
SHAFRIR vs. NICHERIE

DEPO OF DANIEL NICHERIE - TAKEN 9/25/02

Page 1 to Page 248



CONDENSED TRANSCRIPT AND CONCORDANCE
PREPARED BY: RICHARD GARCIA

CALIFORNIA DEPOSITION REPORTERS

599 South Barranca Avenue

Suite 100

Covina, CA 91723

Phone: 626 915-1996

FAX: 626 915-1439

Page 1

Page 3

(1) UNITED STATES DISTRICT COURT
(2) CENTRAL DISTRICT OF CALIFORNIA
(3) AMI SHAFRIR, an individual,)
(4))
(5) Plaintiff,) CASE NO.: CV-01-01507 CAS (JWD)
(6))
(7) VS.)
(8))
(9) DANIEL NICHERIE, et al,)
(10))
(11) Defendants.)
(12))
(13) AND RELATED CROSS-ACTIONS.)
(14))
(15) Deposition of: DANIEL NICHERIE
(16) Taken by : MARK D. ESTES, ESQUIRE
(17) Commencing : 9:19 A.M.
(18) Location : 3435 Wilshire Boulevard, Suite 2530
(19) Los Angeles, California 90010
(20) Day, Date : Wednesday, September 25th, 2002
(21) Reported by : JENNIFER L. CLAYBORNE, C.S.R. NO. 10608
(22) Pursuant to : Notice
(23) Original to : WAYNE D. PARISER, ESQUIRE
(24) PAGES 1 - 248
(25) JOB NO. 73689

(1) I-N-D-E-X
(2)
(3) WITNESS:
(4) DANIEL NICHERIE
(5) Examination by MR. ESTES
(6) PAGE 9
(7)
(8) EXHIBITS
(9) PLAINIFF'S MARKED FOR
EXHIBIT NO.: DESCRIPTION IDENTIFICATION

(10)	1	Invoice dated 1/21/00	28
(11)	2	Invoice dated 1/21/00	28
(12)	3	Invoice dated 1/21/00	29
(13)	4	Invoice dated 1/3/00	30
(14)	5	Invoice dated 9/17/98	32
(15)	6	Handwritten Note	33
(16)	7	Letter of Authorization	35
(17)	8	Check No. 1041 dated 5/15/01	63
(18)	9	Check No. 1335 dated 6/6/01	63
(19)	10	Check No. 1242 dated 3/15/01	64
(20)	11	Check No. 1279 dated 10/10/01	65
(21)	12	Commercial Rental Application "Quick Approval"	65
(22)	13	Assignment Separate from Certificate dated 2/22/00	77
(23)			
(24)			
(25)			

Page 2

Page 4

(1) APPEARANCES OF COUNSEL
(2)
(3) FOR THE PLAINTIFF: LAW OFFICES OF MARK D. ESTES
(4) BY: MARK D. ESTES, ESQUIRE
(5) 1925 Chalcedony
(6) San Diego, California 92109
(7) (858) 581-2151
(8) FOR THE DEFENDANTS: PARISER & PARISER, LLP
(9) BY: WAYNE D. PARISER, ESQUIRE
(10) 1925 Century Park East, Suite 2000
(11) Los Angeles, California 90067
(12) (310) 552-4908
(13) ALSO PRESENT: JEREMIAH S. BOEHMER
(14) CRIMINAL DEFENSE CONSULTANT
(15) ALIZABETH JAMES, VIDEOGRAPHER
(16) DEAN JONES VIDEOS
(17)
(18)
(19)
(20)
(21)
(22)
(23)
(24)
(25)

(1) EXHIBIT (Continued)
(2)
(3) PLAINIFF'S MARKED FOR
(4) EXHIBIT NO.: DESCRIPTION IDENTIFICATION

(5)	14	Substitution of Attorney - Civil dated 9/25/00	79
(6)	15	Substitution of Attorney - Civil dated 7/13/01	80
(7)	16	Substitution of Attorney - Civil dated 2/15/02	82
(8)	17	Substitution of Attorney dated 3/15/01	83
(9)	18	Substitution of Attorney dated 3/15/01	84
(10)	19	Substitution of Attorney - Civil dated 8/4/00	84
(11)	20	Substitution of Attorney - Civil dated 9/13/00	86
(12)	21	Substitution of Attorney - Civil dated 8/4/00	86
(13)	22	Statement By Domestic Stock Corporation dated 6/24/02	88
(14)	23	Statement By Domestic Stock Corporation dated 6/24/02	89
(15)	24	Substitution of Attorney dated 5/15/02	90
(16)	25	Substitution of Attorney - Civil dated 5/15/02	91
(17)	26	Declaration of Daniel Nicherie	127
(18)			
(19)			
(20)			
(21)			
(22)			
(23)			
(24)			
(25)			

Page 5

(1)	(2)	(3)	(4)	(5)
	PLAINTIFF'S EXHIBIT NO.:	EXHIBITS (Continued) DESCRIPTION	MARKED FOR IDENTIFICATION	
(6)	27	Merrill Lynch Statement of Wire Transfer	133	
(7)	28	Stock Certificate	137	
(8)	29	Check No. 1157 dated 11/15/01 Check No. 1003 dated 11/3/00 Check No. 1003 dated 10/20/00	142	
(9)	30	Resolution of the Board of Directors of Amtech Audiotext, Inc.	143	
(10)	31	Notice of Trustee Appointment Letter of Authorization dated 4/6/00	146	
(11)	32	Certified Copy of Resolution of Board of Directors of Federal Transtel, Inc. dated 12/10/01	147	
(12)	33	Business Card for R.C.I. International Security & Marketing LTD.	148	
(13)	34	Check No. 1265 dated 4/3/01 Check No. 1191 dated 2/21/01 Check No. 1192 dated 2/21/01	149	
(14)	35	Check No. 1045 dated 3/21/00	150	
(15)	36	Salomon Smith Barney Account Application, Client Agreement and Substitute Form W-9 Request for Taxpayer Identification Number	151	
(16)	37	Affidavit of Daniel Nicherie	152	

Page 7

(1)	(2)	(3)	(4)	(5)
	PLAINTIFF'S EXHIBIT NO.:	EXHIBITS (Continued) DESCRIPTION	MARKED FOR IDENTIFICATION	
(6)	51	Business card for S.B.N. Venture Capital for Daniel E. Nicherie and Check No. 1202 dated 3/3/00	178	
(7)	52	Business Card for S.B.N. Venture Capital for Joel P. Glaser, Esq.	178	
(8)	53	Letter to Shirley Smith, Esq. from Joel P. Glaser, Esq. dated 7/27/01	179	
(9)	54	Letter to Wayne Pariser, Esq. from Mark D. Estes, Esq. dated 9/12/02	180	
(10)	55	Letter to Mark D. Estes, Esq. from Samuel M. Hill dated 3/21/01	180	
(11)	56	Involuntary Petition	181	
(12)	57	Letter to Victor Sherman, Esq. and Elyn Garofalo, Esq. from Brent A. Whittlesey, Esq. dated 5/1/01	184	
(13)	58	Affidavit of Kenneth Howard Taves	188	
(14)	59	Memo to Daniel Nicherie from Karl Hendrickson dated 8/2/01	190	
(15)	60	Residential Purchase Agreement and Receipt for Deposit	191	
(16)	61	Judgment in a Criminal Case	200	
(17)	62	Statement By Domestic Stock Corporation	201	
(18)	63	CompUSA Original Invoice dated 11/25/00	201	

Page 6

(1)	(2)	(3)	(4)	(5)
	PLAINTIFF'S EXHIBIT NO.:	EXHIBITS (Continued) DESCRIPTION	MARKED FOR IDENTIFICATION	
(6)	38	In Re Marriage of Shafrir Declaration of Daniel Nicherie	154	
(7)	39	Declaration of Daniel Nicherie Re Non-Service	157	
(8)	40	Daniel Nishrie/Nicherie, mailing addresses for his sham corporations with photos	158	
(9)	41	Application for Reinstatement	159	
(10)	42	Corporate Information for Federal Transtel, Inc.	161	
(11)	43	Corporation Information Titan Security Services, Inc.	162	
(12)	44	Corporate Information for Maxium II	162	
(13)	45	Corporate Information for Kent Family Fund, Inc.	163	
(14)	46	Corporate Information for Telco Financial Services, Inc.	163	
(15)	47	Application to Approve Employment of Attorneys	166	
(16)	48	Subject to Attorney-Client Privilege; Attorney Work Product; or Confidential	166	
(17)	49	Verification dated 11/2/01	172	
(18)	50	Privileged and Confidential Memorandum dated 11/26/99	174	

Page 8

(1)	(2)	(3)	(4)	(5)
	PLAINTIFF'S EXHIBIT NO.:	EXHIBITS (Continued) DESCRIPTION	MARKED FOR IDENTIFICATION	
(6)	64	Notice of Dismissal of Net Options, Inc. as Defendant	204	
(7)	65	Business Card for Jeremiah S. Boehmer Criminal Defense Consultant	205	
(8)	66	Letter to Wayne Pariser, Esq. from Mark D. Estes, Esq. dated 8/28/01	220	
(9)	67	Amtech Audiotext, Inc. Cash & Deferred Profit Sharing Plan Plan Highlights	221	
(10)	68	MB Escrow Inc. General - Additional Instructions dated 1/24/00	222	
(11)	69	Salomon Smith Barney Corporate Resolutions for Corporate Account dated 8/10/00	224	
(12)	70	Signature Card for Federal Transtel, Inc.	225	
(13)	71	Morgan Stanley Dean Witter Account Application dated 7/12/00	230	
(14)	72	Signature Cards for Corporate Management Control, Inc. and S.B.N. Venture Capital Resource Partners Corp.	232	
(15)	73	Declaration of Daniel Nicherie	233	
(16)	74	Check No. 1135 dated 3/20/00	234	
(17)	75	Statement dated 2/22/00	235	

Page 9

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

PLAINTIFF'S EXHIBIT NO.:	EXHIBITS (Continued) DESCRIPTION	MARKED FOR IDENTIFICATION
76	MB Escrow, Inc. Seller Final Settlement Statement dated 3/10/00	238
77	BigCrime.com Corporate Shells Nicherie Entities (present)	240
78	BigCrime.com List of Lawyers Involved in Litigation with Nicheries and Fees	243

INFORMATION REQUESTED (None)

QUESTIONS NOT ANSWERED

PAGE LINE

12	23
105	17
107	17
114	11
114	22
132	7
144	19
169	6
185	16

Page 11

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

Q And are you invoking it?
A Yes.
Q For the record, if you say that on advice of counsel I've been instructed to take the 5th Amendment, to save some time in the future is that going to be the same as he is exercising his 5th Amendment right and refusing to answer?

MR. PARISER: Correct.

Q BY MR. ESTES: Okay. Is that correct?

A Correct. So how would you like me to say it? Sorry.

Q I just want to make it clear that not only have you been advised to exercise your 5th Amendment rights, that you are invoking them and asserting them and refusing to answer based upon that privilege. But if you want to do some shortcut understanding and say that I've been advised not to answer based on the basis of the 5th Amendment that would be fine.

MR. PARISER: Okay.

MR. ESTES: Okay.

Q BY MR. ESTES: Who do you currently work for?

A Again, my answer is the same. I've been advised.

Q I think we're going to need the actual answer on each and every question with respect to the 5th Amendment

Page 10

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

LOS ANGELES, CALIFORNIA, WEDNESDAY, SEPTEMBER 25, 2002
9:19 A.M.
---o0o---

DANIEL NICHERIE,
the witness herein, after having been first
duly sworn, was deposed and testified as follows:

EXAMINATION

BY MR. ESTES:

Q Could you please state your name for the record?

A Daniel Nicherie.

Q And could you spell your last name?

A N-i-c-h-e-r-i-e.

Q And have you used any other names in the last three years?

(Interruption in proceedings.)

MR. ESTES: We have -- Ami Shafir has just entered the room.

Q BY MR. ESTES: The question is have you used any other names in the last two years?

A On advice of counsel I've decided to -- I've been instructed to invoke the 5th Amendment.

Page 12

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

privilege. I don't -- when he says the same I think he has to make it very clear that he is invoking his 5th Amendment rights.

MR. PARISER: Okay.

MR. ESTES: It has to be asserted to each and every question.

THE WITNESS: So how do you want me to say it to make it shorter?

MR. ESTES: Perhaps I've been advised to not answer based upon my 5th Amendment rights. Is that a --

THE WITNESS: Based on advice of counsel, I've been advised to take -- to invoke my right under the 5th Amendment.

Q BY MR. ESTES: Okay. And, therefore, you refuse to answer?

A (No audible response).

Q Where were you born?

A Based on advice of counsel, I've been advised to not respond based upon my 5th Amendment.

Q So you're refusing to answer where you were born based upon that?

A That's correct.

*** Q Okay. Has your counsel advised you to assert that privilege in each and every question?

MR. PARISER: Well, I'm going to object based

Page 13

(1) on the attorney/client privilege.

(2) **MR. ESTES:** Okay. You're instructing him not

(3) to answer?

(4) **MR. PARISER:** Yes.

(5) **MR. ESTES:** Okay.

(6) **Q** BY MR. ESTES: Have you ever been a director

(7) of Amtech?

(8) **A** Based on advice of counsel, I am going to be

(9) taking the -- invoking my right to take the 5th Amendment at

(10) this point in time.

(11) **Q** Have you ever been an officer of Amtech?

(12) **A** It's the same answer as before.

(13) **Q** I'm going to need it stated for the record.

(14) **MR. PARISER:** Okay. Why don't we just

(15) stipulate that when he says same answer he's talking about

(16) invoking the 5th Amendment.

(17) **MR. ESTES:** No. I want to hear it. I -- the

(18) Code says that it needs to specifically be asserted and I want

(19) it asserted.

(20) **MR. PARISER:** When he says the same answer

(21) he's specifically asserting it.

(22) **MR. ESTES:** The same answer as what?

(23) **THE WITNESS:** As all my previous answers.

(24) **Q** BY MR. ESTES: And what were those answers?

(25) **A** That I intend to -- based on the advice of

Page 15

(1) my 5th Amendment.

(2) **Q** And you're not answering on that basis?

(3) **A** Correct.

(4) **Q** Do you know anybody who's ever owned any

(5) shares of stock in Amtech?

(6) **A** Based on the advice of counsel, at this time

(7) I'm taking my 5th Amendment.

(8) **Q** And refusing to answer based upon that?

(9) **A** Correct.

(10) **Q** Have you ever represented any investors of

(11) Amtech?

(12) **A** Based on the advice of counsel, at this point

(13) in time I'm asserting my 5th Amendment.

(14) **Q** And refusing to answer based upon that?

(15) **A** Correct.

(16) **Q** Have you ever been a director of Worldsite?

(17) **A** Based on advice of counsel, at this point in

(18) time I invoke my 5th Amendment.

(19) **Q** Have you ever been a shareholder of

(20) Worldsite?

(21) **A** Based on advice of counsel, at this point in

(22) time I invoke the 5th Amendment.

(23) **Q** Have you ever been an officer of Worldsite?

(24) **A** Based on advice of counsel, at this point in

(25) time I invoke my 5th Amendment.

Page 14

(1) counsel, at this point in time I intend to take and invoke my

(2) 5th Amendment.

(3) **Q** Okay. Have you ever owned any shares at

(4) Amtech?

(5) **A** Same answer.

(6) **Q** As what?

(7) **MR. PARISER:** Can we go off the record and

(8) figure this out?

(9) **MR. ESTES:** Yeah.

(10) **MR. PARISER:** And make this a little shorter.

(11) **MR. ESTES:** Okay. No. Actually, I want to

(12) keep it on the record. I don't want the record interrupted.

(13) **MR. PARISER:** Okay. How about if he just

(14) says 5th Amendment as his answer? That he is invoking his 5th

(15) Amendment rights.

(16) **MR. ESTES:** How about I refuse to answer

(17) based upon my -- upon the 5th Amendment rights?

(18) **MR. PARISER:** That's fine. Okay. All you

(19) have to say is I'm -- I'm not answering based on advice of

(20) counsel based on the 5th Amendment, all right.

(21) **THE WITNESS:** Okay.

(22) **MR. PARISER:** That's all you have to say.

(23) **Q** BY MR. ESTES: Have you ever owned any shares

(24) of Amtech?

(25) **A** Based on the advice of counsel, I'm invoking

Page 16

(1) **Q** Have you ever been an investor of Worldsite?

(2) **A** Based on my 5th -- based on advice of

(3) counsel, at this point in time I make -- I'm invoking my 5th

(4) Amendment.

(5) **Q** Have you ever known any investors of

(6) Worldsite?

(7) **A** Based on advice of counsel, at this point in

(8) time I'm invoking my 5th Amendment.

(9) **Q** Do you know what Worldsite is?

(10) **A** At this point in time, based on the --

(11) counsel's advice I'm invoking my 5th Amendment.

(12) **Q** Do you know what business Worldsite is

(13) currently engaged in?

(14) **A** Based on advice of counsel, at this point in

(15) time I'm invoking my 5th Amendment.

(16) **Q** Do you know what business Amtech is engaged

(17) in at the current time?

(18) **A** At this point in time, based on the advice of

(19) counsel, I'm invoking my 5th Amendment.

(20) **Q** Have you ever been a director of Federal

(21) Transtel?

(22) **A** At this point in time, based on the advice of

(23) counsel, I'm taking the 5th -- I'm invoking my 5th Amendment.

(24) **Q** Have you ever been a shareholder of Federal

(25) Transtel?

Page 17

(1) A At this point in time, based on advice of
 (2) counsel, I'm invoking my 5th Amendment.
 (3) Q Have you ever been an officer of Federal
 (4) Transtel?
 (5) A At this point in time, based on counsel's
 (6) advice, I'm invoking the 5th.
 (7) Q Have you ever owned any interest at all in
 (8) Federal Transtel ever?
 (9) A Based upon the advice of counsel, at this
 (10) point in time I'm asserting the 5th Amendment.
 (11) Q Have you ever known anybody who claimed to
 (12) own an interest in Federal Transtel?
 (13) A At this point in time, based on advice of
 (14) counsel, I'm invoking the 5th Amendment.
 (15) Q Have you ever claimed that you represent
 (16) investors of Federal Transtel?
 (17) A Based on advice of counsel, at this point in
 (18) time I'm taking the 5th Amendment.
 (19) Q Okay. Have you ever been a director of 8670
 (20) Wilshire Corp.?
 (21) A Based on advice of counsel, at this point in
 (22) time I'm asserting my privileges under the 5th Amendment.
 (23) Q Have you ever been a shareholder of 8670
 (24) Wilshire Corp.?
 (25) A At this point in time, based on advice of

Page 19

(1) MR. PARISER: Anybody other than a lawyer?
 (2) MR. ESTES: Anybody other than a retained
 (3) counsel of his.
 (4) MR. PARISER: Well, the privilege extends to
 (5) any lawyer whether retained or not retained.
 (6) MR. ESTES: Okay. We'll go with any lawyer.
 (7) THE WITNESS: At this point in time, based on
 (8) advice of counsel, I'm asserting my rights under the 5th
 (9) Amendment.
 (10) Q BY MR. ESTES: Have you ever represented any
 (11) interests of 8670 Property Partners?
 (12) A At this point in time, based upon the advice
 (13) of counsel, I'm asserting my rights under the 5th Amendment.
 (14) Q Have you ever claimed to represent the
 (15) interests of any investors of 8670 Property Partners?
 (16) A At this point in time, based upon advice of
 (17) counsel, I intend to invoke my rights under the 5th Amendment.
 (18) Q Have you ever been a director or officer of
 (19) 8670 Wilshire Corp.?
 (20) A Based upon advice of counsel, at this point
 (21) in time I intend to invoke my privilege under the 5th
 (22) Amendment.
 (23) Q Have you ever attended a board of directors
 (24) meeting of Federal Transtel in the last three years?
 (25) A Based upon advice of counsel, at this point

Page 18

(1) counsel, I'm invoking my 5th Amendment rights.
 (2) Q Ever known anybody who claimed to be a
 (3) shareholder of 8670 Wilshire Corp.?
 (4) A At this point in time, based on advice of
 (5) counsel, I'm invoking my 5th Amendment.
 (6) Q Have you ever owned any shares of stock in
 (7) 8335 Property, Inc.?
 (8) A Based on advice of counsel, at this point in
 (9) time I'm going to invoke the 5th Amendment.
 (10) Q You're stating at this point in time. Do you
 (11) have any intentions of ever testifying to these questions as
 (12) you sit here today?
 (13) A Based on advice of counsel, at this point in
 (14) time I'm going to invoke my 5th Amendment right.
 (15) Q Okay. Have you ever had your deposition
 (16) taken before?
 (17) A Based on advice of counsel, at this point in
 (18) time I intend to assert my privilege under the 5th Amendment.
 (19) Q Do you know what your privilege is under the
 (20) 5th Amendment?
 (21) A At this point in time, based on advice of
 (22) counsel, I intend to invoke my rights under the 5th Amendment.
 (23) Q Other than your retained counsel have you
 (24) ever asked anybody what your rights are under the 5th
 (25) Amendment?

Page 20

(1) in time I invoke my rights under the 5th Amendment.
 (2) Q Have you ever seen any written recordation of
 (3) any directors meetings of Federal Transtel in the last three
 (4) years?
 (5) A At this point in time, based upon counsel's
 (6) advice, I invoke my right under the 5th Amendment.
 (7) Q Have you ever attended any board of directors
 (8) meetings of Amtech Audiotext, Inc. in the last three years?
 (9) A At this point in time, based upon the advice
 (10) of counsel, I invoke my rights under the 5th Amendment.
 (11) Q Have you ever seen any written record of any
 (12) proceedings or meetings of the board of directors of Amtech
 (13) Audiotext in the last three years?
 (14) A At this point in time, based upon the advice
 (15) of counsel, I invoke my right under the 5th Amendment.
 (16) Q Have you ever attended any board of directors
 (17) meetings of Worldsite, Inc.?
 (18) A Based upon advice of counsel, at this point
 (19) in time I invoke my right under the 5th Amendment.
 (20) Q Have you ever seen any written recordation of
 (21) any directors meetings of Worldsite, Inc. in the last three
 (22) years?
 (23) A At this point in time, based upon the advice
 (24) of counsel, I'm asserting my rights under the 5th Amendment.
 (25) Q Have you ever attended any board of directors

Page 21

- (1) meetings of 8670 Wilshire Corp. in the last three years?
- (2) **A** Based upon the advice of counsel, at this
- (3) point in time I intend to invoke my rights under the 5th
- (4) Amendment.
- (5) **Q** Have you ever seen any written recordation of
- (6) any directors meetings of 8670 Wilshire Corp. in the last
- (7) three years?
- (8) **A** At this point in time, under advice of
- (9) counsel, I intend to invoke my rights under the 5th Amendment.
- (10) **Q** Have you ever attended a board of directors
- (11) meeting of 8335 Property, Inc.?
- (12) **A** Based upon advice of counsel, at this point
- (13) in time I intend to invoke my privileges under the 5th
- (14) Amendment.
- (15) **Q** Have you ever seen any written recordation of
- (16) any directors meetings at 8335 Property, Inc. in the last
- (17) three years?
- (18) **A** Based upon the advice of counsel, at this
- (19) point in time I intend to invoke my rights under the 5th
- (20) Amendment.
- (21) **Q** What is Anke Investment Corp.?
- (22) **A** At this point in time, based upon the advice
- (23) of counsel I intend to invoke my rights under the 5th
- (24) Amendment.
- (25) **Q** What is Archibald Management, Inc.?

Page 22

- (1) **A** Based upon the advice of counsel, at this
- (2) point in time I intend to invoke my rights under the 5th
- (3) Amendment.
- (4) **Q** What business is Berlaga, Inc. engaged in
- (5) currently?
- (6) **A** Based upon the advice of counsel, at this
- (7) point in time I invoke my rights under the 5th Amendment.
- (8) **Q** What is the business of Call Center
- (9) Management, Inc. currently?
- (10) **A** Based upon advice of counsel, at this point
- (11) in time I intend to invoke my rights under the 5th Amendment.
- (12) **Q** What is the business of Candance Medical
- (13) Funding, Inc. at this current point in time?
- (14) **A** At this point in time, under advice of
- (15) counsel I invoke my rights under the 5th Amendment.
- (16) **Q** What is the current business of Corporate
- (17) Management Control, Inc. as we sit here today?
- (18) **A** At this point in time, based upon the advice
- (19) of counsel, I invoke my rights under the 5th Amendment.
- (20) **Q** What is the business of Digital Data as we
- (21) sit here today currently?
- (22) **A** Based upon the advice of counsel, at this
- (23) point in time I invoke my right under the 5th Amendment.
- (24) **Q** What is the current business of Kent Family
- (25) Fund today?

Page 23

- (1) **A** At this point in time, based upon the advice
- (2) of counsel, I invoke my right under the 5th Amendment.
- (3) **Q** What business is Millennium engaged in
- (4) currently?
- (5) **A** Based upon advice of counsel, at this point
- (6) in time I invoke my rights under the 5th Amendment.
- (7) **Q** What business is Online Recovery System
- (8) engaged in today?
- (9) **A** Based upon the advice of counsel, at this
- (10) point in time I invoke my rights under the 5th Amendment.
- (11) **Q** What is the business that SBN Venture Capital
- (12) Resource Partners is engaged in today?
- (13) **A** At this point in time, based upon advice of
- (14) counsel, I invoke my rights under the 5th Amendment.
- (15) **Q** What business is Sunrise Inventory
- (16) Liquidators, Inc. engaged in today?
- (17) **A** At this point in time, based on the advice of
- (18) counsel, I invoke my rights under the 5th Amendment.
- (19) **Q** What business has Anke Investment, Inc. ever
- (20) been engaged in that you know of?
- (21) **A** At this point in time, based upon the advice
- (22) of counsel, I invoke my rights under the 5th Amendment.
- (23) **Q** What business has Archibald Management, Inc.
- (24) ever been engaged in?
- (25) **A** At this point in time, based upon counsel's

Page 24

- (1) advice, I assert my rights under the 5th Amendment.
- (2) **Q** What if business has Berlaga, Inc. ever been
- (3) engaged in, if you know?
- (4) **A** Based upon advice of counsel, at this point
- (5) in time I invoke my right under the 5th Amendment.
- (6) **Q** What business has Call Center Management ever
- (7) been engaged in, if you know?
- (8) **A** Based on counsel advice, at this point in
- (9) time I invoke my rights under the 5th Amendment.
- (10) **Q** What Candance Medical Funding, Inc. ever been
- (11) engaged in, if you know?
- (12) **A** Based upon advice of counsel, at this point
- (13) in time I assert my rights under the 5th Amendment.
- (14) **MR. PARISER:** I'd like to take a break for a
- (15) second.
- (16) **MR. ESTES:** Okay. If you could record the
- (17) time that they're gone.
- (18) **MR. PARISER:** And also, if you would keep --
- (19) if you would keep track just a list. We're on a time limit on
- (20) the record by court order, so if you could keep a list of the
- (21) amount of times we start and stop so there won't be any
- (22) question as to the amount of time on the record.
- (23) **THE VIDEOGRAPHER:** Do you want me to stop the
- (24) tape.
- (25) **MR. ESTES:** Yeah.

Page 25

(1) (A brief recess was taken.)

(2) **Q** BY MR. ESTES: What is the business that
(3) Digital Data, Inc. or Digital Data, LLC has ever been engaged
(4) in that you know of?

(5) **A** Based upon advice of counsel, at this point
(6) in time I invoke my rights under the 5th Amendment.

(7) **Q** What is the business that Kent Family Fund --
(8) a business that Kent Family Fund has ever been engaged in that
(9) you know of?

(10) **MR. PARISER:** Didn't you already ask that
(11) one?

(12) **MR. ESTES:** Kent Family Fund?

(13) **MR. PARISER:** Yeah.

(14) **MR. ESTES:** I don't think that I've done it
(15) in this manner.

(16) **THE WITNESS:** Based upon the advice of
(17) counsel, at this point in time I invoke my right under the 5th
(18) Amendment.

(19) **MR. ESTES:** Before I had asked a series of
(20) questions of what business they were engaged in currently.
(21) Now I want to know if he knows of any business they've been
(22) engaged in.

(23) **MR. PARISER:** All right.

(24) **Q** BY MR. ESTES: Okay. Do you know of any
(25) business that Millennium has been engaged in in the last --

Page 27

(1) **A** Based upon the advice of counsel, at this
(2) point in time I invoke my 5th Amendment.

(3) **Q** Have any of the entities you've ever
(4) represented engaged the services of Richard Albertini at any
(5) time?

(6) **A** Based upon the advice of counsel, at this
(7) point in time I invoke my rights under the 5th Amendment.

(8) **Q** Have you ever personally ever engaged the
(9) services of Patrick Herold?

(10) **A** Based upon the advice of counsel, at this
(11) point in time I invoke my rights under the 5th Amendment.

(12) **Q** Have any of the entities that you've
(13) represented engaged the services of Patrick Herold?

(14) **A** Based upon my counsel's advice, at this point
(15) in time I invoke my rights under the 5th Amendment.

(16) **Q** Have you ever engaged personally the services
(17) of Randy Miller?

(18) **A** Based upon the advice of counsel, at this
(19) point in time I invoke my rights under the 5th Amendment.

(20) **Q** Have you ever personally engaged the services
(21) of Samuel Rozanis?

(22) **A** Based upon the advice of counsel, at this
(23) point in time I invoke my rights under the 5th Amendment.

(24) **Q** Have any of the entities you've ever
(25) represented engaged the services of Samuel Rozanis?

Page 26

(1) has ever been engaged in ever?

(2) **A** Based upon the advice of counsel, at this
(3) point in time I invoke my right under the 5th Amendment.

(4) **Q** Do you know any business that Online Recovery
(5) System has been engaged in at any time?

(6) **A** Based upon advice of counsel, at this point
(7) in time I invoke my rights under the 5th Amendment.

(8) **Q** Do you know of any business that SBN Venture
(9) Capital Resource Partners has been engaged in?

(10) **A** Based upon advice of counsel, at this point
(11) in time I invoke my right under the 5th Amendment.

(12) **Q** Do you know of any business that Sunrise
(13) Liquidators, Inc. has ever been engaged in?

(14) **A** Based upon advice of counsel, at this point
(15) in time I invoke my right under the 5th Amendment.

(16) **Q** Have you ever engaged the services of David
(17) Adrabi?

(18) **A** Based upon advice of counsel, at this point I
(19) invoke my right under the 5th Amendment.

(20) **Q** Have you any entities that you've represented
(21) ever engaged the services of David Adrabi?

(22) **A** Based upon the advice of counsel, at this
(23) point in time I invoke my rights under the 5th Amendment.

(24) **Q** Have you ever engaged personally the services
(25) of Richard Albertini at any point in time?

Page 28

(1) **A** Based upon my advice of counsel, at this
(2) point in time I invoke my rights under the 5th Amendment.

(3) **Q** Have any of the businesses you've ever
(4) represented engaged the services of Michelle Dizon?

(5) **A** Based upon the advice of counsel, at this
(6) point in time I invoke my rights under the 5th Amendment.

(7) **Q** Okay. I'm going to have marked for
(8) identification purposes a document, Exhibit 1 to the
(9) deposition.

(10) (The aforementioned document was marked as
(11) Plaintiff's Exhibit 1 for identification
(12) and is attached hereto.)

(13) **Q** BY MR. ESTES: Have you ever seen this? And
(14) why don't we have the witness look at the document that's been
(15) marked, if we could. Have you ever seen this document before?

(16) **A** Based upon advice of counsel, at this point
(17) in time I assert my rights under the 5th Amendment.

(18) **Q** Do you see on the document where it has
(19) the -- your name as the addressee?

(20) **A** Based upon the advice of counsel, at this
(21) point in time I'm invoking my rights under the 5th Amendment.

(22) **Q** Did you form Anke Investment Corp.?

(23) **A** At this point in time, based upon my
(24) counsel's advice, I invoke my rights under the 5th Amendment.

(25) **Q** Okay. I'd like to have marked for -- as

Page 29

(1) Exhibit No. 2.
 (2) (The aforementioned document was marked as
 (3) Plaintiff's Exhibit 2 for identification
 (4) and is attached hereto.)
 (5) **Q** BY MR. ESTES: Have you ever seen this
 (6) document before?
 (7) **A** Based upon advice of counsel, at this point
 (8) in time I invoke my rights under the 5th Amendment.
 (9) **MR. PARISER:** On these exhibits there's a
 (10) number handwritten in the lower right-hand corner. What's the
 (11) significance of that?
 (12) **MR. ESTES:** They could have been from other
 (13) exhibits in other depositions or other proceedings.
 (14) **MR. PARISER:** Okay.
 (15) **Q** BY MR. ESTES: Did you incorporate Archibald
 (16) Management or direct anyone to incorporate Archibald
 (17) Management?
 (18) **A** Based upon advice of counsel, at this point
 (19) in time I invoke my rights under the 5th Amendment.
 (20) **Q** Okay. Why don't I give you -- I thought I
 (21) had a extra copy. I'll give you this one. You can return it
 (22) and keep the original there. I'd like to have the next one
 (23) marked as Exhibit 3.
 (24) (The aforementioned document was marked as
 (25) Plaintiff's Exhibit 3 for identification

Page 30

(1) and is attached hereto.)
 (2) **Q** BY MR. ESTES: Have you ever seen this
 (3) document before?
 (4) **A** Based upon advice of counsel, at this point
 (5) in time I assert my rights under the 5th Amendment.
 (6) **Q** Did you incorporate or direct anybody to
 (7) incorporate Kent Family Fund, Inc.?
 (8) **A** Based upon my counsel's advice, at this point
 (9) in time I assert my right under the 5th Amendment.
 (10) **Q** Have you ever transacted business under the
 (11) name of Living Retreat Management?
 (12) **A** Based upon my counsel's advice, at this point
 (13) in time I invoke my rights under the 5th Amendment.
 (14) **Q** What is the business that Living Retreat
 (15) Management was engaged in, if you know?
 (16) **A** At this point in time, based upon counsel's
 (17) advice, I invoke my rights under the 5th Amendment.
 (18) **Q** I'd like to have this marked as No. 4.
 (19) (The aforementioned document was marked as
 (20) Plaintiff's Exhibit 4 for identification
 (21) and is attached hereto.)
 (22) **Q** BY MR. ESTES: Have you ever seen this
 (23) document before?
 (24) **MR. PARISER:** Hold on.
 (25) **THE WITNESS:** Based upon counsel's advice, at

Page 31

(1) this point in time I assert my rights under the 5th Amendment.
 (2) **Q** BY MR. ESTES: Did you look at this document?
 (3) **MR. PARISER:** You talking about right now?
 (4) **MR. ESTES:** Yeah. I'm just wondering if he
 (5) looked at it. He didn't look at it.
 (6) **MR. PARISER:** I don't know if he did or he
 (7) didn't. If you want to reask the question, reask it.
 (8) **Q** BY MR. ESTES: Did you look at the document
 (9) before answering that question?
 (10) **A** Are you relating to Exhibit 4?
 (11) **Q** Yes.
 (12) **A** I did.
 (13) **Q** Okay. And do you know what company is
 (14) identified on that exhibit?
 (15) **A** Based upon advice of counsel, at this point
 (16) in time I've agreed to -- I invoke my rights under the 5th
 (17) Amendment.
 (18) **Q** Do you know whether that exhibit references a
 (19) company Millennium Capital?
 (20) **MR. PARISER:** The document speaks for
 (21) itself. You asking him to read the document?
 (22) **MR. ESTES:** I want to know if he has the
 (23) cognitive ability to know that Millennium Capital is
 (24) referenced on that document.
 (25) **MR. PARISER:** Well, his cognitive ability is

Page 32

(1) not at issue, nor is an indication that there's an impairment
 (2) of cognitive ability. If you're asking him to read the
 (3) document he can read the document.
 (4) **MR. ESTES:** I want to make sure that he can
 (5) read the document. Is -- is your ability to understand that
 (6) Millennium Capital or whether or not Millennium Capital is
 (7) referenced on that document, do you have the ability to do the
 (8) task?
 (9) **MR. PARISER:** Are you asking him can he read
 (10) the document?
 (11) **MR. ESTES:** Yes.
 (12) **MR. PARISER:** We'll stipulate that he's got
 (13) the ability that he can read the document.
 (14) **MR. ESTES:** I want to -- I want to know from
 (15) his own words if he can read the document.
 (16) **MR. PARISER:** You're going to get the same
 (17) answer.
 (18) **THE WITNESS:** Based upon the advice of
 (19) counsel, at this point in time I'm invoking my rights under
 (20) the 5th Amendment.
 (21) **MR. ESTES:** Okay. And mark as Exhibit 5 next
 (22) document.
 (23) (The aforementioned document was marked as
 (24) Plaintiff's Exhibit 5 for identification
 (25) and is attached hereto.)

Page 33

(1) Q BY MR. ESTES: Have you ever seen this
 (2) document before?
 (3) A Based upon advice of counsel, at this point
 (4) in time I assert my rights under the 5th Amendment.
 (5) Q Okay. Did you ever incorporate or instruct
 (6) anybody to incorporate Gedese Management, Inc.?
 (7) A At this point in time, based upon advice of
 (8) counsel, I invoke my rights under the 5th Amendment.
 (9) Q If I were to say that this Exhibit 5 document
 (10) reflects an invoice for incorporating Gedese Management, Inc.
 (11) that was addressed to you would you agree with that assertion?
 (12) A At this point in time, based upon advice of
 (13) counsel, I'm invoking my rights under the 5th Amendment.
 (14) Q Have this marked as Exhibit 6.
 (15) (The aforementioned document was marked as
 (16) Plaintiff's Exhibit 6 for identification
 (17) and is attached hereto.)
 (18) MR. ESTES: We've had two more entrances
 (19) here.
 (20) MR. PARISER: Who are these gentlemen?
 (21) MR. ESTES: If you could state your name for
 (22) the record.
 (23) MR. DUMAS: I'm a attorney James Dumas,
 (24) Dumas. My office.
 (25) MR. PESOTA: And I'm Frank Pesota.

Page 34

(1) MR. PARISER: Okay. As far as Mr. Dumas
 (2) being in here, if he's going to be in here then there needs to
 (3) be some agreement that counsel from either side from other
 (4) cases can attend the depositions in this case.
 (5) MR. ESTES: I have no problem with that.
 (6) MR. PARISER: I don't mean for this
 (7) deposition. I'm talking about any deposition in this case.
 (8) MR. ESTES: I have no problem. If we could
 (9) have this marked as Exhibit 6.
 (10) Q BY MR. ESTES: Have you ever seen this
 (11) document before?
 (12) A At this point in time, based upon advice of
 (13) counsel, I invoke my rights under the 5th Amendment.
 (14) Q Does this document appear to be in your
 (15) handwriting?
 (16) A At this point in time, based upon advice of
 (17) counsel, I invoke my rights under the 5th Amendment.
 (18) Q Does the signature on this document appear to
 (19) be yours?
 (20) A At this point in time, based upon the advice
 (21) of counsel, I invoke my rights under the 5th Amendment.
 (22) Q And when I say signature, do you know which
 (23) mark I'm referring to?
 (24) A Based upon advice of counsel, at this point
 (25) in time I invoke my rights under the 5th Amendment.

Page 35

(1) Q Okay. So that we could have a clear record
 (2) of what I'm referring to, I'm referring to this portion at the
 (3) bottom left-hand side of the paper. It looks a little bit
 (4) like a scribble. And I'm referring to this mark here and
 (5) asking you whether or not you recognize that as your
 (6) signature.
 (7) A Based upon the advice of counsel, at this
 (8) point in time I'm invoking my right under the 5th Amendment.
 (9) Q Okay. Next I'd like to have this marked as
 (10) Exhibit 7.
 (11) (The aforementioned document was marked as
 (12) Plaintiff's Exhibit 7 for identification
 (13) and is attached hereto.)
 (14) MR. PARISER: Are you having any trouble
 (15) picking me up? You were asking where my microphone was.
 (16) Q By MR. ESTES: Before we go with Exhibit 7,
 (17) back on Exhibit 6 there's an entity identified as Paris West
 (18) Inc. Do you know what that entity's business is engaged in?
 (19) A Based upon advice of counsel, at this point
 (20) in time I'm invoking my rights under the 5th Amendment.
 (21) Q Have you ever represented Paris West, Inc.?
 (22) A At this point in time, given advice of
 (23) counsel, I invoke my rights under the 5th Amendment.
 (24) Q Do you recall whether or not you have ever
 (25) made a request to wire \$250,000.00 from any entity to Paris

Page 36

(1) West Inc. at any time?
 (2) A At this point in time, given advice from
 (3) counsel, I'm asserting my rights under the 5th Amendment.
 (4) Q And is the advice of counsel always the same
 (5) individual who's been instructing you to exercise your 5th?
 (6) MR. PARISER: I'm sorry. I didn't hear that
 (7) question.
 (8) MR. ESTES: All right. When you say on
 (9) advice of counsel I want to know what counsel he's referring
 (10) to.
 (11) THE WITNESS: Based upon the advice of
 (12) counsel, at this point in time I invoke my rights under the
 (13) 5th Amendment.
 (14) Q BY MR. ESTES: And is that the advice of the
 (15) counsel sitting at the table to your left?
 (16) A At this point in time, based upon the advice
 (17) of counsel, I invoke my rights under the 5th Amendment.
 (18) Q Okay. Turning to the Exhibit 7. Have you
 (19) ever seen this document before?
 (20) MR. PARISER: Okay. Hold on before you
 (21) answer that. Do you have another copy?
 (22) MR. ESTES: Oh. I'm sorry. Yeah.
 (23) THE WITNESS: Based upon advice of counsel,
 (24) at this point in time I assert my rights under the 5th
 (25) Amendment.

Page 37

- (1) **Q** BY MR. ESTES: Okay. Do you see the
 (2) signature to the left of the check mark on the page?
 (3) **A** Based upon advice of counsel, at this point
 (4) in time I assert my rights under the 5th Amendment.
 (5) **MR. ESTES:** So we can't even get an answer
 (6) out of him on whether or not he sees a certain mark on a
 (7) page?
 (8) **MR. PARISER:** Why don't you just refer him to
 (9) where on the page you're talking about and ask him your
 (10) question.
 (11) **MR. ESTES:** I just want to ask him if he
 (12) sees --
 (13) **MR. PARISER:** The check mark is prominent on
 (14) the document. Ask him about in relation to the check mark and
 (15) ask him the question.
 (16) **MR. ESTES:** If the check mark's prominent he
 (17) ought to be able to answer whether that's his signature or
 (18) that is a signature to the left of it.
 (19) **MR. PARISER:** You know, I'm just trying to
 (20) help you get through this. You ask your questions the way you
 (21) want to, but --
 (22) **Q** BY MR. ESTES: You see the -- what appears to
 (23) be a signature underneath the sincerely portion of the Exhibit
 (24) 7 document?
 (25) **A** Based upon the advice of counsel, at this

Page 38

- (1) point in time I assert my rights under the 5th Amendment.
 (2) **Q** Okay. This what appears to be a signature is
 (3) below sincerely, above Federal Transtel and to the left of the
 (4) check mark. Do you see what I'm referring to?
 (5) **A** At this point in time, based upon advice of
 (6) counsel, I assert my rights under the 5th Amendment.
 (7) **Q** Okay. And this what I've been referring to,
 (8) this area that contains what appears to be a signature, is
 (9) that your signature?
 (10) **A** At this point in time, based upon advice of
 (11) counsel, I assert my rights under the 5th Amendment.
 (12) **Q** Does any portion of this document appear to
 (13) be in your handwriting?
 (14) **A** At this point in time, based upon advice of
 (15) counsel, I assert my rights under the 5th Amendment.
 (16) **Q** Have you ever represented any interests of
 (17) Automatrix Financial, Inc.?
 (18) **A** Based upon advice of counsel, at this point
 (19) in time I invoke my rights under the 5th Amendment.
 (20) **Q** Have you ever been an officer of Automatrix
 (21) Financial, Inc.?
 (22) **A** At this point in time, given advice of
 (23) counsel, I'm asserting my rights under the 5th Amendment.
 (24) **Q** Have you ever been a director of Automatrix
 (25) Financial, Inc.?

Page 39

- (1) **A** At this point in time, given advice of
 (2) counsel, I assert my rights under the 5th Amendment.
 (3) **Q** Have you ever wired \$300,000.00 from any
 (4) entity to Automatrix Financial, Inc.?
 (5) **A** At this point in time, given advice of
 (6) counsel, I invoke my rights under the 5th Amendment.
 (7) **Q** Have you ever retained the services of Joel
 (8) Glaser either individually or through any entity you've
 (9) represented?
 (10) **A** Based upon advice of counsel, at this point
 (11) in time I assert my rights under the 5th Amendment.
 (12) **Q** Have you paid Joel Glaser in excess of
 (13) \$500,000.00 either through by yourself or through an entity
 (14) you represented?
 (15) **A** At this point in time, based upon advice of
 (16) counsel, I assert my rights under the 5th Amendment.
 (17) **MR. PARISER:** I'm also going to interject an
 (18) objection as to Joel Glaser who is an attorney. The
 (19) attorney/client privilege applies, so I object on that basis
 (20) as well as to relevance.
 (21) **Q** BY MR. ESTES: Have you ever retained the
 (22) services of Alston Bird either individually or through any
 (23) entity you've represented?
 (24) **MR. PARISER:** Is that a -- is that a person,
 (25) Alston Bird.

Page 40

- (1) **MR. ESTES:** It's a law firm.
 (2) **MR. PARISER:** A law firm, okay. Same
 (3) objection. Attorney/client privilege.
 (4) **THE WITNESS:** At this point, based upon
 (5) advice of counsel I assert my rights under the 5th Amendment.
 (6) **MR. ESTES:** Are you telling me the identity
 (7) of an attorney is privileged?
 (8) **MR. PARISER:** Can be.
 (9) **MR. ESTES:** The identity.
 (10) **MR. PARISER:** Can be.
 (11) **MR. ESTES:** Whether or not he's ever retained
 (12) them.
 (13) **MR. PARISER:** Can be.
 (14) **MR. ESTES:** But you don't know.
 (15) **MR. PARISER:** The court has already -- on
 (16) your interrogatories already concluded that the identity of
 (17) retained attorneys can be privileged depending on the
 (18) circumstances.
 (19) **MR. ESTES:** And do those circumstances exist
 (20) here?
 (21) **THE WITNESS:** At this point in time --
 (22) **MR. PARISER:** No question pending.
 (23) **MR. ESTES:** Okay. So are you advising him
 (24) not to answer that based upon 5th Amendment privilege or based
 (25) upon attorney/client privilege?

Page 41

(1) **MR. PARISER:** I have not -- all I've done is
 (2) asserted the objections for the record.
 (3) **MR. ESTES:** Okay. And are you following the
 (4) advice of your -- are you advising him not to answer?
 (5) **MR. PARISER:** All I've done is asserted the
 (6) objections for the record.
 (7) **MR. ESTES:** Okay.
 (8) **Q** BY MR. ESTES: Have you ever retained the
 (9) services of the law firm Benton & Centeno either directly or
 (10) through any entity you've represented?
 (11) **MR. PARISER:** Objection. Attorney/client
 (12) privilege and relevance.
 (13) **THE WITNESS:** Based upon advice of counsel,
 (14) at this point in time I invoke my rights under the 5th
 (15) Amendment.
 (16) **Q** BY MR. ESTES: Have you ever retained the
 (17) services either individually or on behalf of any entity you've
 (18) represented the law firm of Jerry Solomon Berger?
 (19) **MR. PARISER:** Objection. Attorney/client
 (20) privilege and relevance.
 (21) **THE WITNESS:** At this point in time, based on
 (22) advice of counsel, I invoke my rights under the 5th Amendment.
 (23) **MR. ESTES:** Now, I believe the objection of
 (24) based upon attorney/client privilege didn't apply to attorneys
 (25) who have been -- made a public appearance or whose name is a

Page 42

(1) matter of public record.
 (2) **MR. PARISER:** I'm just asserting my
 (3) objections for the record.
 (4) **THE WITNESS:** At this point in time --
 (5) **MR. PARISER:** There's no question pending.
 (6) **MR. ESTES:** He's on auto pilot.
 (7) **Q** BY MR. ESTES: Have you ever engaged the
 (8) services of Berkowitz, Lefkowitz -- this is a law firm --
 (9) either individually or behalf of any of your entities?
 (10) **MR. PARISER:** Objection. Attorney/client
 (11) privilege and relevance.
 (12) **THE WITNESS:** Based on the advice of counsel,
 (13) at this point in time I assert my rights under the 5th
 (14) Amendment.
 (15) **Q** BY MR. ESTES: Did you ever pay Berkowitz,
 (16) Lefkowitz attorneys either individually or through your
 (17) entities amounts that total in excess of \$550,000.00?
 (18) **MR. PARISER:** Objection. Attorney/client
 (19) privilege and relevance.
 (20) **THE WITNESS:** Based upon advice of counsel,
 (21) at this point in time I invoke my rights under the 5th
 (22) Amendment.
 (23) **Q** BY MR. ESTES: Did you ever engage the
 (24) services of the law firm Bradley, Arant, Rose & White either
 (25) personally or through any of your entities at any time?

Page 43

(1) **MR. PARISER:** Objection. Attorney/client
 (2) privilege and relevance.
 (3) **THE WITNESS:** Based upon advice of counsel,
 (4) at this point in time I invoke my rights under the 5th
 (5) Amendment.
 (6) **Q** BY MR. ESTES: Did you ever engage the
 (7) services of a law firm Bovitz & Spitzer either individually or
 (8) through an entity you represented?
 (9) **MR. PARISER:** Objection. Attorney/client
 (10) privilege and relevance.
 (11) **THE WITNESS:** Based upon the advice of
 (12) counsel, at this point in time I invoke my rights under the
 (13) 5th Amendment.
 (14) **Q** BY MR. ESTES: Did you ever engage the
 (15) services of Alan Broidy either individually or through any
 (16) entity you represented?
 (17) **MR. PARISER:** Is he also an attorney?
 (18) **MR. ESTES:** He's an attorney.
 (19) **MR. PARISER:** Objection. Attorney/client
 (20) privilege and relevance.
 (21) **THE WITNESS:** Based upon the advice of
 (22) counsel, at this point in time I invoke my rights under the
 (23) 5th Amendment.
 (24) **Q** BY MR. ESTES: Did you ever engage the
 (25) services of Burke, Williams & Sorrenson either individually or

Page 44

(1) at any time?
 (2) **MR. PARISER:** Objection. Attorney/client
 (3) privilege and relevance.
 (4) **THE WITNESS:** Based upon advice of counsel,
 (5) at this point in time I invoke my rights under the 5th
 (6) Amendment.
 (7) **Q** BY MR. ESTES: Did you ever engage the
 (8) services of Burr & Forman either personally or through any
 (9) entity you've ever represented?
 (10) **MR. PARISER:** Also a law firm?
 (11) **MR. ESTES:** I -- I don't know.
 (12) **MR. PARISER:** To the extent they're a law
 (13) firm I'm going to assert the attorney/client privilege. Well,
 (14) I'm going to object based on the attorney/client privilege and
 (15) relevance.
 (16) **MR. ESTES:** They are. I do believe they are
 (17) a law firm. I -- I recall.
 (18) **THE WITNESS:** Based upon advice of counsel,
 (19) at this point in time I assert my rights under the 5th
 (20) Amendment.
 (21) **Q** BY MR. ESTES: Have you ever retained the
 (22) services of Campbell & Rowell attorneys either individually or
 (23) through any entity you've ever represented?
 (24) **MR. PARISER:** Objection. Attorney/client
 (25) privilege and relevance.

Page 45

(1) **THE WITNESS:** Based upon advice of counsel,
 (2) at this point in time I assert my rights under the 5th
 (3) Amendment.

(4) **Q** BY MR. ESTES: Have you ever engaged the
 (5) services of Tony Center either individually or through any
 (6) entity you've ever represented? That's an attorney.

(7) **MR. PARISER:** Objection. Attorney/client
 (8) privilege and relevance.

(9) **THE WITNESS:** At this point in time, based
 (10) upon the advice of counsel, I assert my rights under the 5th
 (11) Amendment.

(12) **Q** BY MR. ESTES: Have you ever engaged the
 (13) services of a law firm Christenson Miller either personally or
 (14) through an entity that you've represented?

(15) **MR. PARISER:** Objection. Attorney/client
 (16) privilege and relevance.

(17) **THE WITNESS:** Based upon advice of counsel,
 (18) at this point in time I invoke my rights under the 5th
 (19) Amendment.

(20) **Q** BY MR. ESTES: Did you ever retain the
 (21) services of Najjar -- and that's N-a-i-j-a-r, Denaburg,
 (22) D-e-n-a-b-u-r-g -- either personally or through any entity
 (23) you've ever represented? I believe they're attorneys.

(24) **MR. PARISER:** Objection. Attorney/client
 (25) privilege and relevance.

Page 46

(1) **THE WITNESS:** Based upon advice of counsel,
 (2) at this point in time I invoke my rights under the 5th
 (3) Amendment.

(4) **Q** BY MR. ESTES: Have you ever engaged the
 (5) services of Thomas Emmitt, Esquire either personally or
 (6) through any entity you've ever represented?

(7) **MR. PARISER:** Objection. Attorney/client
 (8) privilege and relevance.

(9) **THE WITNESS:** Based upon the advice of
 (10) counsel, at this point in time I invoke my rights under the
 (11) 5th Amendment.

(12) **Q** BY MR. ESTES: Have you ever engage the
 (13) services of Donald Etra either personally or through any
 (14) entity you've ever represented?

(15) **MR. PARISER:** Is he also an attorney?

(16) **MR. ESTES:** Yes.

(17) **MR. PARISER:** Objection. Attorney/client
 (18) privilege and relevance.

(19) **THE WITNESS:** Based upon the advice of
 (20) counsel, at this point in time I invoke my rights under the
 (21) 5th Amendment.

(22) **Q** BY MR. ESTES: Have you ever engaged the
 (23) services of Anthony Pelicano either personally or through any
 (24) entity you've ever represented?

(25) **MR. PARISER:** Is he an attorney?

Page 47

(1) **MR. ESTES:** I don't know. No.

(2) **MR. PARISER:** Does he work for an attorney?

(3) **MR. ESTES:** I don't know.

(4) **MR. PARISER:** Just in case, I'm going to
 (5) object based on attorney/client privilege and relevance.

(6) **THE WITNESS:** Based on advice of counsel, at
 (7) this point in time I invoke my rights under the 5th Amendment.

(8) **Q** BY MR. ESTES: Did you ever retain the
 (9) services of Anthony Pelicano to secretly wire tap the
 (10) telephone lines of Ami Shafir?

(11) **MR. PARISER:** To the extent that he's -- if
 (12) he's an attorney I'll object based on attorney/client
 (13) privilege.

(14) **THE WITNESS:** Based upon advice of counsel,
 (15) at this point in time I assert my right under the 5th
 (16) Amendment.

(17) **Q** BY MR. ESTES: Did you ever pay Anthony
 (18) Pelicano \$50,000.00 a month for any services that he ever
 (19) provided to you or any entity you represented?

(20) **MR. PARISER:** In case he's an attorney I
 (21) object on attorney/client privilege and relevance.

(22) **THE WITNESS:** At this point in time, based
 (23) upon counsel's advice, I assert my rights under the 5th
 (24) Amendment.

(25) **Q** BY MR. ESTES: Did you ever hear any tape

Page 48

(1) recordings of Ami Shafir that have been secretly recorded at
 (2) any time?

(3) **MR. PARISER:** Well, the question is overbroad
 (4) in scope in terms of the subject matter.

(5) **MR. ESTES:** Do you understand the question?

(6) **MR. PARISER:** Well, I understand the
 (7) question. I'm just saying that it's overbroad in scope and
 (8) it's not limited to the subject matter relevant to the
 (9) lawsuit.

(10) **THE WITNESS:** Based upon the advice of
 (11) counsel, at this point in time I assert my right under the 5th
 (12) Amendment.

(13) **Q** BY MR. ESTES: Who is Anthony Pelicano, if
 (14) you know?

(15) **A** Based upon advice of counsel, at this point
 (16) in time I assert my rights under the 5th Amendment.

(17) **Q** What business is Anthony Pelicano engaged in,
 (18) if you know?

(19) **A** At this point in time, given advice of
 (20) counsel, I assert my rights under the 5th Amendment.

(21) **Q** Have you ever met Anthony Pelicano?

(22) **A** Based upon counsel's advice, at this point in
 (23) time I assert my rights under the 5th Amendment.

(24) **Q** Have you ever spoken to Anthony Pelicano over
 (25) the telephone?

Page 49

Page 51

(1) **A** At this point in time, given counsel's
 (2) advice, I assert my rights under the 5th Amendment.
 (3) **Q** Have you either personally or through any
 (4) entity you've represented engaged the services of Leo Fasen,
 (5) Esquire?
 (6) **A** Based --
 (7) **MR. PARISER:** He's an attorney, right?
 (8) **MR. ESTES:** Esquire.
 (9) **MR. PARISER:** Fasen.
 (10) **MR. ESTES:** Esquire.
 (11) **MR. PARISER:** Oh. He's an esquire. Sorry.
 (12) I'll object as to attorney/client privilege and relevance.
 (13) **THE WITNESS:** Based upon advice of counsel,
 (14) at this point I invoke my rights under the 5th Amendment.
 (15) **Q** BY MR. ESTES: Have you ever engaged either
 (16) personally or through any entity you've represented the
 (17) services of Friedman & Fleiger attorneys?
 (18) **MR. PARISER:** Objection. Attorney/client
 (19) privilege and relevance.
 (20) **THE WITNESS:** At this point in time, given
 (21) advice of counsel, I assert my rights under the 5th Amendment.
 (22) **Q** BY MR. ESTES: Have you either personally or
 (23) through any entity you've represented engaged the services of
 (24) Fred Gagliardini, Esquire?
 (25) **MR. PARISER:** Objection. Attorney/client

(1) they're separate I object based on attorney/client privilege
 (2) and relevance.
 (3) **THE WITNESS:** Based upon advice of counsel,
 (4) at this point in time I invoke my rights under the 5th
 (5) Amendment.
 (6) **Q** BY MR. ESTES: Have you ever engaged the
 (7) services of Gershuni & Imrich attorneys either personally or
 (8) through any entity you've represented?
 (9) **MR. PARISER:** Objection. Attorney/client
 (10) privilege and relevance.
 (11) **THE WITNESS:** Based upon advice of counsel,
 (12) at this point in time I assert my rights under the 5th
 (13) Amendment.
 (14) **Q** BY MR. ESTES: Have you ever engaged the
 (15) services of Paul Goldman, Esquire either personally or through
 (16) any entity you've represented?
 (17) **MR. PARISER:** Objection. Attorney/client
 (18) privilege and relevance.
 (19) **THE WITNESS:** Based upon advice of counsel,
 (20) at this point in time I assert my rights under the 5th
 (21) Amendment.
 (22) **Q** BY MR. ESTES: Have you ever engaged the
 (23) services of Goldstein, Feldman & Hilley attorneys either
 (24) personally or through any entity you've ever represented?
 (25) **MR. PARISER:** Objection. Attorney/client

Page 50

Page 52

(1) privilege and relevance.
 (2) **THE WITNESS:** At this point in time, given
 (3) advice of counsel, I assert my rights under the 5th Amendment.
 (4) **Q** BY MR. ESTES: Have you either personally or
 (5) through an entity you've ever represented engaged the services
 (6) of the law firm Gaims, Weil?
 (7) **MR. PARISER:** Objection. Attorney/client
 (8) privilege and relevance.
 (9) **THE WITNESS:** At this point in time, given
 (10) advice of counsel, I assert my rights under the 5th Amendment.
 (11) **Q** BY MR. ESTES: Have you either personally or
 (12) through an entity you've represented engaged the services of
 (13) Gardner, Middlebrooks, Fleming attorneys?
 (14) **MR. PARISER:** Objection. Attorney/client
 (15) privilege and relevance.
 (16) **THE WITNESS:** Given advice of counsel, based
 (17) upon current events at this point in time I assert my rights
 (18) under the 5th Amendment.
 (19) **Q** BY MR. ESTES: Have you ever engaged the
 (20) services of a law firm Gardner -- of the Gardner Law Firm
 (21) either personally or through an entity you've represented?
 (22) **MR. PARISER:** Didn't you just ask Gardner?
 (23) **MR. ESTES:** That was Gardner, Middlebrooks &
 (24) Fleming. This is the Gardner Law Firm.
 (25) **MR. PARISER:** Okay. To the extent that

(1) privilege and relevance.
 (2) **THE WITNESS:** Given advice of counsel, at
 (3) this point in time I assert my rights under the 5th Amendment.
 (4) **Q** BY MR. ESTES: Have you ever engaged the
 (5) services of Donald Duck?
 (6) **MR. PARISER:** I'm going to object as a
 (7) ridiculous question.
 (8) **Q** BY MR. ESTES: Have you ever engaged the
 (9) services of Graham & James attorneys either personally or
 (10) through any entity you've ever represented?
 (11) **MR. PARISER:** Objection. Attorney/client
 (12) privilege and relevance.
 (13) **THE WITNESS:** Based upon the advice of
 (14) counsel, at this point in time I assert my rights under the
 (15) 5th Amendment.
 (16) **Q** BY MR. ESTES: Have you ever engaged the
 (17) services of Hassett & Cohen either individually or through any
 (18) entity you've represented?
 (19) **MR. PARISER:** Objection. Attorney/client
 (20) privilege and relevance.
 (21) **THE WITNESS:** Based upon advice of counsel,
 (22) at this point in time I assert my rights under the 5th
 (23) Amendment.
 (24) **Q** BY MR. ESTES: Have you ever engaged the
 (25) services of Hersch & Mannis either individually or through any

Page 53

(1) entity you've represented?

(2) **MR. PARISER:** Objection. Attorney/client
(3) privilege and relevance.

(4) **THE WITNESS:** At this point in time, given
(5) advice of counsel, I invoke my rights under the 5th Amendment.

(6) **Q** BY MR. ESTES: Have you ever engaged the
(7) services of Bruce Hockman either individually or through any
(8) entity you've represented?

(9) **MR. PARISER:** I'm sorry. Was that a law
(10) firm? Did you say a law firm?

(11) **MR. ESTES:** Bruce Hockman.

(12) **MR. PARISER:** Is he a lawyer?

(13) **MR. ESTES:** I believe he's a tax lawyer.

(14) **MR. PARISER:** Objection. Attorney/client
(15) privilege and relevance.

(16) **THE WITNESS:** At this point in time, given
(17) counsel's advice, I assert my rights under the 5th Amendment.

(18) **Q** BY MR. ESTES: Have you ever personally or
(19) through an entity represented and engaged the services of
(20) Donald Iwuchuki, Iwuchuku?

(21) **MR. PARISER:** Is he an attorney?

(22) **MR. ESTES:** I believe so.

(23) **MR. PARISER:** Objection. Attorney/client
(24) privilege and relevance.

(25) **THE WITNESS:** At this point in time, given

Page 55

(1) **A** Based upon advice of counsel, at this point
(2) in time I assert my rights under the 5th Amendment.

(3) **Q** Does David Katz perform any services for any
(4) of your entities or has he ever performed services for any of
(5) your entities other than the practice of law?

(6) **A** Based upon advice of counsel --

(7) **MR. PARISER:** I'm also going to object. Let
(8) me just object to that question that your entities is vague
(9) and ambiguous. Go ahead.

(10) **THE WITNESS:** Based upon the advice of
(11) counsel, at this point in time I assert my rights under the
(12) 5th Amendment.

(13) **Q** BY MR. ESTES: Has David Katz ever
(14) represented any company under your control in a manner other
(15) than the rendering of legal services?

(16) **A** Based upon advice of counsel, at this point
(17) in time I assert my rights under the 5th Amendment.

(18) **Q** Do you know a David Katz?

(19) **A** Based upon advice of counsel, at this point
(20) in time I assert my rights under the 5th Amendment.

(21) **Q** Have you ever met David Katz?

(22) **A** Based upon counsel's advice, at this point in
(23) time I assert my rights under the 5th Amendment.

(24) **Q** Have you either personally or through any
(25) entity you've represented engaged the services of the law firm

Page 54

(1) attorney -- my counsel's advice I'll assert my rights under
(2) the 5th Amendment.

(3) **Q** BY MR. ESTES: Did you individually or
(4) through an entity you represented ever retain the services of
(5) the law firm Jaffee, Strickland & Drennan?

(6) **MR. PARISER:** Objection. Attorney/client
(7) privilege and relevance.

(8) **THE WITNESS:** At this point in time, given
(9) counsel's advice, I assert my rights under the 5th Amendment.

(10) **Q** BY MR. ESTES: Have you either individually
(11) or through any entity represented and engaged the services of
(12) David Katz, Esquire?

(13) **MR. PARISER:** Objection. Attorney/client
(14) privilege and relevance.

(15) **THE WITNESS:** At this point in time, given
(16) counsel's advice, I assert my rights under the 5th Amendment.

(17) **Q** BY MR. ESTES: Have you paid David Katz
(18) either individually or through any entity you've represented
(19) amounts in excess of \$500,000.00?

(20) **MR. PARISER:** Objection. Attorney/client
(21) privilege and relevance.

(22) **THE WITNESS:** Given the advice of counsel, at
(23) this point in time I assert my rights under the 5th Amendment.

(24) **Q** BY MR. ESTES: Does David Katz perform any
(25) services for you other than legal services?

Page 56

(1) Mengles Butler?

(2) **MR. PARISER:** Objection. Attorney/client
(3) privilege and relevance.

(4) **THE WITNESS:** Based upon counsel's advice, at
(5) this point in time I assert my rights under the 5th Amendment.

(6) **Q** BY MR. ESTES: Have you or any entity you've
(7) ever represented engaged the services of Nachshin & Weston
(8) lawyers?

(9) **MR. PARISER:** Objection. Attorney/client
(10) privilege and relevance.

(11) **THE WITNESS:** At this point in time, based
(12) upon my counsel's advice, I assert my rights under the 5th
(13) Amendment.

(14) **Q** BY MR. ESTES: Who is Sarit Shafir?

(15) **A** Based on my counsel's advice, at this point
(16) in time I assert my rights under the 5th Amendment.

(17) **Q** Did you retain the services of any lawyers
(18) that you knew to be representing Sarit Shafir in a divorce
(19) matter?

(20) **MR. PARISER:** Objection. Attorney/client
(21) privilege and relevance.

(22) **THE WITNESS:** Based upon counsel's advice, at
(23) this point in time I'll assert my rights under the 5th
(24) Amendment.

(25) **Q** BY MR. ESTES: Have you either personally or

Page 57

(1) through an entity you've represented engaged the services of
 (2) Steven Landow?
 (3) **MR. PARISER:** Is he an attorney?
 (4) **MR. ESTES:** Yes.
 (5) **MR. PARISER:** Objection. Attorney/client
 (6) privilege and relevance.
 (7) **THE WITNESS:** Based upon counsel's advice, at
 (8) this point in time I assert my rights under the 5th Amendment.
 (9) **Q** BY MR. ESTES: Do you know who Steven Landow
 (10) is?
 (11) **A** Based upon advice of counsel, at this point
 (12) in time I assert my privilege under the 5th Amendment.
 (13) **Q** Have you ever met Steven Landow?
 (14) **A** At this point in time, based upon counsel's
 (15) advice, I assert my rights under the 5th Amendment.
 (16) **Q** Have you ever had any written correspondence
 (17) with Steven Landow?
 (18) **A** Based upon counsel's advice, at this point in
 (19) time I assert my rights under the 5th Amendment.
 (20) **Q** Did you ever have any planning meetings with
 (21) Steven Landow regarding litigation strategy as it relates to
 (22) Sarit Shafrir's divorce matter?
 (23) **A** Based upon --
 (24) **MR. PARISER:** Hold on a second. Can I have
 (25) that question read back again? Want to reask it or have it

Page 58

(1) read back?
 (2) **MR. ESTES:** Have it read back again. I'll
 (3) repeat it. It will be easier this way.
 (4) **Q** BY MR. ESTES: Have you ever had any planning
 (5) meetings with Steven Landow regarding strategy as it relates
 (6) to the divorce proceedings with Sarit Shafrir?
 (7) **A** (No audible response).
 (8) **Q** You can answer.
 (9) **MR. PARISER:** Okay. I'm going to interpose
 (10) an objection. I don't know the situation. To the extent that
 (11) Mr. Nicherie was a client of Mr. Landow I object on
 (12) attorney/client privilege.
 (13) **THE WITNESS:** Based upon counsel's advice, at
 (14) this point in time I assert my rights under the 5th Amendment.
 (15) **Q** BY MR. ESTES: Are you under any medication
 (16) as you sit here today?
 (17) **A** Based upon my counsel's advice, at this point
 (18) in time I assert my rights under the 5th Amendment.
 (19) **Q** Is there any reason that you are unable to
 (20) understand any questions that have been presented to you so
 (21) far today?
 (22) **A** Based upon my counsel's advice, at this point
 (23) in time I assert my rights under the 5th Amendment.
 (24) **Q** Is there any medical condition that we're
 (25) unaware of that would hinder your ability to understand the

Page 59

(1) questions and respond to them as you sit here today?
 (2) **A** Based upon advice of counsel, at this point
 (3) time I assert my rights under the 5th Amendment.
 (4) **Q** Have you ever retained the services of the
 (5) law firm O'Neal, Lysec & Son either personally or through any
 (6) entity you've represented?
 (7) **MR. PARISER:** Objection. Attorney/client
 (8) privilege and relevance.
 (9) **THE WITNESS:** Based upon advice of counsel,
 (10) at this point in time I assert my rights under the 5th
 (11) Amendment.
 (12) **Q** BY MR. ESTES: Have you ever engaged the
 (13) services of attorney Victor Sherman either personally or
 (14) through an entity you've represented?
 (15) **MR. PARISER:** Objection. Attorney/client
 (16) privilege and relevance.
 (17) **THE WITNESS:** Based upon the advice of
 (18) counsel, at this point in time I assert the -- my rights under
 (19) the 5th Amendment.
 (20) **Q** BY MR. ESTES: Do you know who Victor Sherman
 (21) is?
 (22) **A** Based upon the advice of counsel, at this
 (23) point in time I assert my rights under the 5th Amendment.
 (24) **Q** Have you ever met Victor Sherman?
 (25) **A** Based upon my counsel's advice, at this point

Page 60

(1) in time I assert my rights under the 5th Amendment.
 (2) **Q** Have you ever transacted -- have you ever
 (3) discussed any matters over the telephone with Victor Sherman?
 (4) **A** At this point in time --
 (5) **MR. PARISER:** You mean did he ever speak with
 (6) him on the telephone?
 (7) **MR. ESTES:** Yes.
 (8) **MR. PARISER:** Objection. Attorney/client
 (9) privilege and relevance.
 (10) **THE WITNESS:** Given counsel's advice, at this
 (11) point in time I assert my rights under the 5th Amendment.
 (12) **Q** BY MR. ESTES: Have you either personally or
 (13) through any entity you've represented retained the services of
 (14) Jeffrey Shinbrot, Esquire?
 (15) **MR. PARISER:** Objection. Attorney/client
 (16) privilege and relevance.
 (17) **THE WITNESS:** At this point in time, given my
 (18) counsel's advice, I assert the -- my rights under the 5th
 (19) Amendment.
 (20) **Q** BY MR. ESTES: Have you either personally or
 (21) through an entity you've ever represented retained the
 (22) services of Sirote & Permutt attorneys?
 (23) **MR. PARISER:** Objection. Attorney/client
 (24) privilege and relevance.
 (25) **THE WITNESS:** Based upon counsel's advice, at

Page 61

(1) this point in time I assert the -- my rights under the 5th
(2) Amendment.

(3) **Q** BY MR. ESTES: Have you either personally or
(4) through an entity you've ever represented paid Victor Sherman
(5) in excess of \$450,000.00?

(6) **MR. PARISER:** Objection. Attorney/client
(7) privilege and relevance.

(8) **THE WITNESS:** Based upon counsel's advice, at
(9) this point in time I assert my rights under the 5th Amendment.

(10) **Q** BY MR. ESTES: Have you or any entity you've
(11) ever represented retained the services of George Stephens,
(12) Attorney?

(13) **MR. PARISER:** Objection. Attorney/client
(14) privilege and relevance.

(15) **THE WITNESS:** Based upon counsel's advice, at
(16) this point in time I assert my rights under the 5th Amendment.

(17) **Q** BY MR. ESTES: Have you either individually
(18) or through an entity you've represented engaged the services
(19) of Swindler, Berlin & Shereff?

(20) **MR. PARISER:** Are they attorneys?

(21) **MR. ESTES:** I believe so.

(22) **MR. PARISER:** Objection. Attorney/client
(23) privilege and relevance.

(24) **THE WITNESS:** Based upon counsel's advice, at
(25) this point in time I assert my rights under the 5th Amendment.

Page 62

(1) **Q** BY MR. ESTES: Have you either personally or
(2) through an entity you've represented retained the services of
(3) Alan Teegardin?

(4) **MR. PARISER:** Is he -- is he an attorney?

(5) **MR. ESTES:** I believe so.

(6) **MR. PARISER:** Objection. Attorney/client
(7) privilege and relevance.

(8) **THE WITNESS:** At this point in time, given my
(9) counsel's advice, I assert my rights under the 5th Amendment.

(10) **Q** BY MR. ESTES: Do you know who Alan Teegardin
(11) is?

(12) **A** At this point in time, given counsel's
(13) advice, I assert my rights under the 5th Amendment.

(14) **Q** Have you ever had Alan Teegardin incorporate
(15) any entities on your behalf?

(16) **MR. PARISER:** Objection. Attorney/client
(17) privilege and relevance.

(18) **THE WITNESS:** At this point in time, given
(19) counsel's advice, I'm asserting my rights under the 5th
(20) Amendment.

(21) **Q** BY MR. ESTES: Have you either personally or
(22) through any entity you've represented retained the services of
(23) Trope & Trope attorneys?

(24) **MR. PARISER:** Objection. Attorney/client
(25) privilege and relevance.

Page 63

(1) **THE WITNESS:** Given counsel's advice, at this
(2) point in time I assert my rights under the 5th Amendment.

(3) **Q** BY MR. ESTES: Have you either personally or
(4) through any entity you've represented retained the services of
(5) Walston, Wells, Anderson attorneys?

(6) **MR. PARISER:** Objection. Attorney/client
(7) privilege and relevance.

(8) **THE WITNESS:** Given my counsel's advice, at
(9) this point in time I assert my rights under the 5th Amendment.

(10) **MR. ESTES:** Okay. I'm going to have this
(11) marked as Exhibit 8.

(12) (The aforementioned document was marked as
(13) Plaintiff's Exhibit 8 for identification
(14) and is attached hereto.)

(15) **MR. PARISER:** Do you have another copy of
(16) this?

(17) **MR. ESTES:** Yeah. I'll give you one.

(18) **Q** BY MR. ESTES: Have you ever seen -- scratch
(19) that. Does that appear to be your signature on that document
(20) on the signature line of the check?

(21) **A** Based upon counsel's advice, at this point in
(22) time I assert my rights under the 5th Amendment.

(23) **Q** Okay. I's like to have this marked as
(24) Exhibit 9.

(25) (The aforementioned document was marked as

Page 64

(1) Plaintiff's Exhibit 9 for identification
(2) and is attached hereto.)

(3) **Q** BY MR. ESTES: Does that appear to be your
(4) signature on that check?

(5) **A** Based upon -- upon counsel's advice, at this
(6) point in time I assert the -- my rights under the 5th
(7) Amendment.

(8) **Q** Have you ever transacted business in the name
(9) of Corporate Management Control, Inc. with Manufacturers Bank?

(10) **A** At this point in time, given counsel's
(11) advice, I assert my rights under the 5th Amendment.

(12) **Q** Have you ever transacted business out of the
(13) location of 3175 South Hoover Street, No. 462, Los Angeles,
(14) California?

(15) **A** At this point in time, based upon counsel's
(16) advice, I assert my rights under the 5th Amendment.

(17) **Q** Do you recall whether or not you have cashed
(18) this check identified as Exhibit No. 9?

(19) **A** Based upon the advice of counsel, at this
(20) point in time I assert my rights under the 5th Amendment.

(21) **Q** I'd like to have this marked as Exhibit 10.
(22) (The aforementioned document was marked as
(23) Plaintiff's Exhibit 10 for identification
(24) and is attached hereto.)

(25) **Q** BY MR. ESTES: Does that appear to be your

Page 65

- (1) signature on that document?
- (2) **A** At this point in time, based upon counsel's
- (3) advice, I assert my rights under the 5th Amendment.
- (4) **Q** Did you ever transact business on Shenandoah
- (5) Street in Los Angeles?
- (6) **A** At this point in time, given counsel's
- (7) advice, I assert my rights under the 5th Amendment.
- (8) **Q** I'd like to have this marked as Exhibit No.
- (9) 11.
- (10) (The aforementioned document was marked as
- (11) Plaintiff's Exhibit 11 for identification
- (12) and is attached hereto.)
- (13) **Q** BY MR. ESTES: Does that appear to be your
- (14) signature on that document on the check?
- (15) **A** Given counsel's advice, at this point in time
- (16) I assert my rights under the 5th Amendment.
- (17) **Q** I'd like to have this marked as Exhibit 12.
- (18) (The aforementioned document was marked as
- (19) Plaintiff's Exhibit 12 for identification
- (20) and is attached hereto.)
- (21) **Q** BY MR. ESTES: Have you ever seen this
- (22) document before?
- (23) **A** At this point in time, given counsel's
- (24) advice, I assert my rights under the 5th Amendment.
- (25) **Q** Is your signature anywhere on this document

Page 66

- (1) that you recall?
- (2) **MR. PARISER:** Are you asking from personal
- (3) memory?
- (4) **MR. ESTES:** Yes.
- (5) **MR. PARISER:** Or are you asking based on
- (6) looking at the document?
- (7) **MR. ESTES:** From looking at the document
- (8) based on personal memory.
- (9) **THE WITNESS:** At this point in time --
- (10) **MR. PARISER:** I'm not sure I understand
- (11) this. I'm going to object as vague and ambiguous.
- (12) **MR. ESTES:** I'll rephrase it.
- (13) **Q** BY MR. ESTES: Based upon your personal
- (14) recollection do you recall ever signing this document either
- (15) in your name or the name of Richard Albertini?
- (16) **A** At this point in time, given counsel's
- (17) advice, I assert my rights under the 5th Amendment.
- (18) **Q** Did you present yourself at the offices of
- (19) Cort Furniture under the assumed identity of Richard Albertini
- (20) at any time?
- (21) **A** At this point in time, given counsel's
- (22) advice, I assert my rights under the 5th Amendment.
- (23) **Q** Did you present yourself at the business
- (24) offices of Cort Furniture Rental at any time and sign the name
- (25) of Richard Albertini to this document?

Page 67

- (1) **A** At this point in time, given counsel's
- (2) advice, I assert my rights under the 5th Amendment.
- (3) **MR. PARISER:** I have an objection to all the
- (4) questions concerning Cort Furniture Rental as irrelevant.
- (5) **MR. ESTES:** Do you know what Cort Furniture
- (6) Rental is?
- (7) **MR. PARISER:** I'm not being deposed. I'm
- (8) asserting my objection.
- (9) **MR. ESTES:** No. I'm just wondering if you
- (10) even know what Cort Furniture Rental is to be able to base an
- (11) objection of relevancy on it. I'm just asking you what the
- (12) basis of your objection for relevance -- relevance on what?
- (13) **MR. PARISER:** I'm just making the objection
- (14) for the record.
- (15) **MR. ESTES:** Okay.
- (16) **MR. PARISER:** Is there a question pending?
- (17) **MR. ESTES:** Yes.
- (18) **THE WITNESS:** Based upon advice of counsel,
- (19) at this point in time I assert my rights under the 5th
- (20) Amendment.
- (21) **Q** BY MR. ESTES: When did you first meet the
- (22) Shafirs?
- (23) **A** At this point in time, given counsel's
- (24) advice, I assert my rights under the 5th Amendment.
- (25) **Q** Did you ever tell Sarit Shafir that you were

Page 68

- (1) an attorney?
- (2) **A** At this point in time, given my counsel's --
- (3) given counsel's advice, I assert my rights under the 5th
- (4) Amendment.
- (5) **Q** Have you ever represented a corporation in
- (6) any of the Shafir proceedings as an attorney?
- (7) **A** At this point in time --
- (8) **MR. PARISER:** What are the Shafir
- (9) proceedings?
- (10) **MR. ESTES:** He knows what I'm talking about.
- (11) Do you understand what I'm talking about?
- (12) **MR. PARISER:** I don't understand what you're
- (13) talking about.
- (14) **MR. ESTES:** The Shafir litigation.
- (15) **MR. PARISER:** Any litigation involving
- (16) Mr. Shafir?
- (17) **MR. ESTES:** Yes.
- (18) **THE WITNESS:** At this point in time, given
- (19) counsel's advice, I assert my rights under the 5th Amendment.
- (20) **Q** BY MR. ESTES: Do you currently hold yourself
- (21) out as being the trustee to Amtech pension plan?
- (22) **A** At this point in time, given advice of
- (23) counsel, I assert my rights under the 5th Amendment.
- (24) **Q** Do you currently hold yourself out as the
- (25) trustee of the Amtech, Inc. profit sharing plan?

Page 69

(1) **A** At this point in time, given advice of
 (2) counsel, I assert my rights under the 5th Amendment.
 (3) **Q** Have you ever been convicted of a felony in
 (4) the last ten years?
 (5) **A** At this point in time, given advice of
 (6) counsel, I assert my rights under the 5th Amendment.
 (7) **Q** Are you aware of any federal statutes that
 (8) prohibit you from representing the -- any pension plan as a
 (9) trustee if you have been convicted of a felony?
 (10) **MR. PARISER:** I'm sorry. Could you pause. I
 (11) lost the question. Can you read it back please?
 (12) (The court reporter read back the last question.)
 (13) **THE WITNESS:** At this point in time, given
 (14) advice of counsel, I assert my rights under the 5th Amendment.
 (15) **Q** BY MR. ESTES: Did you cause the bankruptcy
 (16) petition to be filed against Matchnet?
 (17) **A** At this point in time, given counsel's
 (18) advice, I assert my rights under the 5th Amendment.
 (19) **Q** Did you direct a bankruptcy filing against
 (20) Matchnet at any time time?
 (21) **MR. PARISER:** Are you excepting from your
 (22) question directions to any attorneys?
 (23) **MR. ESTES:** No.
 (24) **MR. PARISER:** Okay. Well, to the extent that
 (25) the question includes communications with any attorneys I'm

Page 70

(1) going to object based on attorney/client privilege.
 (2) **THE WITNESS:** At this point in time, given
 (3) advice of counsel, I assert my rights under the 5th Amendment.
 (4) **Q** BY MR. ESTES: Have you ever seen the Berlaga
 (5) business plan?
 (6) **A** At this point in time --
 (7) **MR. PARISER:** The question assumes that there
 (8) is a Berlaga business plan, so I'll object on the basis that
 (9) the question assumes facts not in evidence.
 (10) **THE WITNESS:** At this point in time, given
 (11) counsel's advice, I assert my rights under the 5th Amendment.
 (12) **Q** BY MR. ESTES: Did you ever direct Berlaga to
 (13) file an action against Amtech and Sarit Shafir in or about
 (14) December of 2000?
 (15) **MR. PARISER:** Isn't Berlaga an entity or is
 (16) there a person?
 (17) **MR. ESTES:** It's an entity, if you know what
 (18) that word means. You objected to it as being vague and
 (19) ambiguous earlier. I just want to know if you know what the
 (20) word means.
 (21) **MR. PARISER:** Well, that's not right. I
 (22) didn't -- I didn't object to that word being vague and
 (23) ambiguous, but I'll take the question as meaning anybody other
 (24) than an attorney at Berlaga.
 (25) **THE WITNESS:** At this point in time, given

Page 71

(1) counsel's advice, I assert my rights under the 5th Amendment.
 (2) **Q** BY MR. ESTES: Did you engage or cause --
 (3) scratch that. Did you ever cause Amtech to file an action
 (4) against Ami Shafir and New York Life in or about April 2001?
 (5) **A** Based upon counsel's advice, at this point in
 (6) time I assert my rights under the 5th Amendment.
 (7) **Q** Have you ever caused Worldsite to bring an
 (8) action against Ami Shafir at any time?
 (9) **A** At this point in time, based upon counsel's
 (10) advice, I assert my rights under the 5th Amendment.
 (11) **Q** Did you ever cause Federal Transtel to file
 (12) an action against Amtech in or about February of 2001?
 (13) **A** At this point in time, given counsel's
 (14) advice, I assert my rights under the 5th Amendment.
 (15) **Q** Did you ever cause Kent Family Fund to bring
 (16) an action against Sarit Shafir and Ami Shafir in November of
 (17) 2001?
 (18) **A** At this point in time, given counsel's
 (19) advice, I assert my rights under the 5th Amendment.
 (20) **Q** Did you ever cause SBN Venture Capital
 (21) Resources to bring an action against Wells Fargo Bank at any
 (22) time?
 (23) **A** At this point in time, given counsel's
 (24) advice, I assert my rights under the 5th Amendment.
 (25) **Q** Did you ever cause the -- scratch that. Did

Page 72

(1) you ever instruct anybody to cause the bankruptcy petition to
 (2) be filed for Archibald Management?
 (3) **MR. PARISER:** The what to be filed?
 (4) **MR. ESTES:** Bankruptcy petition.
 (5) **THE WITNESS:** Given counsel's advice, at this
 (6) point in time I assert my rights under the 5th Amendment.
 (7) **Q** BY MR. ESTES: Did you either personally or
 (8) through an entity you represented cause the filing of the
 (9) bankruptcy of 8335 Property, Inc.?
 (10) **A** At this point in time, given counsel's
 (11) advice, I assert my rights under the 5th Amendment.
 (12) **Q** Did you either personally or through an
 (13) entity you ever represented cause the bankruptcy --
 (14) involuntary bankruptcy filing against Ami Shafir?
 (15) **A** At this point in time, I assert my -- given
 (16) counsel's advice, I assert my rights under the 5th Amendment.
 (17) **Q** Did you or any entity you represented cause
 (18) the bankruptcy filing of Amtech Audiotext?
 (19) **A** Given my counsel's advice, at this point in
 (20) time I assert my rights under the 5th Amendment.
 (21) **Q** Did you or any entity you represented cause
 (22) the bankruptcy filing of Worldsite?
 (23) **A** At this point in time, given counsel's
 (24) advice, I assert my rights under the 5th Amendment.
 (25) **Q** Did you sign the involuntary bankruptcy

Page 73

- (1) petition of Ami Shafrir?
- (2) **A** Given counsel's advice, at this point in time
- (3) I assert my rights under the 5th Amendment.
- (4) **Q** Did you cause either directly or through any
- (5) entity you represented Archibald Management, Inc. to file an
- (6) action against Amtech, Ami Shafrir and Ronan Leoni in or about
- (7) March of 2001?
- (8) **A** At this point in time, given counsel's
- (9) advice, I assert my rights under the 5th Amendment.
- (10) **Q** Did you ever engage the services of any
- (11) Rampart police officers to act as security guard for yourself
- (12) or for any of your entities you represented?
- (13) **A** At this point in time, given counsel's
- (14) advice, I assert my rights under the 5th Amendment.
- (15) **Q** Did you provide any in court testimony last
- (16) week regarding Rampart police officers?
- (17) **A** At this point in time, given counsel's
- (18) advice, I assert my rights under the 5th Amendment.
- (19) **Q** Have you either directly or through any
- (20) entity you've represented caused any individual to file a
- (21) claim against Ami alleging any acts of violence?
- (22) **A** At this point in time, given counsel's
- (23) advice, I assert my rights under the 5th Amendment.
- (24) **Q** Did you either directly or through any entity
- (25) you represented cause six lawsuits to be filed against myself?

Page 74

- (1) **A** At this point in time, given counsel's
- (2) advice, I assert my rights under the 5th Amendment.
- (3) **Q** Did you instruct or cause -- scratch that.
- (4) Did you cause Federal Transtel to file a lawsuit against Ami
- (5) Shafrir in Alabama in or about March of 2000?
- (6) **A** At this point in time, given counsel's
- (7) advice, I assert my rights under the 5th Amendment.
- (8) **Q** Did you cause Anke Investment Corp. to file
- (9) an action against Ami Shafrir in Alabama in or about March of
- (10) 2000?
- (11) **A** At this point in time, given counsel's
- (12) advice, I assert my rights under the 5th Amendment.
- (13) **Q** Do you recall signing any declarations
- (14) relating to a matter titled Federal Transtel and Anke
- (15) Investment Corp. versus Ami Shafrir, an Alabama case, No.
- (16) CV-01-01787 ER?
- (17) **A** At this point in time, given counsel's
- (18) advice, I assert my rights under the 5th Amendment.
- (19) **Q** Did you cause Amtech and Worldsite to bring
- (20) an action against Cynthia Takacs in or about March of 2000?
- (21) **A** Given counsel's advice, at this point in time
- (22) I assert my rights under the 5th Amendment.
- (23) **Q** Did you cause Federal Transtel to bring an
- (24) action against Ami Shafrir in or about December of 2000?
- (25) **A** At this point in time, given advice of

Page 75

- (1) counsel, I'll assert my rights under the 5th Amendment.
- (2) **Q** Did you offer to sell either directly or
- (3) through SBN any interest of Federal Transtel to any investor?
- (4) **A** At this point in time, given advice of
- (5) counsel, I assert my rights under the 5th Amendment.
- (6) **Q** Did you collect in excess of \$250,000.00 for
- (7) the sale -- purported sale of FTT to an entity named Abali
- (8) Investments?
- (9) **A** At this point in time, given counsel's
- (10) advice, I assert my rights under the 5th Amendment.
- (11) **Q** Do you know who a Dr. Gil Nilokowski is?
- (12) **A** At this point in time, given counsel's
- (13) advice, I assert my rights under the 5th Amendment.
- (14) **Q** Did you make any offers to sell any interests
- (15) in FTT prior to January of 2000?
- (16) **A** Given advice of counsel, at this point in
- (17) time I assert my privilege under the 5th Amendment.
- (18) **Q** Did you sell a 20 percent interest of SBN to
- (19) Abali Investments prior to the year 2000?
- (20) **A** At this point in time, given counsel's
- (21) advice, I assert my rights under the 5th Amendment.
- (22) **Q** Did you at any time sell any interest in
- (23) Sunrise Inventory Liquidators to Abali Investments?
- (24) **A** At this point in time, given counsel's
- (25) advice, I assert my rights under the 5th Amendment.

Page 76

- (1) **Q** Did you instruct anybody to remove telephone
- (2) lines from the business of 8670 Wilshire Property -- of Amtech
- (3) located at 8670 Wilshire Boulevard?
- (4) **A** At this point in time, given counsel's
- (5) advice, I assert my rights under the 5th Amendment.
- (6) **Q** Did you direct anybody to remove the
- (7) telephone lines of Worldsite from any of its locations?
- (8) **A** At this point in time, given counsel's
- (9) advice, I assert my rights under the 5th Amendment.
- (10) **Q** Have you at any time ever redirected revenues
- (11) of Amtech to any other entity?
- (12) **A** At this point in time, given advice of
- (13) counsel, I assert my rights under the 5th Amendment.
- (14) **Q** Have you ever redirected the revenues of
- (15) Worldsite to any other entity?
- (16) **A** At this point in time, given counsel's
- (17) advice, I assert my rights under the 5th Amendment.
- (18) **Q** Have you at any time directed the revenues of
- (19) Amtech to be diverted to an entity named 20/20 Vision?
- (20) **A** At this point in time, given counsel's
- (21) advice, I assert my rights under the 5th Amendment.
- (22) **Q** Have you directed the revenues of Worldsite
- (23) to be diverted to an entity named 20/20 Vision at any time?
- (24) **A** At this point in time, given counsel's
- (25) advice, I assert my rights under the 5th Amendment.

Page 77

(1) Q Have you ever directed the revenues of Amtech
 (2) to be diverted to an entity named Digital Data?
 (3) A At this point in time, given advice of
 (4) counsel, I assert my rights under the 5th Amendment.
 (5) Q Have you directed the revenues of Worldsite
 (6) to be diverted to an entity named Digital Data at any time?
 (7) A At this point in time, given advice of
 (8) counsel, I assert my rights under the 5th Amendment.
 (9) Q Do you have any authority whatsoever to
 (10) represent Amtech Audiotext as you sit here today?
 (11) A Given advice of counsel, at this point in
 (12) time I assert my rights under the 5th Amendment.
 (13) MR. PARISER: Let's take a five-minute break.
 (14) MR. ESTES: Okay.
 (15) (A brief recess was taken.)
 (16) MR. ESTES: I believe we're at Exhibit 12; is
 (17) that correct?
 (18) THE REPORTER: Thirteen.
 (19) MR. ESTES: Thirteen. Okay. I'd like to
 (20) have this marked as Exhibit 13.
 (21) (The aforementioned document was marked as
 (22) Plaintiff's Exhibit 13 for identification
 (23) and is attached hereto.)
 (24) Q BY MR. ESTES: Have you ever seen this
 (25) document before?

Page 78

(1) A At this point in time, given my attorney's --
 (2) my counsel's advice, I'm asserting my rights under the 5th
 (3) Amendment.
 (4) Q Is that your signature that is underneath the
 (5) title in the presence of?
 (6) A At this point in time, given my attorney's
 (7) advice, I assert my rights under the 5th Amendment.
 (8) Q Were you ever appointed the agent for
 (9) transferring stock of FTT at any time?
 (10) A At this point in time, given my attorney's
 (11) advice, I assert my rights under the 5th Amendment.
 (12) Q Do you know whether or not any stock of Ami
 (13) Shafir in FTT was ever transferred to any other individual or
 (14) entity?
 (15) A At this point in time, given my attorney's
 (16) advice, I assert my rights under the 5th Amendment.
 (17) Q Do you know whether or not this signature of
 (18) Ami Shafir is his on this document?
 (19) A At this point in time, given my attorney's
 (20) advice, I assert my rights under the 5th Amendment.
 (21) Q Did you forge or cause to be forged Ami
 (22) Shafir's signature to the Exhibit 13 document?
 (23) A Given my counsel's -- given counsel's advice,
 (24) at this point in time I assert my rights under the 5th
 (25) Amendment.

Page 79

(1) Q Did you draft this Exhibit 13 document that
 (2) is titled Assignment Separate From Certificate?
 (3) A Given my counsel's advice, at this point in
 (4) time I assert my rights under the 5th Amendment.
 (5) Q Did you represent Anke Investment Corp. in
 (6) this purported transaction as identified in Exhibit 13?
 (7) A At this point in time, given counsel's
 (8) advice, I assert my rights under the 5th Amendment.
 (9) Q Number 14. I'd like to have it marked as an
 (10) exhibit.
 (11) (The aforementioned document was marked as
 (12) Plaintiff's Exhibit 14 for identification
 (13) and is attached hereto.)
 (14) Q BY MR. ESTES: Have you ever seen the Exhibit
 (15) 14 document before?
 (16) A At this point in time, given my -- given
 (17) counsel's advice, I invoke my rights under the 5th Amendment.
 (18) Q Are you able to pick him up?
 (19) (The videographer nods head affirmatively.)
 (20) MR. ESTES: Okay.
 (21) Q BY MR. ESTES: Is the signature that appears
 (22) to the right of your name on this document appear to be your
 (23) signature in both places?
 (24) A Given counsel's advice, at this point in time
 (25) I assert my rights under the 5th Amendment.

Page 80

(1) Q Do you recall executing this document where
 (2) there's a signature indicated to the right of your name in two
 (3) places?
 (4) MR. PARISER: When you say execute, are you
 (5) asking did he sign it in those places?
 (6) MR. ESTES: Yes.
 (7) THE WITNESS: At this point in time I assert
 (8) my rights under the 5th Amendment given counsel's advice.
 (9) Q BY MR. ESTES: Do you know of anybody who has
 (10) purported to execute your signature claiming to be yourself on
 (11) any document?
 (12) A Given counsel's advice, at this point in time
 (13) I assert my rights under the 5th Amendment.
 (14) Q Next I'd like to have marked Exhibit 15 a
 (15) document.
 (16) (The aforementioned document was marked as
 (17) Plaintiff's Exhibit 15 for identification
 (18) and is attached hereto.)
 (19) Q BY MR. ESTES: Have you ever seen Exhibit 15
 (20) document before?
 (21) A Given counsel's advice, at this point in time
 (22) I assert my rights under the 5th Amendment.
 (23) Q Is that your signature that appears to the
 (24) right of your name on that document?
 (25) MR. PARISER: That's --

Page 81

- (1) **MR. ESTES:** On line four.
- (2) **MR. PARISER:** I don't see a signature.
- (3) **MR. ESTES:** There's a little scribble there.
- (4) **MR. PARISER:** Are you asking is that scribble
- (5) his signature?
- (6) **MR. ESTES:** Yes.
- (7) **MR. PARISER:** Okay.
- (8) **MR. ESTES:** As to every signature that looks
- (9) like a scribble.
- (10) **MR. PARISER:** I'm going to object to the
- (11) question then with that extra put in there. You want to reask
- (12) the question?
- (13) **MR. ESTES:** No.
- (14) **MR. PARISER:** Okay. So then the question
- (15) stands.
- (16) **THE WITNESS:** I object. Given counsel's
- (17) advice, I assert my rights at this point in time under the 5th
- (18) Amendment.
- (19) **Q** BY MR. ESTES: Does that appear to be a
- (20) correct spelling of your name on the Exhibit 15 document on
- (21) line four?
- (22) **MR. PARISER:** I'm going to object that at
- (23) least the copy that I have is not clear what the spelling is
- (24) there. It looks like there's two letters typed over each
- (25) other.

Page 82

- (1) **THE WITNESS:** Given counsel's advice, at this
- (2) point in time I'll assert my privilege under the 5th
- (3) Amendment.
- (4) **Q** BY MR. ESTES: Does that appear to be your --
- (5) the spelling of your name as it exists at the upper top
- (6) portion of the document underneath the case number?
- (7) **A** At this point in time, given advice of
- (8) counsel, I assert my right under the 5th Amendment.
- (9) **Q** Okay. I'd like to have this document marked
- (10) as Exhibit 16.
- (11) (The aforementioned document was marked as
- (12) Plaintiff's Exhibit 16 for identification
- (13) and is attached hereto.)
- (14) **Q** BY MR. ESTES: Have you ever seen this
- (15) document before?
- (16) **A** At this point in time, given counsel's
- (17) advice, I assert my rights under the 5th Amendment.
- (18) **Q** Does that appear to be your signature on that
- (19) document on line four?
- (20) **A** At this point in time, given counsel's
- (21) advice, I assert my rights under the 5th Amendment.
- (22) **Q** Do you recall executing the Exhibit 16
- (23) document titled Substitution of Attorney?
- (24) **MR. PARISER:** When you say execute you mean
- (25) sign?

Page 83

- (1) **MR. ESTES:** Yes.
- (2) **THE WITNESS:** Given counsel's advice, at this
- (3) point in time I assert my rights under the 5th Amendment.
- (4) **MR. ESTES:** I'd like to have this marked as
- (5) Exhibit 17.
- (6) (The aforementioned document was marked as
- (7) Plaintiff's Exhibit 17 for identification
- (8) and is attached hereto.)
- (9) **Q** BY MR. ESTES: Have you ever seen this
- (10) document identified as Exhibit 17 before?
- (11) **A** Given advice of counsel, at this point in
- (12) time I assert my rights under the 5th Amendment.
- (13) **Q** I didn't catch the rest of that.
- (14) **MR. PARISER:** She can read it back then.
- (15) (The court reporter read back the last
- (16) question and answer.)
- (17) **MR. ESTES:** Okay. Just want to make sure
- (18) we're getting it. Thank you.
- (19) **Q** BY MR. ESTES: Is that your signature on the
- (20) page identified as Exhibit 17 to the right of Federal
- (21) Transtel?
- (22) **A** At this point in time, given advice of
- (23) counsel, I assert my rights under the 5th Amendment.
- (24) **Q** Is that your handwriting underneath the
- (25) signature to the right of the Federal Transtel name at the

Page 84

- (1) bottom portion of the Exhibit 17 document that spells the word
- (2) president?
- (3) **A** At this point in time, given advice of
- (4) counsel, I assert my rights under the 5th Amendment.
- (5) **Q** I'd like to have this marked as Exhibit 18.
- (6) (The aforementioned document was marked as
- (7) Plaintiff's Exhibit 18 for identification
- (8) and is attached hereto.)
- (9) **Q** BY MR. ESTES: Have you ever seen this
- (10) document identified as Exhibit No. 18 before?
- (11) **A** At this point in time, given advice of
- (12) counsel, I assert my rights under the 5th Amendment.
- (13) **Q** Does that appear to be your signature on the
- (14) Exhibit 18 document that is to the right of Anke Investment
- (15) Co.?
- (16) **A** At this point in time I assert my rights
- (17) under the 5th Amendment given advice of counsel.
- (18) **Q** Is it your handwriting that spells the word
- (19) president to the right of the Anke Investment Co. line
- (20) underneath your -- what appears to be a signature?
- (21) **A** Given the advice of counsel, I assert my
- (22) rights under the 5th Amendment at this point in time.
- (23) **Q** I'd like to have this marked as Exhibit 19.
- (24) (The aforementioned document was marked as
- (25) Plaintiff's Exhibit 19 for identification

Page 85

(1) and is attached hereto.)

(2) **Q** BY MR. ESTES: Have you ever seen this

(3) document identified as Exhibit 19 before?

(4) **A** Given advice of counsel, I assert my rights

(5) under the 5th Amendment at this point in time.

(6) **Q** Have you ever held yourself out as being a

(7) Jim Allen?

(8) **A** At this point in time, given advice of

(9) counsel, I assert my rights under the 5th Amendment.

(10) **Q** Did you ever hold yourself out as president

(11) of Federal Transtel?

(12) **A** At this point in time, given advice of

(13) counsel, I assert my rights under the 5th Amendment.

(14) **Q** Did you ever hold yourself out as a vice

(15) president of Federal Transtel at any time?

(16) **A** At this point in time, given advice of

(17) counsel, I assert my rights under the 5th Amendment.

(18) **Q** Did you ever know of a Jim Allen who

(19) purported to be a vice president of Federal Transtel?

(20) **A** At this point in time, given the advice of

(21) counsel, I assert my rights under the 5th Amendment.

(22) **Q** Is that your signature on the Exhibit 19

(23) document above the name J. Allen?

(24) **A** At this point in time, given the advice of

(25) counsel, I assert my rights under the 5th Amendment.

Page 86

(1) **Q** Did you sign the name J -- Jim Allen to the

(2) Exhibit 19 document?

(3) **A** At this point in time, given advice of

(4) counsel, I assert my rights under the 5th Amendment.

(5) **Q** I'd like to have this marked as Exhibit 20.

(6) (The aforementioned document was marked as

(7) Plaintiff's Exhibit 20 for identification

(8) and is attached hereto.)

(9) **Q** BY MR. ESTES: Have you ever seen the

(10) document identified as Exhibit 20 before?

(11) **A** Given advice of counsel, I assert my rights

(12) under the 5th Amendment at this point in time.

(13) **Q** Have you ever held yourself out to be Jim

(14) Masters at any time?

(15) **A** On advice of counsel, at this point in time I

(16) assert my rights under the 5th Amendment.

(17) **Q** Is that your signature on the Exhibit 20

(18) document above the name Jim Masters and to the right of the

(19) typed name Archibald Management?

(20) **A** At this point in time, given the advice of

(21) counsel, I assert my rights under the 5th Amendment.

(22) **Q** I'd like to have this marked as Exhibit 21.

(23) (The aforementioned document was marked as

(24) Plaintiff's Exhibit 21 for identification

(25) and is attached hereto.)

Page 87

(1) **Q** BY MR. ESTES: Have you ever seen this

(2) document identified as Exhibit 21 before?

(3) **A** Given advice from counsel, at this point in

(4) time I assert my rights under the 5th Amendment.

(5) **Q** For the record, he's looking at these

(6) documents; is that correct? I mean, I'm entitled to know

(7) whether or not he's looking at these documents.

(8) **MR. PARISER:** The documents are in front of

(9) him.

(10) **MR. ESTES:** They've been handed to him.

(11) **Q** BY MR. ESTES: Is there any document that's

(12) been provided to you that you have not looked at prior to

(13) answering?

(14) **MR. PARISER:** What? Are you talking about

(15) handed to him today?

(16) **MR. ESTES:** Yeah.

(17) **MR. PARISER:** During the deposition?

(18) **MR. ESTES:** Yeah.

(19) **THE WITNESS:** Given the advice of counsel, at

(20) this point in time I assert my rights under the 5th Amendment.

(21) **Q** BY MR. ESTES: It's understood that when the

(22) court reporter hands you the document that you are looking at

(23) it; is that correct?

(24) **A** Given advice of counsel, at this point in

(25) time I assert my rights under the 5th Amendment.

Page 88

(1) **Q** Is -- okay. Is that your signature on this

(2) document identified as Exhibit 21?

(3) **A** At this point in time, given advice of

(4) counsel, I assert my rights under the 5th Amendment.

(5) **Q** I'd like to have this marked as Exhibit 22.

(6) (The aforementioned document was marked as

(7) Plaintiff's Exhibit 22 for identification

(8) and is attached hereto.)

(9) **Q** BY MR. ESTES: Is that -- okay -- your

(10) signature on the bottom of the document identified as Exhibit

(11) 22?

(12) **A** At this point in time, given advice of

(13) counsel, I assert my rights under the 5th Amendment.

(14) **Q** Have you ever seen this document identified

(15) as Exhibit 22 before?

(16) **A** At this point in time, given advice of

(17) counsel, I assert my rights under the 5th Amendment.

(18) **Q** Did you prepare or cause to be prepared this

(19) document?

(20) **A** At this point in time, given advice from

(21) counsel, I assert my right under the 5th Amendment.

(22) **Q** Did you send by the U.S. mail this document

(23) to the Secretary of State?

(24) **A** At this point in time, given advice from

(25) counsel, I assert my right to the 5th Amendment.

Page 89

(1) Q Did you cause this document to be filed with
 (2) the Secretary of State?
 (3) A At this point in time, given counsel's
 (4) advice, I assert my rights under the 5th Amendment.
 (5) Q Do you recall any corporate action that
 (6) authorized you to be president of Amtech at any time?
 (7) A At this point in time, given advice of
 (8) counsel, I assert my rights under the 5th Amendment.
 (9) Q Do you recall any corporate action that
 (10) authorized you to represent the interests of Worldsite at any
 (11) time?
 (12) A At this point in time, given advice of
 (13) counsel, I assert my rights under the 5th Amendment.
 (14) Q I'd like to have this marked as Exhibit 23.
 (15) (The aforementioned document was marked as
 (16) Plaintiff's Exhibit 23 for identification
 (17) and is attached hereto.)
 (18) Q BY MR. ESTES: Have you ever seen this
 (19) document identified as Exhibit 23 before?
 (20) A At this point in time, given counsel's
 (21) advice, I assert my rights under the 5th Amendment.
 (22) Q Did you cause this document to be sent
 (23) through the U.S. mail to the Secretary of State at any time?
 (24) A At this point in time, given my counsel's
 (25) advice, I assert my rights under the 5th Amendment.

Page 91

(1) Q Did you sign this Exhibit 24 document where
 (2) indicated to the right of the date -- this looks like either
 (3) 6/14 or 5/14/02.
 (4) A Given advice from counsel, at this point in
 (5) time I assert my rights under the 5th Amendment.
 (6) Q Do you know of any corporate actions that
 (7) authorized you to retain counsel in the matter titled New York
 (8) Life Investment Management versus Amtech Audiotext and
 (9) corporate action on behalf of Amtech, if I wasn't clear?
 (10) A At this point in time, given the advice of
 (11) counsel, I assert my rights under the 5th Amendment.
 (12) Q I'd like to have this marked as exhibit --
 (13) the next document marked as Exhibit 25.
 (14) (The aforementioned document was marked as
 (15) Plaintiff's Exhibit 25 for identification
 (16) and is attached hereto.)
 (17) Q BY MR. ESTES: Have you ever seen this
 (18) document identified as Exhibit 25 before?
 (19) A At this point in time, given advice of
 (20) counsel, I assert my right under the 5th Amendment.
 (21) Q Is that your signature on the Exhibit 25
 (22) document?
 (23) A At this point in time, given advice of
 (24) counsel, I assert my right under the 5th Amendment.
 (25) Q Do you recall any corporate authority that

Page 90

(1) Q Is that your signature on the document
 (2) identified as Exhibit 23?
 (3) A At this point in time, given counsel's
 (4) advice, I assert my rights to the 5th Amendment.
 (5) Q Did you sign the Exhibit 23 document?
 (6) A At this point in time, given counsel's
 (7) advice, I assert my rights under the 5th Amendment.
 (8) Q Do you recall any corporate -- any corporate
 (9) action that authorized you to represent Federal Transtel at
 (10) any time?
 (11) A At this point in time, given counsel's
 (12) advice, I assert my rights under the 5th Amendment.
 (13) Q I'd like to have this marked as Exhibit 24.
 (14) (The aforementioned document was marked as
 (15) Plaintiff's Exhibit 24 for identification
 (16) and is attached hereto.)
 (17) Q BY MR. ESTES: Have you ever seen the Exhibit
 (18) 24 document before?
 (19) A At this point in time, given counsel's
 (20) advice, I assert my right under the 5th Amendment.
 (21) Q Is that your signature that appears to the
 (22) right of the date 6/14/02 in the middle of the page on the
 (23) Exhibit 24 document?
 (24) A At this point in time, given counsel's
 (25) advice, I assert my rights under the 5th Amendment.

Page 92

(1) authorized you to represent or for you -- scratch that. Do
 (2) you recall any corporate authority that authorized you to
 (3) retain counsel to represent Amtech Audiotext in the matter
 (4) titled Amtech Audiotext versus Richard Sherman, et al., case
 (5) number BC 243717?
 (6) A At this point in time, given advice of
 (7) counsel, I assert my privilege under the 5th Amendment.
 (8) Q Do you know what the litigation matter -- do
 (9) you know what the subject of the litigation matter is in the
 (10) case titled Amtech Audiotext versus Richard Sherman, et al.,
 (11) titled case BC 243717?
 (12) A I'm sure it speaks for itself.
 (13) Q What speaks for itself?
 (14) A The document.
 (15) Q And the document is telling us what?
 (16) A What you're referring to.
 (17) Q And the document speaks for itself, what were
 (18) you referring to?
 (19) A Based upon advice of counsel, I assert my
 (20) right to the 5th Amendment at this point in time.
 (21) Q Do you know what the subject matter of the
 (22) action titled Amtech Audiotext versus Richard Sherman, et al.
 (23) is, case number BC 243717?
 (24) A At this point in time, based upon advice of
 (25) counsel, I assert my right under the 5th Amendment.

Page 93

(1) Q Do you either personally or through any
(2) entity you've ever represented have any claims against Richard
(3) Sherman for any matter whatsoever?
(4) A At this point in time, under --
(5) MR. PARISER: I'm going to object to the
(6) question. It lacks personal knowledge as to anybody he's ever
(7) represented for any subject matter.
(8) THE WITNESS: At this point in time, given
(9) advice of counsel, I assert my right under the 5th Amendment.
(10) Q BY MR. ESTES: Do you personally have any
(11) claims against Richard Sherman on any matter whatsoever?
(12) A At this point in time, given advice of
(13) counsel, I assert my rights under the 5th Amendment.
(14) Q Have you ever authorized Amtech to bring any
(15) claims against Richard Sherman on any matter at any time?
(16) A At this point in time I assert -- given
(17) counsel's advice, I assert my rights under the 5th Amendment.
(18) Q Have you authorized anybody to represent
(19) Amtech Audiotext in the bankruptcy proceeding -- to appear in
(20) the bankruptcy proceedings of Richard Sherman?
(21) MR. PARISER: Can I have the question again?
(22) MR. ESTES: I'll repeat it.
(23) Q BY MR. ESTES: Have you authorized anybody to
(24) represent Amtech Audiotext, Inc. in making a claim in the
(25) bankruptcy action of Richard Sherman?

Page 94

(1) A At this point in time, given advice of
(2) counsel, I assert my rights under the 5th Amendment.
(3) Q Does Amtech Audiotext, Inc. have any claims
(4) against Richard Sherman for any matter whatsoever?
(5) MR. PARISER: You're asking that he knows
(6) of?
(7) MR. ESTES: If he knows it.
(8) THE WITNESS: At this point of time, given
(9) advice of counsel, I assert my rights under the 5th Amendment.
(10) Q BY MR. ESTES: Did you retain Joel Glaser to
(11) represent Amtech Audiotext, Inc. to file a claim on behalf of
(12) Amtech against Richard Sherman in his bankruptcy proceeding?
(13) A Are you talking about Joel Glaser, the
(14) attorney?
(15) Q Yes.
(16) A At this point in time, given advice of
(17) counsel, I assert my rights under the 5th Amendment.
(18) Q We're going to have to take a video break
(19) here so we can change tapes.
(20) (A brief recess was taken.)
(21) Q BY MR. ESTES: You just testified and -- or
(22) responded and asked whether or not I meant Joel Glaser the
(23) attorney. Do you know any other Joe Glasers?
(24) A At this point in time I'd like to assert my
(25) privilege under the 5th Amendment given advice of counsel.

Page 95

(1) Q Does Joel Glaser have authority to represent
(2) you in any matter that is pending at this time?
(3) MR. PARISER: Objection. Attorney/client
(4) privilege.
(5) THE WITNESS: At this point in time, given
(6) counsel's advice, I assert my rights under the 5th Amendment.
(7) Q BY MR. ESTES: Is Joel Glaser laundering
(8) money for you at this current time? Scratch that. Have you
(9) engaged the services of Joel Glaser for the purposes of
(10) laundering money for you at any time in the past six months?
(11) MR. PARISER: Object based on attorney/client
(12) privilege and relevance.
(13) THE WITNESS: At this point in time, given
(14) counsel's advice, I assert my rights under the 5th Amendment.
(15) Q BY MR. ESTES: Have you authorized Joel
(16) Glaser to represent the interests of Amtech Audiotext, Inc. at
(17) any time in the last three years?
(18) MR. PARISER: I'm going to object based on
(19) attorney/client privilege.
(20) THE WITNESS: At this point in time, based
(21) upon counsel's advice, I assert the right under the 5th
(22) Amendment.
(23) Q BY MR. ESTES: Do you know of any corporate
(24) act that authorizes Joel Glaser to represent the interests of
(25) Amtech Audiotext, Inc. at any time in the last three years?

Page 96

(1) A At this point in time, given counsel's
(2) advice, I assert my rights under the 5th Amendment.
(3) Q Do you know of any attorney that has any
(4) authority to represent the interests of Amtech Audiotext, Inc.
(5) at any time during the last three years?
(6) MR. PARISER: On any matter?
(7) MR. ESTES: On any matter.
(8) MR. PARISER: I object as attorney/client
(9) privilege and overbroad.
(10) THE WITNESS: At this point in time, given
(11) advice from counsel, I assert the right under the 5th
(12) Amendment.
(13) Q BY MR. ESTES: Have you authorized any
(14) attorney to represent any interest of Amtech Audiotext, Inc.
(15) at any time in the last three years?
(16) MR. PARISER: Objection. Attorney/client
(17) privilege and overbroad.
(18) THE WITNESS: At this point in time, given
(19) advice from counsel, I assert my rights under the 5th
(20) Amendment.
(21) Q BY MR. ESTES: Do you have any reason to
(22) believe that Richard Sherman has taken any funds from Amtech
(23) Audiotext, Inc. at any time in the last three years?
(24) A Given advice from counsel, at this point in
(25) time I assert my rights under the 5th Amendment.

Page 97

(1) Q Have you seen any documents that would
 (2) evidence any funds taken by Richard Sherman from Amtech
 (3) Audiotext, Inc. in the last three years?
 (4) A At this point in time, given counsel's
 (5) advice, I assert the rights under the 5th Amendment.
 (6) Q Do you know of any reason whatsoever that
 (7) Richard Sherman could be obligated to Audio Amtext, Inc. on
 (8) any debt at all as you sit here today?
 (9) A Given attorneys -- counsel's advice, at this
 (10) point in time I assert the rights under the 5th Amendment.
 (11) Q Are you aware that Amtech Audiotext, Inc. is
 (12) currently making a claim against Richard Sherman in his
 (13) bankruptcy proceeding?
 (14) A At this point in time, given advice of
 (15) counsel, I assert the rights under the 5th Amendment.
 (16) Q Would you have ever authorized Amtech
 (17) Audiotext, Inc. to have brought any claim against Richard
 (18) Sherman in his bankruptcy proceeding?
 (19) MR. PARISER: Are you asking him did he or
 (20) would he?
 (21) MR. ESTES: Would he.
 (22) MR. PARISER: Do you have any particular
 (23) circumstances you want to address?
 (24) MR. ESTES: Under any circumstances.
 (25) MR. PARISER: I'm going to object as calls

Page 99

(1) lacks foundation as to the term damages; that it's is legal
 (2) term.
 (3) THE WITNESS: Given advice of counsel, I
 (4) assert the rights under the 5th Amendment.
 (5) Q BY MR. ESTES: Do you know of any damages
 (6) that Ami Shafir has caused Amtech Audiotext at any time?
 (7) MR. PARISER: Object to the term damages as a
 (8) legal term and lacks foundation.
 (9) THE WITNESS: At this point in time, based
 (10) upon advice of counsel, I assert the rights under the 5th
 (11) Amendment.
 (12) Q BY MR. ESTES: Do you know any damages that
 (13) Mark Estes, myself, has caused Amtech Audiotext at any time?
 (14) MR. PARISER: Object to the term damages as
 (15) lacks foundation. It's a legal term.
 (16) THE WITNESS: Based upon advice of counsel,
 (17) at this particular point in time I assert the privileges under
 (18) the 5th Amendment.
 (19) Q BY MR. ESTES: Do you have any personal
 (20) desire to answer that question if it weren't for the advice of
 (21) counsel?
 (22) A Based upon advice of counsel, at this
 (23) particular point in time I assert the rights under the 5th
 (24) Amendment.
 (25) Q Do you know of any damages that Pricinda

Page 98

(1) for speculation.
 (2) THE WITNESS: At this point in time, given
 (3) advice of counsel, I assert the rights under the 5th
 (4) Amendment.
 (5) Q BY MR. ESTES: Do you know whether or not
 (6) Amtech Audiotext, Inc. had any claims against Robert Young at
 (7) any time?
 (8) A At this point in time, given advice of
 (9) counsel, I assert the right under the 5th Amendment.
 (10) Q Do you know of any damages that Richard
 (11) Sherman has caused Amtech Audiotext, Inc. at any time?
 (12) A Given advice of counsel, at this particular
 (13) point in time I assert my rights under the 5th Amendment.
 (14) Q Do you know of any damages that Robert young
 (15) has caused Amtech Audiotext, Inc. at any time?
 (16) MR. PARISER: I'm going to object to the term
 (17) damages. It's a legal term. It lacks foundation to be within
 (18) the knowledge of this witness.
 (19) THE WITNESS: Given advice of counsel, at
 (20) this particular point in time I assert the rights under the
 (21) 5th Amendment.
 (22) Q BY MR. ESTES: Do you know of any damages
 (23) that James Dumas has caused Amtech Audiotext, Inc. at any
 (24) time?
 (25) MR. PARISER: I'm going to object that it

Page 100

(1) Quinta Nicholson --
 (2) MR. PARISER: Hold on a second.
 (3) MR. ESTES: -- has caused Amtech Audiotext,
 (4) Inc. at any time?
 (5) MR. PARISER: I'm going to put something on
 (6) the record here. I didn't object to the last question, but
 (7) its impropriety --
 (8) MR. ESTES: We're on the next question.
 (9) MR. PARISER: -- its impropriety is obvious
 (10) so I just didn't want my silence to be deemed acquiescence.
 (11) You can answer his question.
 (12) Q BY MR. ESTES: Do you know any -- any damages
 (13) that Pricinda Quinta Nicholson has caused Amtech Audiotext at
 (14) any time?
 (15) A Based upon counsel's advice, at this point in
 (16) time I assert my rights under the 5th Amendment.
 (17) Q Do you know of any damages that Ami Shafir
 (18) has caused you or any entity you've ever represented?
 (19) A At this point in time, based upon counsel's
 (20) advice, I assert the rights under the 5th Amendment.
 (21) Q Do you know anybody who claims that Ami
 (22) Shafir has caused them damages -- do you know of anybody who
 (23) claims -- scratch that. Do you know of anybody who in the
 (24) last three years has made the claim that Ami Shafir has
 (25) injured them?

Page 101

- (1) **A** At this point in time, given counsel's
 (2) advice, I assert the rights under the 5th Amendment.
 (3) **Q** Do you have any evidence to support your
 (4) claim that Ami Shafir is associated with Kenneth Taves?
 (5) **A** At this point in time, given advice from
 (6) counsel, I assert the rights under the 5th Amendment.
 (7) **Q** Do you have any evidence to support your
 (8) claim that Ami Shafir is associated with Seth Werzowski?
 (9) **A** It's Worshowski.
 (10) **Q** And how do you know it's Worshowski?
 (11) **A** Given advice of counsel, at this point in
 (12) time I assert the rights under the 5th Amendment.
 (13) **Q** Do you know -- do you have any evidence to
 (14) support your claim that Ami Shafir is associated with Seth
 (15) Worshowski or however you pronounce it?
 (16) **A** Given advice of counsel, at this point in
 (17) time I assert the rights under the 5th Amendment.
 (18) **Q** Do you have any evidence to support your
 (19) claim that Ami Shafir has engaged in tax evasion?
 (20) **A** At this point in time, given advice of
 (21) counsel, I assert the privileges under the 5th Amendment.
 (22) **Q** Do you have any evidence to support your
 (23) claim that Ami Shafir has engaged in embezzlement from
 (24) Amtech?
 (25) **MR. PARISER:** What claim are you talking

Page 102

- (1) about when you keep saying your claim?
 (2) **MR. ESTES:** If he doesn't understand the
 (3) question he can --
 (4) **MR. PARISER:** I need to understand the
 (5) question.
 (6) **MR. ESTES:** We've got a -- we've got a
 (7) declaration right here attached to a document where he's
 (8) making all these claims. It's a declaration he signed under
 (9) penalty of perjury.
 (10) **MR. PARISER:** Can I see that?
 (11) **MR. ESTES:** No. I'm just asking him -- I'm
 (12) not -- I'm just asking him questions at the current time.
 (13) **MR. PARISER:** You've made a representation
 (14) that he signed a declaration. I'd like to see that your
 (15) representation is accurate.
 (16) **MR. ESTES:** Can we stipulate to the fact that
 (17) he has signed a declaration supporting the line of questioning
 (18) I'm in -- I'm pursuing?
 (19) **MR. PARISER:** No.
 (20) **MR. ESTES:** Can we --
 (21) **MR. PARISER:** All we can do is stipulate that
 (22) you've made a representation. I don't know it's accuracy or
 (23) it's truth or what's in that declaration or anything further.
 (24) **MR. ESTES:** And --
 (25) **MR. PARISER:** I just want to see what you

Page 103

- (1) were referring to and what you were representing.
 (2) **MR. ESTES:** Does the information I provided
 (3) you satisfy your inquiry?
 (4) **MR. PARISER:** The information that you
 (5) provided me satisfies me that you have a document that you
 (6) contend is signed by Mr. Nicherie. I didn't even read the
 (7) contents of that, so I don't even know what's stated in there,
 (8) and I don't -- I'm not confirming or denying or even speaking
 (9) about the authenticity of the signature. I'm just verifying
 (10) what you were looking at.
 (11) **MR. ESTES:** Okay.
 (12) **Q** BY MR. ESTES: Do you have any evidence to
 (13) support your allegations that Ami Shafir has embezzled any
 (14) funds from Amtech Audiotext, Inc. at any time?
 (15) **A** At this point in time, given advice of
 (16) counsel, I assert the privileges under the 5th Amendment.
 (17) **Q** Do you have any evidence to support your
 (18) allegations that Ami Shafir has embezzled funds from
 (19) Worldsite, Inc. at any time?
 (20) **A** At this particular point and circumstance,
 (21) given my counsel's advice, I'm asserting the rights under the
 (22) 5th Amendment.
 (23) **Q** Do you have any evidence to support your
 (24) allegations that Ami Shafir has formed offshore entities for
 (25) the purpose of illegally transferring criminally derived

Page 104

- (1) property?
 (2) **MR. PARISER:** I'm going to object to the term
 (3) evidence. Calling for a legal conclusion. And I'm also
 (4) assuming the question is limited to his personal knowledge.
 (5) **THE WITNESS:** At this particular point and
 (6) circumstance, given counsel's advice, I assert the privileges
 (7) under the 5th Amendment.
 (8) **Q** BY MR. ESTES: Do you know of any evidence
 (9) that supports your allegation that Ami Shafir is the subject
 (10) of an ongoing investigation by the Federal Trade Commission?
 (11) **A** At this particular point and circumstance,
 (12) based upon counsel's advice, I'm asserting the rights under
 (13) the 5th Amendment.
 (14) **Q** And what circumstances are you referring to?
 (15) **A** At this particular point and circumstance,
 (16) given counsel's advice, I'm asserting the rights under the 5th
 (17) Amendment.
 (18) **Q** Do you have any evidence to support your
 (19) allegation that there's an ongoing investigation against Ami
 (20) Shafir by the Internal Revenue Service?
 (21) **A** At this particular point and circumstance,
 (22) I -- I'm accepting the advice of counsel and asserting my
 (23) rights under the 5th Amendment.
 (24) **Q** Do you have any evidence to support your
 (25) allegation that there is an ongoing investigation against Ami

Page 105

(1) Shafrir by the FBI?

(2) **A** At this particular point in time and
(3) circumstance, I am heeding my attorney's advice and asserting
(4) the rights under the 5th Amendment.

(5) **Q** Do you have any evidence to support your
(6) allegations that there's an ongoing investigation against Ami
(7) Shafrir by numerous state agencies?

(8) **A** At this particular point in time and
(9) circumstance I am accepting my attorney's advice and invoking
(10) the rights under the 5th Amendment.

(11) **Q** Do you have any evidence to support your
(12) allegations that Ami Shafrir has transferred, embezzled funds
(13) to offshore entities of Amtech Audiotext, Inc.?

(14) **A** At this particular point and circumstance,
(15) given my attorney's advice, I'm asserting my rights under the
(16) 5th Amendment.

(17) *** **Q** Do you have any evidence to support your
(18) allegations that over the past several years a long list of
(19) wrongdoings by Ami Shafrir has been discovered as alleged in a
(20) declaration you executed on August 26th, 2002?

(21) **MR. PARISER:** Objection. Assumes facts not
(22) in evidence including that Mr. Nicherie signed the declaration
(23) and that the declaration says what you say it says.

(24) **THE WITNESS:** Which -- which exhibit is
(25) that?

Page 106

(1) **MR. PARISER:** Hold on.

(2) **THE WITNESS:** I'm sorry.

(3) **MR. PARISER:** Don't ask questions.

(4) **MR. ESTES:** It's an exhibit -- I'll clarify.

(5) It's an exhibit that was attached to a Notice of Motion to
(6) Appoint an Interim Chapter 7 Trustee for Ami Shafrir that was
(7) heard yesterday, and your signature was executed on the
(8) document dated August 26th of 2002 in Las Vegas.

(9) **MR. PARISER:** Okay. I object to the
(10) question. It assumes facts not in evidence and on that I'm
(11) going to instruct him not to answer.

(12) **Q** BY MR. ESTES: Did you authorize Joel Glaser
(13) to use any executed or any declarations signed by you in
(14) support of a motion to appoint an interim Chapter 7 trustee
(15) over Ami Shafrir in his bankruptcy proceeding?

(16) **MR. PARISER:** Objection. Attorney/client
(17) privilege. Who did Mr. Glaser represent in that case?

(18) **MR. ESTES:** Jack Miller.

(19) **MR. PARISER:** Anybody else?

(20) **MR. ESTES:** I don't know.

(21) **MR. PARISER:** Well, I'm going to -- I'm going
(22) to object based on the attorney/client privilege because I
(23) don't know if there was any representation that you're --
(24) other than Mr. Miller.

(25) **MR. ESTES:** You may answer.

Page 107

(1) **MR. PARISER:** No. Hold on a second. Let's
(2) take a break.

(3) **MR. ESTES:** Are you instructing him not to
(4) answer?

(5) **MR. PARISER:** I don't know at this point.
(6) I'll let you know when I come back.

(7) **MR. ESTES:** Okay.

(8) (A brief recess was taken.)

(9) **MR. PARISER:** Can I have the question read
(10) back please?

(11) **MR. ESTES:** I'll repeat it. No. I'd like to
(12) have this one read back.

(13) (The court reporter read back the last question.)

(14) **THE WITNESS:** Given advice of counsel, at
(15) this point in time I assert the rights under the 5th
(16) Amendment.

(17) *** **Q** BY MR. ESTES: So you did not authorize Joel
(18) Glaser to use your declaration in support of a motion to
(19) appoint an interim Chapter 7 trustee over Ami Shafrir; is that
(20) correct?

(21) **MR. PARISER:** Objection. Assumes facts not
(22) in evidence and mischaracterizes the testimony. He did not
(23) give you an answer. He gave you an assertion of the 5th
(24) Amendment right. So for you to say so then is a
(25) mischaracterization of the answer you got.

Page 108

(1) **MR. ESTES:** Okay. Are you instructing him
(2) not to answer?

(3) **MR. PARISER:** As phrased, yes.

(4) **MR. ESTES:** And are you following the advice
(5) of your counsel?

(6) **THE WITNESS:** I do.

(7) **Q** BY MR. ESTES: Did you authorize Joel Glaser
(8) to use your declaration in a motion to appoint an interim
(9) trustee for Ami Shafrir on the hearing that took place
(10) September 24th, 2002?

(11) **A** Given my attorney's advice, at this point in
(12) time and circumstance I invoke the rights under the 5th
(13) Amendment.

(14) **Q** Are you aware of a declaration that was
(15) submitted in support of a motion to appoint an interim Chapter
(16) 7 trustee for Ami Shafrir in his bankruptcy proceeding that
(17) bears an execution -- an execution of your name on that
(18) document?

(19) **A** Given the advice of counsel, at this point in
(20) time and circumstance I -- I'm asserting the rights under
(21) my -- under the 5th Amendment.

(22) **Q** Do you either personally or on behalf of any
(23) entity you've ever represented have any claims against Ami
(24) Shafrir in his bankruptcy proceeding?

(25) **A** At this point in time and circumstance, given

Page 109

(1) the advice of counsel, I assert the privilege granted under
(2) the 5th Amendment.
(3) **Q** Do you personally have any claims of any
(4) nature against Ami Shafir?
(5) **A** Given the advice of counsel, at this
(6) particular point in time and circumstance, I assert the rights
(7) under the 5th Amendment.
(8) **Q** Do you know of any entity that you've ever
(9) represented that has any legitimate claims against Ami
(10) Shafir?
(11) **A** At this particular point in time, given the
(12) advice given to me by my attorneys at this circumstance, I
(13) invoke the rights under the 5th Amendment.
(14) **Q** Do you know of any claims that Amtech
(15) Audiotext, Inc. has against Ami Shafir of any kind?
(16) **A** Can I talk to you?
(17) **MR. PARISER:** Off the record.
(18) **MR. ESTES:** Okay. Go off the record.
(19) (A brief recess was taken.)
(20) **MR. ESTES:** Can we have the last question
(21) read back for the record please?
(22) (The court reporter read back the last question.)
(23) **THE WITNESS:** Based upon advice of counsel,
(24) at this point in time and circumstance I'm asserting my rights
(25) under the 5th Amendment.

Page 110

(1) **Q** BY MR. ESTES: Do you know of any claim that
(2) Worldsite, Inc. has against Ami Shafir at any time?
(3) **A** At this point in time and circumstance, given
(4) counsel's advice, I assert my rights under the 5th Amendment.
(5) **Q** Do you know of any claims that FT -- Federal
(6) Transtel has against Ami Shafir of any kind?
(7) **A** At this point in time and circumstance, given
(8) the advice of counsel, I'm asserting my -- the rights under
(9) the 5th Amendment.
(10) **Q** Do you know whether you're sitting here as an
(11) individual on behalf of any entity you represented of any
(12) injury that Ami Shafir has caused Amtech Audiotext, Inc. at
(13) any time?
(14) **A** At this particular point and circumstance,
(15) given the advice from counsel, I'm asserting the rights under
(16) the 5th Amendment.
(17) **Q** Do you know whether as you sit here today in
(18) your individual capacity or in any capacity on behalf of any
(19) entity whether or not Federal Transtel has been injured by any
(20) action of Ami Shafir?
(21) **MR. PARISER:** Injured, is that the last one?
(22) **MR. ESTES:** Injured Transtel or Amtech. I
(23) believe the first one was Amtech and that was Federal
(24) Transtel.
(25) **MR. PARISER:** All right.

Page 111

(1) **THE WITNESS:** At this particular point and
(2) circumstance, given the advice from counsel, I'm asserting
(3) my -- the rights under the 5th Amendment.
(4) **Q** BY MR. ESTES: Do you know as you sit here
(5) today whether in your individual capacity or in your capacity
(6) as representative of any entity whether or not Worldsite has
(7) been injured by any actions of Ami Shafir at any time?
(8) **A** At this particular point and circumstance,
(9) given the advice of counsel, I'm asserting the rights under
(10) the 5th Amendment.
(11) **Q** Do you know of any evidence that supports
(12) Federal Transtel's claim that Ami Shafir owes Federal
(13) Transtel any money of any nature?
(14) **MR. PARISER:** I'll object as evidence as a
(15) legal term, lacks foundation as to this witness.
(16) **THE WITNESS:** At this point in time and
(17) circumstance, given the advice from counsel, I'm invoking the
(18) rights under the 5th Amendment.
(19) **Q** BY MR. ESTES: When you were president --
(20) purported president of Federal Transtel did you ever have any
(21) information that supported Federal Transtel's claim that Ami
(22) Shafir had caused any injury to it at any time?
(23) **A** At this particular point and circumstance,
(24) given advice from counsel, I'm asserting the rights under the
(25) 5th Amendment.

Page 112

(1) **Q** Do you know whether Federal Transtel ever had
(2) any legitimate claims against Ami Shafir that he owed in
(3) excess of \$2 million in shareholder loans to Federal Transtel?
(4) **A** At this particular point in time and
(5) circumstance, given advice of counsel, I am asserting the
(6) rights provided in the 5th Amendment.
(7) **Q** Do you have any information that supports
(8) Federal Transtel's position that Ami Shafir sold his 75
(9) percent interest in Federal Transtel to Anke Investments?
(10) **A** Given these particular set of times and
(11) circumstances, based upon advice of counsel, I'm invoking the
(12) rights provided under the 5th Amendment.
(13) **Q** Did you cause the purported second trust
(14) deeds that Federal Transtel claims it has against real
(15) property identified as 8670 Wilshire Boulevard? Let me
(16) rephrase that question. Are you aware of any evidence that
(17) supports any claims that Federal Transtel has against the
(18) property located at 8670 Wilshire Boulevard?
(19) **MR. PARISER:** Wait. Can you read back the
(20) question?
(21) (The court reporter read back the last question.)
(22) **MR. PARISER:** I'm going to object as evidence
(23) as a legal conclusion, lacks foundation as to this witness,
(24) and the question is vague and ambiguous as to what claims
(25) you're talking about.

Page 113

(1) **THE WITNESS:** At this particular point and
(2) circumstance, given the advice from counsel, I'm asserting the
(3) rights given under the 5th Amendment.

(4) **Q** BY MR. ESTES: Do you have -- scratch that.
(5) Do you know of any evidence that supports Federal Transtel's
(6) claim that it has a second trust deed on the property located
(7) at 8670 Wilshire Boulevard?

(8) **MR. PARISER:** Evidence is a legal term and
(9) lacks foundation.

(10) **THE WITNESS:** At this particular point and
(11) circumstance, given the advice of counsel, I assert the rights
(12) provided in the 5th Amendment.

(13) **Q** BY MR. ESTES: Do you know of any evidence
(14) that supports Federal Transtel's claim that it has a second
(15) trust deed on the property located at 8335 Sunset Boulevard?

(16) **MR. PARISER:** Objection. Lacks foundation as
(17) a legal term, evidence.

(18) **THE WITNESS:** At this particular point in
(19) time and circumstance, given the advice from counsel, I assert
(20) the rights offered under the 5th Amendment.

(21) **Q** BY MR. ESTES: Do you know of any claims that
(22) Federal Transtel ever had adverse to the titleholder of 8335
(23) Property, Inc.?

(24) **MR. PARISER:** Wait, wait. Can you read that
(25) back again?

Page 114

(1) (The court reporter read back the last question.)

(2) **THE WITNESS:** At this particular point and
(3) circumstance, given the advice of counsel, I assert the
(4) privileges provided under the 5th Amendment.

(5) **Q** BY MR. ESTES: Are you aware that Federal
(6) Transtel purported to have a second trust deed in its favor
(7) against the property located at 8335 Sunset Boulevard?

(8) **A** At this particular point and circumstance,
(9) given the advice of counsel, I assert the privilege under the
(10) 5th Amendment.

(11) ***** Q** Do you know whether or not the financial
(12) statements attached to your declaration dated August 26th of
(13) 2002 were fabricated?

(14) **MR. PARISER:** The question assumes facts not
(15) in evidence. On that basis I'll instruct him not to answer.

(16) **MR. ESTES:** And are you following the advice
(17) of counsel?

(18) **THE WITNESS:** As best I can.

(19) **MR. ESTES:** What was the response?

(20) **THE WITNESS:** Yes.

(21) **MR. ESTES:** Okay.

(22) ***** Q** BY MR. ESTES: Did you authorize any
(23) attachments to be -- let me scratch that. Did you authorize
(24) any financial statements to be attached to your August 26th,
(25) 2002 declaration used in support of a motion to appoint an

Page 115

(1) interim Chapter 7 trustee in the matter of Ami Shafir?

(2) **MR. PARISER:** Same objection. Assumes facts
(3) not in evidence. You keep saying your declaration. On that
(4) basis I'll instruct him not to answer.

(5) **MR. ESTES:** Are you following the advice of
(6) counsel?

(7) **THE WITNESS:** As best I can.

(8) **Q** BY MR. ESTES: The best you can?

(9) **A** Yes.

(10) **Q** And what is the best that you can? Answer or
(11) not answer.

(12) **A** I will follow my attorney's advice.

(13) **Q** And not answer, is that correct?

(14) **A** Correct.

(15) **Q** And that's the best you can do. Did you
(16) authorize a declaration with financial statements attached to
(17) it to be used in support of a motion to appoint an interim
(18) seven -- Chapter 7 trustee that was heard on September 24th,
(19) 2002 in re Ami Shafir?

(20) **A** At this particular point in time and
(21) circumstance, based upon the advice of counsel, I invoke the
(22) rights under the 5th Amendment.

(23) **Q** Do you have any information that supports
(24) your allegation that Ami Shafir has engaged in any unlawful
(25) debt collect practices?

Page 116

(1) **A** At this particular point and circumstance,
(2) based upon counsel's advice, I'm asserting the advice provided
(3) under the 5th Amendment.

(4) **Q** Do you have any information that supports
(5) your allegation that Ami Shafir has received a valid judgment
(6) against him for over \$100,000.00 in the matter of Miller
(7) versus FCU, Shafir case number 99-1750?

(8) **A** At this particular point and circumstance,
(9) given counsel's advice, I'm asserting the rights provided
(10) under the 5th Amendment.

(11) **Q** Did you recently file a lawsuit in federal
(12) court against Ami Shafir alleging violations of the RICO
(13) statute? I believe it's 18 U.S.C. 1962, et al. in sequence.

(14) **A** At this particular point and circumstance,
(15) given the advice of counsel, I assert the rights provided by
(16) the 5th Amendment.

(17) **Q** Do you have any evidence to support your
(18) allegations set forth in the lawsuit entitled Daniel Nicherie
(19) versus Ami Shafir, Patrick Herold, Nekma Shafir, Reginald
(20) Blando, Adam Bartosh, Sergio Zamora, Suaro Akajayon, Sarit
(21) Shafir, John Edward Singsun, Ronan Leoni, Ofar Asis, Shibar
(22) Levi, Seth Worzowski, Raphael Cohen and Dennis Kajacom titled
(23) 02-02476 that you filed September 10th, 2002?

(24) **MR. PARISER:** I forget the first part of the
(25) question. Can you read that back?

Page 117

(1) MR. ESTES: Does he have any evidence to set
(2) forth the allegations set forth in that complaint.

(3) MR. PARISER: Did you use evidence?

(4) MR. ESTES: Any information or any evidence.

(5) MR. PARISER: Well, in terms of evidence I'll
(6) object to that as a legal term.

(7) THE WITNESS: Just as an aside --

(8) MR. PARISER: No. Don't make any asides.

(9) THE WITNESS: Well --

(10) MR. PARISER: You want to talk outside?

(11) Let's talk.

(12) THE WITNESS: No, no, no. It's Nahama
(13) Shafir. Don't mispronounce her name please. And based on
(14) advice of counsel, given the current point and circumstance
(15) I'm asserting the rights provided under the 5th Amendment.

(16) Q BY MR. ESTES: Did you bring the action we'll
(17) refer to as the RICO action -- it's 02-02476 -- against Ami
(18) Shafir for the purpose of harassing him?

(19) A Given the current point -- given the advice
(20) of counsel, at this point in time and circumstance I will
(21) assert the rights provided under the 5th Amendment.

(22) Q Do you believe that Ami Shafir has injured
(23) you in any manner as set forth in that complaint titled Daniel
(24) Nicherie versus Ami Shafir, Patrick Herold, et al., 02-02476?

(25) A Given advice of counsel, at this particular

Page 119

(1) being presented here today?

(2) MR. PARISER: Say it again.

(3) Q BY MR. ESTES: Do you recall receiving a
(4) request for production of documents in the matter before us
(5) today in the RICO action of Ami Shafir versus Daniel
(6) Nicherie?

(7) A Based upon advice of counsel, at this
(8) particular point and circumstance I'm taking advantage of the
(9) rights offered under the 5th Amendment.

(10) Q Do you contend that there are documents that
(11) existed at one time that no longer exists that would support
(12) any of your allegations against Ami Shafir?

(13) A At this particular point in time and
(14) circumstance, given advice of counsel, I will assert the 5th
(15) Amendment rights.

(16) Q Based upon these assertions of your 5th
(17) Amendment rights you refuse to answer any of these questions;
(18) is that correct?

(19) A Based upon advice of counsel, at this
(20) particular point of time and circumstance I assert my rights
(21) under the 5th Amendment.

(22) Q And are you refusing to answer these
(23) questions based upon that assertion?

(24) MR. PARISER: That's not an assertion. 5th
(25) Amendment rights is.

Page 118

(1) point in time and circumstance I will assert the privileges
(2) provided for under the 5th Amendment.

(3) Q Do you have -- did you finish?

(4) A I finished.

(5) Q Under the 5th. Do you have any evidence or
(6) information to support your allegation that Ami Shafir has
(7) engaged in mail fraud as set forth in your complaint filed
(8) September 2002?

(9) A At this particular point of time and
(10) circumstance, given advice of counsel, I will assert the
(11) rights under the 5th Amendment.

(12) Q What is the information that you have that
(13) supports your allegations that Ami Shafir was connected with
(14) Kenneth Taves in any manner?

(15) MR. PARISER: Didn't we go through this
(16) already?

(17) MR. ESTES: Not in that phrase.

(18) MR. PARISER: Well, I think it's the same
(19) question, but we'll do it one more time.

(20) THE WITNESS: At this particular point of
(21) time and circumstance, given the advice of counsel, I will
(22) take a -- I will take advantage of the rights offered under
(23) the 5th Amendment.

(24) Q BY MR. ESTES: Do you recall receiving a
(25) request for production of documents in this action that you're

Page 120

(1) MR. ESTES: He's asserting his 5th Amendment
(2) rights against self-incrimination to refuse to answer the
(3) question.

(4) MR. PARISER: It is a privilege against
(5) testifying by asserting it. That's what he's doing.

(6) MR. ESTES: Okay. That's fine with me.

(7) Q BY MR. ESTES: Did you cause the documents
(8) that you've identified in your document production as no
(9) longer being available to be lost?

(10) MR. PARISER: Wait a second. You're asking
(11) him what is it saying in the response?

(12) MR. ESTES: Yes.

(13) MR. PARISER: All right. Well, it speaks for
(14) itself.

(15) MR. ESTES: I'm asking him if he caused these
(16) documents to be --

(17) MR. PARISER: Oh.

(18) MR. ESTES: -- lost.

(19) THE WITNESS: At this particular point in
(20) time and circumstance, given the advice of counsel, I'm
(21) asserting my rights under the 5th Amendment.

(22) Q BY MR. ESTES: If these documents that you
(23) claim to exist were so important why did you allow them to be
(24) destroyed?

(25) MR. PARISER: I object. The question is

Page 121

(1) argumentative.
 (2) **MR. ESTES:** I'm asking him.
 (3) **MR. PARISER:** Ask the question without
 (4) argument.
 (5) **MR. ESTES:** I'm asking him why he allowed
 (6) these documents to be destroyed.
 (7) **MR. PARISER:** Assumes facts not in evidence;
 (8) that is, that he allowed it.
 (9) **Q** BY MR. ESTES: Did you allow these documents
 (10) to be destroyed?
 (11) **A** At this point -- particular point in time and
 (12) circumstance, given the advice of counsel, I'm asserting the
 (13) rights provided under the 5th Amendment.
 (14) **Q** Did you allow conditions to occur that caused
 (15) the documents to be lost or destroyed? And the documents I'm
 (16) referring to are those identified in your response to
 (17) production of documents in this matter.
 (18) **MR. PARISER:** Can I see the response? Hold
 (19) on before you answer that. Where in the response does it say
 (20) documents have been destroyed?
 (21) **MR. ESTES:** It says they were put in storage
 (22) and are no longer available because nobody paid the bill.
 (23) **MR. PARISER:** It doesn't mean it's destroyed.
 (24) **MR. ESTES:** Okay.
 (25) **MR. PARISER:** So I'll object on that basis

Page 123

(1) production of documents that was propounded upon you by Ami
 (2) Shafir, set number one, in this matter?
 (3) **A** At this particular point in time and
 (4) circumstance, given the advice of counsel, I assert the
 (5) privileges provided under the 5th Amendment.
 (6) **Q** Did you authorize Online Recovery to assert a
 (7) claim against Ami Shafir in his pending bankruptcy matter?
 (8) **MR. PARISER:** You know, I'm sorry. Ask the
 (9) question again.
 (10) **Q** BY MR. ESTES: Did you authorize Online
 (11) Recovery to assert a claim against Ami Shafir in his
 (12) bankruptcy matter?
 (13) **A** At this particular point in time and
 (14) circumstance, given advice of counsel, I assert my privilege
 (15) under the 5th Amendment.
 (16) **Q** Is the claim of Online Recovery that has been
 (17) asserted in the bankruptcy matter of Ami Shafir a valid
 (18) claim?
 (19) **MR. PARISER:** It calls -- I'm going to
 (20) object. That one calls for a legal conclusion and it lacks
 (21) foundation as to this witness.
 (22) **MR. ESTES:** To the best of your knowledge.
 (23) **THE WITNESS:** At this particular point in
 (24) time and circumstance, based upon counsel's advice, I assert
 (25) my rights under the 5th Amendment.

Page 122

(1) that it assumes facts not in evidence as well.
 (2) **Q** BY MR. ESTES: What did you do to safeguard
 (3) Amtech documents that were placed in the storage?
 (4) **A** At this particular point in time and
 (5) circumstance, based on advice of counsel, I'm asserting the
 (6) rights provided under the 5th Amendment.
 (7) **Q** Where are those documents as you sit here
 (8) today that were identified as being placed in storage in your
 (9) responses to production of documents in this matter?
 (10) **A** At this particular point in time and
 (11) circumstance, given advice of counsel, I will assert the
 (12) privileges provided under the 5th Amendment.
 (13) **Q** Did you look for any documents in response to
 (14) the request for production of documents that were propounded
 (15) on you in this matter by Ami Shafir?
 (16) **A** At this particular point and circumstance and
 (17) time, given the advice of counsel, I'll assert the rights
 (18) provided under the 5th Amendment.
 (19) **Q** Who assisted you other than an attorney in
 (20) collecting the documents that you did produce in response for
 (21) the request for production of documents?
 (22) **A** At this particular point in time and
 (23) circumstance, based upon the advice of counsel, I assert the
 (24) privileges provided under the 5th Amendment.
 (25) **Q** Did you fully comply with the request for

Page 124

(1) **Q** BY MR. ESTES: Who is the authorized
 (2) representative of Online Recovery as you sit here today?
 (3) **MR. PARISER:** Authorized representative for
 (4) what?
 (5) **MR. ESTES:** For engaging in transactions or
 (6) activities. Does he know.
 (7) **Q** BY MR. ESTES: Do you know of any authorized
 (8) representative of Online Recovery System? Let me repeat
 (9) that. Do you know of any representative I have Online
 (10) Recovery System that is authorized to engage in any
 (11) transactions on Online Recovery System's behalf?
 (12) **A** At this particular point in time and
 (13) circumstance, given counsel's advice, I assert the rights
 (14) provided under the 5th Amendment.
 (15) **Q** Is Online Recovery System presenting a
 (16) baseless claim in your opinion in the bankruptcy matter of Ami
 (17) Shafir?
 (18) **MR. PARISER:** I'm going to object that his
 (19) opinion is irrelevant.
 (20) **MR. ESTES:** Okay.
 (21) **THE WITNESS:** At this particular point in
 (22) time and circumstance, given counsel's advice, I assert the
 (23) claims provided under the 5th Amendment.
 (24) **Q** BY MR. ESTES: Do you know of any basis that
 (25) Online Recovery System has for asserting a claim against Ami

Page 125

(1) Shafir in his bankruptcy matter?

(2) **A** At this particular --

(3) **MR. PARISER:** Hold on. Hold on. Other than
(4) that might have been communicated by attorneys?

(5) **MR. ESTES:** Any basis as a matter of public
(6) record.

(7) **MR. PARISER:** Okay.

(8) **THE WITNESS:** At this particular point and
(9) circumstance, given the advice of counsel at this point in
(10) time, I assert the rights provided under the 5th Amendment.

(11) **Q** BY MR. ESTES: Do you have any evidence that
(12) supports whether or not any claims of Online Recovery System
(13) as being asserted against in Ami Shafir's bankruptcy that are
(14) valid?

(15) **MR. PARISER:** The -- the whole term evidence
(16) lacks -- lacks foundation as a legal term evidence and as to a
(17) legal conclusion of valid.

(18) **THE WITNESS:** At this particular point and
(19) circumstance, given advice from counsel, I'll assert the
(20) rights provided under the 5th Amendment.

(21) **Q** BY MR. ESTES: Have you authorized any
(22) attorney to represent Online Recovery System in filing a claim
(23) against Ami Shafir in his bankruptcy matter?

(24) **MR. PARISER:** Object as attorney/client
(25) privilege.

Page 127

(1) of Ami Shafir?

(2) **A** At this particular point and circumstance,
(3) given counsel's advice, I assert the rights provided under the
(4) 5th Amendment.

(5) **Q** Do you have any evidence to support any
(6) allegation you've made in any complaint that you have filed
(7) against Ami Shafir in the last three years?

(8) **MR. PARISER:** I'm going to object. It's a
(9) legal term as to evidence, lacking foundation.

(10) **THE WITNESS:** At this particular point in
(11) time and circumstance, given the advice of counsel, I invoke
(12) the rights provided for under the 5th Amendment.

(13) **MR. ESTES:** Okay. I'm going to attach this
(14) as Exhibit 26. I believe we're at 26.

(15) **THE REPORTER:** Yes.

(16) **MR. ESTES:** Okay. It's a three-page document
(17) entitled Declaration of Daniel Nicherie executed August 2nd,
(18) 2002 in Las Vegas.

(19) (The aforementioned document was marked as
(20) Plaintiff's Exhibit 26 for identification
(21) and is attached hereto.)

(22) **Q** BY MR. ESTES: Have you ever seen this
(23) document before?

(24) **MR. PARISER:** Hold on a second please.
(25) (Counsel reviews the document.)

Page 126

(1) **THE WITNESS:** At this particular point in
(2) time and circumstance, given counsel's advice, I assert the
(3) rights provided under the 5th Amendment.

(4) **Q** BY MR. ESTES: How have you been injured by
(5) any conduct of Ami Shafir personally?

(6) **A** At this particular point in time and
(7) circumstance, given counsel's advice, I assert the privileges
(8) under the 5th Amendment.

(9) **Q** How have any parties that you have ever
(10) represented been injured by the conduct of Ami Shafir at any
(11) time?

(12) **A** Given the advice of counsel, at this
(13) particular time and circumstance I will take advantage of the
(14) rights within the 5th Amendment.

(15) **Q** You're taking advantage of them or you're
(16) exercising them?

(17) **MR. PARISER:** Seems like a matter of
(18) semantics, but tell him if you're asserting the 5th Amendment
(19) right.

(20) **THE WITNESS:** I'm asserting the privileges
(21) within the 5th Amendment rights.

(22) **Q** BY MR. ESTES: Do you have any evidence to
(23) support any of the allegations that are set forth in your
(24) declaration -- your 34-page declaration attached in support of
(25) a motion to appoint an interim Chapter 7 trustee in the matter

Page 128

(1) **THE WITNESS:** At this particular point in
(2) time and circumstance, given advice of counsel, I invoke the
(3) rights provided under the 5th Amendment.

(4) **Q** BY MR. ESTES: If you could look at page
(5) three of that exhibit. That bears a page number 12 for
(6) reference. Is that your signature appearing above the name
(7) Daniel Nicherie?

(8) **A** At this particular point of time and
(9) circumstance, given advice of counsel, I invoke the rights
(10) provided for under the 5th Amendment.

(11) **Q** On August 2nd of 2002 were you an authorized
(12) representative of both SBN Venture Capital Resource Partners,
(13) Inc. and Millennium Capital, Inc.?

(14) **A** At this particular point in time and
(15) circumstance, given counsel's advice, I invoke the rights
(16) under the 5th Amendment.

(17) **Q** At any time in the last three years do you
(18) have any knowledge of whether Millennium was claimed to be a
(19) majority shareholder of Amtech Audiotext, Inc.?

(20) **MR. PARISER:** I'm sorry. Who? Who claimed
(21) to be?

(22) **MR. ESTES:** Millennium.

(23) **THE WITNESS:** At this particular point in
(24) time and circumstance, given counsel's advice, I'm asserting
(25) the rights provided for within the 5th Amendment.

Page 129

(1) Q BY MR. ESTES: Do you have any information to
 (2) support Millennium's allegations that it was a majority
 (3) shareholder of Amtech Audiotext, Inc. and is a registered
 (4) owner of 9,000 shares of Amtech at any time?

(5) A At this particular point and time and
 (6) circumstance, given advice of counsel, I'm asserting the
 (7) rights provided for within the 5th Amendment.

(8) Q Do you have any information supporting
 (9) Millennium's claim that it acquired shares of stock of Amtech
 (10) by rendering -- by providing any consideration?

(11) A At this particular point in time and
 (12) circumstance, given advice of counsel, I invoke the rights
 (13) provided for in the 5th Amendment.

(14) Q Did Amtech pay anything for those shares?

(15) A At this particular point and circumstance,
 (16) given the advice of counsel, I invoke the rights provided for
 (17) under the 5th Amendment.

(18) Q Do you know whether or not Millennium paid
 (19) anything to acquire the shares of Amtech either directly or
 (20) indirectly through any related entity or any entity?

(21) A At this particular point in time and
 (22) circumstance, given counsel's advice, I assert the rights
 (23) provided under the 5th Amendment.

(24) Q Do you have any evidence to support your
 (25) contention that credit documents relating to a million dollar

Page 131

(1) 20th -- of the Exhibit 26 declaration?

(2) A At this particular point in time and
 (3) circumstance, given counsel's advice, I'm asserting the rights
 (4) provided for under the 5th Amendment.

(5) Q Is there any support at all for the
 (6) statements made in the Exhibit 26 declaration you executed on
 (7) August 2nd, 2002?

(8) MR. PARISER: Well, the question assumes
 (9) facts not in evidence. Are you asking him about all
 (10) statements in the declaration?

(11) MR. ESTES: Yeah. Is there anything that
 (12) supports any allegation in this statement that you're aware
 (13) of?

(14) THE WITNESS: At this particular point in
 (15) time and this circumstance, given the advice of counsel, I
 (16) invoke the privileges within the 5th Amendment.

(17) Q BY MR. ESTES: Do you know of any evidence
 (18) that supports the claims that are set forth in the Exhibit 26
 (19) declaration executed August 2nd, 2002?

(20) MR. PARISER: Object as to the legal term
 (21) evidence, lacks foundation.

(22) THE WITNESS: At this particular point in
 (23) time and this particular circumstance, given advice of
 (24) counsel, I invoke the privileges provided for within the 5th
 (25) Amendment.

Page 130

(1) revolving loan ever existed?

(2) A At this particular point of time --

(3) MR. PARISER: Between who? Between whom and
 (4) whom?

(5) MR. ESTES: He's identified them as credit
 (6) documents. They're identified in his declaration. I just
 (7) want to if these credit documents ever existed as identified
 (8) at paragraph three of your declaration.

(9) MR. PARISER: Oh. Wait a minute. You're
 (10) talking about Exhibit 26?

(11) MR. ESTES: Yes.

(12) MR. PARISER: Well --

(13) MR. ESTES: Let me rephrase the question.

(14) MR. PARISER: All right.

(15) Q BY MR. ESTES: Do you have any information to
 (16) support your contention that is set forth in the Exhibit 26th
 (17) declaration that credit documents relating to a million dollar
 (18) revolving loan ever existed?

(19) A Is that your question?

(20) Q Uh-huh.

(21) A At this particular point in time and
 (22) circumstance, given counsel's advice, I'm asserting the rights
 (23) provided for under the 5th Amendment.

(24) Q Was there ever a million dollar revolving
 (25) loan that existed a set forth in your paragraph three of the

Page 132

(1) Q BY MR. ESTES: Do you know of any factual
 (2) basis that supports any of the claims that are set forth in
 (3) the Exhibit 26 declaration executed August 2nd, 2002?

(4) A At this particular point in time and
 (5) circumstance, given counsel's advice, I assert the rights --
 (6) the rights within the 5th Amendment.

(7) *** Q So you have no facts, you have no evidence,
 (8) you have no support, you know nothing that supports any of the
 (9) allegations set forth in the Exhibit 26 declaration executed
 (10) August 2nd, 2002 to the best of your knowledge; is that
 (11) correct?

(12) MR. PARISER: Objection. Argumentative,
 (13) mischaracterizes the answer that you got, and I will instruct
 (14) him not to answer as phrased.

(15) MR. ESTES: And which part of the phrase are
 (16) you objecting to?

(17) MR. PARISER: The part that says so then.

(18) MR. ESTES: Okay. We'll delete the for then
 (19) and ask him to answer the question without that.

(20) MR. PARISER: Well, why don't you repeat the
 (21) question so the record is clear.

(22) Q BY MR. ESTES: You have no factual basis, no
 (23) support, no evidence, no information that supports the
 (24) allegations and statements made in the Exhibit 26 declaration
 (25) executed August 2nd, 2002; is that correct?

Page 133

Page 135

(1) **A** Due to -- at this particular point in time
(2) and particular circumstance, given counsel's advice, I will
(3) assert the privileges provided within the 5th Amendment.
(4) **Q** Exhibit No. 27. I'd like to have a two-page
(5) document identified.
(6) (The aforementioned document was marked as
(7) Plaintiff's Exhibit 27 for identification
(8) and is attached hereto.)
(9) **Q** BY MR. ESTES: Do you have the document?
(10) **A** (No audible response).
(11) **MR. PARISER:** Are both pages the same?
(12) **MR. ESTES:** They shouldn't be.
(13) **MR. SHAFRIR:** You might have had the wrong
(14) version.
(15) **MR. ESTES:** Okay.
(16) **MR. SHAFRIR:** Maybe I stapled them.
(17) **MR. PARISER:** You stapled them wrong.
(18) **MR. SHAFRIR:** Let me see. One here and one
(19) here and I have some.
(20) **MR. PARISER:** Which page do you want first?
(21) **MR. ESTES:** Let's -- let's mark one of them A
(22) and one of them B. The one with the 310,979.57 in the upper
(23) right-hand corner, let's mark that A. And the other one bears
(24) the number of 108,000 in the upper right corner.
(25) **MR. PARISER:** Okay.

(1) **Q** Did you or an entity under your control in
(2) January through March of 2000 receive the wire transfers
(3) indicated in the Exhibit 27-A and 27-B document?
(4) **A** Is that it Mr. Estes?
(5) **Q** Yeah.
(6) **A** At this particular point in time and
(7) particular circumstance, given advice of counsel, I will
(8) assert the privileges within the 5th Amendment.
(9) **Q** Did you or an entity you controlled receive
(10) in excess of \$1.3 million from Sarit Shafir during the period
(11) of January 2000 through March of 2000?
(12) **A** At this -- is that it?
(13) **Q** Uh-huh.
(14) **A** At this particular time and circumstance,
(15) given advice of counsel, I assert the rights provided under
(16) the 5th Amendment.
(17) **Q** Were you aware that during the period January
(18) of 2000 through March of 2000 that Sarit Shafir was involved
(19) in a divorce proceeding?
(20) **A** At this particular -- is that it?
(21) **Q** Yes.
(22) **A** At this particular point in time and
(23) circumstance, given advice of counsel, I assert the rights
(24) provided under the 5th Amendment.
(25) **Q** Were you aware that a temporary restraining

Page 134

Page 136

(1) **MR. ESTES:** Do you -- is that -- is that the
(2) second page he has, too?
(3) **MR. PARISER:** Correct.
(4) **MR. ESTES:** Okay. And that will be B.
(5) **THE WITNESS:** At this particular --
(6) **Q** BY MR. ESTES: Do you know anything about the
(7) wire transfers that are set forth on the Exhibit 27-A and B
(8) document?
(9) **A** At this particular point in time and
(10) particular circumstances, given advice of counsel, I'm
(11) asserting the rights under the 5th Amendment.
(12) **Q** Did you have control over the Salomon Smith
(13) Barney account number 0066-198038 in March of 2000?
(14) **A** Do you want to add anything?
(15) **Q** No. Just wanted to know if you had control
(16) over that account.
(17) **A** At this particular point in time and
(18) circumstance, given the advice of counsel, I assert the rights
(19) provided under the 5th Amendment.
(20) **Q** Did you have control over this account
(21) maintained at Salomon Smith Barney, account number 066-198038
(22) in January or February of the year 2000?
(23) **A** At this particular point and these particular
(24) circumstances, given the advice from counsel, I assert the
(25) rights provided within the 5th Amendment.

(1) order was in place prohibiting the transfer of community
(2) property funds during the pendency of Sarit Shafir's divorce
(3) proceedings?
(4) **A** At this particular time and this particular
(5) circumstance, given the advice of counsel, I assert the rights
(6) under the 5th Amendment.
(7) **Q** Did you cause Sarit Shafir to transfer any
(8) funds from her control to your control at any time during the
(9) period of January 2000 through July -- or through July of
(10) 2001?
(11) **A** Given the advice of counsel, at this
(12) particular point in time and particular circumstance I invoke
(13) the rights provided for under the 5th Amendment.
(14) **Q** Did you ever cause any documents to be
(15) predated that were signed by Sarit Shafir at any time?
(16) **A** That's it?
(17) **Q** Uh-huh.
(18) **A** At this particular point in time, given the
(19) particular circumstances, upon counsel's advice I will invoke
(20) the privileges provided within the 5th Amendment.
(21) **Q** Did you receive in excess of \$1.3 million
(22) from Sarit Shafir prior to the purported million dollar
(23) credit document that was purportedly used to acquire the
(24) shares of Amtech as set forth in paragraph three of your
(25) declaration we've attached as Exhibit 26 hereto?

Page 137

- (1) **A** At this particular point in time and
 (2) particular circumstance, given general counsel's advice, I
 (3) invoke the privileges under the 5th Amendment.
 (4) **Q** Did you or any of your investors pay anything
 (5) for the purported acquisition of Amtech Audiotext shares as
 (6) set forth in Exhibit 26 paragraph three declaration?
 (7) **A** In this particular instance, particular time,
 (8) under these circumstances, given counsel's advice I am
 (9) asserting the rights provided for within the 5th Amendment.
 (10) **Q** I'd like to have this document attached --
 (11) identified as Exhibit 28.
 (12) (The aforementioned document was marked as
 (13) Plaintiff's Exhibit 28 for identification
 (14) and is attached hereto.)
 (15) **Q** BY MR. ESTES: Have you ever seen this
 (16) document before?
 (17) **A** Given the advice of counsel, at this
 (18) particular time, at this particular circumstance I am
 (19) asserting the rights provided for under the 5th Amendment.
 (20) **Q** Are you aware of any corporate authority of
 (21) Amtech Audiotext, Inc. that authorized the issuance of these
 (22) shares as reflected in the Exhibit 28 document?
 (23) **A** At this particular time, under these
 (24) circumstances, given counsel's advice I assert the privileges
 (25) provided under the 5th Amendment.

Page 138

- (1) **Q** Was there any consideration paid at all for
 (2) the issuance of these shares to your knowledge?
 (3) **A** Is that the question?
 (4) **Q** Uh-huh.
 (5) **A** At this particular time and these particular
 (6) circumstances, given advice from counsel, I assert the rights
 (7) within the 5th Amendment.
 (8) **Q** Did you make a claim on behalf of investors
 (9) that you controlled Amtech because of this -- the issuance of
 (10) 9,000 shares of stock to Millennium as set forth in the
 (11) Exhibit 28 exhibit?
 (12) **MR. PARISER:** Can I have the question back
 (13) again?
 (14) **MR. ESTES:** The Exhibit 28 document.
 (15) (The court reporter read back the last question.)
 (16) **MR. PARISER:** Thank you.
 (17) **MR. ESTES:** That would be Exhibit 28
 (18) document.
 (19) **THE WITNESS:** Given advice of counsel, at
 (20) this particular point in time and particular circumstance I'm
 (21) going -- I'm asserting my rights under the 5th Amendment.
 (22) **Q** BY MR. ESTES: Do you know of any factual
 (23) basis that would allow you to assert any kind of control of
 (24) Amtech Audiotext, Inc. either individually or on behalf of
 (25) investors that you represent?

Page 139

- (1) **A** At this particular point in time, under these
 (2) particular circumstances, given advice of counsel I will
 (3) assert the privileges under the 5th Amendment.
 (4) **Q** Do you have any factual basis for having ever
 (5) made a claim that you control Worldsite either individually or
 (6) on behalf of investors?
 (7) **A** Is that your question?
 (8) **Q** Yes.
 (9) **A** At this particular time -- or at this point
 (10) in time, under this particular circumstance, given counsel's
 (11) advice I assert the privileges provided under the 5th
 (12) Amendment.
 (13) **Q** Do you have any factual foundation for
 (14) asserting at any time that you control the operations of FTT
 (15) either directly or on behalf of any investors, period?
 (16) **A** At this particular point in time, at this
 (17) particular circumstance, given the advice from counsel I
 (18) assert the rights provided for under the 5th Amendment.
 (19) **Q** Do you have any support for your contentions
 (20) that you've ever been authorized to represent Amtech,
 (21) Worldsite, Federal Transtel at any time in the last three
 (22) years?
 (23) **A** At this particular point in time, under these
 (24) circumstances, given counsel's advice I assert the privilege
 (25) within the 5th Amendment.

Page 140

- (1) **Q** Do you have any evidence to support your
 (2) claim to authority to retain counsel for Amtech Audiotext,
 (3) Inc. at any time in the last three years?
 (4) **A** Under these particular circumstances, at this
 (5) point in time, given counsel's advice I assert the privilege
 (6) provided for within the 5th Amendment. That was the end of my
 (7) answer.
 (8) **Q** Do you have any factual foundation to support
 (9) your claim that you had authority to retain counsel on behalf
 (10) of Worldsite at any time in the last three years?
 (11) **A** Given counsel's advice at this particular
 (12) time, under these unique circumstances I invoke the rights
 (13) within the 5th Amendment.
 (14) **Q** Do you have any factual basis to support your
 (15) contention that you have had the authority to retain counsel
 (16) on behalf of Federal Transtel at any time in the last three
 (17) years?
 (18) **A** At this particular point in time, under these
 (19) unique circumstances, given counsel's advice I am asserting
 (20) the rights provided for under the 5th Amendment.
 (21) **Q** Do you have any factual basis to support your
 (22) contention that you have had the authorization to retain
 (23) counsel to represent 8335 Property Partners Limited at any
 (24) time in the last three years?
 (25) **A** Given advice of counsel at this particular

Page 141

(1) time, under these unique circumstances, I assert the rights
(2) provided in the 5th Amendment.

(3) Q Do you have any factual foundation to support
(4) your claim that you have had authority to retain counsel on
(5) behalf of 8335 Property, Inc. at any time in the last three
(6) years, question mark?

(7) A At this particular time, under these
(8) particular instance -- circumstances, given advice from
(9) counsel under these unique circumstances I assert the
(10) privileges provided within the 5th Amendment.

(11) Q Do you have any factual foundation to support
(12) your claim that you have had authority to retain counsel to
(13) represent the interests of 8670 Wilshire Corp. at any time in
(14) the last three years?

(15) A At this -- at this particular time, under
(16) these unique circumstances, given advice from counsel I assert
(17) the rights under the 5th Amendment.

(18) Q Do you have any factual support for your
(19) contention that you have had authorization to retain counsel
(20) to represent the interests of 8670 Property Partners limited
(21) at any time in the last three years?

(22) A At this particular point in time, under these
(23) unique circumstances, given counsel's advice I assert the
(24) rights provided for within the 5th Amendment.

(25) Q I'm not sure if I said the property -- 8670

Page 143

(1) Plaintiff's Exhibit 29 for identification
(2) and is attached hereto.)

(3) THE WITNESS: At this particular --

(4) MR. ESTES: Yes.

(5) Q BY MR. ESTES: Do any of these checks that
(6) are reflected in Exhibit 29 bear your signature?

(7) A At this -- at this particular point in time,
(8) given the unique circumstances, given the advice from counsel
(9) I assert the rights provided for within the 5th Amendment.

(10) Q In or about November of 2000 did you sign a
(11) check for \$13,000.00 made payable to George Hoopes from SBN
(12) Venture Capital Resource Partners' corporate account
(13) maintained at Manufacturers Bank as set forth in the middle
(14) portion of the Exhibit 29 document?

(15) A At this particular point in time, under these
(16) unique circumstances, given advice from counsel I will assert
(17) the rights provided under the 5th Amendment.

(18) Q Who's Wayne Chia?

(19) A At this particular point in time, under these
(20) unique circumstances, given advice from counsel I assert the
(21) privileges provided within the 5th Amendment.

(22) Q Okay. I'd like to have this marked -- marked
(23) as Exhibit 30.

(24) (The aforementioned document was marked as
(25) Plaintiff's Exhibit 30 for identification)

Page 142

(1) Property Partners twice. Did I say the corporation before?
(2) I'll ask it anyway. Do you have any factual support for your
(3) contention that you have authorization to retain counsel on
(4) behalf of 8670 Wilshire Corp. at any time in the last three
(5) years?

(6) A At this particular time and at this
(7) particular point in time, under these unique circumstances,
(8) given counsel's advice I will assert the rights provided
(9) within the 5th Amendment.

(10) Q Do you have any factual support to your
(11) contentions that Sarit Shafir has injured you in any manner
(12) over the last three years?

(13) A Given the particular circumstances and at
(14) this point in time, given counsel's advice at this point in
(15) time, under the very unique circumstances I will invoke the
(16) rights provided for under the 5th Amendment.

(17) Q Who is George Hoopes?

(18) A At this particular time -- at this particular
(19) point in time and due to unique circumstances, given advice
(20) from counsel I invoke the rights within the 5th Amendment.

(21) Q Next I'd like to attach or have this document
(22) identified as Exhibit 28. Oh. We're at Exhibit 29.

(23) MR. PARISER: Yeah.

(24) MR. ESTES: It's a copy of three checks.

(25) (The aforementioned document was marked as

Page 144

(1) and is attached hereto.)

(2) Q BY MR. ESTES: Have you ever seen this
(3) document before?

(4) A At this particular point and these
(5) particular -- unique circumstances, given advice from counsel
(6) I assert the rights within the 5th Amendment.

(7) Q Are you currently the trustee for Amtech
(8) Audiotext, Inc.'s profit sharing plan?

(9) A Is that the question?

(10) Q Uh-huh.

(11) A Given the unique circumstances and at this
(12) point in time, given counsel's advice I assert the privilege
(13) within the 5th Amendment.

(14) Q Did you execute this document identified as
(15) Exhibit 30?

(16) A At this particular point, under these unique
(17) circumstances, on this particular day, given advice of counsel
(18) I invoke the rights provided for under the 5th Amendment.

(19) *** Q Is your 5th Amendment being exercised only
(20) for purposes of today?

(21) MR. PARISER: Don't answer that question.

(22) MR. ESTES: He's making statements given
(23) these unique circumstances, given the facts of today and it
(24) sounds like he wants to exercise his rights today, you know.
(25) You're instructing him not to answer?

Page 145

(1) **MR. PARISER:** Correct.

(2) **MR. ESTES:** Okay. It's the manner he's

(3) attempting to invoke his 5th Amendment privileges. I just

(4) want to make it clear. Okay. We may want to break for a

(5) little bit. What time do you have?

(6) **THE VIDEOGRAPHER:** 1:30.

(7) **MR. ESTES:** It's 1:30. Did you want to break

(8) for a short lunch?

(9) **MR. PARISER:** We'd like to -- actually we'd

(10) like to go straight through as much as possible. The court

(11) reporter is saying no. Okay.

(12) **MR. ESTES:** I think that in respect to the

(13) staff that is here that we take a break. I'm willing to break

(14) for as long as they want. They want an hour, 45 minutes? An

(15) hour? Why don't we go off the record.

(16) **MR. PARISER:** All right.

(17) **MR. ESTES:** And we'll convene at a mutually

(18) convenient time.

(19) (A lunch recess was taken at 1:30 p.m.)

(20) (The proceedings were resumed after lunch at 2:41 p.m.)

(21) **THE WITNESS:** We're going to go straight

(22) through?

(23) **MR. ESTES:** Yeah. Why don't we -- why don't

(24) we just break for about three minutes.

(25) (A brief recess was taken.)

Page 146

(1) **MR. ESTES:** Okay. I'd like to mark this

(2) document as Exhibit 30 I believe.

(3) **MR. SHAFRIR:** 31 she has.

(4) **MR. ESTES:** 31.

(5) (The aforementioned document was marked as

(6) Plaintiff's Exhibit 31 for identification

(7) and is attached hereto.)

(8) **Q** BY MR. ESTES: Have you ever seen this

(9) document before?

(10) **A** Given the advice of my counsel, due to the

(11) unique circumstances I am going to assert my 5th Amendment

(12) right.

(13) **Q** And you are hereby asserting it?

(14) **A** Yes.

(15) **Q** Who is Karen Thro?

(16) **A** Given the unique circumstances -- after

(17) consulting with counsel, due to unique circumstances I'm going

(18) to have to assert my 5th Amendment rights.

(19) **Q** And who is Martha Johnson?

(20) **A** Given the unique circumstances at this time

(21) I'm going to have to -- after consulting with counsel I'm

(22) going to have to assert my rights provided for under the 5th

(23) Amendment.

(24) **Q** Do you know whether or not Martha Johnson is

(25) president of Sunrise Inventory Liquidators?

Page 147

(1) **A** Given the unique circumstances, after

(2) consulting with counsel I'm going to assert my 5th Amendment

(3) right.

(4) **Q** What is the business purpose of Sunrise

(5) Inventory Liquidators, Inc.?

(6) **A** Given the unique circumstances, at this point

(7) in time, after consulting with counsel I'm going to have to

(8) assert my rights to the 5th Amendment.

(9) **MR. ESTES:** Wayne, if he's going to take this

(10) much time answering the questions I'm going to -- if we don't

(11) get this done today I'm going to be going back in front of the

(12) judge and ask for more time. I mean, he's taking

(13) deliberate -- deliberate time to answer.

(14) **MR. PARISER:** Well, I don't know that that's

(15) necessarily the case. We've been going at this for hours.

(16) Hold on. Let's go off the record.

(17) **MR. ESTES:** No. I'm not going off the

(18) record. You need to go off the record for what?

(19) **MR. PARISER:** I want to talk to Mr. Nicherie.

(20) **MR. ESTES:** Okay. We're taking way too much

(21) time here. Okay. Go off the record.

(22) (A brief recess was taken.)

(23) **MR. ESTES:** Next I'd like to have a document

(24) marked as Exhibit 32. It's a certified copy of the board of

(25) directors of FTT.

Page 148

(1) (The aforementioned document was marked as

(2) Plaintiff's Exhibit 32 for identification

(3) and is attached hereto.)

(4) **Q** BY MR. ESTES: Have you ever seen this

(5) document before?

(6) **A** Based on the unique circumstances currently

(7) before us at this time and based on the advice of counsel I'm

(8) going to have to assert my right to the 5th Amendment.

(9) **Q** And what is the -- what are these unique

(10) circumstances again that you keep referring to?

(11) **A** At this point in time, based on the

(12) circumstances, based upon the advice of counsel I am asserting

(13) our right to the 5th Amendment.

(14) **Q** Okay. Is that your signature on this

(15) document?

(16) **A** At this time, under the circumstances, based

(17) on the advice of counsel I'm going to have to assert my right

(18) to the 5th Amendment.

(19) **Q** Did you ever have authorization to adopt

(20) these resolution authorizing FTT to file for bankruptcy?

(21) **A** At this time, under the circumstances, based

(22) on the advice of counsel I'm asserting my right under the 5th

(23) Amendment.

(24) **Q** Next I'd like to have this document marked as

(25) Exhibit 33. It's a copy of a business card. Oh. I'm sorry.

Page 149

- (1) (The aforementioned document was marked as
 (2) Plaintiff's Exhibit 33 for identification
 (3) and is attached hereto.)
 (4) **Q** BY MR. ESTES: Who is Ran Cohen?
 (5) **A** At this time, under the unique circumstances
 (6) at this point in time, based on the advice of counsel I'm
 (7) going to have to assert my rights under the 5th Amendment.
 (8) **Q** What is R.C.I. International Security and
 (9) Marketing Limited?
 (10) **A** At this time, under the -- at this time,
 (11) point in time under these unique circumstances, based on
 (12) advice of counsel I'm going to have to assert my right to the
 (13) 5th Amendment.
 (14) **Q** Okay. I'd like to have the next document
 (15) marked as Exhibit No. 34. Copies of some checks.
 (16) (The aforementioned document was marked as
 (17) Plaintiff's Exhibit 34 for identification
 (18) and is attached hereto.)
 (19) **Q** BY MR. ESTES: And do those checks bear your
 (20) signature?
 (21) **A** At this time, under the circumstances at this
 (22) point in time, based on the advice of counsel I'm asserting my
 (23) rights to the 5th Amendment.
 (24) **Q** Is Mariners Village a place where you were
 (25) residing at any time?

Page 150

- (1) **A** Is that it? At this time, under the
 (2) circumstances at this point in time, based on the advice of
 (3) counsel I'm asserting my rights and privileges under the 5th
 (4) Amendment.
 (5) **Q** Okay. The next document I've marked as
 (6) Exhibit 35.
 (7) (The aforementioned document was marked as
 (8) Plaintiff's Exhibit 35 for identification
 (9) and is attached hereto.)
 (10) **Q** BY MR. ESTES: Is that your signature on that
 (11) check?
 (12) **A** At this time and at this point in time, under
 (13) these circumstances, based on the advice of counsel I am
 (14) asserting my right to the 5th Amendment.
 (15) **Q** Are you aware that Nachshin & Weston were the
 (16) attorneys representing Sarit in her divorce proceeding?
 (17) **A** At this time -- at this point in time, under
 (18) these circumstances I am -- under the advice of counsel
 (19) asserting my right to the 5th Amendment.
 (20) **MR. PARISER:** I just want to put on the
 (21) record that I didn't raise an objection to the question. I'm
 (22) taking as your representation that Nachshin & Weston did
 (23) represent Ms. Shafir.
 (24) **MR. ESTES:** Yes, they did. In the divorce
 (25) matter.

Page 151

- (1) **Q** BY MR. ESTES: What is -- what services are
 (2) Nachshin & Weston performing for SBN Venture Capital?
 (3) **A** At this point in time, under the present
 (4) circumstances, based on advice of counsel I'm asserting my 5th
 (5) Amendment right.
 (6) **Q** Do you recall having any meetings with any
 (7) representatives with Nachshin & Weston regarding Sarit
 (8) Shafir's divorce proceedings?
 (9) **A** At this time, at this point in time under the
 (10) present circumstances, based on advice of counsel I'm
 (11) asserting my rights under the 5th Amendment.
 (12) **Q** Do you know who Stephanie Bloom is?
 (13) **A** At this point in time, under the present
 (14) circumstances, based on advice of counsel I'm asserting my
 (15) right under the 5th Amendment.
 (16) **Q** Okay. Have this one marked as Exhibit No.
 (17) 36. I only have one of those. If you could share that one.
 (18) **MR. PARISER:** You only have one copy, is that
 (19) what you said.
 (20) **MR. ESTES:** Yeah.
 (21) (The aforementioned document was marked as
 (22) Plaintiff's Exhibit 36 for identification
 (23) and is attached hereto.)
 (24) **Q** BY MR. ESTES: Have you ever seen this
 (25) document before?

Page 152

- (1) **A** At this point in time, under these
 (2) circumstances, based on the advice of counsel I'm asserting my
 (3) right under the 5th Amendment.
 (4) **Q** Did you ever have authority for check writing
 (5) over the account number listed at the top of Exhibit 36 at
 (6) Salomon Smith Barney? It's the account 5540632618550.
 (7) **A** At this point in time, under the present
 (8) circumstances, based on the advice of counsel I'm asserting my
 (9) right to the 5th Amendment.
 (10) **Q** Next exhibit -- what number are we on now,
 (11) 37?
 (12) **A** 37.
 (13) **Q** Let's mark this as Exhibit 37. 37 consists
 (14) of six pages. The third page bears a signature line with your
 (15) name on it and the last two pages is a financial statement.
 (16) Last two pages are a financial statement.
 (17) (The aforementioned document was marked as
 (18) Plaintiff's Exhibit 37 for identification
 (19) and is attached hereto.)
 (20) **Q** BY MR. ESTES: Have you ever seen this
 (21) affidavit before?
 (22) **A** At this point in time, under the present
 (23) circumstances -- the unique present circumstances, based on
 (24) the advice of counsel I'm asserting my rights under the 5th
 (25) Amendment.

Page 153

(1) Q On the third page of that exhibit there's a
(2) signature line for D. Nicherie. Does that bear your
(3) signature?
(4) A This -- at this point in time, under the
(5) present circumstances, based on advice of counsel I am
(6) asserting my rights to the 5th Amendment.
(7) Q Would it upset you if people were signing
(8) your name to declarations that you were unaware of?
(9) A At this -- that's it? At this point in
(10) time, under the present unique circumstances, based on the
(11) advice of counsel I'm asserting my rights under the 5th
(12) Amendment.
(13) Q Have you ever reported to any agency or made
(14) a public record of any documents that you've ever seen that
(15) bore forgeries of your signature?
(16) A At this point in time, given the special and
(17) unique circumstances, based on the advice of counsel I'm
(18) asserting my right to the 5th Amendment.
(19) Q Do you believe that in or about November 1st
(20) of 2001 that FTT was not insolvent?
(21) A At this point in time, given the present
(22) unique circumstances, based on advice of counsel I am
(23) assisting -- asserting my right to a 5th -- to the 5th
(24) Amendment.
(25) Q Did you believe that in or about November of

Page 154

(1) 2001 that FTT was paying its obligations on a regular basis?
(2) A Under the unique circumstances at this point
(3) in time, based on advice of counsel I am asserting my rights
(4) to the 5th Amendment.
(5) Q Is the reason that FTT had financial
(6) difficulties in or about November of 2001 due to the fact that
(7) you had diverted revenues of F -- from FTT to other places?
(8) A At this time, under the unique circumstances
(9) at this point in time, based on advice of current counsel I'm
(10) asserting my rights under the 5th Amendment.
(11) Q I'd like to have this marked as Exhibit 38.
(12) Exhibit 38 is another six-page document, the last page of
(13) which bears a signature line underneath which is the name of
(14) Daniel Nicherie.
(15) (The aforementioned document was marked as
(16) Plaintiff's Exhibit 38 for identification
(17) and is attached hereto.)
(18) Q BY MR. ESTES: Have you ever seen this
(19) document before?
(20) A At this point in time, under the
(21) circumstances, based on advice of counsel I am asserting the
(22) rights under the 5th Amendment.
(23) Q Were you aware on or about January of 2000
(24) that Worldsite and Amtech reflected monthly losses of
(25) \$250,000.00?

Page 155

(1) A At this point in time, under the present
(2) circumstances, based on advice of counsel I'm asserting the
(3) rights under the 5th Amendment.
(4) Q Would you contend that the statements made at
(5) paragraph five of Exhibit 38 are true and accurate?
(6) A At this point in time, given the present
(7) circumstances, based on the advice of counsel I'm asserting
(8) the rights under the 5th Amendment.
(9) Q Were you employed by SBN Venture Capital
(10) Resources in or about October '99 as set forth in paragraph
(11) eight of page two of the Exhibit 38 document?
(12) A At this time, under the present circumstances
(13) at this point in time, based upon the advice of counsel I'm
(14) asserting the rights under the 5th Amendment.
(15) Q Do you contend that the statement made at
(16) paragraph ten on page three of the Exhibit 38 document is true
(17) and correct?
(18) A At this time, under the unique circumstances
(19) at this point in time, based on the advice of counsel I'm
(20) asserting my rights under the 5th Amendment.
(21) Q Do you contend that the statements made at
(22) paragraph 13, the fourth page of the Exhibit 38 document are
(23) true and correct?
(24) A At this time -- at this point in time, under
(25) the unique circumstances, based on the advice of counsel I'm

Page 156

(1) asserting my rights under the 5th Amendment.
(2) Q Do you contend that the statements made at
(3) paragraph 17 of the Exhibit 38 document are true and correct?
(4) A At this time, under the unique circumstances
(5) at this point in time, based on the advice of counsel I'm
(6) asserting rights available under the 5th Amendment.
(7) Q Do you contend that the statements set forth
(8) at paragraph seven of the Exhibit 38 document are true and
(9) correct?
(10) A At this point in time, under the present
(11) circumstances --
(12) MR. PARISER: Wait just a minute. Did you
(13) say documents attached to it?
(14) MR. ESTES: Paragraph seven.
(15) MR. PARISER: Oh.
(16) MR. ESTES: Of the Exhibit 38 document.
(17) MR. PARISER: Can you read back the question
(18) please?
(19) MR. ESTES: I'll repeat it.
(20) Q BY MR. ESTES: Do you contend that the
(21) statements made at paragraph seven of the Exhibit 38 document
(22) are true and correct?
(23) A At this point in time, under the present
(24) circumstances, based on the advice of counsel I am asserting
(25) the 5th Amendment privileges.

Page 157

(1) **Q** Who is Bruce Hockman?
 (2) **A** At this time, under the unique circumstances
 (3) present at this point in time, based on the advice of counsel
 (4) I'm asserting the rights under the 5th Amendment.

(5) **Q** Okay. I'd like to have the -- this document
 (6) marked as Exhibit 38 -- 39.

(7) **A** Nine.
 (8) (The aforementioned document was marked as
 (9) Plaintiff's Exhibit 39 for identification
 (10) and is attached hereto.)

(11) **MR. ESTES:** And why don't we remove those
 (12) last two pages that were inadvertently stapled to it. Thank
 (13) you.

(14) **THE WITNESS:** You want to make this Exhibit
 (15) No. 40?

(16) **MR. ESTES:** No. I want to go through the
 (17) declaration first. Thanks anyway. Exhibit 39 is a three-page
 (18) document. The third page has the name of Daniel Nicherie on
 (19) it.

(20) **Q** BY MR. ESTES: Have you ever seen this
 (21) document before?

(22) **A** At this point in time, under these unique
 (23) circumstances, based on advice of counsel I'm asserting my
 (24) right available under the 5th Amendment.

(25) **Q** On November 26th, 2001 were you an officer

Page 158

(1) and director of Federal Transtel?

(2) **A** At this point in time, under these unique
 (3) circumstances, based on the advice of counsel I'm asserting my
 (4) rights available under the 5th Amendment.

(5) **Q** Do you contend that the statement made at
 (6) paragraph four of Exhibit 39 document is true and correct?

(7) **A** At this point in time, under the -- the
 (8) unique circumstances, based on advice of counsel I'm asserting
 (9) the rights available under the 5th Amendment.

(10) **Q** Next I'd like to have this marked as Exhibit
 (11) 40, which are pictures of a couple of Postal Annexes in San
 (12) Diego.

(13) (The aforementioned document was marked as
 (14) Plaintiff's Exhibit 40 for identification
 (15) and is attached hereto.)

(16) **Q** BY MR. ESTES: Do you recognize either of
 (17) these premises as being an address you've used on behalf of
 (18) any of your entities?

(19) **MR. PARISER:** Photographs themselves don't
 (20) indicate what city they're located in. And I'm not going to
 (21) assert an objection, but with the understanding that that's
 (22) not a proven point just because he's going to give you an
 (23) answer.

(24) **MR. ESTES:** I understand.

(25) **MR. PARISER:** All right.

Page 159

(1) **THE WITNESS:** At this point in time, given
 (2) the unique circumstances, based on advice of counsel I assert
 (3) the privileges available under the 5th Amendment.

(4) **Q** BY MR. ESTES: Have you ever used either
 (5) personally or on behalf of a representative the addresses
 (6) identified on the Exhibit 40 document in San Diego; one being
 (7) at 6343 El Cajon, No. 219 and the other being 2907 Shelter
 (8) Island Drive?

(9) **A** At this point in time, given the unique
 (10) circumstances and based upon the advice of counsel I assert
 (11) the rights available under the 5th Amendment.

(12) **Q** Okay. Next I'd like to have a five-page
 (13) document marked as Exhibit 41. The first page is a
 (14) application for reinstatement for Millennium.

(15) (The aforementioned document was marked as
 (16) Plaintiff's Exhibit 41 for identification
 (17) and is attached hereto.)

(18) **Q** BY MR. ESTES: Have you ever seen this
 (19) document before?

(20) **MR. PARISER:** You're asking about all five
 (21) pages or just the first page?

(22) **MR. ESTES:** Actually, I think these are all
 (23) related, but not necessarily the same document. We'll just
 (24) focus on one page at a time.

(25) **Q** BY MR. ESTES: So Exhibit 41, the first page,

Page 160

(1) is that your signatures?

(2) **A** At this point in time, under the present
 (3) circumstances, based on the advice of counsel I'm asserting my
 (4) 5th Amendment privileges.

(5) **Q** Did you change the name of Millennium Capital
 (6) to Telco Financial Services, Inc.?

(7) **A** At this point in time, under the present
 (8) circumstances, based on the advice of counsel I'm asserting my
 (9) privileges under the 5th Amendment.

(10) **Q** What was the reason for the name change, if
 (11) you know?

(12) **A** At this point in time, given the -- under the
 (13) present circumstances, based on the advice of counsel I'm
 (14) asserting my rights available under the 5th Amendment.

(15) **Q** And if we could turn to page three of the
 (16) Exhibit 41 document. Does this document bear your signature
 (17) down at the bottom near the sign that says sign here?

(18) **A** At this time, given the unique circumstances
 (19) at this point in time, based on the advice of counsel I'm
 (20) asserting the privilege under the 5th Amendment.

(21) **Q** Have you ever held yourself out as being the
 (22) president of Millennium Capital?

(23) **A** At this time, under the unique circumstances
 (24) at this point in time, based on the advice of counsel I'm
 (25) asserting my rights under the 5th Amendment.

Page 161

(1) Q Okay. If we could turn to page four of that
 (2) document. That titles the name of the corporation Berlaga.
 (3) Have you ever seen this document before signed by Alan
 (4) Teegardin.

(5) A At this point in time, under the
 (6) circumstances, based on the advice of counsel I'm asserting
 (7) the privileges available under the 5th Amendment.

(8) Q Do you know why Berlaga changed its name to
 (9) 8670 Wilshire Corp.?

(10) A At this point in time, under the unique
 (11) circumstances, based on the advice of counsel I'm asserting
 (12) the privileges available under the 5th Amendment.

(13) Q And if you could turn to the -- the last
 (14) page. Are you aware at any time whether or not Alan Teegardin
 (15) purported to be the president of 8670 Wilshire Corp.?

(16) A At this point in time, under the
 (17) circumstances, based on the advice of counsel I'm asserting my
 (18) rights and privileges under the 5th Amendment.

(19) Q Okay. Next I'd like to have marked for
 (20) identification purposes Exhibit 43 -- 42. I'm sorry -- which
 (21) is a printout from the Secretary of State regarding Federal
 (22) Transtel.

(23) (The aforementioned document was marked as
 (24) Plaintiff's Exhibit 42 for identification
 (25) and is attached hereto.)

Page 163

(1) out as being the president, secretary and treasure under the
 (2) name of Daniel Nicherie? It appears to be the correct
 (3) spelling of the company named Maxium II, a Nevada
 (4) corporation.

(5) A At this point in time, under the unique
 (6) circumstances, based on the advice of counsel I'm asserting
 (7) the rights available under the 5th Amendment next.

(8) Q Next I'd like to have marked as Exhibit 45.
 (9) (The aforementioned document was marked as
 (10) Plaintiff's Exhibit 45 for identification
 (11) and is attached hereto.)

(12) Q BY MR. ESTES: Have you ever held yourself
 (13) out under the name of Daniel Nicherie as the resident agent,
 (14) president, secretary and treasurer of Kent Family Fund?

(15) A At this point in time, under the
 (16) circumstances, based on the advice of counsel I'm asserting my
 (17) rights under the 5th Amendment.

(18) Q Okay. The next document is going to have
 (19) five pages attached to it. Each one is going to be
 (20) referencing a separate corporation. I think it will make this
 (21) thing go a little bit quicker. We'll just refer to it as
 (22) Exhibit 46, pages one through five. One being Telco, two
 (23) being Anke, three being HZH Pharmaceutical, four being the
 (24) Living Retreat Management Company and five being TR Properties
 (25) REIT.

Page 162

(1) Q BY MR. ESTES: Have you ever held yourself
 (2) out under the name of Daniel Nishire, N-i-s-h-i-r-e, as being
 (3) the president and secretary of Federal Transtel, the
 (4) corporation formed in Georgia?

(5) A At this time -- at this point in time, under
 (6) the unique circumstances, based on the advice of counsel I'm
 (7) asserting the privileges available under the 5th Amendment.

(8) Q Next exhibit I have marked as Exhibit 43.
 (9) (The aforementioned document was marked as
 (10) Plaintiff's Exhibit 43 for identification
 (11) and is attached hereto.)

(12) Q BY MR. ESTES: Have you ever held your
 (13) name -- have you ever held yourself out under the name of
 (14) Daniel Nischie, N-i-s-c-h-i-e, as the resident agent,
 (15) president and secretary and treasurer of Titan Security
 (16) Services, Inc.?

(17) A At this time, under the circumstances
 (18) available at this point in time, based on the advice of
 (19) counsel I'm asserting the rights under the 5th Amendment.

(20) Q And next I have marked as Exhibit 44 a
 (21) statement relating to Maxium II.

(22) (The aforementioned document was marked as
 (23) Plaintiff's Exhibit 44 for identification
 (24) and is attached hereto.)

(25) Q BY MR. ESTES: Have you ever held yourself

Page 164

(1) (The aforementioned document was marked as
 (2) Plaintiff's Exhibit 46 for identification
 (3) and is attached hereto.)

(4) Q BY MR. ESTES: Have you held yourself out as
 (5) being the resident agent, president, secretary and treasurer
 (6) under the name Daniel Nicherie, N-i-c-h-e-r-i-e, of Telco
 (7) Financial Services?

(8) A At this point in time, under the
 (9) circumstances, based on the advice of counsel I am asserting
 (10) the privileges available under the 5th Amendment.

(11) Q And have you held -- referring to the second
 (12) page of the Exhibit 46 document, have you held yourself out as
 (13) resident agent, president, secretary or treasurer under the
 (14) same spelling as on behalf of Anke Investment Corporation, a
 (15) Nevada corporation?

(16) A At this point in time, under the
 (17) circumstances currently based -- based on the advice of
 (18) counsel I'm asserting my privileges under the 5th Amendment.

(19) Q And the third page of that document is
 (20) entitled HZH Pharmaceutical Wholesale. Are you aware whether
 (21) or not your brother Abner Nicherie ever held himself out as
 (22) president, secretary and treasurer of that entity?

(23) A At this point in time, under the present
 (24) circumstances, based on the advice of counsel I'm asserting my
 (25) rights under the 5th Amendment.

Page 165

(1) **Q** And on the fourth page of that document is --
 (2) have you ever represented any investors of the Living Retreat
 (3) Management Company?

(4) **A** At this point in time, under the
 (5) circumstances present here and based on the advice of counsel
 (6) I assert my rights under the 5th Amendment.

(7) **Q** And on the last page of that Exhibit 46
 (8) document are you aware of whether or not Abner, your brother,
 (9) has ever held himself out as being a agent for service of
 (10) process for TR Properties REIT Corporation?

(11) **A** At this time, under the present
 (12) circumstances, based on the advice of counsel I am asserting
 (13) my rights provided under the 5th Amendment.

(14) **Q** As you sit here today, do you know at any
 (15) time what any of the businesses that these corporations
 (16) transacted or engaged in in the last three years? And I'm
 (17) referring to Federal Transtel, Titan Security System, Maxium
 (18) II, Anke Investment Corporation, HZH Pharmaceutical Wholesale,
 (19) Inc., the Living Retreat Management Company and TR Properties
 (20) REIT Corporation?

(21) **MR. PARISER:** For purposes of the deposition
 (22) to shorten it up I'm not going to object based on compound.
 (23) For the record, I would at trial.

(24) **THE WITNESS:** At this point in time, under
 (25) these circumstances presently available, based on the advice

Page 166

(1) of counsel I'm asserting privileges available under the 5th
 (2) Amendment.

(3) **MR. ESTES:** I'll have marked for
 (4) identification Exhibit 47. It's a three-page document
 (5) entitled Application for Approval of Employment of Attorneys.
 (6) The third page bears a signature line with the name of Daniel
 (7) Nicherie.

(8) (The aforementioned document was marked as
 (9) Plaintiff's Exhibit 47 for identification
 (10) and is attached hereto.)

(11) **Q** BY MR. ESTES: Have you ever seen this
 (12) document before?

(13) **A** At this point in time, under the present
 (14) circumstances, based on the advice of counsel I'm asserting
 (15) the rights available under the 5th Amendment.

(16) **Q** Is that your signature on the third page of
 (17) that Exhibit 47 document?

(18) **A** At this point in time, under the present
 (19) circumstances uniquely available today, based on the advice of
 (20) counsel I am asserting the rights available under the 5th
 (21) Amendment.

(22) **Q** Next I'd like to have marked as Exhibit 48 a
 (23) multipage document that contains several correspondence
 (24) between Graham & James and Nicherie. They're separate
 (25) documents but related. If I could have you -- it's a fax.

Page 167

(1) The first three pages, as you can -- actually, as you can see
 (2) in the upper right-hand -- scratch that.

(3) (The aforementioned document was marked as
 (4) Plaintiff's Exhibit 48 for identification
 (5) and is attached hereto.)

(6) **MR. PARISER:** Who did Graham & James
 (7) represent?

(8) **MR. ESTES:** They -- it would be on the last
 (9) page of that document.

(10) **MR. PARISER:** I'm sorry. Which document?

(11) **MR. ESTES:** On the last page of that
 (12) document.

(13) **MR. PARISER:** Of the whole exhibit?

(14) **MR. ESTES:** Yeah.

(15) **MR. PARISER:** I don't see where it says who
 (16) they represent.

(17) **MR. ESTES:** On the signature. President --
 (18) it appeared -- we can go through this, but it appears Daniel
 (19) Nicherie as president of Archibald entered into a retainer
 (20) agreement with Graham & James.

(21) **MR. PARISER:** Oh.

(22) **MR. ESTES:** That's the last three pages of
 (23) that document.

(24) **MR. PARISER:** I don't know how you guys got
 (25) ahold of attorney/client communications, but unless you got

Page 168

(1) some good explanation it seems to me that your possession of
 (2) the document is totally inappropriate. And I don't represent
 (3) Federal Transtel, I'm not asserting any privileges, but I am
 (4) going to advise Mr. Nicherie that if his involvement -- these
 (5) letters concern business with Federal Transtel in which his
 (6) involvement on behalf of Transtel the attorney/client
 (7) privilege may very well be attached.

(8) **MR. ESTES:** And that would be raised by
 (9) whom?

(10) **MR. PARISER:** That would be raised presumably
 (11) by Federal Transtel. I do not have any information as to what
 (12) this is and --

(13) **MR. ESTES:** Obviously subject to
 (14) admissability.

(15) **MR. PARISER:** Let's go off the record.

(16) **MR. ESTES:** Okay.

(17) (A brief recess was taken.)

(18) **MR. PARISER:** Okay. These -- this exhibit
 (19) appears to be a attorney/client communication between an
 (20) attorney and various clients. I don't know what the extent of
 (21) the relationship is or circumstances under which --

(22) **THE WITNESS:** Thank you very much.

(23) **MR. PARISER:** -- these documents were
 (24) disclosed to you. I'm going to advise Mr. Nicherie not to
 (25) answer any questions about this until he can find out from

Page 169

(1) counsel representing the clients listed in these documents as
 (2) to the attorney/client privilege and whether it applies.
 (3) **MR. ESTES:** And/or whether it's been waived.
 (4) **MR. PARISER:** Yes. Did you get that? My
 (5) microphone wasn't on.
 (6) *** **Q** BY MR. ESTES: Have you ever seen these
 (7) documents before?
 (8) **MR. PARISER:** I'm going to advise him not to
 (9) answer any questions about these documents until he can
 (10) satisfy himself whether or not there's an attorney/client
 (11) privilege that attaches to them.
 (12) **Q** BY MR. ESTES: Are you following the advice
 (13) of your counsel?
 (14) **A** Yes.
 (15) **Q** And you're refusing to answer?
 (16) **A** I will follow my counsel's advice.
 (17) **MR. ESTES:** And are we going to have another
 (18) deposition to reconvene to discuss these matters if it turns
 (19) out that they've been -- that they're discoverable and have
 (20) been disclosed and we have a right to ask questions on these?
 (21) **MR. PARISER:** Absolutely.
 (22) **MR. ESTES:** Are you raising this objection on
 (23) behalf of FTT?
 (24) **MR. PARISER:** No. I'm raising it on behalf
 (25) of Mr. Nicherie to make sure that he is not stepping on a

Page 170

(1) privilege that belongs to other entities. And I've heard no
 (2) explanation for how you came into possession of these
 (3) documents, so without any information I would advise him not
 (4) to answer until he can find out whether or not he's violating
 (5) somebody else's privilege by doing so.
 (6) **MR. ESTES:** And are you raising this on
 (7) behalf of him being the president of Federal Transtel? In
 (8) what capacity are you raising this?
 (9) **MR. PARISER:** I -- I represent Mr. Nicherie
 (10) in his personal capacity and on that basis.
 (11) **MR. ESTES:** But you do not represent Federal
 (12) Transtel; is that correct?
 (13) **MR. PARISER:** That's correct.
 (14) **MR. ESTES:** And you don't represent
 (15) Archibald?
 (16) **MR. PARISER:** That's correct.
 (17) **MR. ESTES:** And you don't represent Anke?
 (18) **MR. PARISER:** That's correct. If I
 (19) represented them I might be able to give you a more definitive
 (20) statement about whether there's a privilege or not.
 (21) **Q** BY MR. ESTES: Have you ever executed a
 (22) retainer agreement between yourself on behalf of Federal
 (23) Transtel, Archibald Management and Anke Investments between
 (24) those entities and Graham & James for the rendering of legal
 (25) services?

Page 171

(1) **A** At this time, present time, point in time,
 (2) under the unique circumstances, based on advice of counsel I'm
 (3) asserting the rights I have under the 5th Amendment.
 (4) **Q** Did Graham & James at any time provide you
 (5) with a notice of conflict of waiver or some type of a
 (6) statement to that effect?
 (7) **MR. PARISER:** Say that again.
 (8) **Q** BY MR. ESTES: Did Graham & James ever have
 (9) you sign or provide you with a notice regarding a conflict of
 (10) interest with their representation of the three entities -- of
 (11) Federal Transtel, Archibald Management and Anke Investment
 (12) Co.?
 (13) **A** At this -- at this present time, at this
 (14) point in time, under the unique circumstances available today,
 (15) based on advice of counsel I am asserting the rights available
 (16) under the 5th Amendment.
 (17) **Q** Do you know whether or not Graham & James
 (18) ever made a claim against the title policy of -- well, against
 (19) America Land Title Association loan policy in connection with
 (20) a transaction by which FTT acquired a lien against the 8670
 (21) Wilshire Boulevard and the 8335 Sunset Boulevard Properties?
 (22) **A** At this point in time, under the present
 (23) circumstances, based on advice of counsel I'm asserting rights
 (24) available under the 5th Amendment.
 (25) **Q** Are you aware of any response back from the

Page 172

(1) title company regarding -- from United Title Company regarding
 (2) the transaction between FTT and 8670 Wilshire Boulevard and
 (3) 8335 Sunset Boulevard?
 (4) **A** At this point in time, under the present
 (5) circumstances, based on the advice of counsel I'm asserting my
 (6) rights available under the 5th Amendment.
 (7) **Q** Next I'd like to have marked as Exhibit 49
 (8) this document that is a verification.
 (9) (The aforementioned document was marked as
 (10) Plaintiff's Exhibit 49 for identification
 (11) and is attached hereto.)
 (12) **Q** BY MR. ESTES: Have you ever seen this
 (13) document before? It appears to be just the verification
 (14) portion of a complaints.
 (15) **A** At this point in time, given the unique
 (16) circumstances currently available, based on the advice of
 (17) counsel I'm asserting the rights available under the 5th
 (18) Amendment.
 (19) **Q** Is that your signature that appears on the
 (20) 40 -- the Exhibit 49 document?
 (21) **A** At this point in time, under the unique
 (22) circumstances, based on the advice of counsel I'm asserting
 (23) the rights available under the 5th Amendment.
 (24) **Q** Do you have any documentary evidence to
 (25) support your allegations that Sarit Shafir caused you

Page 173

(1) personal injury down in Alabama?
 (2) **A** At this point in time, under the unique
 (3) circumstances available today, based on the advice of counsel
 (4) I'm asserting the rights available under the 5th Amendment.
 (5) **Q** Were you transported to the hospital claiming
 (6) to have been injured from a pile of paper that was thrown at
 (7) you by Sarit Shafir in Alabama in or about the fall of 2001?
 (8) **MR. PARISER:** What's the relevance?
 (9) **MR. ESTES:** It's relevant in this matter. He
 (10) used that as a declaration in this matter before Judge
 (11) Schneider on citing a cite of default.
 (12) **THE WITNESS:** At this point in time -- bless
 (13) you.
 (14) **THE REPORTER:** Thank you.
 (15) **THE WITNESS:** At this point in time, under
 (16) the circumstances currently available, based on the advice of
 (17) counsel I'm asserting rights available under the 5th
 (18) Amendment.
 (19) **Q** BY MR. ESTES: Did you file a lawsuit against
 (20) Sarit Shafir and Ami Shafir in Alabama based upon a
 (21) purported assault and battery against you resulting out of the
 (22) service of papers in the fall of 2001?
 (23) **A** At this point in time, given the unique
 (24) circumstances available today, based on consultation and
 (25) advice of counsel I'm asserting rights available under the 5th

Page 174

(1) Amendment.
 (2) **Q** Is there any merit to your allegations that
 (3) Sarit Shafir caused you injury when she served you with
 (4) papers down in Alabama in the fall of 2001 and these are the
 (5) papers that were in the RICO action?
 (6) **MR. PARISER:** I want to say, for the record,
 (7) I think you're the one -- you're burning time here because
 (8) these are matters that were part of a default hearing which
 (9) has obviously already been decided. They become irrelevant.
 (10) I'll let you keep asking, but it's your time.
 (11) **MR. ESTES:** I find it to be relevant.
 (12) **THE WITNESS:** At this point in time, given
 (13) the unique circumstances available today, based upon advice of
 (14) counsel I am asserting privileges available under the 5th
 (15) Amendment.
 (16) **MR. ESTES:** And the next document I'll have
 (17) it marked as Exhibit 50. It's a two-page document entitled
 (18) SBN Venture Capital Resource Partner Corp. privileged and
 (19) confidential memorandum, both pages.
 (20) (The aforementioned document was marked as
 (21) Plaintiff's Exhibit 50 for identification
 (22) and is attached hereto.)
 (23) **Q** BY MR. ESTES: Have you seen this -- either
 (24) of these pages before?
 (25) **A** At this point --

Page 175

(1) **MR. PARISER:** Do you have a Manfred
 (2) Volfground, Mettalbank & Gontard there?
 (3) **MR. ESTES:** Daniel.
 (4) **MR. PARISER:** No. I'm asking you.
 (5) **MR. ESTES:** Oh. I've never met them.
 (6) **MR. PARISER:** To your knowledge, are they
 (7) attorneys?
 (8) **MR. ESTES:** I don't believe they are. I
 (9) believe they're purported investors. You could perhaps
 (10) consult with your client and resolve that problem.
 (11) (Interruption in proceedings.)
 (12) **MR. ESTES:** Anything you wish to share with
 (13) us?
 (14) **MR. PARISER:** Yeah, this. I'm going to
 (15) assert an attorney/client privilege in the event that they are
 (16) attorneys.
 (17) **MR. ESTES:** And the attorney/client privilege
 (18) is being asserted between Daniel and Manfred Volfground?
 (19) **MR. PARISER:** I don't know who -- if they are
 (20) attorneys who the client would be, and I'm stating the
 (21) objection for the record in the event they turn out to be
 (22) attorneys.
 (23) **MR. ESTES:** But what is -- what relationship
 (24) are you trying to protect? The relationship between Daniel, a
 (25) third party and some people who might happen to be an

Page 176

(1) attorneys or a confidential relationship between Daniel and
 (2) Manfred Volfground?
 (3) **MR. PARISER:** To the extent that there might
 (4) be an attorney/client relationship here for which the
 (5) privilege would be violated I am asserting the objection.
 (6) That's for the record.
 (7) **MR. ESTES:** Okay.
 (8) **THE WITNESS:** At this point in time, given
 (9) the unique circumstances available today, based on -- based on
 (10) consulting -- advice of counsel I am asserting privileges
 (11) available under the 5th Amendment.
 (12) **Q** BY MR. ESTES: Is that your signature that
 (13) appears -- or initials -- I can't tell, initials, signature --
 (14) that appears on the first page of the Exhibit 50 document?
 (15) **A** At this point in time, under the unique
 (16) circumstances, based on consulting with counsel I'm asserting
 (17) the rights available under the 5th Amendment.
 (18) **Q** Did you ever represent an entity named
 (19) Federal Transtel Purchasing Corp., a Nevada corporation in
 (20) formation?
 (21) **A** At this point in time, given the unique
 (22) circumstances, based on consultation and advice from counsel
 (23) I'm asserting the privileges available under the 5th
 (24) Amendment.
 (25) **Q** Were you marketing Federal Transtel to other

Page 177

(1) investors in or about November of 1999?
 (2) **A** At this point in time, under the unique
 (3) circumstances, based on the advice of counsel I'm asserting my
 (4) privileges under the 5th Amendment.
 (5) **Q** When did you first meet Ami Shafir?
 (6) **A** At this time, unique point in time, under the
 (7) circumstances available today, based on the advice of counsel
 (8) I am asserting privileges available under the 5th Amendment.
 (9) **Q** What name did you use when you first met Ami
 (10) Shafir?
 (11) **A** At this point in time, under the
 (12) circumstances available today, based on the advice of counsel
 (13) I'm asserting rights available under the 5th Amendment.
 (14) **Q** Did you first use the name N-i-s-h-r-i-e when
 (15) you met the Shafir's?
 (16) **A** At this point in time, under the unique
 (17) circumstances available today, based on the advice of counsel
 (18) I'm asserting the rights available under the 5th Amendment.
 (19) **Q** Did you use the name Nishrie, N-i-s-h-r-i-e,
 (20) when you were first introduced to the Shafir's to conceal your
 (21) true name N-i-c-h-e-r-i-e and the record that was associated
 (22) with it?
 (23) **MR. PARISER:** Objection. Argument.
 (24) **THE WITNESS:** At this point in time, under
 (25) the circumstances available today, based on advice of counsel

Page 178

(1) I'm asserting the privilege -- the rights available under the
 (2) 5th Amendment.
 (3) **Q** BY MR. ESTES: Did you place an initial
 (4) valuation formula on Federal Transtel between 19 and \$20
 (5) million in or around November of 1999?
 (6) **A** At this point in time, under the unique
 (7) circumstances available today, based on the advice of counsel
 (8) I'm asserting the rights available under the 5th Amendment.
 (9) **Q** Next I'd like to have marked as Exhibit 51
 (10) a -- a document with a business card, copy of a business
 (11) cashed at the top. I believe the formed 11/4/99 was not on
 (12) it.
 (13) (The aforementioned document was marked as
 (14) Plaintiff's Exhibit 51 for identification
 (15) and is attached hereto.)
 (16) **Q** BY MR. ESTES: Have you ever seen the
 (17) business card that appears at the top of Exhibit 51?
 (18) **A** At this point in time, under the unique
 (19) circumstances available today, based on discussions and advice
 (20) from counsel I'm asserting rights available under the 5th
 (21) Amendment.
 (22) **Q** I'd like to next have marked as Exhibit 52 a
 (23) copy of a SBN Venture Capital business card.
 (24) (The aforementioned document was marked as
 (25) Plaintiff's Exhibit 52 for identification

Page 179

(1) and is attached hereto.)
 (2) **Q** BY MR. ESTES: Have you ever seen this
 (3) business card before?
 (4) **A** At this point in time, under the
 (5) circumstances available today, based on the advice of counsel
 (6) I am asserting rights available under the 5th Amendment.
 (7) **Q** Did you authorize Joel Glaser to represent
 (8) SBN Venture Capital at any time?
 (9) **A** At this point in time, under the unique
 (10) circumstances available today, based on advice of counsel I am
 (11) assessing -- asserting my rights available under the 5th
 (12) Amendment.
 (13) **Q** And next I'd like to have marked for
 (14) identification Exhibit 53, a letter from Joe -- from Joel
 (15) Glaser to Shirley Smith dated July 26th.
 (16) (The aforementioned document was marked as
 (17) Plaintiff's Exhibit 53 for identification
 (18) and is attached hereto.)
 (19) **Q** BY MR. ESTES: Have you ever seen a copy of
 (20) this letter before?
 (21) **A** At this point in time, under the unique
 (22) circumstances available today, based on the advice of counsel
 (23) I'm asserting rights available under the 5th Amendment.
 (24) **Q** In or about July 2001 did Joel Glaser ever
 (25) represent you or any of your companies that you represented?

Page 180

(1) **A** At this point in time, under the unique
 (2) circumstances available today, based on advice from counsel
 (3) I'm asserting rights available under the 5th Amendment.
 (4) **Q** Next I'd like to have marked as Exhibit 54 a
 (5) three-page letter from myself to Wayne Pariser, and on page
 (6) two of that letter I'm referencing a section with a statute.
 (7) (The aforementioned document was marked as
 (8) Plaintiff's Exhibit 54 for identification
 (9) and is attached hereto.)
 (10) **Q** BY MR. ESTES: Have you ever seen a copy of
 (11) this letter?
 (12) **A** At this point in time, under the
 (13) circumstances available today, based on the advice of counsel
 (14) I'm asserting the rights available under the 5th Amendment.
 (15) **Q** Are you aware of Section 1111 of 29 U.S.C.?
 (16) **A** At this point in time, under the
 (17) circumstances available today, based on the advice of counsel
 (18) I am assessing my rights under the 5th Amendment.
 (19) **Q** Next I'd like to have marked as Exhibit 55 a
 (20) letter from Gardner, Middlebrooks from myself dated March
 (21) 21st, 2001.
 (22) (The aforementioned document was marked as
 (23) Plaintiff's Exhibit 55 for identification
 (24) and is attached hereto.)
 (25) **Q** BY MR. ESTES: Have you ever seen a copy of

Page 181

(1) this letter?

(2) **A** At this time, under the circumstances, based
(3) on the advice of counsel I'm asserting privileges available
(4) under the 5th Amendment.

(5) **Q** Did you ever authorize any checks on behalf
(6) of FTT to be paid to the firm of Gardner & Middlebrooks while
(7) you were representing -- purportedly representing the
(8) interests of FTT?

(9) **MR. PARISER:** Objection. Attorney/client
(10) privilege.

(11) **THE WITNESS:** At this time, under the
(12) circumstances, based on the advice of counsel I'm asserting
(13) rights available under the 5th Amendment.

(14) **Q** BY MR. ESTES: Who is Bill Lawrence, if you
(15) know?

(16) **A** At this time, under the circumstances -- at
(17) this point in time, under the circumstances available today,
(18) based upon the advice of counsel I am asserting privileges
(19) under the 5th Amendment.

(20) **Q** Next I'd like to have marked as Exhibit 56 a
(21) four-page document entitled involuntary petition Ami Shafrir.
(22) (The aforementioned document was marked as
(23) Plaintiff's Exhibit 56 for identification
(24) and is attached hereto.)

(25) **Q** BY MR. ESTES: Have you ever seen this

Page 182

(1) document before?

(2) **A** At this time, under the --

(3) **Q** Let's take a look at the document first.

(4) **A** At this time, under the circumstances
(5) available today, based on the advice of counsel I'm assessing
(6) my rights under my -- under the 5th Amendment.

(7) **Q** And on the third and fourth page of that
(8) document does that appear to be your signature? It's the same
(9) document, just copied for some additional signature. But is
(10) the top part up there above your name Daniel Nichie where it
(11) says CEO of FTT, does that appear to be your signature?

(12) **A** At this time -- at this point in time, under
(13) the unique circumstances available today, based on the advice
(14) of counsel I'm asserting privileges available under the 5th
(15) Amendment.

(16) **Q** Did you organize the petitioning creditors to
(17) file involuntary bankruptcy against Ami Shafrir in or about
(18) October of 2001?

(19) **MR. PARISER:** Objection. Vague and
(20) ambiguous.

(21) **THE WITNESS:** At this unique time, under the
(22) special circumstances available today, based on the advice of
(23) counsel I'm asserting rights available under the 5th
(24) Amendment.

(25) **Q** BY MR. ESTES: Did you place Ami Shafrir in

Page 183

(1) involuntary bankruptcy for the purposes of preventing his
(2) inquiry into the ownership of FTT stock?

(3) **MR. PARISER:** Objection. Assumes facts not
(4) in evidence, argumentative.

(5) **THE WITNESS:** At this time, based upon unique
(6) circumstances -- the unique circumstances and based upon my --
(7) the advice of counsel I'm asserting privileges available under
(8) the 5th Amendment.

(9) **Q** BY MR. ESTES: Did you retain the services of
(10) Campbell & Rowell attorneys to represent your interests in
(11) filing the involuntary petition against Ami Shafrir?

(12) **A** At this point in time, under the unique
(13) circumstances of today, based on the advice of counsel I'm
(14) asserting rights available under the 5th Amendment.

(15) **Q** Were the allegations set forth in the default
(16) judgment that FTT obtained against Ami Shafrir in the amount
(17) of \$85,000.00, were those allegations true and correct?

(18) **MR. PARISER:** Hold on a second.

(19) **MR. ESTES:** It's on the last -- next one.
(20) It's on the last page.

(21) **MR. PARISER:** Wait a second. What are you
(22) talking about?

(23) **MR. ESTES:** The FTT judgment of \$85,000.00.

(24) **MR. PARISER:** You're talking about the
(25) claimed judgment?

Page 184

(1) **MR. ESTES:** Yeah.

(2) **MR. PARISER:** Oh. Okay. Go ahead.

(3) **THE WITNESS:** At this point in time, under
(4) the unique circumstances available today, based on the advice
(5) of counsel I'm asserting rights available under the 5th
(6) Amendment.

(7) **MR. ESTES:** Okay. I'd like to have marked
(8) Exhibit 57 a two-page letter from Brent Whittlesey of the U.S.
(9) Department of Justice. Exhibit No. 57.

(10) (The aforementioned document was marked as
(11) Plaintiff's Exhibit 57 for identification
(12) and is attached hereto.)

(13) **Q** BY MR. ESTES: Have you ever seen this letter
(14) before or a copy of this letter?

(15) **A** At this point in time, under the unique
(16) circumstances available today, based on the advice of counsel
(17) I'm asserting the rights available under the 5th Amendment.

(18) **Q** Do you maintain today in light of the fact of
(19) the information set forth in this letter that Ami Shafrir has
(20) engaged in any wrongful conduct, specifically the fraudulent
(21) use of credit card charges as set forth in the second page of
(22) this letter?

(23) **A** At this time, under the circumstances
(24) available today, based on the advice of counsel I'm asserting
(25) the privileges available under the 5th Amendment.

Page 185

(1) Q Have you in recent court documents bearing
 (2) your signature of the declaration made statements to the
 (3) effect that there's an ongoing Federal Bureau of Investigation
 (4) proceedings going against Ami Shafir?
 (5) A At this point in time, under the
 (6) circumstances available today, based on the advice of counsel
 (7) I'm asserting the privileges available under the 5th
 (8) Amendment.
 (9) Q Did you ever provide any documentary
 (10) information to the FBI that would support any of your
 (11) allegations that were set forth in this letter?
 (12) A At this time, under the -- at this point in
 (13) time, under the unique circumstances available at this point,
 (14) based on the advice counsel I'm asserting rights available
 (15) under the 5th Amendment.
 (16) *** Q Did you engage the services of Victor Sherman
 (17) with respect to making false claims against Ami Shafir to the
 (18) FBI?
 (19) MR. PARISER: The question is compound. Two
 (20) part question. When did he retain him and, two, the purpose.
 (21) MR. ESTES: I think your client has
 (22) adequately pointed out that Victor Sherman was on the letter
 (23) there and that it does speak to him representing Daniel and
 (24) Abner in the document.
 (25) MR. PARISER: The question -- you've posed a

Page 186

(1) question to the witness, the question is compound. Do you
 (2) wanted to break it down?
 (3) MR. ESTES: Are you instructing him not to
 (4) answer it as its phrased?
 (5) MR. PARISER: As its phrased.
 (6) MR. ESTES: As phrased?
 (7) MR. PARISER: As phrased.
 (8) Q BY MR. ESTES: And you're following the
 (9) instruction of your counselor?
 (10) A I'll try to.
 (11) Q And you're refusing to answer?
 (12) A Correct.
 (13) Q Did you retain Victor Sherman for the
 (14) purposes of filing false allegations against Ami Shafir with
 (15) the FBI?
 (16) MR. PARISER: Same problem. Two part
 (17) question.
 (18) MR. ESTES: He can say no or yes or he can
 (19) take the 5th.
 (20) MR. PARISER: All right. You asked -- your
 (21) question is a compound question and it also potentially
 (22) violates the attorney/client privilege.
 (23) MR. ESTES: Are you instructing him not to
 (24) answer?
 (25) MR. PARISER: If you're not going to break

Page 187

(1) the question down into two parts then I am going to instruct
 (2) him not to answer. If you break it down then I won't issue an
 (3) instruction.
 (4) MR. ESTES: Okay.
 (5) Q BY MR. ESTES: Did you retain Victor Sherman
 (6) for representation of your interests in any matter?
 (7) A At this point in time --
 (8) MR. PARISER: I'm just going to interpose one
 (9) objection and that is attorney/client privilege.
 (10) THE WITNESS: At this point in time, under
 (11) the circumstances available today, based on the advice of
 (12) counsel I'm asserting rights available under the 5th
 (13) Amendment.
 (14) Q BY MR. ESTES: Did you retain the services of
 (15) Victor Sherman for purposes of filing a false complaint with
 (16) the FBI against Ami Shafir?
 (17) MR. PARISER: It's the same objection. It's
 (18) compound.
 (19) MR. ESTES: If he's not going to answer the
 (20) first question I'm entitled to answer it in this manner. I'm
 (21) asking him if he's ever retained the services of Mr. Sherman
 (22) for the purpose of filing allegations with the FBI against Ami
 (23) Shafir. He either retained him for doing that or didn't
 (24) retain him for doing that.
 (25) MR. PARISER: Okay. I'm going to interpose

Page 188

(1) an objection. One is compound, two is assumes fact not in
 (2) evidence. Given the previous question, go ahead.
 (3) THE WITNESS: At this point in time, under
 (4) the circumstances available today, based on advice of counsel
 (5) I am asserting the privilege available under the 5th
 (6) Amendment.
 (7) Q BY MR. ESTES: Did you ever provide
 (8) information to Mr. Sherman for him to further onto the FBI for
 (9) purposes of filing a complaint against Ami Shafir?
 (10) A At this point in time, under the
 (11) circumstances available today, based on the advice of counsel
 (12) I'm asserting the privileges available under the 5th
 (13) Amendment.
 (14) Q Did you ever listen to tape recording -- tape
 (15) recordings between Ami Shafir and the FBI that had been
 (16) secretly recorded by Mr. Pelicano?
 (17) A At this point in time, under the
 (18) circumstances available today, based on the advice of counsel
 (19) I'm asserting my rights available under the 5th Amendment.
 (20) Q Okay. The next exhibit I have marked as
 (21) Exhibit 58. It's an affidavit of Kenneth Taves, a seven-page
 (22) document bearing what appears to be his signature on the last
 (23) page.
 (24) (The aforementioned document was marked as
 (25) Plaintiff's Exhibit 58 for identification

Page 189

(1) and is attached hereto.)
 (2) **Q** BY MR. ESTES: Have you ever seen this
 (3) document before?
 (4) **A** At this point in time, under the
 (5) circumstances available today, based on the advice of counsel
 (6) I'm asserting the rights available under the 5th Amendment.
 (7) **Q** Did you engage the services of Joel Glaser to
 (8) execute -- or to draft this document?
 (9) **A** At this point --
 (10) **MR. PARISER:** Objection. Attorney/client
 (11) privilege.
 (12) **THE WITNESS:** At this point in time --
 (13) **MR. PARISER:** And compound.
 (14) **THE WITNESS:** At this point in time, under
 (15) the circumstances available today, based on the advice of
 (16) counsel I am asserting the claims available under the 5th
 (17) Amendment.
 (18) **Q** BY MR. ESTES: Do you believe the statements
 (19) contained in --
 (20) **A** Did you have a question?
 (21) **Q** I'm sorry.
 (22) **A** Oh. Okay.
 (23) **Q** I'm in the middle of it. I'm deep in
 (24) thought. Are you aware of any association between Kenneth
 (25) Taves and Ami Shafir at any time within the last three years?

Page 190

(1) **A** At this point, under the present
 (2) circumstances available today, based on the advice of counsel
 (3) I'm asserting the rights available under the 5th Amendment.
 (4) **Q** And are you aware of any association between
 (5) Ami Shafir and Kenneth Taves within the last ten years?
 (6) **A** At this point in time, under the
 (7) circumstances, based on the advice of counsel I'm asserting
 (8) the rights available under the 5th Amendment.
 (9) **Q** Okay. Next I'd like to have marked for
 (10) identification Exhibit No. 59, which is a memo from Karl
 (11) Hendrickson to you dated August 2nd, 2001.
 (12) (The aforementioned document was marked as
 (13) Plaintiff's Exhibit 59 for identification
 (14) and is attached hereto.)
 (15) **Q** BY MR. ESTES: Have you ever seen this memo
 (16) before?
 (17) **A** At this time -- at this point in time, under
 (18) the unique circumstances available today, based on the advice
 (19) of counsel I'm asserting the rights available under the 5th
 (20) Amendment.
 (21) **Q** Do you claim any ownership interest in the
 (22) property located at 2015 Mt. Olympus?
 (23) **A** At this time, under the circumstances
 (24) available in light of this point and time, based on the advice
 (25) of counsel I'm asserting rights available under the 5th

Page 191

(1) Amendment.
 (2) **Q** Did you execute a quitclaim purportedly
 (3) transferring the 2015 Mt. Olympus property to an entity named
 (4) Wilshire Executive Suites?
 (5) **A** At this time, under the circumstances
 (6) available today, based on the advice of counsel I'm assessing
 (7) my right to my rights under the 5th Amendment.
 (8) **Q** Do you claim any ownership interest in the
 (9) entity named Wilshire Executive Suites?
 (10) **A** At this point in time, under the
 (11) circumstances available today, based on advice of counsel I'm
 (12) asserting rights available under the 5th Amendment.
 (13) **Q** Are you attempting to refinance that property
 (14) or have you attempted to refinance that property in the last
 (15) six months?
 (16) **A** At this point in time, under the
 (17) circumstances available today, based on the advice of counsel
 (18) I'm asserting rights available under the 5th Amendment.
 (19) **Q** Okay. Next I'll have marked as Exhibit 60 a
 (20) multipage document. And the documents have a further
 (21) reference on the bottom right-hand corner which I will be
 (22) using for purposes of this line of questioning.
 (23) (The aforementioned document was marked as
 (24) Plaintiff's Exhibit 60 for identification
 (25) and is attached hereto.)

Page 192

(1) **Q** BY MR. ESTES: The Exhibit 5-A which is --
 (2) we'll call it Exhibit 60-5A, is that your signature there
 (3) under buyer where Kent Family Fund is penciled in a little bit
 (4) below the middle of the page?
 (5) **A** At this point in time, under the
 (6) circumstances available today, based on the advice of counsel
 (7) I'm asserting the privileges available under the 5th
 (8) Amendment.
 (9) **Q** Is that your signature under the area
 (10) referenced as seller?
 (11) **A** (No audible response).
 (12) **Q** And I'm referencing the Exhibit 60-5A
 (13) document.
 (14) **A** At this point in time, under the
 (15) circumstances available today, based on the advice of counsel
 (16) I'm asserting my rights --
 (17) **Q** Is that your signature on the next page which
 (18) we'll call 60-5A2 above the designation of Kent Family Fund?
 (19) **A** At this point in time, under the
 (20) circumstances, based on the advice of counsel I'm asserting
 (21) rights available under the 5th Amendment.
 (22) **Q** And on the next page 60-5A3 did you forge the
 (23) name of Sarit Shafir to this document where the arrow is,
 (24) bottom left corner?
 (25) **A** At this -- at this point in time, under the

Page 193

(1) circumstances, based on the advice of counsel I'm asserting
 (2) rights available under the 5th Amendment.
 (3) **Q** The next page, document 60-5A4, did you forge
 (4) the name Sarit Shafir to that document where the arrow in the
 (5) bottom left-hand corner is pointing?
 (6) **A** At this point in time, under the
 (7) circumstances available today, on the advice -- based on the
 (8) advice of counsel I'm asserting the rights available under the
 (9) 5th Amendment.
 (10) **Q** Next page is 60-5A5. Did you forge the
 (11) signature of Sarit Shafir in this document where the
 (12) signature appears in the lower left corner next to the top
 (13) arrow?
 (14) **A** At this time, under the circumstances
 (15) available today, at this point in time, based on the advice of
 (16) counsel I'm asserting rights and privileges available under
 (17) the 5th Amendment.
 (18) **Q** Does that social security number up there to
 (19) the right of Sarit Shafir in Exhibit 60-5A5 bear the same
 (20) number as your social security number?
 (21) **A** At this point in time, based on -- under the
 (22) circumstances available today, based on the advice of counsel
 (23) I'm asserting rights available under the 5th Amendment.
 (24) **Q** So you were exercising the 5th Amendment
 (25) privilege on this, too?

Page 194

(1) **A** I've answered that.
 (2) **Q** Yes. I'm having a hard time hearing him down
 (3) here?
 (4) **MR. PARISER:** He did, yes.
 (5) **MR. ESTES:** Okay.
 (6) **Q** BY MR. ESTES: And on the next page, Exhibit
 (7) 60-5A6, did you forge the name of Sarit Shafir to the bottom
 (8) left-hand corner of this document?
 (9) **A** At this point in time, under the
 (10) circumstances available, based on the advice of counsel I'm
 (11) asserting rights available under the 5th Amendment.
 (12) **Q** And, again, is that your social security
 (13) number that is reflected on the line at the bottom of the page
 (14) below Sarit Shafir's name?
 (15) **MR. PARISER:** Did you ask if it was his?
 (16) **MR. ESTES:** Is this his social security
 (17) number.
 (18) **THE WITNESS:** At this time, under the -- at
 (19) this point in time, under the unique circumstances available,
 (20) based on the advice of counsel I'm asserting certain rights
 (21) available under the 5th Amendment.
 (22) **MR. ESTES:** Is the court reporter picking it
 (23) up okay?
 (24) **THE REPORTER:** He's still a little low.
 (25) **MR. ESTES:** Okay. If you could possibly

Page 195

(1) speak up a little bit. I know it's getting late. What time
 (2) do we have here?
 (3) **THE REPORTER:** 4:26.
 (4) **MR. ESTES:** Okay.
 (5) **Q** BY MR. ESTES: And on the next page, Exhibit
 (6) 60-5A7, did you forge the name of Sarit Shafir where it
 (7) appears on the bottom of this page?
 (8) **MR. PARISER:** Do you have more pages of this
 (9) exhibit that you're going to ask the same question? If you
 (10) are you can just ask him altogether.
 (11) **MR. ESTES:** I checked the statute and it
 (12) requires claiming the 5th on each and every question. He
 (13) can't do it on a blanket.
 (14) **MR. PARISER:** I understand that.
 (15) **MR. ESTES:** Normally I would do it. We can
 (16) just get through these things real quick.
 (17) **MR. PARISER:** I was just suggesting that you
 (18) can lump all the -- if it's the same question you can lump all
 (19) the pages together in one question and you get an answer to
 (20) that. You would get an assertion to that.
 (21) **MR. ESTES:** Okay. I will -- I will do a
 (22) compound question.
 (23) **MR. PARISER:** Yes.
 (24) **MR. ESTES:** And it will be tolerated?
 (25) **MR. PARISER:** Yes.

Page 196

(1) **Q** BY MR. ESTES: Now, with respect to the
 (2) signatures of Sarit Shafir as they appear on Exhibit 60-5A8,
 (3) 5A10, 5A11, 5A13, 5A14, 5A15, 5A16, 5A17, 5A -- we'll stop at
 (4) the 5a17. Did you forge any of those signatures or all of
 (5) those signatures as they appear on the bottom of those pages?
 (6) **A** At this point in time, under the
 (7) circumstances available today, based on the advice of counsel
 (8) I'm asserting my rights under the privileges available under
 (9) the 5th Amendment.
 (10) **MR. ESTES:** And we have an agreement that
 (11) that would have been treated as a acceptable compound question
 (12) seeking information with respect to each and every one of
 (13) those identified signatures?
 (14) **MR. PARISER:** Yes.
 (15) **Q** BY MR. ESTES: The initials that appear on
 (16) Exhibit 60-5A9, did you forge those initials of Sarit
 (17) Shafir? It appears to be in three different locations as
 (18) designated by the word seller.
 (19) **A** At this point in time, under the
 (20) circumstances available today, based on advice of counsel I'm
 (21) asserting my rights under the 5th Amendment.
 (22) **Q** And, again, if you'll permit me on a compound
 (23) question. Does your signature appear on Exhibit 5A9, 5A10,
 (24) 5A11, 5A13, 5A14, 5A15, 5A16, 5A17, 5A18? Are those your
 (25) signatures?

Page 197

(1) **A** At this time, under the circumstances
 (2) available today, based on advice of counsel I'm asserting the
 (3) rights available under the 5th Amendment.
 (4) **Q** Do you have any response to the allegations
 (5) of Ami and Sarit Shafir that you have wrongfully taken over
 (6) their companies identified as Amtech, Worldsite and FTT,
 (7) including the real estate properties held under the
 (8) partnerships of 8670 and 8335, and the corporations 8335 and
 (9) 8670? Do you have any response to the allegations that you
 (10) have wrongfully taken over control of those companies?
 (11) **MR. PARISER:** This is vague and ambiguous and
 (12) argumentative.
 (13) **THE WITNESS:** At this time, under the
 (14) circumstances available today, at this point in time, based on
 (15) the advice of counsel I'm asserting certain rights available
 (16) under the 5th Amendment.
 (17) **Q** BY MR. ESTES: Do you have any factual
 (18) foundation or information that would support a position to the
 (19) contrary of the allegations they maintain against you with
 (20) respect to your taking over the control of those entities?
 (21) **A** Uh-huh. Yeah. At this time -- at this point
 (22) in time, under the circumstances available at this point,
 (23) based on the advice of counsel I'm asserting my rights
 (24) under -- available under the 5th Amendment.
 (25) **Q** Under which amendment?

Page 198

(1) **A** The 5th Amendment.
 (2) **MR. PARISER:** The same one you've heard over
 (3) and over again.
 (4) **MR. ESTES:** I could have sworn he said the
 (5) first.
 (6) **Q** BY MR. ESTES: And before you answered that
 (7) question did you say yes or was your answer just invoking the
 (8) 5th Amendment privilege?
 (9) **MR. PARISER:** Just invoking the 5th Amendment
 (10) privilege.
 (11) **MR. ESTES:** I'd like to have him testify.
 (12) **THE WITNESS:** At this time, under the
 (13) circumstances, base upon advice of counsel I am asserting the
 (14) rights available under the 5th Amendment.
 (15) **Q** BY MR. ESTES: So the record is clear, you
 (16) have no factual foundation to the contrary or evidence to the
 (17) contrary to the allegations maintained by Ami and Sarit
 (18) regarding your wrongful control and possession of their
 (19) entities previously identified.
 (20) **MR. PARISER:** Is that a statement or the
 (21) question?
 (22) **MR. ESTES:** Is that not a correct statement?
 (23) **THE WITNESS:** I don't know how to answer that
 (24) exactly. Is that a question or a statement?
 (25) **MR. PARISER:** It was originally a statement,

Page 199

(1) then he turned it into a question by asking is that a correct
 (2) statement. If you don't have it, we can either read it back
 (3) or we can repeat it.
 (4) **MR. ESTES:** I'll repeat it.
 (5) **MR. PARISER:** Okay.
 (6) **Q** BY MR. ESTES: Do you have any factual
 (7) foundation or evidence to the contrary to the allegations of
 (8) Ami Shafir and Sarit Shafir relating to their claim that you
 (9) wrongfully took over possession and control of their
 (10) entities? And we refer to their entities as Amtech,
 (11) Worldsite, FTT and the two corporations and the two
 (12) partnerships controlling the real properties?
 (13) **MR. PARISER:** I'm going to object as to
 (14) lacking foundation as to the legal term evidence.
 (15) **THE WITNESS:** At this particular point in
 (16) time, under the unique circumstances, based on -- available
 (17) today, based on the advice of counsel I am asserting my rights
 (18) available under the 5th Amendment.
 (19) **Q** BY MR. ESTES: And you're refusing to testify
 (20) on that basis?
 (21) **A** (No audible response).
 (22) **Q** And you're refusing to testify on that basis?
 (23) **A** At this time -- at this point in time, under
 (24) the circumstances available today, based on the advice of
 (25) counsel I'm a asserting privileges available under the 5th

Page 200

(1) Amendment.
 (2) **Q** Next I'd like to attach Exhibit 61, a
 (3) two-page document entitled United States District Court
 (4) District of Texas Judgment in a Criminal Case, and on this
 (5) document it appears that the social security number is closer
 (6) related to the social security on the Exhibit 60 document.
 (7) (The aforementioned document was marked as
 (8) Plaintiff's Exhibit 61 for identification
 (9) and is attached hereto.)
 (10) **Q** BY MR. ESTES: And the question is on the
 (11) Exhibit 61 document does that appear to be a correct social
 (12) security number represented there?
 (13) **MR. PARISER:** Hold on a second. Well, I'm
 (14) going to object to the question as closely related. Vague and
 (15) ambiguous, misleading, mischaracterizes the testimony. I
 (16) think it mischaracterizes the exhibits and irrelevant as to
 (17) closely related.
 (18) **Q** BY MR. ESTES: Well, the question is is that
 (19) the correct social security number on the Exhibit 61 document?
 (20) **A** At this point in time, under the unique
 (21) circumstances herein today in this case, based on the advice
 (22) of counsel I'm asserting certain rights available under the
 (23) 5th Amendment.
 (24) **Q** And if I could draw your attention back to
 (25) the Exhibit 60 document, page 5A4 and 5A8. Is there any

Page 201

(1) explanation for why the social security numbers vary on those
 (2) two pages? One ends in 8869. The other ends in 8891. Do you
 (3) know of any facts that would cause that to have happened?

(4) **MR. PARISER:** Object as lacks foundation.

(5) **MR. ESTES:** I'm asking if he knows of any.

(6) **THE WITNESS:** At this time, under the
 (7) circumstances here, based on this case, based on the advice of
 (8) counsel I'm asserting my rights under the 5th Amendment.

(9) **MR. ESTES:** Okay. Next I'll have entered as
 (10) Exhibit 62.

(11) (The aforementioned document was marked as
 (12) Plaintiff's Exhibit 62 for identification
 (13) and is attached hereto.)

(14) **Q** BY MR. ESTES: Did you forge or cause to be
 (15) forged the name of Sarit Shafir to this doc -- exhibit which
 (16) is from the Secretary of State regarding Amtech Audiotext?

(17) **A** At this point -- at this time, under the
 (18) circumstances available on this case, based on the advice of
 (19) counsel I'm asserting certain rights under the 5th Amendment.

(20) **Q** Okay. Next exhibit is 63.

(21) (The aforementioned document was marked as
 (22) Plaintiff's Exhibit 63 for identification
 (23) and is attached hereto.)

(24) **Q** BY MR. ESTES: Did you purchase or direct the
 (25) purchases to be made that are identified on the Exhibit 63

Page 202

(1) document pages one, two and three? That's the end of the
 (2) question.

(3) **A** At this point in time, under the unique
 (4) circumstances, based on this unique case, based on the advice
 (5) of counsel I'm asserting rights I have under the 5th
 (6) Amendment.

(7) **Q** Were these -- did you direct these purchases
 (8) to be made using the line of credit maintained at the Wells
 (9) Fargo Bank accessible by Worldsite and Amtech?

(10) **A** At this point in time, under the unique
 (11) circumstances of this case, based on the advice of counsel I'm
 (12) asserting my rights and privileges under the 5th Amendment.

(13) **Q** Did you cause the line of credit at Wells
 (14) Fargo to be accessed for the purchase of these items set forth
 (15) on Exhibit 63, all three pages?

(16) **MR. PARISER:** Is that a different question
 (17) than the previous one?

(18) **MR. ESTES:** It's a -- it's a similar
 (19) question.

(20) **MR. PARISER:** It sounds like the same to me.

(21) **MR. ESTES:** There's a subtly.

(22) **THE WITNESS:** At this point in time, under
 (23) the unique circumstances, based on this case, based on the
 (24) advice of counsel I'm asserting my rights under -- privileges
 (25) under the 5th Amendment.

Page 203

(1) **Q** BY MR. ESTES: Were you aware that the
 (2) Shafir's had personally guaranteed the line of credit at Wells
 (3) Fargo Bank?

(4) **A** At this time, under the unique circumstances
 (5) of this case, based on the advice of counsel I'm asserting my
 (6) rights available under the 5th Amendment.

(7) **Q** Did you return or cause to be returned these
 (8) items for a cash refund at any time?

(9) **A** At this point in time, under the unique
 (10) circumstances of this case available today, based on the
 (11) advice of counsel I'm asserting certain privileges available
 (12) under the 5th Amendment.

(13) **Q** Did you engage the services of George Hoopes
 (14) in helping you in this regard of returning the computers for
 (15) cash?

(16) **MR. PARISER:** Objection. Assumes facts not
 (17) in evidence.

(18) **THE WITNESS:** At this time, under the
 (19) unique -- at this point in time, under the unique
 (20) circumstances of this case, based on the advice of counsel I'm
 (21) asserting my rights under -- available under the 5th
 (22) Amendment.

(23) **Q** BY MR. ESTES: Did you engage the services of
 (24) off-duty Rampart police officers to act as security guards for
 (25) at 8670 Wilshire Boulevard building and the 8335 Sunset

Page 204

(1) building at any time?

(2) **MR. PARISER:** That one we did cover.

(3) **MR. ESTES:** Did we?

(4) **MR. PARISER:** Are you going to go back and
 (5) repeat?

(6) **MR. ESTES:** I forgotten the answer to that
 (7) one.

(8) **MR. PARISER:** Okay. One more time.

(9) **THE WITNESS:** At this point in time, under
 (10) the unique circumstances of this case, based on the advice of
 (11) counsel I'm asserting certain rights under the 5th Amendment.

(12) **MR. ESTES:** And next I'd like to have exhibit
 (13) 60 -- a document marked as Exhibit 64 which is a three-page
 (14) document titled Federal Trade Commission and J.K.
 (15) Publications.

(16) (The aforementioned document was marked as
 (17) Plaintiff's Exhibit 64 for identification
 (18) and is attached hereto.)

(19) **Q** BY MR. ESTES: Do you maintain today that Ami
 (20) Shafir is being investigated by the Federal Trade Commission?

(21) **A** At this point -- at this point in time, under
 (22) the unique circumstances of this case, based on the advice of
 (23) counsel I'm asserting my right under the 5th Amendment.

(24) **Q** Is the basis of your allegations that Ami
 (25) Shafir is being investigated by the Federal Trade Commission

Page 205

(1) based upon a investigation into Net Options that terminated
 (2) within two weeks in initiation of the investigation?

(3) **MR. PARISER:** Assumes facts not in evidence.

(4) **THE WITNESS:** At this point in time, under
 (5) the unique circumstances of this case, based on the advice of
 (6) counsel I'm asserting certain rights available under the 5th
 (7) Amendment.

(8) **Q** BY MR. ESTES: Do you have any reason to
 (9) believe there was any investigation against Ami Shafir or any
 (10) of his entities by the Federal Trade Commission that are
 (11) ongoing now or that were ever ongoing that resulted in any
 (12) adverse finding?

(13) **A** At this point in time, under the unique
 (14) circumstances of this case, based on advice of counsel I am
 (15) asserting certain privileges that go along with the 5th
 (16) Amendment.

(17) **Q** Did you -- did you bring or make a claim with
 (18) the FBI that Ami Shafir was being investigated by the Federal
 (19) Trade Commission at any time?

(20) **A** At this time, under the unique circumstances
 (21) of this case, based on the advice of counsel I'm asserting
 (22) certain privileges available under the 5th Amendment.

(23) **Q** Okay. Next I'd like to have marked as
 (24) Exhibit 65 a business card of the gentleman that was here this
 (25) afternoon by the name of Jeremy -- Jeremiah S. Boehmer.

Page 207

(1) **A** At this time, under the unique circumstances
 (2) of this particular case, based upon advice of counsel I'm
 (3) asserting certain rights available under the 5th Amendment.

(4) **Q** Are you aware of a meeting between Ami
 (5) Shafir and Jeremiah -- Jeremy that took place at any time
 (6) pursuant to your instructions?

(7) **A** At this point in time, under the
 (8) circumstances unique to this case, based on the advice of
 (9) counsel I am asserting certain privileges available under the
 (10) 5th Amendment.

(11) **Q** Did you ever instruct Jeremy to blackmail Ami
 (12) Shafir?

(13) **A** At this point in time, under the
 (14) circumstances unique to this case, based on the advice of
 (15) counsel I am asserting certain privileges available under the
 (16) 5th Amendment.

(17) **Q** Have there been similar allegations brought
 (18) against you in the past? When I say similar allegations,
 (19) allegations to the effect of you wrongfully coming in, taking
 (20) over control of somebody's company, forging their signatures
 (21) and excluding them from their own companies. Have these
 (22) similar allegations ever been made of you in the past?

(23) **A** At this point in time, under the unique
 (24) circumstances of this case, based on consultation with --
 (25) consulting with lawyers I am asserting certain privileges

Page 206

(1) (The aforementioned document was marked as
 (2) Plaintiff's Exhibit 65 for identification
 (3) and is attached hereto.)

(4) **Q** BY MR. ESTES: Do you know who Jeremiah is or
 (5) Jeremy is?

(6) **A** At this point in time, under the
 (7) circumstances of this case, based on the advice of counsel I
 (8) am asserting certain rights available under the 1st or 5th
 (9) Amendment.

(10) **Q** Is Jeremy S. Boehmer a private investigator
 (11) retained by Victor Sherman?

(12) **A** At this point in time, under the unique
 (13) circumstances of this case, based on the advice of counsel I'm
 (14) asserting certain rights available under the 5th Amendment.

(15) **Q** Did at any time Jeremiah Boehmer act as a
 (16) liaison between yourself and Ami Shafir at any time in the
 (17) last three years?

(18) **A** At this point in time, under the unique
 (19) circumstances of this case, based on the advice of counsel I
 (20) am asserting certain privileges available under the 5th
 (21) Amendment.

(22) **Q** Did Jeremy, who while engaged -- do you know
 (23) whether or not Jeremy while he was engaged in representing the
 (24) interests of Victor Sherman arranged for a meeting between
 (25) yourself and Ami Shafir at any time?

Page 208

(1) available under the 5th Amendment.

(2) **Q** Approximately 12 or 15 years ago did you
 (3) enter into a purported agreement with a Mr. Rubin, forged his
 (4) signature to a buy sell agreement, made false allegations to
 (5) exclude him from his own business and then file a lawsuit
 (6) against him claiming fraud and misrepresentation on the sale
 (7) of the business?

(8) **MR. PARISER:** What's the relevance of actions
 (9) that took place 12 to 15 years ago?

(10) **MR. ESTES:** It has relevance.

(11) **MR. PARISER:** Explain it to me.

(12) **MR. ESTES:** It does. Continuing pattern,
 (13) conspiracy with other people that have taken place over a long
 (14) period of time.

(15) **MR. PARISER:** If you're talking about the
 (16) RICO statutes they specify --

(17) **MR. ESTES:** Ten years. I'm aware of that.

(18) **MR. PARISER:** Ten years, ten-year period.

(19) **MR. ESTES:** I'm aware of that, but conspiracy
 (20) goes back to the first time a certain conspiracy was engaged
 (21) in and continues into the last overt act. And at the time he
 (22) was working with his brother Abner Nicherie who was kept more
 (23) behind the scenes at that time.

(24) **MR. PARISER:** Okay. I'm still going to
 (25) object on relevance.

Page 209

(1) **THE WITNESS:** At this point in time, under
 (2) the circumstances unique to this case, based on the advice of
 (3) counsel I'm asserting certain privileges available under the
 (4) 5th Amendment.

(5) **MR. ESTES:** Okay. We're going to take a
 (6) break.

(7) (A brief recess was taken.)

(8) **MR. PARISER:** Okay. At Mr. Estes' request
 (9) off the record we have agreed to enter into a stipulation.
 (10) That is --

(11) **MR. ESTES:** Which is now being put on the
 (12) record.

(13) **MR. PARISER:** Correct. That I'm holding
 (14) further supplemental responses to request for production of
 (15) documents, further supplemental responses to interrogatories
 (16) and further responses of defendant Daniel Nicherie to request
 (17) for admissions. And the stipulation is that these are
 (18) Mr. Nicherie's responses in this case to plaintiff's first set
 (19) of request for production of documents, interrogatories and
 (20) request for admissions.

(21) **MR. ESTES:** Okay. And I think what I wanted
 (22) was just to make sure that we have an acknowledgment that he
 (23) was aware that -- of these responses being provided, that they
 (24) reflect his answers at the time and is aware of the subject
 (25) matter that was set forth in the responses that was set forth

Page 210

(1) therein.

(2) **MR. PARISER:** I'm sorry. I didn't catch that
 (3) last statement.

(4) **MR. ESTES:** Okay. I want to make sure that
 (5) he is aware of the subject matter of the interrogatories and
 (6) request for documents and the admissions, and that these are
 (7) his -- indeed his responses and that they reflected his
 (8) response at the time of execution of the documents.

(9) **MR. PARISER:** That is correct. Objections
 (10) obviously would not be part of -- like you're saying,
 (11) objections were asserted by myself based obviously on --

(12) **MR. ESTES:** And I think the most critical
 (13) issue here is the assertion of the 5th Amendment privilege. I
 (14) want to make sure that these are his assertions of the
 (15) privilege.

(16) **MR. PARISER:** I did not assert them on my own
 (17) if that's what you're asking.

(18) **MR. ESTES:** Okay. You asserted them on
 (19) behalf of the client?

(20) **MR. PARISER:** Correct.

(21) **MR. ESTES:** Okay. And I just want his
 (22) understanding and acknowledgment of that that these are true
 (23) and correct.

(24) **MR. PARISER:** Well, you've got the
 (25) stipulation of counsel. That's all I can offer you.

Page 211

(1) **MR. ESTES:** Okay. All right. I will --
 (2) okay. I agree with the stipulation. I think it covers most
 (3) of the issues and I think I'll just ask him a few issues
 (4) because I have a feeling his answers may have changed since
 (5) these were provided.

(6) **MR. PARISER:** It's your deposition.

(7) **MR. ESTES:** Okay. Okay. Without attaching
 (8) this -- I need to attach this to the deposition. If you could
 (9) wake your client and then see if he could review the responses
 (10) to admissions. I'll -- I'll have a -- this is a general
 (11) question. If you could just take a look at them.

(12) **MR. PARISER:** Why don't you ask the question
 (13) so he has it in mind while he's reviewing.

(14) **MR. ESTES:** Okay.

(15) **Q** BY MR. ESTES: If you could -- do you recall
 (16) providing answers to these requests for admissions?

(17) **A** At this time, under the circumstances of this
 (18) case, based on the advice of counsel I'm asserting my rights
 (19) under the 5th Amendment.

(20) **MR. ESTES:** So you're advising him to not
 (21) answer?

(22) **MR. PARISER:** I'm not advising him to answer
 (23) or not answer. He's asserting his 5th Amendment rights.

(24) **MR. ESTES:** But he's doing it on advice of
 (25) counsel is what he's saying.

Page 212

(1) **MR. PARISER:** I'm not going to tell you what
 (2) advice I've given him if that's what you're asking. And, for
 (3) the record, it's covered by attorney/client privilege.

(4) **MR. ESTES:** Unless it's been waived by
 (5) claim -- by the way he's claimed his assertion of the 5th
 (6) Amendment.

(7) **MR. PARISER:** It doesn't waive what I've
 (8) advised him.

(9) **MR. ESTES:** Okay.

(10) **Q** BY MR. ESTES: Do you recall whether your
 (11) counsel met and discussed these interrogatories -- these
 (12) requests for admissions with you?

(13) **A** At this time, under the circumstances of this
 (14) case, based on the advice of counsel I am asserting certain
 (15) rights available under the 5th Amendment.

(16) **MR. PARISER:** You know, I entered into the
 (17) stipulation on a good faith belief that I would shortcut this
 (18) whole process rather than drag it out.

(19) **MR. ESTES:** And I thought that he was going
 (20) to in some manner give me some affirmation relative to the
 (21) stipulation. I mean --

(22) **MR. PARISER:** Well, okay.

(23) **MR. ESTES:** I mean, he has produced discovery
 (24) in this matter and I'm entitled to ask him whether or not he
 (25) did indeed produce it. He did indeed produce it.

Page 213

(1) **MR. PARISER:** Okay. Well, the discovery --
 (2) the responses have been provided, they are -- their effect is
 (3) governed by statute and they are what they are. And you can
 (4) sit here and ask him the questions and you can get the same
 (5) response, but I offered you a stipulation just to shortcut all
 (6) that. So --

(7) **MR. ESTES:** I will -- my contention is that
 (8) I'm entitled to an answer. If I am wrong then we have saved
 (9) ourself the trouble of having to do a follow-up on it. So
 (10) hopefully you're correct on the assertion that the stipulation
 (11) will cover it, and that's all I need for binding answers from
 (12) him and his acknowledgment. I mean -- I mean -- there's an --
 (13) the issue I am trying to address here is that I don't want at
 (14) some later date for him to say oh, I wasn't aware of that.

(15) **MR. PARISER:** Well --

(16) **MR. ESTES:** And if the law supports the
 (17) contention that he's going to be held to these responses --
 (18) especially given the circumstances of our in depth discussion
 (19) here -- then we've resolved the problem. The mere fact that
 (20) we're discussing this is I think resolving the problem. It's
 (21) being discussed in his presence. He's going to be hard
 (22) pressed later -- at some later date to deny that these are his
 (23) responses. But I do have one question and that would be the
 (24) verification on his interrogatories, and I'm going to ask him
 (25) if that's his signature, and whatever his answer is we'll go

Page 214

(1) from there. So if you could just show him the verification
 (2) page.

(3) **Q** BY MR. ESTES: Is this your -- we're showing
 (4) you the signature to the verification of the further
 (5) supplemental responses to interrogatories that was served by
 (6) mail on September 5th of 2002, and it bears a signature of
 (7) Daniel Nicherie dated September 4th of 2002. And the question
 (8) is is that your signature?

(9) **A** At this time, under the circumstances, based
 (10) on the advice of counsel in this special case I'm asserting
 (11) certain rights available under the 5th Amendment.

(12) **Q** It's really hard to hear down here. It
 (13) really tapers off. You're asserting your rights under the 5th
 (14) Amendment; is that right?

(15) **MR. PARISER:** That's what he said.

(16) **MR. ESTES:** That's correct?

(17) **MR. PARISER:** You can ask the court reporter.

(18) **MR. ESTES:** Well, I want him to say it. Are
 (19) you asserting your rights under the 5th Amendment? If I can't
 (20) hear I'm entitled to ask him to speak up.

(21) **MR. PARISER:** Or you can have the court
 (22) reporter read it back. She's obviously heard it.

(23) **MR. ESTES:** Well, I want to hear it.

(24) **MR. PARISER:** Repeat your answer.

(25) **THE WITNESS:** At this time -- at this

Page 215

(1) particular point in time, under the unique circumstances of
 (2) this case, based on the advice of counsel I'm asserting
 (3) certain rights and privileges that I have under the 5th
 (4) Amendment.

(5) **MR. ESTES:** Okay. Maybe if we start off with
 (6) the 5th Amendment we'll have the tail end quiet and it won't
 (7) mean as much. All right. I disagree. I think I'm entitled
 (8) to an answer.

(9) **Q** BY MR. ESTES: Have your answers changed at
 (10) all in any respects with respect to the request for
 (11) admissions?

(12) **A** At this -- at this particular point in time,
 (13) under the unique circumstances of this particular case, based
 (14) on the advice of counsel I'm going to assert my rights and
 (15) privileges under the 5th Amendment.

(16) **Q** Have you owned at any time 100 percent of
 (17) Millennium Capital as a -- scratch that. Have you owned 100
 (18) percent of Millennium Capital as of the later August 1st, 2002
 (19) or -- scratch that. Have you at any time owned 100 percent of
 (20) Millennium Capital, Inc.?

(21) **A** At this time, under the circumstances of this
 (22) particular case, based on the advice of counsel I'm asserting
 (23) my rights under the 5th Amendment.

(24) **Q** I think I've probably gone through most of
 (25) the issues with -- in some of these. Have you owned at any

Page 216

(1) time 100 percent of Brooks and Associates, Inc.?

(2) **A** At this time, under the circumstances of this
 (3) unique case, based on the advice of counsel I'm inserting --
 (4) asserting certain rights and privileges under the 5th
 (5) Amendment.

(6) **Q** Have you at any time owned any shares of
 (7) Brooks and Associates, Inc.?

(8) **A** At this time -- at this -- at this time,
 (9) under the unique circumstances of this case, under the
 (10) advice -- based upon the advice of counsel I'm asserting
 (11) certain rights under the 5th Amendment.

(12) **Q** Have you owned -- at any time owned shares of
 (13) Enterprise Management and Investment Company?

(14) **A** At this time -- at this particular point in
 (15) time, under the unique circumstances of this case, based on
 (16) the advice of counsel I'm asserting certain rights under the
 (17) 5th Amendment.

(18) **Q** Have you at any time owned any interest in
 (19) Mondo-Garnet Balls & Pins, Inc.?

(20) **A** At this time, under the circumstances of this
 (21) particular case, based on the advice of counsel I'm asserting
 (22) my rights under the 5th Amendment.

(23) **Q** Your answer to supplemental interrogatory
 (24) number 22 identified a laundry list of statements in response
 (25) to that interrogatory. The question is --

Page 217

(1) **A** At this particular point in time, under the
 (2) circumstances --
 (3) **MR. PARISER:** He hasn't asked the question
 (4) yet.
 (5) **THE WITNESS:** At this particular --
 (6) **MR. ESTES:** For the record, this is why
 (7) you're supposed to keep the interrogatories from federal
 (8) court. Okay. Why don't we go off the record for a second.
 (9) (A brief recess was taken.)
 (10) **MR. PARISER:** I just wanted to put on the
 (11) record that since we went off the record this last time it was
 (12) for the purpose of plaintiff and plaintiff's counsel to
 (13) organize their documents and prepare for the next question.
 (14) **MR. ESTES:** Actually, the purpose of it was
 (15) to look for the further -- the interrogatories that were
 (16) propounded. And had they been responded to according to
 (17) Code -- which would have included the interrogatories before
 (18) the answers -- we wouldn't have had to go through this whole
 (19) exercise.
 (20) **MR. PARISER:** No.
 (21) **MR. ESTES:** So your point is not well taken.
 (22) **MR. PARISER:** No. You never advised me you
 (23) needed that before this deposition, and so -- and not the
 (24) entire time was on the interrogatories. The other time was
 (25) used organizing your exhibits you're about to use.

Page 218

(1) **MR. ESTES:** Anyway. In any event, I don't
 (2) think it's an issue. The interrogatory I had in question I
 (3) wanted to speak on related to the inconsistency between the
 (4) answers set forth in his interrogatories and the answers given
 (5) here today, specifically interrogatory number 22 which asked
 (6) for any and all information that you had that supported your
 (7) contention that Ami Shafir and Kenneth Taves had any
 (8) association. So I'll just go ahead and ask these two
 (9) questions just for the record and make sure that what answer
 (10) we're getting here.
 (11) **Q** BY MR. ESTES: What information do you have
 (12) that establishes any type of an association between Ami
 (13) Shafir and Kenneth Taves?
 (14) **A** At this time, under the unique circumstances
 (15) of this particular case, based on the advice of counsel I'm
 (16) asserting certain rights under the 5th Amendment.
 (17) **MR. PARISER:** Is there a problem?
 (18) **MR. ESTES:** I can't -- I did not hear that
 (19) last part.
 (20) **MR. PARISER:** He said the 5th Amendment.
 (21) **MR. ESTES:** Did the court reporter pick it
 (22) up?
 (23) **THE REPORTER:** Do you want it read back?
 (24) **MR. ESTES:** No. That's okay.
 (25) **Q** BY MR. ESTES: What factual support do you

Page 219

(1) have for your allegations that Ami Shafir is connected in any
 (2) manner with Mr. Worsarski as that name is properly pronounced?
 (3) **A** At this particular point in time, under the
 (4) unique circumstances of this case, based on the advice of
 (5) counsel I'm asserting certain rights under the 5th Amendment.
 (6) **Q** What information do you have that supports
 (7) your allegation that Ami Shafir is associated with Gary
 (8) Mitman in any manner?
 (9) **A** At this time, particular point in time today
 (10) under the circumstances of this particular case, based on the
 (11) advice of counsel I'm asserting certain rights under the 5th
 (12) Amendment.
 (13) **Q** What facts do you have to support your
 (14) allegation that Mr. Shafir is connected with Mr. Hut in any
 (15) manner?
 (16) **A** Who?
 (17) **Q** Mr. Joseph Hut.
 (18) **A** Oh. At this particular time, under the
 (19) circumstances of this particular case -- case, based on the
 (20) advice of counsel today I'm asserting certain rights under the
 (21) 5th Amendment.
 (22) **Q** Okay. What exhibit are we at?
 (23) **THE REPORTER:** 66.
 (24) **MR. ESTES:** I'd like to have this two-page
 (25) letter as Exhibit 66. A letter from myself dated August 28th

Page 220

(1) to Mr. Pariser.
 (2) (The aforementioned document was marked as
 (3) Plaintiff's Exhibit 66 for identification
 (4) and is attached hereto.)
 (5) **Q** BY MR. ESTES: Have -- is the information set
 (6) forth at the numbered one through six at the bottom of page
 (7) one and number seven at the top of page two then related to
 (8) you with respect to requirements under the Code of individuals
 (9) purporting to be trustees of pension plans?
 (10) **A** At this time, under the circumstances of this
 (11) particular -- at this point in time, under the circumstances
 (12) of this particular case at this time, based on the advice of
 (13) counsel I am asserting certain rights under the 5th Amendment.
 (14) **Q** What's the current status of the pension
 (15) plan, Mr. Nicherie?
 (16) **MR. PARISER:** She needs her pen.
 (17) **THE WITNESS:** Sorry. At this particular
 (18) time, under the circumstances unique to this case, based on
 (19) the advice of counsel I'm asserting certain rights under the
 (20) 5th Amendment.
 (21) **MR. PARISER:** Could you just read back the
 (22) last question? I just need the question, not the answer.
 (23) Just the question
 (24) (The court reporter read back the last question.)
 (25) **BY MR. ESTES:** What was the status of the

Page 221

(1) pension plan approximately six months ago?
 (2) **A** Is that the end?
 (3) **Q** Yeah.
 (4) **A** At this particular time, under the
 (5) circumstances unique to this case, based on the advice of
 (6) counsel I'm asserting my rights -- certain rights under the
 (7) 5th Amendment.

(8) **Q** And I'd like to have the next two-page
 (9) document marked as Exhibit 67.

(10) (The aforementioned document was marked as
 (11) Plaintiff's Exhibit 67 for identification
 (12) and is attached hereto.)

(13) **Q** BY MR. ESTES: Have you ever seen this
 (14) document before?

(15) **A** At this -- is that the question?

(16) **Q** Yes.

(17) **A** At this particular point in time, under the
 (18) circumstances unique to this case, based on the advice of
 (19) counsel I'm asserting my rights under the 5th Amendment --
 (20) certain rights under the 5th Amendment.

(21) **Q** Have you ever been found by a court to have
 (22) improperly claimed to represent Guardian Life Insurance in the
 (23) past?

(24) **A** At this particular point in time, under the
 (25) circumstances unique to this case, based on the advice of

Page 222

(1) counsel I'm asserting my rights -- certain rights under the
 (2) 5th Amendment.

(3) **Q** Did you make a request of the company holding
 (4) the pension plan for Amtech to distribute those funds to
 (5) Guardian Life Insurance?

(6) **A** At this time -- particular time, under the
 (7) unique circumstances of this case, based on the advice of
 (8) counsel I'm asserting certain rights available under the 5th
 (9) Amendment.

(10) **Q** Okay. The next document is Exhibit 68. It's
 (11) a one page document. The top of it is MB Escrow, Inc.,
 (12) property address 2015 Mt. Olympus.

(13) (The aforementioned document was marked as
 (14) Plaintiff's Exhibit 68 for identification
 (15) and is attached hereto.)

(16) **Q** BY MR. ESTES: Have you ever seen this
 (17) document before?

(18) **A** At this time -- at this particular point in
 (19) time, under the circumstances of this unique case, based on
 (20) the advice of counsel I am -- I'm asserting certain rights
 (21) available under the 5th Amendment.

(22) **Q** Did you forge or cause to be forged the
 (23) signature of Sarit Shafir to the Exhibit 68 document?

(24) **A** At this point in time, under the
 (25) circumstances unique to this case, based on the advice of

Page 223

(1) counsel I'm asserting certain rights under the 5th Amendment.

(2) **Q** Did you forge or cause to be forged the name
 (3) of Ami Shafir to the Exhibit 68 document?

(4) **A** At this time, particular point in time, under
 (5) the circumstances of this unique case, based on the advice of
 (6) counsel I'm asserting certain rights available under the 5th
 (7) Amendment.

(8) **Q** Did you go to the premises of MB Escrow, Inc.
 (9) and sign the signatures at that office that appear on the
 (10) Exhibit 68 document?

(11) **A** At this time, under the circumstances in this
 (12) particular case, based on the advice of counsel I'm asserting
 (13) certain rights available under the 5th Amendment.

(14) **Q** There's one thing I did notice, that our
 (15) Exhibit 36 had a single page with a 135 at the bottom of it.

(16) **MR. PARISER:** That's the one I don't have.

(17) **MR. ESTES:** Okay. So you need -- what we
 (18) have -- it's actually a three-page document. I want to
 (19) supplement the original exhibit. It's got a 135, a 136 and a
 (20) 137 at the bottom of it, and I'll go ahead and provide it to
 (21) the court reporter, and this was -- this is the full Exhibit
 (22) 36. It's the same first page with the additional second page
 (23) denoted by 136 and a third page denoted by 137. Make it a
 (24) complete document.

(25) **Q** BY MR. ESTES: I'd have you take a look at

Page 224

(1) the second page of the 130 -- Exhibit 36 which has got the 136
 (2) at the bottom of it and ask you -- here's the question. Is
 (3) that your signature at the bottom of the exhibit?

(4) **A** At this particular point in time, under the
 (5) circumstances unique to this case, based on the advice of
 (6) counsel I'm asserting my rights available under the 5th
 (7) Amendment.

(8) **Q** And on the third page of the Exhibit 36
 (9) document with the number 137 at the bottom of it there appears
 (10) four signatures referencing Daniel Nicherie -- three
 (11) signatures referencing Daniel Nicherie and a fourth one
 (12) signature of president. Are those your signatures?

(13) **A** At this particular point in time, under the
 (14) circumstances unique to this case, based upon the advice ever
 (15) counsel I'm asserting certain privileges under the 5th
 (16) Amendment.

(17) **Q** Did you maintain signature authority over an
 (18) account at Salomon Smith Barney under the name of Call Center
 (19) Management, account number 5540632618550?

(20) **A** At this particular point in time, under the
 (21) circumstances unique to this case, based upon the advice of
 (22) counsel I assert certain rights and privileges under the 5th
 (23) Amendment.

(24) **Q** I'd like to mark as Exhibit 69 a three-page
 (25) document. Oh. A one-page document.

Page 225

(1) (The aforementioned document was marked as
 (2) Plaintiff's Exhibit 69 for identification
 (3) and is attached hereto.)

(4) **Q** BY MR. ESTES: Have you ever seen this
 (5) document before?

(6) **A** At this point in time, given -- at this
 (7) particular point in time, under the circumstances unique to
 (8) this case, based on the advice of counsel I'm asserting
 (9) certain rights available under the 5th Amendment.

(10) **Q** Are those -- is that your signature that
 (11) appears on this document in the two places next to your name?

(12) **A** At this particular point in time, under the
 (13) unique circumstances of this case, based on the advice of
 (14) counsel I'm asserting my right -- certain rights available
 (15) under the 5th Amendment.

(16) **Q** Did you ever maintain signature authority
 (17) over an account under the name of Archibald Management
 (18) maintained with Salomon Smith Barney, account number
 (19) 554035600661?

(20) **A** At this particular point in time, under the
 (21) circumstances unique to this case, based on the advice of
 (22) counsel I'm asserting certain rights available under the 5th
 (23) Amendment.

(24) **Q** Next is Exhibit 70. It's a one-page document
 (25) bearing three signatures that appear to be of Daniel Nicherie,

Page 226

(1) the fourth one not referenced to any name.

(2) (The aforementioned document was marked as
 (3) Plaintiff's Exhibit 70 for identification
 (4) and is attached hereto.)

(5) **Q** BY MR. ESTES: Are those your signatures on
 (6) the Exhibit 70 document?

(7) **A** At this particular point in time, under the
 (8) circumstances unique to this case, based on advice of counsel
 (9) I'm asserting certain rights available under the 5th
 (10) Amendment.

(11) **Q** Have you ever maintained signature authority
 (12) over any accounts maintained by Federal Transtel, Inc.?

(13) **A** At this particular point in time, under the
 (14) circumstances unique to this case, based on the advice of
 (15) counsel I'm asserting certain rights under the 5th Amendment.

(16) **Q** Did you incur in excess of \$1 million of what
 (17) was called shareholder expenses by Federal Transtel at any
 (18) time in the last three years?

(19) **A** At this particular point in time, under the
 (20) circumstances unique to this case, based on the advice of
 (21) counsel I'm asserting certain rights relating to the 5th
 (22) Amendment.

(23) **Q** What steps did Federal Transtel take to
 (24) collect on the purported debt Anke owed FTT in excess of \$5
 (25) million that resulted from the alleged transfer of shares from

Page 227

(1) Patrick Herold and Ami Shafrir to Anke in the spring of 2000?

(2) **A** At this particular point in time, under the
 (3) circumstances unique to this case, based on the advice of
 (4) counsel I'm asserting certain rights under the 5th Amendment.

(5) **Q** What discussions did you have with Thomas
 (6) Renolds in Alabama in or about the end of 2001, the beginning
 (7) of 2002 regarding the operations of Federal Transtel?

(8) **MR. PARISER:** If any?

(9) **MR. ESTES:** If any.

(10) **THE WITNESS:** At this particular point in
 (11) time, under the circumstances unique to this case, based on
 (12) the advice of counsel I'm asserting certain rights under the
 (13) 5th Amendment.

(14) **Q** BY MR. ESTES: What is the nature of the
 (15) discussion that you had with Frank Montleoni in Las Vegas in
 (16) the spring of -- winter of 2002?

(17) **A** At this particular --

(18) **MR. PARISER:** It assumes facts not in
 (19) evidence.

(20) **MR. ESTES:** At the Venetian.

(21) **MR. PARISER:** Still assumes facts not in
 (22) evidence.

(23) **MR. ESTES:** If any.

(24) **THE WITNESS:** At this particular point in
 (25) time, under the circumstances unique to this case, based upon

Page 228

(1) advice of counsel I'm asserting certain rights under the 5th
 (2) Amendment.

(3) **Q** BY MR. ESTES: Who are the true owners of
 (4) Digital Data?

(5) **A** At this particular point in time, under the
 (6) circumstances unique to this case, based on the advice of
 (7) counsel I'm asserting certain rights under the 5th Amendment.

(8) **Q** What was the business relationship between
 (9) yourself and Hank Rodriguez, if any?

(10) **A** At this particular point in time, under the
 (11) circumstances unique to this case, based on the advice of
 (12) counsel I'm asserting certain rights relating to the 5th
 (13) Amendment.

(14) **Q** What's your business relationship with Randy
 (15) Miller?

(16) **A** At this particular point in time, under the
 (17) circumstances unique to this case, based upon the advice of
 (18) counsel I'm asserting certain rights based on the 5th
 (19) Amendment.

(20) **Q** What type of business relationships have you
 (21) engaged in between yourself or any entity you've represented
 (22) on the one hand and Randy Miller on the other hand in the last
 (23) three years?

(24) **A** If any?

(25) **Q** If any.

Page 229

(1) **A** At this particular point in time, under the
 (2) circumstances unique to this particular case, based on the
 (3) advice of counsel I'm asserting certain privileges available
 (4) under the 5th Amendment.

(5) **Q** What was your business relationship with Karl
 (6) Hendrickson during the last three years either on your own or
 (7) through any entity you represented?

(8) **A** If any?

(9) **MR. PARISER:** If any?

(10) **MR. ESTES:** If any.

(11) **THE WITNESS:** At this time, at this
 (12) particular point in time, under the circumstances unique to
 (13) this case, based on the advice of counsel I'm asserting
 (14) certain rights relating to my 5th Amendment rights.

(15) **Q** BY MR. ESTES: Who do you report to? Do you
 (16) have any superior employer, any partner? Is there anybody
 (17) that you're held accountable to?

(18) **MR. PARISER:** Objection. Vague and
 (19) ambiguous.

(20) **THE WITNESS:** To God, a higher power.

(21) **MR. ESTES:** Anybody else.

(22) **THE WITNESS:** At this particular point in
 (23) time, under the circumstances unique to this case, based on
 (24) the advice of counsel I'm asserting certain rights related to
 (25) my 5th Amendment rights.

Page 230

(1) **Q** BY MR. ESTES: Do you have any associates?

(2) **MR. PARISER:** Objection. Vague and
 (3) ambiguous.

(4) **THE WITNESS:** If any. At this particular
 (5) point in time, under the circumstances unique to this case,
 (6) based on the advice of counsel I'm asserting my rights under
 (7) the 5th Amendment.

(8) **MR. ESTES:** Okay. Next I'd like to have
 (9) identified as Exhibit 71 a two-page document and headed -- the
 (10) first page is headed SBN Venture Capital.

(11) (The aforementioned document was marked as
 (12) Plaintiff's Exhibit 71 for identification
 (13) and is attached hereto.)

(14) **Q** BY MR. ESTES: The question is whether or
 (15) not -- is that your signature that appears at the bottom of
 (16) page -- the first page of Exhibit 71?

(17) **A** At this particular point in time, under the
 (18) circumstances unique to this case, based upon the advice of
 (19) counsel I'm asserting certain rights under the 5th Amendment.

(20) **Q** And on page two of the 71 exhibit are those
 (21) three instances of signatures, two to the right of the name
 (22) Dan Nicherie and one at the bottom of box, are those your
 (23) signatures?

(24) **A** Same answer.

(25) **Q** I'm going to have to have -- we're almost

Page 231

(1) done with this particular one.

(2) **A** Oh. At this particular point in time, under
 (3) the circumstances unique to this case, based on the advice of
 (4) counsel I'm asserting certain rights under the 5th Amendment.

(5) **Q** Did you ever obtain signature authority over
 (6) SBN Venture Capital account attention W. Williams Asset
 (7) Management in San Diego?

(8) **A** At this particular point in time, under the
 (9) unique circumstances available on this case, based on the
 (10) advice of counsel I'm asserting certain rights as they relate
 (11) to the 5th Amendment.

(12) **Q** Was SBN formed to act as a litigation entity
 (13) in your business pursuits?

(14) **A** At this particular point in time, under the
 (15) circumstances unique to this case, based on the advice of
 (16) counsel I'm asserting certain rights that relate to my 5th
 (17) Amendment rights.

(18) **Q** Does SBN stand for state bar number?

(19) **A** Is there a question there?

(20) **Q** Yes.

(21) **A** At this particular point in time, under the
 (22) circumstances unique to this case, based on -- on the advice
 (23) of counsel I assert certain rights available under the 5th
 (24) Amendment.

(25) **Q** Who dreams up all these names of these

Page 232

(1) various entities, if you know?

(2) **A** At this particular point in time, under the
 (3) circumstances unique to this case, based on the advice of
 (4) certain counsel I'm asserting certain rights available under
 (5) the 5th Amendment.

(6) **Q** Okay. Next I'd like to mark as Exhibit 72 a
 (7) four-page exhibit. The first two pages are headed Corporate
 (8) Management Control, the third page looks like SBN Venture
 (9) Capital and the fourth page is SBN Venture Capital.

(10) (The aforementioned document was marked as
 (11) Plaintiff's Exhibit 72 for identification
 (12) and is attached hereto.)

(13) **THE WITNESS:** At this particular point in
 (14) time, under the circumstances unique to this case, based upon
 (15) the advice of counsel I'm asserting certain rights under the
 (16) 5th Amendment.

(17) **Q** BY MR. ESTES: Does your signature appear on
 (18) page two or four of that document in any -- in anyplace?

(19) **A** At this particular point in time, under the
 (20) circumstances unique to this case, based upon the advice of
 (21) counsel I'm asserting certain rights available in the 5th
 (22) Amendment.

(23) **Q** Did you ever maintain signature authority
 (24) over an account Corporate Management Control account number
 (25) 03215660?

Page 233

(1) A At this particular point in time, under the
 (2) circumstances unique to this case, based on the advice of
 (3) counsel I'm asserting certain rights available under the 5th
 (4) Amendment.

(5) Q Did you at any time maintain signature
 (6) authority over an account in SBN Venture Resource Partners,
 (7) account number 03215679?

(8) A At this particular point in time, under the
 (9) unique circumstances available to this case, based on the
 (10) advice of counsel I'm asserting certain rights relating to the
 (11) 5th Amendment.

(12) Q Okay. We're real close to being done here.
 (13) Next exhibit is 73. It's a declaration of Daniel Nicherie and
 (14) it's 14 pages long.

(15) (The aforementioned document was marked as
 (16) Plaintiff's Exhibit 73 for identification
 (17) and is attached hereto.)

(18) Q BY MR. ESTES: I'd like to refer your
 (19) attention to the last page of that exhibit and ask you whether
 (20) or not that appears to be your signature --

(21) A At this particular point in time --

(22) Q -- found on page 14?

(23) A -- under the particular circumstances of this
 (24) particular case, based on the advice of counsel I'm asserting
 (25) certain rights relating to my 5th Amendment rights.

Page 234

(1) Q Do you believe the allegations set forth in
 (2) that declaration are true and accurate?

(3) A At this particular point in time, under the
 (4) circumstances unique to this case, based upon the advice of
 (5) counsel I'm asserting certain rights related to my the 5th
 (6) Amendment.

(7) Q Do you believe that there is one single
 (8) sentence in that entire declaration that is true and accurate,
 (9) the declaration attached as Exhibit 73?

(10) A At this particular point in time, under the
 (11) unique circumstances of this particular case, based upon
 (12) advice of counsel I'm asserting certain rights relating to my
 (13) 5th Amendment rights.

(14) Q I'd like to attach as Exhibit 74 or
 (15) identified as Exhibit 74 a copy of a check from Shafrir
 (16) Investments to -- it looks like Channel Communications with a
 (17) signature on the bottom right-hand corner.

(18) (The aforementioned document was marked as
 (19) Plaintiff's Exhibit 74 for identification
 (20) and is attached hereto.)

(21) Q BY MR. ESTES: Do you recognize whether or
 (22) not that's your signature?

(23) A At this particular point in time, under the
 (24) circumstances available uniquely in this case, this particular
 (25) case, based on the advice of counsel I'm asserting certain

Page 235

(1) rights available under the 5th Amendment.

(2) Q Do you have signature authority or have you
 (3) ever had signature authority over Shafrir Investments account
 (4) maintained at Marathon National Bank?

(5) A At this particular -- at this particular --
 (6) at this time -- at this -- at this -- at this particular point
 (7) in time, under the circumstances unique to this case, based on
 (8) the advice of counsel I assert certain rights available under
 (9) the 5th Amendment.

(10) Q Exhibit 75. I'll mark a nine-page document
 (11) relating to the sale of -- the purported sale of FTT stock.
 (12) (The aforementioned document was marked as
 (13) Plaintiff's Exhibit 75 for identification
 (14) and is attached hereto.)

(15) THE WITNESS: At this particular point in
 (16) time, under the circumstances unique to this case, based on
 (17) the advice of counsel I'm asserting certain rights under the
 (18) 5th Amendment.

(19) Q BY MR. ESTES: Do you have any factual basis
 (20) for any support to legitimacy of the transfer of FTT stock
 (21) from Patrick Herold and Ami Shafrir to Anke Investment
 (22) Corporation?

(23) A At this particular point in time, under the
 (24) circumstances unique to this particular case, based upon the
 (25) advice of counsel I'm asserting certain rights under the 5th.

Page 236

(1) Q Did Sarit Shafrir own Anke Investments on or
 (2) about the time -- scratch that. Did Sarit Shafrir own Anke
 (3) Investments on or about the time this document was executed
 (4) which bears a date February 22nd, 2000, if you know?

(5) A At this -- at this particular point in time,
 (6) under the circumstances unique to this case, based on the
 (7) advice of counsel I'm asserting certain rights regarding my
 (8) 5th Amendment rights.

(9) Q Do you know whether or not the wire transfers
 (10) identified on pages three, four and five of the Exhibit 75
 (11) were made at your request?

(12) A At this particular point in time, under the
 (13) circumstances unique to this case -- excuse me. You did it
 (14) too. Based on the advice of counsel I'm asserting certain
 (15) rights regarding my 5th Amendment right.

(16) Q I'd like to have him write on the chalkboard
 (17) I promise to behave myself in class 500 times. We're almost
 (18) done. Just bear with me. Did you direct or cause any of
 (19) these wire transfers identified in the Exhibit 75 document to
 (20) be made?

(21) A At this particular point in time, under the
 (22) circumstances unique to this case, based on the advice of
 (23) counsel I'm asserting certain rights under the 5th Amendment.

(24) Q What was the purpose of the law firms
 (25) identified on the first page of the Exhibit 5 document;

Page 237

(1) namely, Bradley, Arant, Rose & White and Berkowitz, Lefkowitz
(2) and Graham & James receiving payment from FTT related to this
(3) transaction?

(4) **MR. PARISER:** I'm going to object based on a
(5) potential attorney/client privilege by -- by FTT.

(6) **MR. ESTES:** And are you representing FTT?

(7) **MR. PARISER:** I don't, but I represent
(8) Mr. Nicherie and I don't want him to step on somebody else's
(9) privilege.

(10) **MR. ESTES:** But the privilege would have been
(11) waived unless he's somehow associated with FTT.

(12) **MR. PARISER:** I don't know if it would have
(13) been waived or it wouldn't have been waived. I don't know
(14) what the circumstances are.

(15) **MR. ESTES:** I think he would have had to have
(16) had an association with FTT for him to be able to claim the
(17) privilege or an association with these attorneys.

(18) **MR. PARISER:** That might be true, but I just
(19) don't know the information. I don't want him stepping on
(20) somebody else's privilege.

(21) **MR. ESTES:** Okay. Having raised the
(22) objection you're still free to answer.

(23) **THE WITNESS:** At this particular point in
(24) time, under the circumstances unique to this case, based on
(25) the advice of counsel I'm asserting my rights under the 5th

Page 239

(1) the 5th Amendment.

(2) (The aforementioned document was marked as
(3) Plaintiff's Exhibit 76 for identification
(4) and is attached hereto.)

(5) **Q** BY MR. ESTES: Did you prepare -- cause these
(6) documents to be prepared?

(7) **A** At this -- is that it, Mark?

(8) **Q** Did you cause to be prepared any of these
(9) documents that are in the Exhibit 76 set?

(10) **A** At this particular point in time, under the
(11) circumstances unique to this case, based upon the advice of
(12) counsel I'm asserting certain rights under the 5th Amendment.

(13) **Q** Referring to the fifth page -- sixth page
(14) from the back that bears the page number 13 of 35 at the upper
(15) right-hand corner.

(16) **A** At this particular point in time --

(17) **Q** It's page 13 of 35 in the upper right-hand
(18) corner.

(19) **A** At this particular time --

(20) **Q** Now, the question is did you cause funds to
(21) be delivered to Archibald Management as set forth in the check
(22) at the bottom of the page?

(23) **A** At this particular point in time, under the
(24) circumstances unique to this case, based on the advice of
(25) counsel I'm asserting certain rights related to my 5th

Page 238

(1) Amendment.

(2) **Q** BY MR. ESTES: What happened to the
(3) \$250,000.00 that was on deposit with the CPA firm Warren,
(4) Averett, Kimbrough & Marino, if you know? It's the fifth
(5) number on the statement there. It's the security deposit to
(6) segregated account at Warren, Averett, Kimbrough & Marino.
(7) They're the CPAs.

(8) **MR. PARISER:** You're asking what happened to
(9) that money?

(10) **MR. ESTES:** Yes. What happened to that
(11) money?

(12) **THE WITNESS:** At this particular point -- at
(13) this time -- particular point in time, under the circumstances
(14) unique to this case, based upon the advice of counsel I'm
(15) asserting certain rights under the 5th Amendment.

(16) **MR. ESTES:** We have two more exhibits. It
(17) looks like three more exhibits and we're done. So the last --
(18) 76 we'll mark as a multi-page document. I count 18 pages.
(19) It's relating to a seller final settlement statement on 8670
(20) Wilshire Boulevard. The question is -- and the escrow. The
(21) question is have you seen any of those statements before to
(22) the best of your recollection?

(23) **THE WITNESS:** At this particular point in
(24) time, under the circumstances unique to this case, based on
(25) the advice of counsel I'm asserting certain rights relating to

Page 240

(1) Amendment rights.

(2) **Q** And Let me clarify the question. It appears
(3) to be a receipt by MB Escrow. And the question should be did
(4) you cause Archibald Management, Inc. to deliver \$15,000.00 to
(5) MB Escrow?

(6) **A** At this particular point in time, under the
(7) circumstances, based on the advice of counsel unique to this
(8) case I'm asserting certain rights related to the 5th Amendment
(9) right.

(10) **Q** Does your signature appear on the signature
(11) line under Archibald Management as reflected on page nine, ten
(12) and 11 of the Exhibit 76 document?

(13) **A** At this particular point in time, under the
(14) circumstances unique to this case only, based on the advice of
(15) counsel I'm asserting certain rights relating to my 5th
(16) Amendment rights.

(17) **Q** We have the next to the last exhibit which is
(18) exhibit number -- we'll have marked as Exhibit No. 77.

(19) **MR. PARISER:** Did you say the last one?

(20) **MR. ESTES:** Next to the last.

(21) **MR. PARISER:** Oh. Wishful thinking.

(22) **MR. ESTES:** The penultimate. Big word for
(23) me.

(24) (The aforementioned document was marked as
(25) Plaintiff's Exhibit 77 for identification

Page 241

(1) and is attached hereto.)

(2) **Q** BY MR. ESTES: The question is do you have

(3) authorization to represent any of the entities identified in

(4) the Exhibit 78 document?

(5) **A** At this particular --

(6) **MR. PARISER:** Is that 78 or 77?

(7) **MR. ESTES:** 77.

(8) **THE WITNESS:** At this particular time, under

(9) the circumstances unique to this case, and particularly based

(10) on the advice of counsel I'm asserting rights under the 5th

(11) Amendment.

(12) **Q** BY MR. ESTES: Have you ever had authority to

(13) represent in any manner any interests of the companies set

(14) forth in the Exhibit 77 exhibit?

(15) **A** At this particular point in time, under the

(16) circumstances unique to this case, based on the advice of

(17) counsel I'm asserting certain rights related to the 5th

(18) Amendment.

(19) **Q** Have you at any time had the authority to

(20) retain counsel on behalf of any entity identified in Exhibit

(21) 77?

(22) **MR. PARISER:** I'll just object based on

(23) attorney/client privilege.

(24) **THE WITNESS:** At this particular point in

(25) time, under the circumstances unique to this case, based on

Page 242

(1) advice of certain counsel I'm asserting my rights under the

(2) 5th Amendment.

(3) **Q** BY MR. ESTES: Are any of the companies

(4) identified on Exhibit 77 not your companies?

(5) **MR. PARISER:** Objection. Vague and ambiguous

(6) go ahead.

(7) **THE WITNESS:** At this particular --

(8) **MR. ESTES:** Let me rephrase the question.

(9) **THE WITNESS:** It's okay. I'll answer it

(10) anyway.

(11) **MR. ESTES:** Okay.

(12) **THE WITNESS:** At this particular point in

(13) time, under the circumstances unique to this case, based on

(14) the advice of counsel I'm asserting certain privileges related

(15) to the 5th Amendment right.

(16) **Q** BY MR. ESTES: Have you now -- do you now or

(17) have you ever held any interest in any of the entities

(18) identified at Exhibit 77?

(19) **A** At this particular point in time, under the

(20) circumstances unique to this case, based on the advice of

(21) counsel I am asserting certain privileges related to my 5th

(22) Amendment rights.

(23) **Q** The last exhibit--

(24) **A** All right.

(25) **Q** Is that --

Page 243

(1) **A** Okay.

(2) **Q** The last exhibit I'll have marked as 78, and

(3) it's a one, two, three, four, seven page document.

(4) (The aforementioned document was marked as

(5) Plaintiff's Exhibit 78 for identification

(6) and is attached hereto.)

(7) **Q** BY MR. ESTES: And the question is have you

(8) ever had authority either -- have you ever had authority on

(9) behalf of any entity to retain the services of any attorney

(10) set forth in Exhibit 78?

(11) **MR. PARISER:** I'm sorry. I lost the

(12) question. Can you read it back for me please.

(13) (The court reporter read back the last question.)

(14) **MR. ESTES:** I believe it would be of any

(15) attorney set forth. Let me rephrase the question so it's

(16) clear.

(17) **Q** BY MR. ESTES: Have you ever had the

(18) authority to retain the services of any of the individuals

(19) identified in Exhibit 78 on behalf of any entity you have

(20) represented?

(21) **A** That's the question? I don't know about

(22) attorney/client privilege, but at this particular point, under

(23) the circumstances unique to this case, based on the advice of

(24) counsel I'm asserting -- I'm asserting certain rights

(25) available under the 5th Amendment.

Page 244

(1) **Q** So that we're clear on this because it seemed

(2) to be some confusion. I hope it's on my part and not on your

(3) part. I want to rephrase this thing so you understand the

(4) question. In your representative capacity on behalf of any

(5) entity you claim to have had authority to represent did you

(6) have authority to retain the services on behalf of those

(7) entities of the attorneys set forth in Exhibit 78?

(8) **MR. PARISER:** Authority from the entities

(9) themselves?

(10) **MR. ESTES:** Yes. Authority to retain any of

(11) these individuals on behalf of any entity.

(12) **THE WITNESS:** At this particular point in

(13) time, under the circumstances unique to this case, based upon

(14) the advice of counsel I'm asserting certain rights under the

(15) 5th Amendment.

(16) **Q** BY MR. ESTES: And did you have authority on

(17) behalf of any entity you represented to make payments to any

(18) of the individuals identified in Exhibit 78?

(19) **A** At this particular point in time, under the

(20) circumstances unique to this case, based upon the advice of

(21) counsel I'm asserting certain rights under the 5th Amendment.

(22) **Q** Do you know whether or not anybody had

(23) authority to authorize payments from any entities you've

(24) represented to these individuals identified in Exhibit 78?

(25) **A** At this particular point in time, under the

Page 245

(1) circumstances unique to this case, based upon the advice of
(2) counsel I'm asserting certain rights related to the 5th
(3) Amendment rights.

(4) **MR. ESTES:** Okay. I think -- I think that's
(5) it.

(6) **THE WITNESS:** I only have one more.

(7) **MR. ESTES:** No. Do you want one more?

(8) **THE WITNESS:** I don't care. Do it.

(9) **MR. ESTES:** No. I think I'm done. Do you
(10) want to go off the record. Let's go off the record for a
(11) second.

(12) (A brief recess was taken.)

(13) **MR. PARISER:** Okay. Based on our discussions
(14) off the record I'm going to propose that the court reporter
(15) will have the original transcript sent to my office. Within
(16) 30 days after I receive the transcript from the court reporter
(17) Mr. Nicherie will review the transcript, make any changes,
(18) sign it under penalty of perjury, and I will give notice to
(19) Mr. Estes of any changes. If the original is not signed, not
(20) available for any reason a certified copy can be used as if it
(21) were a certified -- as if it were a original. I will maintain
(22) custody of the original transcript and produce it upon any
(23) reasonable request.

(24) It is also my understanding based on our
(25) conversations off the record that the same stipulations will

Page 247

PENALTY OF PERJURY CERTIFICATE

(1) I hereby declare I am the deponent in the within
(2) matter, that I have read the foregoing transcript and know
(3) the contents thereof and I declare that the same is true of
(4) my knowledge except as to the matters which are therein
(5) stated upon my information or belief, and as to those
(6) matters, I believe them to be true.

(7) I declare being aware of the penalties of perjury
(8) that the foregoing answers are true and correct.

(9) Executed on the _____ day of _____
(10) 20____, at _____, California.

(11) _____
(12) DANIEL NICHERIE
(13)
(14)
(15)
(16)
(17)
(18)
(19)
(20)
(21)
(22)
(23)
(24)
(25)

Page 246

(1) apply for the depositions in this case. The attorney who
(2) either represents the party or who noticed the deposition in
(3) the case of the witness being a nonparty will maintain custody
(4) of the transcript.

(5) **MR. ESTES:** And I think everything is correct
(6) except that the certified copy may be used for all purposes in
(7) the event the original is not made available.

(8) **MR. PARISER:** Correct.

(9) **MR. ESTES:** So stipulated.

(10) **THE REPORTER:** Counsel, would you like a
(11) copy?

(12) **MR. PARISER:** No.
(13)
(14)
(15)

(16) (The proceedings were concluded at 6:38 p.m.)
(17)
(18)
(19)
(20)
(21)
(22)
(23)
(24)
(25)

Page 248

REPORTER'S CERTIFICATE

(1) STATE OF CALIFORNIA)
(2)) ss.
(3) COUNTY OF LOS ANGELES)
(4)

(5) I, JENNIFER L. CLAYBORNE, C.S.R. NO. 10608, a Certified
(6) Shorthand Reporter in and for the State of California do
(7) hereby certify:

(8) That the witness named in the foregoing deposition,
(9) prior to being examined, was by me first duly sworn to testify
(10) to the truth, the whole truth and nothing but the truth;

(11) That said deposition was taken before me at the time
(12) and place therein stated was taken down by me in shorthand
(13) and thereafter transcribed into print under my direction
(14) and supervision, and I hereby certify that the foregoing
(15) deposition is a full, true and correct transcript of my
(16) shorthand notes so taken;

(17) I further certify that I am neither counsel or attorney
(18) for either of the parties hereto or in any way interested in
(19) the event of this case and that I am not related to either
(20) of the parties thereto.

(21) WITNESS my hand this 14TH day of OCTOBER, 2002.
(22)
(23)

(24) _____
(25) JENNIFER L. CLAYBORNE
C.S.R. NO. 10608