 brief. I'm not going to intervene and testify for the

03:58:27 1 witness, but the answer to counsel's question is
2 already laid out in our brief about what each of the
3 provisions cover.

4 MR. ALDRICH: Any --

03:58:42 5 THE COURT: You have another question?

6 BY MR. ALDRICH:

7 Q. Are there any other provisions that you assert
8 require that Front Sight finish the project, or it's in
9 breach?

03:58:55 10 A. This is a 43 -- 45-page document. I do
11 believe there are multiple other provisions that
12 require that as well.

13 MR. GREER: Can I save time and direct the
14 Court to Section 5.1 titled "Completing Construction"
03:59:14 15 so we don't have to go all through this thing all day.
16 On page 21.

17 BY MR. ALDRICH:

18 Q. All right. So I guess I'm not sure I've ever
19 gotten a straight answer to this question. But it's
04:01:04 20 your position that if Front Sight had paid off the
21 Hollicheck (phonetic) note -- strike that.

22 It's your position that if Front Sight had
23 taken all the money that Las Vegas Development Fund has
24 loaned to them and used it only for preexisting debt,
04:01:25 25 that they are in breach of the agreement?

04:01:28 1 A. Absolutely.

2 MR. GREER: I just object as incomplete

3 hypothetical. That was presuming there was no

4 construction work done; correct?

04:01:36 5 THE WITNESS: Well, he said pay only on the

6 preexisting debt.

7 MR. ALDRICH: Um-hum.

8 BY MR. ALDRICH:

9 Q. All right. If you'll turn for me to page 303

04:01:51 10 of Exhibit 47, so I'm back in binder 3.

11 A. And, actually, if I -- if there are multiple

12 provisions in this agreement -- it is a complex secured

13 construction loan agreement, and there's also a 30-,

14 40-page construction deed of trust, looking on page --

04:02:10 15 just by way of example, Section 1.7 --

16 Q. I'm sorry to interrupt. There is not a

17 pending question.

18 THE COURT: Wait, wait.

19 MR. ALDRICH: There's not a pending question.

04:02:20 20 THE COURT: I agree.

21 BY MR. ALDRICH:

22 Q. All right. So let's go back to binder 3,

23 Exhibit 47 under No. 5.

24 MR. GREER: I'm sorry. Which binder? 3?

04:02:48 25 MR. ALDRICH: Binder 3, Exhibit 47.

04:02:49 1 MR. GREER: Yes.

2 MR. ALDRICH: Page 303.

3 MR. GREER: Okay.

4 BY MR. ALDRICH:

04:03:01 5 Q. So this addresses the allegation that Front
6 Sight has breached because it has not provided
7 supporting documentation for monthly project costs and
8 expenditures; correct?

9 A. The title --

04:03:24 10 MR. GREER: Your Honor, this is just really --
11 objection. This really seems like a backdoor way of
12 getting in hearsay and argument. This is -- this is --
13 this is Mr. Piazza's letter disputing Mr. Dziubla's
14 default notice.

04:03:40 15 It's hearsay without foundation being set.

16 And just merely getting it on the record now,
17 it's straight hearsay. It has no evidentiary value. I
18 mean, we should have testimony in evidence.

19 MR. ALDRICH: So my question is, because it
04:04:00 20 hasn't been admitted right now, which I admit, is to
21 ask whether he received the documents that are
22 referenced here on -- that provided the monthly project
23 costs. That's my next question. And it is relevant
24 because there has been continued assertion throughout
04:04:18 25 that we haven't provided --

04:04:19 1 THE COURT: I mean, you can ask him what he
2 received.

3 MR. GREER: Yeah, that's -- no objection.
4 BY MR. ALDRICH:

04:04:26 5 Q. So, Mr. Dziubla, there's reference in this
6 paragraph to an Exhibit C that provided monthly project
7 costs. Did you indeed receive that documentation?

8 A. We received lots of documentation and letters
9 from Front Sight. Whether this is exactly what they
04:04:44 10 sent me, I can't say, but are you looking at Bates
11 page 392?

12 Q. I'm looking at Bates page 303.

13 A. Okay. 303.

14 Q. It makes reference to an Exhibit C that was
04:05:02 15 provided to you, that in that Exhibit C included
16 monthly cost reports.

17 A. Well, it says, "In an additional exercise of
18 good faith, attached as Exhibit C to this letter,
19 please find monthly reports of project costs and
04:05:21 20 expenditures for the pertinent dates."

21 Q. Right.

22 A. Okay. And so my question to you, Mr. Aldrich,
23 is: Are you, then, referring me to what is contained
24 in this exhibit as Exhibit C, which begins with Bates
04:05:36 25 page 391?

04:05:38 1 Q. I wasn't referring you to that, but if you
2 want to look at it and tell me that you received it,
3 that's fine.

4 A. What it's referring to and what is attached
04:05:46 5 here is journal ledger entries, and if we just begin to
6 look at page 392, for example, it's Costco and UPS and
7 Home Depot and RSR Group, which is ammunition and
8 broadband and Interstate Arms Corporation for guns.

9 Q. So did you receive this information?

04:06:18 10 MR. GREER: Your Honor, lacks foundation.
11 This is the monthly expense costs. Let's see, what's
12 the exact phrase that was used here? Monthly evidence
13 of project costs. Lack of foundation that that's what
14 this is.

04:06:32 15 BY MR. ALDRICH:

16 Q. My question was simply, did you receive
17 documentation of monthly costs when you received this
18 letter? Not even necessarily what's attached, because
19 you've told me you don't know for sure.

04:06:43 20 THE COURT: Monthly project costs?

21 MR. ALDRICH: Correct.

22 THE WITNESS: Okay. What is contained here as
23 Exhibit C are not monthly Project, with a capital P,
24 costs. It's their operating expenses, not costs for
04:06:59 25 building the project. And that was my problem with

04:07:06 1 their submittal.

2 BY MR. ALDRICH:

3 Q. And so -- and you reached that conclusion just
4 now while you're looking, or you remember seeing this
04:07:12 5 and you reached that conclusion before?

6 A. Well, that was my conclusion when I responded
7 to this letter way back when.

8 Q. All right. So you did receive documents way
9 back when?

04:07:24 10 A. I did, yes.

11 Q. Okay.

12 MR. ALDRICH: If I can just have the Court's
13 indulgence for just a minute.

14 I'm close to wrapping it up, your Honor. I
04:09:47 15 just need to look at the exhibits real quick.

16 MR. GREER: Could we just -- maybe just short
17 break, your Honor? We're trying to save some time,
18 actually.

19 THE COURT: No, that's fine.

04:12:27 20 (Brief pause in proceedings.)

21 THE COURT: Okay, gentlemen, you got it
22 figured out?

23 MR. GREER: We made great headway, your Honor.

24 MR. ALDRICH: We did. So we had a discussion
04:33:21 25 about exhibits, and there's -- I want to make two

04:33:25 1 corrections to the exhibits, and then we'll talk about
2 the ones that are going to be admitted.

3 Exhibit 25, just on the exhibit list that we
4 provided to the Court, had a typo. And so it says
04:33:44 5 August 31, 2018, correspondence. It says from Front
6 Sight to Robert Dziubla, and it should say to Front
7 Sight from Robert Dziubla.

8 MR. GREER: That's on the exhibit list.

9 MR. ALDRICH: On Exhibit 25. So we need to
04:33:59 10 make that correction.

11 And then on Exhibit 27, the first page is
12 Bates labeled 0126, and it is an email from an attorney
13 and it's not pertinent, so we're going to remove it.

14 Just remove it.

04:34:51 15 All right. Then with those changes, now there
16 are several exhibits that we have agreed to admit. And
17 they are Exhibit 8, 9, 11, 13, 14, 15, 16, 17, 18, 19,
18 20, 22, 24, 25, 26, 28, 29, 30, 31, 32, 34, 35, 36, 38,
19 39, 40, 42.

04:35:46 20 MR. GREER: So stipulated.

21 THE COURT: All right. Shall be admitted. So
22 admitted.

23 (Exhibit 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 20, 22,
24 24, 25, 26, 28, 29, 30, 31, 32, 34, 35, 36, 38, 39, 40,
04:35:49 25 and 42 admitted)

04:35:50 1 MR. ALDRICH: And then I said those famous
2 last words to Mr. Dziubla, and I just had a couple of
3 questions regarding one exhibit. I wanted to see if I
4 could lay a foundation for it. And that's Exhibit 12.

04:35:59 5 BY MR. ALDRICH:

6 Q. So, Mr. Dziubla, in fairness to both of us, we
7 had a conversation off the record. Let me ask a couple
8 of questions. Do you recognize this printout as coming
9 from the website of EB5 Impact Capital?

04:36:34 10 A. Yes, that's what it says.

11 Q. Okay. And do you know -- so we as we talked
12 about off the record, we noted that this was apparently
13 printed August 20, 2018. Do you see that?

14 A. I do.

04:36:55 15 Q. Do you know when the content that appears on
16 this page would have appeared on your website?

17 A. I don't remember.

18 Q. Do you have any reason to believe that the
19 content on the website was changed in the -- say, the
04:37:14 20 two years before this was printed?

21 A. I don't remember.

22 Q. Okay. All right.

23 MR. ALDRICH: Well, your Honor, because it's
24 from that website, I will move for it is admission.

04:37:31 25 MR. GREER: I guess if -- an objection that

04:37:34 1 there's lack of foundation as to when this language
2 appeared -- question as to relevance, but I guess,
3 since we're before the Court, if it's -- based on the
4 testimony, we don't know when this language was
04:37:48 5 actually put on the website. It could be admitted for
6 a limited purpose, I guess. I wouldn't object for a
7 limited purpose of its existence.

8 THE COURT: Anything else you want to add to
9 that, sir? I mean, it's his website. As far as
04:38:06 10 whether it was changed on the 19th of August of 2018 or
11 August of 2016, we don't know, do we?

12 MR. ALDRICH: We do not know. We only know
13 there is a copyright of 2014. And beyond that, we
14 don't.

04:38:26 15 THE COURT: It will be admitted for a limited
16 purpose to show that this was the content on the date
17 it was printed.

18 MR. ALDRICH: All right. Thank you very much,
19 your Honor. And those are all the questions that I
04:38:39 20 have.

21 THE COURT: All right. So what time are we
22 going to start tomorrow?

23 MR. GREER: Your Honor, we have some issues
24 I'd like to raise.

04:38:47 25 Scheduling, for one thing. This is a

04:38:49 1 preliminary injunction hearing. Mr. Dziubla has been
2 on the stand for two days. He's actually been here for
3 four days thus far.

4 THE COURT: You would like to have him
04:38:57 5 released?

6 MR. GREER: What's that?

7 THE COURT: You would like to have him
8 released?

9 MR. GREER: Well, I'm going to save my
04:39:03 10 questions for him to our case in chief, because I want
11 to make sure that I get access to opposing witnesses in
12 this session.

13 And Mr. Aldrich said that he wants to depose
14 Mr. -- Linda Stanwood, Mr. Dziubla's wife, tomorrow
04:39:19 15 morning, and then also Mr. Fleming. And I would like
16 to ask the Court to put some constraints here to avoid
17 duplication of testimony. We've gone over every
18 communication between these people, we've gone over all
19 the financial records. I just -- I would like to, in
04:39:36 20 fairness, have -- request that the Court put some
21 constraints here time wise or at least put limitations
22 on the testimony that if it does wind up becoming
23 duplicative, that the Court would entertain an
24 objection to curtailing it.

04:39:54 25 So Mr. Piazza's here tomorrow. I would like

04:39:57 1 some guarantee that I'm going to have an hour or two at
2 least with him tomorrow afternoon.

3 THE COURT: Mr. Aldrich.

4 MR. ALDRICH: Well, if -- I recognize that if
04:40:08 5 everything I'm -- we're going over is duplicative, that
6 the Court may well tell me I can't continue. I don't
7 think it's going to be duplicative. I think that where
8 Mr. Fleming is the only other person who was involved
9 in all this on behalf of the entity defendants, it
04:40:26 10 isn't duplicative.

11 But nonetheless, I recognize that, and I guess
12 we can deal with it when it comes up.

13 With regard to, you know, a guarantee that I'm
14 going to be done at a certain time tomorrow, I will
04:40:41 15 certainly try, but I don't think I should be
16 constrained. We've heard several times that it's my
17 burden because it's my motion for a preliminary
18 injunction. And I don't think constraining me is the
19 appropriate thing.

04:40:54 20 MR. GREER: I think we have exceptional
21 circumstances here. One, we have three days of
22 testimony that Mr. Dziubla is on the stand all day.
23 Granted, it was an act of God that Mr. Aldrich got
24 sick, but we had the two days we were here without
04:41:10 25 testimony. We heard all day today, and now -- and --

04:41:13 1 and I would ask for a showing of proof, ask the Court
2 to request that counsel make a showing of proof as to
3 what new areas they're going into.

4 Because my concern is, I know Piazza. He
04:41:23 5 doesn't get on the stand. Smart money is he's not
6 going to get on the stand tomorrow, and that's what I'm
7 concerned about is -- I don't see an intentional slow
8 play, but not paying attention to the need to
9 expeditiously handle things, so should we go another
04:41:42 10 day and Mr. Piazza doesn't get on the stand. And I
11 think we should -- I think it's unfair to give us a
12 certain amount of time if -- if he doesn't finish up --

13 THE COURT: So how much time do you need
14 tomorrow, sir, and for what purpose?

04:41:54 15 MR. GREER: I'd like to see two hours with
16 Mr. Piazza. I mean, that's -- they'll have seven,
17 14 -- they'll have 20 hours. I mean, 18 hours. To
18 give me two, I don't think, is unfair. And
19 particularly since I'm -- I'm reserving my
04:42:10 20 cross-examination of my own witnesses until later just
21 so I can make time to get this witness.

22 MR. ALDRICH: Here's the other thing that's so
23 interesting about that, your Honor, is that if I talk
24 to Ms. Stanwood in the morning, talk to Mr. Fleming
04:42:26 25 whenever it is that that wraps up -- I have a lot of

04:42:29 1 questions for Mr. Fleming, but even assuming I wrap up,
2 then it may be I don't want to put Dr. Piazza on the
3 stand to talk to him, to get exhibits in, and to get
4 his side of the story out there while I have a chance
04:42:40 5 to ask him those questions. And that's my right to do
6 that.

7 THE COURT: So where are we at as far as time
8 is concerned? And what I mean by that, that's -- I
9 meant it to be a much broader question because I guess
04:42:54 10 it comes down to your schedules. Because --

11 MR. GREER: We're going to have to go more
12 days, obviously.

13 THE COURT: Obviously.

14 MR. GREER: That's obvious.

04:43:05 15 THE COURT: I mean, we can go very quickly.
16 That's my point.

17 MR. GREER: Pull up calendars, but I need at
18 least an hour with Mr. Piazza tomorrow.

19 THE COURT: One thing you can be -- rest
04:43:15 20 assured of, what I try not to do is -- I think due
21 process mandates that, if that's what you want, before
22 I make an ultimate decision. So you have the right to
23 call him.

24 MR. GREER: I have him subpoenaed to be here.

04:43:35 25 MR. ALDRICH: He certainly has a right to call

04:43:36 1 him. That's correct.

2 THE COURT: Exactly.

3 MR. ALDRICH: The question is, do the
4 defendants have a right to limit my case. That's the
04:43:43 5 question.

6 MR. GREER: If -- if --

7 THE COURT: All I can say is remember -- and
8 here's the thing. I mean, I was listening to a lot of
9 the questioning this afternoon and some in the morning,
04:43:54 10 and I realize you haven't had a chance to take a
11 deposition, so I'm being a little bit more lenient, but
12 some of the questions are a lot more like
13 deposition-like. That's okay. I thought to myself
14 when the questions were being asked, well, it tells me
04:44:10 15 that the deposition shouldn't take very long because
16 there's not --

17 MR. GREER: Absolutely.

18 THE COURT: -- there is not much left, but
19 that is okay.

04:44:17 20 But all I can say is this -- I think all I'm
21 saying is this. We don't have to make a decision right
22 now as far as the short term, but my trial calendar for
23 this stack cleared up, right? We didn't have anything.

24 THE COURT CLERK: That's right.

04:45:17 25 THE COURT: So I'm talking about the next five

04:45:19 1 weeks, my trial stack cleared up.

2 MR. GREER: Well, halleluiah.

3 THE COURT: So all I'm saying is this, you
4 know, I'm -- I try to be accommodating. And so what

04:45:29 5 I'm saying is this, I don't have a trial -- I'm not in
6 trial this week. I'm not in trial next week. I'm not
7 in a trial the week after. And I don't -- and, sir,
8 Mr. Greer --

9 MR. GREER: Calendar is right here.

04:45:41 10 THE COURT: -- you don't have to make a
11 decision right now. But the only time issue I have
12 this week is Friday, I'm going to Chicago. Other than
13 that, I'm -- and I'll be back Sunday. So my point
14 is --

04:45:55 15 MR. GREER: We're going to be here on the 7th.

16 THE COURT: And that's the 7th of August;
17 right? We're not in that trial week. I can tell you
18 that.

19 MR. GREER: Your Honor, can I confer with

04:46:13 20 Mr. Dziubla? He's on the stand, right?

21 THE COURT: He can come down.

22 MR. GREER: Yeah.

23 THE COURT: We're housekeeping.

24 MR. GREER: We've got another issue here

04:46:19 25 because we have another -- there's now a payment

04:46:22 1 default on top of -- he stopped paying his payments, so
2 it's changed things a bit, and so --

3 MR. ALDRICH: We're going to talk about that.
4 We filed a motion.

04:46:32 5 THE COURT: So I'm just worried about getting
6 this done.

7 MR. GREER: Yeah.

8 THE COURT: So all I'm saying is if you want
9 to talk or whatever, it's not a real big deal, but, I
04:46:41 10 mean -- and you don't even have to make a decision
11 right now because you'll be here tomorrow.

12 MR. GREER: Yes.

13 THE COURT: So all I'm saying is for the most
14 part, we're wide open.

04:46:50 15 MR. GREER: Okay.

16 THE COURT: And I can't normally say that.
17 But for now, we're wide open and I won't be taking --
18 and, I mean, that's what business court is for. We try
19 to expedite these matters. I mean, if I had my way,
04:47:02 20 we'd swear a jury on Monday. I can get you one, too.

21 MR. GREER: I'd do that. I'm in. You in?

22 THE COURT: I can get you one.

23 MR. ALDRICH: I have a family vacation.

24 THE COURT: I'll see you tomorrow at 10:30.

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(Proceedings were concluded.)

* * * * *

1 REPORTER'S CERTIFICATE

2 STATE OF NEVADA)

:SS

3 COUNTY OF CLARK)

4 I, PEGGY ISOM, CERTIFIED SHORTHAND REPORTER DO
5 HEREBY CERTIFY THAT I TOOK DOWN IN STENOTYPE ALL OF THE
6 PROCEEDINGS HAD IN THE BEFORE-ENTITLED MATTER AT THE
7 TIME AND PLACE INDICATED, AND THAT THEREAFTER SAID
8 STENOTYPE NOTES WERE TRANSCRIBED INTO TYPEWRITING AT
9 AND UNDER MY DIRECTION AND SUPERVISION AND THE
10 FOREGOING TRANSCRIPT CONSTITUTES A FULL, TRUE AND
11 ACCURATE RECORD TO THE BEST OF MY ABILITY OF THE
12 PROCEEDINGS HAD.

13 IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED
14 MY NAME IN MY OFFICE IN THE COUNTY OF CLARK, STATE OF
15 NEVADA.

16
17 _____
18 PEGGY ISOM, RMR, CCR 541
19
20
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22
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24
25

<p>BY MR. ALDRICH: [46] 20/2 23/14 29/5 29/14 35/21 39/5 43/17 44/14 47/2 47/7 48/24 49/13 49/25 52/18 53/6 54/3 61/14 63/9 63/18 81/10 89/4 97/21 99/19 105/6 106/15 108/9 110/20 111/10 118/15 121/12 123/25 126/1 126/22 127/8 129/22 130/5 130/24 135/6 135/17 136/8 136/21 137/4 138/4 139/15 140/2 142/5 COURT CALL MODERATOR: [3] 4/24 5/3 5/7 IN UNISON: [1] 4/7 MR. ALDRICH: [120] 4/10 5/23 6/20 6/23 7/4 7/9 7/11 7/13 8/1 8/11 9/6 9/12 9/19 12/8 12/11 12/19 12/25 13/3 13/8 14/8 17/1 17/9 17/15 17/24 19/20 20/15 22/1 22/5 23/1 28/25 29/2 29/4 29/12 31/4 32/16 32/18 32/23 33/17 34/9 42/11 42/16 43/11 43/16 44/6 44/9 45/3 45/8 46/23 47/1 47/6 48/6 48/20 49/8 53/1 53/22 54/2 61/6 62/16 62/19 63/3 63/6 63/16 80/25 81/6 98/5 98/7 98/10 98/23 98/25 99/5 99/8 99/11 99/14 99/18 106/2 106/9 108/7 114/8 114/24 115/4 115/8 115/20 116/5 116/10 116/12 117/8 118/6 118/10 121/2 121/5 121/8 121/10 123/16 124/11 125/12</p>	<p>125/23 126/21 127/7 130/3 130/19 135/4 136/7 136/19 136/25 137/2 137/19 139/21 140/12 140/24 141/9 142/1 142/23 143/12 143/18 145/4 146/22 147/25 148/3 150/3 150/23 MR. DZIUBLA: [1] 23/3 MR. GREER: [131] 4/14 6/18 7/12 8/15 10/4 10/9 10/11 10/13 10/21 11/23 11/25 12/6 13/10 13/12 15/12 16/24 19/12 20/14 20/21 21/4 21/6 21/15 21/23 22/3 22/17 23/7 28/24 29/1 29/8 30/8 30/10 31/21 32/22 34/14 38/23 42/9 42/15 43/2 43/21 43/24 44/2 44/23 45/16 47/16 47/18 49/15 53/3 53/24 60/24 61/12 62/10 62/23 63/5 63/15 63/17 89/3 97/20 98/2 98/6 98/13 98/17 104/22 106/6 106/12 108/6 108/8 110/19 111/6 114/6 114/10 114/17 115/6 115/10 115/23 116/4 116/9 116/11 116/19 117/4 117/7 117/9 117/14 117/21 117/24 118/12 118/14 121/1 121/4 121/7 121/9 124/13 125/15 127/1 130/2 130/4 130/21 134/22 135/13 136/2 136/24 137/1 137/3 137/10 138/3 139/10 140/16 140/23 141/8 141/20 142/25 143/23 144/6 144/9 145/20 146/15 147/11 147/14 147/17 147/24</p>	<p>148/6 148/17 149/2 149/9 149/15 149/19 149/22 149/24 150/7 150/12 150/15 150/21 MS. BIXENMANN: [1] 8/10 MS. HOLBERT: [6] 5/9 5/12 5/17 6/6 6/11 6/14 THE COURT CLERK: [1] 148/24 THE COURT REPORTER: [1] 52/9 THE COURT: [151] 4/6 4/8 4/22 5/1 5/6 5/10 5/14 5/20 6/1 6/7 6/13 6/16 6/19 6/22 6/25 7/3 7/5 7/10 7/23 8/16 9/11 9/16 9/20 10/5 10/10 10/12 10/16 10/22 11/24 12/1 12/7 12/10 12/16 12/21 13/2 13/6 13/9 13/11 13/13 14/9 16/3 16/25 17/8 17/14 17/23 17/25 19/13 19/21 21/2 21/5 21/8 21/19 22/6 22/23 23/2 23/8 32/15 32/17 33/1 33/22 34/13 38/24 43/14 43/22 44/4 45/4 46/3 46/24 47/4 48/19 49/16 52/11 52/14 52/17 53/4 53/25 61/5 61/10 61/13 62/15 62/18 80/24 81/1 81/4 81/7 98/15 98/19 99/3 99/7 99/9 99/12 99/15 104/24 106/7 106/14 114/13 114/19 115/2 115/18 116/2 116/6 116/16 116/21 117/5 117/12 117/16 117/19 117/23 118/4 118/8 118/11 118/13 123/24 125/22 126/20 127/6 130/22 135/5 136/18 136/20</p>	<p>138/1 139/20 140/19 140/21 141/21 143/8 143/15 143/21 144/4 144/7 145/3 146/13 147/7 147/13 147/15 147/19 148/2 148/7 148/18 148/25 149/3 149/10 149/16 149/21 149/23 150/5 150/8 150/13 150/16 150/22 150/24 THE WITNESS: [19] 7/2 29/3 30/9 35/1 38/25 44/7 44/13 47/17 48/21 49/18 52/16 63/8 81/9 98/24 105/1 111/8 115/7 136/5 139/22 \$ \$1,000 [1] 84/11 \$1,136.89 [1] 101/11 \$1,437.30 [1] 94/10 \$1,550 [1] 67/17 \$1,750 [1] 76/7 \$100 [2] 64/17 106/18 \$105 [2] 59/25 64/6 \$106 [1] 64/5 \$12,000 [3] 72/25 73/5 73/8 \$122,906.23 [1] 109/17 \$145.99 [1] 78/23 \$15 [1] 78/19 \$167,587.95 [1] 63/12 \$17 [1] 132/5 \$17 million [1] 132/5 \$195 [1] 76/22 \$2,255 [1] 107/25 \$2,265 [1] 107/24 \$2,500 [1] 70/10 \$2,625,000 [2] 131/10 132/1 \$20,000 [8] 24/18 24/21 25/1 25/3 25/13 109/25 110/3 110/8 \$2200 [1] 96/12 \$243.68 [1] 79/21</p>	<p>\$249,730 [2] 57/17 58/4 \$250,000 [4] 105/2 105/8 105/14 105/22 \$26.43 [1] 103/24 \$260 [1] 75/22 \$277,230 [2] 55/11 57/25 \$28,000 [1] 111/16 \$298 [1] 104/8 \$3,272.02 [1] 93/24 \$3,977.50 [1] 74/13 \$3.07 [2] 77/11 77/12 \$320,000 [1] 60/25 \$320,152.18 [1] 58/16 \$326.37 [1] 79/8 \$35 [1] 107/2 \$36 [1] 128/6 \$36 million [1] 128/6 \$36,000 [2] 27/5 27/9 \$4,006 [2] 95/17 101/19 \$4,008 [1] 95/12 \$44,000 [1] 105/19 \$44,300 [5] 87/21 87/23 88/20 89/6 89/11 \$500 [1] 84/2 \$569.68 [1] 77/21 \$6,000 [1] 28/11 \$6,159.17 [1] 77/15 \$7,500 [1] 64/11 \$724.50 [1] 80/15 \$75 [1] 105/9 \$75 million [1] 105/9 \$750 [1] 64/17 \$8,000 [1] 75/2 \$87,000 [2] 111/4 111/14 \$9 [1] 133/6 \$9 million [1] 133/6 \$9,037,000 [1] 133/13 '16 [1] 86/7</p>
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(1) BY MR. ALDRICH: - '16

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-o0o [6] 52/12 52/13 81/2 81/3 117/17 117/18	122,906.23 [3] 109/4 109/22 110/4 13 [3] 28/22 141/17 141/23 133 [1] 21/8 14 [9] 7/15 27/21 28/2 28/4 28/10 28/12 141/17 141/23 146/17 15 [4] 52/11 102/13 141/17 141/23 15.12 [1] 103/19 150-billion-dollar [1] 70/3 155.30 [1] 92/21 16 [4] 28/4 80/14 141/17 141/23 16.1 [1] 7/7 160 [1] 3/8 1601 [1] 3/7 169 [2] 113/16 116/3 17 [5] 93/22 94/8 100/3 141/17 141/23 17150 [1] 2/15 173 [1] 116/3 177 [2] 116/4 116/5 18 [4] 28/4 141/17 141/23 146/17 19 [4] 23/6 87/6 141/17 141/23 1975 [1] 3/11 1990s [1] 24/9 19th [1] 143/10 1:30 p.m [1] 81/1 1st [1] 79/7	2005 [2] 96/1 101/8 2008 [1] 102/2 2011 [1] 79/7 2012 [4] 28/22 29/18 36/11 36/21 2013 [7] 57/18 58/17 93/22 94/8 94/21 100/3 100/16 2014 [10] 95/10 96/1 96/10 102/13 103/6 103/18 103/24 122/16 122/20 143/13 2015 [12] 71/18 71/24 74/25 78/17 78/22 79/19 80/15 81/21 104/6 106/18 106/21 107/7 2016 [14] 57/18 57/20 58/17 75/21 76/7 77/14 82/22 84/9 86/15 87/3 87/6 92/11 92/17 143/11 2017 [1] 130/10 2018 [8] 37/16 37/20 38/2 77/21 131/7 141/5 142/13 143/10 2019 [5] 1/21 4/1 37/16 37/21 38/3 2026 [1] 104/6 206 [1] 2/6 21 [2] 92/11 135/16 22 [4] 1/21 4/1 141/18 141/23 227-1975 [1] 3/11 24 [4] 92/17 130/9 141/18 141/24 244,000 [1] 58/4 249 [1] 61/2 25 [7] 84/9 96/10 103/6 141/3 141/9 141/18 141/24 2510 [1] 2/5 26 [3] 81/20 141/18 141/24 265 [2] 129/24 130/8 27 [3] 86/7 86/7 141/11 270 [1] 110/17 276 [3] 122/10 122/18 122/19 277 [1] 61/2	280 [1] 92/5 281 [2] 92/6 92/10 282 [2] 92/6 93/7 284 [1] 96/25 29 [2] 141/18 141/24 290 [2] 89/1 89/2 295 [2] 127/11 127/24 296 [1] 127/24 297 [1] 131/2	43 [5] 97/3 98/7 98/11 112/5 135/10 45 [19] 52/20 53/2 53/5 53/7 55/2 55/7 57/12 57/15 58/10 81/14 89/1 110/14 120/7 120/9 120/16 121/3 121/6 121/23 122/10 45-page [1] 135/10 45.65 [1] 92/12 46 [24] 53/15 53/18 53/22 54/1 54/7 54/17 55/22 59/20 59/20 108/17 110/13 110/25 111/1 112/18 120/8 120/11 120/15 120/17 120/25 121/1 121/10 121/23 122/4 122/25 47 [8] 124/3 124/12 127/10 131/1 131/6 136/10 136/23 136/25 4727 [1] 84/24 48 [1] 54/25
0			3	46 [24] 53/15 53/18 53/22 54/1 54/7 54/17 55/22 59/20 59/20 108/17 110/13 110/25 111/1 112/18 120/8 120/11 120/15 120/17 120/25 121/1 121/10 121/23 122/4 122/25 47 [8] 124/3 124/12 127/10 131/1 131/6 136/10 136/23 136/25 4727 [1] 84/24 48 [1] 54/25
00010 [1] 121/17 0009 [1] 121/16 00331 [1] 126/18 0126 [1] 141/12 0270 [1] 110/15 0272 [1] 55/7 0274 [2] 56/9 56/11 0276 [6] 58/10 58/21 59/14 59/24 121/3 121/8 0277 [3] 63/11 63/16 67/16 0278 [2] 68/17 72/24 0279 [1] 81/14 0284 [2] 93/19 102/10 0285 [3] 103/17 106/16 106/21 0286 [1] 107/6 0287 [4] 66/12 66/13 107/22 108/7 0288 [1] 58/10 0311 [1] 126/7 0331 [1] 126/21 0351 [1] 85/6 06-27 [1] 86/7 Okay [1] 100/7		3,272.02 [1] 100/5 3,863.10 [1] 107/9 30 [6] 11/4 22/25 23/9 136/13 141/18 141/24 303 [4] 136/9 137/2 138/12 138/13 31 [6] 77/21 79/19 94/21 141/5 141/18 141/24 31st [1] 8/12 32 [2] 141/18 141/24 33 [1] 133/17 34 [2] 141/18 141/24 35 [2] 141/18 141/24 36 [2] 141/18 141/24 36-million-dollar [3] 126/12 128/18 129/5 38 [2] 141/18 141/24 39 [2] 141/19 141/24 3900 [1] 2/8 391 [1] 138/25 392 [2] 138/11 139/6 3rd [1] 41/15	49 [2] 135/14 50 [2] 70/2 105/8 50/50 [1] 70/2 500 [1] 7/19 541 [2] 1/24 152/17 5490 [1] 3/10 579-3900 [1] 2/8	
1			4	5
1 percent [5] 26/20 26/24 26/24 27/2 28/11 1,138.89 [1] 96/2 1,250 [1] 64/18 1.1 [2] 133/25 134/18 1.7 [1] 136/15 10 [2] 27/21 121/15 100 [2] 2/16 124/5 100 percent [1] 115/3 10:30 [1] 150/24 11 [2] 141/17 141/23 11-18-2015 [1] 74/25 12 [5] 27/21 28/2 38/12 78/17 142/4 122,206.23 [2]	2		40 [3] 8/15 141/19 141/24 40-page [1] 136/14 41 [5] 129/23 130/1 130/8 130/20 130/23 41.1 [1] 21/3 41.133 [1] 21/7	6
	20 [7] 36/10 60/9 131/7 141/18 141/23 142/13 146/17 20 miles [1] 86/14 20 percent [5] 23/24 24/13 24/25 25/4 110/7 20,000 [5] 24/12 109/20 109/21 110/6 111/18 200 [1] 124/5 2000 [1] 96/10 2001 [1] 99/24 2002 [2] 94/9 100/19 2004 [2] 95/11		40 [3] 8/15 141/19 141/24 40-page [1] 136/14 41 [5] 129/23 130/1 130/8 130/20 130/23 41.1 [1] 21/3 41.133 [1] 21/7	6 percent [5] 27/2 27/2 27/4 27/13 55/16 600 [2] 7/19 47/24 613-6677 [1] 2/18 613-6680 [1] 2/19 66 [1] 92/17 6677 [1] 2/18 6680 [1] 2/19 6935 [2] 85/2 85/3 6s [1] 95/18
			7	7
				70,000 [1] 61/3 702 [3] 2/8 3/10 3/11

<p>7 7th [2] 149/15 149/16 8 8,000 [1] 111/19 8,000-dollar [1] 68/23 853-5490 [1] 3/10 858 [2] 2/18 2/19 89.12 [1] 86/8 89074 [1] 2/7 89146 [1] 3/9 9 92127 [1] 2/17 9660 [4] 85/11 85/13 85/18 86/2 9:41 [1] 4/2 : :SS [1] 152/2 A A..M [1] 4/2 ability [3] 36/8 60/13 152/11 able [8] 37/6 65/11 65/15 79/4 81/17 95/5 118/6 119/15 about [115] 8/4 9/21 9/25 10/7 11/16 12/14 12/15 14/10 14/16 15/5 15/17 16/6 16/13 18/10 19/14 19/14 20/5 20/9 20/18 21/17 21/17 22/21 23/17 24/11 26/17 27/5 28/3 28/11 32/15 32/21 33/3 33/11 33/13 35/18 36/13 36/21 37/5 37/10 37/12 37/17 39/15 40/2 40/11 41/16 41/22 45/7 45/22 47/9 47/24 48/15 48/17 49/24 50/23 53/1 55/1 59/13 65/25 66/16 68/25 69/4 69/15 71/12 71/16 71/18 71/21 72/20 72/24 73/23 73/24 74/2 74/7 74/14 77/5 81/14 83/17 85/14 86/14 89/23 89/25 90/7 93/5 93/16</p>	<p>95/14 95/19 96/15 96/24 98/11 99/12 100/9 100/23 101/1 101/23 103/6 104/5 106/16 107/7 108/8 111/8 112/6 112/21 115/8 116/2 118/7 120/10 123/20 131/18 135/2 140/25 141/1 142/12 146/7 146/23 148/25 150/3 150/5 above [3] 85/9 85/13 97/24 absolutely [5] 17/8 18/1 20/17 136/1 148/17 abundance [1] 17/7 access [1] 144/11 accommodating [1] 149/4 accompany [1] 84/7 accordance [2] 26/10 134/4 according [2] 40/23 58/3 account [15] 74/22 75/15 75/17 85/14 85/15 88/2 88/6 88/6 88/10 88/12 88/15 88/16 88/17 98/16 99/16 accountant [1] 13/1 accounting [11] 42/2 53/10 53/19 54/8 54/18 54/21 67/12 67/14 108/19 112/10 114/3 accounts [1] 88/4 accurate [2] 56/12 152/11 acquainted [2] 113/17 119/19 acronym [1] 65/2 across [1] 73/3 act [1] 145/23 acted [1] 89/24 acting [2] 26/2 71/23 action [2] 23/10 48/7 actual [6] 29/10 29/13 108/24 109/3 110/10 119/21</p>	<p>actually [30] 7/6 12/4 24/15 25/17 26/17 27/25 30/10 48/13 63/23 64/6 74/11 77/8 95/16 98/2 106/9 107/25 109/3 109/8 114/19 114/23 121/3 121/16 127/18 128/11 132/7 134/22 136/11 140/18 143/5 144/2 add [3] 109/16 115/18 143/8 additional [15] 9/15 9/17 13/7 41/5 41/11 41/23 49/17 54/14 54/18 54/20 76/15 105/19 111/4 111/24 138/17 address [1] 32/18 addressed [2] 127/23 134/24 addresses [2] 131/3 137/5 addressing [1] 4/17 adjoining [1] 82/16 admissible [2] 20/24 20/25 admission [4] 53/2 53/22 98/11 142/24 admit [8] 17/25 98/20 98/22 118/12 124/11 130/19 137/20 141/16 admitted [17] 53/4 53/5 53/25 54/1 115/20 118/9 118/10 130/22 130/23 133/19 137/20 141/2 141/21 141/22 141/25 143/5 143/15 adult [1] 69/23 advance [4] 68/20 69/1 78/3 120/13 advanced [1] 104/19 advise [1] 65/19 advised [2] 5/25 38/10 advises [1] 72/19 Advisors [11] 30/14 51/25 52/3 53/9 54/12 61/4</p>	<p>64/10 87/24 89/9 111/19 115/15 afield [1] 47/22 afloat [2] 24/13 89/10 Africa [1] 119/11 after [13] 8/18 18/16 19/14 41/5 41/7 64/3 85/18 87/20 97/10 111/15 123/10 134/16 149/7 afternoon [3] 7/18 145/2 148/9 again [11] 21/12 34/14 41/9 43/11 49/9 50/16 62/15 82/3 95/11 109/23 126/20 against [4] 21/25 22/3 23/5 40/3 agency [1] 35/6 agent [25] 35/8 39/14 39/21 40/8 40/13 40/18 40/19 47/15 48/25 49/4 73/10 73/16 73/17 79/2 79/9 79/13 86/25 86/25 95/3 107/2 107/3 107/4 107/18 107/20 111/18 agents [32] 29/17 30/21 30/22 32/5 34/15 34/17 36/15 37/7 39/1 39/6 39/8 39/9 39/11 39/12 47/9 47/12 47/25 48/18 48/22 49/20 49/21 50/4 73/7 74/15 75/4 75/6 76/2 83/21 83/23 91/5 91/14 111/25 ago [9] 16/5 17/10 17/13 25/8 42/3 62/1 89/23 90/1 100/9 Agoda [2] 82/11 82/14 agree [9] 46/5 88/13 105/7 114/24 116/5 129/12 131/5 134/18 136/20 agreed [4] 17/5 24/24 99/18 141/16 agreeing [2] 129/16 129/17 agreement [35]</p>	<p>24/1 24/2 25/5 29/13 57/20 71/6 73/10 73/10 105/3 111/15 112/22 113/2 113/4 113/7 113/11 114/2 114/4 118/17 119/23 126/19 126/24 128/10 132/17 132/24 133/2 133/14 133/18 133/21 133/23 134/1 134/11 134/21 135/25 136/12 136/13 agreements [2] 71/8 126/9 agrees [2] 134/1 134/2 ahead [13] 4/8 5/4 5/11 6/2 10/12 52/21 88/24 97/1 98/21 102/8 108/17 118/16 123/13 Airbnb [4] 83/15 83/19 83/24 84/2 airfare [1] 95/4 airlines [3] 103/7 103/12 107/13 ALDRICH [18] 3/5 3/6 4/11 16/18 19/18 87/20 90/16 106/20 115/19 115/25 116/25 118/5 128/14 131/25 138/22 144/13 145/3 145/23 all [142] 4/6 5/14 6/2 6/6 6/25 7/7 7/13 7/21 11/6 12/3 12/17 13/14 14/19 15/10 16/3 17/1 17/4 18/4 19/13 20/11 21/16 22/21 23/11 23/15 27/13 27/15 27/21 31/14 33/4 39/7 39/11 41/3 45/9 46/17 47/8 47/12 48/22 50/8 52/17 53/7 53/13 53/21 54/25 56/1 57/7 58/9 59/12 59/23 63/10 64/3 64/9 64/15 64/21 65/12 65/16 65/25 70/8 71/23 72/23 74/10 74/24</p>
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(3) 7th - all

<p>A all... [81] 75/20 76/6 76/21 76/25 77/13 78/5 78/16 78/22 79/7 79/19 80/14 81/1 81/4 81/11 82/10 84/9 85/1 86/6 86/15 87/5 87/20 87/23 92/3 92/7 92/10 92/16 93/7 94/20 95/10 95/21 95/25 96/19 97/10 100/11 101/6 101/10 101/17 102/12 102/24 103/3 104/5 104/14 106/16 109/1 109/13 112/14 113/14 118/4 118/11 118/16 122/8 122/24 123/6 123/13 125/6 127/9 127/9 135/15 135/15 135/18 135/23 136/9 136/22 140/8 141/15 141/21 142/22 143/18 143/19 143/21 144/18 145/9 145/22 145/25 148/7 148/20 148/20 149/3 150/8 150/13 152/5 allegation [2] 131/13 137/5 allegations [2] 33/11 127/13 alleged [3] 20/16 127/22 131/3 allocated [1] 27/18 allowed [1] 91/17 allowing [1] 24/11 almost [2] 20/5 124/22 alone [2] 93/17 95/7 already [22] 9/2 12/17 12/19 32/7 32/8 34/3 34/16 36/11 36/21 62/4 62/7 63/6 72/2 73/18 85/22 106/7 112/15 118/10 119/1 122/6 133/19 135/2 also [21] 15/13</p>	<p>26/5 30/19 32/2 41/3 45/8 51/23 53/18 75/16 80/17 84/15 94/9 97/10 118/8 120/11 120/17 120/25 131/7 133/9 136/13 144/15 Although [1] 13/17 always [2] 33/1 80/10 am [8] 17/19 58/12 58/23 63/13 99/20 100/20 102/11 118/20 ambiguous [4] 38/23 43/25 44/2 51/11 Amended [1] 20/17 Amendment [1] 22/18 ammunition [1] 139/7 among [3] 27/21 28/12 28/14 amount [16] 27/7 58/25 59/8 70/10 74/12 77/15 78/19 100/5 102/14 109/10 110/4 111/21 111/25 131/4 131/19 146/12 amounts [2] 75/7 77/9 analysis [2] 23/22 57/2 Angeles [5] 69/3 76/19 78/16 78/17 78/23 annual [5] 65/6 65/7 65/13 65/13 65/16 annum [1] 55/16 another [15] 43/14 43/15 51/7 61/3 74/10 80/10 105/19 108/18 117/2 120/6 130/25 135/5 146/9 149/24 149/25 answer [17] 12/23 17/18 17/21 18/3 49/14 49/17 51/9 61/19 61/22 84/19 104/24 106/10 109/9 132/14 132/22 135/1</p>	<p>135/19 answered [3] 49/15 106/7 123/12 answering [1] 30/13 antenna [1] 72/2 anticipate [5] 8/23 9/17 18/8 22/13 45/6 anticipated [1] 46/12 any [66] 5/20 8/22 9/22 14/14 16/8 19/7 22/16 26/11 26/19 30/4 32/20 34/23 35/24 37/25 39/14 41/4 41/7 41/11 41/17 41/21 41/25 42/6 44/15 46/14 50/24 51/5 51/9 51/13 51/16 51/18 51/22 51/25 52/3 52/7 54/7 54/20 70/6 71/12 76/23 78/13 82/6 90/6 91/25 93/8 94/1 94/13 95/14 96/5 96/15 100/22 101/14 101/23 102/4 113/10 113/13 114/13 114/17 114/17 119/20 119/23 126/23 127/4 128/24 135/4 135/7 142/18 anybody [8] 14/11 36/10 36/19 78/10 80/21 80/22 87/2 91/24 anyone [2] 11/7 87/12 anything [17] 14/12 14/22 15/6 16/10 20/25 41/12 42/4 49/17 54/17 62/17 63/3 77/5 100/11 115/18 119/13 143/8 148/23 anyway [3] 14/10 31/3 46/21 anywhere [2] 31/11 132/11 apologize [2] 97/8 110/23 apparent [1] 26/4 apparently [1]</p>	<p>142/12 appear [2] 6/4 121/21 appearance [2] 4/17 5/11 appearances [3] 1/25 2/21 4/9 appeared [3] 66/20 142/16 143/2 appearing [1] 5/19 appears [4] 59/3 92/7 111/3 142/15 application [1] 41/16 apply [1] 57/9 appraisal [1] 64/13 appraiser [2] 57/3 64/13 appreciate [2] 6/15 123/11 approach [1] 11/15 appropriate [7] 33/6 93/9 93/10 114/12 118/12 124/19 145/19 approval [3] 51/19 57/9 134/16 approved [4] 94/5 132/20 133/16 134/12 approximately [1] 38/21 April [3] 84/9 92/11 115/8 April 21 [1] 92/11 April 25 [1] 84/9 are [105] 7/10 7/21 8/2 8/12 9/7 11/1 11/16 13/17 13/22 14/21 15/7 17/5 20/19 26/5 27/21 28/10 28/24 31/15 34/19 34/20 34/22 36/15 39/15 45/6 46/21 47/14 48/10 48/22 54/14 57/11 57/11 58/5 58/11 58/22 59/15 60/16 63/19 64/18 64/20 65/11 65/15 65/16 67/19 67/21 67/24 71/3 71/4 74/11 74/15 78/8 78/20 81/5 81/17 83/16 83/16 84/24 92/6 94/20 94/22</p>	<p>94/24 95/5 96/23 97/17 97/18 97/19 98/4 100/19 102/13 102/15 103/7 106/20 107/2 108/10 109/16 109/16 111/14 111/21 112/8 114/15 116/6 116/7 117/1 118/19 118/23 122/11 123/8 123/17 124/14 129/9 134/10 135/7 135/11 135/25 136/11 137/21 138/10 138/23 139/23 141/2 141/16 141/17 143/19 143/21 147/7 148/12 area [3] 69/3 76/19 83/19 areas [1] 146/3 aren't [1] 13/16 argue [2] 95/19 108/3 argument [1] 137/12 argumentative [2] 106/6 106/13 Arms [1] 139/8 around [16] 8/11 32/6 35/14 35/20 40/1 71/17 71/19 71/25 72/11 72/19 73/17 85/19 91/14 94/16 100/14 119/17 as [112] 4/18 4/20 8/3 8/24 9/9 9/25 11/9 11/10 12/11 12/25 13/4 16/8 16/18 17/20 17/20 18/10 19/5 19/23 20/18 22/9 22/9 22/15 24/3 26/2 26/25 27/16 29/9 29/16 29/17 30/10 32/19 33/21 36/18 37/19 38/20 39/24 41/21 46/2 47/22 48/3 48/21 49/1 49/19 49/23 51/20 52/22 55/16 55/17 55/21 55/24 56/19 58/1 60/4 60/9 60/10 62/20 64/14</p>
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(4) all... - as

<p>A</p> <p>as... [55] 64/20 65/11 65/15 67/4 67/22 69/1 69/23 70/14 71/25 72/21 76/3 76/14 80/10 83/22 89/14 89/24 90/4 91/22 105/15 105/15 105/23 105/23 106/13 110/5 111/23 114/25 115/21 116/5 116/25 116/25 119/23 123/16 125/4 125/11 131/21 131/25 132/3 134/12 134/16 135/12 136/2 138/18 138/24 139/22 142/8 142/11 143/1 143/2 143/9 143/9 146/2 147/7 147/7 148/22 148/22</p> <p>Asia [3] 30/14 34/18 82/15</p> <p>ask [29] 13/18 34/10 37/10 43/14 43/15 43/22 44/4 45/7 45/14 45/23 46/14 47/10 48/15 50/9 55/1 59/12 68/7 114/6 115/16 118/7 119/13 123/4 137/21 138/1 142/7 144/16 146/1 146/1 147/5</p> <p>asked [30] 7/12 7/16 26/18 33/17 37/11 41/4 41/4 41/6 41/11 41/15 41/17 43/2 43/3 43/8 44/24 45/2 45/12 49/15 51/7 62/22 63/4 68/7 73/24 88/9 100/8 116/14 118/9 118/21 118/22 148/14</p> <p>asking [7] 20/9 25/23 42/11 43/12 45/23 48/17 62/17</p> <p>assert [5] 114/12 115/16 133/24 134/7 135/7</p> <p>asserting [1] 22/18</p>	<p>assertion [2] 132/6 137/24</p> <p>assets [1] 20/23</p> <p>assisting [2] 4/25 119/25</p> <p>associate [1] 119/2</p> <p>ASSOCIATES [1] 2/13</p> <p>association [6] 26/11 64/16 64/23 64/24 65/12 65/17</p> <p>assume [9] 28/10 75/18 78/19 79/1 79/1 84/13 92/21 102/16 123/4</p> <p>assumes [1] 62/23</p> <p>assuming [1] 147/1</p> <p>assumption [1] 95/2</p> <p>assured [2] 98/21 147/20</p> <p>at [160]</p> <p>ATM [2] 77/21 108/10</p> <p>attached [8] 55/2 55/17 55/21 109/16 123/23 138/18 139/4 139/18</p> <p>attachments [1] 126/6</p> <p>attempt [1] 19/6</p> <p>attempted [2] 32/8 128/4</p> <p>attempting [1] 127/16</p> <p>attempts [1] 128/3</p> <p>attend [5] 81/24 82/2 82/4 84/15 84/20</p> <p>attendance [1] 65/7</p> <p>attended [1] 82/7</p> <p>attention [1] 146/8</p> <p>attorney [12] 17/11 23/12 42/10 42/14 42/17 42/22 43/5 45/17 46/1 60/4 104/15 141/12</p> <p>attorney-client [4] 42/10 42/14 42/17 46/1</p> <p>attorneys [3] 44/16 44/20 59/15</p> <p>AU [1] 79/21</p> <p>August [14] 21/24</p>	<p>23/6 77/21 78/22 79/7 79/19 86/15 87/3 131/7 141/5 142/13 143/10 143/11 149/16</p> <p>August 1 [1] 86/15</p> <p>August 19 [1] 23/6</p> <p>August 1st [1] 79/7</p> <p>August 20 [2] 131/7 142/13</p> <p>August 31 [2] 77/21 79/19</p> <p>August 5 [1] 78/22</p> <p>August of [1] 87/3</p> <p>Australia [3] 79/25 80/2 80/8</p> <p>authentic [1] 126/24</p> <p>authenticate [2] 125/9 127/2</p> <p>authorized [1] 60/17</p> <p>available [1] 86/5</p> <p>AVENUE [1] 3/7</p> <p>avoid [4] 26/4 26/7 125/24 144/16</p> <p>aware [5] 30/21 30/23 31/10 32/25 114/17</p> <p>away [1] 86/14</p> <p>B</p> <p>back [46] 22/6 31/12 33/19 36/20 36/24 44/9 44/11 49/9 49/11 61/6 61/8 62/13 66/11 67/15 73/14 81/4 83/12 89/1 92/3 96/22 96/23 97/14 100/17 101/17 102/8 102/9 106/3 106/4 106/16 106/25 107/14 110/25 112/14 118/17 120/2 122/4 127/9 127/18 127/20 131/1 131/8 136/10 136/22 140/7 140/9 149/13</p> <p>back-end [1] 73/14</p> <p>backdoor [1] 137/11</p> <p>background [1] 9/1</p> <p>Baker [3] 60/11 70/20 92/12</p>	<p>Bangkok [3] 82/16 82/17 82/18</p> <p>bank [17] 73/2 74/12 74/16 88/2 88/3 88/6 88/6 88/10 95/8 96/8 96/18 97/10 97/11 98/3 112/9 112/15 112/16</p> <p>Banker [2] 109/11 119/3</p> <p>Bar [4] 59/24 60/12 60/22 61/16</p> <p>based [8] 33/9 33/18 54/11 69/3 72/13 81/17 113/2 143/3</p> <p>basis [1] 115/21</p> <p>batch [1] 115/15</p> <p>batches [1] 98/2</p> <p>Bates [23] 55/7 56/9 58/10 63/11 66/12 67/15 68/17 89/2 97/12 97/19 97/24 98/3 100/18 101/7 101/18 108/22 118/18 126/17 131/2 138/10 138/12 138/24 141/12</p> <p>be [110] 4/17 4/19 4/25 5/18 6/9 7/25 8/23 9/4 9/6 9/22 10/2 10/15 10/18 11/4 11/8 11/11 11/13 11/13 11/17 12/1 12/23 15/12 15/16 15/19 15/20 15/25 18/12 19/2 22/7 22/13 28/6 28/7 28/14 31/3 31/6 33/7 33/9 33/20 34/2 34/4 36/6 42/24 43/3 43/12 45/1 45/5 45/19 46/13 48/1 53/25 55/14 60/22 61/15 65/1 65/4 72/2 76/4 78/10 82/14 82/15 82/17 83/12 84/16 85/4 93/1 93/2 93/10 94/18 95/3 95/17 96/11 98/20 103/9 107/19 114/6 114/11 114/22 115/13 115/17 115/22 118/6 118/9</p>	<p>119/15 121/22 122/1 124/5 124/18 124/23 125/8 125/8 126/13 130/22 133/9 133/10 141/2 141/21 143/5 143/15 145/7 145/14 145/15 147/2 147/9 147/19 147/24 149/4 149/13 149/15 150/11 150/17</p> <p>bear [1] 128/24</p> <p>because [79] 8/23 9/25 10/23 11/7 13/14 14/2 14/5 14/16 14/17 15/2 15/7 15/14 16/14 19/1 19/9 20/18 21/12 22/11 28/9 30/16 31/12 31/19 31/25 35/2 36/3 39/3 39/17 40/10 43/12 46/13 49/24 60/8 60/11 66/11 70/25 71/16 71/22 72/3 72/3 72/12 72/13 75/7 75/14 79/10 80/10 83/4 83/19 84/23 85/23 89/17 91/4 91/9 91/12 96/22 97/6 106/12 108/12 108/15 109/9 110/10 114/3 121/25 123/22 125/15 128/20 128/23 137/6 137/19 137/24 139/18 142/23 144/10 145/17 146/4 147/9 147/10 148/15 149/25 150/11</p> <p>become [2] 24/10 30/18</p> <p>becoming [3] 29/23 71/23 144/22</p> <p>bed [1] 11/19</p> <p>been [52] 17/7 17/17 17/18 18/19 20/12 21/21 30/22 32/7 32/19 33/14 34/15 34/19 36/12 38/11 39/18 40/5 43/10 48/14 48/17 54/23 66/5 70/19 70/21 70/22 71/9</p>
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(5) as... - been

<p>B been... [27] 73/14 76/16 76/19 77/6 78/2 78/3 79/2 79/5 80/10 82/21 83/18 83/25 84/21 96/24 106/23 110/10 114/4 114/8 114/10 114/14 114/20 115/4 119/2 137/20 137/24 144/1 144/2 before [21] 1/18 7/3 7/5 15/17 18/3 20/6 25/16 40/5 48/21 53/1 70/23 81/11 99/9 112/22 126/10 131/14 140/5 142/20 143/3 147/21 152/6 BEFORE-ENTITLED [1] 152/6 begin [1] 139/5 beginning [1] 131/16 begins [1] 138/24 behalf [5] 4/11 4/15 53/9 69/7 145/9 behind [1] 38/10 Beijing [1] 37/2 being [12] 6/8 21/11 31/11 45/25 47/12 48/25 49/7 77/6 94/2 137/15 148/11 148/14 believe [30] 4/18 8/10 8/12 36/4 38/7 38/8 38/19 64/12 68/14 70/17 73/2 78/12 80/19 80/22 81/13 81/14 88/22 94/16 101/1 101/8 104/22 112/24 118/21 121/16 126/23 127/2 127/4 133/18 135/11 142/18 believed [1] 37/14 bell [1] 85/11 belong [1] 115/14 below [2] 76/21 92/20 beside [1] 90/7 besides [8] 41/18 41/23 51/16 54/4 94/13 95/15 96/16 119/12 best [6] 26/10</p>	<p>36/18 39/24 50/15 50/21 152/11 between [11] 31/1 34/20 41/7 41/10 41/20 43/5 53/13 88/5 104/2 120/7 144/18 beyond [4] 12/21 94/1 96/5 143/13 bifurcate [2] 15/13 16/1 bifurcated [1] 15/22 big [3] 14/14 18/11 150/9 bigger [2] 14/25 110/22 billion [1] 70/3 binder [8] 97/1 112/6 123/17 131/1 136/10 136/22 136/24 136/25 binders [2] 52/20 99/2 birth [1] 69/22 bit [15] 33/14 34/5 35/2 48/2 70/25 75/20 85/5 88/24 97/7 114/21 120/10 120/15 121/22 148/11 150/2 Bixenmann [1] 4/12 Black [1] 21/6 blank [1] 109/4 blowing [1] 128/17 Blue [1] 104/2 boat [1] 123/8 Bonnie [4] 66/24 66/25 67/3 67/7 book [1] 107/5 booked [3] 84/1 84/4 107/18 booking [3] 82/14 83/19 83/24 bookkeeper [3] 66/22 66/23 123/5 borrower [4] 26/25 134/2 134/2 134/3 both [6] 16/2 80/19 88/13 121/19 121/20 142/6 bottom [12] 15/5 59/9 59/23 66/16 67/21 89/6 92/5 97/22 97/23 107/23 108/22 109/4</p>	<p>bought [2] 72/12 110/7 bounds [1] 34/23 box [1] 17/12 boys [1] 128/22 Brand [1] 109/12 Brazil [1] 119/10 breach [10] 15/9 22/7 48/9 127/13 127/17 131/3 131/13 134/9 135/9 135/25 breached [1] 137/6 breaches [2] 127/22 131/15 break [7] 52/10 80/24 81/12 112/7 117/10 117/15 140/17 breakfast [1] 93/15 brief [6] 20/21 31/23 34/2 134/25 135/2 140/20 briefly [3] 53/14 110/12 120/13 briefs [1] 42/21 bring [2] 12/16 39/3 Brisbane [1] 79/25 broadband [1] 139/8 broader [1] 147/9 broken [1] 97/16 brought [2] 37/7 76/14 budget [7] 24/17 55/6 55/8 55/21 57/12 57/24 109/20 budgeted [1] 24/5 build [3] 132/19 133/15 134/12 building [2] 40/23 139/25 bunch [3] 108/10 122/22 123/1 burden [2] 21/13 145/17 business [24] 10/8 10/24 14/4 16/19 30/24 41/18 51/10 51/15 51/24 52/6 60/25 65/24 82/25 83/3 83/5 83/7 87/22 92/11 93/16 113/19 113/24 118/24 125/11</p>	<p>150/18 businessmen [1] 35/4 but [108] 6/17 7/19 7/24 9/1 9/12 10/6 10/17 11/24 12/8 12/16 13/4 13/19 14/1 14/13 15/6 15/11 15/22 16/11 16/13 18/1 18/1 18/8 19/5 19/16 20/6 22/12 23/10 23/20 30/13 31/11 31/15 33/10 34/4 34/7 36/24 38/13 39/3 42/23 42/24 45/8 45/23 46/8 47/10 48/3 48/7 48/20 48/20 62/22 64/23 70/25 73/21 76/19 78/6 79/17 83/13 87/14 88/9 89/1 91/24 93/16 94/24 95/4 96/11 97/9 97/13 97/16 97/24 100/15 100/18 101/3 102/20 103/12 106/8 108/2 110/23 112/6 112/8 114/19 115/25 117/5 118/1 123/2 123/21 125/14 126/13 128/7 128/22 132/7 132/15 132/22 135/1 135/19 138/10 139/1 143/2 145/11 145/15 145/24 146/8 147/1 147/17 148/11 148/18 148/20 148/22 149/11 150/9 150/17 buy [1] 104/4</p>	<p>92/12 call [4] 10/18 34/17 147/23 147/25 called [1] 71/25 calm [1] 129/2 came [9] 8/24 61/2 79/13 88/3 88/12 88/15 88/22 97/6 124/17 CAMPO [1] 2/15 can [98] 4/22 5/4 5/6 5/10 11/21 11/21 11/21 15/6 16/3 17/20 18/15 19/16 21/16 22/14 29/15 30/4 30/6 30/19 32/2 32/18 33/1 33/3 33/13 34/7 34/8 34/18 34/22 35/1 36/12 37/19 38/9 39/24 43/14 43/15 43/22 44/4 45/6 45/20 47/15 48/7 48/14 48/22 49/14 52/17 54/25 59/3 61/5 61/6 62/19 64/19 66/19 66/25 71/10 74/13 77/5 79/12 81/4 83/16 88/8 88/25 96/20 98/21 99/3 99/5 99/5 99/10 104/24 105/15 106/2 107/11 114/14 116/24 117/2 117/10 118/13 122/21 123/2 125/15 125/19 125/22 125/25 127/2 129/8 133/22 135/13 138/1 140/12 145/12 146/21 147/15 147/19 148/7 148/20 149/17 149/19 149/21 150/20 150/22 can't [27] 6/9 13/4 16/1 34/10 36/19 37/23 38/9 39/3 46/14 63/1 81/25 82/8 85/20 87/1 87/20 90/16 90/22 91/12 95/4 96/1 103/16 126/5 126/15 128/19</p>
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(6) been... - can't

<p>C can't... [3] 138/10 145/6 150/16 canceled [3] 96/7 96/18 112/9 candid [2] 10/19 11/13 candidly [2] 97/7 123/19 capital [6] 24/25 28/19 29/24 105/19 139/23 142/9 capitalization [1] 89/8 car [1] 92/21 card [15] 62/3 64/17 77/10 77/11 84/11 84/22 84/23 85/2 85/3 85/6 85/8 85/10 86/1 86/2 122/21 cards [1] 85/16 care [2] 104/16 117/2 careful [1] 72/3 carefully [2] 8/15 132/14 Caribbean [1] 119/11 Carlsbad [2] 86/8 86/13 Carolina [1] 86/16 cars [1] 72/13 case [35] 1/1 2/3 7/25 8/22 9/4 9/25 10/1 10/8 10/18 10/19 11/18 12/5 12/9 12/13 12/24 15/8 15/22 16/15 17/5 17/7 18/2 20/13 20/18 20/20 22/8 30/16 31/1 31/12 32/14 33/12 43/13 44/25 125/10 144/10 148/4 cases [8] 10/25 11/1 14/5 14/14 14/21 14/25 15/4 33/8 cash [2] 108/13 108/16 catching [1] 12/22 category [7] 59/7 59/8 66/17 77/20 78/5 87/5 109/2 cause [1] 23/10 caused [1] 30/20 causes [1] 48/7</p>	<p>cautious [1] 116/23 CCR [2] 1/24 152/17 Celinka [3] 35/11 35/22 36/24 center [30] 23/24 24/10 24/14 25/4 25/14 25/17 25/18 25/21 25/25 26/12 41/12 51/18 51/20 56/14 56/15 56/18 57/8 57/10 88/23 89/11 89/24 89/25 90/7 90/9 91/24 92/1 92/12 110/7 113/4 116/13 centers [1] 50/5 certain [6] 15/10 24/3 46/6 48/17 145/14 146/12 certainly [7] 9/12 9/14 15/23 17/19 116/13 145/15 147/25 CERTIFICATE [1] 152/1 CERTIFIED [1] 152/4 CERTIFY [1] 152/5 chance [8] 52/22 59/19 77/25 87/18 112/19 124/3 147/4 148/10 change [1] 18/20 changed [4] 35/9 142/19 143/10 150/2 changes [5] 16/9 114/14 114/17 122/5 141/15 Chapel [2] 86/16 87/3 Chapel Hill [2] 86/16 87/3 Chapter [1] 21/2 characters [2] 72/4 72/6 charge [5] 20/24 24/23 93/9 93/10 103/12 charged [3] 20/12 93/11 107/4 charges [9] 20/20 21/24 23/4 30/22 31/11 31/13 32/12 34/21 101/1 chart [8] 89/5 89/8</p>	<p>110/13 110/14 120/25 121/14 122/4 123/3 check [29] 51/23 62/1 64/16 81/25 82/5 86/3 90/16 93/22 94/8 95/11 96/1 96/7 96/10 99/23 99/23 100/19 100/21 100/22 101/4 101/8 101/10 101/13 101/18 101/22 102/2 102/4 102/20 104/6 122/21 checks [8] 96/18 97/9 97/11 97/18 97/24 98/4 98/19 112/9 CHECKS00008 [1] 102/1 CHECKS0001 [1] 100/18 CHECKS00011 [1] 101/18 CHECKS0002 [1] 97/13 CHECKS0012 [1] 101/7 Chicago [1] 149/12 chief [1] 144/10 China [28] 35/6 39/9 39/14 39/18 39/20 40/14 49/5 50/11 73/2 73/7 73/17 74/12 74/16 75/9 75/13 76/2 94/18 94/24 95/4 100/15 101/2 106/25 107/5 107/8 107/13 107/14 107/15 119/10 Chinese [15] 29/21 29/25 30/3 35/4 35/23 37/3 63/25 66/6 66/7 74/5 74/21 75/25 76/13 77/7 80/1 choice [1] 28/9 Christmas [1] 11/6 church [1] 68/15 Circle [2] 103/24 104/1 Circle K [2] 103/24 104/1 circulated [1] 134/16 circumstances [1]</p>	<p>145/21 citation [1] 104/7 city [1] 81/18 civil [4] 16/21 20/25 21/1 23/11 claim [2] 118/23 128/5 claims [6] 17/18 31/20 48/8 48/9 48/9 48/10 clarification [2] 44/1 51/7 CLARK [3] 1/7 152/3 152/14 Classification [1] 66/22 clawback [2] 114/15 114/21 clean [2] 64/7 65/21 clear [3] 36/6 93/2 106/24 cleared [2] 148/23 149/1 clever [1] 48/23 client [12] 42/10 42/14 42/17 43/6 43/8 45/18 45/24 46/1 89/19 91/12 117/10 123/18 client's [1] 33/24 close [6] 10/4 10/5 108/4 112/19 132/11 140/14 closed [1] 111/16 closely [2] 112/7 121/21 closest [1] 79/11 coffee [1] 82/21 Colorado [3] 92/18 92/21 93/4 Colyn [2] 68/18 69/2 combined [1] 94/17 come [16] 9/20 16/8 36/2 45/10 66/11 88/1 88/10 88/16 88/17 88/25 96/22 97/11 103/15 117/19 120/18 149/21 comes [6] 17/21 18/23 27/9 114/21 145/12 147/10 coming [5] 21/24 23/8 34/2 96/23 142/8</p>	<p>COMM [2] 73/1 74/13 comments [2] 94/24 124/25 Commercial [1] 73/2 commission [2] 73/12 73/16 commitments [1] 6/8 communication [3] 42/16 43/5 144/18 communities [3] 113/20 113/25 118/25 companies' [1] 88/3 company [21] 24/12 24/24 29/20 30/1 30/13 35/3 35/10 36/25 68/6 85/8 87/21 88/6 88/12 88/15 88/17 93/12 93/14 105/4 105/20 107/20 compare [3] 85/25 110/12 120/10 compares [1] 125/18 comparing [4] 110/17 120/7 121/2 121/10 compel [1] 34/11 compensated [2] 49/1 49/7 compensation [2] 48/15 49/6 competitor [5] 30/18 32/1 89/19 91/4 91/13 competitors [3] 90/23 91/2 91/9 Complaint [1] 20/17 complete [1] 105/22 completed [1] 43/10 completely [2] 16/7 27/23 completes [1] 55/18 Completing [1] 135/14 complex [2] 19/4 136/12 complicated [1]</p>
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(7) can't... - complicated

<p>C complicated... [1] 15/19 complied [3] 128/9 128/12 129/14 comply [1] 128/7 concede [1] 42/20 concern [1] 146/4 concerned [11] 22/10 33/11 40/11 49/24 71/16 71/18 71/21 99/12 117/1 146/7 147/8 concerns [2] 33/3 33/5 concluded [1] 151/1 conclusion [3] 140/3 140/5 140/6 conclusive [2] 20/20 21/11 conclusively [1] 95/4 conditions [1] 134/1 conduct [2] 20/16 46/10 conducting [1] 10/2 confer [1] 149/19 conference [11] 12/9 17/5 65/13 76/1 76/5 81/23 81/24 82/4 84/14 84/15 84/20 conferences [6] 65/7 65/8 65/9 65/17 78/20 86/24 confidence [1] 60/13 confidential [11] 30/9 30/15 89/15 89/16 91/9 91/11 99/13 115/12 116/6 116/20 117/25 confidentiality [1] 33/10 confidentially [1] 115/11 conflicts [2] 26/4 26/8 confused [3] 91/6 110/23 110/23 connected [2] 35/3 72/11 consideration [1] 16/17 consistent [1]</p>	<p>94/19 CONSTITUTES [1] 152/10 constrained [1] 145/16 constraining [1] 145/18 constraints [2] 144/16 144/21 construct [1] 133/11 constructing [4] 132/12 132/15 132/18 134/6 construction [24] 14/4 38/11 40/11 55/15 57/19 60/15 128/5 128/10 130/12 130/14 131/10 132/4 132/17 132/23 132/25 133/3 133/14 133/18 133/21 133/23 135/14 136/4 136/13 136/14 consultants [1] 50/5 consulted [1] 69/4 consulting [1] 73/10 contact [1] 32/4 contacted [1] 36/16 contacts [7] 29/7 32/11 36/20 69/25 113/19 113/24 118/24 contain [2] 44/15 44/19 contained [2] 138/23 139/22 contemplated [2] 133/6 133/9 contemporaneousl y [2] 67/11 131/5 content [3] 142/15 142/19 143/16 continue [7] 19/18 52/17 55/13 73/3 81/5 118/13 145/6 continued [2] 3/1 137/24 contract [5] 15/10 22/8 29/10 40/24 48/9 contractor [7] 67/5 67/6 69/11</p>	<p>76/4 76/14 128/6 129/6 contractors [1] 108/12 control [2] 105/14 105/22 convenient [1] 99/3 convention [1] 84/5 conversation [3] 23/19 119/12 142/7 conversion [1] 48/9 convicted [1] 20/19 conviction [2] 21/9 22/11 copy [6] 58/14 100/19 100/22 101/13 101/22 126/24 copyright [1] 143/13 corner [2] 97/22 97/23 corporate [1] 57/6 corporation [5] 77/14 77/16 77/17 77/19 139/8 correct [79] 5/16 5/17 9/19 20/13 23/25 24/15 24/19 24/22 25/2 25/15 25/18 27/22 28/8 28/23 44/6 50/11 50/19 53/11 53/19 54/14 55/3 55/8 55/12 55/22 57/13 57/23 58/14 59/17 61/11 61/23 61/24 62/8 62/9 63/7 63/8 67/21 67/25 75/14 84/25 87/24 90/24 92/8 93/18 94/6 94/10 98/5 100/2 100/4 100/6 101/11 101/20 105/9 108/19 109/8 110/1 111/5 111/12 111/22 112/1 112/2 112/10 112/25 121/21 124/9 126/3 127/19 127/24 128/3 128/13 130/10 132/10 132/18 133/7 133/13 134/20</p>	<p>136/4 137/8 139/21 148/1 correction [1] 141/10 corrections [1] 141/1 correctly [14] 27/9 28/13 35/9 56/2 58/21 59/7 75/8 76/18 83/18 85/14 85/18 91/11 104/1 113/20 correspondence [1] 141/5 cost [2] 24/18 138/16 Costco [1] 139/6 costs [11] 132/5 137/7 137/23 138/7 138/19 139/11 139/13 139/17 139/20 139/24 139/24 could [44] 8/5 8/21 9/20 9/21 9/22 10/2 11/17 12/4 22/13 22/14 24/13 25/20 28/6 28/7 29/8 31/23 33/9 35/15 44/7 49/8 62/13 74/23 75/15 75/17 79/2 82/15 87/21 91/7 100/10 102/9 105/14 105/24 117/7 117/9 117/9 117/15 117/15 121/24 129/2 131/22 133/12 140/16 142/4 143/5 couldn't [2] 14/5 84/16 counsel [7] 43/6 45/20 62/10 62/25 124/16 125/24 146/2 counsel's [1] 135/1 count [2] 7/18 7/20 counterclaims [1] 17/17 countries [5] 39/13 50/8 50/24 51/1 51/5 country [1] 72/20 COUNTY [5] 1/7 20/12 21/25 152/3 152/14</p>	<p>couple [13] 16/5 17/2 17/9 17/13 36/16 37/11 74/24 92/20 102/12 103/23 120/20 142/2 142/7 course [9] 19/4 21/11 32/3 46/17 55/24 88/7 88/11 102/24 125/1 court [34] 1/6 1/19 4/12 4/17 7/14 7/16 8/3 10/8 10/24 14/4 16/19 31/24 34/10 44/12 46/7 49/8 49/12 54/12 61/7 61/9 62/20 104/7 106/2 106/5 114/25 135/14 141/4 143/3 144/16 144/20 144/23 145/6 146/1 150/18 Court's [2] 4/11 140/12 cover [1] 135/3 create [5] 56/17 56/19 56/22 56/24 65/21 created [2] 15/18 25/17 credibility [2] 26/9 60/8 credit [8] 77/11 86/1 86/2 126/12 128/6 128/18 128/23 129/6 credits [1] 83/16 criminal [6] 21/13 22/14 22/20 30/22 31/10 34/21 criminally [1] 20/12 cross [1] 146/20 cross-examination [1] 146/20 cultivating [1] 119/10 cup [1] 82/21 curious [1] 22/24 current [2] 36/15 132/25 currently [5] 5/15 27/7 113/18 113/23 118/23 curtailing [1] 144/24 custodian [5] 45/9 46/6 112/12 124/15</p>
---	---	---	---	--

(8) complicated... - custodian

<p>C</p> <p>custodian... [1] 124/18</p> <p>Customs [3] 106/18 106/22 106/25</p> <p>cyberterrorism [3] 21/24 22/2 23/4</p> <p>Cynthia [1] 4/25</p> <hr/> <p>D</p> <p>D-E-S-A-T-N-I-K [1] 68/19</p> <p>D.C [3] 84/12 84/17 84/20</p> <p>DA [1] 23/13</p> <p>Dallas [2] 81/21 81/21</p> <p>date [7] 29/3 76/22 85/19 97/24 100/14 134/5 143/16</p> <p>dated [4] 1/21 28/22 94/21 100/1</p> <p>dates [2] 17/4 138/20</p> <p>daughter [2] 64/7 65/21</p> <p>day [16] 4/20 6/16 6/17 9/13 9/14 12/3 14/3 16/4 20/6 60/11 117/3 123/10 135/15 145/22 145/25 146/10</p> <p>days [14] 7/16 11/4 15/23 22/25 23/9 103/6 103/11 120/5 124/22 144/2 144/3 145/21 145/24 147/12</p> <p>DC [1] 84/10</p> <p>deadline [1] 12/15</p> <p>deal [4] 49/1 90/6 145/12 150/9</p> <p>dealing [1] 47/23</p> <p>dealings [2] 32/3 125/1</p> <p>deals [1] 21/10</p> <p>debit [2] 62/3 77/10</p> <p>debits [1] 83/16</p> <p>debt [19] 127/23 128/1 128/3 128/7 128/8 128/10 128/13 128/20 128/23 128/25 129/4 129/14 131/19 131/23 133/7 133/11</p>	<p>133/13 135/24 136/6</p> <p>December [6] 87/6 93/22 94/8 94/21 100/3 100/16</p> <p>December 17 [3] 93/22 94/8 100/3</p> <p>December 19 [1] 87/6</p> <p>December 31 [1] 94/21</p> <p>deciding [1] 45/25</p> <p>decision [5] 10/14 147/22 148/21 149/11 150/10</p> <p>decisions [2] 13/20 16/11</p> <p>declaration [8] 53/8 54/6 55/5 57/16 58/13 108/18 110/14 121/25</p> <p>declined [1] 39/19</p> <p>deed [2] 134/11 136/14</p> <p>deeper [1] 34/1</p> <p>default [5] 40/3 40/6 47/20 137/14 150/1</p> <p>defect [1] 14/5</p> <p>defendant [4] 1/13 2/2 5/13 67/4</p> <p>defendants [7] 4/15 7/21 8/5 8/8 45/9 145/9 148/4</p> <p>defense [1] 5/21</p> <p>definition [3] 128/8 128/9 128/24</p> <p>definitively [1] 38/9</p> <p>degrees [1] 31/16</p> <p>DEL [1] 2/15</p> <p>delve [2] 43/7 45/20</p> <p>demand [1] 10/8</p> <p>demands [2] 43/5 47/24</p> <p>denied [1] 17/22</p> <p>Dentons [1] 109/12</p> <p>Denver [2] 92/21 93/4</p> <p>department [1] 16/6</p> <p>depend [1] 79/16</p> <p>depending [2] 10/17 11/3</p> <p>depends [2] 13/22 65/10</p>	<p>depose [1] 144/13</p> <p>deposition [11] 9/3 9/15 9/17 13/16 18/20 19/6 46/11 46/25 148/11 148/13 148/15</p> <p>deposition-like [1] 148/13</p> <p>depositions [7] 8/22 8/23 9/8 13/21 13/23 18/16 18/21</p> <p>deposits [1] 90/15</p> <p>Depot [1] 139/7</p> <p>DEPT [1] 1/3</p> <p>Desatnik [2] 68/19 69/2</p> <p>designated [1] 116/19</p> <p>desire [1] 46/10</p> <p>despite [1] 127/13</p> <p>destroy [1] 32/10</p> <p>detail [2] 46/20 109/10</p> <p>determine [3] 45/18 50/2 56/25</p> <p>develop [2] 55/11 56/16</p> <p>developer [1] 36/4</p> <p>developers [1] 26/5</p> <p>developing [4] 113/18 113/23 118/24 134/6</p> <p>development [8] 1/12 27/11 27/14 37/12 51/8 51/13 56/13 135/23</p> <p>Devine [2] 76/8 78/9</p> <p>Diamond [1] 104/2</p> <p>did [99] 6/4 6/19 7/9 23/17 23/21 35/20 35/22 35/23 36/2 37/25 38/5 38/17 40/8 40/13 41/19 41/25 42/6 42/23 43/8 43/19 44/15 44/19 44/22 45/13 45/14 47/3 50/2 54/7 56/2 56/3 58/1 60/21 61/15 61/19 61/23 65/19 67/10 68/3 69/7 70/4 70/6 71/12 78/15 80/6 80/7 80/8 80/9 80/17 81/24 82/2 82/4 83/6 83/22 84/6</p>	<p>84/15 84/19 87/2 87/11 87/20 88/1 88/10 88/15 88/17 89/11 90/25 91/22 93/7 97/8 103/11 103/14 104/20 105/3 105/3 106/1 107/19 107/20 110/5 112/14 112/15 113/7 113/10 113/13 113/20 113/21 113/22 117/19 119/7 119/13 120/2 120/18 122/4 124/25 129/19 138/7 139/9 139/16 140/8 140/10 140/24</p> <p>didn't [24] 7/18 20/7 23/9 39/1 56/15 63/3 68/7 70/24 71/15 72/16 73/18 76/2 85/25 91/1 91/10 93/17 106/10 115/25 118/9 121/23 125/13 128/7 132/1 148/23</p> <p>DIEGO [6] 2/17 4/21 5/15 21/25 76/12 83/10</p> <p>difference [2] 88/5 110/22</p> <p>different [11] 48/10 50/8 74/18 76/17 91/18 102/16 102/19 103/12 115/25 120/15 123/2</p> <p>differently [1] 50/9</p> <p>difficult [3] 11/9 14/18 15/3</p> <p>dig [1] 34/1</p> <p>digits [1] 85/25</p> <p>diligence [1] 119/14</p> <p>diligence-wise [1] 119/14</p> <p>diligent [1] 62/24</p> <p>dinner [1] 93/15</p> <p>dire [1] 10/2</p> <p>direct [8] 20/1 30/18 31/25 32/4 89/19 91/3 91/13 135/13</p> <p>directed [1] 36/16</p>	<p>direction [3] 46/7 125/20 152/9</p> <p>directly [1] 119/5</p> <p>disagree [2] 12/8 43/11</p> <p>disbursed [1] 27/1</p> <p>disclose [2] 38/6 91/12</p> <p>disclosed [2] 34/16 36/12</p> <p>disclosures [1] 43/20</p> <p>discovered [1] 114/10</p> <p>discovery [18] 7/7 8/18 9/3 12/12 33/15 33/18 34/12 42/7 42/12 43/4 43/9 43/20 45/5 45/15 45/17 45/24 114/23 116/14</p> <p>discuss [1] 124/24</p> <p>discussed [6] 35/7 56/20 56/21 110/5 115/13 131/25</p> <p>discusses [2] 127/25 127/25</p> <p>discussing [3] 28/16 40/10 90/2</p> <p>discussion [11] 8/3 8/4 24/11 26/1 47/9 98/9 110/18 111/7 123/15 129/21 140/24</p> <p>discussions [3] 25/16 47/23 49/19</p> <p>dismiss [2] 17/16 17/22</p> <p>disputing [1] 137/13</p> <p>disseminating [1] 32/12</p> <p>distinct [1] 15/15</p> <p>distinction [1] 88/14</p> <p>DISTRICT [3] 1/6 1/19 23/12</p> <p>divided [3] 27/20 28/12 28/14</p> <p>Divine [3] 76/7 76/9 77/16</p> <p>do [177]</p> <p>doable [1] 12/6</p> <p>DOCKET [1] 1/2</p> <p>doctrine [4] 42/10 42/14 42/18 46/2</p> <p>document [17] 45/22 47/24 112/24</p>
--	--	---	--	--

(9) custodian... - document

<p>D</p> <p>document... [14] 114/6 114/8 115/14 115/24 118/7 118/14 121/14 126/11 126/11 129/15 129/18 129/19 134/23 135/10</p> <p>documentation [9] 53/16 78/13 109/10 123/22 132/8 137/7 138/7 138/8 139/17</p> <p>documents [62] 7/20 7/25 8/5 8/6 8/14 8/25 9/18 9/21 36/14 41/5 41/7 41/11 41/21 41/25 42/2 42/6 42/11 42/13 42/25 43/12 43/19 43/23 43/24 44/5 44/5 44/15 44/18 44/22 45/6 45/11 46/4 46/6 46/11 46/14 46/15 46/16 46/25 53/8 54/8 54/13 54/14 54/16 54/18 54/21 54/23 66/8 96/8 100/8 108/19 112/8 114/15 114/22 116/7 117/1 123/18 124/15 124/25 125/4 125/10 128/8 137/21 140/8</p> <p>does [19] 27/5 28/3 31/24 42/13 46/18 51/13 51/18 51/25 85/11 93/14 100/22 101/13 101/22 102/4 115/14 130/12 130/16 134/23 144/22</p> <p>doesn't [11] 11/11 32/13 62/12 78/5 99/4 101/4 127/3 128/24 146/5 146/10 146/12</p> <p>doing [12] 7/10 71/4 71/13 71/16 71/19 87/19 91/17 100/16 101/2 119/8 125/8 129/3</p> <p>dollar [7] 68/23 70/3 72/12 82/20 126/12 128/18 129/5</p>	<p>dollars [5] 74/23 75/15 75/17 94/25 131/20</p> <p>domain [1] 99/17</p> <p>don't [102] 9/9 9/18 10/5 11/5 11/6 11/6 11/7 11/13 11/19 13/20 13/25 14/10 14/14 16/14 18/7 18/20 19/7 20/9 22/1 22/11 23/19 25/22 28/1 32/20 33/8 34/4 34/6 34/7 34/17 38/13 38/15 38/19 40/15 40/17 43/6 45/20 46/4 46/6 46/13 46/21 47/12 48/21 49/1 59/19 62/7 62/19 65/2 68/2 68/5 68/8 72/1 77/23 78/4 78/12 80/22 82/5 84/4 85/7 85/7 86/3 86/12 87/12 88/8 92/14 93/1 94/4 94/23 95/16 96/21 96/21 98/7 98/12 98/15 99/16 103/9 104/25 106/23 109/8 115/21 123/6 123/7 125/15 125/19 129/17 135/15 139/19 142/17 142/21 143/4 143/11 143/14 145/6 145/15 145/18 146/7 146/18 147/2 148/21 149/5 149/7 149/10 150/10</p> <p>done [20] 8/19 15/16 16/1 16/2 16/2 18/3 19/15 22/24 45/25 54/17 58/2 71/24 77/6 85/22 91/24 99/9 125/9 136/4 145/14 150/6</p> <p>down [28] 7/14 8/21 28/1 34/1 34/2 64/9 64/21 65/25 66/16 72/24 74/24 75/20 77/1 77/13 82/10 83/10 85/5 92/16 92/16 97/16 102/12 103/23 104/12 106/17</p>	<p>133/10 147/10 149/21 152/5</p> <p>downstream [1] 89/9</p> <p>dozen [1] 31/17</p> <p>Dr. [4] 32/5 124/8 126/3 147/2</p> <p>Dr. Piazza [4] 32/5 124/8 126/3 147/2</p> <p>draft [1] 29/11</p> <p>driving [2] 18/11 104/10</p> <p>due [6] 7/22 8/2 8/12 116/14 119/13 147/20</p> <p>dues [5] 60/22 61/16 65/6 65/13 65/16</p> <p>duplication [1] 144/17</p> <p>duplicative [4] 144/23 145/5 145/7 145/10</p> <p>during [12] 18/20 23/20 25/16 26/16 28/16 32/2 32/3 41/3 46/17 57/17 58/16 125/1</p> <p>duties [2] 4/19 4/20</p> <p>duty [3] 45/10 46/9 54/12</p> <p>dwell [1] 22/12</p> <p>Dziubla [42] 4/15 4/16 6/20 9/13 19/22 20/3 20/19 21/25 22/3 22/17 23/15 30/19 32/2 32/7 48/12 48/15 49/9 52/19 53/7 64/4 81/11 94/11 99/20 118/16 124/2 124/7 124/15 124/23 124/24 125/7 125/16 125/17 126/2 133/20 138/5 141/6 141/7 142/2 142/6 144/1 145/22 149/20</p> <p>Dziubla's [2] 137/13 144/14</p>	<p>135/2</p> <p>earlier [6] 10/1 32/9 46/12 47/23 115/9 115/12</p> <p>early [4] 11/17 12/13 24/9 32/4</p> <p>earmarked [2] 111/18 111/19</p> <p>easier [1] 18/18</p> <p>Easte [1] 107/8</p> <p>Eastern [1] 107/13</p> <p>easy [1] 13/12</p> <p>EB5 [70] 26/3 27/3 29/17 30/14 39/18 48/13 51/21 51/25 52/3 53/9 54/12 54/18 54/21 55/12 55/14 55/25 57/1 57/5 58/16 60/19 61/4 61/16 64/23 69/4 69/8 69/12 69/18 69/20 70/16 70/17 70/19 71/13 72/8 73/9 76/17 78/20 79/14 80/3 80/8 84/14 84/15 84/20 86/20 86/21 86/22 87/24 88/20 89/9 89/12 89/21 89/22 90/4 90/11 90/15 91/17 93/6 93/8 93/9 111/4 111/19 111/22 113/3 113/17 114/3 115/14 119/8 119/19 119/21 119/25 142/9</p> <p>EB5 IA [18] 54/18 54/21 60/19 61/16 69/8 69/12 69/18 71/13 79/14 80/8 89/12 90/15 91/17 93/8 93/9 111/4 111/22 113/3</p> <p>EB5ICA [1] 121/14</p> <p>EB5ICA00002 [1] 108/22</p> <p>EB5ICA00010 [1] 121/11</p> <p>EB5ICA0007 [1] 111/2</p> <p>EB5ICA00169 [1] 118/18</p> <p>EB5ICA169 [2] 112/18 113/16</p> <p>echelons [1] 37/3</p> <p>economic [3] 23/17 23/21 57/2</p>	<p>economist [3] 109/20 109/21 109/25</p> <p>educate [3] 73/22 74/2 74/6</p> <p>effect [3] 25/6 34/12 61/1</p> <p>efficiency [1] 10/7</p> <p>efficient [1] 12/5</p> <p>efficiently [1] 16/20</p> <p>effort [1] 32/6</p> <p>efforts [2] 65/20 120/3</p> <p>Eight [1] 50/16</p> <p>eighty [1] 66/15</p> <p>eighty-seven [1] 66/15</p> <p>either [7] 37/15 38/2 42/13 65/13 65/16 103/2 103/20</p> <p>E lance [4] 66/1 66/19 77/3 77/4</p> <p>elements [2] 21/10 21/11</p> <p>eliminate [1] 32/11</p> <p>Ellis [2] 68/12 68/13</p> <p>else [12] 36/10 36/20 42/4 42/25 78/10 80/21 80/22 85/8 87/19 109/12 119/13 143/8</p> <p>email [1] 141/12</p> <p>emails [2] 69/15 124/25</p> <p>eminently [1] 115/10</p> <p>employee [1] 67/3</p> <p>en [1] 103/20</p> <p>end [25] 10/6 12/2 14/3 15/2 32/6 35/20 37/15 37/20 38/2 38/18 45/5 49/22 59/3 71/17 71/19 71/25 73/14 77/20 91/4 91/13 112/19 130/2 130/3 130/6 132/21</p> <p>ends [3] 59/9 85/2 85/2</p> <p>energy [1] 76/15</p> <p>engage [2] 56/24 77/5</p> <p>engaged [2] 4/20 76/16</p> <p>engagement [12]</p>
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(10) document... - engagement

<p>E engagement... [12] 24/2 24/4 28/18 28/20 55/18 56/20 57/18 105/2 105/11 105/12 105/18 106/1 English [2] 74/5 76/3 enjoy [2] 6/16 6/17 enough [7] 15/1 57/4 58/2 58/6 108/4 121/18 123/10 ensure [2] 49/21 60/14 entered [1] 29/11 Enterprise [1] 92/20 entertain [1] 144/23 entire [5] 20/6 56/19 56/21 56/22 90/14 entirely [1] 76/19 entities [2] 48/16 67/4 entitled [2] 132/16 152/6 entity [5] 37/9 45/9 61/17 77/17 145/9 entrepreneurs [2] 29/25 35/4 entries [17] 63/19 64/15 65/4 65/12 65/16 67/19 74/14 76/25 78/14 81/16 82/16 83/15 83/17 94/19 94/20 102/14 139/5 entry [29] 64/3 64/20 66/1 67/16 67/18 68/23 68/25 70/8 74/11 76/6 77/1 78/22 80/14 80/16 81/15 81/18 82/20 85/10 86/15 93/21 93/21 94/8 95/7 95/25 103/18 106/18 107/1 122/17 122/25 equally [1] 28/14 erroneously [6] 114/2 114/11 114/15 115/7 115/15 115/24 error [1] 66/22</p>	<p>escapes [1] 72/18 especialy [5] 15/8 16/15 29/22 39/10 73/24 ESQ [3] 2/4 2/14 3/6 essence [1] 11/2 essentially [1] 33/7 establish [2] 57/8 127/3 established [1] 35/6 establishing [2] 124/19 125/19 estate [1] 26/5 estimate [2] 39/24 50/15 Ethan [6] 76/6 76/8 76/9 77/16 78/9 85/7 even [10] 14/12 17/18 20/23 23/9 86/5 93/15 95/5 139/18 147/1 150/10 event [1] 54/13 ever [6] 52/3 65/19 84/7 91/23 128/9 135/18 every [7] 22/19 79/17 79/18 85/25 105/5 120/5 144/17 everybody [1] 109/12 everyone [5] 12/1 14/2 15/8 16/10 16/16 everything [1] 145/5 evidence [4] 20/24 115/21 137/18 139/12 evidentiary [1] 137/17 evolved [1] 18/2 exact [4] 20/16 49/3 126/5 139/12 exactly [5] 31/21 64/22 105/3 138/9 148/2 examination [2] 20/1 146/20 examined [1] 19/23 example [6] 9/18 85/9 122/8 122/9 136/15 139/6</p>	<p>exceptional [1] 145/20 exchange [1] 75/25 exchanged [1] 34/19 excited [2] 35/18 37/5 excluded [1] 19/10 excused [1] 5/18 execution [1] 57/19 exercise [1] 138/17 exhaustive [4] 73/24 85/21 85/22 109/10 exhibit [95] 28/17 28/24 29/3 29/6 52/20 53/2 53/5 53/7 53/15 53/18 54/1 54/7 54/17 54/25 55/2 55/7 55/7 55/22 55/22 56/7 56/8 56/11 57/12 57/12 57/15 57/15 57/21 58/9 58/10 58/14 59/20 81/14 89/1 89/1 97/3 97/6 97/9 97/14 108/17 110/13 110/14 110/25 111/1 112/5 112/18 120/7 120/8 120/9 120/11 120/15 120/16 120/17 120/25 121/3 121/10 121/23 121/23 122/4 122/10 122/25 123/14 124/3 126/7 126/8 126/8 127/10 127/25 129/23 130/1 130/7 130/8 130/20 130/23 131/1 131/6 133/17 136/10 136/23 136/25 138/6 138/14 138/15 138/18 138/24 138/24 139/23 141/3 141/3 141/8 141/9 141/11 141/17 141/23 142/3 142/4 Exhibit 12 [1] 142/4</p>	<p>Exhibit 25 [2] 141/3 141/9 Exhibit 27 [1] 141/11 Exhibit 3 [2] 28/17 29/3 Exhibit 33 [1] 133/17 Exhibit 41 [4] 129/23 130/1 130/8 130/20 Exhibit 43 [2] 97/3 112/5 Exhibit 45 [17] 52/20 53/2 53/7 55/2 55/7 57/12 57/15 58/10 81/14 89/1 110/14 120/7 120/9 120/16 121/3 121/23 122/10 Exhibit 46 [20] 53/15 53/18 54/7 54/17 55/22 59/20 108/17 110/13 110/25 111/1 112/18 120/8 120/11 120/15 120/17 120/25 121/10 121/23 122/4 122/25 Exhibit 47 [7] 124/3 127/10 131/1 131/6 136/10 136/23 136/25 Exhibit 48 [1] 54/25 Exhibit 8 [1] 141/17 Exhibit A [6] 55/7 55/22 57/12 126/7 126/8 126/8 Exhibit B [5] 56/7 56/8 56/11 57/15 57/21 Exhibit C [6] 58/9 58/14 138/15 138/18 138/24 139/23 Exhibit D [1] 89/1 exhibits [7] 55/2 123/17 140/15 140/25 141/1 141/16 147/3 existence [2] 38/6 143/7 existing [3] 131/19 131/23 133/7 exists [2] 52/2</p>	<p>62/22 expectation [1] 33/21 expedite [1] 150/19 expedited [2] 7/7 106/24 expeditiously [1] 146/9 expenditure [3] 60/17 110/4 110/11 expenditures [4] 108/24 109/3 137/8 138/20 expense [14] 61/25 93/23 94/2 94/5 94/9 94/14 95/12 95/14 96/2 96/6 96/12 96/16 100/12 139/11 expenses [11] 58/16 58/24 59/15 63/12 80/11 92/7 100/14 121/19 122/12 131/4 139/24 experience [6] 60/9 60/12 69/18 69/20 70/17 119/21 experienced [2] 70/19 119/16 expert [5] 12/14 12/19 13/4 18/15 18/19 expert's [1] 19/6 experts [8] 9/4 9/6 11/10 12/24 13/6 13/14 14/19 18/12 explain [2] 97/4 127/16 explained [2] 26/2 127/12 exploit [1] 32/9 exposed [2] 45/1 72/21 Express [1] 87/6 expressed [2] 25/17 26/11 expunged [1] 47/20 extensive [3] 113/18 113/24 118/24 extent [2] 30/11 34/14 eyes [1] 95/22</p> <hr/> <p>F face [2] 100/13</p>
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(11) engagement... - face

<p>F face... [1] 101/4 fact [4] 17/9 23/17 128/2 133/5 facts [3] 16/8 20/13 22/22 factual [1] 22/14 failed [1] 133/3 failure [1] 127/23 fair [11] 36/22 46/13 46/22 46/24 60/16 81/18 121/18 123/6 123/10 124/24 131/11 fairly [2] 48/25 121/21 fairness [2] 142/6 144/20 faith [1] 138/18 family [2] 11/8 150/23 famous [1] 142/1 far [8] 22/9 59/4 97/13 116/25 143/9 144/3 147/7 148/22 Fargo [2] 85/15 98/3 FARMER [1] 2/3 FARMERCASE.COM [1] 2/9 farther [1] 75/20 favor [2] 96/19 120/8 Fax [2] 2/19 3/11 February [6] 57/18 58/17 75/21 76/7 95/10 95/25 February 1 [1] 75/21 February 2 [1] 95/10 February 2013 [2] 57/18 58/17 February 2016 [1] 76/7 February 5 [1] 95/25 federal [5] 51/19 57/9 132/20 133/16 134/12 FEDOR [1] 2/3 fee [4] 106/24 107/2 107/3 107/4 feel [2] 11/8 13/17 feeling [1] 115/23 fees [6] 91/21 108/23 109/2 109/11 109/19</p>	<p>109/24 few [11] 29/19 64/9 76/16 94/20 94/25 100/9 101/6 107/2 113/9 120/5 131/17 field [1] 50/4 Fifth [1] 22/18 figure [1] 129/2 figured [1] 140/22 file [1] 40/2 filed [5] 12/9 18/3 23/4 32/12 150/4 filing [3] 15/12 40/5 41/7 filings [1] 41/5 final [2] 10/14 19/15 finality [2] 12/2 14/3 finance [1] 60/10 financial [4] 56/1 123/18 123/22 144/19 financing [4] 55/12 56/16 57/1 69/21 find [5] 17/4 46/24 63/1 71/11 138/19 fine [6] 31/8 117/12 117/23 123/24 139/3 140/19 finger [3] 66/10 88/25 112/3 finish [4] 133/22 134/8 135/8 146/12 firearms [1] 102/24 firm [5] 3/5 67/5 70/3 119/4 119/6 firms [1] 59/15 first [24] 14/20 35/8 37/4 37/16 37/20 38/2 58/22 63/19 64/4 75/22 78/16 81/16 93/21 109/2 109/19 114/1 120/23 120/24 121/3 121/5 121/11 121/13 127/10 141/11 five [5] 27/11 55/15 73/25 82/20 148/25 five-dollar [1] 82/20 five-sixth [1]</p>	<p>27/11 five-year [2] 55/15 73/25 Fleming [18] 20/19 41/18 41/23 48/16 68/14 78/9 82/2 82/4 93/23 94/6 95/11 96/12 101/19 104/11 144/15 145/8 146/24 147/1 flew [1] 107/14 flexibility [1] 10/25 flip [2] 59/2 97/2 flipping [1] 78/6 fluent [1] 76/13 Flynn [12] 23/17 23/21 23/23 24/7 24/8 24/19 24/22 25/1 25/13 57/2 110/1 110/6 focused [1] 48/2 folks [2] 77/5 103/4 follow [3] 23/15 51/12 74/11 follow-up [1] 23/15 following [2] 54/6 64/19 follows [1] 19/24 Food [1] 103/18 foreclosure [1] 40/3 FOREGOING [1] 152/10 foreign [3] 113/19 113/24 118/25 forensic [1] 13/1 forget [1] 64/22 forma [1] 73/25 format [1] 120/15 formatting [2] 64/7 123/3 forth [3] 83/12 107/15 127/20 Forty [1] 98/13 Forty-three [1] 98/13 forward [6] 8/6 17/20 97/2 101/6 102/1 125/3 found [2] 62/25 132/3 foundation [20] 18/25 19/2 19/8 19/9 60/24 61/12</p>	<p>62/24 104/22 124/14 124/19 125/4 125/11 125/12 125/20 127/3 137/15 139/10 139/13 142/4 143/1 foundational [1] 29/9 four [12] 14/6 15/23 55/2 63/19 64/4 84/24 85/25 94/22 102/13 102/24 103/3 144/3 frame [1] 36/11 frankly [2] 40/17 46/13 fraud [1] 48/8 fraudulent [2] 31/13 31/20 freeze [1] 20/22 Friday [2] 5/24 149/12 friend's [1] 80/4 friends [1] 71/1 front [121] 1/9 24/2 24/5 24/17 25/17 25/20 25/24 25/24 26/11 26/25 30/20 30/23 35/14 35/15 35/16 35/17 36/9 36/12 36/15 36/21 37/4 38/10 38/22 40/3 40/12 40/22 41/12 49/3 49/5 49/24 53/10 53/19 54/9 55/10 56/8 56/12 57/3 57/10 57/22 57/25 58/1 58/5 60/6 60/21 61/2 61/3 61/15 61/20 61/23 64/2 64/13 65/19 65/23 69/9 71/12 71/16 71/18 71/24 72/5 72/10 73/15 73/23 73/25 74/7 74/8 79/10 79/12 79/14 80/5 83/20 87/15 90/23 91/3 91/24 92/1 102/23 103/4 103/20 103/21 104/3 104/4 104/11 104/19 105/1 107/17 108/23 111/15 112/5 124/8 125/1 125/2 126/3 126/25</p>	<p>127/12 127/15 128/2 128/4 128/12 128/14 129/3 129/4 129/13 130/13 131/2 131/19 131/22 132/3 132/7 133/8 133/9 133/12 133/21 134/2 134/8 135/8 135/20 135/22 137/5 138/9 141/5 141/6 fruition [1] 36/2 full [3] 64/22 124/22 152/10 fully [1] 22/19 FUND [13] 1/12 15/14 15/18 27/12 27/14 30/14 30/18 32/6 32/11 37/12 51/8 51/13 135/23 Fund's [1] 30/23 fundamental [1] 132/19 funding [1] 32/4 fundraise [1] 48/13 fundraising [4] 89/21 91/24 119/21 119/25 funds [6] 32/1 55/14 88/22 90/8 111/4 111/17 fungible [1] 132/1 Funny [1] 7/12 further [2] 54/7 85/5</p>
G				
<p>G-A-N-G [1] 73/4 game [3] 46/13 46/22 46/24 gaming [5] 29/20 29/22 29/24 30/1 35/3 Gang [3] 73/4 74/18 74/20 gas [3] 103/21 104/1 104/4 gasoline [1] 92/19 gave [15] 35/16 37/21 95/9 96/18 97/10 105/1 105/7 105/10 105/13 105/17 105/21 105/25 108/18 129/9 129/13 general [6] 16/21 49/2 70/16 102/22 128/6 129/6</p>				

(12) face... - general

<p>G generally [2] 30/25 37/18 genesis [1] 46/16 gentlemen [1] 140/21 germane [1] 46/15 get [47] 4/23 7/5 8/17 10/19 11/9 11/21 13/15 14/18 15/11 16/1 16/1 16/2 18/17 20/7 24/13 33/5 33/19 47/9 47/12 47/15 47/20 47/25 48/22 49/2 54/5 64/10 77/13 79/12 85/15 89/11 96/20 104/4 104/14 112/14 112/16 123/17 125/19 128/15 144/11 146/5 146/6 146/10 146/21 147/3 147/3 150/20 150/22 gets [3] 27/20 28/12 125/18 getting [4] 40/2 137/12 137/16 150/5 give [18] 5/7 31/23 35/14 37/10 39/24 50/15 71/12 92/15 100/22 101/14 101/23 102/4 112/19 113/22 122/8 122/9 146/11 146/18 given [8] 32/8 37/15 63/24 75/10 75/18 104/23 125/16 125/18 gives [2] 10/24 59/7 giving [1] 91/18 Glasses [1] 95/21 global [21] 70/9 70/15 70/20 112/22 113/3 113/5 113/8 113/11 113/13 113/17 113/22 116/11 116/12 118/17 118/22 119/2 119/5 119/14 119/19 119/24 120/2 Globals' [1] 119/21 go [55] 4/8 5/4</p>	<p>5/10 6/2 10/12 10/17 14/6 15/13 26/17 27/10 27/11 30/17 34/3 36/23 39/3 40/24 41/1 45/11 52/21 54/25 59/7 67/15 69/7 70/4 73/19 73/22 79/13 80/17 80/21 81/4 83/6 92/3 97/1 97/12 98/21 102/8 102/8 108/17 108/17 110/25 111/1 112/14 112/18 118/16 118/16 120/8 122/4 122/25 123/13 127/9 135/15 136/22 146/9 147/11 147/15 goal [1] 47/21 God [1] 145/23 goes [10] 19/11 21/17 27/3 28/11 44/23 44/25 125/18 125/21 126/8 131/17 going [79] 4/16 6/2 6/17 6/23 8/6 9/14 10/6 10/22 12/25 14/11 14/22 19/10 20/21 21/19 21/20 22/9 22/10 23/5 23/8 24/18 30/10 31/25 33/19 33/23 34/2 38/14 39/18 42/9 45/1 45/19 46/3 46/8 46/19 46/19 47/18 47/22 48/10 57/25 59/12 66/11 76/25 80/24 81/12 88/25 90/6 92/6 97/2 98/10 104/12 104/21 106/16 109/16 112/18 119/14 120/13 124/13 124/22 125/8 125/13 125/16 125/17 128/16 128/21 133/6 134/25 141/2 141/13 143/22 144/9 145/1 145/5 145/7 145/14 146/3 146/6 147/11 149/12 149/15 150/3</p>	<p>Golden [1] 92/17 gone [2] 144/17 144/18 good [17] 4/6 4/7 4/10 4/14 4/24 5/1 5/9 5/10 6/9 7/4 11/7 12/1 14/3 20/3 20/4 52/9 138/18 Goodness [1] 122/7 got [23] 12/5 22/5 34/20 48/6 63/23 72/23 73/13 76/10 85/14 97/4 104/11 104/12 105/15 105/23 109/2 109/13 112/1 118/11 125/23 128/18 140/21 145/23 149/24 gotten [3] 83/11 83/12 135/19 government [6] 51/19 57/9 70/1 132/20 133/16 134/13 graduated [1] 76/10 grant [2] 116/23 117/6 Granted [1] 145/23 great [2] 46/20 140/23 Green [3] 87/6 87/11 87/12 GREER [8] 2/13 2/14 4/14 32/24 42/21 45/12 45/14 149/8 GREERLAW.BIZ [1] 2/20 Grewal [1] 92/11 Group [1] 139/7 guarantee [3] 105/11 145/1 145/13 guess [15] 23/10 33/18 33/21 34/2 34/10 83/25 103/2 118/6 125/24 135/18 142/25 143/2 143/6 145/11 147/9 Guggenheim [1] 70/2 guns [2] 35/17 139/8</p>	<p>gut [1] 32/11 H H-U-A-N-G [1] 75/22 HAC [1] 2/12 hacked [1] 85/15 had [117] 8/3 12/13 16/4 17/6 23/9 24/1 24/11 28/2 29/17 29/19 29/21 30/1 30/4 33/8 36/7 37/14 38/1 39/1 39/21 40/9 40/20 41/4 41/4 47/9 48/12 49/3 49/4 50/10 52/3 52/5 52/6 52/22 54/23 57/4 59/19 60/13 61/1 61/18 61/21 62/2 62/4 62/24 63/4 64/8 65/23 69/15 69/24 70/1 70/2 70/19 70/21 70/22 71/9 71/24 72/1 73/11 73/15 73/19 73/20 73/21 73/22 73/25 74/2 74/3 74/4 74/6 76/14 76/16 77/10 77/16 79/13 83/9 83/11 83/12 83/13 85/8 85/10 85/15 90/6 91/7 91/15 91/20 101/14 102/5 105/4 105/23 111/16 112/16 112/21 113/3 113/5 115/23 118/21 119/1 119/2 119/9 120/6 122/1 124/3 128/12 129/13 131/4 131/9 131/10 131/14 132/2 135/20 135/22 140/24 141/4 142/2 142/7 145/24 148/10 150/19 152/6 152/12 hadn't [1] 38/11 half [2] 15/21 112/1 halleluiah [1] 149/2 handle [8] 16/19 23/11 33/1 33/7 33/13 48/13 116/23 146/9</p>	<p>handled [1] 33/9 handy [1] 96/21 Hangzhou [1] 35/6 happened [5] 15/17 21/18 21/18 24/15 36/6 happening [1] 40/22 happens [1] 11/3 happy [3] 17/19 31/8 49/6 hard [2] 36/23 132/4 has [54] 17/6 17/11 18/2 21/23 30/17 30/20 32/9 32/11 32/19 32/24 33/14 36/11 36/15 39/14 39/18 39/18 41/6 41/10 41/10 43/6 45/10 45/17 45/22 45/23 51/15 51/19 52/3 52/5 54/12 55/2 55/7 58/6 58/25 87/12 97/9 97/10 98/1 104/8 104/25 109/4 114/8 114/14 120/15 122/11 126/9 127/2 130/13 135/23 137/6 137/6 137/17 137/24 144/1 147/25 hasn't [2] 17/18 137/20 hats [1] 35/16 have [221] haven't [5] 14/12 17/17 43/10 137/25 148/10 having [5] 11/5 91/13 95/18 103/1 119/12 hazard [1] 103/2 he [66] 24/8 24/23 25/3 29/12 34/18 34/22 40/20 40/21 40/25 41/2 42/11 42/20 42/20 43/6 43/8 43/22 44/5 44/5 44/6 45/17 45/22 45/23 46/6 46/17 62/12 62/24 62/25 63/1 69/24 69/24 72/12 72/13 73/5 73/6 73/12 73/12 73/13 73/18 73/19 73/21 73/22</p>
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(13) generally - he

<p>H he... [25] 76/13 76/16 77/17 104/24 106/7 106/10 106/10 110/6 124/25 124/25 124/25 125/17 125/17 125/18 126/4 126/5 136/5 137/21 138/1 144/13 146/4 146/12 147/25 149/21 150/1 he'd [1] 24/13 he'll [1] 104/15 he's [20] 7/11 21/23 22/18 22/21 30/8 32/8 42/15 45/2 45/8 45/10 45/16 46/5 62/23 69/22 125/10 125/16 125/23 144/2 146/5 149/20 head [1] 119/5 headway [1] 140/23 hear [1] 17/10 heard [3] 17/17 145/16 145/25 hearing [20] 1/16 7/6 8/4 8/20 20/18 23/16 23/16 28/16 33/19 37/11 37/24 41/3 41/8 41/15 41/19 47/8 48/5 51/8 69/16 144/1 hearsay [3] 137/12 137/15 137/17 heck [1] 129/3 held [7] 65/8 78/21 98/9 110/18 111/7 123/15 129/21 help [8] 26/14 35/1 36/8 64/1 64/19 66/19 76/15 119/15 helping [1] 26/3 helps [1] 100/11 HENDERSON [1] 2/7 her [21] 4/19 4/20 4/23 5/4 5/24 5/25 6/17 35/13 35/13 35/23 36/3 36/8 36/25 36/25 36/25 63/24 63/24 70/24 71/1 119/7 119/12 here [74] 4/13 4/16 6/8 8/6 9/9</p>	<p>11/10 11/11 11/13 12/12 12/25 13/5 13/10 13/14 14/1 15/13 17/9 17/10 18/12 20/11 21/18 22/18 22/21 29/9 29/16 31/20 32/22 33/21 35/2 36/5 36/19 37/19 38/20 39/25 47/19 47/19 47/21 48/4 48/6 48/11 58/1 65/11 65/15 83/19 87/17 89/23 90/3 97/2 98/13 98/18 99/1 103/11 111/21 114/25 116/18 118/1 124/14 126/13 131/21 132/13 137/22 139/5 139/12 139/22 144/2 144/16 144/21 144/25 145/21 145/24 147/24 149/9 149/15 149/24 150/11 here's [5] 7/13 8/16 104/14 146/22 148/8 HEREBY [1] 152/5 hereof [1] 134/4 HEREUNTO [1] 152/13 hey [1] 26/13 high [2] 37/3 69/25 higher [1] 21/13 highly [1] 31/2 Highway [1] 104/2 hill [3] 86/16 87/3 104/12 him [28] 19/10 24/11 34/24 43/2 43/3 43/8 43/22 44/4 44/24 45/7 45/13 46/14 68/14 70/1 70/7 73/11 73/15 76/14 138/1 144/4 144/7 144/10 145/2 147/3 147/5 147/23 147/24 148/1 himself [1] 125/9 hire [6] 57/1 57/3 57/4 57/5 57/6 68/3 hired [2] 64/1 76/3 hiring [2] 65/20 65/21</p>	<p>his [29] 19/8 21/25 22/2 22/4 24/23 32/3 42/22 46/11 46/25 68/15 69/5 73/6 73/9 73/9 73/16 73/16 73/22 74/22 76/10 77/16 77/18 77/18 106/11 125/11 125/24 132/5 143/9 147/4 150/1 historically [1] 18/14 Hmmm [1] 99/14 HOLBERT [5] 2/4 4/16 5/2 5/12 5/23 hold [2] 14/11 122/24 holding [1] 65/9 holds [1] 51/8 Holiday [1] 87/6 holidays [2] 11/6 15/6 Hollicheck [1] 135/21 home [3] 83/10 83/13 139/7 honestly [2] 12/11 32/20 Hong [4] 75/2 75/9 75/10 75/12 Honor [46] 4/7 4/10 5/9 5/17 5/23 6/14 6/20 7/2 7/4 7/12 7/15 15/12 17/11 19/20 20/14 20/22 23/3 29/8 31/21 32/20 42/9 44/24 45/16 47/16 54/2 81/6 98/10 117/11 117/22 123/16 124/11 124/13 124/21 130/19 134/23 134/24 137/10 139/10 140/14 140/17 140/23 142/23 143/19 143/23 146/23 149/19 HONORABLE [1] 1/18 Hopefully [1] 4/22 hoping [3] 24/9 80/1 80/5 horribly [1] 40/11 Hospitality [1] 64/10</p>	<p>hotel [22] 78/10 78/14 78/20 78/25 79/2 79/7 79/11 79/11 79/15 79/19 79/25 82/11 82/13 82/14 82/15 82/17 84/10 87/10 102/14 102/16 102/25 104/3 hotels [4] 78/7 78/8 81/17 103/13 hour [3] 79/12 145/1 147/18 hours [4] 23/20 146/15 146/17 146/17 housekeeping [1] 149/23 Houston [1] 75/25 how [57] 7/5 7/10 7/13 8/19 9/3 9/23 10/6 12/23 14/18 14/22 16/22 18/7 18/13 19/11 22/23 33/13 35/22 39/6 39/8 39/15 40/13 40/25 45/18 45/20 47/9 48/15 48/25 49/1 50/2 50/8 50/13 50/21 51/3 55/18 60/6 65/9 65/23 68/13 69/4 72/20 75/6 77/24 83/6 90/19 95/5 97/4 97/6 104/25 105/5 105/15 105/23 113/7 119/23 123/2 124/17 125/24 146/13 However [2] 33/24 46/9 Huang [2] 75/24 76/3 hum [4] 12/6 82/12 92/23 136/7 humanly [1] 11/20 hundreds [3] 30/2 95/8 96/17 Hyatt [6] 78/23 78/25 79/2 82/23 85/10 86/8 hypothetical [1] 136/3 hypothetically [2] 8/18 19/1</p>	<p>25/7 28/4 36/14 36/23 38/15 39/23 40/7 50/14 50/16 51/23 62/1 71/5 80/9 81/25 82/5 85/20 86/3 90/16 95/7 96/7 100/13 102/20 114/1 123/4 143/24 146/15 150/21 I'll [32] 4/25 10/18 14/13 17/2 17/25 33/23 38/24 43/14 48/19 49/16 50/9 51/9 53/2 53/22 55/1 61/5 68/18 71/10 98/11 106/14 110/21 116/21 116/23 117/6 122/9 124/2 124/11 125/12 125/25 127/6 149/13 150/24 I'm [122] 8/12 9/9 9/14 9/24 9/24 10/10 10/22 11/2 11/16 12/11 12/22 12/25 12/25 13/4 13/13 14/1 14/11 14/17 16/9 17/4 20/9 21/19 21/19 22/9 22/10 22/24 25/23 27/23 30/10 31/8 31/10 31/12 32/23 32/25 33/6 33/11 33/17 33/19 33/19 33/22 33/22 34/9 41/9 46/3 46/8 46/19 47/18 47/23 47/24 50/9 53/13 55/19 56/22 58/3 58/20 59/6 59/12 62/13 62/16 62/17 63/15 65/14 69/19 70/25 72/16 74/21 76/19 82/3 91/6 95/18 97/2 97/13 98/21 99/12 102/9 106/20 106/21 109/23 110/3 114/25 114/25 118/1 120/13 120/17 120/20 121/14 124/13 129/17 129/25 130/7 130/25 131/7 133/8 134/25 135/18 136/10</p>
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(14) he... - I'm

<p>I I'm... [26] 136/16 136/24 138/12 140/14 144/9 145/1 145/5 145/13 146/6 146/19 146/19 148/11 148/20 148/25 149/3 149/4 149/5 149/5 149/6 149/6 149/12 149/13 150/5 150/8 150/13 150/21 I've [11] 13/22 24/7 33/8 39/1 43/3 48/14 48/17 98/12 126/11 126/11 135/18 IA [23] 54/18 54/21 55/25 58/16 60/19 61/16 69/8 69/12 69/18 71/13 79/14 80/8 88/21 89/12 90/15 91/17 93/8 93/9 111/4 111/22 113/3 114/3 119/25 idea [1] 76/23 identify [2] 43/3 71/15 if [156] II [2] 52/20 130/1 III [1] 123/14 IIUSA [7] 64/20 64/21 64/22 65/2 65/6 76/1 81/23 imagination [1] 130/17 immigrant [15] 26/19 26/23 27/10 27/17 27/18 28/12 37/13 37/15 37/21 38/1 38/5 38/17 40/20 47/15 55/14 immigration [10] 35/6 69/3 70/16 70/20 119/2 119/3 119/6 119/8 119/9 119/16 impact [16] 22/14 22/16 30/14 33/4 46/9 51/25 52/3 53/9 54/12 57/2 61/4 87/24 89/9 111/19 115/14 142/9 impacted [1] 36/8 impacts [1] 22/20 implement [1]</p>	<p>55/11 implementation [1] 56/13 important [5] 11/9 11/10 31/12 46/15 88/13 importantly [1] 34/5 impressions [3] 42/19 44/16 44/19 in [329] inactive [1] 60/4 Incline [6] 82/23 83/1 83/6 83/8 83/13 85/10 include [2] 65/20 112/9 included [6] 109/21 110/3 110/9 110/14 126/9 138/15 includes [1] 134/19 including [1] 72/15 income [2] 27/13 89/13 incomplete [1] 136/2 incurred [2] 58/16 100/14 indeed [6] 24/21 37/20 70/4 77/11 127/18 138/7 independent [6] 67/5 67/6 69/11 76/4 76/14 108/12 India [6] 34/18 39/10 39/10 40/19 50/18 50/21 indicate [1] 130/13 INDICATED [1] 152/7 indicates [1] 58/13 indicative [1] 55/17 individuals [1] 72/19 inducement [3] 31/13 31/20 48/8 indulgence [1] 140/13 Industrial [4] 72/24 73/1 73/2 74/13 industry [6] 26/10 50/6 64/23 65/8 69/4 76/1</p>	<p>information [31] 9/2 30/11 30/17 30/25 31/5 31/25 32/8 32/20 33/4 41/22 48/17 57/7 59/21 89/15 91/12 94/1 94/13 95/14 96/5 96/15 100/23 101/14 101/23 102/5 113/22 118/22 120/18 121/22 122/1 122/3 139/9 infused [1] 61/4 inherently [1] 124/24 initial [6] 27/1 64/12 70/9 70/14 73/6 120/18 inject [1] 76/15 injected [1] 105/19 injunction [6] 1/16 8/20 19/16 47/20 144/1 145/18 Inn [1] 87/6 inner [1] 43/7 inquiry [2] 9/22 46/10 instance [1] 123/1 instead [2] 75/9 75/13 intentional [1] 146/7 interest [12] 23/24 24/14 24/25 25/4 26/4 26/8 26/12 26/17 27/2 27/5 34/23 55/16 interested [2] 39/16 39/22 interesting [3] 13/24 85/1 146/23 intern [2] 63/25 65/20 internal [1] 93/8 international [4] 60/10 63/11 76/11 78/1 interrupt [1] 136/16 Interstate [1] 139/8 intervene [1] 134/25 intimate [1] 43/5 into [32] 16/17 24/24 25/3 29/11</p>	<p>37/25 43/7 45/20 46/20 54/7 60/25 61/4 66/5 66/7 74/5 74/23 76/15 87/21 87/24 89/9 89/12 90/15 91/17 97/14 104/12 105/20 115/20 122/5 123/17 124/22 132/5 146/3 152/8 introduced [3] 35/5 36/1 37/4 introducing [2] 72/4 72/5 introduction [1] 80/4 INV [1] 64/16 invade [3] 42/9 42/13 45/21 invades [1] 46/1 invest [4] 24/24 35/24 64/22 64/24 invested [2] 25/3 25/13 investigation [2] 37/25 54/7 investor [5] 26/23 38/22 38/25 47/15 55/14 investors [52] 26/19 27/3 27/10 27/17 27/18 27/21 28/2 28/10 28/12 28/15 29/16 30/3 31/18 35/25 36/1 36/9 37/6 37/7 37/13 37/15 37/22 38/1 38/6 38/17 39/2 39/15 39/21 40/9 40/13 40/20 40/24 40/25 50/10 50/24 60/8 60/12 70/6 73/13 80/1 80/1 83/20 83/23 86/23 113/13 128/12 128/19 129/1 129/10 129/13 130/9 130/13 134/16 investors' [1] 111/17 invoice [5] 61/25 62/8 62/21 63/4 82/9 invoices [4] 59/17 77/14 109/13 109/15 involved [5] 14/2</p>	<p>22/8 29/22 72/8 145/8 involves [1] 45/25 involving [1] 16/16 irrelevant [1] 127/1 irrespective [1] 45/12 irritated [1] 88/9 is [374] isn't [5] 19/9 30/12 42/24 45/13 145/10 ISOM [3] 1/24 152/4 152/17 issue [10] 13/5 15/14 15/19 18/11 21/21 22/19 34/3 40/10 149/11 149/24 issues [9] 15/9 15/17 16/8 16/16 22/14 48/12 114/21 115/1 143/23 it [350] it's [124] 5/14 6/18 7/19 11/9 12/6 15/3 15/3 18/19 19/4 20/15 20/17 20/20 20/23 20/24 20/24 20/25 21/6 21/7 22/3 22/8 22/15 25/12 26/13 29/11 29/12 30/15 31/2 31/19 33/20 36/23 42/16 42/24 43/12 46/4 46/20 46/24 47/4 48/2 56/17 56/19 62/11 62/11 62/12 64/6 64/21 64/23 68/23 75/4 75/6 78/1 78/7 79/20 79/25 80/16 86/7 86/14 87/13 88/24 89/1 91/11 95/11 96/6 96/11 97/3 97/6 97/8 97/12 97/13 97/13 99/9 102/7 105/13 105/21 106/9 106/12 107/25 108/21 109/2 109/9 110/9 111/1 114/10 114/10 114/25 115/4 115/13 115/15 115/22 117/12 117/14 117/24 118/12 118/14 120/20</p>
---	---	--	---	--

<p>I it's... [30] 121/5 123/3 125/6 126/18 129/23 130/1 130/3 130/6 130/8 131/2 133/18 134/8 135/8 135/19 135/22 137/15 137/17 139/4 139/6 139/24 141/13 142/23 143/3 143/9 145/7 145/16 145/17 146/11 150/2 150/9 items [1] 24/5 its [8] 56/1 100/13 101/4 101/8 128/3 130/14 133/10 143/7 itself [2] 134/21 134/23</p>	<p>June [7] 20/11 41/10 41/15 41/20 47/8 86/6 86/7 June 27 [1] 86/7 June 3 [4] 20/11 41/10 41/20 47/8 jury [6] 10/8 11/5 11/10 11/21 17/12 150/20 just [105] 4/12 5/7 5/18 6/18 9/23 11/2 11/9 11/10 11/12 11/19 12/9 13/13 13/22 14/1 14/2 14/10 14/17 15/2 16/13 16/14 16/16 17/1 17/2 18/18 18/24 19/7 19/13 21/15 22/7 22/24 23/11 27/8 29/8 32/9 32/23 34/8 36/6 37/10 42/25 45/19 46/20 47/18 47/25 49/23 51/9 52/20 52/22 53/14 59/20 61/1 62/11 65/2 68/16 76/21 77/5 77/9 82/16 83/25 91/1 92/15 93/1 93/16 93/20 93/20 97/14 98/17 99/12 107/20 109/4 110/12 110/23 112/3 114/10 117/15 120/7 120/12 120/13 121/2 121/22 121/23 123/1 123/3 124/2 126/18 131/20 132/17 132/25 134/19 136/2 136/15 137/10 137/16 139/5 140/3 140/12 140/13 140/15 140/16 140/16 141/3 141/14 142/2 144/19 146/20 150/5 Justice [1] 104/7 justify [1] 9/15</p>	<p>83/4 83/13 88/25 89/9 117/24 129/1 keeping [1] 125/7 KEITH [2] 2/14 4/14 KEITH.GREER [1] 2/20 Kenworth [1] 28/18 kept [2] 25/9 129/19 KHOLBERT [1] 2/9 kind [12] 9/24 11/21 12/12 12/22 14/20 14/21 18/13 19/3 19/10 66/10 97/4 122/24 knew [2] 68/14 70/25 know [133] 5/24 7/19 9/21 9/25 10/5 11/11 11/14 11/20 13/14 13/18 13/19 13/24 13/25 14/1 14/3 14/6 14/9 14/14 14/17 15/8 15/11 15/20 15/21 16/9 16/18 18/7 18/14 18/16 19/3 20/6 20/7 20/8 22/6 22/7 23/9 23/21 24/1 24/12 26/9 26/13 30/19 31/14 33/15 34/4 34/6 34/7 34/17 36/14 36/25 38/8 46/4 46/7 46/21 47/12 47/14 47/23 48/21 48/25 49/1 52/21 56/24 57/1 59/19 60/1 64/18 68/2 68/8 68/10 68/13 69/5 70/24 74/22 75/6 75/12 75/23 77/22 78/18 78/23 79/8 79/22 82/5 82/13 82/23 84/1 84/4 84/11 84/23 85/7 85/11 86/3 86/11 92/2 92/12 92/18 93/3 95/1 97/14 97/14 99/20 100/11 100/11 102/14 102/18 103/8 103/9 103/19 103/24 104/25 106/19 106/23 107/3 109/7 109/25</p>	<p>113/23 115/10 121/24 123/6 123/7 123/10 125/17 128/20 128/22 128/22 139/19 142/11 142/15 143/4 143/11 143/12 143/12 145/13 146/4 149/4 knowledge [3] 36/16 48/13 119/20 known [2] 24/8 37/2 knows [5] 4/12 34/15 36/15 36/21 124/17 Kong [4] 75/2 75/9 75/11 75/13</p>	<p>8/11 9/13 20/18 22/24 23/16 23/16 26/16 28/16 35/7 37/11 37/14 37/24 38/1 38/5 38/21 39/20 40/19 40/21 41/3 41/8 47/8 51/8 54/16 59/9 63/20 66/25 69/16 84/23 85/25 87/5 90/7 113/7 142/2 later [7] 33/14 35/19 37/8 59/16 99/6 103/6 146/20 laughing [1] 7/11 law [7] 3/5 12/3 21/6 59/15 70/9 70/15 119/4 lawyer [7] 9/23 13/22 16/4 60/10 69/3 70/19 119/17 lawyers [8] 13/17 13/19 13/22 18/15 19/5 57/5 57/5 57/6 lay [2] 125/12 142/4 leadership [1] 34/16 least [6] 16/2 26/25 131/10 144/21 145/2 147/18 leave [2] 6/19 23/12 ledger [7] 58/15 58/21 58/22 59/13 120/9 120/11 139/5 ledgers [1] 121/20 left [2] 6/21 148/18 Legacy [4] 67/16 67/20 68/1 68/3 legal [11] 57/8 58/24 59/14 60/11 68/19 109/2 109/11 109/19 109/24 121/19 122/12 lend [1] 134/2 lender [4] 130/12 130/15 134/1 134/3 lending [4] 15/14 15/22 26/5 72/9 length [1] 8/22 lenient [2] 114/21 148/11 lent [5] 15/18 27/7 55/14 132/2 132/12 less [4] 7/19 7/21 79/12 103/18</p>
<p>J JALDRICH [1] 3/12 January [4] 14/23 82/22 94/21 104/6 January 2 [1] 104/6 January 5 [1] 82/22 Japanese [1] 93/5 Jay [2] 102/22 104/10 Jim [1] 68/12 job [3] 18/18 77/10 125/8 JOHN [18] 3/6 4/10 68/14 78/9 80/19 83/25 84/13 84/17 85/8 93/22 94/17 95/11 96/11 100/15 101/2 101/19 103/2 104/11 John's [2] 84/22 84/23 JOHNALDRICHLA WFIRM.COM [1] 3/12 joint [3] 12/9 17/5 70/2 Jones [1] 60/10 journal [1] 139/5 judge [3] 1/18 1/19 22/15 JULY [2] 1/21 4/1 jump [1] 103/23 jumping [1] 88/24</p>	<p>K KATHRYN [3] 2/4 5/2 5/12 Kazakhstan [2] 68/21 69/6 keep [11] 6/4 6/5 24/12 24/13 66/10</p>	<p>83/4 83/13 88/25 89/9 117/24 129/1 keeping [1] 125/7 KEITH [2] 2/14 4/14 KEITH.GREER [1] 2/20 Kenworth [1] 28/18 kept [2] 25/9 129/19 KHOLBERT [1] 2/9 kind [12] 9/24 11/21 12/12 12/22 14/20 14/21 18/13 19/3 19/10 66/10 97/4 122/24 knew [2] 68/14 70/25 know [133] 5/24 7/19 9/21 9/25 10/5 11/11 11/14 11/20 13/14 13/18 13/19 13/24 13/25 14/1 14/3 14/6 14/9 14/14 14/17 15/8 15/11 15/20 15/21 16/9 16/18 18/7 18/14 18/16 19/3 20/6 20/7 20/8 22/6 22/7 23/9 23/21 24/1 24/12 26/9 26/13 30/19 31/14 33/15 34/4 34/6 34/7 34/17 36/14 36/25 38/8 46/4 46/7 46/21 47/12 47/14 47/23 48/21 48/25 49/1 52/21 56/24 57/1 59/19 60/1 64/18 68/2 68/8 68/10 68/13 69/5 70/24 74/22 75/6 75/12 75/23 77/22 78/18 78/23 79/8 79/22 82/5 82/13 82/23 84/1 84/4 84/11 84/23 85/7 85/11 86/3 86/11 92/2 92/12 92/18 93/3 95/1 97/14 97/14 99/20 100/11 100/11 102/14 102/18 103/8 103/9 103/19 103/24 104/25 106/19 106/23 107/3 109/7 109/25</p>	<p>L L-I [1] 102/22 L-I-N [1] 73/4 L-I-U [1] 102/22 LA [1] 79/3 label [8] 55/7 58/10 89/2 97/24 100/18 101/7 108/23 118/18 labeled [9] 55/3 63/11 66/12 67/16 68/17 108/22 126/17 131/2 141/12 lack [4] 40/11 124/14 139/13 143/1 lacks [6] 60/24 61/12 62/23 104/22 125/11 139/10 laid [1] 135/2 language [2] 143/1 143/4 large [3] 60/9 73/20 119/1 largest [1] 119/4 LAS [15] 1/12 3/9 3/17 27/11 27/13 37/12 51/8 51/13 69/3 79/8 83/19 84/16 103/15 104/7 135/23 Las Angeles [1] 69/3 Las Vegas [10] 27/11 27/13 37/12 51/8 51/13 83/19 84/16 103/15 104/7 135/23 last [35] 7/6 8/9</p>	<p>8/11 9/13 20/18 22/24 23/16 23/16 26/16 28/16 35/7 37/11 37/14 37/24 38/1 38/5 38/21 39/20 40/19 40/21 41/3 41/8 47/8 51/8 54/16 59/9 63/20 66/25 69/16 84/23 85/25 87/5 90/7 113/7 142/2 later [7] 33/14 35/19 37/8 59/16 99/6 103/6 146/20 laughing [1] 7/11 law [7] 3/5 12/3 21/6 59/15 70/9 70/15 119/4 lawyer [7] 9/23 13/22 16/4 60/10 69/3 70/19 119/17 lawyers [8] 13/17 13/19 13/22 18/15 19/5 57/5 57/5 57/6 lay [2] 125/12 142/4 leadership [1] 34/16 least [6] 16/2 26/25 131/10 144/21 145/2 147/18 leave [2] 6/19 23/12 ledger [7] 58/15 58/21 58/22 59/13 120/9 120/11 139/5 ledgers [1] 121/20 left [2] 6/21 148/18 Legacy [4] 67/16 67/20 68/1 68/3 legal [11] 57/8 58/24 59/14 60/11 68/19 109/2 109/11 109/19 109/24 121/19 122/12 lend [1] 134/2 lender [4] 130/12 130/15 134/1 134/3 lending [4] 15/14 15/22 26/5 72/9 length [1] 8/22 lenient [2] 114/21 148/11 lent [5] 15/18 27/7 55/14 132/2 132/12 less [4] 7/19 7/21 79/12 103/18</p>

(16) it's... - less

<p>L</p> <p>let [15] 5/24 16/10 20/8 35/17 52/21 67/15 97/3 97/3 100/11 112/17 113/23 116/18 122/8 131/8 142/7 let's [18] 4/8 23/11 28/10 92/4 93/7 98/13 98/18 102/8 110/25 111/1 118/16 122/9 122/25 123/13 127/9 127/9 136/22 139/11 letter [28] 21/6 24/2 24/4 28/18 28/21 35/14 55/18 56/20 57/18 105/11 105/12 105/18 106/1 124/7 126/2 126/4 126/6 127/10 127/12 127/24 127/25 131/6 131/12 131/17 137/13 138/18 139/18 140/7 letters [3] 127/15 127/19 138/8 level [2] 16/12 69/25 Li [2] 102/22 104/10 license [4] 51/10 51/15 51/24 52/6 licenses [9] 51/9 51/14 51/16 51/18 51/22 52/1 52/3 52/5 52/7 light [1] 48/3 like [47] 6/5 10/19 11/2 11/5 11/18 12/4 12/17 14/9 15/8 16/5 21/5 26/15 34/4 42/22 46/12 46/20 47/17 47/22 52/19 67/17 68/18 74/25 75/21 78/7 83/12 83/15 84/2 84/10 85/10 93/1 93/22 100/25 113/6 114/1 114/21 116/25 129/8 137/11 143/24 144/4 144/7 144/15 144/19 144/25 146/15 148/12 148/13</p>	<p>likely [8] 40/7 62/7 66/6 81/23 82/25 86/25 87/17 87/18 limit [3] 9/10 18/22 148/4 limitation [1] 7/16 limitations [1] 144/21 limited [7] 8/24 47/4 48/14 48/17 143/6 143/7 143/15 Lin [3] 73/4 74/18 74/20 Linda [1] 144/14 line [10] 5/2 9/22 15/5 109/19 126/12 128/5 128/15 128/18 128/23 129/5 lines [1] 59/23 list [3] 109/2 141/3 141/8 listed [1] 41/17 listen [1] 16/8 listening [1] 148/8 listing [1] 77/11 lists [1] 109/10 litigation [9] 16/21 28/9 31/8 38/6 38/14 38/14 39/2 39/4 40/22 little [19] 11/4 32/7 33/14 34/5 35/2 75/20 82/10 84/2 84/11 85/5 88/8 88/24 97/7 111/25 112/7 114/20 120/15 121/22 148/11 Liu [2] 102/21 104/10 live [2] 86/13 87/2 lived [2] 69/23 83/8 LLC [2] 1/9 1/12 loan [17] 27/1 55/15 57/19 111/16 128/10 131/22 132/17 132/23 132/24 133/2 133/14 133/18 133/21 133/23 134/3 134/11 136/13 loaned [3] 131/4 132/9 135/24 locate [1] 45/11 long [9] 25/7 62/1</p>	<p>105/15 105/23 113/7 120/11 123/10 130/16 148/15 longer [2] 15/19 52/2 look [44] 14/13 14/22 25/7 28/4 36/14 38/15 39/23 40/7 43/8 43/9 45/4 45/11 50/14 50/16 52/19 52/21 53/14 54/17 57/15 58/9 59/19 68/16 71/5 71/10 80/9 92/4 95/8 96/7 100/13 100/25 110/16 112/7 112/17 112/20 120/12 122/16 123/2 123/13 124/3 124/4 126/17 139/2 139/6 140/15 looked [4] 14/12 41/20 54/20 126/4 looking [25] 9/24 9/24 11/2 18/6 28/24 37/23 80/2 82/16 92/4 95/2 95/7 96/17 100/24 101/15 101/24 102/5 102/9 110/13 116/17 120/14 126/15 136/14 138/10 138/12 140/4 looks [13] 67/17 68/17 74/25 75/21 78/6 81/16 83/15 84/10 85/10 93/22 113/6 124/5 126/13 Los [4] 76/19 78/16 78/17 78/23 Los Angeles [2] 76/19 78/17 lose [1] 96/21 lot [16] 7/25 10/24 15/9 18/3 18/9 59/15 59/16 70/17 83/4 119/8 123/18 123/22 127/20 146/25 148/8 148/12 lots [2] 48/10 138/8 love [1] 11/19 lower [1] 64/21 luck [1] 6/10</p>	<p>lunch [5] 71/10 80/24 81/11 93/15 112/22 LVD [7] 15/14 15/18 30/13 30/18 30/23 32/6 32/11</p> <hr/> <p>M</p> <p>ma'am [6] 5/1 5/6 5/14 5/20 6/2 6/10 Macau [4] 29/20 29/23 31/17 35/3 Madam [3] 49/8 61/7 106/2 made [23] 7/15 8/1 10/13 10/14 16/7 30/22 32/4 32/24 39/14 57/22 68/10 68/11 93/22 94/9 95/6 96/1 101/10 104/6 114/20 125/1 129/5 132/6 140/23 mainly [1] 125/13 maintain [1] 60/13 maintained [1] 55/25 major [1] 107/13 majority [1] 83/9 make [22] 13/19 16/11 18/23 18/24 19/8 27/8 34/11 58/20 64/13 77/18 116/21 122/5 125/3 140/25 141/10 144/11 146/2 146/21 147/22 148/21 149/10 150/10 makes [8] 18/18 21/12 23/10 55/6 56/7 111/3 114/23 138/14 making [3] 90/15 94/17 117/1 man [2] 72/18 76/9 management [3] 1/9 70/3 76/11 manager [1] 102/23 mandates [1] 147/21 manner [1] 33/2 many [18] 12/23 18/7 29/21 39/6 39/8 39/15 40/13 40/25 50/8 50/13 50/21 51/3 83/8 90/19 91/20 103/8</p>	<p>127/15 128/4 map [1] 125/23 March [4] 23/4 77/14 78/17 96/10 March 12 [1] 78/17 March 25 [1] 96/10 March 28 [1] 77/14 marked [1] 117/24 market [10] 26/3 28/6 28/8 39/18 49/7 49/22 50/3 69/9 104/20 105/8 marketing [14] 28/8 60/6 61/16 63/12 65/20 74/4 76/15 78/1 80/20 94/18 100/16 101/2 104/23 107/17 Marketing/Travel [1] 63/12 marketplace [2] 26/9 49/19 Marriott [3] 82/18 84/10 84/12 master [8] 39/9 39/12 39/14 39/20 40/13 40/18 40/19 49/4 master's [1] 76/11 materials [1] 74/4 matter [5] 21/13 22/19 55/24 67/4 152/6 matters [5] 16/20 23/12 93/12 93/14 150/19 maturity [1] 134/5 may [18] 7/14 8/3 9/23 23/3 35/1 45/3 48/1 51/23 82/14 82/14 103/9 103/16 106/23 109/8 112/3 123/21 145/6 147/2 maybe [27] 8/24 13/6 15/19 15/20 15/23 16/11 19/2 19/14 22/12 22/12 33/6 33/13 34/1 42/23 47/25 48/2 48/2 50/16 68/18 84/4 88/24 91/7 112/1 116/16 117/12 117/14 140/16 McKenzie [4]</p>
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(17) let - McKenzie

<p>M McKenzie... [4] 60/11 70/20 109/11 119/3 me [115] 4/13 4/16 5/7 5/24 5/24 10/24 13/3 14/2 16/5 17/20 20/7 20/8 26/20 28/2 29/15 34/4 34/8 35/5 35/20 36/12 37/10 37/14 37/19 39/24 40/21 41/19 42/13 42/20 43/7 45/2 45/18 45/25 47/11 50/15 51/11 52/21 58/11 58/22 61/7 66/19 66/25 67/15 68/7 68/7 68/16 68/25 71/17 72/18 74/14 81/16 83/17 84/21 85/24 88/9 88/11 89/6 89/18 89/23 91/1 91/7 91/14 91/15 92/11 92/15 93/19 95/24 96/19 97/3 97/4 97/4 97/5 97/6 97/15 100/11 100/19 102/10 103/2 103/17 105/7 105/17 106/24 107/11 107/22 108/21 110/16 112/17 116/18 118/19 120/8 121/24 122/8 122/11 123/12 126/4 126/5 127/11 129/8 129/12 129/15 129/16 131/8 133/17 133/20 133/22 134/18 136/9 138/10 138/23 139/2 139/19 142/7 145/6 145/18 146/18 148/14 Meacher [4] 35/16 35/19 83/21 104/13 meal [1] 79/2 meals [3] 93/8 93/11 93/20 mean [36] 5/21 10/3 16/4 16/7 18/4 22/12 33/7 33/22 45/5 45/22 56/23 62/25 66/8 86/21</p>	<p>93/1 93/14 98/20 99/4 99/9 101/3 104/24 114/14 114/19 115/20 118/8 137/18 138/1 143/9 146/16 146/17 147/8 147/15 148/8 150/10 150/18 150/19 means [1] 75/11 meant [3] 91/11 114/22 147/9 meeting [2] 80/4 87/15 meetings [7] 83/21 86/20 86/21 86/22 86/23 87/11 87/12 membership [2] 60/12 65/6 memo [1] 64/4 memorandum [3] 133/5 133/9 134/15 memory [2] 21/8 52/22 memos [3] 42/21 44/16 44/19 mentioned [3] 50/10 59/16 104/13 merely [1] 137/16 met [4] 29/21 35/19 130/14 131/4 Michael [2] 69/2 69/7 mid [2] 14/20 14/23 mid-January [1] 14/23 mid-November [1] 14/20 middle [1] 104/5 might [16] 7/25 8/25 9/21 10/15 11/4 12/22 13/18 15/25 18/8 42/24 76/18 78/2 78/3 79/1 80/9 96/11 Mike [5] 35/16 83/21 104/13 104/13 109/12 miles [1] 86/14 milieu [1] 35/5 million [9] 72/12 105/9 126/12 128/6 128/18 129/5 131/20 132/5 133/6 million-dollar [1]</p>	<p>72/12 mind [5] 16/6 16/7 17/11 19/16 33/8 mine [2] 24/9 85/4 minimize [1] 80/11 minute [2] 114/11 140/13 minutes [1] 100/9 missed [1] 48/2 mistaken [1] 8/13 moderator [1] 4/25 moment [1] 5/8 MONDAY [3] 1/21 4/1 150/20 money [30] 26/6 26/14 36/4 56/12 60/22 61/3 61/11 70/3 72/15 72/20 76/17 77/24 87/15 87/21 87/22 87/24 88/10 89/18 91/17 91/25 104/19 105/5 105/10 105/17 105/25 131/25 132/4 133/3 135/23 146/5 monies [2] 15/18 60/14 month [4] 27/5 89/23 90/1 119/24 monthly [12] 27/15 75/4 137/7 137/22 138/6 138/16 138/19 139/11 139/12 139/17 139/20 139/23 months [11] 14/6 14/25 17/21 35/15 38/12 39/17 40/21 42/3 76/16 102/7 113/9 Morales [6] 126/12 126/19 126/24 128/5 128/19 128/23 more [50] 7/19 7/21 10/24 13/4 15/1 15/19 15/23 16/20 18/7 19/4 22/8 28/6 28/7 34/5 34/5 40/16 48/2 60/13 61/11 64/20 74/24 77/6 90/20 90/21 95/14 96/5 97/8 97/16 100/12 100/22 101/14</p>	<p>101/23 102/4 103/23 111/25 112/7 114/21 116/22 119/10 121/22 122/1 123/1 124/24 125/12 132/9 132/17 132/25 147/11 148/11 148/12 morning [18] 4/6 4/7 4/10 4/14 4/24 5/1 5/9 5/10 5/19 6/12 7/4 10/1 20/3 20/4 115/21 144/15 146/24 148/9 most [12] 9/13 9/13 18/19 33/8 40/7 66/6 81/23 82/25 86/25 87/17 87/18 150/13 motion [8] 15/13 17/7 17/15 17/22 20/22 34/11 145/17 150/4 motions [2] 12/3 17/16 move [9] 17/19 19/10 53/2 53/22 64/9 98/11 124/11 130/19 142/24 moved [3] 69/24 98/7 98/12 moving [4] 8/4 47/21 80/2 83/12 Mr [3] 99/20 144/14 147/1 Mr. [92] 4/15 6/20 9/13 16/18 19/18 20/3 20/19 20/19 21/23 21/25 22/3 22/17 23/5 23/15 23/17 30/19 32/2 32/3 32/5 32/7 32/24 34/21 35/19 41/18 41/23 42/21 45/12 45/14 48/12 48/15 48/16 49/9 52/19 53/7 68/13 69/4 69/11 69/14 69/18 69/20 69/22 70/4 71/13 72/15 81/11 82/2 82/4 87/20 90/16 94/6 94/11 106/20 115/19 115/25 116/25 118/5 118/16 124/2 124/7 124/15 124/23</p>	<p>124/24 125/3 125/7 125/16 125/17 126/2 128/14 131/25 132/5 133/20 137/13 137/13 138/5 138/22 142/2 142/6 144/1 144/13 144/14 144/15 144/25 145/3 145/8 145/22 145/23 146/10 146/16 146/24 147/18 149/8 149/20 Mr. Aldrich [15] 16/18 19/18 87/20 90/16 106/20 115/19 115/25 116/25 118/5 128/14 131/25 138/22 144/13 145/3 145/23 Mr. Dziubla [36] 4/15 6/20 9/13 20/3 20/19 21/25 22/3 22/17 23/15 30/19 32/2 32/7 48/12 48/15 49/9 52/19 53/7 81/11 94/11 118/16 124/2 124/7 124/15 124/23 124/24 125/7 125/16 125/17 126/2 133/20 138/5 142/2 142/6 144/1 145/22 149/20 Mr. Dziubla's [2] 137/13 144/14 Mr. Ellis [1] 68/13 Mr. Fleming [10] 20/19 41/18 41/23 48/16 82/2 82/4 94/6 144/15 145/8 146/24 Mr. Flynn [1] 23/17 Mr. Greer [5] 32/24 42/21 45/12 45/14 149/8 Mr. Meacher [1] 35/19 Mr. Piazza [11] 21/23 23/5 32/3 32/5 34/21 72/15 125/3 132/5 146/10 146/16 147/18 Mr. Piazza's [2] 137/13 144/25</p>
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(18) McKenzie... - Mr. Piazza's

<p>M Mr. Rogan [6] 69/4 69/11 69/14 69/22 70/4 71/13 Mr. Rogan's [2] 69/18 69/20 Ms [2] 5/2 64/8 Ms. [4] 4/16 5/23 71/14 146/24 Ms. Holbert [2] 4/16 5/23 Ms. Stanwood [1] 146/24 Ms. Williams [1] 71/14 much [20] 6/11 8/19 9/1 9/3 16/20 18/18 18/20 19/4 22/8 34/1 48/15 98/24 104/25 119/23 132/17 132/25 143/18 146/13 147/9 148/18 multiple [9] 39/12 76/2 89/17 91/13 106/25 131/15 134/10 135/11 136/11 multiplicity [5] 89/18 89/20 90/19 91/8 91/16 muted [1] 5/4 my [104] 4/12 4/24 5/14 8/16 9/16 10/17 11/20 14/12 16/7 16/9 18/19 19/16 20/6 22/15 25/7 27/4 27/25 28/1 29/15 33/21 35/2 36/14 36/15 36/16 37/9 39/1 39/23 40/7 43/7 45/1 45/13 45/15 45/18 49/9 49/14 50/14 50/17 51/23 54/23 60/4 60/8 60/9 60/12 60/13 61/19 61/22 62/20 64/6 71/1 71/1 72/2 75/14 76/4 81/25 82/5 82/25 83/4 83/9 83/13 83/13 84/19 87/21 87/22 88/3 88/12 88/16 91/5 91/14 95/2 100/15 106/25 112/3 117/10 118/2</p>	<p>118/6 120/14 123/4 123/18 132/22 132/23 134/22 137/19 137/23 138/22 139/16 139/25 140/6 144/9 145/16 145/17 146/4 146/19 146/20 147/5 147/16 148/4 148/22 149/1 149/13 150/19 152/9 152/11 152/14 152/14 myself [6] 9/10 10/1 18/11 78/9 83/25 148/13</p> <p>N N-I-N-A [1] 75/1 name [20] 4/24 30/4 35/7 35/9 35/11 63/20 63/24 64/23 64/24 66/25 71/16 72/18 74/16 74/21 75/7 75/22 77/3 104/8 104/14 152/14 named [1] 63/20 names [4] 31/3 34/16 34/18 34/22 NASDAQ [2] 29/20 30/1 near [3] 86/13 87/2 107/23 necessarily [6] 11/1 13/21 45/25 79/17 79/18 139/18 need [20] 7/25 9/15 12/24 13/1 18/17 31/5 43/12 47/19 48/1 54/5 77/5 100/25 104/15 123/21 124/16 140/15 141/9 146/8 146/13 147/17 needed [1] 108/16 needs [1] 115/22 network [11] 29/7 69/14 73/16 73/17 73/18 73/20 74/7 113/19 113/24 118/24 119/1 NEVADA [10] 1/7 4/1 51/11 51/15 51/24 52/6 82/23 122/16 152/2 152/15 never [8] 16/7</p>	<p>24/21 25/1 25/19 25/20 25/24 26/1 26/11 Nevermind [1] 110/21 new [10] 18/23 19/7 22/23 38/21 38/25 76/2 77/3 85/16 85/16 146/3 next [26] 8/16 11/3 64/3 64/15 70/8 74/10 75/4 76/6 78/5 78/6 78/22 80/14 80/16 80/16 82/22 86/15 94/8 94/19 94/20 95/25 102/12 107/1 131/17 137/23 148/25 149/6 nice [1] 11/17 no [75] 1/1 6/7 7/17 9/11 10/14 16/14 21/15 22/3 25/19 28/9 38/4 41/14 41/24 42/5 44/6 46/9 51/6 51/10 52/2 53/3 53/24 54/10 54/19 54/24 56/9 58/8 61/18 61/19 61/21 61/21 61/23 64/22 65/23 70/7 73/14 79/6 80/13 83/24 84/8 84/19 84/21 87/4 87/12 91/3 91/10 91/10 91/10 96/7 98/14 98/20 100/13 101/4 101/16 101/25 102/7 103/12 105/4 105/11 105/23 106/9 106/10 110/10 113/15 118/1 119/16 119/22 120/1 122/7 129/11 130/16 130/21 136/3 137/17 138/3 140/19 No. [2] 55/24 136/23 No. 5 [2] 55/24 136/23 none [2] 127/17 128/8 nonetheless [1] 145/11 nonissue [1]</p>	<p>117/13 normally [3] 12/14 33/9 150/16 North [1] 86/16 not [144] 5/25 6/7 6/17 8/2 8/12 11/1 12/12 12/22 13/17 13/23 14/11 15/23 18/8 19/1 20/23 20/23 20/24 20/25 21/1 22/12 22/15 22/17 22/17 22/20 25/21 25/24 26/9 27/23 28/20 29/9 29/13 30/2 30/12 31/3 31/7 31/10 31/24 32/25 33/24 34/24 35/23 36/2 39/17 40/22 41/19 42/13 42/16 42/25 44/19 44/24 45/16 46/7 46/19 47/10 51/17 52/8 56/17 58/1 58/6 61/3 61/20 61/23 62/8 62/10 62/11 62/12 62/16 62/21 66/20 70/7 71/15 74/21 76/19 76/24 79/4 79/17 79/18 80/7 80/12 84/20 88/15 90/25 91/22 91/23 92/2 93/10 95/2 95/7 95/19 96/17 97/7 98/14 99/5 100/13 105/4 110/6 110/9 114/3 114/17 115/13 115/14 115/22 116/7 116/11 116/12 121/16 124/14 125/13 125/17 126/14 126/23 127/4 127/13 128/23 129/10 129/11 129/16 129/17 130/16 131/3 131/10 131/22 132/11 132/22 134/25 135/18 136/16 136/19 137/6 139/18 139/23 139/24 141/13 143/12 146/5 146/8 147/20 148/16 148/18 149/5 149/6 149/6 149/17 150/9</p>	<p>notation [4] 94/2 94/14 95/15 96/16 note [4] 37/9 96/6 124/21 135/21 noted [1] 142/12 notes [2] 55/10 152/8 nothing [4] 18/23 32/24 36/7 113/12 notice [11] 34/21 40/3 40/3 40/6 47/20 58/21 59/14 107/1 108/10 109/19 137/14 noticed [2] 57/24 109/1 notify [4] 60/21 61/15 61/20 61/23 November [5] 11/18 12/14 14/15 14/20 107/7 November 4 [1] 107/7 now [34] 10/3 12/22 14/12 20/5 22/11 32/9 33/19 33/23 40/18 46/8 46/20 47/24 53/23 54/25 56/7 88/24 91/6 99/20 100/18 101/7 114/11 125/7 125/23 130/25 137/16 137/20 140/4 141/15 145/25 148/22 149/11 149/25 150/11 150/17 number [22] 18/22 42/16 56/24 59/9 73/22 89/5 94/9 95/11 96/1 96/10 98/1 99/16 99/23 100/19 101/8 101/18 101/19 102/2 104/6 104/7 109/22 130/7 numbered [1] 97/13 numbers [4] 98/16 110/16 122/22 123/1 NV [3] 1/24 2/7 3/9 Nye [1] 20/12</p> <p>O oOo [6] 52/12 52/13 81/2 81/3 117/17 117/18 oath [4] 7/1 8/21</p>
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(19) Mr. Rogan - oath

<p>O oath... [2] 52/15 81/8 object [12] 5/25 29/8 30/10 30/12 34/24 47/18 47/19 48/3 124/13 125/11 136/2 143/6 objected [1] 8/5 objection [26] 5/21 20/14 22/10 33/18 33/20 33/23 43/21 46/8 47/5 53/3 53/24 61/10 98/14 98/20 106/12 117/6 117/21 118/2 125/14 130/21 131/9 134/22 137/11 138/3 142/25 144/24 obligated [1] 133/21 obligation [7] 27/16 61/18 61/21 65/23 105/4 130/14 132/19 obligations [3] 15/10 24/4 27/14 obnoxious [1] 93/1 obtain [3] 113/10 127/23 128/3 obvious [1] 147/14 obviously [4] 17/6 59/14 147/12 147/13 occasion [1] 79/16 October [10] 14/24 57/18 57/20 58/17 81/20 92/17 103/18 103/23 103/24 130/10 October 2016 [2] 57/18 58/17 October 24 [1] 92/17 October 26 [1] 81/20 October 6 [2] 57/20 103/18 October 7 [2] 103/23 103/24 off [16] 6/19 6/21 36/4 40/10 98/9 106/11 110/18 111/7 123/15 129/21 131/18 131/23 133/13</p>	<p>135/20 142/7 142/12 offhand [4] 82/1 82/8 86/12 103/16 office [6] 54/23 82/25 83/3 83/7 83/14 152/14 officer [1] 62/20 offset [1] 77/12 often [4] 65/9 78/21 83/6 103/13 oh [5] 17/8 104/14 121/7 128/17 130/3 okay [130] 6/1 6/16 6/25 7/3 10/10 13/2 13/11 16/25 19/21 20/9 22/5 23/2 23/23 27/8 28/5 28/22 29/4 30/7 36/10 36/18 37/19 37/24 39/8 42/4 43/16 43/18 44/22 46/23 51/16 52/25 53/4 53/25 55/5 55/19 56/6 56/11 56/17 56/21 57/24 58/13 59/6 61/22 62/7 63/5 63/17 63/19 64/3 65/4 66/15 67/15 67/24 68/1 68/5 68/9 68/11 68/13 77/13 80/25 81/4 81/7 81/20 82/18 82/22 85/9 85/17 85/22 86/2 86/4 87/14 88/1 88/5 88/8 88/17 89/14 90/3 90/6 90/11 90/21 92/10 93/2 97/11 97/25 98/23 99/8 99/11 99/22 100/17 101/5 104/19 107/18 108/1 109/15 111/21 111/24 112/14 112/23 113/6 113/10 113/16 114/5 114/19 116/6 117/4 117/12 117/23 119/18 122/8 122/15 122/16 122/20 123/6 124/7 126/6 126/16 127/7 128/2 129/3 130/18 131/13 137/3 138/13 138/22</p>	<p>139/22 140/11 140/21 142/11 142/22 148/13 148/19 150/15 old [4] 71/1 71/1 83/11 95/22 older [1] 70/25 Omni [2] 78/16 78/20 on [178] once [6] 18/15 26/18 45/6 46/21 98/20 120/4 one [85] 5/7 11/2 12/19 13/4 14/6 16/2 16/5 16/18 18/22 27/10 27/15 27/20 34/3 34/15 36/3 36/20 37/10 39/9 39/10 40/16 42/17 45/10 47/10 48/12 51/4 56/24 59/2 60/16 61/11 62/3 63/10 64/17 64/17 64/17 67/3 67/7 67/19 67/21 69/14 70/21 71/7 72/12 73/5 73/6 73/19 73/22 74/12 74/12 75/8 78/16 81/20 82/10 82/22 84/17 85/2 85/5 87/5 87/7 87/9 88/3 89/24 90/20 92/15 94/17 96/21 96/24 100/8 100/17 102/20 107/13 108/22 109/1 122/12 123/16 124/19 126/5 126/14 127/3 127/22 142/3 143/25 145/21 147/19 150/20 150/22 one-sixth [3] 27/10 27/15 27/20 ones [2] 34/20 141/2 ongoing [1] 18/5 online [1] 77/4 only [8] 12/16 82/20 132/4 135/24 136/5 143/12 145/8 149/11 open [6] 16/6 16/9 17/11 19/17 150/14 150/17</p>	<p>opens [1] 21/16 operate [2] 26/14 51/20 operating [1] 139/24 operative [1] 29/10 opine [1] 18/12 opinion [2] 19/2 19/8 opinions [3] 18/19 18/23 18/25 opportunity [1] 15/25 opposing [2] 43/6 144/11 optimistic [1] 11/5 or [101] 8/21 11/4 11/18 12/5 14/23 15/21 18/16 22/20 27/21 27/21 28/11 29/9 29/11 29/17 31/15 31/18 34/3 34/12 34/23 35/14 35/24 36/2 37/16 37/20 38/2 38/8 41/12 42/14 42/22 42/22 43/20 44/6 44/16 44/16 44/19 44/24 46/7 46/15 56/22 59/15 61/2 65/13 65/16 65/21 66/15 67/4 67/11 68/15 71/13 72/2 73/10 74/22 77/8 79/1 79/9 79/9 82/9 82/15 83/20 83/21 83/23 83/25 85/8 85/19 86/23 86/25 87/2 91/11 91/23 92/5 92/7 93/15 93/15 94/21 94/23 95/25 96/20 99/6 99/7 100/14 103/2 103/20 103/21 105/8 105/11 106/9 106/10 107/20 112/15 119/4 124/5 126/9 126/13 127/2 134/8 135/8 140/4 143/10 144/21 145/1 150/9 order [10] 7/15 26/7 31/5 31/6 31/24 32/13 54/11 118/1 123/19 129/1 original [2] 41/5 41/7</p>	<p>originally [1] 64/24 other [45] 6/8 9/1 9/2 9/7 10/25 15/17 16/4 17/6 36/3 37/7 37/7 41/17 42/22 46/25 47/24 50/4 50/5 50/24 51/1 51/5 51/16 51/22 52/7 72/13 72/19 73/21 74/12 75/16 78/13 84/18 90/6 90/10 90/11 90/13 96/8 100/14 103/1 114/13 128/21 128/22 135/7 135/11 145/8 146/22 149/12 our [33] 4/8 8/13 15/15 21/4 24/1 24/4 24/6 27/14 49/4 49/18 58/3 62/2 65/24 66/22 73/6 73/6 76/15 77/10 85/14 85/15 94/17 102/20 103/3 105/4 107/4 107/5 108/12 111/15 126/15 132/4 134/24 135/2 144/10 ours [2] 8/12 91/4 ourselves [1] 123/22 out [38] 17/3 17/4 27/16 34/19 46/24 48/16 60/22 60/25 61/16 79/13 80/6 83/20 88/1 88/3 88/10 88/12 88/15 88/16 88/17 88/22 93/14 93/22 94/9 96/1 101/10 103/4 104/2 104/4 104/6 104/11 114/1 119/7 119/15 129/2 132/3 135/2 140/22 147/4 outlined [1] 57/11 outside [3] 31/7 67/5 79/11 over [13] 11/3 11/5 15/6 34/23 40/21 84/2 84/11 92/6 131/17 131/20 144/17 144/18 145/5 overall [1] 33/11 overnight [1] 99/1</p>
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(20) oath... - overnight

<p>O overrule [3] 38/24 48/19 49/16 Overruled [1] 44/4 overseas [1] 32/6 own [11] 25/18 25/21 25/25 77/16 87/21 87/24 105/4 106/11 119/7 133/10 146/20 owned [2] 35/4 70/17 owner [1] 102/21 owning [1] 26/12 owns [3] 68/1 68/8 68/8</p>	<p>58/21 59/14 page 0278 [1] 72/24 page 0284 [2] 93/19 102/10 page 0285 [2] 106/16 106/21 page 0286 [1] 107/6 page 10 [1] 121/15 page 169 [1] 113/16 page 2 [1] 108/21 page 21 [1] 135/16 page 265 [1] 129/24 page 276 [1] 122/10 page 280 [1] 92/5 page 281 [1] 92/10 page 282 [1] 93/7 page 290 [1] 89/1 page 295 [1] 127/11 page 303 [2] 136/9 138/12 page 391 [1] 138/25 page 392 [2] 138/11 139/6 page one [1] 59/2 pages [8] 86/1 95/8 96/17 101/7 124/6 126/8 127/24 131/17 Pahrump [5] 21/17 32/13 79/11 103/5 104/12 paid [19] 24/21 47/10 47/13 47/15 47/25 48/22 49/2 49/22 56/12 58/4 58/6 60/24 69/2 73/12 88/20 94/23 108/12 111/25 135/20 Pal [1] 76/22 pan [1] 80/6 Panama [4] 72/13 72/18 72/20 72/21 papers [2] 21/4 72/22 paragraph [6] 55/5 55/10 55/24 56/7 133/25 138/6 paragraph 4 [2] 55/5 55/10</p>	<p>paragraph 6 [1] 56/7 parameters [1] 51/20 parentheses [1] 104/8 parking [2] 78/20 92/8 PARKWAY [1] 2/5 part [15] 16/1 18/19 24/4 26/1 26/12 32/16 32/19 49/1 60/9 72/21 80/10 117/1 127/10 134/19 150/14 particular [8] 29/19 29/24 48/3 48/5 110/15 123/1 125/3 131/18 particularly [3] 30/15 125/7 146/19 parties [12] 29/10 31/2 31/7 34/20 89/18 89/21 90/19 90/19 91/8 91/16 116/7 116/10 partner [14] 35/13 35/24 36/25 37/1 60/10 70/21 70/22 70/24 71/2 73/6 73/22 74/18 74/20 74/22 partners [4] 41/18 41/23 70/2 71/2 party [7] 9/7 26/2 47/21 114/3 116/11 116/12 116/13 past [1] 39/17 patience [1] 123/11 pause [1] 140/20 pay [20] 24/5 24/6 27/14 27/16 55/11 57/25 58/2 73/15 76/22 79/14 80/8 91/21 103/14 104/21 107/20 110/6 111/16 131/23 133/13 136/5 Pay Pal [1] 76/22 payee [1] 94/23 paying [12] 48/16 60/22 61/16 65/6 89/18 90/4 103/2 131/18 133/6 133/10 146/8 150/1 payment [13]</p>	<p>27/16 49/20 59/24 70/9 70/14 73/15 75/5 94/15 95/3 95/5 101/23 111/11 149/25 payments [15] 26/17 56/8 57/16 57/22 63/19 74/15 75/16 77/18 77/18 78/8 95/1 111/9 111/21 111/23 150/1 pays [1] 26/25 PEGGY [3] 1/24 152/4 152/17 pen [1] 96/20 pending [3] 17/15 136/17 136/19 penny [1] 105/5 people [16] 29/21 30/4 31/17 37/4 48/23 69/14 72/8 72/10 72/11 72/14 72/19 91/20 91/21 93/5 103/15 144/18 per [2] 45/16 55/16 percent [16] 23/24 24/13 24/25 25/4 26/20 26/24 26/24 27/2 27/2 27/2 27/4 27/13 28/11 55/16 110/7 115/3 percipient [1] 18/7 perform [6] 23/21 24/19 105/2 105/10 105/17 105/25 performance [3] 111/9 111/11 111/23 performed [3] 98/21 105/16 105/18 performing [3] 23/25 25/2 105/24 perhaps [3] 15/19 68/15 79/16 period [3] 58/17 127/21 132/21 permission [1] 4/19 permits [1] 132/24 permitted [2] 25/25 47/10 person [2] 72/17 145/8 personal [5] 30/5 88/1 88/6 88/10 88/16</p>	<p>personally [5] 5/19 29/17 35/13 81/24 82/2 perspective [4] 11/20 18/7 44/3 116/17 persuade [1] 74/8 persuasive [1] 127/17 pertinent [2] 138/20 141/13 phases [1] 32/4 Phillips [1] 92/17 phone [1] 120/4 phonetic [1] 135/21 phrase [1] 139/12 phrased [2] 46/2 106/13 Piazza [17] 21/23 23/5 32/3 32/5 32/5 32/8 34/21 72/15 124/8 125/3 126/3 132/5 146/4 146/10 146/16 147/2 147/18 Piazza's [2] 137/13 144/25 pick [1] 6/23 place [8] 4/8 5/11 34/7 83/22 84/18 87/13 123/20 152/7 placement [3] 133/5 133/8 134/15 places [2] 6/9 69/7 plaintiff [7] 1/10 3/2 4/11 5/22 55/15 57/17 125/9 platform [6] 55/12 56/16 56/19 56/22 56/23 77/4 play [1] 146/8 please [15] 20/8 30/7 44/8 44/10 49/9 49/14 61/7 62/14 67/1 68/25 105/12 106/3 128/20 129/15 138/19 PLLC [1] 70/9 pocket [1] 132/5 point [16] 9/16 10/17 16/12 29/23 35/8 51/7 70/21 76/20 76/24 83/11 102/21 114/1 132/2 133/22 147/16 149/13</p>
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(21) overrule - point

<p>P policy [1] 93/8 popular [1] 82/15 pore [1] 36/24 portion [8] 26/19 27/1 44/11 49/11 61/8 106/4 127/10 132/4 Portland [2] 36/3 36/7 position [9] 15/15 58/1 58/5 105/13 105/21 115/25 131/21 135/20 135/22 possession [1] 126/15 possible [2] 10/20 11/20 post [1] 77/10 posture [1] 33/11 potential [3] 33/3 74/6 86/25 potentially [8] 8/21 9/5 9/22 10/2 12/2 22/13 33/25 80/2 PowerPoint [3] 64/1 64/7 65/21 PPT [1] 64/5 practice [6] 17/7 17/16 55/25 70/16 70/20 119/3 practices [1] 26/10 pragmatic [1] 11/15 precise [1] 95/17 precisely [2] 85/20 106/23 preexisting [3] 133/13 135/24 136/6 prejudicial [1] 21/15 preliminary [9] 1/16 8/20 19/15 47/19 55/6 55/8 57/12 144/1 145/17 premarketing [6] 70/9 70/15 71/3 71/5 112/21 118/17 preparation [5] 41/25 42/6 42/12 43/19 54/21 prepare [2] 13/15 67/10 prepared [6] 12/23 42/25 64/8 67/7</p>	<p>67/11 74/5 preparing [1] 43/4 present [3] 16/10 90/14 124/16 presentation [2] 64/1 64/8 president [1] 35/10 presumably [1] 125/10 presuming [1] 136/3 pretty [3] 13/12 14/17 112/19 prevailing [1] 49/20 prevent [2] 36/5 46/19 previously [8] 19/23 29/19 70/1 70/19 76/17 91/22 110/5 131/25 primary [1] 18/21 principal [2] 70/18 124/8 printed [4] 99/23 142/13 142/20 143/17 printout [2] 101/15 142/8 prior [3] 54/11 57/19 68/15 privacy [1] 115/16 private [3] 133/5 133/8 134/15 privilege [7] 22/18 42/14 42/17 46/1 115/1 115/16 118/1 privileged [2] 42/24 115/22 pro [3] 2/12 45/16 73/25 probably [13] 6/4 15/22 18/12 20/6 25/11 33/19 40/1 62/3 82/21 83/25 85/18 97/16 116/22 probative [1] 21/16 problem [3] 6/7 31/24 139/25 problematic [1] 30/16 problems [1] 30/20 procedural [1] 34/6 proceed [1] 116/24</p>	<p>proceeding [2] 21/1 22/15 proceedings [9] 4/18 21/1 22/20 30/17 48/1 140/20 151/1 152/6 152/12 proceeds [4] 131/22 132/16 132/24 134/3 process [3] 29/21 45/21 147/21 processed [1] 55/25 processing [1] 106/24 produced [19] 43/13 45/6 46/6 46/22 62/2 62/4 71/9 97/4 97/5 97/15 97/15 114/2 114/4 114/11 114/15 115/5 115/24 117/25 126/14 producer [1] 37/1 producing [1] 125/10 product [8] 42/10 42/14 42/18 43/1 43/3 44/23 45/1 46/2 production [6] 7/20 8/14 8/25 54/22 67/17 116/25 Productions [4] 67/16 67/20 68/1 68/3 professionals [1] 56/25 Professor [11] 23/21 23/23 24/7 24/8 24/19 24/22 25/1 25/13 57/2 109/25 110/6 program [4] 51/21 80/3 113/18 119/19 progress [2] 38/12 40/12 project [61] 23/18 26/3 26/8 28/3 35/18 35/24 36/2 36/7 36/7 36/9 37/5 38/22 38/25 39/16 39/22 40/20 40/23 41/12 57/4 57/10 60/7 60/14 60/23 61/17 64/2 64/14 69/10 73/23 74/3</p>	<p>74/8 74/9 76/18 79/14 80/5 87/16 91/18 105/8 107/17 131/11 132/9 132/12 132/15 132/18 132/20 133/1 133/4 133/11 133/15 133/22 134/6 134/8 134/12 135/8 137/7 137/22 138/6 138/19 139/13 139/20 139/23 139/25 projects [2] 36/3 73/21 promise [1] 105/11 proof [6] 20/20 20/24 21/13 128/3 146/1 146/2 proper [2] 19/1 19/9 properly [1] 60/15 property [1] 131/24 proportionality [1] 7/23 proposal [2] 28/20 29/13 proposed [1] 109/20 proprietary [10] 30/11 30/12 30/15 30/25 31/2 31/22 32/18 33/3 33/20 34/23 protect [1] 32/13 protected [2] 31/22 43/1 protective [6] 31/5 31/6 31/24 32/13 117/25 123/19 provide [7] 24/3 26/8 35/24 45/11 49/5 113/13 125/4 provided [32] 24/17 31/7 33/21 41/22 42/3 49/23 53/9 53/15 53/18 54/17 58/7 59/16 63/7 71/8 73/25 85/23 92/1 112/8 112/24 114/9 128/2 128/9 128/11 131/23 132/7 133/12 137/6 137/22 137/25 138/6 138/15 141/4 providing [4]</p>	<p>37/13 42/7 42/12 60/23 provision [4] 128/13 129/14 133/23 134/7 provisions [6] 134/10 134/24 135/3 135/7 135/11 136/12 prudent [1] 33/2 public [3] 29/20 30/1 99/17 pull [2] 21/4 147/17 purchase [4] 76/22 79/20 92/19 122/22 purchases [2] 64/17 103/7 purpose [9] 48/4 83/2 93/3 134/5 134/19 143/6 143/7 143/16 146/14 purposes [4] 6/3 94/18 98/25 117/5 pursuant [4] 55/15 73/9 114/23 132/16 put [19] 11/19 34/7 40/10 64/1 87/21 87/23 89/9 89/12 91/17 112/3 115/15 124/18 132/1 132/5 143/5 144/16 144/20 144/21 147/2</p> <hr/> <p>Q qualified [1] 93/16 qualify [2] 57/1 93/17 quarter [5] 37/16 37/21 38/2 38/18 92/5 quarters [1] 106/17 question [49] 8/16 25/22 27/24 29/9 29/15 33/16 42/23 43/18 44/7 44/10 45/13 45/22 49/3 49/9 49/14 53/14 61/6 61/19 61/22 62/11 62/13 62/22 63/4 68/7 84/19 85/1 88/9 104/25 106/3 106/10 120/6 120/14 120/23 120/24 132/22 132/23 135/1 135/5 135/19 136/17</p>
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(22) policy - question

<p>Q question... [9] 136/19 137/19 137/23 138/22 139/16 143/2 147/9 148/3 148/5 questioning [1] 148/9 questions [28] 9/1 12/23 13/18 23/16 26/17 34/10 37/12 41/16 45/7 46/15 48/14 55/1 59/13 62/17 73/24 112/6 118/7 120/21 121/13 123/12 142/3 142/8 143/19 144/10 147/1 147/5 148/12 148/14 quick [3] 15/16 117/10 140/15 QuickBooks [18] 56/1 58/15 58/21 59/10 59/13 101/15 101/24 102/6 102/9 120/9 120/18 120/25 121/6 121/11 121/15 121/20 122/4 122/5 quickly [2] 17/20 147/15 quite [5] 46/13 70/25 71/23 107/2 120/9</p>	<p>81/5 real [3] 26/5 140/15 150/9 realities [2] 11/12 14/18 realize [2] 9/4 148/10 really [13] 10/23 11/7 17/22 18/4 32/11 36/23 46/4 46/14 71/23 117/10 125/8 137/10 137/11 reason [6] 12/16 18/21 126/23 127/2 127/4 142/18 reasonably [1] 129/2 reasons [2] 16/19 83/14 rebut [2] 32/21 32/25 recall [22] 7/14 8/3 13/4 23/19 35/9 38/15 41/19 51/17 52/8 65/2 71/7 72/1 76/18 78/4 83/18 85/7 85/14 86/12 87/20 91/10 103/14 104/1 receipt [1] 82/9 receive [10] 26/18 26/19 26/20 74/23 75/15 75/17 138/7 139/9 139/16 140/8 received [12] 23/24 25/1 95/1 108/23 111/4 111/22 127/15 137/21 138/2 138/8 139/2 139/17 receives [1] 26/24 receiving [2] 90/8 127/12 Recess [3] 52/12 81/2 117/17 recognize [5] 9/14 75/7 142/8 145/4 145/11 recollection [9] 18/19 27/25 28/1 36/18 41/21 50/22 62/20 75/14 100/15 record [19] 4/9 5/11 45/9 81/5 86/5 93/2 98/9 110/18 111/7 116/3 116/8 116/16 117/2</p>	<p>123/15 129/21 137/16 142/7 142/12 152/11 records [25] 25/7 25/9 36/24 37/23 39/23 40/7 50/14 50/17 51/23 58/4 62/2 81/25 82/5 82/6 83/5 85/21 85/23 90/17 102/20 103/1 112/12 123/21 124/15 124/18 144/19 recruit [3] 73/16 73/19 80/1 recruited [1] 49/22 redact [4] 98/15 98/17 99/1 123/21 redacting [1] 123/20 redirect [1] 80/5 reference [10] 29/6 31/10 55/6 56/7 64/16 75/2 94/24 111/3 138/5 138/14 referenced [2] 71/4 137/22 referred [3] 69/15 72/17 72/17 referring [6] 88/19 90/3 115/11 138/23 139/1 139/4 refinancing [2] 134/5 134/20 reflected [1] 78/11 reflection [1] 56/12 reflects [1] 89/8 refresh [2] 41/21 52/22 regard [7] 7/10 11/16 16/3 22/11 40/18 122/3 145/13 regarding [6] 15/9 93/8 116/21 117/20 130/14 142/3 regardless [2] 12/3 125/20 regional [29] 23/24 24/10 24/14 25/3 25/13 25/16 25/18 25/21 25/25 26/12 41/12 50/5 51/18 51/20 56/14 56/15 56/17 57/8 57/10 65/7 88/23 89/11 89/24 90/9</p>	<p>91/23 91/25 110/7 113/4 116/13 registration [1] 60/4 regret [1] 97/7 reimbursed [2] 94/3 107/19 reimbursement [15] 78/4 93/23 94/2 94/6 94/10 94/14 95/12 95/15 96/2 96/6 96/12 100/12 100/21 107/9 107/11 reimbursements [1] 96/16 related [22] 20/12 22/19 22/21 23/18 25/9 41/11 41/13 54/8 54/21 60/6 65/4 78/13 78/18 80/17 87/2 87/15 90/11 92/7 92/13 94/14 112/10 114/25 relates [2] 92/18 100/23 relationship [5] 30/5 31/16 32/10 35/2 45/21 relationships [7] 29/16 30/1 30/24 31/14 32/9 119/10 119/17 released [4] 111/17 114/22 144/5 144/8 releasing [1] 30/16 relevance [6] 20/14 20/15 48/1 48/3 104/25 143/2 relevant [8] 20/17 21/1 31/3 31/19 44/25 115/13 118/14 137/23 relieve [1] 6/3 relieved [2] 4/19 4/19 remember [23] 7/6 12/12 23/18 26/20 37/16 37/18 38/13 38/20 40/15 40/16 41/6 68/5 77/23 77/24 89/25 90/2 90/22 92/14 127/11 140/4 142/17 142/21</p>	<p>148/7 remembering [1] 85/17 remove [2] 141/13 141/14 Rent [2] 89/25 90/7 rental [1] 92/22 rephrase [1] 61/5 replace [1] 99/2 report [11] 12/9 12/17 13/20 13/24 17/5 37/14 37/21 38/1 38/5 71/12 120/2 REPORTED [1] 1/24 reporter [9] 44/1 44/12 49/8 49/12 61/7 61/9 106/2 106/5 152/4 REPORTER'S [2] 1/15 151/4 reports [7] 13/15 13/15 13/16 13/21 18/15 138/16 138/19 representation [2] 32/24 39/15 representations [1] 31/13 representative [1] 125/2 represented [1] 72/14 represents [1] 57/16 reputation [1] 33/4 request [16] 4/18 5/18 8/25 53/10 53/19 54/22 67/12 67/13 114/3 116/21 116/23 118/2 118/5 118/6 144/20 146/2 requested [7] 44/11 49/11 54/9 61/8 77/17 106/4 112/10 requests [10] 7/15 7/20 8/2 8/8 8/13 8/15 45/10 45/15 45/17 114/13 require [3] 34/1 135/8 135/12 required [2] 64/14 134/11 requirement [1]</p>
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(23) question... - requirement

<p>R requirement... [1] 7/24 requires [2] 133/15 134/8 resemblance [1] 128/24 reserve [2] 10/14 15/2 reserved [1] 14/21 reserving [1] 146/19 resolution [1] 117/20 respect [1] 88/11 respectfully [1] 43/11 respond [2] 45/15 67/11 responded [2] 127/18 140/6 responding [2] 45/19 54/22 response [8] 20/22 43/4 45/24 49/4 53/10 53/18 67/13 114/2 responses [5] 8/13 42/7 43/4 43/9 43/20 responsive [1] 122/2 rest [1] 147/19 restate [1] 44/7 rested [1] 60/9 result [2] 8/24 70/6 resulted [1] 90/8 results [1] 113/10 RESUMED [1] 19/25 retainer [4] 64/12 73/9 73/15 76/7 return [3] 24/24 25/4 110/8 revenue [4] 90/10 90/13 91/16 91/19 revenues [1] 133/10 review [14] 41/25 42/6 42/23 43/2 43/4 43/19 44/22 44/24 44/24 45/2 45/13 45/14 45/15 122/1 reviewed [11] 42/2 42/12 42/21 43/22 43/24 44/5</p>	<p>44/5 44/15 44/18 45/24 46/5 rich [1] 31/16 rid [1] 83/13 right [141] 4/6 5/14 6/2 6/6 6/25 7/8 9/23 10/3 10/3 10/7 10/14 10/16 12/10 12/21 12/22 14/12 18/24 19/7 19/11 19/13 20/11 21/12 21/22 22/11 23/11 23/15 27/6 27/15 28/3 33/10 34/9 35/14 41/3 43/7 44/25 45/20 45/23 46/20 47/8 50/8 52/17 53/7 53/13 53/21 53/23 54/5 54/25 58/9 59/4 59/12 59/23 62/11 63/10 64/3 64/9 64/15 65/25 68/17 70/8 72/23 74/10 74/24 75/20 76/6 76/21 76/25 77/13 78/5 78/16 78/22 79/7 79/19 80/14 81/1 81/4 81/11 82/10 84/9 85/1 85/23 86/6 86/13 86/15 87/5 87/23 92/3 92/10 92/16 93/7 94/16 94/20 95/10 95/25 96/19 97/22 97/23 101/6 101/10 101/17 102/12 104/5 106/16 109/1 109/24 114/16 115/3 115/12 115/16 116/7 118/4 118/11 118/16 122/8 122/24 123/6 123/13 127/9 127/9 135/18 136/9 136/22 137/20 138/21 140/8 141/15 141/21 142/22 143/18 143/21 147/5 147/22 147/25 148/4 148/21 148/23 148/24 149/9 149/11 149/17 149/20 150/11 rights [1] 33/25</p>	<p>ring [1] 85/11 River [3] 87/6 87/11 87/13 RMR [2] 1/24 152/17 road [2] 34/3 125/23 Robert [4] 4/15 19/22 141/6 141/7 Rogan [9] 68/20 69/2 69/4 69/7 69/11 69/14 69/22 70/4 71/13 Rogan's [2] 69/18 69/20 role [1] 22/15 room [3] 78/10 79/15 84/2 rooms [3] 102/16 102/19 103/3 rote [1] 21/8 roughly [3] 28/11 105/1 111/20 route [1] 103/20 RSR [1] 139/7 rule [2] 6/4 114/14 rules [3] 7/24 114/18 114/20 ruling [1] 116/22 run [6] 26/6 32/6 48/7 71/19 71/25 91/4 runs [5] 35/20 58/10 68/5 71/17 91/14 Russia [4] 51/2 51/3 69/5 69/23 Russian [3] 69/22 69/22 69/25</p> <p>S Safe [1] 75/16 safeguards [1] 34/7 said [33] 7/16 17/11 18/11 35/22 40/8 41/2 47/11 47/11 48/21 51/9 51/10 56/15 57/24 87/18 87/23 88/11 88/20 89/20 90/18 90/24 91/3 91/10 100/25 104/13 115/12 128/12 128/16 129/3 129/11 136/5 142/1 144/13 152/7 same [21] 6/9 6/11 13/10 20/16 43/21</p>	<p>50/23 58/17 64/21 74/12 74/15 75/4 75/6 83/22 83/22 84/17 102/14 103/10 119/18 122/25 123/8 126/14 SAN [6] 2/17 4/20 5/15 21/25 76/12 83/10 sandwich [1] 103/20 satisfies [1] 128/19 save [3] 135/13 140/17 144/9 saw [1] 101/24 say [56] 6/16 8/21 11/4 11/17 12/4 14/5 16/3 19/17 26/13 26/23 28/7 36/23 37/23 38/9 38/9 39/1 41/9 47/17 56/15 56/21 60/16 62/15 62/19 64/15 65/11 65/15 66/7 75/16 78/5 81/25 82/3 82/8 85/20 86/21 87/1 90/16 90/25 91/11 93/13 95/4 103/16 105/15 105/23 105/24 109/23 123/6 125/16 126/5 126/15 129/4 138/10 141/6 142/19 148/7 148/20 150/16 saying [16] 10/1 32/23 33/8 58/3 63/2 72/2 109/15 127/3 128/17 129/9 132/15 148/21 149/3 149/5 150/8 150/13 says [40] 55/24 57/16 58/24 68/18 68/20 69/1 70/8 70/14 72/24 74/12 74/13 75/10 76/7 79/20 79/20 84/10 86/6 89/6 93/23 95/16 106/21 107/2 107/8 107/23 109/25 111/11 113/17 119/18 122/21 127/5 129/7 129/7 131/12 133/2</p>	<p>133/2 133/24 138/17 141/4 141/5 142/10 scenario [2] 10/18 11/18 schedule [4] 12/12 38/11 55/17 55/19 schedules [1] 147/10 Scheduling [1] 143/25 scope [1] 18/22 Sean [1] 24/8 search [3] 62/24 85/21 85/23 seasonably [1] 54/13 second [10] 20/16 37/10 75/22 92/15 93/21 97/3 103/17 112/4 123/2 126/18 secondly [1] 18/24 secret [1] 31/22 Secretary [1] 122/17 secrets [1] 34/24 section [10] 59/3 93/20 93/21 107/23 113/16 131/2 133/25 134/18 135/14 136/15 Section 1.1 [1] 133/25 Section 1.7 [1] 136/15 Section 3 [1] 131/2 Section 5.1 [1] 135/14 secured [1] 136/12 securities [1] 57/5 see [66] 9/21 10/22 14/13 15/6 15/7 16/22 16/22 18/13 19/16 20/7 34/8 35/15 45/20 53/15 56/9 57/3 58/25 59/3 63/13 66/2 66/17 67/16 67/17 68/21 70/11 71/10 74/16 82/18 82/22 85/18 86/8 86/17 87/7 89/5 89/5 93/24 94/23 95/12 96/3 96/13 98/13 98/18 99/13 99/16 101/8 102/2 107/9 107/24</p>
--	--	--	---	--

(24) requirement... - see

<p>S see... [18] 108/24 109/5 110/23 115/21 116/18 119/14 120/14 122/21 123/2 125/22 125/25 130/8 139/11 142/3 142/13 146/7 146/15 150/24 seeing [4] 101/13 101/22 102/4 140/4 seems [7] 13/3 14/2 17/20 34/4 47/22 121/22 137/11 seen [4] 13/22 126/10 126/11 126/11 send [2] 7/15 38/17 sending [1] 30/21 senior [17] 34/17 34/17 127/23 128/1 128/3 128/7 128/8 128/10 128/13 128/20 128/23 128/25 129/4 129/14 130/12 130/14 133/10 sense [3] 21/12 23/10 114/23 sent [13] 31/11 32/19 38/1 38/16 54/23 124/8 126/2 126/4 126/5 126/25 131/6 131/14 138/10 sentence [2] 55/18 119/18 separate [2] 15/15 98/4 separated [1] 102/7 September [13] 28/22 29/18 36/11 36/20 71/24 80/14 102/13 103/6 106/17 106/21 122/16 122/18 122/20 September 13 [1] 28/22 September 15 [1] 102/13 September 16 [1] 80/14 September 2 [2]</p>	<p>106/17 106/21 September 25 [1] 103/6 September 5 [2] 122/16 122/20 served [2] 7/18 8/8 services [15] 24/3 58/6 68/19 70/10 70/15 71/3 71/5 91/22 105/2 105/10 105/16 105/17 105/18 105/24 105/25 session [1] 144/12 set [7] 14/15 26/13 54/16 61/17 73/16 125/18 137/15 setting [1] 19/16 seven [5] 23/20 59/23 66/15 66/15 146/16 several [18] 36/1 39/17 41/2 42/3 64/20 66/2 76/25 81/16 83/15 85/13 94/19 102/7 102/16 102/18 103/7 132/7 141/16 145/16 shady [2] 72/4 72/5 shall [3] 53/25 130/22 141/21 Shanghai [4] 37/2 80/15 80/17 80/18 share [3] 34/18 34/22 110/7 sharing [1] 34/24 she [12] 35/23 63/25 67/10 70/25 71/4 119/2 119/5 119/7 119/9 119/9 119/16 119/16 she's [4] 4/20 5/4 6/17 67/6 shelter [1] 72/20 Sheraton [2] 81/21 86/16 shield [1] 72/15 shoot [1] 35/17 short [7] 15/16 17/22 31/23 117/9 117/15 140/16 148/22 shortened [1] 65/1 shorthand [2] 73/1 152/4 shortly [2] 15/13 131/14</p>	<p>should [15] 8/21 11/8 19/2 22/7 34/1 34/4 46/9 97/16 109/18 125/8 137/18 141/6 145/15 146/9 146/11 shouldn't [3] 114/4 115/13 148/15 show [4] 100/10 129/8 129/15 143/16 showed [2] 24/18 37/9 showing [5] 47/25 58/15 131/3 146/1 146/2 shown [1] 55/16 shows [3] 20/23 81/18 132/8 sick [1] 145/24 side [3] 26/6 124/21 147/4 sides [1] 16/10 SIGHT [113] 1/9 24/2 24/5 24/18 25/17 25/20 25/24 25/24 26/11 26/25 30/20 30/23 35/14 35/15 35/16 35/17 36/9 36/12 36/15 36/21 37/4 38/10 38/22 40/4 40/12 40/23 41/12 49/3 49/6 49/24 54/9 55/10 56/8 56/13 57/3 57/10 57/22 57/25 58/1 58/6 60/21 61/2 61/3 61/15 61/20 61/23 64/2 64/13 65/19 65/23 69/9 71/12 71/16 71/18 71/24 72/5 72/10 73/23 73/25 74/7 74/9 79/10 79/12 79/14 80/5 83/20 87/16 90/23 91/3 91/24 92/1 102/23 103/4 103/21 103/22 104/3 104/4 104/11 104/19 105/1 107/17 108/23 111/15 125/1 125/2 126/3 126/25 127/12 127/15 128/2 128/4 128/12</p>	<p>128/15 129/3 129/4 129/13 130/13 131/3 131/19 131/22 132/3 133/9 133/12 133/21 134/2 134/8 135/8 135/20 135/22 137/6 138/9 141/6 141/7 Sight's [5] 53/10 53/19 60/6 124/8 132/7 signature [1] 126/18 Silverton [10] 79/7 79/10 84/3 84/4 102/13 102/17 102/19 102/25 103/3 104/3 similar [1] 126/13 Simone [4] 70/18 70/22 119/1 120/4 simple [2] 22/7 46/4 simply [2] 32/23 139/16 since [10] 8/19 17/1 20/11 24/8 37/24 54/16 91/23 98/25 143/3 146/19 Sinowel [6] 49/5 49/23 102/21 102/23 103/4 103/15 sir [24] 6/25 7/25 19/12 19/19 52/14 53/25 66/14 81/8 92/15 97/1 97/22 100/2 118/13 122/14 122/21 123/24 124/4 125/22 126/20 130/6 130/22 143/9 146/14 149/7 sit [9] 22/6 29/16 37/19 38/20 39/24 58/1 65/11 65/15 131/21 sitting [4] 13/13 14/1 17/12 36/19 situation [1] 5/24 six [6] 7/21 14/6 35/15 38/12 40/21 72/24 sixth [4] 27/10 27/11 27/15 27/20 skimmed [1] 124/5 skip [1] 102/12</p>	<p>Skipping [1] 74/24 slow [2] 8/21 146/7 small [3] 14/21 15/1 77/8 smart [2] 76/9 146/5 smoke [1] 128/17 so [239] society [1] 37/3 sold [1] 72/12 solid [1] 10/13 solve [1] 31/24 some [45] 7/21 7/21 9/7 9/8 12/2 13/17 16/15 17/16 22/13 23/15 26/16 32/5 33/2 33/14 34/16 34/16 34/22 41/16 48/14 50/10 50/18 53/15 55/1 59/12 71/1 72/4 74/4 80/4 81/12 83/16 83/16 85/16 93/5 104/21 111/24 112/6 117/19 123/21 140/17 143/23 144/16 144/20 145/1 148/9 148/12 somebody [4] 42/25 78/25 79/9 93/15 somebody's [1] 42/18 someone [3] 31/16 63/20 90/4 something [22] 8/24 9/20 11/18 14/9 14/10 16/13 17/10 20/8 21/5 27/16 33/25 34/12 36/5 42/22 85/8 87/19 91/18 96/20 103/21 107/18 117/2 117/14 sometime [3] 35/14 40/1 40/21 sometimes [2] 13/19 16/9 somewhere [3] 32/19 85/19 87/14 sorry [27] 36/11 37/9 41/9 50/9 53/13 55/19 56/22 62/13 63/15 65/14 69/19 82/3 94/21 106/20 108/5 108/8</p>
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(25) see... - sorry

<p>S</p> <p>sorry... [11] 109/23 120/20 121/14 126/18 129/25 130/6 130/7 131/7 133/8 136/16 136/24 sort [5] 33/14 93/8 117/19 119/13 119/23 sorts [2] 18/4 26/7 sound [2] 27/5 28/3 source [4] 36/8 37/6 61/11 91/16 sources [2] 90/10 90/13 SOUTH [1] 3/7 southern [1] 21/21 Southwest [1] 103/7 Spa [1] 79/20 speak [3] 35/23 76/3 134/23 speaker [1] 76/13 speaking [1] 111/20 speaks [1] 134/21 specific [2] 23/19 33/15 specifically [7] 21/10 29/15 31/1 31/11 31/15 71/15 72/1 speeding [3] 104/11 104/17 104/21 spell [2] 66/25 68/18 spelled [2] 74/17 102/22 spend [4] 87/22 119/24 132/24 133/3 spending [2] 11/8 133/10 spent [13] 60/15 77/24 78/2 83/9 105/5 105/15 105/23 109/11 119/8 120/9 132/4 132/8 132/11 splits [1] 47/10 splitting [1] 97/7 spreadsheet [4] 67/8 67/10 92/4 100/24 sprung [1] 34/8</p>	<p>stack [2] 148/23 149/1 staff [1] 4/12 stamp [1] 98/3 stamped [1] 97/19 stand [10] 33/21 124/23 125/7 144/2 145/22 146/5 146/6 146/10 147/3 149/20 standing [5] 9/9 12/11 12/25 13/4 114/25 stands [1] 65/3 Stanwood [2] 144/14 146/24 start [9] 4/18 14/23 31/4 53/1 59/13 121/19 122/9 126/7 143/22 started [2] 7/5 16/19 starting [1] 124/3 starts [2] 121/16 122/12 starving [1] 108/15 state [6] 51/10 59/24 60/5 122/17 152/2 152/14 statement [5] 36/22 49/5 49/23 56/4 132/21 statements [8] 62/3 95/9 96/8 96/18 97/10 97/11 98/4 112/9 states [3] 69/24 133/14 133/15 station [1] 104/2 statute [1] 21/9 stay [4] 78/25 79/12 83/22 103/11 stayed [2] 78/8 102/24 staying [2] 80/17 87/10 STENOTYPE [2] 152/5 152/8 step [3] 125/3 128/15 129/5 Stephanie [1] 64/4 stepping [1] 34/23 stick [1] 96/20 still [12] 7/1 8/6 17/15 17/16 31/25 43/18 52/15 62/22 72/23 81/13 86/5</p>	<p>121/15 stipulate [1] 31/8 stipulated [3] 31/4 31/6 141/20 stipulation [1] 33/10 stop [1] 87/13 stopped [2] 28/8 150/1 story [1] 147/4 straight [2] 135/19 137/17 strange [1] 71/23 Strategic [1] 64/10 stream [1] 91/19 streams [1] 89/13 stretch [1] 130/16 stricken [1] 19/2 strike [9] 50/7 50/9 54/4 55/19 65/14 69/19 113/6 131/8 135/21 strove [1] 49/21 struck [1] 119/7 structure [2] 55/11 56/13 stuck [1] 97/5 student [2] 24/8 75/25 students [1] 108/15 study [5] 23/18 23/25 24/19 24/23 25/2 stuff [8] 12/4 15/1 19/7 32/19 72/3 121/23 128/21 128/22 stupid [1] 39/2 style [1] 20/6 subagent [2] 73/17 73/18 subagents [2] 39/12 74/7 subcontractor [1] 24/7 subcontractors [1] 24/6 subject [4] 31/6 33/14 34/11 133/25 submission [1] 41/16 submittal [1] 140/1 subpoenaed [1] 147/24 SUBSCRIBED [1] 152/13</p>	<p>subsequently [1] 132/3 substantial [2] 72/21 113/12 substantially [2] 38/10 39/19 substantiate [1] 118/23 substitute [1] 13/16 success [1] 105/12 successful [3] 13/23 24/10 37/1 successfully [1] 76/16 such [3] 18/2 23/9 89/14 SUITE [3] 2/6 2/16 3/8 summary [1] 55/17 summer [2] 63/25 83/9 Sunday [1] 149/13 Sunny [1] 35/10 supervision [2] 60/14 152/9 supplement [1] 54/13 supplemental [1] 53/15 support [2] 57/8 108/18 supporting [3] 53/8 109/9 137/7 supposedly [1] 31/15 sure [15] 5/3 18/23 18/24 19/8 27/8 27/23 33/17 47/1 58/20 74/21 76/19 80/12 135/18 139/19 144/11 surfers [1] 79/21 surname [2] 63/24 73/4 surrounding [1] 101/1 suspect [2] 103/9 104/3 sustain [8] 22/10 33/23 43/15 46/8 57/4 61/5 106/14 127/6 sustaining [1] 47/4 swear [1] 150/20 sworn [1] 19/23</p>	<p>T</p> <p>tailored [1] 8/15 Takaroa [2] 77/14 77/16 take [30] 9/8 11/15 13/21 14/13 14/22 16/17 18/15 18/21 19/6 26/6 28/4 35/15 52/10 52/11 52/21 58/9 74/8 95/8 104/15 110/16 112/17 112/20 117/2 117/9 117/15 117/16 120/12 124/2 148/10 148/15 taken [2] 29/20 135/23 taking [2] 13/23 150/17 talk [11] 19/14 98/11 104/15 117/10 120/4 141/1 146/23 146/24 147/3 150/3 150/9 talked [11] 5/23 9/12 20/5 20/18 23/17 69/15 81/14 90/7 112/21 115/8 142/11 talking [18] 12/14 21/17 37/17 40/2 47/24 50/4 50/4 50/5 53/1 89/25 91/20 93/5 93/15 96/24 111/8 116/2 120/10 148/25 talks [1] 131/18 task [1] 98/21 tax [1] 83/14 technically [1] 6/3 tedious [2] 97/8 123/11 telephonic [1] 4/17 television [1] 37/1 tell [29] 16/5 29/15 36/12 37/19 40/8 51/9 65/23 68/25 74/14 79/4 81/17 82/6 83/17 88/8 89/6 91/1 95/5 96/1 97/2 97/7 104/20 105/4 107/11 120/13 121/24 128/19 139/2 145/6 149/17 telling [1] 91/15</p>
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(26) sorry... - telling

T	14/10 14/21 14/22 14/25 15/1 15/16 16/18 16/22 18/13 19/3 19/5 19/5 19/10 20/23 21/15 21/23 23/5 23/8 24/15 26/24 27/7 30/9 31/8 33/24 39/9 42/9 42/17 42/23 43/5 45/8 45/12 47/20 60/1 61/3 63/11 66/12 66/20 70/10 75/23 76/23 77/1 77/22 78/23 79/8 81/20 82/15 82/20 83/4 86/7 89/15 92/13 92/21 93/20 94/2 94/9 98/17 100/2 100/21 101/10 101/18 103/8 103/19 103/25 105/3 106/19 108/22 109/13 109/25 111/12 116/1 116/14 116/17 117/2 117/12 117/23 122/3 123/10 123/24 127/1 129/11 131/12 132/12 132/22 134/7 134/22 137/23 138/3 139/3 139/13 140/19 141/8 142/4 142/10 146/6 146/16 146/22 147/5 147/8 147/14 147/16 147/21 148/1 148/4 148/13 148/24 149/16 150/18 their [28] 8/13 13/20 16/10 18/20 18/23 20/22 26/3 32/9 35/9 39/13 49/6 64/22 64/24 65/7 72/15 72/20 74/7 79/15 80/3 105/8 118/23 120/3 128/6 129/6 132/19 134/16 139/24 140/1 them [46] 7/19 16/1 26/2 26/18 34/17 35/16 35/17 35/19 36/16 38/10 38/13 39/3 39/7	45/11 45/12 48/7 71/15 72/12 74/8 78/15 80/4 80/5 85/24 94/22 98/17 98/20 98/22 99/2 104/20 104/20 105/4 107/14 111/17 112/15 112/16 117/1 118/9 125/5 125/19 128/15 132/9 132/12 132/24 133/15 134/11 135/24 themselves [3] 48/16 73/23 74/2 then [72] 5/18 8/8 8/16 12/2 16/10 18/24 24/5 25/12 27/9 27/10 35/9 35/19 37/6 42/22 45/18 49/4 57/7 58/20 58/24 59/2 59/6 59/8 64/3 64/9 64/16 64/16 65/1 66/1 68/16 68/20 68/20 69/4 69/23 74/3 74/6 74/10 75/1 76/10 76/25 77/12 77/13 77/20 79/20 79/21 80/15 84/10 85/9 85/18 91/22 92/20 95/10 96/10 97/1 98/1 98/4 103/6 105/14 105/22 107/1 107/8 107/19 111/24 119/7 122/22 125/2 138/23 141/1 141/11 141/15 142/1 144/15 147/2 there [134] 5/19 7/16 7/23 7/24 8/3 9/4 9/6 9/6 9/17 10/8 12/13 15/25 17/3 17/6 17/17 18/3 19/9 20/8 22/1 22/2 22/13 25/5 26/16 27/21 28/2 28/6 28/7 28/10 34/22 36/10 37/6 38/11 38/21 44/18 44/23 50/18 50/24 54/13 58/11 59/8 59/15 59/16 59/24 60/25 62/12 62/25 64/20 66/1 66/11 66/16 67/19 68/17	71/4 74/25 75/25 76/1 76/2 77/12 77/21 80/1 81/15 82/8 82/10 83/9 83/14 84/9 84/13 85/19 86/7 86/20 87/18 88/5 88/7 88/13 88/14 88/25 89/5 90/6 90/10 92/11 94/21 94/24 94/25 96/20 98/20 102/13 102/18 103/7 103/7 103/18 104/1 104/6 104/13 104/14 106/18 107/2 107/7 108/18 109/3 109/24 110/9 110/22 110/22 111/24 112/3 114/14 118/19 119/23 120/11 120/20 120/21 120/22 121/13 121/22 122/6 122/11 122/22 123/17 125/14 127/20 131/7 131/9 131/15 134/10 135/7 135/11 136/3 136/11 136/16 137/24 141/15 143/13 147/4 148/18 there's [49] 9/1 15/9 16/14 16/15 16/15 17/15 17/16 19/1 19/8 21/21 29/6 31/17 32/7 33/2 33/10 34/2 34/16 46/25 61/2 61/10 62/8 66/2 67/21 74/10 74/11 74/16 75/2 76/21 76/22 80/16 85/5 85/13 86/16 92/17 97/23 97/24 103/8 107/23 120/11 123/1 124/14 124/16 136/13 136/19 138/5 140/25 143/1 148/16 149/25 THEREAFTER [1] 152/7 these [40] 11/16 12/23 16/20 30/17 31/1 31/14 48/1 65/12 65/16 66/19	77/8 77/8 77/9 78/8 78/14 81/12 83/23 84/6 86/1 90/13 90/15 95/1 97/19 109/15 111/21 112/15 116/6 116/7 116/9 116/25 123/2 123/17 123/21 124/14 124/17 124/20 125/16 134/24 144/18 150/19 they [96] 13/15 13/17 13/20 13/23 16/5 16/5 18/15 18/16 18/17 23/9 26/6 26/12 26/20 31/15 35/5 35/9 35/15 35/18 35/20 36/1 36/2 37/3 37/4 37/6 39/3 39/12 40/8 40/9 46/16 46/21 47/9 47/12 48/22 49/2 49/6 49/24 58/4 60/22 65/1 65/8 65/9 71/22 72/1 72/4 72/10 72/17 72/17 73/20 73/20 73/21 73/23 74/2 74/3 74/6 74/23 75/18 89/18 90/13 90/23 91/1 91/4 102/23 103/11 105/3 105/7 105/10 105/13 105/17 105/21 105/23 105/25 108/15 111/16 113/23 116/19 118/23 121/19 121/21 124/17 127/16 127/16 128/4 128/9 128/16 128/16 128/17 129/5 129/5 131/9 131/9 132/8 132/11 133/2 135/25 138/9 141/17 they'd [2] 39/2 40/24 they'll [2] 146/16 146/17 they're [17] 13/17 30/21 46/7 46/21 46/22 59/20 64/21 66/21 72/3 91/9 97/23 108/15 116/10 118/10
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(27) tells - they're

<p>T they're... [3] 121/20 132/15 146/3 thing [12] 6/11 11/25 16/5 103/10 123/3 127/3 135/15 143/25 145/19 146/22 147/19 148/8 things [21] 7/7 11/16 12/18 14/19 15/7 15/10 17/2 18/5 18/13 18/22 19/13 42/19 46/17 47/11 57/11 97/16 109/3 123/16 128/4 146/9 150/2 think [77] 7/6 9/3 10/6 11/7 12/6 12/7 12/8 14/10 15/2 15/7 15/14 16/4 16/13 16/14 17/10 17/12 19/14 21/2 21/6 21/20 22/1 22/6 27/23 29/12 33/1 33/25 35/1 35/7 35/22 36/19 43/6 43/18 44/25 48/1 61/1 61/10 64/6 65/1 75/10 76/18 77/9 80/19 81/20 84/13 86/6 86/6 86/7 87/12 88/13 95/16 96/11 97/3 98/7 98/12 98/15 99/21 106/7 107/25 114/20 114/20 120/21 124/16 124/23 125/6 125/15 125/19 126/8 145/7 145/7 145/15 145/18 145/20 146/11 146/11 146/18 147/20 148/20 thinking [12] 9/25 10/10 11/16 13/3 13/14 14/1 18/10 18/14 33/6 33/22 114/25 123/19 third [5] 9/7 26/2 66/16 92/5 107/7 third-party [2] 9/7 26/2 thirds [2] 65/25 92/16</p>	<p>this [236] thorough [1] 46/10 those [63] 7/7 7/21 8/1 8/2 12/18 14/5 14/19 14/21 15/10 17/18 18/13 18/25 20/19 26/7 28/12 32/5 33/4 34/10 34/19 34/19 34/19 34/20 34/25 42/19 45/6 45/17 46/10 46/14 46/17 57/11 59/16 64/4 64/10 64/18 65/4 67/24 69/7 74/14 74/15 75/16 81/16 81/17 83/17 88/22 92/6 94/20 96/15 98/25 99/1 102/15 103/14 107/3 108/10 110/16 112/8 120/12 123/12 125/4 126/10 141/15 142/1 143/19 147/5 though [1] 98/16 thought [5] 17/6 110/21 118/8 127/16 148/13 thoughts [3] 17/2 44/16 44/19 thousand [1] 94/25 thousands [3] 30/2 31/17 86/1 three [10] 13/8 13/9 15/23 17/20 31/16 45/9 64/15 98/13 106/17 145/21 three degrees [1] 31/16 three-quarters [1] 106/17 thrilled [1] 35/19 through [20] 29/20 34/12 35/2 36/24 48/7 49/18 56/1 59/7 68/14 71/1 72/21 75/19 80/3 81/12 91/23 98/6 107/19 116/3 131/18 135/15 throughout [3] 69/25 90/14 137/24 throw [1] 17/3 thrust [1] 19/3</p>	<p>thus [1] 144/3 ticket [3] 104/12 104/17 104/21 tickets [2] 104/14 107/5 tie [1] 96/8 time [62] 6/9 9/13 9/15 9/18 11/1 11/8 15/1 15/3 16/16 17/21 25/8 26/16 35/7 36/11 38/21 39/20 40/14 40/19 46/11 52/9 62/1 71/2 74/3 75/24 76/24 79/17 79/18 83/9 84/5 84/17 85/14 90/8 90/14 94/16 95/18 101/1 102/7 104/14 107/21 107/21 114/12 117/16 119/5 119/8 119/24 120/10 122/1 125/6 127/21 134/3 134/4 135/13 140/17 143/21 144/21 145/14 146/12 146/13 146/21 147/7 149/11 152/7 times [5] 36/17 103/13 112/1 132/7 145/16 TIMOTHY [1] 1/18 title [1] 137/9 titled [2] 77/1 135/14 today [27] 4/16 4/25 6/4 9/9 9/14 18/11 20/21 25/12 25/23 29/16 36/19 37/19 37/25 38/20 39/25 41/8 41/10 41/20 42/1 46/12 47/23 58/1 65/11 65/15 120/10 131/21 145/25 today's [1] 117/5 together [3] 64/1 96/9 124/18 told [18] 25/20 25/24 26/20 28/2 37/13 38/13 39/6 39/21 40/19 40/21 41/19 72/10 73/20 89/23 91/7 119/9 133/20 139/19 tomorrow [12] 6/12 99/6 143/22</p>	<p>144/14 144/25 145/2 145/14 146/6 146/14 147/18 150/11 150/24 tonight [1] 99/5 too [12] 10/16 11/9 11/10 14/16 15/12 21/21 46/25 83/11 95/20 115/2 124/21 150/20 took [7] 29/25 35/13 74/3 102/21 102/23 103/3 152/5 top [12] 49/7 49/22 50/2 58/24 68/17 78/6 81/15 92/6 99/15 99/24 122/13 150/1 tops [2] 13/8 13/9 total [4] 58/15 59/8 94/25 109/14 totaling [1] 57/17 tough [3] 15/3 16/11 95/18 tour [1] 79/14 towards [2] 11/22 43/9 tracers [1] 132/1 Traci [1] 4/12 track [1] 121/21 tracked [1] 55/25 trade [2] 31/22 34/24 traditionally [2] 14/14 18/1 training [2] 102/24 103/4 transaction [3] 58/15 86/1 89/24 transactions [5] 56/1 81/13 89/22 90/4 90/11 TRANSCRIBED [1] 152/8 TRANSCRIPT [2] 1/15 152/10 transfer [2] 73/3 75/11 translate [1] 74/4 translation [3] 66/8 66/20 77/7 translations [4] 66/5 66/7 66/17 107/24 translator [1] 76/4 transportation [1] 92/7 travel [16] 63/12</p>	<p>68/20 69/1 69/5 78/2 78/3 78/3 95/3 96/2 96/6 96/12 96/16 107/4 107/8 107/11 110/15 traveling [2] 87/10 107/14 trial [21] 4/20 5/15 6/10 6/17 14/15 14/18 15/16 15/20 19/7 21/24 22/15 23/5 23/8 118/1 148/22 149/1 149/5 149/6 149/6 149/7 149/17 trials [1] 11/5 tried [9] 10/19 12/5 36/2 72/2 74/8 80/11 91/4 91/13 128/5 trip [6] 70/4 80/8 80/10 80/18 80/20 80/23 trips [4] 84/6 94/17 94/24 106/25 trouble [1] 95/20 true [7] 12/20 45/8 56/4 58/14 98/17 116/1 152/10 truly [1] 10/23 truncate [1] 8/22 TRUS [1] 68/20 trust [2] 134/11 136/14 truthful [1] 129/10 truthfully [1] 22/21 try [14] 11/17 12/13 14/25 15/3 21/12 32/10 54/5 125/24 129/1 129/2 145/15 147/20 149/4 150/18 trying [8] 10/6 17/4 36/5 72/3 72/14 77/9 128/14 140/17 turn [22] 63/10 66/10 66/11 68/16 92/11 93/7 93/19 100/17 101/6 101/17 102/1 103/17 107/6 107/22 108/21 126/7 127/11 129/23 129/25 130/25 133/17 136/9</p>
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(28) they're... - turn

<p>T</p> <p>Twelve [1] 28/4 two [35] 6/9 12/15 13/6 13/7 13/8 14/6 14/23 15/13 18/16 18/21 31/15 39/9 39/11 65/25 67/19 67/19 67/19 74/11 74/14 80/23 92/16 98/2 103/14 112/1 120/12 120/22 121/13 124/22 140/25 142/20 144/2 145/1 145/24 146/15 146/18 two-thirds [2] 65/25 92/16 type [2] 9/2 31/22 types [5] 16/20 18/13 33/4 34/6 42/19 TYPEWRITING [1] 152/8 typically [1] 107/14 typo [1] 141/4</p> <hr/> <p>U</p> <p>U.S. [3] 106/18 106/22 106/25 U.S. Customs [3] 106/18 106/22 106/25 Ukraine [2] 68/21 69/5 ultimate [1] 147/22 ultimately [1] 57/9 Um [5] 12/6 82/12 92/23 99/14 136/7 Um-Hmmm [1] 99/14 Um-hum [4] 12/6 82/12 92/23 136/7 under [21] 7/1 7/24 8/20 21/2 21/9 21/12 24/4 52/15 63/11 80/3 81/8 93/20 109/19 109/24 113/16 117/25 130/12 131/1 133/20 136/23 152/9 underlying [2] 20/13 21/11 undermine [1] 30/23 understand [38]</p>	<p>4/22 5/20 6/8 7/1 7/24 9/11 10/7 10/16 10/23 12/21 13/6 13/13 14/17 15/9 18/2 18/25 20/9 21/20 22/16 22/23 25/22 27/8 27/24 28/13 33/3 47/5 47/6 48/19 50/18 52/14 54/11 62/18 66/19 69/24 72/16 75/8 101/3 132/6 understanding [6] 5/15 27/4 34/9 57/21 58/18 59/6 understood [1] 49/18 unfair [3] 125/6 146/11 146/18 unfortunately [1] 37/5 United [1] 69/24 University [2] 76/10 76/12 unless [1] 125/17 unlike [2] 14/4 33/8 unmute [1] 5/4 until [6] 8/2 14/23 37/24 69/23 134/4 146/20 up [41] 6/24 8/24 9/20 10/6 12/17 14/23 16/8 17/2 21/4 21/16 21/24 23/8 23/12 23/15 26/13 51/12 59/9 61/17 64/7 65/1 65/22 73/15 73/16 81/18 83/1 83/6 84/5 85/9 97/8 109/16 128/15 131/8 140/14 144/22 145/12 146/12 146/25 147/1 147/17 148/23 149/1 up-front [1] 73/15 upcoming [1] 69/5 update [6] 38/17 128/11 129/7 129/9 129/12 130/9 updated [2] 54/6 121/25 updates [1] 37/12 upon [1] 33/9 upper [1] 37/2</p>	<p>UPS [1] 139/6 Upwork [4] 77/1 77/3 77/4 77/9 Upwork/Elance [1] 77/4 us [37] 8/9 24/11 26/14 59/7 59/17 64/1 72/4 72/10 72/18 72/19 73/20 74/1 74/23 75/15 75/17 79/9 79/9 80/23 90/2 91/21 97/10 99/1 102/24 105/1 105/10 105/25 106/24 107/5 107/15 111/16 112/8 112/24 119/9 126/14 128/17 142/6 146/11 USA [1] 64/25 USC [1] 24/9 USCIS [7] 25/25 41/4 41/6 41/10 41/17 41/22 64/14 use [6] 27/14 104/21 125/6 131/22 132/16 133/12 used [7] 32/10 46/16 77/10 85/8 131/10 135/24 139/12 USSR [1] 68/21 Utah [3] 87/7 87/11 87/13</p> <hr/> <p>V</p> <p>vacation [1] 150/23 vague [3] 38/23 43/24 44/2 valid [1] 77/11 value [4] 21/16 57/3 57/4 137/17 varied [1] 107/21 various [8] 56/25 89/13 91/21 91/21 113/19 113/24 118/25 126/9 VEGAS [14] 1/12 3/9 4/1 27/11 27/13 37/12 51/8 51/13 79/8 83/19 84/16 103/15 104/7 135/23 venture [1] 70/2 verify [1] 77/10 version [1] 80/3</p>	<p>versus [2] 84/2 108/23 very [37] 11/9 11/15 12/6 13/23 15/3 15/15 15/16 18/20 22/7 24/10 26/4 26/5 30/2 31/1 33/2 33/2 35/3 37/1 47/4 48/23 49/6 59/9 70/18 71/22 72/11 72/14 76/9 76/13 76/13 77/8 80/16 81/15 97/23 98/24 143/18 147/15 148/15 vetted [1] 34/5 via [2] 2/15 4/17 VICE [1] 2/12 video [4] 67/17 67/24 68/10 68/11 view [1] 16/9 Village [6] 82/23 83/1 83/6 83/8 83/13 85/10 visit [3] 83/7 93/3 103/4 visiting [5] 79/10 82/25 83/2 83/20 103/21 voir [1] 10/2 Volume [7] 28/17 52/20 123/14 130/1 130/2 130/3 130/6 Volume I [4] 28/17 130/2 130/3 130/6 Volume II [2] 52/20 130/1 Volume III [1] 123/14</p> <hr/> <p>W</p> <p>W-E-I-L-L-I-N [1] 75/21 wait [2] 136/18 136/18 want [32] 9/8 9/9 9/21 11/11 11/13 13/18 13/21 14/11 18/22 18/24 19/7 19/8 31/14 48/3 62/15 97/12 99/1 99/16 110/12 112/6 112/19 115/18 120/6 120/10 129/23 139/2 140/25 143/8 144/10 147/2 147/21 150/8 wanted [5] 25/18</p>	<p>37/9 51/12 100/10 142/3 wants [1] 144/13 was [237] Washington [2] 84/12 84/17 wasn't [4] 10/13 73/12 125/14 139/1 Watermark [1] 79/19 way [26] 6/18 8/19 11/2 18/2 22/16 33/6 35/8 35/10 43/14 43/15 45/4 47/22 65/25 71/22 87/14 92/16 97/15 106/17 107/7 116/23 132/8 136/15 137/11 140/7 140/8 150/19 ways [5] 47/12 47/14 47/25 48/22 82/10 we [248] we'd [4] 26/14 63/25 122/1 150/20 we'll [18] 6/4 6/5 8/17 15/6 16/22 19/14 23/12 34/11 52/11 59/13 64/10 96/22 98/19 98/23 112/7 117/24 129/4 141/1 we're [44] 6/2 6/23 8/6 10/6 12/14 16/23 19/14 22/17 39/4 45/19 47/19 47/22 48/4 48/6 66/11 80/24 81/17 88/25 98/10 99/1 100/18 101/7 102/13 108/7 110/13 110/16 112/18 116/2 124/21 125/8 128/20 128/21 132/13 140/17 141/13 143/3 145/5 147/11 149/15 149/17 149/23 150/3 150/14 150/17 we've [10] 20/16 48/6 72/23 96/24 110/5 134/24 144/17 144/18 145/16 149/24 wealthy [5] 29/21</p>
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(29) Twelve - wealthy

<p>W wealthy... [4] 30/2 72/11 72/14 72/19 website [7] 82/15 142/9 142/16 142/19 142/24 143/5 143/9 Wednesday [8] 7/22 8/2 8/9 8/11 42/7 42/13 43/20 116/15 week [15] 8/9 8/11 14/23 15/20 15/21 15/24 18/16 42/8 99/6 120/5 149/6 149/6 149/7 149/12 149/17 weeks [6] 12/15 14/7 16/5 17/10 17/13 149/1 weighing [1] 33/24 Weillin [2] 75/24 76/3 well [37] 6/3 7/23 9/16 32/17 35/3 35/6 36/8 37/2 39/1 43/18 62/16 63/23 64/20 67/22 69/9 70/16 73/14 78/1 80/10 84/16 85/13 89/6 109/8 110/5 115/5 115/21 134/17 135/12 136/5 138/17 140/6 142/23 144/9 145/4 145/6 148/14 149/2 well-connected [1] 35/3 well-established [1] 35/6 Wells [2] 85/15 98/3 went [10] 7/13 45/17 75/9 75/12 75/17 75/18 80/19 80/22 84/6 106/10 were [115] 7/14 12/4 12/13 15/18 17/9 17/10 17/12 20/11 23/4 24/9 26/2 28/2 28/16 29/22 32/12 35/18 36/5 37/3 37/5 37/7 39/21 40/1 40/2 40/23 42/25 44/18 46/5 46/16 48/16 49/6 49/7 49/20</p>	<p>49/22 49/24 50/24 53/8 58/6 60/15 60/22 65/9 65/12 71/1 71/18 71/21 71/22 72/2 72/4 72/8 72/10 72/10 72/14 73/6 73/21 76/1 76/2 77/9 80/2 81/12 81/13 82/8 83/20 85/13 87/14 87/19 89/18 89/20 89/23 90/10 90/13 90/14 90/18 90/23 91/1 91/8 91/17 91/20 92/4 93/11 93/13 93/14 94/17 100/14 100/15 100/24 101/2 101/15 101/24 102/5 102/8 102/18 103/21 104/20 105/14 105/22 105/24 110/25 113/23 115/11 116/19 120/20 120/22 121/13 124/18 125/16 127/17 128/14 128/16 128/17 131/7 131/15 131/23 145/24 148/14 151/1 152/8 weren't [3] 37/6 114/22 127/16 Westin [2] 80/15 80/17 WF [1] 98/3 what [162] what's [16] 42/24 60/3 69/18 70/13 73/8 77/15 86/19 94/2 103/8 104/8 111/14 126/13 130/7 139/11 139/18 144/6 whatever [5] 36/6 45/2 73/10 99/3 150/9 when [46] 5/4 7/14 7/15 7/20 12/22 19/6 22/24 26/23 29/25 38/21 39/20 40/1 40/8 40/19 45/10 45/19 56/21 66/7 70/1 70/24 73/12 84/6 86/21 91/15 93/13 93/13 94/17 99/12</p>	<p>101/14 102/5 103/3 104/10 104/12 104/19 107/14 107/18 114/21 139/17 140/6 140/7 140/9 142/15 143/1 143/4 145/12 148/14 whenever [1] 146/25 where [43] 6/19 6/21 6/23 9/22 10/17 10/22 11/1 14/5 15/7 16/15 16/22 18/3 19/5 20/7 20/7 26/4 26/17 33/9 63/13 70/20 77/4 78/20 79/11 81/17 82/13 83/4 89/11 89/24 93/11 99/20 102/8 102/23 106/20 110/25 114/14 117/14 120/18 124/17 127/12 129/25 130/8 145/7 147/7 WHEREOF [1] 152/13 whether [18] 22/20 29/9 32/19 37/20 37/25 41/22 45/23 48/12 54/8 56/25 57/3 85/7 85/8 126/4 126/13 137/21 138/9 143/10 which [47] 28/17 28/24 31/14 32/16 34/15 36/4 37/9 43/9 45/1 45/1 45/24 52/20 54/6 56/8 61/1 63/15 70/15 70/17 74/3 74/23 75/11 77/17 79/4 94/18 96/23 98/3 102/21 108/6 110/15 111/6 112/5 114/23 118/18 119/3 121/1 121/3 121/4 121/11 122/18 126/7 126/20 127/17 133/17 136/24 137/20 138/24 139/7 while [8] 17/19 39/17 87/10 103/21</p>	<p>120/14 123/11 140/4 147/4 who [33] 17/11 29/21 30/13 30/13 34/15 35/4 35/5 36/15 60/16 63/22 67/7 68/1 68/5 68/8 68/8 68/10 68/11 70/18 71/1 72/8 72/14 72/18 76/2 76/9 79/10 80/2 82/7 90/4 94/23 95/1 102/22 124/17 145/8 Who's [2] 66/23 76/8 whole [3] 9/16 18/9 21/16 whose [5] 72/18 78/10 85/3 85/6 85/11 why [18] 16/19 21/12 21/18 66/19 71/21 75/12 84/1 89/16 102/18 103/8 108/11 108/14 109/7 116/17 121/24 127/12 127/16 132/12 wide [2] 150/14 150/17 wife [6] 21/25 22/2 22/4 74/22 84/6 144/14 WIGWAM [1] 2/5 will [17] 9/4 9/6 15/12 18/12 33/20 42/20 95/19 97/6 98/20 100/17 101/6 110/12 112/6 129/12 142/24 143/15 145/14 WILLIAMS [24] 1/18 70/8 70/15 70/18 70/22 71/14 112/22 113/3 113/5 113/7 113/11 113/13 113/17 113/22 116/11 116/12 118/17 118/22 119/1 119/14 119/19 119/20 119/24 120/2 willing [1] 39/3 wind [1] 144/22 wire [2] 73/3 75/11 wise [2] 119/14</p>	<p>144/21 wish [1] 116/24 withdraw [3] 110/21 117/21 118/2 withdrawal [1] 77/21 withdrawals [1] 108/10 withdrawn [5] 10/15 114/7 115/17 115/22 118/3 within [7] 12/5 22/24 23/9 24/12 31/15 51/20 116/14 without [8] 34/22 36/16 37/23 96/17 103/1 126/15 137/15 145/24 witness [9] 30/12 32/22 34/15 124/17 125/20 127/1 135/1 146/21 152/13 witness's [1] 44/3 witnesses [5] 9/7 9/7 18/8 144/11 146/20 woman [1] 35/11 won't [5] 22/12 45/5 85/18 108/3 150/17 wondered [1] 123/3 wonderful [2] 12/18 46/17 wondering [2] 110/3 120/17 wording [1] 132/14 words [1] 142/2 work [17] 11/22 14/18 42/10 42/14 42/18 43/1 43/3 44/23 45/1 45/18 46/1 58/2 68/15 71/13 119/8 128/14 136/4 worked [4] 29/25 35/5 70/1 119/5 working [10] 43/9 73/21 89/17 89/20 90/18 91/8 93/11 93/13 128/21 129/4 workings [1] 43/7 works [1] 30/14 world [5] 26/3 29/24 72/11 119/4 119/17</p>
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(30) wealthy... - world

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1 CASE NO. A-18-781084-B

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DISTRICT COURT

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CLARK COUNTY, NEVADA

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9 FRONT SIGHT MANAGEMENT LLC,)

10 Plaintiff,)

11 vs.)

12 LAS VEGAS DEVELOPMENT FUND LLC,)

13 Defendant.)

14

15

REPORTER'S TRANSCRIPT
OF

16

PRELIMINARY INJUNCTION

17

18

BEFORE THE HONORABLE JUDGE TIMOTHY C. WILLIAMS

19

DISTRICT COURT JUDGE

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DATED TUESDAY, JULY 23, 2019

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REPORTED BY: PEGGY ISOM, RMR, NV CCR #541

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Peggy Isom, CCR 541, RMR

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INDEX

WITNESS

PAGE

LINDA STANWOOD

Direct Examination By Mr. Aldrich 16

* * * * *

Peggy Isom, CCR 541, RMR

1 LAS VEGAS, NEVADA; TUESDAY, JULY 23, 2019

2 10:51 A..M.

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

4 * * * * *

5

6 THE COURT: Okay. Good morning.

7 IN UNISON: Good morning, your Honor.

8 THE COURT: All right. I don't think we need
9 court call again.

10:51:18 10 THE COURT CLERK: She scheduled it.

11 THE COURT: Did she schedule it again?

12 MR. GREER: Yes.

13 THE COURT: Okay. We'll call her.

14 MR. GREER: It will make her feel better.

10:51:25 15 THE COURT: If I'd have known that -- I
16 thought we took care of it yesterday. But...

17 MR. ALDRICH: Actually, I think your Honor
18 said something at the end. It certainly led me to
19 believe that she was going to appear again, and I think
10:51:34 20 it probably made her believe she just needed to jump on
21 the phone --

22 THE COURT: Okay. I don't want her to --

23 MR. ALDRICH: Either way.

24 THE COURT: If I'd had known she was on the
10:51:42 25 line, I would have -- so now she's been sitting on the

Peggy Isom, CCR 541, RMR

10:51:45 1 line for about 20 minutes.

2 COURT CALL MODERATOR: Good morning. My name
3 is Marina, and I'll be the moderator assisting you
4 today.

10:52:08 5 THE COURT: Good morning, ma'am.

6 COURT CALL MODERATOR: Good morning. We do
7 have Ms. Holbert on the line. Would you like me to go
8 ahead and bring her live?

9 THE COURT: Yes, you can.

10:52:17 10 COURT CALL MODERATOR: Thank you. One moment.
11 The party's line is now live.

12 THE COURT: Ms. Holbert, good morning.

13 MR. ALDRICH: Hello. Hello. Good morning,
14 your Honor. How are you?

10:52:30 15 THE COURT: Good. You know what, I never
16 intended that you had to call in today. You've made
17 your --

18 MS. HOLBERT: Oh. No -- no problem. I'm
19 sorry I'm not there in person.

10:52:40 20 THE COURT: I understand. But anyway, we're
21 going to continue with today's hearing, and as far as
22 the requirements are concerned under the rules, they've
23 been fulfilled, ma'am.

24 MS. HOLBERT: Thank you, your Honor.

10:52:54 25 Appreciate it. Have a great day. Thank you.

Peggy Isom, CCR 541, RMR

10:52:57 1 THE COURT: Okay. You too.

2 MS. HOLBERT: Thank you. Bye-bye.

3 THE COURT: I wish I was in Hawaii.

4 MR. ALDRICH: She's in trial, though. She's

10:53:09 5 not in Hawaii.

6 THE COURT: I know. I'd stay an extra three

7 or four days if I was there, I know that, or more.

8 But -- all right. We will continue on, right?

9 MR. ALDRICH: Yes, your Honor.

10:53:25 10 THE COURT: Okay.

11 MR. ALDRICH: Did you want us to place

12 appearances?

13 THE COURT: Yes, thank you.

14 MR. ALDRICH: Okay. John Aldrich on behalf of

10:53:29 15 the plaintiff.

16 MR. GREER: Good morning, your Honor. Keith

17 Greer on behalf of the defendant LVD Fund, here with

18 Robert Dziubla.

19 THE COURT: All right. So --

10:53:39 20 MR. ALDRICH: So the next witness we intend to

21 call is Ms. Stanwood, and it's my understanding that

22 she was subpoenaed to be here, but we agreed to do that

23 by video. Defendants asked if we would make that

24 concession, and we did.

10:53:56 25 MR. GREER: Yes.

Peggy Isom, CCR 541, RMR

10:53:57 1 MR. ALDRICH: And so...

2 MR. GREER: She's standing ready on Skype.

3 THE COURT: Okay.

4 MR. GREER: So how do we do --

10:54:02 5 THE COURT: Are we fine with that?

6 THE MARSHAL: I don't believe we're aware of

7 it.

8 THE COURT: Okay. Let's -- can we go to it?

9 THE COURT CLERK: It wasn't scheduled. We

10:54:12 10 didn't prepare it.

11 THE COURT: Okay. How long does it take you

12 to do that?

13 THE COURT CLERK: Not long.

14 THE COURT: Do we need technology to come up

10:54:19 15 and help us?

16 THE COURT CLERK: Possibly not. I'm thinking

17 if we give them 30 minutes, it should happen.

18 THE COURT: How do we --

19 MR. ALDRICH: Actually, both the witnesses

10:54:29 20 today we'd agreed to do by -- to not -- plaintiff had

21 agreed not to make them come here, but to talk to

22 them --

23 THE COURT: I understand --

24 MR. ALDRICH: -- by video.

10:54:37 25 THE COURT: And that's fine. The real big

Peggy Isom, CCR 541, RMR

10:54:39 1 issue is this -- and understand when it comes to this
2 area, I'm technically challenged. That's the best way
3 I can say that.

4 And we'll do our best to get them on live
10:54:50 5 teleconferencing ASAP. I know there's a protocol we
6 have to go through. Is that correct?

7 THE COURT CLERK: That's correct.

8 THE COURT: So who do we need to call and how
9 do we --

10:55:03 10 MR. GREER: Yeah.

11 THE COURT CLERK: On their end, they're
12 obviously in front of a computer. They would use a
13 link that you can send to them, and this tests their
14 equipment. Once it's been tested, we can connect with
10:55:18 15 them, they can connect with us. We'll do it the same
16 way for both. And --

17 THE MARSHAL: We're talking about BlueJeans;
18 is that right?

19 THE COURT CLERK: We're talking about
10:55:30 20 BlueJeans, yes. And once they have successfully
21 tested, on our machine we'll send them an invitation
22 link. So on that same computer they'll put that link
23 and be able to access then the virtual meeting room,
24 where we'll be able to patch them in to the cameras.

10:55:45 25 MR. GREER: Your Honor, do we need to be on

Peggy Isom, CCR 541, RMR

10:55:46 1 the record for this?

2 THE COURT: No, we don't.

3 (Off-the-record discussion.)

4 THE COURT: We need to put this on the record?

10:56:04 5 MR. GREER: This is on the record, please. We
6 have -- I've been advised that Mr. Piazza is not
7 available today. He's ill, right?

8 MR. ALDRICH: Yeah. I had received a text
9 message over the weekend with his flight plans. I
10:56:19 10 think it would have put him here about 11:00 o'clock.
11 I received a text this morning at 5:43 that indicated
12 that he's ill today, not able to travel, and gave me
13 his availability, because we had talked about that
14 yesterday.

10:56:38 15 MR. GREER: And he's not -- he's not available
16 until after August 22.

17 THE COURT: Okay.

18 MR. ALDRICH: That's what he told me in the
19 text.

10:56:45 20 MR. GREER: So with this new set of facts, we
21 have no rush to get through our process this morning.
22 So we can have the video testing, we get the link,
23 we'll get our two witnesses tested and get that on
24 track. Estimated testimony time is not long, I think.

10:57:02 25 MR. ALDRICH: For Ms. Stanwood, definitely not

Peggy Isom, CCR 541, RMR

10:57:04 1 very long.

2 MR. GREER: Like 10, 15 minutes?

3 MR. ALDRICH: No, but I would say not more
4 than --

10:57:10 5 THE COURT: We'll have her done before lunch.

6 MR. ALDRICH: That's my plan.

7 MR. GREER: Okay. And then so if we're going
8 to set them up, then that would be Mr. Fleming, then
9 after --

10:57:19 10 MR. ALDRICH: In the afternoon --

11 MR. GREER: After lunch in the 1:30 session.
12 I'll have him clear his schedule so we make that
13 happen. So either way, we're done early today, and
14 we'll have time to talk about scheduling, where we're
10:57:29 15 going to go forward with this.

16 THE COURT: Because like I indicated before,
17 my calendar really opened up, so we can definitely
18 accommodate you.

19 MR. GREER: Unfortunately, the next witness is
10:57:37 20 going to be Ignatius Piazza. He's let us know he's not
21 available until the 22nd.

22 THE COURT: We can accommodate him. We'll
23 make it happen.

24 MR. GREER: All right.

10:57:47 25 THE COURT: Okay. Let's go ahead do what you

Peggy Isom, CCR 541, RMR

10:57:47 1 have to do. He's going to take care of this for you
2 from a technical perspective, and when you're ready,
3 just call me.

4 -o0o-
(Recess)
5 -o0o-

6 THE COURT: All right.

7 MR. GREER: I guess some housekeeping just to
8 take care of first. This is on the record, yeah.

9 THE COURT: Yes.

11:51:13 10 MR. GREER: In light of scheduling,
11 Mr. Fleming was available this morning. We provided
12 reasons we weren't going to do that. We're going to
13 stipulate to pushing his testimony off to the next time
14 we get together, and then today we'll just handle
11:51:28 15 Ms. Fleming -- or excuse me, Ms. Stanwood --

16 THE COURT: And that's fine.

17 MR. GREER: -- on the video.

18 THE COURT: That's fine.

19 MR. GREER: We do have some other housekeeping
11:51:34 20 to take care of. Do you want to do it after the
21 witness or before -- it's moving the dates.

22 THE COURT: Yeah.

23 MR. GREER: Right now, the motions to dismiss
24 need to be consolidated.

11:51:43 25 THE COURT: What we'll do, we'll do that after

Peggy Isom, CCR 541, RMR

11:51:44 1 the testimony.

2 MR. GREER: Okay.

3 THE COURT: We'll put it at a time that's

4 convenient for everyone.

11:51:48 5 MR. GREER: Thank you, your Honor.

6 THE COURT: You ready, Chris?

7 THE COURT CLERK: For the oath, your Honor,

8 yes.

9 THE COURT: We don't see it.

11:52:03 10 THE COURT CLERK: Ms. Stanwood?

11 THE WITNESS: Yes.

12 THE COURT CLERK: There she is.

13 THE MARSHAL: CJ --

14 THE COURT: Do you see her on the computer?

11:52:13 15 MR. ALDRICH: No.

16 THE COURT CLERK: Ms. Stanwood --

17 Ms. Stanwood, would you read something for us?

18 THE WITNESS: I can hear you. What would you

19 like me to read?

11:52:26 20 THE COURT CLERK: Can you read something from

21 a printed page, just anything. It's just to show that

22 the camera will maintain its focus on you.

23 MR. GREER: 501(3)(c) nonprofit arm --

24 THE COURT CLERK: Is that good?

11:52:42 25 THE COURT: That's fine.

Peggy Isom, CCR 541, RMR

11:52:44 1 THE WITNESS: Is that enough?
2 MR. GREER: We still don't see her on our
3 screens.
4 THE COURT CLERK: Ms. Stanwood, can you read
11:52:56 5 that document you were reading again.
6 THE WITNESS: Sure. Organization: Rescuing
7 homeless dogs and healing homeless veterans. 100
8 percent veteran owned and operated.
9 MR. ALDRICH: So the next question I have is
11:54:29 10 where is the best place for me to stand? Do I need to
11 stay here? Should I be at the podium? Will she be
12 able to see me if I'm at the podium?
13 THE COURT: That, I don't know.
14 MR. GREER: All she sees is that little corner
11:54:40 15 there.
16 MR. ALDRICH: Right. I'm afraid if I go up
17 here, then she can't see me. I don't think she can.
18 So I'll stay back --
19 THE WITNESS: I can see you there.
11:54:48 20 MR. ALDRICH: Oh, you can?
21 THE WITNESS: Yes.
22 MR. ALDRICH: When I'm up at the podium?
23 THE WITNESS: Just further away. I can see
24 you there; you just appear to be further away.
11:54:58 25 THE COURT CLERK: It's zoomed in at your desk.

Peggy Isom, CCR 541, RMR

11:55:00 1 MR. ALDRICH: Okay. I'll stay here.

2 THE MARSHAL: So it picks up from wherever the

3 microphone is that is closest to you. When you're

4 standing at the podium, I believe it picks up at the

11:55:10 5 far wall.

6 MR. ALDRICH: So --

7 THE COURT: Okay. Okay. Let's go ahead and

8 get her sworn in.

9 THE COURT CLERK: I believe, because of the

11:55:35 10 remote nature of this, you'd agree --

11 MR. GREER: We stipulate to the oath being

12 taken here in the courtroom.

13 MR. ALDRICH: Correct.

14 THE COURT: All right.

11:55:45 15 THE COURT CLERK: Okay, Ms. Stanwood, if you

16 would, please raise your right hand while I administer

17 an oath to you. Thank you.

18 Whereupon,

19 LINDA STANWOOD,

11:55:50 20 having been first duly sworn to testify to the truth,

21 the whole truth and nothing but the truth, was examined

22 and testified as follows:

23 THE COURT CLERK: Thank you. Would you state

24 your full name, spelling your first and last name for

11:56:04 25 the record, please.

Peggy Isom, CCR 541, RMR

11:56:06 1 THE WITNESS: Linda K. Stanwood.
2 L-I-N-D-A. S-T-A-N-W-O-O-D.
3 DIRECT EXAMINATION
4 BY MR. ALDRICH:
11:56:21 5 Q. Hello, Ms. Stanwood. My name is John Aldrich.
6 I represent Front Sight, and we appreciate you being
7 available today.
8 Would you please tell us what your educational
9 background is.
11:56:39 10 A. I have a bachelor's degree in literature and
11 philosophy.
12 I have a juris doctor degree.
13 Q. And where did you receive your bachelor's
14 degree?
11:56:59 15 A. Rosary College in River Forest, Illinois. I
16 believe it's currently known as Dominican University.
17 Q. And where did you receive your law degree?
18 A. Northwestern.
19 Q. And are you currently employed?
11:57:21 20 A. No.
21 Q. When is the last time you were employed?
22 A. 2010.
23 Q. And how were you employed in 2010?
24 A. I was an attorney at Pillsbury Winthrop Shaw
11:57:35 25 Pittman.

Peggy Isom, CCR 541, RMR

11:57:42 1 Q. And how long were you an attorney at
2 Pillsbury?

3 A. Six years.

4 Q. And how long did you practice law overall?

11:57:58 5 A. I would estimate over 20 years.

6 Q. What were the areas of practice while you were
7 practicing?

8 A. I have been -- I have practiced in the
9 litigation area. I have practiced in real estate
10 finance, development, and construction.

11:58:21 10 Q. And do you have any experience in EB5
11 fundraising?
12

13 A. No.

14 Q. Do you know what the EB5 program is?

11:58:52 15 A. Yes.

16 Q. What do you know about it?

17 MR. GREER: Calls for a narrative, your Honor.

18 THE COURT: I'll overrule. Just -- she can
19 tell what she knows.

11:59:06 20 THE WITNESS: The EB5 financing program is a
21 program set up with the US government for financing
22 projects in areas where there is economic distress of
23 some sort. The program allows people from foreign
24 countries to invest in projects that create a certain
11:59:34 25 amount of job --

Peggy Isom, CCR 541, RMR

11:59:41 1 MR. ALDRICH: We lost audio.
2 MR. GREER: Can you hear us, Linda?
3 THE WITNESS: People that are applying for the
4 green cards have to meet the normal --
12:00:09 5 MR. ALDRICH: Ma'am, I'm sorry. Ms. Stanwood,
6 we lost you, and we all could see you, you were
7 talking, and we couldn't hear you. So I'll ask you to
8 back up, if you would. You were -- I think we lost you
9 about the time you were saying that it's in distressed
12:00:29 10 areas and about job creation.
11 THE WITNESS: All right. In order -- it
12 allows people from foreign countries to get green
13 cards, provided that a certain number of jobs are
14 created to meet the EB5 requirements in these
12:00:47 15 distressed areas.
16 The people involved have to meet the normal
17 immigration requirements. In other words, they can't
18 be criminals. They can't be otherwise excludable.
19 But assuming they meet these requirements and
12:01:04 20 the project meets the requirements -- and I'm being
21 very general here, obviously -- then it allows people
22 to receive green cards in return for an investment in
23 the projects. There's a lot more to it, but that's a
24 very general overview.
25 \\

Peggy Isom, CCR 541, RMR

12:01:20 1 BY MR. ALDRICH:

2 Q. And it's my understanding that you're
3 currently senior vice president for -- strike that.
4 Ask it differently.

12:01:31 5 Are you currently senior vice president for
6 any entities?

7 A. Yes.

8 Q. Okay. What entities are you senior vice
9 president for?

12:01:45 10 A. Honestly, I would have to look up the names.
11 There is several entities involved in my husband's
12 business. I'm senior vice president of one of them.

13 Q. Okay. Are you senior vice president for Las
14 Vegas Development Fund?

12:02:03 15 A. That sounds correct; although, like I said, to
16 be entirely sure, I'd have to look it up.

17 Q. Okay. Just so that you know, Las Vegas
18 Development Fund is the lender in this litigation.
19 Does that help you any?

12:02:17 20 A. Yes.

21 Q. Okay. Does that make you believe that you're
22 senior vice president for Las Vegas Development Fund?

23 A. Yes.

12:02:29 24 Q. Another one of the defendant entities in this
25 matter is EB5 Impact Capital Regional Center, LLC. Are

Peggy Isom, CCR 541, RMR

12:02:36 1 you senior vice president of that entity?

2 A. I don't believe so, but I'm not sure. All of
3 this was for the purposes of estate planning, and I
4 haven't looked at any of this in quite some time.

12:03:05 5 Q. All right. And then there's another entity
6 that is called EB5 Impact Advisors, LLC, which has been
7 dissolved. Were you senior vice president of that
8 entity?

9 A. I don't believe so.

12:03:37 10 Q. And it's my understanding that you are married
11 to Robert Dziubla; is that correct?

12 A. That's correct.

13 Q. And do you know John Fleming?

14 A. Yes.

12:03:56 15 Q. Okay. And how do you know John Fleming?

16 A. I've met him on several social occasions.

17 Q. Do you personally have any knowledge of
18 Mr. Fleming's experience in EB5 lending or raising of
19 money?

12:04:28 20 A. Not personally.

21 Q. And do you currently work with Mr. Fleming in
22 any capacity?

23 A. No.

12:05:17 24 Q. All right. There was some testimony yesterday
25 when I was asking Mr. Dziubla questions about how EB5

Peggy Isom, CCR 541, RMR

12:05:24 1 Impact Capital Regional Center, which we refer to as
2 the regional center, was capitalized. Do you have any
3 knowledge of how that regional center was capitalized?

4 A. No.

12:05:43 5 Q. And do you have any knowledge whether
6 Mr. Dziubla capitalized that with his own funds?

7 A. I don't have any knowledge about that.

8 Q. Have you had any involvement whatsoever with
9 EB5 Impact Advisors, which is the marketing entity
10 that's a defendant in this case?

11 A. No.

12 Q. Okay. Did you engage in any marketing of the
13 Front Sight project on behalf of any of the defendant
14 entities in this case?

12:06:35 15 A. No.

16 Q. Have you ever received any form of
17 compensation from Las Vegas Development Fund?

18 A. No.

19 Q. Have you ever received any form of
12:07:14 20 compensation from EB5 Impact Advisors, which is the
21 marketing entity?

22 A. No.

23 Q. And have you ever received any compensation
24 from the regional center?

12:07:30 25 A. No.

Peggy Isom, CCR 541, RMR

12:07:40 1 Q. All right. We're going to show you an
2 exhibit. On the screen, I think you'll probably lose
3 seeing us, but we're going to go to Exhibit 1, which is
4 an email. So let me know if you can see that.

12:08:15 5 Ms. Stanwood, can you see that email?

6 A. Parts of it, yes.

7 Q. Okay.

8 A. I can see the whole thing -- what appears to
9 be the whole thing.

12:08:27 10 Q. Okay. That's great. All right. This is an
11 email that's already been admitted as an exhibit. I
12 want to give you a chance to just read over that and
13 familiarize yourself with it. And let me know when
14 you've been able to do that, please.

12:08:52 15 A. I've read it.

16 Q. Do you remember being copied on this email
17 back in May of 2018?

18 A. I don't particularly remember it, no.

19 Q. Okay. Do you see on the copy line that it
12:09:10 20 appears your email address is there?

21 A. Yes. I see that.

22 Q. Okay. Is that an email address that you used?

23 A. Yes.

24 Q. All right. If I could draw your attention to
12:09:30 25 the last full paragraph right above "thanks." And it

Peggy Isom, CCR 541, RMR

12:09:35 1 starts out "in the meantime." Do you see that?

2 A. I do.

3 Q. Okay. And it says, "In the meantime, I am

4 pleased to say that Linda Stanwood (included on this

12:09:49 5 email) has joined our company as senior vice

6 president."

7 Did I read that correctly?

8 A. Yes.

9 Q. Okay. When did you join the company as senior

12:10:05 10 vice president?

11 A. It was sometime around May of 2018.

12 Q. All right. And then it goes on and says, "I

13 have copied her on this email. Linda has been working

14 informally with us for several years and is quite

12:10:39 15 familiar with the EB5 business."

16 Did I read that correctly?

17 A. Yes.

18 Q. Okay. What does "working informally with us"

19 mean to you?

12:11:01 20 A. I assume that who wrote the email was speaking

21 of the fact that we had had -- he and I had had

22 discussions about his EB5 business on a very informal

23 basis over the years.

24 Q. And what work had you performed over the

12:11:29 25 course of several years?

Peggy Isom, CCR 541, RMR

12:11:37 1 A. I had informal discussions with Bob about the
2 EB5 projects he was working on.

3 Q. Anything else besides that?

4 A. It's possible, although I don't have specific
12:12:01 5 recollections of any specific documents, that he may
6 have asked me to read over a document and give him my
7 thoughts on questions he had about the document. He
8 occasionally does that. As I said, I don't recall any
9 specific documents, but it's possible we -- I had done
12:12:26 10 some of that with his EB5 business.

11 Q. Okay. Okay. And then moving to the next
12 sentence in that email, "She has been working with us
13 on a formal and full-time basis since January 1 after
14 John's decision to go pursue other business
12:12:52 15 opportunities." Did I read that correctly?

16 A. Yes.

17 Q. All right. What -- well, strike that.

18 Is there some sort of documentation or
19 something that shows that you began working formally
12:13:05 20 for the company as of January 1, 2018?

21 A. I don't know.

22 Q. And then it says full-time. How many hours a
23 week were you working in the first five months of 2018
24 on behalf of the company?

12:13:33 25 A. I don't know. I was not asked to keep track

Peggy Isom, CCR 541, RMR

12:13:35 1 of hours.

2 Q. Can you give me your best estimate of how many
3 hours a week you were working?

4 MR. GREER: Which time period?

12:13:50 5 MR. ALDRICH: From January 1st of 2018 to the
6 date of this email.

7 MR. GREER: Prior to this email? Okay.

8 THE WITNESS: I don't recall.

9 BY MR. ALDRICH:

12:14:02 10 Q. Did you do any work on behalf of the company
11 in that time frame?

12 A. As I said, I had informal discussions with my
13 husband, Bob, about things that he was doing at his EB5
14 business.

12:14:22 15 And it is possible on occasion that he may
16 have asked me to review some documents that he had
17 drafted or some documents that he had received. He did
18 occasionally ask me to do that. I don't recall any
19 specific document.

12:14:37 20 Q. Okay. Was there any work that you did
21 formally on behalf of the company besides this informal
22 discussion and possible review of documents?

23 A. I'm not sure what you mean by "formal."

24 MR. GREER: Objection. Vague and ambiguous.

12:15:03 25 MR. ALDRICH: A little late.

Peggy Isom, CCR 541, RMR

12:15:05 1 THE COURT: You can go ahead and explain what
2 you mean by "formal."

3 MR. ALDRICH: Sure.

4 BY MR. ALDRICH:

12:15:10 5 Q. Did you attend any meetings on behalf of the
6 company?

7 A. No.

8 Q. Did you participate in any conference calls on
9 behalf of the company?

12:15:23 10 A. I don't think so.

11 Q. Did you draft any emails on behalf of the
12 company?

13 A. Again, I don't think so.

14 Q. Did you take any trips on behalf of the
12:15:41 15 company?

16 A. No.

17 Q. So in the time frame from January 1 to May 12
18 of 2018, did you do anything besides have informal
19 discussions and possibly informally review some
12:15:58 20 documents?

21 A. Not that I recall.

22 Q. This email references that you've become the
23 senior vice president of the company. Do you know
24 which company you were senior vice president of?

12:16:26 25 A. Again, I'm not sure I would get it right if I

Peggy Isom, CCR 541, RMR

12:16:29 1 gave you the name.

2 Q. Going back to the email where it says, "Linda
3 has been working informally with us for several years,"
4 do you know who "us" is referred there?

12:17:22 5 A. I assume that it's the companies that my
6 husband uses to do his EB5 business.

7 Q. All right. And then continuing in that
8 sentence, it mentions that you are quite familiar with
9 the EB5 business. How did you gain familiarity with
10 EB5 business?

12:17:53 11 A. Through these informal discussions with my
12 husband and through possibly looking at some of the
13 documentation that he was using in the business.

14 Q. Are you aware that a notice of default has
12:18:45 15 been filed on behalf of Las Vegas Development Fund for
16 the Front Sight project?

17 A. Yes. I'm aware of that.

18 Q. Did you have any role in the decision to file
19 the notice of default?

12:19:04 20 A. No.

21 Q. And as the senior vice president of the lender
22 and maybe the regional center, do you have a plan for
23 what happens as the company moves forward?

24 MR. GREER: Vague and ambiguous.

12:19:35 25 THE COURT: Anything you want to add to that,

Peggy Isom, CCR 541, RMR

12:19:36 1 Mr. Aldrich?

2 MR. ALDRICH: No.

3 THE COURT: I'll sustain.

4 BY MR. ALDRICH:

12:19:46 5 Q. As the senior vice president of Las Vegas
6 Development Fund and possibly the regional center, do
7 you have a strategy for how the company will proceed in
8 the event it's successful in foreclosing?

9 A. No.

12:21:00 10 Q. Ms. Stanwood, can you still hear me?

11 A. I can.

12 Q. Okay. We can't see you, but I'll just keep
13 asking questions. I'm going to go back to Exhibit 1A.

14 All right. Actually, let's go ahead and --
12:21:20 15 now that we did all that, let's go to Exhibit 20.

16 Ms. Stanwood, can you see this document?

17 A. Part of it, yes.

18 Q. All right. So let me know if you have any
19 difficulty seeing it. What I will ask -- so my
12:21:54 20 assistant Traci is moving it around, so just let us
21 know if -- if you're not sure what I'm asking or want
22 to see something on it.

23 What I would like to do -- this is an -- it's
24 been admitted already. It's a letter from Las Vegas
12:22:09 25 Development Fund to Front Sight. You're copied on it.

Peggy Isom, CCR 541, RMR

12:22:14 1 We'll show that to you real quick.

2 The bottom of the fifth page of the document.

3 Can you see that you're copied there?

4 A. Yes.

12:22:31 5 Q. Okay. And so Traci can move back to the top

6 and let you take a look at the first page. I want to

7 give you a chance to look at however much of this you

8 want before I ask you a couple of questions about it.

9 A. All right.

12:22:45 10 Q. Can you see that?

11 A. Yes.

12 Q. Okay. Because we can't actually even see what

13 you can see, so let me know if there's a problem. If

14 you would -- feel free to read however much of that you

12:22:58 15 want, and I'll give you a heads-up on what my question

16 is.

17 My question is, do you remember seeing this

18 document? There's two questions. And did you have any

19 involvement in its preparation?

12:23:17 20 A. All right. I've looked at the first page.

21 Q. Okay. Can you move to the second page.

22 A. I've looked at the first half of the second

23 page.

24 I've looked at the second half.

12:24:28 25 Q. Okay. Let me -- I'm going to ask you a

Peggy Isom, CCR 541, RMR

12:24:31 1 question. If you want to see the rest, don't feel like
2 I'm pushing you not to, but having looked at the first
3 couple of pages, do you recognize the document?

4 A. No.

12:24:41 5 Q. Okay. And did you have any involvement in the
6 drafting of the document?

7 A. I don't recall having any involvement in the
8 drafting of the document, no.

9 Q. And this is an alleged notice of default.

12:25:10 10 Were you aware that that was going to be sent out?

11 A. I was aware that there was a notice of default
12 sent to the borrower. I don't know that I was aware
13 that this particular letter was going to be sent out
14 before it was sent out, no.

12:25:33 15 Q. Okay. All right. And do you have any
16 personal knowledge related to what's alleged in that
17 letter?

18 A. Well, I haven't reviewed the whole letter, but
19 so far, I don't have any personal knowledge --

12:25:54 20 Q. Okay.

21 A. -- of anything that I have seen.

22 Q. Okay. Then I'm going to go ahead -- I want to
23 let you look at the rest of the letter. I was just
24 trying to short-circuit, but I realize my question

12:26:06 25 encompasses a little bit more. So we'll let you take a

Peggy Isom, CCR 541, RMR

12:26:10 1 look at that.

2 A. Okay. I've looked at the top half of the
3 page.

4 All right. I've looked at the bottom half of
12:27:20 5 the page.

6 Q. All right. So with regard to what was on that
7 page, do you have any personal knowledge regarding what
8 is asserted there?

9 A. No.

12:27:28 10 Q. Okay.

11 A. Okay. I've looked at the top half of the
12 page.

13 I've looked at the bottom half of the page.

14 Q. All right. With regard to what's alleged on
12:29:11 15 that page, do you have any personal knowledge?

16 A. No. But I do want to say I do know that there
17 was a loan agreement because I have seen a copy of the
18 loan agreement at some point in time. Other than that,
19 I don't have any knowledge of what has been -- I don't
12:29:31 20 have any personal knowledge of the things that are
21 stated in this letter so far.

22 Q. Okay.

23 A. And by "personal knowledge," I mean I don't
24 have any knowledge except what comes from things that
12:29:45 25 other people may have said to me.

Peggy Isom, CCR 541, RMR

12:29:49 1

Q. Okay.

2

A. All right. I've seen the top half of the

3

page.

4

And I've seen the bottom half of the page.

12:30:39 5

Q. All right. With regard to that page, do you

6

have any personal knowledge of what's alleged there?

7

A. Only that the address for Las Vegas

8

Development Fund was the actual address. And, again, I

9

do know there was a loan agreement, and I've seen a

12:30:55 10

copy of it. Other than that, none -- no personal

11

knowledge.

12

Q. Okay. Thank you for that. Okay. So we'll

13

look real quick at -- there's another exhibit,

14

Exhibit 22, which is another notice of default. So it

12:31:21 15

is seven pages, and you are copied. I'll make that

16

representation to you.

17

Traci, if you'll just move up enough so she

18

can see the beginning of it there. Yeah.

19

And we may be able to short-circuit this. Do

12:31:39 20

you believe that you have any personal knowledge

21

related to what's in this notice of default?

22

A. I haven't reviewed the notice of default. I

23

doubt that I have any personal knowledge of anything,

24

but I haven't reviewed it, so I don't know whether

12:32:01 25

something is said in there which I would have personal

Peggy Isom, CCR 541, RMR

12:32:03 1 knowledge. I would be very surprised if that were the
2 case.

3 Q. Okay.

4 A. Again, other than the fact that I've seen the
12:32:09 5 loan agreement and some of the other loan documents
6 personally.

7 Q. Okay. Would that be true of any other notice
8 of default that would have been sent? You wouldn't
9 expect to know anything from personal knowledge?

12:32:24 10 A. That would be correct. From my personal
11 knowledge. I have talked to people about it, but that
12 is all, as far as I can recall, hearsay.

13 Q. Okay. All right. With regard to any investor
14 agents for the investors, have you had any
12:32:46 15 communications with any investor agents for the
16 immigrant investors related to the Front Sight project?

17 A. No.

18 Q. Do you even know who the investor agents are?

19 A. I might recognize some names if you recited
12:33:11 20 them, but I could not, from my own personal knowledge,
21 give you names, no.

22 Q. All right. And do you know Professor Sean
23 Flynn?

24 A. I do.

12:33:34 25 Q. How do you know him?

Peggy Isom, CCR 541, RMR

12:33:38 1 A. Sean Flynn and I have been personal friends
2 for a number of years.

3 Q. Do you have any business associations with
4 Sean Flynn?

12:33:51 5 A. No.

6 Q. Are you aware that his company is a part owner
7 of the regional center?

8 A. I believe that might be correct.

9 Q. And does Sean Flynn have any involvement in
10 the day-to-day operations of the regional center?

11 A. I don't know anything about that from my
12 personal knowledge.

13 Q. All right. And I understand that you were an
14 attorney. Is your law license still active?

12:34:47 15 A. My law license is currently inactive.

16 Q. And do you have any other licenses?

17 A. No.

18 Q. All right. With regard to this litigation,
19 have you, Linda Stanwood, done any work as an attorney
20 on behalf of any of the defendant entities?

21 A. No.

22 Q. With regard to the defendant that we're
23 calling EB5 IA, which is the marketing entity, do you
24 have any knowledge about the recordkeeping of that
25 entity?

12:36:09

Peggy Isom, CCR 541, RMR

12:36:14 1 A. No.

2 Q. All right. Before -- I'm sorry, strike that.

3 You mentioned that you're aware that there was

4 a construction loan agreement related to the Front

12:36:45 5 Sight project, correct?

6 A. Yes.

7 Q. Okay. Before the construction loan agreement

8 was entered into, there were a whole bunch of emails

9 between Front Sight representatives, Mr. Dziubla, and

12:37:06 10 others related to the defendant entities. Were you

11 privy to any of those emails?

12 A. It's possible I may have seen some of those

13 emails if my husband showed them to me. I don't

14 specifically recall.

12:37:36 15 Q. Did you participate in any meetings prior

16 to -- related to the Front Sight project prior to the

17 construction loan agreement being entered into?

18 A. No.

19 Q. Do you have any involvement in handling the

12:38:00 20 finances, keeping records or paying bills related to

21 Las Vegas Development Fund?

22 A. No.

23 MR. ALDRICH: Give me just a moment. If I may

24 have the Court's indulgence for just a minute.

12:38:42 25 THE COURT: That's fine, sir.

Peggy Isom, CCR 541, RMR

12:38:43 1 MR. ALDRICH: And, Ms. Stanwood, I'm sorry, I
2 need just a moment, please.

3 THE WITNESS: Sure.

4 MR. ALDRICH: I believe that those are all the
12:39:40 5 questions that I have. Ms. Stanwood, I appreciate your
6 time.

7 THE COURT: Thank you, sir.

8 MR. GREER: No question s.

9 THE COURT: Mr. Greer.

12:39:48 10 MR. GREER: No questions, your Honor.

11 THE COURT: All right. Okay. Ma'am, thank
12 you. You are excused.

13 MR. GREER: Thank you, Ms. Stanwood.

14 THE WITNESS: Thank you.

12:39:56 15 MR. ALDRICH: Again, thanks for your time.

16 THE COURT: All right. So we can go to
17 scheduling issues.

18 MR. ALDRICH: Yes.

19 MR. GREER: One is an easy one, your Honor.

12:40:13 20 And that is we currently have motions to -- plaintiff's
21 motion to dismiss defendant's counterclaims set for
22 August 7, and then two are set for August 9.
23 80 percent the same issues between the two sets.

24 We'd like to move all of the motions to
12:40:35 25 dismiss to be heard on August 7 rather than coming back

Peggy Isom, CCR 541, RMR

12:40:38 1 in two days, same -- back same issues. And if we could
2 have a specific hearing time set for -- what was the
3 term, Mr. Aldrich? Specific setting of 10:30? Do you
4 recall?

12:40:53 5 MR. ALDRICH: Yeah, so we've actually -- I
6 think we have the motion that I just filed -- or that I
7 filed for the blocked account that we can file the
8 opposition to.

9 MR. GREER: Right. We want to include that.

12:41:24 10 THE COURT: Do you want to make it at 10:30?

11 (A discussion was held off the record.)

12 THE COURT: 10:30 on the 20th?

13 MR. GREER: Outstanding.

14 MR. ALDRICH: 10:30.

12:42:21 15 THE COURT: For the record, let's just make
16 sure we understand where we're moving, so the court
17 clerk can correctly move it.

18 MR. GREER: That will be the Front Sight's
19 motion to dismiss defendant's cross-claim currently set
12:42:33 20 for August 7th, will be moved to the 20th. Two --
21 Ignatius Piazza's motion to dismiss defendant's
22 cross-claim and Mrs. Jennifer Piazza and the two
23 trusts' motion to dismiss defense cross-claim currently
24 set for August 9th would be moved to August 20th. And
12:43:01 25 then lastly -- yeah, lastly, on August 14, currently

Peggy Isom, CCR 541, RMR

12:43:06 1 set is plaintiff's motion to freeze assets and --
2 MR. ALDRICH: It's to set up a blocked
3 account.
4 MR. GREER: Set up a blocked account, which is
12:43:17 5 set for 9:00 o'clock on the 14th would move to 10:30 on
6 the 20th also.
7 MR. ALDRICH: I think that's everything that's
8 pending.
9 THE COURT CLERK: Can I ask -- you said on the
12:43:28 10 14th, there is a blocked account issue?
11 MR. GREER: Well, I think it's a motion to
12 freeze.
13 THE COURT CLERK: It should be a TRO?
14 MR. ALDRICH: It's a motion for TRO.
12:43:38 15 THE COURT CLERK: Yeah, that what's what we
16 have.
17 THE COURT: So everything currently pending
18 should be moved to August 20 at 10:30.
19 MR. ALDRICH: Correct.
12:43:45 20 THE COURT: We'll do that.
21 MR. GREER: We're good. Then we need to talk
22 about our next date of testimony pursuant to the
23 pending motion for preliminary injunction. Mr. Piazza
24 said he's available on the 22nd?
12:46:14 25 THE COURT: What date is that in September

Peggy Isom, CCR 541, RMR

12:46:15 1 again?

2 MR. GREER: September 5.

3 THE COURT: That's good for 10:30 on for the
4 rest of the day.

12:46:23 5 MR. GREER: Let's do that for our testimony.
6 See if we can squeeze it in.

7 MR. ALDRICH: September 5.

8 MR. GREER: Okay.

9 THE COURT: That will be the continuation of
12:46:31 10 the evidentiary hearing.

11 Are there any other scheduling issues?

12 MR. GREER: Not with us.

13 THE COURT: My next question: What about a
14 trial date, just in case? What about a trial date,
12:46:49 15 just in case?

16 MR. ALDRICH: Well, I know that -- I looked at
17 the joint case conference report at the dates. I have
18 them here on a very handy stick note somewhere. I know
19 that the dates that we agreed to were -- discovery
12:47:04 20 cutoff in June. I know the Court is wanting it to go
21 faster than that. November is just -- I mean, we're
22 not even getting to the rest of the evidentiary hearing
23 until September.

24 THE COURT: I understand.

12:47:16 25 MR. ALDRICH: So --

Peggy Isom, CCR 541, RMR

12:47:16 1 MR. GREER: Actually, we have -- and we noted
2 in our joint statement, we're going to move to
3 bifurcate the one trial, and I think just about all of
4 the testimony that's needed for that bifurcated case
12:47:27 5 will have been done.

6 THE COURT: How about this? You're coming
7 back in on August 20 -- was it 7th?

8 MR. ALDRICH: Twentieth.

9 MR. GREER: Twentieth.

12:47:36 10 THE COURT: Maybe we'll have a status check on
11 that issue.

12 MR. GREER: Very good.

13 MR. ALDRICH: Okay.

14 THE COURT: Status check as far as bifurcation
12:47:42 15 and also additional scheduling. How about that?

16 MR. GREER: Yeah, there we go. I'll try to do
17 my best to have all the motions heard on that day.

18 MR. ALDRICH: Mr. Greer indicated he's going
19 to file a motion. We'll have to try to have it
12:47:58 20 heard --

21 THE COURT: Okay. Yeah, file a motion
22 because --

23 MR. GREER: I mean, we have a problem.

24 THE COURT: Ideally -- and please understand
12:48:03 25 this --

Peggy Isom, CCR 541, RMR

12:48:05 1 MR. GREER: Oh, oh, okay. We may have a
2 problem. Piazza's criminal trial is August 19 in San
3 Diego. I don't think it will take more than a day,
4 though.

12:48:23 5 THE COURT: You know what we can do? We can
6 hold the dates we have now. If there's a problem, just
7 let us know.

8 MR. GREER: Put it on the 20th for now and be
9 flexible. That's fine.

12:48:33 10 THE COURT: I mean, if you need -- if he's in
11 trial, he's in trial. You can't be in two places at
12 the same time.

13 MR. GREER: Yeah.

14 MR. ALDRICH: That's true.

12:48:39 15 MR. GREER: Very good. Hold on. He said he's
16 not available until August 22nd. Oh, that's because
17 he's in trial maybe. He said he wasn't available until
18 the 22nd. So he's probably got to be in San Diego for
19 the criminal trial.

12:48:55 20 MR. ALDRICH: I know nothing about that.

21 MR. GREER: That's -- we're good, your Honor.

22 THE COURT: Okay.

23 MR. GREER: Let's hold those dates.

24 THE COURT: Yeah. Hold them.

12:49:02 25 MR. GREER: We thank the Court.

Peggy Isom, CCR 541, RMR

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THE COURT: All right.

THE COURT CLERK: If you don't mind also, will there be a video appearance next time too?

MR. GREER: One for Mr. Fleming.

THE COURT: Okay.

THE COURT CLERK: It may assist. We typically receive a filing called an audio-video visual transmission equipment appearance request.

(A discussion was held off the record.)

(Proceedings were concluded.)

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Peggy Isom, CCR 541, RMR

<p>BY MR. ALDRICH: [5] 16/4 18/25 25/9 26/4 28/4 COURT CALL MODERATOR: [3] 6/2 6/6 6/10 IN UNISON: [1] 5/7 MR. ALDRICH: [50] MR. GREER: [60] MS. HOLBERT: [3] 6/18 6/24 7/2 THE COURT CLERK: [23] 5/10 8/9 8/13 8/16 9/7 9/11 9/19 13/7 13/10 13/12 13/16 13/20 13/24 14/4 14/25 15/9 15/15 15/23 38/9 38/13 38/15 42/2 42/6 THE COURT: [78] THE MARSHAL: [4] 8/6 9/17 13/13 15/2 THE WITNESS: [14] 13/11 13/18 14/1 14/6 14/19 14/21 14/23 16/1 17/20 18/3 18/11 25/8 36/3 36/14</p>	<p>1st [1] 25/5 2 20 [5] 6/1 17/5 28/15 38/18 40/7 2010 [2] 16/22 16/23 2018 [6] 22/17 23/11 24/20 24/23 25/5 26/18 2019 [2] 1/21 5/1 206 [1] 2/6 20th [5] 37/12 37/20 37/24 38/6 41/8 22 [2] 10/16 32/14 227-1975 [1] 3/11 22nd [4] 11/21 38/24 41/16 41/18 23 [2] 1/21 5/1 2510 [1] 2/5 3 30 [1] 8/17 3900 [1] 2/8 5 501 [1] 13/23 541 [2] 1/24 43/17 5490 [1] 3/10 579-3900 [1] 2/8 5:43 that [1] 10/11 6 613-6677 [1] 2/18 613-6680 [1] 2/19 6677 [1] 2/18 6680 [1] 2/19 7 702 [3] 2/8 3/10 3/11 7th [2] 37/20 40/7 8 80 percent [1] 36/23 853-5490 [1] 3/10 858 [2] 2/18 2/19 89074 [1] 2/7 89146 [1] 3/9 9 92127 [1] 2/17 9:00 [1] 38/5 9th [1] 37/24</p>	<p>: :SS [1] 43/2 A A..M [1] 5/2 ABILITY [1] 43/11 able [6] 9/23 9/24 10/12 14/12 22/14 32/19 about [26] 6/1 9/17 9/19 10/10 10/13 11/14 17/16 18/9 18/10 20/25 21/7 23/22 24/1 24/7 25/13 29/8 33/11 34/11 34/24 38/22 39/13 39/14 40/3 40/6 40/15 41/20 above [1] 22/25 access [1] 9/23 accommodate [2] 11/18 11/22 account [4] 37/7 38/3 38/4 38/10 ACCURATE [1] 43/11 active [1] 34/14 actual [1] 32/8 actually [6] 5/17 8/19 28/14 29/12 37/5 40/1 add [1] 27/25 additional [1] 40/15 address [4] 22/20 22/22 32/7 32/8 administer [1] 15/16 admitted [2] 22/11 28/24 advised [1] 10/6 Advisors [3] 20/6 21/9 21/20 afraid [1] 14/16 after [6] 10/16 11/9 11/11 12/20 12/25 24/13 afternoon [1] 11/10 again [10] 5/9 5/11 5/19 14/5 26/13 26/25 32/8 33/4 36/15 39/1 agents [3] 33/14 33/15 33/18 agree [1] 15/10 agreed [4] 7/22</p>	<p>8/20 8/21 39/19 agreement [7] 31/17 31/18 32/9 33/5 35/4 35/7 35/17 ahead [6] 6/8 11/25 15/7 26/1 28/14 30/22 ALDRICH [6] 3/5 3/6 7/14 16/5 28/1 37/3 all [43] 5/8 7/8 7/19 11/24 12/6 14/14 15/14 18/6 18/11 20/2 20/5 20/24 22/1 22/10 22/24 23/12 24/17 27/7 28/14 28/15 28/18 29/9 29/20 30/15 31/4 31/6 31/14 32/2 32/5 33/12 33/13 33/22 34/13 34/18 35/2 36/4 36/11 36/16 36/24 40/3 40/17 42/1 43/5 alleged [4] 30/9 30/16 31/14 32/6 allows [3] 17/23 18/12 18/21 already [2] 22/11 28/24 also [3] 38/6 40/15 42/2 although [2] 19/15 24/4 am [1] 23/3 ambiguous [2] 25/24 27/24 amount [1] 17/25 another [4] 19/24 20/5 32/13 32/14 any [53] anything [8] 13/21 24/3 26/18 27/25 30/21 32/23 33/9 34/11 anyway [1] 6/20 appear [2] 5/19 14/24 appearance [2] 42/3 42/8 appearances [3] 1/25 2/21 7/12 appears [2] 22/8 22/20 applying [1] 18/3 appreciate [3]</p>	<p>6/25 16/6 36/5 are [21] 6/14 6/22 8/5 16/19 18/3 18/13 19/5 19/8 19/13 19/25 20/10 27/8 27/14 31/20 32/15 33/18 34/6 36/4 36/12 36/22 39/11 area [2] 9/2 17/9 areas [4] 17/6 17/22 18/10 18/15 arm [1] 13/23 around [2] 23/11 28/20 as [19] 6/21 6/21 15/22 16/16 21/1 22/11 23/5 23/9 24/8 24/20 25/12 27/21 27/23 28/5 33/12 33/12 34/19 40/14 40/14 ASAP [1] 9/5 ask [7] 18/7 19/4 25/18 28/19 29/8 29/25 38/9 asked [4] 7/23 24/6 24/25 25/16 asking [3] 20/25 28/13 28/21 asserted [1] 31/8 assets [1] 38/1 assist [1] 42/6 assistant [1] 28/20 assisting [1] 6/3 ASSOCIATES [1] 2/13 associations [1] 34/3 assume [2] 23/20 27/5 assuming [1] 18/19 at [35] 5/18 10/11 13/3 14/11 14/12 14/22 14/25 15/4 15/4 16/24 17/1 20/4 25/13 27/12 29/6 29/7 29/20 29/22 29/24 30/2 30/23 31/1 31/2 31/4 31/11 31/13 31/18 32/13 37/10 38/18 39/16 39/17 41/11 43/6 43/8 attend [1] 26/5 attention [1] 22/24</p>
---	---	---	--	--

<p>A attorney [4] 16/24 17/1 34/14 34/19 audio [2] 18/1 42/7 audio-video [1] 42/7 August [12] 10/16 36/22 36/22 36/25 37/20 37/24 37/24 37/25 38/18 40/7 41/2 41/16 August 14 [1] 37/25 August 19 [1] 41/2 August 20 [1] 38/18 August 20th [1] 37/24 August 22 [1] 10/16 August 7 [2] 36/22 36/25 August 9 [1] 36/22 availability [1] 10/13 available [8] 10/7 10/15 11/21 12/11 16/7 38/24 41/16 41/17 AVENUE [1] 3/7 aware [8] 8/6 27/14 27/17 30/10 30/11 30/12 34/6 35/3 away [2] 14/23 14/24</p>	<p>41/11 41/18 42/3 because [7] 10/13 11/16 15/9 29/12 31/17 40/22 41/16 become [1] 26/22 been [18] 5/25 6/23 9/14 10/6 15/20 17/8 20/6 22/11 22/14 23/13 24/12 27/3 27/15 28/24 31/19 33/8 34/1 40/5 before [9] 1/18 11/5 11/16 12/21 29/8 30/14 35/2 35/7 43/6 BEFORE-ENTITLED [1] 43/6 began [1] 24/19 beginning [1] 32/18 behalf [12] 7/14 7/17 21/13 24/24 25/10 25/21 26/5 26/9 26/11 26/14 27/15 34/20 being [5] 15/11 16/6 18/20 22/16 35/17 believe [12] 5/19 5/20 8/6 15/4 15/9 16/16 19/21 20/2 20/9 32/20 34/8 36/4 besides [3] 24/3 25/21 26/18 best [6] 9/2 9/4 14/10 25/2 40/17 43/11 better [1] 5/14 between [2] 35/9 36/23 bifurcate [1] 40/3 bifurcated [1] 40/4 bifurcation [1] 40/14 big [1] 8/25 bills [1] 35/20 bit [1] 30/25 blocked [4] 37/7 38/2 38/4 38/10 BlueJeans [2] 9/17 9/20 Bob [2] 24/1 25/13 borrower [1] 30/12 both [2] 8/19 9/16 bottom [4] 29/2</p>	<p>31/4 31/13 32/4 bring [1] 6/8 bunch [1] 35/8 business [11] 19/12 23/15 23/22 24/10 24/14 25/14 27/6 27/9 27/10 27/13 34/3 but [20] 5/16 6/20 7/8 7/22 8/21 11/3 15/21 18/19 18/23 20/2 22/3 24/9 28/12 30/2 30/18 30/24 31/16 32/24 33/11 33/20 bye [2] 7/2 7/2 Bye-bye [1] 7/2</p> <p>C CA [1] 2/17 calendar [1] 11/17 call [6] 5/9 5/13 6/16 7/21 9/8 12/3 called [2] 20/6 42/7 calling [1] 34/23 calls [2] 17/17 26/8 camera [1] 13/22 cameras [1] 9/24 CAMPO [1] 2/15 can [40] 6/9 8/8 9/3 9/13 9/14 9/15 10/22 11/17 11/22 13/18 13/20 14/4 14/17 14/19 14/20 14/23 17/18 18/2 22/4 22/5 22/8 25/2 26/1 28/10 28/11 28/16 29/3 29/5 29/10 29/13 29/21 32/18 33/12 36/16 37/7 37/17 38/9 39/6 41/5 41/5 can't [6] 14/17 18/17 18/18 28/12 29/12 41/11 capacity [1] 20/22 Capital [2] 19/25 21/1 capitalized [3] 21/2 21/3 21/6 cards [3] 18/4 18/13 18/22 care [4] 5/16 12/1 12/8 12/20 case [9] 1/1 2/3 21/10 21/14 33/2 39/14 39/15 39/17</p>	<p>40/4 CCR [2] 1/24 43/17 center [9] 19/25 21/1 21/2 21/3 21/24 27/22 28/6 34/7 34/10 certain [2] 17/24 18/13 certainly [1] 5/18 CERTIFICATE [1] 43/1 CERTIFIED [1] 43/4 CERTIFY [1] 43/5 challenged [1] 9/2 chance [2] 22/12 29/7 check [2] 40/10 40/14 Chris [1] 13/6 circuit [2] 30/24 32/19 CJ [1] 13/13 claim [3] 37/19 37/22 37/23 CLARK [3] 1/7 43/3 43/14 clear [1] 11/12 clerk [1] 37/17 closest [1] 15/3 College [1] 16/15 come [2] 8/14 8/21 comes [2] 9/1 31/24 coming [2] 36/25 40/6 communications [1] 33/15 companies [1] 27/5 company [15] 23/5 23/9 24/20 24/24 25/10 25/21 26/6 26/9 26/12 26/15 26/23 26/24 27/23 28/7 34/6 compensation [3] 21/17 21/20 21/23 computer [3] 9/12 9/22 13/14 concerned [1] 6/22 concession [1] 7/24 concluded [1] 42/10 conference [2] 26/8 39/17</p>	<p>connect [2] 9/14 9/15 consolidated [1] 12/24 CONSTITUTES [1] 43/10 construction [4] 17/10 35/4 35/7 35/17 continuation [1] 39/9 continue [2] 6/21 7/8 CONTINUED [1] 3/1 continuing [1] 27/7 convenient [1] 13/4 copied [5] 22/16 23/13 28/25 29/3 32/15 copy [3] 22/19 31/17 32/10 corner [1] 14/14 correct [10] 9/6 9/7 15/13 19/15 20/11 20/12 33/10 34/8 35/5 38/19 correctly [4] 23/7 23/16 24/15 37/17 could [4] 18/6 22/24 33/20 37/1 couldn't [1] 18/7 counterclaims [1] 36/21 countries [2] 17/24 18/12 COUNTY [3] 1/7 43/3 43/14 couple [2] 29/8 30/3 course [1] 23/25 court [6] 1/6 1/19 5/9 37/16 39/20 41/25 Court's [1] 35/24 courtroom [1] 15/12 create [1] 17/24 created [1] 18/14 creation [1] 18/10 criminal [2] 41/2 41/19 criminals [1] 18/18 cross [3] 37/19 37/22 37/23 cross-claim [3]</p>
--	---	--	---	--

<p>C cross-claim... [3] 37/19 37/22 37/23 currently [11] 16/16 16/19 19/3 19/5 20/21 34/15 36/20 37/19 37/23 37/25 38/17 cutoff [1] 39/20 D date [5] 25/6 38/22 38/25 39/14 39/14 DATED [1] 1/21 dates [5] 12/21 39/17 39/19 41/6 41/23 day [6] 6/25 34/10 34/10 39/4 40/17 41/3 days [2] 7/7 37/1 decision [2] 24/14 27/18 default [8] 27/14 27/19 30/9 30/11 32/14 32/21 32/22 33/8 defendant [9] 1/13 2/2 7/17 19/24 21/10 21/13 34/20 34/22 35/10 defendant's [3] 36/21 37/19 37/21 Defendants [1] 7/23 defense [1] 37/23 definitely [2] 10/25 11/17 degree [4] 16/10 16/12 16/14 16/17 DEL [1] 2/15 DEPT [1] 1/3 desk [1] 14/25 development [11] 1/12 17/10 19/14 19/18 19/22 21/17 27/15 28/6 28/25 32/8 35/21 did [25] 5/11 7/11 7/24 16/13 16/17 17/4 21/12 23/7 23/9 23/16 24/15 25/10 25/17 25/20 26/5 26/8 26/11 26/14 26/18 27/9 27/18 28/15 29/18 30/5 35/15 didn't [1] 8/10</p>	<p>DIEGO [3] 2/17 41/3 41/18 differently [1] 19/4 difficulty [1] 28/19 DIRECT [1] 16/3 DIRECTION [1] 43/9 discovery [1] 39/19 discussion [4] 10/3 25/22 37/11 42/9 discussions [5] 23/22 24/1 25/12 26/19 27/11 dismiss [6] 12/23 36/21 36/25 37/19 37/21 37/23 dissolved [1] 20/7 distress [1] 17/22 distressed [2] 18/9 18/15 DISTRICT [2] 1/6 1/19 do [71] DOCKET [1] 1/2 doctor [1] 16/12 document [10] 14/5 24/6 24/7 25/19 28/16 29/2 29/18 30/3 30/6 30/8 documentation [2] 24/18 27/13 documents [7] 24/5 24/9 25/16 25/17 25/22 26/20 33/5 does [6] 8/11 19/19 19/21 23/18 24/8 34/9 dogs [1] 14/7 doing [1] 25/13 Dominican [1] 16/16 don't [32] 5/8 5/22 8/6 10/2 13/9 14/2 14/13 14/17 20/2 20/9 21/7 22/18 24/4 24/8 24/21 24/25 25/8 25/18 26/10 26/13 30/1 30/7 30/12 30/19 31/19 31/19 31/23 32/24 34/11 35/13 41/3 42/2 done [5] 11/5</p>	<p>11/13 24/9 34/19 40/5 doubt [1] 32/23 DOWN [1] 43/5 draft [1] 26/11 drafted [1] 25/17 drafting [2] 30/6 30/8 draw [1] 22/24 duly [1] 15/20 Dziubla [5] 7/18 20/11 20/25 21/6 35/9 E early [1] 11/13 easy [1] 36/19 EB5 [19] 17/11 17/14 17/20 18/14 19/25 20/6 20/18 20/25 21/9 21/20 23/15 23/22 24/2 24/10 25/13 27/6 27/9 27/10 34/23 economic [1] 17/22 educational [1] 16/8 either [2] 5/23 11/13 else [1] 24/3 email [14] 22/4 22/5 22/11 22/16 22/20 22/22 23/5 23/13 23/20 24/12 25/6 25/7 26/22 27/2 emails [4] 26/11 35/8 35/11 35/13 employed [3] 16/19 16/21 16/23 encompasses [1] 30/25 end [2] 5/18 9/11 engage [1] 21/12 enough [2] 14/1 32/17 entered [2] 35/8 35/17 entirely [1] 19/16 entities [7] 19/6 19/8 19/11 19/24 21/14 34/20 35/10 ENTITLED [1] 43/6 entity [7] 20/1 20/5 20/8 21/9 21/21 34/23 34/25 equipment [2] 9/14 42/8</p>	<p>ESQ [3] 2/4 2/14 3/6 estate [2] 17/9 20/3 estimate [2] 17/5 25/2 Estimated [1] 10/24 even [3] 29/12 33/18 39/22 event [1] 28/8 ever [3] 21/16 21/19 21/23 everyone [1] 13/4 everything [2] 38/7 38/17 evidentiary [2] 39/10 39/22 EXAMINATION [1] 16/3 examined [1] 15/21 except [1] 31/24 excludable [1] 18/18 excuse [1] 12/15 excused [1] 36/12 exhibit [7] 22/2 22/3 22/11 28/13 28/15 32/13 32/14 Exhibit 1 [1] 22/3 Exhibit 1A [1] 28/13 Exhibit 20 [1] 28/15 Exhibit 22 [1] 32/14 expect [1] 33/9 experience [2] 17/11 20/18 explain [1] 26/1 extra [1] 7/6 F fact [2] 23/21 33/4 facts [1] 10/20 familiar [2] 23/15 27/8 familiarity [1] 27/9 familiarize [1] 22/13 far [6] 6/21 15/5 30/19 31/21 33/12 40/14 FARMER [1] 2/3 FARMERCASE.COM [1] 2/9 faster [1] 39/21</p>	<p>Fax [2] 2/19 3/11 FEDOR [1] 2/3 feel [3] 5/14 29/14 30/1 fifth [1] 29/2 file [4] 27/18 37/7 40/19 40/21 filed [3] 27/15 37/6 37/7 filing [1] 42/7 finance [1] 17/10 finances [1] 35/20 financing [2] 17/20 17/21 fine [7] 8/5 8/25 12/16 12/18 13/25 35/25 41/9 FIRM [1] 3/5 first [8] 12/8 15/20 15/24 24/23 29/6 29/20 29/22 30/2 five [1] 24/23 Fleming [7] 11/8 12/11 12/15 20/13 20/15 20/21 42/4 Fleming's [1] 20/18 flexible [1] 41/9 flight [1] 10/9 Flynn [4] 33/23 34/1 34/4 34/9 focus [1] 13/22 follows [1] 15/22 foreclosing [1] 28/8 FOREGOING [1] 43/10 foreign [2] 17/23 18/12 Forest [1] 16/15 form [2] 21/16 21/19 formal [3] 24/13 25/23 26/2 formally [2] 24/19 25/21 forward [2] 11/15 27/23 four [1] 7/7 frame [2] 25/11 26/17 free [1] 29/14 freeze [2] 38/1 38/12 friends [1] 34/1 front [11] 1/9 9/12 16/6 21/13 27/16 28/25 33/16 35/4</p>
--	---	--	--	--

<p>F front... [3] 35/9 35/16 37/18 fulfilled [1] 6/23 full [5] 15/24 22/25 24/13 24/22 43/10 full-time [2] 24/13 24/22 FUND [11] 1/12 7/17 19/14 19/18 19/22 21/17 27/15 28/6 28/25 32/8 35/21 fundraising [1] 17/12 funds [1] 21/6 further [2] 14/23 14/24</p>	<p>18/12 18/22 GREER [5] 2/13 2/14 7/17 36/9 40/18 GREERLAW.BIZ [1] 2/20 guess [1] 12/7</p>	<p>hearsay [1] 33/12 held [2] 37/11 42/9 Hello [3] 6/13 6/13 16/5 help [2] 8/15 19/19 HENDERSON [1] 2/7 her [10] 5/13 5/14 5/20 5/22 6/8 11/5 13/14 14/2 15/8 23/13 here [10] 7/17 7/22 8/21 10/10 14/11 14/17 15/1 15/12 18/21 39/18 HEREBY [1] 43/5 HEREUNTO [1] 43/13 him [6] 10/10 11/12 11/22 20/16 24/6 33/25 his [10] 10/9 10/13 11/12 12/13 21/6 23/22 24/10 25/13 27/6 34/6 HOLBERT [3] 2/4 6/7 6/12 hold [4] 41/6 41/15 41/23 41/24 homeless [2] 14/7 14/7 Honestly [1] 19/10 Honor [13] 5/7 5/17 6/14 6/24 7/9 7/16 9/25 13/5 13/7 17/17 36/10 36/19 41/21 HONORABLE [1] 1/18 hours [3] 24/22 25/1 25/3 housekeeping [2] 12/7 12/19 how [18] 6/14 8/4 8/11 8/18 9/8 16/23 17/1 17/4 20/15 20/25 21/3 24/22 25/2 27/9 28/7 33/25 40/6 40/15 however [2] 29/7 29/14 husband [4] 25/13 27/6 27/12 35/13 husband's [1] 19/11</p>	<p>I'll [11] 6/3 11/12 14/18 15/1 17/18 18/7 28/3 28/12 29/15 32/15 40/16 I'm [21] 6/18 6/19 8/16 9/2 14/12 14/16 14/22 18/5 18/20 19/12 20/2 25/23 26/25 27/17 28/13 28/21 29/25 30/2 30/22 35/2 36/1 I've [14] 10/6 20/16 22/15 29/20 29/22 29/24 31/2 31/4 31/11 31/13 32/2 32/4 32/9 33/4 IA [1] 34/23 Ideally [1] 40/24 if [30] 5/15 5/24 7/7 7/23 8/17 11/7 14/12 14/16 15/15 18/8 22/4 22/24 26/25 28/18 28/21 28/21 29/13 29/13 30/1 32/17 33/1 33/19 35/13 35/23 37/1 39/6 41/6 41/10 41/10 42/2 Ignatius [2] 11/20 37/21 ill [2] 10/7 10/12 Illinois [1] 16/15 immigrant [1] 33/16 immigration [1] 18/17 Impact [5] 19/25 20/6 21/1 21/9 21/20 in [80] inactive [1] 34/15 include [1] 37/9 included [1] 23/4 INDEX [1] 3/15 indicated [4] 10/11 11/16 40/18 43/7 indulgence [1] 35/24 informal [6] 23/22 24/1 25/12 25/21 26/18 27/11 informally [4] 23/14 23/18 26/19 27/3 injunction [2] 1/16 38/23</p>	<p>intend [1] 7/20 intended [1] 6/16 into [3] 35/8 35/17 43/8 invest [1] 17/24 investment [1] 18/22 investor [3] 33/13 33/15 33/18 investors [2] 33/14 33/16 invitation [1] 9/21 involved [2] 18/16 19/11 involvement [6] 21/8 29/19 30/5 30/7 34/9 35/19 is [63] ISOM [3] 1/24 43/4 43/17 issue [3] 9/1 38/10 40/11 issues [4] 36/17 36/23 37/1 39/11 it [64] it's [19] 7/21 9/14 12/21 13/21 14/25 16/16 18/9 19/2 20/10 24/4 24/9 27/5 28/8 28/23 28/24 35/12 38/2 38/11 38/14 its [2] 13/22 29/19</p>
<p>G gain [1] 27/9 gave [2] 10/12 27/1 general [2] 18/21 18/24 get [9] 9/4 10/21 10/22 10/23 10/23 12/14 15/8 18/12 26/25 getting [1] 39/22 give [8] 8/17 22/12 24/6 25/2 29/7 29/15 33/21 35/23 go [17] 6/7 8/8 9/6 11/15 11/25 14/16 15/7 22/3 24/14 26/1 28/13 28/14 28/15 30/22 36/16 39/20 40/16 goes [1] 23/12 going [18] 5/19 6/21 11/7 11/15 11/20 12/1 12/12 12/12 22/1 22/3 27/2 28/13 29/25 30/10 30/13 30/22 40/2 40/18 good [15] 5/6 5/7 6/2 6/5 6/6 6/12 6/13 6/15 7/16 13/24 38/21 39/3 40/12 41/15 41/21 got [1] 41/18 government [1] 17/21 great [2] 6/25 22/10 green [3] 18/4</p>	<p>H HAC [1] 2/12 had [20] 5/24 6/16 8/20 10/8 10/13 21/8 23/21 23/21 23/21 23/21 23/24 24/1 24/7 24/9 25/12 25/16 25/17 33/14 43/6 43/12 half [8] 29/22 29/24 31/2 31/4 31/11 31/13 32/2 32/4 hand [1] 15/16 handle [1] 12/14 handling [1] 35/19 handy [1] 39/18 happen [3] 8/17 11/13 11/23 happens [1] 27/23 has [7] 20/6 23/5 23/13 24/12 27/3 27/14 31/19 have [87] haven't [4] 20/4 30/18 32/22 32/24 having [3] 15/20 30/2 30/7 Hawaii [2] 7/3 7/5 he [15] 10/18 23/21 24/2 24/5 24/7 24/7 25/13 25/15 25/16 25/17 25/17 27/13 41/15 41/17 41/17 he's [14] 10/7 10/12 10/15 10/15 11/20 11/20 12/1 38/24 40/18 41/10 41/11 41/15 41/17 41/18 heads [1] 29/15 heads-up [1] 29/15 healing [1] 14/7 hear [4] 13/18 18/2 18/7 28/10 heard [3] 36/25 40/17 40/20 hearing [4] 6/21 37/2 39/10 39/22</p>	<p>I I'd [4] 5/15 5/24 7/6 19/16</p>	<p>J JALDRICH [1] 3/12 January [4] 24/13 24/20 25/5 26/17 January 1 [3] 24/13 24/20 26/17 January 1st [1] 25/5 Jennifer [1] 37/22 job [2] 17/25 18/10 jobs [1] 18/13 JOHN [5] 3/6 7/14 16/5 20/13 20/15 John's [1] 24/14 JOHNALDRICHLA WFIRM.COM [1] 3/12 join [1] 23/9 joined [1] 23/5 joint [2] 39/17 40/2 JUDGE [2] 1/18 1/19 JULY [2] 1/21 5/1</p>	

<p>J jump [1] 5/20 June [1] 39/20 juris [1] 16/12 just [25] 5/20 12/3 12/7 12/14 13/21 13/21 14/23 14/24 17/18 19/17 22/12 28/12 28/20 30/23 32/17 35/23 35/24 36/2 37/6 37/15 39/14 39/15 39/21 40/3 41/6</p>	<p>16/21 22/25 lastly [2] 37/25 37/25 late [1] 25/25 law [5] 3/5 16/17 17/4 34/14 34/15 led [1] 5/18 lender [2] 19/18 27/21 lending [1] 20/18 let [11] 11/20 22/4 22/13 28/18 28/20 29/6 29/13 29/25 30/23 30/25 41/7 let's [8] 8/8 11/25 15/7 28/14 28/15 37/15 39/5 41/23 letter [6] 28/24 30/13 30/17 30/18 30/23 31/21 license [2] 34/14 34/15 licenses [1] 34/16 light [1] 12/10 like [8] 6/7 11/2 11/16 13/19 19/15 28/23 30/1 36/24 LINDA [7] 15/19 16/1 18/2 23/4 23/13 27/2 34/19 line [5] 5/25 6/1 6/7 6/11 22/19 link [4] 9/13 9/22 9/22 10/22 literature [1] 16/10 litigation [3] 17/9 19/18 34/18 little [3] 14/14 25/25 30/25 live [3] 6/8 6/11 9/4 LLC [4] 1/9 1/12 19/25 20/6 loan [8] 31/17 31/18 32/9 33/5 33/5 35/4 35/7 35/17 long [6] 8/11 8/13 10/24 11/1 17/1 17/4 look [7] 19/10 19/16 29/6 29/7 30/23 31/1 32/13 looked [10] 20/4 29/20 29/22 29/24 30/2 31/2 31/4 31/11 31/13 39/16</p>	<p>looking [1] 27/12 lose [1] 22/2 lost [3] 18/1 18/6 18/8 lot [1] 18/23 lunch [2] 11/5 11/11 LVD [1] 7/17</p>	<p>mentions [1] 27/8 message [1] 10/9 met [1] 20/16 microphone [1] 15/3 might [2] 33/19 34/8 mind [1] 42/2 minute [1] 35/24 minutes [3] 6/1 8/17 11/2 moderator [1] 6/3 moment [3] 6/10 35/23 36/2 money [1] 20/19 months [1] 24/23 more [5] 7/7 11/3 18/23 30/25 41/3 morning [11] 5/6 5/7 6/2 6/5 6/6 6/12 6/13 7/16 10/11 10/21 12/11 motion [11] 36/21 37/6 37/19 37/21 37/23 38/1 38/11 38/14 38/23 40/19 40/21 motions [4] 12/23 36/20 36/24 40/17 move [7] 29/5 29/21 32/17 36/24 37/17 38/5 40/2 moved [3] 37/20 37/24 38/18 moves [1] 27/23 moving [4] 12/21 24/11 28/20 37/16 Mr. [14] 10/6 11/8 12/11 20/18 20/21 20/25 21/6 28/1 35/9 36/9 37/3 38/23 40/18 42/4 Mr. Aldrich [2] 28/1 37/3 Mr. Dziubla [3] 20/25 21/6 35/9 Mr. Fleming [4] 11/8 12/11 20/21 42/4 Mr. Fleming's [1] 20/18 Mr. Greer [2] 36/9 40/18 Mr. Piazza [2] 10/6 38/23 Mrs. [1] 37/22 Mrs. Jennifer [1] 37/22</p>	<p>Ms [2] 13/16 14/4 Ms. [17] 6/7 6/12 7/21 10/25 12/15 12/15 13/10 13/17 15/15 16/5 18/5 22/5 28/10 28/16 36/1 36/5 36/13 Ms. Fleming [1] 12/15 Ms. Holbert [2] 6/7 6/12 Ms. Stanwood [14] 7/21 10/25 12/15 13/10 13/17 15/15 16/5 18/5 22/5 28/10 28/16 36/1 36/5 36/13 much [2] 29/7 29/14 my [27] 6/2 7/21 11/6 11/17 16/5 19/2 19/11 20/10 24/6 25/12 27/5 27/11 28/19 29/15 29/17 30/24 33/10 33/20 34/11 34/15 35/13 39/13 40/17 43/9 43/11 43/14 43/14</p>
<p>K KATHRYN [1] 2/4 keep [2] 24/25 28/12 keeping [1] 35/20 KEITH [2] 2/14 7/16 KEITH.GREER [1] 2/20 KHOLBERT [1] 2/9 know [35] 6/15 7/6 7/7 9/5 11/20 14/13 17/14 17/16 19/17 20/13 20/15 22/4 22/13 24/21 24/25 26/23 27/4 28/18 28/21 29/13 30/12 31/16 32/9 32/24 33/9 33/18 33/22 33/25 34/11 39/16 39/18 39/20 41/5 41/7 41/20 knowledge [22] 20/17 21/3 21/5 21/7 30/16 30/19 31/7 31/15 31/19 31/20 31/23 31/24 32/6 32/11 32/20 32/23 33/1 33/9 33/11 33/20 34/12 34/24 known [3] 5/15 5/24 16/16 knows [1] 17/19</p>	<p>license [2] 34/14 34/15 licenses [1] 34/16 light [1] 12/10 like [8] 6/7 11/2 11/16 13/19 19/15 28/23 30/1 36/24 LINDA [7] 15/19 16/1 18/2 23/4 23/13 27/2 34/19 line [5] 5/25 6/1 6/7 6/11 22/19 link [4] 9/13 9/22 9/22 10/22 literature [1] 16/10 litigation [3] 17/9 19/18 34/18 little [3] 14/14 25/25 30/25 live [3] 6/8 6/11 9/4 LLC [4] 1/9 1/12 19/25 20/6 loan [8] 31/17 31/18 32/9 33/5 33/5 35/4 35/7 35/17 long [6] 8/11 8/13 10/24 11/1 17/1 17/4 look [7] 19/10 19/16 29/6 29/7 30/23 31/1 32/13 looked [10] 20/4 29/20 29/22 29/24 30/2 31/2 31/4 31/11 31/13 39/16</p>	<p>M ma'am [4] 6/5 6/23 18/5 36/11 machine [1] 9/21 made [2] 5/20 6/16 maintain [1] 13/22 make [9] 5/14 7/23 8/21 11/12 11/23 19/21 32/15 37/10 37/15 MANAGEMENT [1] 1/9 many [2] 24/22 25/2 Marina [1] 6/3 marketing [4] 21/9 21/12 21/21 34/23 married [1] 20/10 matter [2] 19/25 43/6 may [11] 22/17 23/11 24/5 25/15 26/17 31/25 32/19 35/12 35/23 41/1 42/6 May 12 [1] 26/17 maybe [3] 27/22 40/10 41/17 me [23] 5/18 6/7 10/12 10/18 12/3 12/15 13/19 14/10 14/12 14/17 22/4 22/13 24/6 25/2 25/16 25/18 28/10 28/18 29/13 29/25 31/25 35/13 35/23 mean [7] 23/19 25/23 26/2 31/23 39/21 40/23 41/10 meantime [2] 23/1 23/3 meet [4] 18/4 18/14 18/16 18/19 meeting [1] 9/23 meetings [2] 26/5 35/15 meets [1] 18/20 mentioned [1] 35/3</p>	<p>move [7] 29/5 29/21 32/17 36/24 37/17 38/5 40/2 moved [3] 37/20 37/24 38/18 moves [1] 27/23 moving [4] 12/21 24/11 28/20 37/16 Mr. [14] 10/6 11/8 12/11 20/18 20/21 20/25 21/6 28/1 35/9 36/9 37/3 38/23 40/18 42/4 Mr. Aldrich [2] 28/1 37/3 Mr. Dziubla [3] 20/25 21/6 35/9 Mr. Fleming [4] 11/8 12/11 20/21 42/4 Mr. Fleming's [1] 20/18 Mr. Greer [2] 36/9 40/18 Mr. Piazza [2] 10/6 38/23 Mrs. [1] 37/22 Mrs. Jennifer [1] 37/22</p>	<p>N name [6] 6/2 15/24 15/24 16/5 27/1 43/14 names [3] 19/10 33/19 33/21 narrative [1] 17/17 nature [1] 15/10 need [10] 5/8 8/14 9/8 9/25 10/4 12/24 14/10 36/2 38/21 41/10 needed [2] 5/20 40/4 NEVADA [4] 1/7 5/1 43/2 43/15 never [1] 6/15 new [1] 10/20 next [8] 7/20 11/19 12/13 14/9 24/11 38/22 39/13 42/3 no [38] 1/1 6/18 6/18 10/2 10/21 11/3 13/15 16/20 17/13 20/23 21/4 21/11 21/15 21/18 21/22 21/25 22/18 26/7 26/16 27/20 28/2 28/9 30/4 30/8</p>

<p>N no... [14] 30/14 31/9 31/16 32/10 33/17 33/21 34/5 34/17 34/21 35/1 35/18 35/22 36/8 36/10 none [1] 32/10 nonprofit [1] 13/23 normal [2] 18/4 18/16 Northwestern [1] 16/18 not [26] 6/19 7/5 8/13 8/16 8/20 8/21 10/6 10/12 10/15 10/15 10/24 10/25 11/3 11/20 20/2 20/20 24/25 25/23 26/21 26/25 28/21 30/2 33/20 39/12 39/22 41/16 note [1] 39/18 noted [1] 40/1 NOTES [1] 43/8 nothing [2] 15/21 41/20 notice [8] 27/14 27/19 30/9 30/11 32/14 32/21 32/22 33/7 November [1] 39/21 now [6] 5/25 6/11 12/23 28/15 41/6 41/8 number [2] 18/13 34/2 NV [3] 1/24 2/7 3/9</p>	<p>OFFICE [1] 43/14 oh [5] 6/18 14/20 41/1 41/1 41/16 okay [61] on [62] once [2] 9/14 9/20 one [7] 6/10 19/12 19/24 36/19 36/19 40/3 42/4 Only [1] 32/7 opened [1] 11/17 operated [1] 14/8 operations [1] 34/10 opportunities [1] 24/15 opposition [1] 37/8 or [10] 7/7 7/7 12/15 12/21 20/18 24/18 25/17 28/21 35/20 37/6 order [1] 18/11 Organization [1] 14/6 other [11] 12/19 18/17 24/14 31/18 31/25 32/10 33/4 33/5 33/7 34/16 39/11 others [1] 35/10 otherwise [1] 18/18 our [9] 9/4 9/21 10/21 10/23 14/2 23/5 38/22 39/5 40/2 out [4] 23/1 30/10 30/13 30/14 Outstanding [1] 37/13 over [6] 10/9 17/5 22/12 23/23 23/24 24/6 overall [1] 17/4 overrule [1] 17/18 overview [1] 18/24 own [2] 21/6 33/20 owned [1] 14/8 owner [1] 34/6</p>	<p>32/15 paragraph [1] 22/25 PARKWAY [1] 2/5 part [2] 28/17 34/6 participate [2] 26/8 35/15 particular [1] 30/13 particularly [1] 22/18 Parts [1] 22/6 party's [1] 6/11 patch [1] 9/24 paying [1] 35/20 PEGGY [3] 1/24 43/4 43/17 pending [3] 38/8 38/17 38/23 people [7] 17/23 18/3 18/12 18/16 18/21 31/25 33/11 percent [2] 14/8 36/23 performed [1] 23/24 period [1] 25/4 person [1] 6/19 personal [16] 30/16 30/19 31/7 31/15 31/20 31/23 32/6 32/10 32/20 32/23 32/25 33/9 33/10 33/20 34/1 34/12 personally [3] 20/17 20/20 33/6 perspective [1] 12/2 philosophy [1] 16/11 phone [1] 5/21 Piazza [4] 10/6 11/20 37/22 38/23 Piazza's [2] 37/21 41/2 picks [2] 15/2 15/4 Pillsbury [2] 16/24 17/2 Pittman [1] 16/25 place [3] 7/11 14/10 43/7 places [1] 41/11 plaintiff [4] 1/10 3/2 7/15 8/20 plaintiff's [2] 36/20 38/1 plan [2] 11/6 27/22</p>	<p>planning [1] 20/3 plans [1] 10/9 please [7] 10/5 15/16 15/25 16/8 22/14 36/2 40/24 pleased [1] 23/4 podium [4] 14/11 14/12 14/22 15/4 point [1] 31/18 possible [5] 24/4 24/9 25/15 25/22 35/12 possibly [4] 8/16 26/19 27/12 28/6 practice [2] 17/4 17/6 practiced [2] 17/8 17/9 practicing [1] 17/7 preliminary [2] 1/16 38/23 preparation [1] 29/19 prepare [1] 8/10 president [14] 19/3 19/5 19/9 19/12 19/13 19/22 20/1 20/7 23/6 23/10 26/23 26/24 27/21 28/5 printed [1] 13/21 prior [3] 25/7 35/15 35/16 privy [1] 35/11 PRO [1] 2/12 probably [3] 5/20 22/2 41/18 problem [5] 6/18 29/13 40/23 41/2 41/6 proceed [1] 28/7 Proceedings [3] 42/10 43/6 43/12 process [1] 10/21 Professor [1] 33/22 program [4] 17/14 17/20 17/21 17/23 project [6] 18/20 21/13 27/16 33/16 35/5 35/16 projects [4] 17/22 17/24 18/23 24/2 protocol [1] 9/5 provided [2] 12/11 18/13 purposes [1] 20/3 pursuant [1] 38/22</p>	<p>pursue [1] 24/14 pushing [2] 12/13 30/2 put [5] 9/22 10/4 10/10 13/3 41/8</p>
<p>Q</p>				
<p>question [7] 14/9 29/15 29/17 30/1 30/24 36/8 39/13 questions [7] 20/25 24/7 28/13 29/8 29/18 36/5 36/10 quick [2] 29/1 32/13 quite [3] 20/4 23/14 27/8</p>				
<p>R</p>				
<p>RAINBOW [1] 3/7 raise [1] 15/16 raising [1] 20/18 rather [1] 36/25 read [11] 13/17 13/19 13/20 14/4 22/12 22/15 23/7 23/16 24/6 24/15 29/14 reading [1] 14/5 ready [3] 8/2 12/2 13/6 real [4] 8/25 17/9 29/1 32/13 realize [1] 30/24 really [1] 11/17 reasons [1] 12/12 recall [8] 24/8 25/8 25/18 26/21 30/7 33/12 35/14 37/4 receive [4] 16/13 16/17 18/22 42/7 received [6] 10/8 10/11 21/16 21/19 21/23 25/17 Recess [1] 12/4 recited [1] 33/19 recognize [2] 30/3 33/19 recollections [1] 24/5 record [10] 10/1 10/3 10/4 10/5 12/8 15/25 37/11 37/15 42/9 43/11 recordkeeping [1] 34/24 records [1] 35/20 refer [1] 21/1</p>				

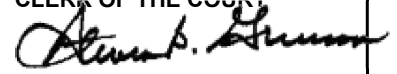
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Peggy Isom, CCR 541, RMR

(7) references - that

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<p>W will... [7] 28/19 37/18 37/20 39/9 40/5 41/3 42/2 WILLIAMS [1] 1/18 Winthrop [1] 16/24 wish [1] 7/3 witness [5] 4/2 7/20 11/19 12/21 43/13 witnesses [2] 8/19 10/23 words [1] 18/17 work [5] 20/21 23/24 25/10 25/20 34/19 working [8] 23/13 23/18 24/2 24/12 24/19 24/23 25/3 27/3 would [25] 5/25 6/7 7/23 9/12 10/10 11/3 11/8 13/17 13/18 15/16 15/23 16/8 17/5 18/8 19/10 26/25 28/23 29/14 32/25 33/1 33/7 33/8 33/10 37/24 38/5 wouldn't [1] 33/8 wrote [1] 23/20</p>	<p>you'd [1] 15/10 you'll [2] 22/2 32/17 you're [9] 12/2 15/3 19/2 19/21 28/21 28/25 29/3 35/3 40/6 you've [3] 6/16 22/14 26/22 your [27] 5/7 5/17 6/14 6/17 6/24 7/9 7/16 9/25 13/5 13/7 14/25 15/16 15/24 15/24 16/8 16/13 16/17 17/17 22/20 22/24 25/2 34/14 36/5 36/10 36/15 36/19 41/21 yourself [1] 22/13</p>			
<p>X</p>	<p>Z</p>			
<p>XVI [1] 1/3</p>	<p>zoomed [1] 14/25</p>			
<p>Y</p>				
<p>yeah [12] 9/10 10/8 12/8 12/22 32/18 37/5 37/25 38/15 40/16 40/21 41/13 41/24 years [7] 17/3 17/5 23/14 23/23 23/25 27/3 34/2 yes [27] 5/12 6/9 7/9 7/13 7/25 9/20 12/9 13/8 13/11 14/21 17/15 19/7 19/20 19/23 20/14 22/6 22/21 22/23 23/8 23/17 24/16 27/17 28/17 29/4 29/11 35/6 36/18 yesterday [3] 5/16 10/14 20/24 you [182]</p>				



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BCO

DISTRICT COURT
CLARK COUNTY, NEVADA

FRONT SIGHT MANAGEMENT, LLC, a)
Nevada Limited Liability Company,)
Plaintiff(s),)

-vs-

LAS VEGAS DEVELOPMENT FUND,)
LLC, a Nevada Limited Liability)
Company; EB5 IMPACT CAPITAL)
REGIONAL CENTER LLC, a Nevada)
Limited Liability Company; EB5)
IMPACT ADVISORS LLC, a Nevada)
Limited Liability Company; ROBERT W.)
DZIUBLA, individually and as President)
and CEO of LAS VEGAS)
DEVELOPMENT FUND LLC and EB5)
IMPACT ADVISORS LLC; JON)
FLEMING, individually and as an agent of)
LAS VEGAS DEVELOPMENT FUND)
LLC and EB5 IMPACT ADVISORS)
LLC; LINDA STANWOOD, individually)
and as Senior Vice President of LAS)
VEGAS DEVELOPMENT FUND LLC)
and EB5 IMPACT ADVISORS LLC;)
DOES 1-10, inclusive; and ROE)
CORPORATIONS 1-10, inclusive,)
Defendant(s).)

Case No. A-18-781084-B
Dept No. XVI

Date/Hearing: August 20, 2019

Time/Hearing: 10:30 a.m.

HEARING DATE(S)
ENTERED IN
ODYSSEY


BUSINESS COURT ORDER

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This Business Court Order (“Order”) is entered to reduce the costs of litigation, to assist the parties in resolving their disputes if possible and, if not, to reduce the costs and difficulties of discovery and trial. This case is deemed complex and is automatically exempt from arbitration. This Order may be amended or modified by the Court upon good cause shown, and is made subject to any Orders that have heretofore been entered herein.

ACCORDINGLY, IT IS HEREBY ORDERED:

I. Mandatory Rule 16 Conference

A. Pursuant to NRCP 16, a mandatory case management conference with the Court and counsel/parties in proper person will be held on **August 20, 2019 at 10:30 a.m.** in Courtroom 3H of the Eighth Judicial District Court, Department XVI, 200 Lewis Avenue, Las Vegas, Nevada 89155, unless before then the record shows that this case is in the Court-Annexed Arbitration Program.

B. The purpose of this case management conference is to expedite settlement or other appropriate disposition of the case. Counsel/parties in proper person must be prepared to discuss the following:

- (1) Status of settlement discussions and a review of possible court assistance;
- (2) Alternative dispute resolution, if any, appropriate to this case;
- (3) Simplification of issues;
- (4) A summary of discovery conducted to date and the nature and timing of all remaining discovery;
- (5) Whether the parties believe an Electronic Filing and Service Order should

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be entered;

(6) An estimate of the volume of documents and/or electronic information likely to be the subject of discovery in the case from parties and nonparties and whether there are technological means, including, but not limited to, production of electronic images rather than paper documents and any associated protocol, that may render document discovery more manageable at an acceptable cost;

(7) Identification of any and all document retention/destruction policies including electronic data, and whether a demand for presentation of electronic data has been made;

(8) The extent to which electronic discovery may be relevant to the case, to include scope, presentation, collection, review, format, search procedures and privilege;

(9) Whether the appointment of a special master or receiver is necessary and/or may aid in the prompt disposition of this action;

(10) Any special case management procedures appropriate to this case;

(11) Trial setting; and

(12) Other matters as may aid in the prompt disposition of this action.

D. Trial or lead counsel for all parties are required to attend the case management conference unless excused by the Court.

E. Parties desiring a settlement conference shall so notify the Court at the setting.

F. **Plaintiff is responsible for serving a copy of this Order upon counsel for all parties who have not formally appeared in this case as of the date of the filing of this order.**

1 **II. Pretrial Motions**

2 A. Any requests for injunctive relief must be made with notice to the opposing
3 party unless extraordinary circumstances exist. All parties shall advise the Court in
4 writing if there is an agreement to consolidate the trial on the merits with the preliminary
5 injunction hearing pursuant to NRCPC 65(a)(2).
6

7 B. With the exception of motions in limine (see below), any motions which
8 should be addressed prior to trial – including, without limitation, motions for summary
9 judgment – shall be served, filed and scheduled for hearing as set forth in the applicable
10 Trial Order. Except upon a showing of unforeseen extraordinary circumstances, the Court
11 will not shorten time for the hearing of any such motions.
12

13 C. Motions in limine shall be served, filed and scheduled as set forth in the Trial
14 Order. Except upon a showing of unforeseen extraordinary circumstances, the Court will
15 not shorten time for the hearing of any such motions.
16

17 **III. Discovery**

18 A. Discovery disputes in this matter shall be handled by the District Court Judge
19 rather than the Discovery Commissioner.
20

21 B. A continuance of trial does not extend the deadline for completing discovery.
22 A request for an extension of the discovery deadline, if needed, must be presented in
23 compliance with EDCR 2.35.
24

25 C. A party objecting to a written discovery request must, in the original objection,
26 specifically detail the reasons that support the objection, and include affidavits or other
27 evidence for any factual assertions upon which an objection is based.
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D. Documents produced in compliance with NRCP 16.1 or in a response to a written discovery request, must be consecutively Bates stamped or numbered and accompanied by an index with a reasonably specific description of the documents.

E. Any party, whether in compliance with NRCP 16.1 or in a response to a written discovery request not producing all documents in its possession, custody or control, shall:

- (1) identify any documents withheld with sufficient particularity to support a Motion to Compel; and
- (2) state the basis for refusing to produce the documents(s).

F. If photographs are produced in compliance with NRCP 16.1 or in a response to a written discovery request, the parties are instructed to include one (1) set of color prints (Color laser copies of sufficient clarity are acceptable), accompanied by a front page index, location depicted in the photograph (with reasonable specificity) and the date the photograph was taken. If color laser copies are deposited, any party wishing to view the original photographs shall make a request to do so with the other party.

When a case is settled, counsel for the plaintiff and each unrepresented plaintiff of record shall notify the District Court Judge in writing within twenty-four (24) hours of the settlement and shall advise the Court of the identity of the party or parties who will

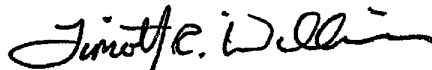
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prepare and present the judgment, dismissal, or stipulation of dismissal, which shall be presented within twenty (20) days of the notification of settlement.

Failure to comply with any provision of this Order may result in the imposition of sanctions.

DATED: July 23, 2019



TIMOTHY C. WILLIAMS
District Court Judge

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CERTIFICATE OF SERVICE

I hereby certify that on or about the date filed, a copy of the foregoing **BUSINESS COURT ORDER** was E-Served, mailed or a copy was placed in the attorney's folder in the Clerk's Office as follows:

John P. Aldrich jaldrich@johnaldrichlawfirm.com

Traci Bixenmann traci@johnaldrichlawfirm.com

Keith Greer keith.greer@greerlaw.biz

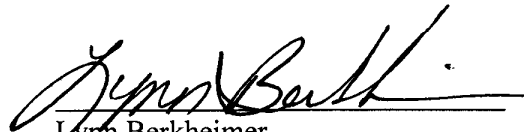
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Judicial Executive Assistant