

In the Matter Of:  
Canadian Imperial Bank of Commerce v.  
1299746 Ontario Inc., et al.

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GARY BODIMEADE  
February 22, 2017

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neesons

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Toronto, Ontario M5H 3L5  
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Court File No. CV-16-11369-00CL  
ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)

B E T W E E N:

CANADIAN IMPERIAL BANK OF COMMERCE  
Applicant  
- and -  
1299746 ONTARIO INC. o/a COMPUQUEST2000  
and 2252709 ONTARIO INC.  
Respondent

FACTUM OF GRANT THORNTON LIMITED  
(In its capacity as Receiver of Compuquest and  
Manager and Trustee in Bankruptcy of  
1299746 Ontario Inc. and Gary Bodimeade)

-----  
--- This is the Examination for Discovery of GARY  
BODIMEADE, Pursuant to the Order of the Honourable  
Justice Hainey of February 21, 2017, taken at the  
offices of Neeson Court Reporting Inc., 141  
Adelaide Street West, 11th Floor, Toronto, Ontario  
on the 22nd of February, 2017.

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1 A P P E A R A N C E S :

2 Catherine Francis, Esq., for the Receiver

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4 Gregory Azeff, Esq., for the Respondent

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REPORTED BY: Olivia Arnaud, B.A.

I N D E X

WITNESS: GARY BODIMEADE

PAGE

EXAMINATION BY MS. FRANCIS..... 6

\*\*The following list of undertakings, advisements  
and refusals is meant as a guide only for the  
assistance of counsel and no other purpose\*\*

INDEX OF UNDERTAKINGS

The questions/requests undertaken are noted by U/T  
and appear on the following pages: 55:24, 89:12,  
146:23, 163:7, 181:15, 187:11, 227:9

INDEX OF ADVISEMENTS

The questions/requests taken under advisement are  
noted by U/A and appear on the following pages:  
188:12

INDEX OF REFUSALS

The questions/requests refused are noted by R/F and  
appear on the following pages: 185:16, 187:19,  
188:3

INDEX OF EXHIBITS

| NUMBER/DESCRIPTION                                                                                   | PAGE/LINE NO. |
|------------------------------------------------------------------------------------------------------|---------------|
| 1: E-mail Produced by Gary Bodimeade<br>Related to 2014 Computer Crash.                              | 20:4          |
| 2: Original Agreement Between Gary<br>Bodimeade and Craig Pinfold Dated<br>September 3, 2009.        | 52:16         |
| 3: List of Leased Vehicles Provided<br>by Pfaff.                                                     | 101:15        |
| 4: Cheque Bundle: Two Cheques Each<br>Dated February 9, 2016; One Cheque<br>Dated February 21, 2016. | 129:5         |
| 5: E-mail Dated February 26 from Dean<br>Salem to Gary Bodimeade with Attached<br>Cheque.            | 131:11        |
| 6: Cheque Dated February 17, 2016, in<br>Amount of \$250,000.                                        | 133:18        |
| 7: Cheque Dated February 21, 2016, in<br>Amount of \$125,000.                                        | 135:23        |
| 8: E-Mail Exchange in Letter that<br>Sets out Conditions.                                            | 160:15        |
| 9: Signed Confirmation of Line of<br>Credit.                                                         | 161:16        |

|    |                                       |        |
|----|---------------------------------------|--------|
| 1  | 10: Sample Documents Related to a     | 199:11 |
| 2  | Shipment of Product.                  |        |
| 3  | 11: Small Bundle of Documents Related | 216:21 |
| 4  | to Shipments from Norris.             |        |
| 5  | 12: Package of Papers Related to CNB  | 233:9  |
| 6  | Deal.                                 |        |
| 7  | 13: Copies of Gary Bodimeade's Empire | 234:10 |
| 8  | Life RRSP Account.                    |        |
| 9  | 14: E-mail Chain Between Dean Salem   | 247:16 |
| 10 | and Aimee Bodimeade Dated February 3, |        |
| 11 | 2016.                                 |        |
| 12 | 15: E-mail from Gary Bodimeade to     | 252:4  |
| 13 | Aimee Bodimeade Dated May of 2016.    |        |
| 14 | 16: Second E-mail Dated June 13.      | 254:16 |
| 15 | 17: Unspecified Exhibit: Possibly     | 255:16 |
| 16 | Related to Trailer Equity.            |        |
| 17 | 18: E-mails Between Dean Salem, Aimee | 259:12 |
| 18 | Bodimeade, and Gary Bodimeade.        |        |
| 19 | 19: Quote with Statements from Brent  | 262:23 |
| 20 | Jeffreys.                             |        |
| 21 | 20: Documents Related to BMW and      | 268:9  |
| 22 | Letter Delivered to Gary Bodimeade    |        |
| 23 | April 29, 2016.                       |        |
| 24 |                                       |        |
| 25 |                                       |        |

1                   -- Upon commencing at 10:04 a.m. --

2                   GARY BODIMEADE: SWORN.

3                   EXAMINATION BY MS. FRANCIS:

4       1           Q.    Your full name for the record,  
5                   please?

6                   A.    Gary Wayne Bodimeade.

7       2           Q.    And you have been sworn this  
8                   morning?

9                   A.    Yes.

10                  MS. FRANCIS: All right. And your  
11                  counsel wants to put something on the record.

12                  MR. AZEFF: Pursuant to the endorsement  
13                  of Justice Hainey of February 21st, 2017, we are  
14                  specifically reserving all of our rights under the  
15                  Canada Evidence Act, the Ontario Evidence Act and  
16                  any claims of privilege that may be asserted either  
17                  during the course of the examination or subsequent.

18                  MS. FRANCIS: And just to make it easy,  
19                  we've put down that this examination is pursuant to  
20                  the order of Mr. Justice Hainey rather than  
21                  reciting all of the details.

22                  MR. AZEFF: Makes sense.

23                  MS. FRANCIS: Okay.

24                  MR. AZEFF: Excellent.

25                  BY MS. FRANCIS:

1           3                           Q.   All right.  Mr. Bodimeade, you  
2                                   were born January 21, 1972?

3                                   A.   Yes.

4           4                           Q.   And you have a twin brother,  
5                           Alan --

6                                   A.   I do.

7           5                           Q.   -- Bodimeade?

8                                   A.   Yeah.

9           6                           Q.   Is that your only sibling?

10                                  A.   No, I have a sister, two years  
11                                  older.

12           7                           Q.   And I understand that you were  
13                                  married July 26, 1997?

14                                  A.   Yes.

15           8                           Q.   And that's to Aimee Lynn  
16                                  Bodimeade?

17                                  A.   Yes.

18           9                           Q.   And you're currently separated  
19                                  from --

20                                  A.   Yes.

21           10                          Q.   -- Aimee?  And you separated  
22                                  sometime in the early fall of 2016?

23                                  A.   Yeah, it was towards the end of  
24                                  September of 2016 --

25           11                          Q.   Sorry, I mean --

1 A. 2015, sorry.

2 12 Q. 2015.

3 A. Right.

4 13 Q. I made a mistake, okay. And  
5 although you separated, you continued to reside in  
6 the same house --

7 A. Yes.

8 14 Q. -- for a period of time?

9 A. Yes.

10 15 Q. And what caused the separation?

11 A. Just being apart from each other  
12 too much. She was always off doing her own thing.  
13 My youngest daughter always slept with me in a  
14 separate bed for the last number of years. We just  
15 grew apart.

16 16 Q. Okay. So you were sleeping with  
17 your youngest daughter?

18 A. My -- she's 13 now, but we've had  
19 her in our bed since she was six.

20 17 Q. And then you physically moved out  
21 when?

22 A. I was locked out of the house in  
23 December, the beginning of December. I had not  
24 moved out.

25 18 Q. Beginning of December...

1 A. Of 2016.

2 19 Q. Well, I understand you're now  
3 living with someone named Lorraine Stinson?

4 A. Yes.

5 20 Q. And when did you start living with  
6 Lorraine?

7 A. I'd spend some nights off and on,  
8 back and forth, but I moved in there for the most  
9 part because I was forced to beginning of December  
10 because I had no place other to live.

11 21 Q. And how long have you been in a  
12 relationship with Ms. Stinson?

13 A. Since January of 2016.

14 22 Q. And Aimee is in a relationship  
15 with someone named Don Hamilton?

16 A. Correct, yes.

17 23 Q. Do you know when that happened?

18 A. Honestly, I would say about six  
19 years before we separated. They've known each  
20 other -- he was an employee of Aimee's at the barn  
21 for five or six years before my wife and I  
22 separated. They spent a lot of time together, so  
23 there's a lot of question marks.

24 24 Q. Isn't he, like, 23 or something?

25 A. He just turned 23, yes.

1       25                   Q.    Okay.  So you're saying since he  
2                   was a child?

3                   A.    I would say they've been having --  
4                   and it's all speculation -- relations probably a  
5                   year before we separated.

6       26                   Q.    Okay.  You went to Markham  
7                   District High School?

8                   A.    Yes.

9       27                   Q.    Did you meet Aimee in high school?

10                  A.    Yes.

11       28                  Q.    All right.  So she was at the same  
12                  high school?

13                  A.    Yes, she was.  Yeah, a year  
14                  younger, I believe.  Year and a half younger.

15       29                  Q.    And Jay Clausner was at the same  
16                  high school?

17                  A.    He was, yeah.

18       30                  Q.    What about Craig Pinfold?

19                  A.    No, I didn't meet Craig Pinfold  
20                  till a number of years later.

21       31                  Q.    When did you meet Jay Clausner?

22                  A.    I've known Jay since Grade 9.  I  
23                  started having business relations with him  
24                  somewhere in the year of -- I'm going to  
25                  guesstimate 2003, 2004.

|    |    |    |                                    |
|----|----|----|------------------------------------|
| 1  | 32 | Q. | You dropped out of high school in  |
| 2  |    |    | Grade 10?                          |
| 3  |    | A. | Grade 11.                          |
| 4  | 33 | Q. | Grade 11. Did you finish grade --  |
| 5  |    | A. | No.                                |
| 6  | 34 | Q. | Sorry, you have to let me ask --   |
| 7  |    | A. | Oh, I'm sorry.                     |
| 8  | 35 | Q. | Okay. You finished Grade 10?       |
| 9  |    | A. | Yes.                               |
| 10 | 36 | Q. | But you did not finish Grade 11?   |
| 11 |    | A. | Yes.                               |
| 12 | 37 | Q. | And you started Compuquest in June |
| 13 |    |    | of 1998?                           |
| 14 |    | A. | Yes.                               |
| 15 | 38 | Q. | And the shareholders are yourself  |
| 16 |    |    | and Aimee?                         |
| 17 |    | A. | Yes.                               |
| 18 | 39 | Q. | And is it 50-50?                   |
| 19 |    | A. | Yes.                               |
| 20 | 40 | Q. | Does Aimee know that?              |
| 21 |    | A. | Yes.                               |
| 22 | 41 | Q. | All right. And has she always      |
| 23 |    |    | known that?                        |
| 24 |    | A. | Yes.                               |
| 25 | 42 | Q. | You have three children?           |

1 A. Yes.

2 43 Q. Nicholas is the oldest?

3 A. Yeah.

4 44 Q. Born March 1999?

5 A. '99, yeah.

6 45 Q. So he's almost 18?

7 A. He's almost 18.

8 46 Q. And Jenna was born April 2001?

9 A. Yeah, she'll be 16 this year.

10 47 Q. And Emalee born October 2003?

11 A. Yep.

12 48 Q. And I understand you and Aimee  
13 together purchased a house at 72 MacBeth Place in  
14 August of 2000?

15 A. We had a house prior to that, but  
16 yes, we did.

17 49 Q. All right. And the house prior to  
18 that was what?

19 A. On Rosemary Avenue.

20 50 Q. And where did the funds come from  
21 to buy the Rosemary house and the Macbeth house?

22 A. That was from both Aimee and I  
23 working at our current jobs.

24 51 Q. Your current jobs at the time?

25 A. At the time, I believe it was

1 Service Canada I was working for, and Aimee was a  
2 vet technician.

3 52 Q. Plus financing?

4 A. Yes. We put a substantial amount  
5 of money down because I was doing all sorts of  
6 overtime.

7 53 Q. Right. So you contributed equally  
8 to the initial purchase?

9 A. No, I would say I was --

10 54 Q. Sorry?

11 A. No. I probably put in more than  
12 her, but it was our joint funds that did it.

13 55 Q. What was Aimee's involvement in  
14 Compuquest when it was started?

15 A. When it first started, she would  
16 help me with the books a little bit. There was  
17 never any real involvement for her in the company.

18 56 Q. So she was never an employee  
19 per se?

20 A. No, she was never an employee.

21 57 Q. Was she on the payroll?

22 A. Yes, she was.

23 58 Q. So she received a salary?

24 A. It was salary/dividends, yes.

25 59 Q. Well, I want to differentiate

1                   between the two. Was she receiving a salary or was  
2                   it dividends?

3                   A. I don't know how my accountant put  
4                   that down, so you're going to have to check with  
5                   Alan Hogan on that.

6   60               Q. Okay. So Alan Hogan was the  
7                   accountant for Compuquest?

8                   A. Not off the onset. Art Priest was  
9                   for the first seven or eight years, and then Alan  
10                  came over, I think, in 2007 or 2008.

11   61              Q. Art?

12                  A. Art Priest.

13   62              Q. Art Priest, was he with the firm  
14                  or was he by himself?

15                  A. He was by himself.

16   63              Q. Okay. So he was the accountant  
17                  for Compuquest until around 2007?

18                  A. '07. And that's a guess, best  
19                  guess.

20   64              Q. And Alan Hogan was your personal  
21                  accountant?

22                  A. Yes.

23   65              Q. How long has he been your personal  
24                  accountant?

25                  A. The same time he took over at the

1 Compuquest books.

2 66 Q. Okay. So as of 2007, he had just  
3 become your personal accountant?

4 A. Yes.

5 67 Q. And what about Aimee's personal  
6 accountant?

7 A. Same. She always used the same.

8 68 Q. What services does Mr. Hogan  
9 provide or did he provide for Compuquest?

10 A. He handled all the bookkeeping.

11 69 Q. So you did not have an in-house  
12 bookkeeper?

13 A. No.

14 70 Q. What kind of records did  
15 Compuquest keep?

16 A. With regards to?

17 71 Q. Sorry, financial records?

18 A. He provided all the financials.

19 72 Q. I meant, there must have been some  
20 kind of accounting sytem?

21 A. Yeah, we used QuickBooks.

22 73 Q. Okay. So he maintained  
23 QuickBooks?

24 A. I would do all the input entry,  
25 all the accounts receivable, accounts payable, and

1                   he would pull all the data from that reporting.

2       74                   Q.    Okay.  So you did personally or  
3                   somebody --

4                   A.    I did, myself.  I was Compuquest.  
5                   I did all the sales, all the receivables, all the  
6                   buying, all the accounts payable.  I did it all  
7                   from start to finish.

8       75                   Q.    Okay.  So you didn't have office  
9                   staff doing this for you?

10                  A.    No, I had sales staff and some  
11                  filing people and whatnot.  But, no, I handled all  
12                  that myself.

13       76                   Q.    So is it fair to say you are  
14                  computer literate?

15                  A.    Yes, to a certain point.

16       77                   Q.    Did Compuquest back up its  
17                  records?

18                  A.    Yes.

19       78                   Q.    And was this off-site somewhere?

20                  A.    No, it was done -- we had network  
21                  administrators that did it for us.

22       79                   Q.    So there are backups to the  
23                  records?

24                  A.    There are, but we had a server  
25                  crash.  I believe it was in 2013 where all prior

1 data was lost, and I have documents with the  
2 company that was doing it for us at the time.

3 80 Q. And who was doing it?

4 A. His name was Alex Stupart. I  
5 can't remember the name of the company.

6 81 Q. When in 2013 did this take place?

7 A. I don't know exactly. I just  
8 started digging through e-mails and found a couple  
9 the other day.

10 82 Q. Sorry, you said you had it backed  
11 up?

12 A. So what was supposed to happen --  
13 we had this guy hired. Every week, he was supposed  
14 to look at the data and make sure the integrity was  
15 there. We had a rate system, which I'm assuming  
16 you don't understand, but basically if one drive  
17 fails, another one takes over that's position, so  
18 there's never any data loss.

19 It wasn't being monitored properly for  
20 whatever reason, which was Alex Stupart's job, and  
21 we lost all data. And it was -- we couldn't get it  
22 back, and we tried.

23 83 Q. Is that the first time you had a  
24 crash like that?

25 A. First time that big, yes.

1       84                   Q.   Well, have you had previous  
2                           crashes?

3                           A.   Well, you're talking 19 years.  
4                           Not that I can recall, no.

5       85                   Q.   You sure?

6                           A.   As far as I remember, yes.

7       86                   Q.   Did any company of Mr. Clausner  
8                           provide computer services?

9                           A.   He did network administration for  
10                          us for a number of years, yes.

11      87                   Q.   And through a company?

12                          A.   Through his company, Virtual  
13                          Technologies.

14      88                   Q.   And was there ever a crash while  
15                          Mr. Clausner's company was provided --

16                          A.   Not that I can recall, no.

17      89                   Q.   When in 2013 did this crash  
18                          happen?

19                          A.   I've already answered that. I  
20                          can't answer -- I don't know the exact date.

21      90                   Q.   Well, do you have any evidence of  
22                          this?

23                          A.   Yes, I do.

24      91                   Q.   All right. Can you produce it?

25                          A.   I've got some here, and I can give

1                   you more.

2       92                   Q.    Okay.  You want to show me, and we  
3                   can...

4                   A.    This is just one of many e-mails  
5                   that I was only able to dig up yesterday from my  
6                   old e-mail that basically shows some of the  
7                   procedures we were taking, and I can get more  
8                   in-depth for you.

9       93                   Q.    Sorry, who is Matt Cowley?

10                  A.    He was an employee of Compuquest.

11       94                   Q.    So you're saying that you had no  
12                  backup prior to September 30, 2014?

13                  A.    That is a question Alex would have  
14                  to answer because he was in control of all that.

15       95                   Q.    All right.  So Alexander Lee?

16                  A.    No, Stupart is his -- is what  
17                  we --

18       96                   Q.    Oh, sorry, there's two Alexes on  
19                  this e-mail.

20                  A.    Yeah.  I don't recall the other  
21                  Alex.  That was potentially the person or the  
22                  company we were trying to retrieve the data from.

23       97                   Q.    Okay.  So Alex Stupart is the  
24                  person who was doing --

25                  A.    Who was our network administrator

1 at the time, yes.

2 MS. FRANCIS: Okay. So I will mark  
3 this as an exhibit.

4 EXHIBIT NO. 1: E-mail Produced by Gary  
5 Bodimeade Related to 2014 Computer  
6 Crash.

7 BY MS. FRANCIS:

8 98 Q. And you retrieved this e-mail on  
9 February 2nd of 2017?

10 A. Yes.

11 99 Q. And what was the purpose of  
12 retrieving this e-mail?

13 A. I was just going through old  
14 e-mails, looking, preparing myself.

15 100 Q. You told Mr. Hogan that you had  
16 this crash?

17 A. Oh, he was well aware of it, yes.

18 101 Q. And did you tell CIBC?

19 A. No, we did not.

20 102 Q. You were charged sometime in the  
21 2000s, criminally, related to a fraud involving  
22 Royal Bank?

23 A. Yes. I had a conditional  
24 discharge.

25 103 Q. Well, you were charged with an

1                   invoicing scheme?

2                               A.    I was charged with money  
3                   laundering.

4   104                   Q.    Well, no, you were also charged  
5                   with fraud related to the invoicing scheme,  
6                   right --

7                               A.    Right.

8   105                   Q.    -- Mr. Bodimeade?

9                               A.    I -- okay. Go on, sorry.

10   106                  Q.    Okay. And this was an invoicing  
11                   scheme involving your brother, Alan Bodimeade?

12                               A.    My brother, yes.

13   107                  Q.    And he was an employee of  
14                   Royal Bank of Canada?

15                               A.    Yes.

16   108                  Q.    And he had set up some false  
17                   invoices for services that were not rendered to the  
18                   bank?

19                               A.    Yes.

20   109                  Q.    And the money was cycled through  
21                   Compuquest?

22                               A.    Yes.

23   110                  Q.    And you ended up pleading guilty  
24                   to money laundering?

25                               A.    Yes.

1 111 Q. And got two years --

2 A. Probation.

3 112 Q. -- probation? And the guilty plea  
4 was in 2006?

5 A. I believe it was in 2004 or 2005.  
6 I know my probation, I think, ended in 2006.

7 113 Q. You sure it didn't end in 2008?

8 A. No. I'm pretty sure it was  
9 finished in 2006.

10 MS. FRANCIS: Can we go off for a sec?

11 -- OFF THE RECORD DISCUSSION --

12 BY MS. FRANCIS:

13 114 Q. Okay. I have a second report of  
14 the receiver. I know you didn't bring it this  
15 afternoon, but I'm not going to mark it because  
16 it's already in the court record. But I'm going to  
17 show you Tab 32 of the report which seems to  
18 suggest that you were convicted of laundering the  
19 proceeds of crime on September 12, 2006?

20 A. Okay. Based on the information I  
21 read in the third report or whatever the latest  
22 update was led me to believe that I was discharged  
23 in 2006, so maybe I misread it.

24 115 Q. All right. So you don't remember?

25 A. I don't remember, no.

1 116 Q. Okay. And you were also sued by  
2 Royal Bank?

3 A. I don't know if you'd call it  
4 being sued. We settled, but that was all done  
5 through my lawyer, Benjamin Salsberg.

6 117 Q. Well, sorry, you were served with  
7 a Statement of Claim alleging fraud, correct?

8 A. Yes.

9 118 Q. That means being sued, correct?

10 A. Okay.

11 119 Q. And you settled?

12 A. Yes.

13 120 Q. And the settlement payment was  
14 made by your father-in-law?

15 A. Yes.

16 121 Q. Wayne MacDonald?

17 A. Wayne MacDonald.

18 122 Q. You told your father-in-law that  
19 you'd been sued for fraud and needed money to --

20 A. Oh, he was well aware of the  
21 situation. We were actually living with him at the  
22 time.

23 123 Q. And Aimee was aware as well?

24 A. Absolutely.

25 124 Q. And she was aware that you

1                   borrowed the money from your father-in-law to pay a  
2                   settlement to Royal Bank?

3                   A.    Yes.

4   125               Q.   And that settlement was paid in  
5                   the fall of 2007?

6                   A.    I don't know the date.

7   126               Q.   Right around the time that you  
8                   bought the Ashburn property?

9                   A.    Again, I don't recall the date  
10                  when we bought it. I thought we bought somewhere  
11                  in 2006. Actually, it would have been prior to  
12                  that because we were living with my in-laws for two  
13                  years while the house was being built.

14   127              Q.   What years were you living with  
15                  your in-laws?

16                  A.    I don't recall the day, the sale  
17                  date of the MacBeth property. You probably have  
18                  that. I'm not aware of the exact day it was, but  
19                  it was almost two years to the day that we were  
20                  living with my in-laws.

21   128              Q.   All right. You were living with  
22                  them from 2007 to 2009, correct?

23                  A.    I believe those are the dates.  
24                  I'm not 100 percent sure.

25   129              Q.   Okay. Part of your plea deal with

1 the Crown was that you would give evidence against  
2 your brother?

3 A. Yes.

4 130 Q. And your position was that you  
5 didn't know about the fraudulent invoice scheme?

6 A. I don't recall what my statement  
7 was at that time.

8 131 Q. And your brother ended up being  
9 convicted of fraud?

10 A. Yes.

11 132 Q. And he was also sued by  
12 Royal Bank, correct?

13 A. Yes.

14 133 Q. And Royal Bank got a judgment  
15 against him?

16 A. I believe so.

17 134 Q. And that judgment is still  
18 outstanding as far as you know?

19 A. As far as I know.

20 135 Q. Are you in touch with your  
21 brother?

22 A. We didn't talk for five years  
23 after this incident, and it's only recently we've  
24 been in contact, but it's once every three or four  
25 months. Hello, how are you.

1 136 Q. And you recall being examined in  
2 January, last month?

3 A. Yes.

4 137 Q. And you had indicated that your  
5 brother had assisted with something to do with the  
6 construction of the Ashburn property?

7 A. Yes, he was working -- he was  
8 working for me at the time doing odd jobs, and he  
9 was -- I asked him to look for somebody to help or  
10 to look -- construct the barn of the Ashburn  
11 property, the barn itself.

12 138 Q. Okay. So can you tell me how that  
13 is consistent with fact that you weren't talking to  
14 him for five years after this incident?

15 A. We didn't build the barn until, I  
16 believe, it was 2012. The Ashburn property was  
17 built, as you say, in 2007, and I'm not sure of the  
18 date. The barn was built five or six years after  
19 we'd moved in there.

20 So he had nothing to do with the actual  
21 construction or anything to do with the Ashburn  
22 property itself, being the house. He had something  
23 to do with the barn.

24 139 Q. Okay. So the five-year moratorium  
25 ended and sometime in 2012, he started helping you

1 out with the barn?

2 A. Again, I'm guessing on the dates,  
3 but, yes. I had hired him because I felt bad for  
4 him. So I gave him a second chance to come back  
5 with me because I felt bad, and he's my twin  
6 brother.

7 140 Q. Okay. And was he also working for  
8 Compuquest, or was it just you, personally?

9 A. Oh, it was Compuquest.

10 141 Q. Sorry, so you hired him to work  
11 for Compuquest in 2012?

12 A. I don't recall the dates. I don't  
13 know the dates. It was sometime around that  
14 general period, yes.

15 142 Q. Well, it must have been around  
16 when he was working --

17 A. I don't know the dates.

18 143 Q. Right. What work did he do for  
19 Compuquest?

20 A. He would do some warehouse work,  
21 whatever was requested of him by his superiors, of  
22 which I wasn't one of them.

23 144 Q. Was he on the payroll?

24 A. I'm not 100 percent sure if he was  
25 ever put on the payroll. He wasn't there long

1 enough. He was there two or three different times  
2 for a few months at a time.

3 145 Q. All right. I'm talking  
4 specifically in 2012.

5 A. I don't know the dates, so I can't  
6 answer your question with regards to the dates of  
7 2012.

8 146 Q. Okay. Tell me any dates that  
9 Alan Bodimeade was working for you?

10 A. Sometime between the years of 2012  
11 and 2015.

12 147 Q. All right. If he wasn't on the  
13 payroll, how was he being paid?

14 A. That I don't recall.

15 148 Q. Well, can you find out?

16 A. I can try and find out through,  
17 again, Alan Hogan.

18 149 Q. Was he paid cash?

19 A. I don't remember. We didn't pay  
20 anyone by cash for -- usually.

21 150 Q. How did you pay him for working on  
22 the barn?

23 A. That was part of his job at  
24 Compuquest. It was to make five or six phone calls  
25 to find barn contractors and negotiate on

1 Compuquest time.

2 151 Q. Sorry, so you're saying Compuquest  
3 paid your brother in order to do work on your  
4 personal residence?

5 A. Not on my personal residence. On  
6 the barn.

7 152 Q. Compuquest paid Alan to do work on  
8 the barn located on the Ashburn property?

9 A. All of my staff did work with  
10 regards to that barn, whether it was unloading hay,  
11 unloading shavings. Whenever it was required, I  
12 sent my staff up to help, myself included.

13 153 Q. Is this just the barn or was it  
14 also the house?

15 A. Just the barn.

16 154 Q. Sorry --

17 A. They had nothing to do with the  
18 house.

19 155 Q. Okay.

20 MR. AZEFF: Gary, let her finish the  
21 question before you answer.

22 THE WITNESS: Okay.

23 BY MS. FRANCIS:

24 156 Q. Why was Compuquest staff doing  
25 work on the barn?

1 A. To help out my wife.

2 157 Q. What's that mean?

3 A. They would unload trucks of hay;  
4 they would unload trucks of shavings; the odd time  
5 would clean the barn. So in essence, they were  
6 helping me and my wife out so that I didn't have to  
7 do it all by myself.

8 158 Q. And it was all being paid for with  
9 Compuquest money?

10 A. On Compuquest time, yes.

11 159 Q. Okay.

12 A. With a company our size, all of my  
13 staff had multiple positions. Nobody had one set  
14 position. They did what they needed to do, whether  
15 that was cleaning toilets, of which I did, filing,  
16 unloading hay trucks. That was Compuquest.

17 160 Q. And it didn't matter whether it  
18 was personal or company work?

19 A. No.

20 161 Q. So the Compuquest staff did --

21 A. It wasn't personal work because it  
22 was conducted during Compuquest hours, of which  
23 they got paid for.

24 162 Q. But it's for your personal  
25 benefit?

1 A. And working for me was for my  
2 personal benefit as well. It was my company.

3 163 Q. Okay. Compuquest started a  
4 relationship with CIBC in November 2008?

5 A. I believe it was, yes.

6 164 Q. And entered into a loan agreement  
7 with CIBC?

8 A. Yes.

9 165 Q. Provided security to CIBC?

10 A. Yes.

11 166 Q. And you understand that security  
12 was over all assets of --

13 A. Yes.

14 167 Q. -- Compuquest? And you provided a  
15 personal guarantee for those loans?

16 A. Yes.

17 168 Q. And you understood that there were  
18 terms and conditions of the financing?

19 A. Yes.

20 169 Q. And that included providing  
21 reports to CIBC?

22 A. Yes.

23 170 Q. With respect to inventory and  
24 accounts receivable?

25 A. Yes.

1 171 Q. And do you recall the frequency of  
2 those reports?

3 A. I believe they were every month.

4 172 Q. And who prepared the reports?

5 A. Alan Hogan.

6 173 Q. Was it line of credit; is that  
7 correct?

8 A. Yes, it was.

9 174 Q. And was the line of credit  
10 margined against the inventory and accounts  
11 receivable?

12 A. I don't believe the very first one  
13 was because -- and again, I'm going on memory. I  
14 think the first line of credit was \$600,000.

15 I believe it was only -- and again, I  
16 could be wrong. I'd have to check with Alan. All  
17 the margin and the marginal reports and stuff like  
18 that came in with the increase we got in, I  
19 believe, it was 2015.

20 175 Q. So, sorry, you're saying up until  
21 2015, it was only 600,000?

22 A. I believe it was. Between -- I  
23 believe it went from 5 to 750. And then got -- I  
24 don't recall, but it wasn't the 1.7 million dollars  
25 back then.

1 176 Q. Okay. So in 2015, you got it up  
2 to 1.7 million dollars?

3 A. Yes.

4 177 Q. And what was the reason for the  
5 increase in line of credit?

6 A. For purchases in cash flow.

7 178 Q. And Alan Hogan was giving monthly  
8 statements of inventory and accounts receivable to  
9 support that line of credit?

10 A. Yes, he was.

11 179 Q. And he was also preparing review  
12 engagement financial statements?

13 A. Yes.

14 180 Q. Did you review the statements of  
15 inventory and accounts receivable that he --

16 A. I was shown them and asked to sign  
17 off on them.

18 181 Q. Did you satisfy yourself that they  
19 were true?

20 A. Based on what he was telling me,  
21 yes.

22 182 Q. So you relied upon Mr. Hogan in  
23 terms of what you signed off?

24 A. Yes.

25 183 Q. And you didn't check yourself

1 personally?

2 A. I had a general idea of what was  
3 going on with regards to what was out there and  
4 what inventory values were.

5 184 Q. Starting, let's say, at the  
6 beginning of 2015, who were the employees of  
7 Compuquest?

8 A. Scott Major, Chaminda Malwatta --

9 185 Q. Can you spell that?

10 A. Yeah, C-H-A-M-I-N-D-A,  
11 M-W-A-L-T-T --

12 186 Q. I think you got that wrong. It's  
13 not M-W. What?

14 A. Oh, sorry. M-A-L-W-A-T-T-A.

15 187 Q. Okay.

16 A. Jonard Vasquez.

17 188 Q. Can you spell that?

18 A. Last name or first name?

19 189 Q. Both.

20 A. J-O-R-N-A-R-D [sic], I believe.  
21 And Vasquez was V-A-S-Q-U-E-Z.

22 190 Q. Okay.

23 A. Matt Cowley, Val Samms, S-A-M-M-S.

24 191 Q. Is that Val as in Valerie?

25 A. Valerie, yeah.

1 192 Q. All right. S-A-M --

2 A. M-S.

3 193 Q. Two M's?

4 A. Two M's, I believe, yeah.

5 194 Q. Okay.

6 A. And Razel, which is R-E-Z-E-L

7 [sic]. I believe her last name is Santiago.

8 195 Q. And were all of these employees  
9 there at the same time?

10 A. Yes.

11 196 Q. And did all of these employees do  
12 personal work for you as well as working for  
13 Compuquest?

14 A. No.

15 197 Q. All right. So which ones did  
16 personal work for you?

17 A. Jonard and Matt were the only two  
18 that did barn work.

19 198 Q. I thought you said before all the  
20 employees did barn work?

21 A. No, I didn't say that.

22 199 Q. Okay.

23 A. Girls can't lift barrels of hay.

24 200 Q. Sure, okay.

25 A. Not when they're 50 years old,

1                   they can't.

2   201                   Q.   And were all of these employees on  
3                   the payroll?

4                   A.   Yes, they were.

5   202                   Q.   When I say Compuquest, I'm  
6                   referring to 1299746 Ontario Inc. You understand  
7                   that, correct?

8                   A.   Yes.

9   203                   Q.   That company also had a registered  
10                  business name of CQ2K?

11                  A.   No, it was registered of  
12                  Compuquest2000.

13   204                  Q.   It also had CQ2K, did it not?

14                  A.   It very well might have when we  
15                  first started, yes.

16   205                  Q.   Did you ever use that name?

17                  A.   No, it was always trade name as  
18                  Compuquest2000 right from the start.

19   206                  Q.   And were all of these employees  
20                  employees right up to the end of Compuquest?

21                  A.   Yes, they were.

22   207                  Q.   How many of these employees are  
23                  now employed by Phase5 Solutions?

24                  A.   Two.

25   208                  Q.   Who?

1 A. Chaminda and Matthew.

2 209 Q. Sorry, Chaminda and --

3 A. And Matt Cowley.

4 210 Q. -- Matt Cowley? And what happened  
5 to the others?

6 A. I don't know to be honest with  
7 you. I think Jonard got a job at Avery Label.

8 211 Q. So what were the job roles of each  
9 of these people, leaving aside the barn work?

10 A. The barn work was less than  
11 1 percent of their job roles. It was usually twice  
12 a year that hay and shavings came, so.

13 212 Q. I said leaving aside the barn  
14 work.

15 A. Right. They would unload  
16 inventory. Product -- we would strip product down  
17 for parts. We would test it. Either put machines  
18 up or down to original specs. Loading trucks.

19 213 Q. So can you describe for me  
20 generally the business of Compuquest and how it  
21 changed if it changed?

22 A. It started off as -- in the olden  
23 days, it was AlphaServers where memory boards were  
24 worth 30 or \$40,000. We re-invented ourself when  
25 that market started to die, and we got into ATM

1 machines.

2 214 Q. So let me just kind of pin that  
3 down. Describe again, what was this about? Memory  
4 boards?

5 A. In the olden days, machines,  
6 instead of being PCs like they are now, they used  
7 to be monstrosities of machines, and the components  
8 in those machines used to be worth a lot of money.

9 215 Q. Okay.

10 A. Whereas today, it's nowhere near  
11 the same for obvious reasons.

12 216 Q. All right. And when did that  
13 market die?

14 A. We started in '98. That probably  
15 would have been in 2001, 2002. And when I say  
16 "die," it didn't die, it just slowed down.

17 217 Q. Okay. And then what did you  
18 change to around two thousand --

19 A. We started getting into ATM parts  
20 for ATM machines and desktops.

21 218 Q. And that continued?

22 A. Yes.

23 219 Q. Until the end?

24 A. No. The ATM business died down,  
25 and we were more leaning on desktops and laptops

1 and work stations.

2 220 Q. All right. So when did you get  
3 into desktops, laptops, and work stations?

4 A. It would have been 2004.

5 221 Q. And that continued till the end?

6 A. To the end, yes.

7 222 Q. This list of employees, were any  
8 of them technical specialists?

9 A. Matt had his -- was self-taught.  
10 He was pretty good with computers and software.

11 223 Q. Okay.

12 A. Other than that, no. Nobody had  
13 any specific training.

14 224 Q. So what exactly did Compuquest do?

15 A. We bought and sold off-lease  
16 computers. Refurbished them and sold them.

17 225 Q. Well, did you actually do the  
18 physical refurbishing of them?

19 A. Yes, yep.

20 226 Q. So who had the technical expertise  
21 to refurbish?

22 A. It's not rocket science. You make  
23 sure the memory and the hard drive config as what  
24 it should be and that's -- give it a quick clean,  
25 and that would be the end of it.

1 227 Q. Okay. Well --

2 A. We had nothing to do with  
3 software. We didn't put any software on machines  
4 or anything like that.

5 228 Q. If I can just get an  
6 understanding, you would get a shipment of  
7 off-lease computers?

8 A. Yes.

9 229 Q. Right? And "off-lease" meaning  
10 somebody leased them, and they gave them back  
11 before it was ended?

12 A. Right.

13 230 Q. Right? And what would you do with  
14 these computers?

15 A. We would put them up or down to  
16 whatever our customers' requirements were, being  
17 with memory and hard drive configurations --

18 231 Q. So can you --

19 A. -- and speed of CPU.

20 232 Q. All right. Slow down. What does  
21 that mean? What does that physically mean that you  
22 would do to them?

23 A. Depending on how the machines came  
24 in, they could have 10 or 8-giga memory or 4-giga  
25 memory or 250 gig drive or a 500 gig drive. So it

1 depended on what we were selling them on, which was  
2 usually the lower of the two specs.

3 We would pull out the parts, sell the  
4 parts, sell the machine as a whole. We physically  
5 touched every machine that came into the building.

6 233 Q. So you would get the machine and  
7 you would maybe replace parts in it? Is that --

8 A. Replace or remove parts.  
9 Change -- we did a lot of CPU changes if the speeds  
10 weren't correct. Because we stripped a lot of -- a  
11 lot of machines that weren't being sold, we would  
12 strip down for parts and sell the components.

13 234 Q. So everything that came in, you  
14 actually had to do work on it --

15 A. Yes.

16 235 Q. -- before you --

17 A. Yes.

18 236 Q. -- shipped it out? And was some  
19 of it just physical cleaning?

20 A. Not physical cleaning as such.  
21 Physical labour by just removing and changing  
22 parts, which is not technically inclined. You  
23 don't need to...

24 237 Q. So this was very easy, the work  
25 that you did? Is that what you're saying?

1                   A.    I wouldn't say easy. It was very  
2                   time-consuming especially when changing a CPU. You  
3                   take a physical CPU out of a machine, put it into a  
4                   new one, you'd have to change the bio settings and  
5                   make sure everything worked. There was --

6   238               Q.    So you're switching a CPU; where  
7                   would you get the old ones?

8                   A.    From machines that we had stripped  
9                   down that weren't selling.

10   239              Q.    Okay, I get it. And everyone was  
11                   involved in doing this, all these six employees?

12                   A.    Yes.

13   240              Q.    Okay. So what was the turnaround  
14                   time? You get a shipment in of stuff, and you'd  
15                   have to find a buyer for it?

16                   A.    No. For the most part, most items  
17                   were sold prior to them coming. But on a list of,  
18                   for example, we would get a list of 2,000 machines.  
19                   A thousand of those machines would be sold; a  
20                   thousand would be put back into inventory once they  
21                   were reworked.

22   241              Q.    So the ones that were already  
23                   sold, did you actually do things with them before  
24                   they went out?

25                   A.    Yep, same. Exact same thing as

1                   what I just said.

2   242                   Q.   And so you were matching the  
3                   buyers to the sellers?

4                   A.   Right.

5   243                   Q.   Okay. And what would be the  
6                   turnaround time to do the work on the machines and  
7                   then ship them out to the buyers?

8                   A.   It would all depend what the  
9                   requirements were for the customer and how big the  
10                  order was. Some orders were ten. Some orders were  
11                  two and a half thousand machines.

12   244                  Q.   And where were you getting your  
13                  inventory from?

14                  A.   In those days, we got almost  
15                  95 percent from HP Financial Services.

16   245                  Q.   What is "those days"?

17                  A.   Up until the beginning of 2014.

18   246                  Q.   So did you have a contract with  
19                  HP?

20                  A.   No.

21   247                  Q.   And where would they come from?

22                  A.   Hanover, Massachusetts is where  
23                  their hub was.

24   248                  Q.   So 95 percent of your business was  
25                  HP?

1 A. Yes.

2 249 Q. And what was the other 5 percent?

3 A. Various vendors.

4 250 Q. Can you tell me who?

5 A. No, because there was probably 500  
6 different ones that we used at the time. It all  
7 depended who had the product at the right price.

8 251 Q. So if it's 500 different, these  
9 would very small? Each one would be --

10 A. Not necessarily. If there was --  
11 we weren't restricted to just buying from HP. We  
12 just didn't need to buy from anywhere else for the  
13 most part. But if good deals came along, we always  
14 bought them.

15 252 Q. All right. Well, were there any  
16 major vendors other than HP up until 2014?

17 A. There was probably some  
18 substantial purchases, but it could have been a  
19 one-off or a two-off. But I don't have access to  
20 that information.

21 253 Q. Why don't you have access?

22 A. Because it was all on my  
23 QuickBooks files.

24 254 Q. Which have all disappeared?

25 A. No, which are in the possession of

1 Grant Thornton, whatever was there.

2 255 Q. Well, does Mr. Hogan still have  
3 access to the QuickBooks files?

4 A. No, he does not.

5 256 Q. So he only came in and accessed  
6 them on-site?

7 A. No, he did them on -- from  
8 remotely.

9 257 Q. Okay. So something happened with  
10 HP in 2014 --

11 A. Yes.

12 258 Q. -- correct? What happened?

13 A. My contact was released. So --

14 259 Q. Like, fired?

15 A. I don't know if he was fired or  
16 just let go.

17 260 Q. Who was your contact?

18 A. John Samataro.

19 261 Q. Can you spell that?

20 A. John.

21 262 Q. Well, I got that.

22 A. S-A-M-A-T-A-R-O.

23 263 Q. Did he tell you why he was  
24 released?

25 A. There was accusations that he was

1                   being paid off to do certain business.

2   264                   Q.   Who made the accusations?

3                   A.   I have no idea.

4   265                   Q.   Well, sorry, you have no idea who  
5                   made the accusations? How do you know about them?

6                   A.   John had I don't know how many  
7                   customers and how many people trying to do business  
8                   with him. I don't know who it was that called HP  
9                   and said, John's being paid off or whatever the  
10                  circumstances were.

11   266                  Q.   Well, was it HP who accused him of  
12                  being paid off?

13                  A.   I don't know. You'd have to ask  
14                  John that. I wasn't privy to that information.

15   267                  Q.   Do you have his contact  
16                  information?

17                  A.   No, I do not. I haven't talked to  
18                  him in a number of years.

19   268                  Q.   Well, where was he based?

20                  A.   He was living in New Hampshire at  
21                  the time.

22   269                  Q.   How much business were you getting  
23                  from HP?

24                  A.   In our busiest times, which would  
25                  have been around 2008, 2009, we were probably doing

1 15 million plus in purchases from them a year.

2 270 Q. But you were saying that up until  
3 2014, they were 95 percent of your business?

4 A. Yeah. Again, I'm guessing on  
5 numbers. It could have been higher, could have  
6 been less. All depended on what was available.

7 We used to get pretty much every  
8 off-lease desktop that came from HP Financial.

9 271 Q. You got every off-lease desktop?

10 A. For the most part, every desktop.

11 272 Q. And what else was Mr. Samataro  
12 doing, then, besides...

13 A. Desktops? He had laptops, which  
14 he had another vendor that he would sell his  
15 laptops to. Monitors went to another vendor. I  
16 was also buying work stations at the time.

17 273 Q. All right. But you said you were  
18 doing laptops as well at that --

19 A. Not -- again, on a smaller scale.  
20 Our forte was desktops.

21 274 Q. Okay. So when you were said  
22 95 percent of your business, you were also getting  
23 laptops from HP?

24 A. On a very infrequent basis. And  
25 the reason being, if you've got a scratch on a

1 desktop, it's sellable. You got a scratch on a  
2 laptop, you can't sell it.

3 275 Q. Okay.

4 A. We stuck to with what we knew,  
5 which was desktops.

6 276 Q. So the vast majority of your  
7 business at that point was desktops, then?

8 A. Yes, desktops and work stations.

9 277 Q. All right. And you were getting  
10 all of the -- were you getting work stations from  
11 HP?

12 A. Yes.

13 278 Q. All of the work stations as well?

14 A. For the most part, yeah.

15 279 Q. Okay. And what percentage of  
16 Mr. Samataro's business was desktops and work  
17 stations?

18 A. I have no idea. I can't answer  
19 that question.

20 280 Q. Well, I take it that if laptops  
21 for the most part aren't readily saleable if  
22 they're off-lease, that most of the business was --

23 A. Readily sellable through my  
24 business because that wasn't our forte. I don't  
25 know what the off-lease numbers were for laptops

1 and LCDs and whatever else he did.

2 281 Q. So just kind of summarizing, it  
3 seems to me you're saying that Mr. Samataro was  
4 fired for taking kickbacks?

5 A. That is what he told me, yeah.

6 282 Q. And when did he tell you that?

7 A. That would have been September of  
8 two thousand -- give or take September of 2013.

9 283 Q. No, you told me a few minutes ago  
10 that this wasn't until the beginning of 2014.

11 A. And you didn't let me finish.

12 284 Q. Okay, then finish.

13 A. He was let go September of 2013.  
14 I dealt with another gentleman called Thomas Loonan  
15 up until January of 2014.

16 285 Q. Thomas who?

17 A. Loonan.

18 286 Q. How do you spell that?

19 A. I believe it's L-O-O-N-O-N [sic].

20 287 Q. Okay. Well, you told me the  
21 reason that you lost the HP business was because  
22 Mr. Samataro was fired?

23 A. Because my main contact was let  
24 go, yes. But they continued, and I'm speculating,  
25 until the end of the year to keep things smooth,

1                   and then, from what I understand, all their vendors  
2                   were kicked out and everything was refreshed.

3   288                   Q.   And you got a notification from HP  
4                   that you were being kicked out?

5                   A.   I did not, no.

6   289                   Q.   Well, how did you find out?

7                   A.   I got a phone call from Thomas  
8                   Loonan saying they told me that we have to go to a  
9                   different direction, and that I can't sell to my  
10                  regular suppliers anymore. And that was the end of  
11                  it.

12   290                  Q.   Do you have his contact  
13                  information?

14                  A.   No, I do not.

15   291                  Q.   And did you ever get any details  
16                  of the alleged kickbacks?

17                  A.   None.

18   292                  Q.   Were you friends with  
19                  John Samataro?

20                  A.   I talked to him every day.

21   293                  Q.   And you'd met him?

22                  A.   Yes.

23   294                  Q.   And how frequently did you meet  
24                  him?

25                  A.   In our ten-plus-year relationship,

1 I met him maybe five times.

2 295 Q. And I take it during the HP years,  
3 if I could put it that way, is that Compuquest was  
4 profitable?

5 A. Yes.

6 296 Q. Why did you start doing business  
7 with Mr. Pinfold?

8 A. I've never done any business with  
9 Mr. Pinfold. He was just strictly a lender.

10 297 Q. Okay. Well, I call that business,  
11 but if you want to call it lending, why did you  
12 enter into a lending relationship with Mr. Pinfold?

13 A. We had cash flow constraints  
14 because of what we were buying and the volumes we  
15 were buying because we didn't get any terms at HP.

16 298 Q. But you had bank financing?

17 A. Right.

18 299 Q. Why did you need Mr. Pinfold --

19 A. Because we were, at that point, we  
20 were underfunded.

21 300 Q. Why didn't you apply to CIBC for  
22 more money?

23 A. That I can't answer other than  
24 they know that we were underfunded.

25 301 Q. And did you explain to Aimee that

1                   you needed financing from Mr. Pinfold because of  
2                   cash flow constraints?

3                   A.    She was well aware, yes.

4   302            Q.    How did you meet Mr. Pinfold?

5                   A.    He's a friend of Jay Clausner's.  
6                   I believe they work together.

7   303            Q.    And other than the mortgage  
8                   registered on the Ashburn property, do you have any  
9                   documentation with respect to your relationship  
10                  with Mr. Pinfold?

11                  A.    The only thing that I could find  
12                  was -- is that? Yeah, that was the, I believe, the  
13                  original agreement.

14                  MS. FRANCIS: All right. I will mark  
15                  this as Exhibit No. 2.

16                  EXHIBIT NO. 2: Original Agreement  
17                  Between Gary Bodimeade and Craig  
18                  Pinfold Dated September 3, 2009.

19                  BY MS. FRANCIS:

20   304            Q.    So the cover is a confirmation  
21                   signed on September 3, 2009, by yourself and Aimee,  
22                   right?

23                  A.    Yes.

24   305            Q.    Address for service of Mr. Pinfold  
25                   is 47 Wilson House Drive in Ashburn?

1 A. Yes. I believe he's still there.

2 306 Q. That was going to be my question.

3 And you met Mr. Pinfold?

4 A. Yes, I did.

5 307 Q. Okay. Is that the first time you  
6 met him?

7 A. That was the first time I had met  
8 him, yes.

9 308 Q. And how frequently did you meet  
10 him?

11 A. Not that often. I mean, a couple  
12 times a month, usually, when interest payments were  
13 due.

14 309 Q. Your bank line of credit, what was  
15 the interest rate on it?

16 A. I have no idea. I couldn't tell  
17 you.

18 310 Q. I assume it was a fairly normal  
19 interest rate for a line of credit at a bank?

20 A. I believe so, yes.

21 311 Q. The interest rate on this charge  
22 in favour of Mr. Pinfold was 56 percent per annum?

23 A. Yes.

24 312 Q. And that's compounded?

25 A. I believe it was, yes.

1 313 Q. And was that the actual interest  
2 rate you were paying him?

3 A. Yes.

4 314 Q. Why would you be paying him  
5 56 percent compounded interest if you could get  
6 bank financing for, let's say, 5 or 6 percent?

7 A. To be honest with you, it was  
8 supposed to have been a short-time, one-time loan  
9 to do one purchase that we were making good money  
10 on, and it ended up turning in to be a lot longer  
11 relationship than I anticipated it to be.

12 315 Q. Why would you pay anyone  
13 56 percent compounded even for a short-term loan?

14 A. I would only imagine that I was  
15 making really good money on whatever deal that  
16 money was used for.

17 316 Q. Well, what was it used for?

18 A. I don't recall. It would have  
19 been a purchase of some type.

20 317 Q. A purchase from HP?

21 A. I couldn't answer that question.

22 318 Q. Okay. Just so I don't forget, you  
23 advised me before that you borrowed the money from  
24 Wayne MacDonald, your father-in-law, to settle with  
25 RBC?

1 A. Yes.

2 319 Q. Right. Did you pay him back?

3 A. Yes.

4 320 Q. And how did you pay him back?

5 A. I don't recall.

6 321 Q. Was it Compuquest funds?

7 A. I don't recall.

8 322 Q. Could it have been Compuquest?

9 A. I don't recall.

10 323 Q. Do you have any way of finding  
11 out?

12 A. I guess maybe through Alan Hogan  
13 again or the books.

14 324 Q. So this document you gave is the  
15 only thing you could find that documents your loans  
16 from Mr. Pinfold?

17 A. I could inundate you with e-mails  
18 going back and forth if you'd like --

19 325 Q. Yes, sure.

20 A. -- with regards to -- yeah, that's  
21 easy.

22 326 Q. Okay. E-mails with Mr. Pinfold  
23 about --

24 U/T A. Yep. Back and forth about  
25 payments, when you're going to come pick up cheques

1 and whatnot. I can provide those for you.

2 327 Q. Do you have evidence of the money  
3 going into Compuquest?

4 A. CIBC sure does. Every deposit  
5 that was made went into the corporate account.

6 328 Q. I take it Compuquest did not  
7 maintain accounts anywhere else but CIBC?

8 A. At that time, no.

9 329 Q. All right. Did Compuquest first  
10 open accounts at CIBC in 2008?

11 A. I believe it was, yes.

12 330 Q. And who was banking it prior to  
13 that?

14 A. Scotiabank.

15 331 Q. Why did you switch to CIBC?

16 A. I don't recall.

17 332 Q. And Scotiabank provided a personal  
18 line of credit to you and Aimee starting after you  
19 purchased the Ashburn property?

20 A. To be honest with you, I don't  
21 know how the mortgage worked because Aimee and her  
22 sister did it. I know part of it was the mortgage  
23 and part of it was a line of credit.

24 333 Q. Aimee and her sister?

25 A. Her sister was the actual -- she

1                   was either the assistant manager at the branch we  
2                   were getting our mortgage from. She worked for  
3                   Scotiabank.

4   334                   Q.   And what's her sister's name?

5                   A.   Charlyne.

6   335                   Q.   How do you spell that?

7                   A.   I believe it's S -- or sorry,  
8                   C-H-A-R-L-Y-N-E.

9   336                   Q.   She has two sisters?

10                  A.   Yes.

11   337                  Q.   All right. And the personal line  
12                  of credit was signed by both you and Aimee?

13                  A.   Yes.

14   338                  Q.   Did you understand that everything  
15                  was joint? That you both owned everything?

16                  A.   I believe it to be, yeah.

17   339                  Q.   You believed it then, and you  
18                  believe it now?

19                  A.   Yes.

20   340                  Q.   And that means the company, the  
21                  house, the barn --

22                  A.   Yeah.

23   341                  Q.   -- and all of your personal  
24                  assets?

25                  A.   Yes.

1 342 Q. And did Aimee understand that as  
2 well?

3 A. I don't believe she does.

4 343 Q. But you said she understood she  
5 owned half of Compuquest?

6 A. Yes.

7 344 Q. And what about personal assets?

8 A. Yes. Everything was bought  
9 jointly.

10 345 Q. So what happened when HP cut you  
11 off?

12 A. I panicked because a good supplier  
13 of ours was left. We had some pretty high expenses  
14 at the time.

15 346 Q. This was your source of --

16 A. Our biggest supplier of product,  
17 yes.

18 347 Q. Right. Other than small or  
19 one-offs, that was it, right?

20 A. Again, there was lots of other  
21 ones, but yeah, they were our biggest supplier by  
22 far.

23 348 Q. 95 percent you said?

24 A. I'm guesstimating 95 percent.  
25 They were our biggest by far.

1 349 Q. Okay.

2 A. The people that were at HP, which  
3 was Thomas Loonan, he was still in a position -- I  
4 asked him if he would like me to help find him some  
5 customers to do what we used to do, i.e., buy  
6 product, and he says, yes, that would be great.

7 So I approached a couple of different  
8 companies -- one being Sunterra, one being Norris  
9 Technologies -- for them to approach HP, get the  
10 product list. I would bid it; I would give them a  
11 percentage of profit or percentage of the purchase,  
12 and I would buy it through their facilities.

13 350 Q. When did you approach Norris?

14 A. That would have been early 2014.

15 351 Q. And how did you know Norris?

16 A. I've dealt with Dean and Mike for  
17 Norris for a number of years, buying and selling  
18 product.

19 352 Q. Sorry, you sold to them?

20 A. Yes, both, back and forth.

21 353 Q. And how did you first meet them?

22 A. Through a trade site.

23 354 Q. Trade site meaning

24 something-Internet?

25 A. You can subscribe -- yeah, you can

1 subscribe to trade sites that buy and sell the type  
2 of product you're selling.

3 355 Q. So HP needed new customers, and  
4 you came up with the idea of introducing somebody  
5 else to buy the product who would then sell that  
6 product to you?

7 A. Yes.

8 356 Q. And this Thomas Loonan at HP --

9 A. He was the contact. He was -- he  
10 okayed it, yeah. He didn't know it was coming back  
11 to us. He thought I was just doing him a favour.

12 357 Q. So you said you'd do him a favour  
13 by getting somebody else to sell the product to?

14 A. I would give him some contacts  
15 that would buy the product.

16 358 Q. And he didn't know that this was a  
17 way for the product just to go right back to you?

18 A. No. And, again, I don't know if  
19 all of it went back to me or if it was distributed  
20 to other places. I don't -- in the days of John, I  
21 knew I was getting every list that HP provided.  
22 And even with Thomas, after the fact John left, I  
23 still didn't know if I was getting all the lists.

24 359 Q. Is Thomas Loonan still at HP?

25 A. I have no idea.

1 360 Q. When did you last have contact  
2 with him?

3 A. Two thousand and -- the end of --  
4 or beginning of 2014.

5 361 Q. So you said there was someone else  
6 besides Norris that you --

7 A. Sunterra.

8 362 Q. What's their name? Spell it?

9 A. That's the name of their company.

10 363 Q. No, sorry, how do you spell it?

11 A. S-U-N-T-E-R-R-E [sic], I believe  
12 it is.

13 364 Q. And did they start purchasing  
14 product from HP?

15 A. Yes.

16 365 Q. So you found two buyers?

17 A. Right.

18 366 Q. And did you purchase from  
19 Sunterra?

20 A. Yes, I did, and sold to them many  
21 times as well.

22 367 Q. And who were the principals of  
23 Sunterra?

24 A. Pierre Lavarenne, and I have no  
25 idea how to spell the last name. I'm sorry.

1 368 Q. And were you also purchasing from  
2 Sunterra until the end of Compuquest?

3 A. Yes, yes, and selling back and  
4 forth.

5 369 Q. So once you started with Norris,  
6 it was mostly HP product you were getting?

7 A. Yes, but they also had other  
8 suppliers that I was unaware of, so I was buying  
9 other product through them as well.

10 370 Q. And about Sunterra? Is it mostly  
11 HP product?

12 A. Mostly HP through them, yes.

13 371 Q. All right. The allegations that  
14 were made against Mr. Samataro, did they involve  
15 allegations that Compuquest was paying kickbacks?

16 A. I don't know what the allegations  
17 were other than there was allegations made.

18 372 Q. Well, are you aware of anyone else  
19 who was paying kickbacks to Mr. Samataro?

20 A. I didn't know his other customers.  
21 I'd had no other contact with them.

22 373 Q. Were you paying any money to  
23 Mr. Samataro?

24 A. We weren't giving him money as  
25 such, but we were doing things for him as anyone

1                   else would be in our position.

2   374                   Q.   Can you tell me what you were  
3                   doing for Mr. Samataro?

4                   A.   We would send him on a trip or  
5                   send him a bottle of booze or...

6   375                   Q.   What kind of trips?

7                   A.   I don't recall to be honest with  
8                   you. I think there was two that we sent him up.

9                   But that said, not once did he ever  
10                  compromise his position by giving us better  
11                  pricing. We were always at the better -- best  
12                  pricing of any one of his contacts for desktops,  
13                  and we always beat anyone else's numbers.

14   376                  Q.   Where did you send him?

15                  A.   I don't recall. I believe maybe  
16                  Mexico. I'm not sure. It's a long time ago.

17   377                  Q.   Well, how long ago was this?

18                  A.   I don't recall.

19   378                  Q.   We talked about Mr. Pinfold. What  
20                  about your dealings with Mr. Clausner? Why did  
21                  those start? When and why did those start?

22                  A.   Those started buying and selling  
23                  back in probably 2001.

24   379                  Q.   Well, what does Mr. Clausner do?

25                  A.   Again, he's a network

1 administrator for the most part, but he would  
2 always buy a lot of work stations from Compuquest.

3 380 Q. And do what with them?

4 A. Sell them.

5 381 Q. So he was like a middle person to  
6 sell them to somebody else?

7 A. Yes.

8 382 Q. So I'll say you, Compuquest, was  
9 paying substantial sums of money to Mr. Clausner  
10 and various companies that he was involved in?

11 A. Through buying and selling  
12 product, yes. He also loaned a fair amount of  
13 money to Compuquest over a number of years.

14 383 Q. And why was he loaning money to  
15 Compuquest?

16 A. Same reason Craig was, for cash  
17 flow constraints.

18 384 Q. Do you have any documentation with  
19 respect to the loans that Mr. Clausner was making?

20 A. CIBC has all the deposits of 150,  
21 200,000 cheques that were deposited into the  
22 accounts. I don't have copies of any of those.

23 385 Q. Other than the actual deposits, do  
24 you have a record of when they were made?

25 A. All the books, everything was

1 taken when the building was shut down.

2 386 Q. So other than what is in the CIBC  
3 records, you don't have any records?

4 A. I have no records, no. All of my  
5 files were in my office.

6 387 Q. So the files in your office should  
7 have records of the ins and outs?

8 A. I would think so, yes.

9 388 Q. So these files were kept in your  
10 personal office?

11 A. Yes.

12 389 Q. And did you keep some kind of  
13 running tally or ledger with respect to the ins and  
14 out of Mr Clausner?

15 A. Not with him. It was always one  
16 cheque in, one cheque -- like, he would loan me the  
17 money, we'd have it for a month or whatever, and  
18 then it would get paid back plus interest. It was  
19 always revolving.

20 390 Q. So how did you keep a record of  
21 it? How would you each know how much was owed?

22 A. I probably had a spreadsheet.  
23 Again, I don't recall off the top of my head.

24 391 Q. Would Mr. Hogan have this  
25 information?

1 A. He may. I'd have to double check.

2 392 Q. But you didn't have a loan  
3 agreement?

4 A. No, no loan agreement with him.

5 393 Q. But what about Mr. Clausner? Did  
6 he keep a running tally?

7 A. He may have.

8 394 Q. Where does he live?

9 A. He's in Ashburn or Whitby.

10 395 Q. Do you have his address?

11 A. I do not, no.

12 396 Q. You do not know?

13 A. I do not know --

14 397 Q. You don't know where he lives?

15 A. I know where he lives to drive  
16 there, but I don't know the actual address.

17 398 Q. What street is it on?

18 A. I believe it's on Cedar Brook  
19 Trail, but I don't know what number it is. I know  
20 the mailbox.

21 399 Q. So it's on Cedar Brook Trail. Is  
22 that in Brooklin?

23 A. Brooklin, Ashburn. It's one of  
24 the same, yeah.

25 400 Q. Did you have business dealings

1 with a company called Total Cart Solutions?

2 A. Yes, we did.

3 401 Q. And what is Total Cart Solutions?

4 A. They sell hospital, medical carts  
5 to hospitals.

6 402 Q. Who owns that company?

7 A. I believe it's either Jay or his  
8 wife. I'm not 100 percent sure.

9 403 Q. And what business dealings did you  
10 have with that company?

11 A. Same thing, loans back and forth.  
12 He would buy product for his carts.

13 404 Q. So which one? Loans or product?

14 A. Both.

15 405 Q. And did you have documentation  
16 with respect to that relationship?

17 A. Any sales or purchases that were  
18 made, yes. But loans, they would -- again, it  
19 would be a verbal thing.

20 406 Q. What about dealings with  
21 Cara Clausner? Did you --

22 A. Everything I did through Cara was  
23 done through Jay.

24 407 Q. Well, what did you do with Cara?

25 A. She was the owner, I believe, of

1                   Total Carts. So if there was loans coming from  
2                   Total Carts, it would have had to be signed off  
3                   through her.

4   408                   Q. But what about her personally?

5                   A. With regards to what?

6   409                   Q. Did you have dealings with her  
7                   personally?

8                   A. No. Everything went through Jay.

9   410                   Q. Well, Compuquest was writing  
10                  cheques to Cara. Why would that be?

11                  A. That was on Jay's advice. Where  
12                  the money was paid back wasn't a concern of mine  
13                  other than that it was paid back.

14   411                  Q. Do you currently owe money to  
15                  Jay Clausner?

16                  A. Yes, I do.

17   412                  Q. How much?

18                  A. Approximately \$150,000.

19   413                  Q. Is that you personally or  
20                  Compuquest?

21                  A. It's Compuquest.

22   414                  Q. And what's that from?

23                  A. Again, it would have been for  
24                  purchases, cash flow.

25   415                  Q. He hasn't filed a claim with the

1 trustee?

2 A. No.

3 416 Q. Why is that?

4 A. I don't know. I know Grant  
5 Thornton was supposed to get in contact with him  
6 about a couple of issues, and they've never -- they  
7 never reached out to him from what I've been told.

8 417 Q. Well, he knows about the  
9 bankruptcies, does he?

10 A. Yes.

11 418 Q. Have you asked him for any  
12 documents related to the loan relationship or what  
13 he's owed or anything?

14 A. No. No, the only documents that  
15 were requested through Yan (ph.) from me was  
16 pertaining to the \$75,000 draft that he got.

17 419 Q. Okay. So starting in 2014, Norris  
18 Technologies started supplying the HP product that  
19 you used to get directly from HP?

20 A. Yes.

21 420 Q. And so you were able to continue  
22 business as usual through that?

23 A. Not as usual, but yes. The  
24 volumes were down, but yes, we were buying products  
25 still.

1 421 Q. All right. But it had diminished  
2 from your heyday? Is that --

3 A. Right, yes.

4 422 Q. And then you say that in 2015, you  
5 had to get an increased line of credit from CIBC?

6 A. Right.

7 423 Q. So what prompted that?

8 A. Again, to go out, seek new  
9 vendors. The market took a bit of a downturn  
10 towards the end of 2014 -- middle to the end of  
11 2014, there was a real product shortage out there.

12 So the prices went 30 to 35 percent  
13 above what they usually were, so there was a lot  
14 more cash needed to buy the same type of product.

15 424 Q. To buy all these product cost  
16 more?

17 A. Yep. It's all about supply and  
18 demand.

19 425 Q. And was the company then still  
20 profitable?

21 A. We were still profitable, yes.

22 426 Q. What does Phase5 do?

23 A. Computer reseller.

24 427 Q. Exactly the same thing as  
25 Compuquest?

1 A. Little bit different, but for the  
2 most part, yes.

3 428 Q. And the owner is who?

4 A. Brad Fisher.

5 429 Q. How do you know Brad Fisher?

6 A. I've known Brad since public  
7 school.

8 430 Q. And what did he do prior to 2016?

9 A. He worked for a company called  
10 Ohio Medical.

11 431 Q. Doing what?

12 A. I believe sales.

13 432 Q. And he quit Ohio Medical?

14 A. I believe -- no, he's still  
15 working there.

16 433 Q. Oh, he still works at Ohio  
17 Medical?

18 A. He still works there, yep.

19 434 Q. So you said he's in sales there?

20 A. He's in sales there. He's a sales  
21 manager of some capacity.

22 435 Q. And he works there full time?

23 A. He's there three days a week, and  
24 he's at Phase5 the other two.

25 436 Q. Did he always used to work three

1 days a week for Ohio Medical?

2 A. That I can't answer.

3 437 Q. What's his address?

4 A. I believe it's 41 Bayern Drive in  
5 Whitby. And I don't -- I'm sorry, I don't know the  
6 spelling.

7 438 Q. So he's a close personal friend?

8 A. He's a friend, yeah. I wouldn't  
9 say close personal up until I started working for  
10 him.

11 439 Q. But you've known him since public  
12 school?

13 A. I've known him, yeah, but I would  
14 probably see him once every year, year and a half.  
15 The odd time, he would come out and play hockey  
16 with us.

17 440 Q. Do you know who incorporated the  
18 company?

19 A. I'm sorry?

20 441 Q. Do you know who incorporated the  
21 company, Phase5?

22 A. Did he incorporate the company?

23 442 Q. Do you know who incorporated it?

24 A. I believe it was Brad Fisher.

25 443 Q. Did he have a lawyer?

1 A. That I don't know.

2 444 Q. Do you know when he incorporated  
3 it?

4 A. I believe it was sometime in June.  
5 May or June of last year.

6 445 Q. Right after the bankruptcy  
7 application?

8 A. Right.

9 446 Q. Right, okay. And do you know what  
10 prompted him to incorporate it?

11 A. He approached me because he was  
12 looking to invest in somebody or some body to make  
13 him money. That's why he started Phase5. He was  
14 looking at purchasing restaurants, looking at  
15 investing in other businesses. He had heard what  
16 happened to me and thought that he could capitalize  
17 on my knowledge.

18 447 Q. And when did he approach you?

19 A. I believe it was sometime in May  
20 of 2016.

21 448 Q. Before he incorporated the company  
22 or after?

23 A. It would have been before.

24 449 Q. And does Phase5 purchase product  
25 from Norris Technologies?

1 A. Yes, as well as other vendors.

2 450 Q. Does Phase5 have a line of credit  
3 with Norris?

4 A. That I don't know. I'm not privy  
5 to that information.

6 451 Q. Do you know where they bank?

7 A. I believe it's TD.

8 452 Q. And how many employees does the  
9 company have?

10 A. Three. Four including Brad,  
11 sorry.

12 453 Q. So who the employees are yourself  
13 and?

14 A. Chaminda, Matt Cowley, and Brad  
15 Fisher.

16 454 Q. So other than Brad Fisher, all the  
17 employees are people that came from Compuquest?

18 A. Compuquest, yes.

19 455 Q. All right. And are you doing the  
20 same job you were doing?

21 A. No, I'm strictly buying and  
22 selling. I have no accounting functions.

23 456 Q. Who's the accountant for this  
24 company?

25 A. We don't have one as of yet.

1 457 Q. Is there a line of credit?

2 A. No, not that I'm aware of. It was  
3 personal funds that Brad put in.

4 458 Q. Well, does Norris provide a line  
5 of credit?

6 A. To Phase5?

7 459 Q. Yes.

8 A. No. Not that I'm aware of unless  
9 he has a deal with Brad.

10 460 Q. At what point did you learn that  
11 you were in trouble with CIBC?

12 A. With CIBC? Would have been  
13 February of 2016.

14 461 Q. And what prompted the concerns  
15 with CIBC; do you know?

16 A. I can only speculate that -- and,  
17 again, this is my thought process that because of  
18 my pending divorce or my separation, they thought  
19 something was going to happen with the company.

20 462 Q. Well, how did they find out about  
21 your pending divorce?

22 A. While I was in Florida on vacation  
23 at the end of 2015, my wife took it upon herself to  
24 write a company cheque, deposit into her personal  
25 bank account...

1 463 Q. So when was this?

2 A. I found out about January 1st, two  
3 thousand -- sorry, January 1st, 2016.

4 464 Q. So what happened January 1st,  
5 2016?

6 A. She found a cheque in my office,  
7 my home office, that was signed. Took it upon  
8 herself to deposit it into her personal account,  
9 and I put a stop payment on it.

10 465 Q. So this was a Compuquest cheque?

11 A. Yes.

12 466 Q. All right. And "home office"  
13 means at the Ashburn property?

14 A. Right.

15 467 Q. And how much was this personal  
16 cheque?

17 A. I believe it was \$7,500 U.S.

18 468 Q. So was this a U.S. account?

19 A. This was drawn from a U.S.  
20 account, yes.

21 469 Q. And how did you find out about it?

22 A. I checked the bank account on  
23 New Year's Day while I was in Florida and realized  
24 the cheque went through, of which put me into  
25 negative overdraft into the U.S. account.

1 470 Q. You were still in Florida at that  
2 point?

3 A. Yes.

4 471 Q. All right. So when you say you  
5 "checked," you had online banking you could check?

6 A. Yes, yes.

7 472 Q. All right. So you can check as  
8 often as you like, what you're --

9 A. Absolutely, yes.

10 473 Q. And what prompted you to check?

11 A. I checked every day.

12 474 Q. So you checked the accounts every  
13 single day?

14 A. Pretty much, yes.

15 475 Q. And you saw a cheque going through  
16 the U.S. account for \$7,500?

17 A. Yes.

18 476 Q. Wasn't it that you left at  
19 Christmastime and left Aimee with no money to buy  
20 groceries?

21 A. No, that's true at all.

22 477 Q. Isn't that what she said?

23 A. She can say whatever she wants.

24 478 Q. Have you read her transcript?

25 A. I have not. That Christmas, I was

1 giving Aimee her pay cheque plus half the household  
2 expenses from the date we separated up until the  
3 date she kicked me out of the house.

4 479 Q. Okay.

5 A. The problem being was what she was  
6 spending her money on was horse-related items and  
7 not family-related items.

8 480 Q. Sorry, say that again?

9 A. She used her money that I gave her  
10 to keep her horse lifestyle up. Not to --

11 481 Q. To keep her horse lifestyle?

12 A. Yes. And that particular  
13 Christmas, I approached my wife and I specifically  
14 asked her because of what was going on for her not  
15 to invite her family over for Christmas Day because  
16 of the tension and everything else.

17 Two days later, she told me that she's  
18 having her family over. I said, fine, I'm going to  
19 go on a trip. That's why I left.

20 482 Q. You left because she invited her  
21 family over for Christmas?

22 A. Correct.

23 483 Q. And when you say her family --

24 A. And I --

25 484 Q. Slow down. Who did you refer to

1 as her family?

2 A. Every Christmas, it was always  
3 her -- her mother lived with us during the winters,  
4 but it was always her sisters and their family.

5 485 Q. So her mother didn't live with you  
6 full time?

7 A. No. She has -- she had a place in  
8 Newfoundland, a cottage, and she would spend most  
9 of the summer down.

10 486 Q. Her parents are separated?

11 A. Yes.

12 487 Q. Yeah, okay.

13 A. They separated while we were  
14 living with them when the house was being built.

15 488 Q. So during the wintertime, she  
16 lives with you?

17 A. She'd live at Ashburn, yes.

18 489 Q. So only during the winter?

19 A. For the most -- she'd be back and  
20 forth, but her primary residence in the summer was  
21 Newfoundland.

22 490 Q. So what about the fall and the  
23 spring?

24 A. Again, depending on what the  
25 weather was doing, she'd be back and forth a few

1 times.

2 491 Q. All right. So she lived on an  
3 occasional basis?

4 A. At?

5 492 Q. At the Ashburn property?

6 A. I would say she lives more at  
7 Ashburn than she does in Newfoundland, yes.

8 493 Q. All right. And helped with the  
9 kids?

10 A. Yes, yep.

11 494 Q. So it wasn't the mother that you  
12 were upset about; you just didn't want her sisters  
13 coming over?

14 A. I didn't think it was appropriate  
15 with what was going on. There was a lot of arguing  
16 going on. There was a lot of disarray with the  
17 kids; they were confused and not sure what was  
18 happening. So to bring something like that into  
19 the equation, I didn't think it was the right idea.

20 495 Q. So you upped and left?

21 A. No, I gave her two weeks' notice,  
22 and said, I won't be here for a week.

23 496 Q. So this was two weeks before  
24 Christmas you said that?

25 A. Give or take, yes.

1 497 Q. And when did you actually leave?

2 A. I left Boxing Day.

3 498 Q. So you actually were there for  
4 Christmas?

5 A. We ate dinner on Christmas Day,  
6 yes, and it was the next day, Boxing Day, when all  
7 of her family was coming over.

8 499 Q. Okay. So then Boxing Day, you  
9 didn't go to Florida?

10 A. No, I went to Tennessee.

11 500 Q. To sign a deal with --

12 A. To actually go down and see Dean,  
13 but, yes, it was to sign his revolving line of  
14 credit.

15 501 Q. All right. So Aimee said that she  
16 actually went into the office and got a cheque from  
17 Mr. Malwatta. Is that --

18 A. She would have gone down there and  
19 got her pay cheque.

20 502 Q. So what is her pay cheque? What  
21 do you call her pay cheque?

22 A. It was \$4,000 every two weeks. I  
23 don't know when it officially became that number,  
24 when it started, but that's the number that I gave  
25 her as of date of separation. It was \$4,000 every

1 two weeks plus half the household expenses.

2 503 Q. So prior to separation, did she  
3 get a pay cheque?

4 A. Yeah, I believe it would have been  
5 around the same, \$4,000.

6 504 Q. And when you say pay cheque,  
7 you're not talking about payroll, right?

8 A. No, we were always paid through  
9 cheque, not payroll.

10 505 Q. So there's no T4s or anything?

11 A. We used to be T5s, I believe it  
12 was.

13 506 Q. Being dividends?

14 A. Right.

15 507 Q. And when you say half the  
16 household expenses, was that a cheque? Or how did  
17 you pay that?

18 A. I would transfer the money over  
19 from my personal account or write a cheque directly  
20 for the utilities or the mortgage or...

21 508 Q. So we're talking 2015 that this --

22 A. Yeah, that would have been -- that  
23 would have started at the end of September of 2015.

24 509 Q. Where did you have your personal  
25 account in 2015?

1 A. With CIBC.

2 510 Q. And Aimee also moved over to CIBC?

3 A. Yeah. When we moved to -- or when  
4 we upped the Ashburn mortgage, I believe she moved  
5 over at the same time.

6 511 Q. Were you aware that Bank of  
7 Nova Scotia had asked you to leave?

8 A. Yes.

9 512 Q. Did you receive a letter from  
10 Bank of Nova Scotia?

11 A. I did, yes.

12 513 Q. And do you have that letter?

13 A. It would, again, be in the house  
14 in one of my files in my home office.

15 514 Q. And what did the letter say?

16 A. Basically, we weren't interested  
17 in having your business anymore.

18 515 Q. So Bank of Nova Scotia fired you?

19 A. I don't know if you would call it  
20 "fired me." They didn't want my business.

21 516 Q. De-marketed?

22 A. Sure.

23 517 Q. And what did they say is the  
24 reason?

25 A. They never gave me one.

1 518 Q. While you were at Bank of  
2 Nova Scotia, did you maintain joint accounts, or  
3 were they separate?

4 A. I had my own account at Scotia,  
5 and I believe we had a joint one there as well.

6 519 Q. And did Aimee have her own as  
7 well?

8 A. She may have. I'm not 100 percent  
9 sure.

10 MS. FRANCIS: Want to take a break?

11 MR. AZEFF: Sure.

12 -- Recess at 11:25 a.m. --

13 -- Upon resuming at 11:39 a.m. --

14 BY MS. FRANCIS:

15 520 Q. So I wanted to talk just a little  
16 bit about the house and the barn and other  
17 improvements to the Ashburn property.

18 First, can we agree that the previous  
19 transcript forms part of this transcript, so I  
20 don't need to ask the same questions?

21 MR. AZEFF: That's fine, as long as  
22 it's subject to the same caveat I gave earlier.

23 MS. FRANCIS: Yeah, absolutely. Okay.  
24 Because --

25 MR. AZEFF: Yeah, there's no need to go

1 over it again.

2 BY MS. FRANCIS:

3 521 Q. All right. So we've already gone  
4 through the cheques that were found by the  
5 receiver, the receiver's files, but I want to step  
6 back because we haven't found all of the cheques.

7 You had given an estimate of the  
8 construction costs of the home, basement, pool,  
9 landscaping, SUV, and barns to the appraiser?

10 A. Yes.

11 522 Q. And that was your best estimate at  
12 the time?

13 A. That was my best guesstimate, yes.

14 523 Q. And what was the purpose of  
15 obtaining an appraisal at that time? I think it  
16 was around --

17 A. At that time, I was looking at  
18 potentially trying to take over the house.

19 524 Q. You wanted to purchase the house?

20 A. I was looking at purchasing the  
21 house, yes.

22 525 Q. And you were trying to get a value  
23 so that you could buy out Aimee?

24 A. Correct.

25 526 Q. And how were you going to do that?

1                   A.    I really didn't have a plan in  
2                   place.  It was kind of day-by-day, pie-in-the-sky.

3   527               Q.    So we have located something in  
4                   the order of about a million dollars of cheques  
5                   from Compuquest, and you said that the construction  
6                   costs were in the range of 3 million dollars?

7                   A.    Yes.

8   528               Q.    All right.  So can you tell me and  
9                   give me a better breakdown of the construction  
10                  costs and how they were funded?

11                  A.    How they were funded, I can't  
12                  answer.  Again, that would be a question for  
13                  Alan Hogan.  There was --

14   529               Q.    Well, wait a minute.  Why would  
15                  Alan Hogan know how the house costs were funded?

16                  A.    Because where we received  
17                  dividends when we actually didn't receive it, funds  
18                  were used out of that dividends account.

19   530               Q.    Well, you were getting money out  
20                  of the company, right?

21                  A.    Yes.

22   531               Q.    So when you and Aimee had pay  
23                  cheques, was that not applied toward the dividends?

24                  A.    That I can't answer.  Again, you'd  
25                  have to answer -- ask Alan Hogan.  I don't know how

1 we allocated.

2 532 Q. All right. You never got T4s?

3 A. No, we always got T5s.

4 533 Q. So any money that you used for  
5 personal purposes had to have been paid by way of  
6 dividends?

7 A. I believe so, yes.

8 534 Q. And it was always 50-50?

9 A. Yes.

10 535 Q. So your dividends had to cover all  
11 of the personal uses of Compuquest funds?

12 A. Both mine and Aimee's combined,  
13 yes.

14 536 Q. So if I can go through a list of  
15 the personal uses of Compuquest funds, if I can?

16 A. Sure.

17 537 Q. So Compuquest money was used to  
18 build the house, correct?

19 A. No, I wouldn't say that's a right  
20 statement. Again, it was paid for some with  
21 Compuquest funds that were allocated -- I've been  
22 told the dividends and out of our pay cheques.

23 538 Q. Your pay cheques, how much  
24 typically was your --

25 A. It varied from year to year.

1 539 Q. Okay. Well, do you know?

2 A. I remember the last ones we  
3 received or we were getting was in the \$4,000 each  
4 every two weeks.

5 540 Q. So two thousand...

6 A. That would have been 2015.

7 541 Q. No, I'm just saying, how much is  
8 that a year you were getting?

9 A. We were getting somewhere around  
10 \$100,000 each per year.

11 542 Q. So dividends are around 100?

12 A. No, that was salary. Not  
13 dividends.

14 543 Q. You've lost me. You said that you  
15 were not getting T4s.

16 A. No, we were getting T5s. And I  
17 don't -- again, everything -- all the accounting  
18 stuff was handled by Alan Hogan.

19 544 Q. So let's differentiate. T4s is  
20 when you get salary, right?

21 A. Right.

22 545 Q. And there's money that gets  
23 withheld that goes to the government?

24 A. Right.

25 546 Q. -- right? You never got a salary.

1                   A.    We have, based on -- which I  
2                   believe I provided last time we were here, my five-  
3                   or ten-year tax history, we did have a salary plus  
4                   dividends. That's how it was allocated.

5 547               Q.    I don't recall you giving me  
6                   anything in the records.

7                   A.    Again, I thought -- can I check to  
8                   see if I have a copy of it?

9 548               Q.    Yes, sure. I don't recall you  
10                  providing that. I wasn't permitted to ask  
11                  questions, but I don't recall.

12 U/T            A.    I know I had it with me. No, I  
13                  don't. I don't have it with me, but I can  
14                  definitely provide you a copy of it.

15 549               Q.    I don't recall before. So you're  
16                  telling me that you received both a T4 and a T5?

17                  A.    According to the paperwork that  
18                  Alan Hogan provided to me, we both received  
19                  salaries and dividends.

20 550               Q.    And what was the salary component?

21                  A.    I believe it was approximately  
22                  between 80 and \$100,000 a year.

23 551               Q.    And then your dividends was on top  
24                  of that?

25                  A.    Correct.

1 552 Q. So you would have to have been  
2 paying taxes based upon the combination of the two?

3 A. And we did.

4 553 Q. And Mr. Hogan should have all of  
5 that?

6 A. All my T -- all my tax returns  
7 of -- you guys already have copies of.

8 554 Q. Well, we don't already have copies  
9 of all of them, but we will ask Mr. Hogan.

10 A. Whatever was asked of me, I  
11 provided.

12 555 Q. So you're saying that there was  
13 tax deducted at source from your pay cheques?

14 A. It was -- I believe it was always  
15 reconciled at the end of the year.

16 556 Q. So the answer's no. You did not  
17 have tax deducted. You just took out?

18 A. No, there was always tax  
19 deductions at the end of the year.

20 557 Q. Well, we will find out when we get  
21 to see your tax returns for each year and Aimee's  
22 tax returns for each year. Okay.

23 MR. AZEFF: Could you specify what  
24 years you're looking for?

25 BY MS. FRANCIS:

1 558 Q. Well, you said the last ten years?

2 A. I have the last ten years summary  
3 history, yes.

4 559 Q. And you'll provide that. And  
5 whatever you got, Aimee was the same?

6 A. Yeah, I don't have access to hers,  
7 but it's identical.

8 560 Q. So I'll leave aside the dividends.  
9 You've got your salary of \$100,000 a year or  
10 something like that or sometimes it's less?

11 A. Yes.

12 561 Q. What about cash that you were  
13 taking out?

14 A. We did do the odd cash sale, but  
15 99 percent of that was put back into the corporate  
16 accounts and was always invoiced.

17 562 Q. That wasn't my question. You were  
18 selling sometimes for cash, you're saying?

19 A. On invoice, yes.

20 563 Q. So you mean you'd issue an  
21 invoice, and you'd get paid in cash?

22 A. Yes.

23 564 Q. And what would happen to that  
24 cash?

25 A. It would be put into the company

1 accounts.

2 565 Q. It was deposited into the bank  
3 account?

4 A. Yes.

5 566 Q. And do you have records of the  
6 cash deposit?

7 A. CIBC does.

8 567 Q. I was actually talking about cash  
9 coming out of the bank account. You regularly took  
10 cash out of the Compuquest account, right?

11 A. On occasion, yes.

12 568 Q. Well, in two ways, you wrote  
13 cheques to cash, right?

14 A. Right. Those were for purchases  
15 because as we would also sell for cash on an  
16 invoice, we would buy for cash as well. Certain  
17 people would only deal in cash.

18 569 Q. So how can you prove that those  
19 purchases were for cash?

20 A. They would be in the system under  
21 a purchase order.

22 570 Q. And why would people only sell to  
23 you for cash?

24 A. That I can't answer.

25 571 Q. Apart from cheques to cash, you

1                   also did ATM withdrawals.

2                   A.    Yes.

3 572               Q.    Right?  And who had the bank card,  
4                   was it only you?

5                   A.    It was myself and Chaminda.

6 573               Q.    So you would take out, say, \$800  
7                   at a time by way of ATM?

8                   A.    Yes.

9 574               Q.    And what did you do with that  
10                  money?

11                  A.    That would have been used for  
12                  office expenses, maybe some manual labour if we had  
13                  extra people come in.  We, on a lot of occasions,  
14                  had carriers that would give us a discounted rate  
15                  if we paid cash.

16 575               Q.    You never used the cash for  
17                  yourself?

18                  A.    I may have on the odd occasion,  
19                  yes.

20 576               Q.    Well, do you have records of how  
21                  you used the cash?

22                  A.    No.

23 577               Q.    So we just have your word for it  
24                  that these are the different uses?

25                  A.    If you're asking me to answer

1 every cash transaction or every dollar that was  
2 taken out of the account, I can't answer that, no.

3 578 Q. What about leases? You had a lot  
4 of vehicle leases --

5 A. I did, yes.

6 579 Q. -- correct? And with a number of  
7 different leasing companies, as I recall?

8 A. Yes.

9 580 Q. And which of those leases were for  
10 personal use, and which ones were for company use?

11 A. I don't have the breakdown of the  
12 vehicles or the companies you're questioning, but  
13 it was a mix of both.

14 581 Q. Okay. Well, let's start with the  
15 Pfaff, P-F-A-F-F --

16 A. Yes.

17 582 Q. -- vehicles that were there at the  
18 end. It was ten vehicles, I believe?

19 A. I'm not sure of the number, but...

20 583 Q. Well, let's see. I'm showing you  
21 schedule of leased vehicles that were there. When  
22 I say at the end, I'm talking about April 29, 2016.

23 A. Okay.

24 584 Q. You're aware that there was an  
25 order of Madam Justice Mezber appointing Grant

1 Thornton as interim receiver on April 29?

2 A. Yes.

3 585 Q. And there were other Pfaff  
4 vehicles that had been sold prior to April 29th?

5 A. Returned, yes.

6 586 Q. Right. Well, one of them was a  
7 King Aire?

8 A. Yes.

9 587 Q. Which you had a lot of equity in?

10 A. Yes.

11 588 Q. Which you cashed in and gave the  
12 money to Dean Salem?

13 A. Yes. Which was charged to our  
14 shareholders loan account every month.

15 589 Q. Who did that?

16 A. Who...

17 590 Q. Charged them?

18 A. Alan Hogan. That was a company  
19 asset.

20 591 Q. The King Aire was a company asset?

21 A. Yes.

22 592 Q. So you had purchased the King Aire  
23 with, I think, a deposit of some 400,000 plus from  
24 another vehicle, correct?

25 A. It goes -- that particular bus

1 goes back to 2007 when we first got our first one,  
2 and we kept trading in and...

3 593 Q. So you refer to it as "bus." What  
4 is this used for?

5 A. It was used for going to horse  
6 shows for the most part.

7 594 Q. This is for humans, right?

8 A. Yes, yes. Sorry, yes. Yeah, it  
9 was a live-in, self-sufficient RV.

10 595 Q. And you would hook it up with a  
11 trailer?

12 A. No, it was motorized. It would  
13 drive itself. Well, not drive itself, but it had  
14 an engine.

15 596 Q. Well, someone had to drive it.  
16 Okay. No, I didn't say hook it up to a trailer. I  
17 meant, how did you bring the horses?

18 A. Oh, the horses had a separate  
19 truck and trailer.

20 597 Q. So you would each drive  
21 separately?

22 A. Yes.

23 598 Q. So you would drive one, and Aimee  
24 would drive the other?

25 A. It was Don that would drive the

1 other vehicle.

2 599 Q. Oh, so Don was going to the horse  
3 shows with you?

4 A. Every one, yes. He was the groom.

5 600 Q. Who paid Don?

6 A. Compuquest did.

7 601 Q. Was he on the payroll?

8 A. He was.

9 602 Q. And how much was he making?

10 A. I don't recall to be honest with  
11 you.

12 603 Q. What services did he provide to  
13 Compuquest?

14 A. He would do warehouse work for us,  
15 same as the other guys, but he would also do a lot  
16 of work for Aimee at the barn.

17 604 Q. Aimee at the what?

18 A. At the barn.

19 605 Q. Okay. So he would mostly worked  
20 at the --

21 A. He was probably 75 percent at the  
22 barn, yes.

23 606 Q. So if he was 75 percent at the  
24 barn, why was Compuquest paying him?

25 A. That I can't answer.

1 607 Q. Well, wait a minute. It was your  
2 decision, Mr. Bodimeade.

3 A. It was probably my wife's decision  
4 actually, not mine.

5 608 Q. Well, you're running Compuquest.  
6 Why is Compuquest paying for the guy who works at  
7 the barn?

8 A. To help my wife out, do what she  
9 did during the day.

10 609 Q. So were they all King Aires?

11 A. No.

12 610 Q. So you started out with some  
13 other --

14 A. A smaller unit, yes.

15 611 Q. And then you worked your way up --

16 A. Yes.

17 612 Q. -- to the King Aire? And you kept  
18 trading them in for better ones?

19 A. For the most part, yes.

20 613 Q. And what was the immediate  
21 predecessor to the King Aire?

22 A. That was -- oh, boy. I believe it  
23 was the Cornerstone.

24 614 Q. And you had a lot of equity in the  
25 Cornerstone?

1 A. Yes.

2 615 Q. Was it over 400,000?

3 A. No.

4 616 Q. Do you know how much?

5 A. I don't recall off the top of my  
6 head.

7 617 Q. So you put a large down payment on  
8 the King Aire, correct?

9 A. Through the equity of other  
10 vehicles, yes.

11 618 Q. So it was not just the  
12 Cornerstone, but other vehicles?

13 A. Oh, we -- yeah. Like I say, we  
14 started RV-ing in 2007.

15 619 Q. And did you use them frequently?

16 A. We would go to four or five horse  
17 shows a year, and we would usually drive down to  
18 Florida at least once a year.

19 620 Q. And you built a special garage for  
20 the RV?

21 A. Yes.

22 621 Q. So all of these vehicles were  
23 leased by Compuquest, correct?

24 A. Yes.

25 622 Q. So whatever equity belonged to

1 Compuquest?

2 A. Yes.

3 623 Q. Yet you paid it to Norris?

4 A. For product that was already

5 received by Compuquest. It was a debt to Norris

6 Technologies. We had received product in lieu of

7 payment.

8 624 Q. By the time of the payment, you  
9 knew you were in trouble with CIBC?

10 A. I knew they weren't particularly  
11 happy with what was going on with the business, but  
12 I had no idea that there was a pending bankruptcy.  
13 I was always under the assumption that we were  
14 looking at a potential forbearance agreement with  
15 them.

16 625 Q. They tell you that?

17 A. We had discussions about it once.

18 626 Q. So you think if it's a forbearance  
19 agreement that it's okay to dispose of Compuquest  
20 assets and pay them to Norris?

21 A. To continue to run the business?  
22 Absolutely.

23 627 Q. Okay. There was also a Mercedes  
24 that had been leased through Compuquest --

25 A. Yes.

1 628 Q. -- which was sold prior to --

2 A. It was returned, yes, to save  
3 costs.

4 629 Q. When was that returned?

5 A. I don't recall off the top of my  
6 head. Maybe three or four months prior, or it  
7 might have been -- I don't recall. I don't  
8 remember the exact date.

9 MS. FRANCIS: Okay. So I've given you  
10 a list. I'm going to mark it as Exhibit --

11 MR. AZEFF: Three.

12 MS. FRANCIS: Three. This is provided  
13 by Pfaff.

14 THE WITNESS: Okay.

15 EXHIBIT NO. 3: List of Leased Vehicles  
16 Provided by Pfaff.

17 BY MS. FRANCIS:

18 630 Q. And I wanted to go through the  
19 list. I assume if I read it, you'll --

20 A. Yeah.

21 631 Q. -- recognize them, and you can  
22 tell me what they were before. So BMW, was that  
23 personal or business?

24 A. Personal.

25 632 Q. And that you personally drove,

1 correct?

2 A. Yes.

3 633 Q. And you're still driving?

4 A. Through Phase5, yes. Along with  
5 many other vehicles.

6 634 Q. Sorry, along with what?

7 A. I borrow my girlfriend's car. I  
8 borrow Matt's car. I use one of Brad's other cars.  
9 I don't have a car of my own.

10 635 Q. What's your girlfriend's car?

11 A. She has a GMC Acadia.

12 636 Q. That's not on this list.

13 A. No, I only started dating Lorraine  
14 a year ago.

15 637 Q. So she had that car before?

16 A. Yes.

17 638 Q. And what are some of the other  
18 cars?

19 A. Brad's got an F -- Ford F-150.

20 639 Q. That's his own car?

21 A. His own car.

22 640 Q. Like his personal car?

23 A. Yes.

24 641 Q. And he was driving that before  
25 Phase5?

1 A. He had one, and he just traded it  
2 in and got another one.

3 642 Q. Was that through Pfaff or through  
4 his own?

5 A. No, through Ford Canada, I  
6 believe.

7 643 Q. That's his own thing?

8 A. Yeah.

9 644 Q. And who else did you say you --

10 A. I also use his wife's car, which  
11 was a white Audi.

12 645 Q. That's not the same Audi as on  
13 this list?

14 A. No.

15 646 Q. Okay. What's Brad's wife's name?

16 A. Michelle.

17 647 Q. And who else? You said somebody  
18 else has a car that you use.

19 A. Matt Cowley.

20 648 Q. Matt Cowley, okay. And what does  
21 he drive?

22 A. He's got a Chrysler 200.

23 649 Q. And that's his own car?

24 A. That's his own car, yes.

25 650 Q. So the BMW was always your

1                   personal car?

2                   A.    Yes.

3   651                   Q.    Okay.   Can-Am Maverick?

4                   A.    That was an ATV.

5   652                   Q.    And what's that used for?

6                   A.    That was just for recreational

7                   use.

8   653                   Q.    So that was just for fun?

9                   A.    Just for fun.

10   654                  Q.    So that's not Compuquest?

11                  A.    No.

12   655                  Q.    And who used it?

13                  A.    Myself, once.

14   656                  Q.    Anyone else?

15                  A.    No.

16   657                  Q.    Sorry, you bought this  
17                  recreational vehicle, and you used it once?

18                  A.    Yes.

19   658                  Q.    Yet Compuquest was paying for it?

20                  A.    Yes.

21   659                  Q.    Why?

22                  A.    That I can't answer.

23   660                  Q.    Well, who made the decision to  
24                  lease those vehicles?

25                  A.    I did.

1 661 Q. So you just decided to lease all  
2 kinds of vehicles even if you weren't even using  
3 them?

4 A. No, that's a fair statement.

5 662 Q. Okay. Then --

6 A. My plan was to use it, except I  
7 got into an accident the first time I drove it.

8 663 Q. Oh, so it ended up in the shop?

9 A. Yes.

10 664 Q. Okay. When did you get it?

11 A. I would say August of 2013, maybe  
12 somewhere in the summer of 2013.

13 665 Q. The make actually says 2015, so...

14 A. Okay. Sorry, yes. It was just  
15 before I separated from my wife. It was 2015,  
16 somewhere in the late summer of 2015.

17 666 Q. So it was in a shop, and you  
18 didn't pay the shop?

19 A. When we went into bankruptcy, it  
20 was picked up from there.

21 667 Q. You hadn't paid the shop for the  
22 repairs?

23 A. No.

24 668 Q. Were you hurt in the accident or  
25 just the vehicle was damaged?

1 A. No, just the vehicle.

2 669 Q. Okay. Ram 3500 Mega Cab?

3 A. That was for both business and  
4 personal.

5 670 Q. What is that?

6 A. That's a Dodge pickup truck.

7 671 Q. Where was it kept?

8 A. At the house for the most part but  
9 at the office on the odd occasion.

10 672 Q. What was it used for?

11 A. Again, horse shows, but it was  
12 also used for deliveries because it could pull a  
13 trailer.

14 673 Q. Sorry, did you use a trailer for  
15 deliveries?

16 A. Just on the odd occasion, yes.

17 674 Q. Did Aimee also drive this?

18 A. Not very often because it was a  
19 bigger unit.

20 675 Q. And what happened to that?

21 A. Pfaff retook it.

22 676 Q. Sorry?

23 A. Pfaff took it back.

24 677 Q. Well, actually, Pfaff took back  
25 all of these --

1 A. Correct.

2 678 Q. -- right? On the very day of the  
3 receivership appointment?

4 A. Yes.

5 679 Q. How did they find out about the  
6 receivership appointment?

7 A. I had been telling them along what  
8 was going on, and I was told if -- to call them if  
9 anything was happening because of my ten-year  
10 relationship with them.

11 680 Q. So you're aware that on April 28,  
12 CIBC brought a motion to appoint Grant Thornton as  
13 an interim receiver?

14 A. Yes.

15 681 Q. Right? And that was brought in  
16 the afternoon of April 28th?

17 A. Yeah, I believe it was.

18 682 Q. And I understand they gave your  
19 lawyer, Mr. Azeff, I believe, notice that they  
20 would be seeking appointment of the receiver?

21 A. Yes, I believe so.

22 MR. AZEFF: That's correct.

23 BY MS. FRANCIS:

24 683 Q. And Mr. Azeff immediately told  
25 you?

1 A. Yes.

2 684 Q. And then your lawyer attended  
3 court and asked to have it put over till the  
4 morning; is that correct? Somehow it got put over  
5 till April --

6 MR. AZEFF: I didn't attend. We  
7 consented to the appointment --

8 BY MS. FRANCIS:

9 685 Q. Well, who attended?

10 MR. AZEFF: -- and I don't believe  
11 anybody attended. It's possible Ms. De Caria did.  
12 I didn't attend, but we were consenting to the  
13 appointment, so.

14 BY MS. FRANCIS:

15 686 Q. So immediately after that you  
16 found out about this receivership appointment, you  
17 told Pfaff?

18 A. I called them and said yes.

19 687 Q. And you asked them to repossess  
20 the vehicles?

21 A. No. I just said, this is what's  
22 going on. That they --

23 688 Q. Did you hand --

24 A. -- they locked the doors that day,  
25 and said, okay, we're coming to pick up all the

1 cars.

2 689 Q. And they sent repossession notices  
3 that day?

4 A. I don't know what day it was, but  
5 yes, I assume.

6 690 Q. And did you give them the keys?

7 A. Yes.

8 691 Q. So you physically met with Pfaff  
9 and handed over the keys to all --

10 A. No, I did not.

11 692 Q. How did you get them the keys?

12 A. Through the bailiff.

13 693 Q. And they knew that there was a  
14 receivership order?

15 A. I don't know if I had told them  
16 everything, but I told them there was some things  
17 going on, but whether I specifically said a  
18 receivership order, I don't recall saying.

19 694 Q. You wanted them to repossess the  
20 vehicles?

21 A. I didn't want them to. I just  
22 thought it was the right thing to do.

23 695 Q. And you knew that all of these  
24 vehicles were leased by Compuquest?

25 A. And some of them were personally

1 leased through me as well.

2 696 Q. Well, Compuquest was on every  
3 lease?

4 A. Right.

5 697 Q. And every single lease payment was  
6 going to Compuquest bank account, correct?

7 A. No, some of them were going  
8 through our personal accounts.

9 698 Q. No, that's not -- I don't think  
10 that's true, Mr. Bodimeade.

11 A. The Ram 1500 and I believe the  
12 Dodge 3500 were paid through our personal accounts.

13 699 Q. Do you have evidence of that?

14 A. As far as I can recollect, yes.

15 700 Q. Can you show it to me?

16 A. I don't have copies of any of my  
17 bank statements and nor can I get them.

18 701 Q. Why?

19 A. All in the house, of which I have  
20 no access to.

21 702 Q. So you're saying the Ram and the  
22 Dodge were --

23 A. I believe it was the two Dodge  
24 trucks that were paid through our personal  
25 accounts.

1 703 Q. Sorry, I may be missing. Where's  
2 the Dodge truck on this list?

3 A. That one was probably already sold  
4 or gotten rid of prior to this.

5 704 Q. So in other words, the only one  
6 you're saying went through your personal bank  
7 accounts was the Ram?

8 A. Would have been the 3500, and I'm  
9 90 percent sure that's true.

10 705 Q. We'll take a look.  
11 Jayco Greyhawk?

12 A. Yes.

13 706 Q. All right. What was that?

14 A. That was a smaller RV.

15 707 Q. And what was that used for?

16 A. For horse shows purposes.

17 708 Q. So that's purely personal?

18 A. Yes.

19 709 Q. And that was leased by Compuquest  
20 and paid for by Compuquest?

21 A. Yes.

22 710 Q. And what happened to that?

23 A. Pfaff also picked that up.

24 711 Q. Porsche Cayenne?

25 A. That was Aimee's vehicle.

1 712 Q. But it was leased through  
2 Compuquest?

3 A. Yes.

4 713 Q. And Compuquest made all the  
5 payments?

6 A. Yes.

7 714 Q. And it was not used for business?

8 A. No.

9 715 Q. GMC Savana?

10 A. That was strictly for business.  
11 That was a 30 -- or a 2,500 cube van that we used  
12 for deliveries.

13 716 Q. What happened to that?

14 A. That was also picked up.

15 717 Q. Pegasus trailer?

16 A. That was the horse trailer.

17 718 Q. And that's strictly used for  
18 personal?

19 A. Yes.

20 719 Q. The freight liner?

21 A. That was our -- oh, that was,  
22 sorry. That's the one from Pfaff, right? That was  
23 the truck that pulled the horse trailer.

24 720 Q. So the freight liner is also  
25 personal?

1 A. Yes.

2 721 Q. But it was also being paid for by  
3 Compuquest?

4 A. Yes.

5 722 Q. Jeep Wrangler?

6 A. That's my son's car.

7 723 Q. And it's still your son's car?

8 A. Yes.

9 724 Q. And it's still being leased  
10 through Pfaff?

11 A. I believe so, yes.

12 725 Q. And who's making the lease  
13 payments?

14 A. Aimee and I split them.

15 726 Q. And how do you do that?

16 A. I send money to my son directly  
17 for it.

18 727 Q. Is that on your statement of  
19 income and expenses?

20 A. Yes. It's only recently it  
21 started going that way since I got locked out of  
22 the house. I don't trust Aimee with the money, so  
23 that's why I send it to him directly.

24 728 Q. Well, who's physically making the  
25 payments?

1                   A.    It goes through, I believe, either  
2                   Aimee's or her bank account.  Or, sorry, Aimee's or  
3                   Nicholas's bank account.

4 729               Q.    So what are you sending your son,  
5                   a cheque every month?

6                   A.    No, an e-transfer for \$350.

7 730               Q.    Who's paying the insurance on it?

8                   A.    I'm not sure.  I believe that's --  
9                   I believe it's through Aimee's account, again.

10 731              Q.    You think Aimee's paying the  
11                   insurance?

12                   A.    I believe so, yeah.  I also borrow  
13                   money from my girlfriend on some months to help pay  
14                   with that payment, \$350.

15 732              Q.    And how much is the insurance?

16                   A.    I don't recall.

17 733              Q.    Jeep Audi?

18                   A.    Audi was sold to Mike Esmailzadeh  
19                   through Pfaff directly.

20 734              Q.    Is Mike driving it?

21                   A.    Yes.

22 735              Q.    And maybe you can spell his last  
23                   name for the reporter?

24                   A.    I couldn't tell you to be honest  
25                   with you.  I can give you my best guess.

1 736 Q. We'll look it up later. So  
2 Mr. Esmailzadeh is or was your investment advisor?

3 A. Yes.

4 737 Q. Is he still?

5 A. Yes, and a friend.

6 738 Q. And you told him about this  
7 vehicle being available?

8 A. Yes.

9 739 Q. Were some of these vehicles picked  
10 up by Jensen?

11 A. None of those ones. This is...

12 740 Q. I'll let you take a look.

13 A. No, these were all picked up by  
14 Pfaff.

15 741 Q. No, sorry, were some of them  
16 resold or released to Jensen?

17 A. No, I don't know that. These were  
18 all picked up by Pfaff.

19 742 Q. You know Brian Jensen?

20 A. I do.

21 743 Q. And is he a personal friend?

22 A. He's an acquaintance more than a  
23 friend.

24 744 Q. So of this total list, I think  
25 there's only -- did you say one that was actually

1                   used for the company?

2                               A.    On a full-time basis, yes.

3   745                   Q.    And all of these lease payments  
4                   were paid on a monthly basis through Compuquest?

5                               A.    Yes.

6   746                   Q.    And how did you account for these  
7                   lease payments?

8                               A.    I don't know. That's, again,  
9                   where Alan allocated payments. I'm not sure.

10   747                  Q.    So this would be Alan's  
11                   responsibility to do it?

12                              A.    Yes. He got the statements,  
13                   copies, every month.

14   748                  Q.    He got the bank statements every  
15                   month?

16                              A.    Yes.

17   749                  Q.    And it was his job to...

18                              A.    Reconcile the accounts every  
19                   month.

20   750                  Q.    And to decide how to allocate  
21                   them?

22                              A.    Yes.

23   751                  Q.    Right to the end?

24                              A.    Yes.

25   752                  Q.    These weren't your only vehicles,

1 correct? You weren't just leasing from Pfaff; you  
2 were leasing from other people over the years?

3 A. Over the number of years, yes.

4 753 Q. What about at the end? Was it  
5 only Pfaff?

6 A. It was only Pfaff.

7 754 Q. There weren't any other leases by  
8 the end?

9 A. There was trailer leases through  
10 Jensen.

11 755 Q. And the trailer leases were all  
12 for horses and stuff?

13 A. All of them except for the stacker  
14 trailer, yes. That was used for deliveries.

15 756 Q. So how many leases did you have  
16 with Jensen?

17 A. At the end, I believe there was  
18 three.

19 757 Q. And these were all Compuquest?

20 A. Paid through Compuquest?

21 758 Q. Yes.

22 A. Yes.

23 759 Q. And leased through Compuquest?

24 A. Yes.

25 760 Q. So if there was equity, it

1 belonged to Compuquest?

2 A. Yes.

3 761 Q. You had company credit cards,  
4 right?

5 A. Yes.

6 762 Q. Did you also have personal credit  
7 cards?

8 A. I did, yes. Most of them were  
9 company or joint.

10 763 Q. And what company credit cards did  
11 you have?

12 A. I had two American Express,  
13 Wells Fargo MasterCard, MBNA MasterCard, CIBC Visa,  
14 and a BMO MasterCard.

15 764 Q. Sorry, I've got mixed up. All  
16 right. Two Amex, one Wells Fargo.

17 A. Yep.

18 765 Q. One MBNA --

19 A. MasterCard.

20 766 Q. Okay.

21 A. One CIBC VISA and one Bank of  
22 Montreal MasterCard, I believe.

23 767 Q. And those were all Compuquest?

24 A. I believe the Bank of Montreal one  
25 was the only personal card.

1 768 Q. And did you ever use any of these  
2 credit cards for personal expenses?

3 A. On the odd occasion, yes.

4 769 Q. Did you provide the credit card  
5 statements to Mr. Hogan?

6 A. Every month.

7 770 Q. So he should have those?

8 A. Yes.

9 771 Q. And his job was to go through and  
10 allocate the costs?

11 A. Yes.

12 772 Q. And would you tell him which ones  
13 were personal and which ones were company?

14 A. Through the statements, you mean?

15 773 Q. Yes. Like, when you gave them,  
16 did you tick off that's a Visa --

17 A. I did for the first number of  
18 years but not the last number of years.

19 774 Q. So how was he supposed to tell?

20 A. Common sense. Or if there was a  
21 question, he would ask me.

22 775 Q. Did you ever reimburse the company  
23 for personal expenses put on the company credit  
24 cards?

25 A. No, but in a lot of occasions, I

1                   also didn't take a pay cheque.

2   776                   Q.   All right. The BMO MasterCard,  
3                   was that also paid for through the company?

4                   A.   It was because most -- again, even  
5                   whether it was personal or company-related, they  
6                   were always used for both personal and corporate  
7                   expenses.

8   777                   Q.   You had a bank card for the  
9                   Compuquest account?

10                   A.   Yes.

11   778                   Q.   Right? And you used that for ATM  
12                   purchases?

13                   A.   Yes.

14   779                   Q.   And that would be for personal  
15                   purchases as well?

16                   A.   We've already discussed that. No,  
17                   money was taken out for cash purchases, and on the  
18                   odd occasion, personal uses.

19   780                   Q.   Sorry, that's the cash. You also  
20                   used it up for point-of-sale transactions?

21                   A.   Oh, yes, I'm sorry.

22   781                   Q.   Sorry, yes. And for the  
23                   point-of-sale transactions, you'd use that for  
24                   personal, correct?

25                   A.   And business as well.

1 782 Q. And how did you reconcile the two  
2 of them?

3 A. Again, the bank statements were  
4 given to Alan Hogan. That was his job to  
5 reconcile.

6 783 Q. It was his job to go and sort out  
7 what was --

8 A. Yes.

9 784 Q. In addition to what you said was  
10 the 4,000 -- I think the \$4,000 every two weeks,  
11 you said you were giving Aimee half the household  
12 expenses?

13 A. Yes.

14 785 Q. And how would you give her that  
15 money?

16 A. That was either paid through a  
17 cheque or through an e-transfer.

18 786 Q. And what were the household  
19 expenses? So let's say 2015.

20 A. I don't have a list. I know  
21 Aimee's provided one to somebody at some point. I  
22 know the mortgage was \$1,937 every two weeks. The  
23 hydro averaged around \$2,000 every two months.

24 There was the Bell/TV bill, which was  
25 probably somewhere around \$300 a month.

1 787 Q. So your personal bank statements  
2 should have all the records of all of these?

3 A. Yes, yes.

4 788 Q. And the source of funds in your  
5 personal bank statements was what?

6 A. Pay cheques.

7 789 Q. Just your pay cheques? Okay. And  
8 at some point, you had a number of staff at the  
9 property, correct? I mean, you had Don Hamilton  
10 working at the property, but were there other  
11 staff?

12 A. No, it was only Don.

13 790 Q. Oh, it was only Don?

14 A. Yes.

15 791 Q. And did you pay Don cash?

16 A. No, he was always paid by cheque.

17 792 Q. So let's go back to the house  
18 construction. We've located some of the costs from  
19 2009 through 2013, a few in 2015 and '16.

20 But can you give me a breakdown of who  
21 the other parties who were involved in the  
22 construction and the approximate construction  
23 costs? And how they were paid?

24 A. Not off the top of my head, no.

25 793 Q. Is there any way for you to find

1 out?

2 A. There is files, again, in the  
3 house or there was that had pretty much all the  
4 details to do with who did what at the house.

5 794 Q. Well, I don't think I yet know who  
6 the architect was.

7 A. The architect, again, I can't  
8 recall his name, but he designed the Princess  
9 Margaret show homes.

10 795 Q. So I should be able to find that  
11 out somewhere?

12 A. Yes. I believe Brent Jeffreys,  
13 who was the actual builder of the house, he  
14 recommended him to us.

15 796 Q. And do you know the total that was  
16 paid to Brent Jeffreys?

17 A. No, I do not.

18 797 Q. So what did you do to come up with  
19 the estimate in 2016? Did you have paper?

20 A. No, it was all based on my  
21 assumptions of what I thought it was worth.

22 798 Q. Well, worth or what you paid?

23 A. What I -- a combination of both.  
24 When I was trying to get an appraisal, I was trying  
25 to value the house, whether I thought it was right

1 or not, as high as possible for obvious reasons.

2 799 Q. But Brent Jeffreys should have  
3 records of how much he was paid?

4 A. Yes.

5 800 Q. Was he only paid by cheque?

6 A. Yes.

7 801 Q. And was it cheques from  
8 Compuquest?

9 A. I don't recall.

10 802 Q. There were cheques from Compuquest  
11 to him?

12 A. Yes. There probably were some,  
13 yes.

14 803 Q. And so are you saying prior to  
15 going to CIBC, you were at Bank of Nova Scotia for  
16 Compuquest?

17 A. Yes.

18 804 Q. Other than the contractors we've  
19 gone through before, do you recall any other  
20 contractors for the house?

21 A. All -- every contractor that came  
22 in the house was provided by Brent Jeffreys, who  
23 was on his recommendation.

24 805 Q. I want to go back to your trip to  
25 Tennessee in December of 2015. When did you first

1                   come up with the idea of entering into a line of  
2                   credit agreement with Mr. Salem and his company?

3                   A.    We always had a verbal agreement  
4                   up until he found out that Aimee and myself were  
5                   separating.

6   806                   Q.    So this is from when he started  
7                   supplying the HP product in 2014?

8                   A.    2014, yes.

9   807                   Q.    So in 2014, you entered into a  
10                  verbal agreement that he would supply the HP --

11                  A.    Yes.

12   808                  Q.    -- product, and you would pay him,  
13                  and he would pay HP?

14                  A.    Yes.

15   809                  Q.    And were you his only customer for  
16                  the HP product? Like, was it all being filtered...

17                  A.    I thought -- I don't know. I  
18                  assumed I was, but there could have been others.  
19                  I'm not sure.

20   810                  Q.    And were you getting the same kind  
21                  of volume through him that you used to get from HP  
22                  directly?

23                  A.    No -- I shouldn't no. For the  
24                  first couple of months, yes, and then things  
25                  changed again at HP.

1 811 Q. What changed at HP?

2 A. New product manager was brought  
3 in.

4 812 Q. In place of the fellow you  
5 mentioned before?

6 A. I believe Tom's still there but  
7 was moved back to his original capacity.

8 813 Q. And so they cut you back?

9 A. No, they didn't cut just Dean  
10 back. They cut everyone back. The way I used to  
11 work with HP, it was all relationship-driven, so if  
12 you had a good relationship and your pricing was  
13 strong, you used to get the majority of the  
14 product. Now it's, from what I understand, it's  
15 split up between 10 to 12 different vendors or  
16 customers, sorry.

17 814 Q. And what was Dean doing before  
18 that? Was he doing the same thing or something  
19 different?

20 A. In the same type of business, but  
21 I believe he was more on the server-type product  
22 line as opposed to the PCs.

23 815 Q. So your decision to enter into  
24 this agreement with Dean was prompted by your  
25 marriage breakdown?

1 A. Yes.

2 816 Q. And at what point did Dean also  
3 start supplying funds as well as product?

4 A. Again, from 2014. If I bought a  
5 load that I couldn't -- that I couldn't sell right  
6 away or if I had residual inventory that I needed  
7 to pay him for, I would borrow money from him to  
8 pay it.

9 817 Q. But you had no loan agreement with  
10 him?

11 A. No. It was a simple spreadsheet.

12 818 Q. Did Dean Salem provide you with  
13 pre-signed blank cheques?

14 A. No. Every cheque was sent to us  
15 or one of his representatives from his other office  
16 down here was used. No cheque was ever written  
17 without his knowledge or his consent.

18 819 Q. That wasn't my question. Let me  
19 show you some cheques that I got. Have you seen  
20 those cheques before?

21 A. I recall them, yes.

22 820 Q. So I will discard them, and then  
23 I'll just mark them in a bundle. So we have --  
24 first one is a cheque dated February 9, 2016,  
25 cheque number 1039. And it's on an account of Dean

1 Salem and Connie Teodorescu on Community Trust  
2 Bank?

3 A. Yes.

4 821 Q. And it's in the amount of  
5 \$195,000. Okay?

6 A. Yes.

7 822 Q. Which I assume is U.S. funds?

8 A. Yes.

9 823 Q. It's coming from the U.S.? And  
10 Connie is his wife?

11 A. Connie is his controller.

12 824 Q. Why does he have a joint bank  
13 account with his controller?

14 A. You'd have to ask Dean Salem that.

15 825 Q. So it looks like it's a personal  
16 bank account, and it's joint with...

17 A. I don't know his bank accounts.

18 826 Q. Okay. And then there's cheque  
19 number 1200, Dean Salem, drawn on account at BB&T,  
20 Branch Banking and Trust Company, also the same  
21 date of February 9, 2016, also for \$195,000?

22 A. Yes.

23 827 Q. And then there's a third one,  
24 doesn't seem to be the same cheque sequence, but  
25 it's February 21, 2016, drawn on the same BB&T

1 account for \$125,000?

2 A. Yes.

3 MS. FRANCIS: And it appears -- well,  
4 I'll mark these first as Exhibit No. 4.

5 EXHIBIT NO. 4: Cheque Bundle: Two  
6 Cheques Each Dated February 9, 2016;  
7 One Cheque in Amount of \$125,000 Dated  
8 February 21, 2016.

9 BY MS. FRANCIS:

10 828 Q. And if you take a look, you'll see  
11 that each of the cheques is signed by Dean Salem  
12 and has Compuquest2000 written in it, right?

13 A. Yes.

14 829 Q. And I presume that's Dean Salem's  
15 handwriting?

16 A. On the top part, yes.

17 830 Q. And the signature and just the  
18 Compuquest2000, right?

19 A. Yes.

20 831 Q. But the handwriting is different  
21 from the rest of the cheque?

22 A. Yes.

23 832 Q. And whose handwriting is it on the  
24 rest of the cheque?

25 A. That's mine.

1 833 Q. That's yours, okay. So how is it  
2 that Dean Salem is sending you cheques that are  
3 pre-signed, and then you're filling in the amounts  
4 and the dates, Mr. Bodimeade?

5 A. It all depended for what deal it  
6 was for because we had multiple deals going on at  
7 any given time.

8 834 Q. Well, why are you having two  
9 different cheques for the same amount on the same  
10 day written on two different bank accounts that  
11 you're filling in the amounts?

12 A. That particular transaction, I  
13 don't recall.

14 835 Q. Well, what can you do to find out  
15 what transaction that was?

16 A. I can look at my revolving line  
17 spreadsheet that Dean has sent and determine.

18 836 Q. And this is money that's going  
19 into Compuquest. Were funds also going out to  
20 Dean Salem at the same time?

21 A. For payments of product, yes.

22 837 Q. So I'm going to show you an e-mail  
23 of February 26 from Dean Salem to you with another  
24 cheque attached. You recognize that?

25 A. I don't recognize the specific

1 cheque, but I recognize...

2 838 Q. All right. This is another one  
3 where Dean Salem has written out the cheque, and  
4 then you filled in the amount and the date, right?

5 A. Yes.

6 839 Q. And then he's sending you an  
7 e-mail to let you know that it cleared?

8 A. Yes.

9 MS. FRANCIS: I'm going to mark this as  
10 Exhibit No. 5.

11 EXHIBIT NO. 5: E-mail Dated  
12 February 26 from Dean Salem to Gary  
13 Bodimeade with Attached Cheque.

14 BY MS. FRANCIS:

15 840 Q. And you would also be letting him  
16 know when you had written out a cheque, right?

17 A. Yes.

18 841 Q. Because he doesn't have them,  
19 correct?

20 A. Right. I would courier them to  
21 him.

22 842 Q. Well, no. I'm talking about the  
23 cheques from Mr. Salem to Compuquest. He doesn't  
24 have the cheques because you're filling them in.

25 A. Right.

1 843 Q. Right?

2 A. He was sending -- send me them  
3 overnight, and I would fill them in the next day.

4 844 Q. So he's sending them by courier,  
5 and then you'd fill in the amount the next day?

6 A. Yes.

7 845 Q. Well, why doesn't he just fill in  
8 the amount?

9 A. Because it could have been for  
10 different deals, which ones we were buy -- it --

11 846 Q. You didn't know how much that they  
12 were going to be?

13 A. No. Right.

14 847 Q. Is that what you're saying? So he  
15 would just give you blank cheques, and you'd fill  
16 in whatever you wanted --

17 A. Right.

18 848 Q. -- and then you'd take a picture  
19 to show to him what --

20 A. That's what I was using.

21 849 Q. -- what'd you'd written into  
22 the --

23 A. Right.

24 850 Q. -- cheque amounts so that he would  
25 have a record of what was going to be going through

1 his bank account?

2 A. Yes.

3 851 Q. Right? And you were monitoring

4 the account every single day?

5 A. Yes, for the most part.

6 852 Q. Okay. Were they all personal

7 cheques he was sending or other ones?

8 A. No, there was other ones as well.

9 853 Q. Ones from his company as well?

10 A. Yes.

11 854 Q. Okay. So I'm going to show you

12 another one, February 17, 2016, \$250,000?

13 A. Yes.

14 MS. FRANCIS: Mark this one as Exhibit

15 number...

16 MR. AZEFF: Six, I believe.

17 MS. FRANCIS: Okay.

18 EXHIBIT NO. 6: Cheque Dated February

19 17, 2016, in Amount of \$250,000.

20 BY MS. FRANCIS:

21 855 Q. And, again, the same thing: He's

22 giving you a blank cheque, and then you're filling

23 it in?

24 A. On his recommendation, yes.

25 856 Q. And another one for \$125,000 on

1 February 21, 2016; do you see that?

2 A. Yes, I remember that one.

3 857 Q. It actually looks -- you took

4 these pictures, right? You would take them with

5 your phone?

6 A. Myself or Matthew, yeah.

7 858 Q. Oh, Matthew was involved in this  
8 too?

9 A. He would be the one doing the  
10 deposits or Chaminda or Scott. Anyone would do  
11 deposits.

12 859 Q. Right. And it looks like this is  
13 actually sitting in the cheque book?

14 A. Maybe it was the last cheque of  
15 the book. I don't recall.

16 860 Q. Well, there's some kind of strip  
17 on top that looks like you actually had a cheque  
18 book.

19 A. Again, maybe he sent me the last  
20 cheque without ripping it off. I don't recall. I  
21 certainly didn't have --

22 861 Q. Well, maybe he sent you a cheque  
23 book with pre-signed cheques, Gary?

24 A. No, I did not have pre-signed  
25 cheques.

1 862 Q. Well, you did have pre-signed  
2 cheques --

3 A. Other than the ones he would send  
4 me to fill out that day or the next day.

5 863 Q. So you're saying he was sending --  
6 on a daily basis, he was mailing you blank cheques?

7 A. Not a daily basis.

8 864 Q. Well, every few days he was  
9 mailing you blank cheques, and you thought --

10 A. You're looking at one month. What  
11 about the three years prior to that?

12 865 Q. What about the three years prior  
13 to that?

14 A. Well, you're picking out one month  
15 of history, which isn't a good representation of  
16 what actually transpired.

17 866 Q. Are you telling me that there was  
18 more activity in this particular month?

19 A. No. No, I'm not saying that. I'm  
20 just --

21 MS. FRANCIS: All right. Let me just  
22 mark this as Exhibit No. 7.

23 EXHIBIT NO. 7: Cheque Dated February  
24 21, 2016, in Amount of \$125,000.

25 BY MS. FRANCIS:

1 867 Q. Okay. So what changed, or are you  
2 saying that you had always been doing this, cheques  
3 back and forth in large round numbers?

4 A. If I needed to borrow the money  
5 off him, yes.

6 868 Q. And sometimes you'd pay it back,  
7 what, the next day?

8 A. It depended on what my cash flow  
9 situation was, yes.

10 869 Q. So it looks like just in this  
11 about two- or three-week time period, you have,  
12 like, 8, 900,000 in blank cheques that he's  
13 provided to you. And you're paying him back the  
14 same amounts in that same time period?

15 A. Yes, there was also wires that  
16 came in during that same time period as well.

17 870 Q. Okay. So wires from or to?

18 A. From.

19 871 Q. From?

20 A. From Dean.

21 872 Q. So he's giving you hundreds of  
22 thousands of dollars a month in cheques plus wires,  
23 and you're writing him cheques back and wiring  
24 money back?

25 A. I would write him a cheque based

1 on product that has already been received or  
2 product that was already incoming. He would  
3 deposit those cheques.

4 If I was short on funds to cover those  
5 cheques, that's when he would loan me the money  
6 back, but it was all for product that was  
7 purchased.

8 873 Q. So for every one of these cheques,  
9 we should have product that matches them?

10 A. You guys already have copies of  
11 all the proof of deliveries.

12 874 Q. So you're telling me that in this  
13 one month that there was \$900,000 or so of product  
14 shipped?

15 A. No, what I'm saying is if I needed  
16 to borrow money from him for product that I had  
17 already purchased from him but not paid for, that's  
18 what I would do.

19 875 Q. So one of the reasons you had  
20 trouble with CIBC is that you were flagged for  
21 cheque hiding?

22 A. Yep, they told me that.

23 876 Q. Yes, okay. And there's rather  
24 significant evidence of cheque hiding, isn't there?

25 MR. AZEFF: Hold on a second. I'm

1 going to object to that. That's not evidence of  
2 cheque hiding. It's documents that suggested to  
3 CIBC that it was a possibility, but there's no  
4 evidence and no finding that there was, in fact,  
5 cheque hiding.

6 MS. FRANCIS: I guess it depends on how  
7 you --

8 MR. AZEFF: Their algorithms triggered  
9 it --

10 MS. FRANCIS: -- define cheque hiding,  
11 doesn't it?

12 MR. AZEFF: Their algorithms triggered  
13 it.

14 BY MS. FRANCIS:

15 877 Q. Okay. There was evidence of large  
16 dollar value cheques going back and forth in  
17 various different ways between yourself and Dean  
18 during that short time period, correct?

19 A. And prior to that. And I've  
20 already explained why that was.

21 878 Q. Did Bank of Nova Scotia also  
22 suggest you were engaging in cheque hiding?

23 A. Absolutely not.

24 879 Q. They just didn't tell you why they  
25 didn't want you --

1 A. They did not tell me why.

2 880 Q. And you never asked?

3 A. I never asked. I assumed because  
4 I was having large amounts of money through PayPal  
5 transactions deposited into my personal account.  
6 From there, they would be transferred back over to  
7 the Compuquest account.

8 881 Q. Sorry, when did you have large  
9 amounts of PayPal money deposited to your personal  
10 account?

11 A. For the last seven years up until  
12 probably two years ago.

13 882 Q. Why is PayPal money going into  
14 your personal bank account?

15 A. We would -- again, we would get  
16 paid by wire, cheque, credit card, and PayPal  
17 funds.

18 883 Q. Were you using your Amex card to  
19 pay Dean?

20 A. For product, yes.

21 884 Q. So you're paying Dean through  
22 cheques and Amex?

23 A. Yes, and wires.

24 885 Q. So cheques, Amex, and wires, and  
25 he's sending cheques to you and wires to you, and,

1                   you say, shipping product?

2                   A.     Because I was short -- because I  
3                   couldn't pay for what I had already received  
4                   because of the fallout of the business for the  
5                   prior six months based on my separation and my  
6                   focus...

7   886                   Q.     How much did you owe Dean at the  
8                   time that you signed the revolving line of credit  
9                   agreement with him --

10                   A.     It was --

11   887                   Q.     Let me finish this question. In  
12                   December of 2015?

13                   A.     I believe it was approximately  
14                   \$863,000 U.S.

15   888                   Q.     At the time you signed the  
16                   agreement?

17                   A.     Again, I'm -- numbers are in my  
18                   head. It was somewhere around that number, yes.

19   889                   Q.     And how much was owed to him at  
20                   the end?

21                   A.     I believe it was 900 and change or  
22                   something. I don't have the document in front of  
23                   me.

24   890                   Q.     About the same?

25                   A.     It was relatively close, yes.

1 891 Q. And in 2015, your line of credit  
2 went up significantly with CIBC?

3 A. Yes.

4 892 Q. And that has never been repaid,  
5 correct?

6 A. It was always up and down, yes.

7 893 Q. But it's still outstanding?

8 A. Yes.

9 894 Q. At the time that you signed the  
10 line of credit agreement with Dean, did you say you  
11 were going to get Aimee to sign the same thing?

12 A. He requested that she sign it  
13 also.

14 895 Q. And when did you first talk to  
15 Aimee about signing such a document?

16 A. I believe it was before I even  
17 went down to Tennessee.

18 896 Q. And what did you tell her?

19 A. That if we need to continue to do  
20 business with Dean, which was our major supplier at  
21 the time, and continue to function in Compuquest,  
22 she's got to sign over just like I did, so he has  
23 some confidence.

24 897 Q. Did Aimee know that Dean was your  
25 major supplier?

1 A. Yes.

2 898 Q. And when did you tell her that?

3 A. Oh, she had known since I lost HP.

4 899 Q. And sorry if I asked this before:

5 Is he also the major supplier to Phase5?

6 A. No, he's one of the suppliers to  
7 Phase5.

8 900 Q. And who are the other suppliers?

9 A. There's lots of them.

10 901 Q. I said "who"?

11 A. I'm not obligated to give that  
12 information. It's not my company.

13 902 Q. Is Dean owed money by Phase5?

14 A. Not that I'm aware of.

15 903 Q. What's the level of his supply to  
16 Phase5?

17 A. I can't answer that question.

18 904 Q. Can't or won't?

19 A. You'd have to check with the owner  
20 of the business.

21 905 Q. So tell me about the circumstances  
22 under which Aimee signed the revolving line of  
23 credit agreement.

24 A. It took her better part of three  
25 and a half months to sign it. And in that three

1 and a half months, I was cut off for the most part  
2 by Dean or very limited. And that was towards the  
3 end of the problems.

4 906 Q. So when did he cut you off?

5 A. He didn't cut me off, but he  
6 started getting -- the list got shorter and shorter  
7 and more infrequent prior -- three months prior to  
8 Aimee signing.

9 907 Q. So how much a month would he be  
10 supplying you in the three months before Aimee  
11 signed the agreement?

12 A. Well, in one of my e-mails, which  
13 I forgot to bring a copy, I enlightened Aimee that  
14 our business was down 75 percent since she stopped  
15 signing that -- since she hadn't signed that RLC.

16 908 Q. Well, that's not totally  
17 responsive to my question. In the three months  
18 before Aimee signed, how much product was Mr. Salem  
19 shipping to you a month?

20 A. I have no idea. I don't -- again,  
21 it was all on QuickBooks.

22 909 Q. Well, we've just looked at this  
23 two-week or so period in February of 2016 where  
24 he's advancing some 8 or \$900,000 of cheques, which  
25 you said represented product?

1                   A.    Which was -- no, I said that was  
2                   either for product or to help me cover product that  
3                   was already previously received that I could no  
4                   longer afford to pay for.

5 910               Q.    Were you drawing the volume in the  
6                   range of 8, \$900,000 a month?

7                   A.    I don't recall. I don't have that  
8                   in front of me.

9 911               Q.    So what did you say to Aimee to  
10                  get Aimee to sign this agreement?

11                  A.    I told her that if she doesn't,  
12                  then we're going to be -- there's no future.

13 912               Q.    Now, let's find the agreement.  
14                  Hang on.

15                  A.    I have a copy of it if...

16 913               Q.    Oh, sorry. I'll look at the book  
17                  that you have. You have a copy too for yourself?

18                  Okay. So you have a copy of the  
19                  agreement, but I'm not sure you have a copy of the  
20                  cover e-mail. I take it neither of you had  
21                  initiated formal matrimonial proceedings, but you'd  
22                  gone to a mediation?

23                  A.    Yes.

24 914               Q.    And who was the mediator?

25                  A.    I forget the gentleman's name, but

1 it was Walker Head was the firm.

2 915 Q. And the mediation was to try to  
3 work out your terms of separation, I take it?

4 A. Right.

5 916 Q. And one of things that was  
6 discussed was this agreement?

7 A. Right.

8 917 Q. And you were represented by  
9 Gary Stern?

10 A. Yes.

11 918 Q. And Aimee was represented by  
12 Andrea Robertson?

13 A. Yes.

14 919 Q. And Dean was aware of this  
15 mediation?

16 A. Yes.

17 920 Q. And he was aware that one of your  
18 objectives was to get Aimee to sign this document?

19 A. No, he was not.

20 921 Q. He was not told that that was one  
21 of your objectives?

22 A. He was not told that was one of  
23 the objectives.

24 922 Q. Well, when did he learn that you  
25 were seeking to get Aimee to sign this document?

1 A. Since the day he gave it to me.

2 923 Q. Well, you had communications with  
3 him on -- well, let's see. When was the mediation?

4 A. I don't recall.

5 924 Q. Well, this document was signed  
6 March 3rd, 2016, right?

7 A. Yeah, sounds about right.

8 925 Q. And so was it signed at the  
9 mediation or the next day; do you recall?

10 A. This?

11 926 Q. Yes.

12 A. I don't recall. It definitely  
13 wasn't signed at the mediation.

14 927 Q. So maybe within a few days?

15 A. I believe it was a few weeks after  
16 that.

17 928 Q. Oh, so the mediation was maybe in  
18 February?

19 A. I don't recall. Again, I can --  
20 I've got a copy of it somewhere. I can probably  
21 dig it up.

22 929 Q. If you can find out?

23 U/T A. Yep.

24 930 Q. Okay. So you were dealing  
25 directly with Ms. Robertson, or I guess it was

1 through Mr. Stern?

2 A. Gary Stern was, yes.

3 931 Q. And you finally persuaded her to  
4 sign the revolving line of credit agreement?

5 A. If that was brought up in that  
6 meeting, it was a very small part of it. What that  
7 meeting was all about was how much money she was  
8 going to be getting moving forward and what bills  
9 were going to be paid.

10 932 Q. And how much was she asking for?

11 A. She was looking for \$15,000 a  
12 month.

13 933 Q. And was that about what had been  
14 paid before, or was that less?

15 A. I don't recall. Whatever -- even  
16 at \$15,000, it wasn't justifiable or payable. The  
17 company couldn't support the payments.

18 934 Q. Why should the company be  
19 making --

20 A. When I say between me, salaries as  
21 a shareholder; she was a shareholder of the  
22 company. That's what she thought she was entitled  
23 to. And where she got that number from is...

24 935 Q. So if the company couldn't afford  
25 these payments, why was the company paying 10,

1                   \$20,000 a month for vehicle leases?

2                   A.    I didn't say I was very smart on  
3                   some occasions. With vehicles, that was one of  
4                   them. But if you notice in the six or seven months  
5                   prior to going bankrupt, vehicles were being  
6                   dropped off and being returned to cut expenses.

7                   Our expenses went from approximately  
8                   \$160,000 U.S. to somewhere around 85 towards the  
9                   end with more coming.

10   936            Q.    For the vehicles?

11                   A.    Vehicles, staff. We explored new  
12                   shipping quotes. We were reinventing ourselves to  
13                   cut costs.

14   937            Q.    So at the end, at the very end,  
15                   you had ten leased vehicles with Pfaff plus all of  
16                   the Jensen trailers, correct?

17                   A.    I'd have to see the list again.

18   938            Q.    Well, let me -- you know what, it  
19                   may have been part of the receiver --

20                   A.    There may have been ten vehicles,  
21                   but there was correspondence prior to that to get  
22                   rid of a bunch of them because they were no longer  
23                   needed.

24   939            Q.    So Schedule 8, the receiver  
25                   surreport, has a schedule of vehicle leases.

1 And you can take a look at what was  
2 going through the account, through the Compuquest  
3 account at the end. This is over \$9,000 just for  
4 the King Aire, right?

5 A. Yes.

6 940 Q. And so then there's over \$9,000 a  
7 month just for rental of a recreational vehicle  
8 that you hardly used?

9 A. That was charged to our  
10 shareholders loan account.

11 941 Q. Well, I don't think that's the  
12 case. We'll take a look at where it was charged,  
13 but it was, you know, whether it's you personally  
14 or whether it's Compuquest, the fact is that you're  
15 paying \$108,000 a year for a vehicle you're not  
16 even using, right?

17 A. It was used.

18 942 Q. But not very much.

19 A. It's not an everyday driving  
20 machine. It's...

21 943 Q. And you had a lot of other luxury  
22 vehicles that have gone by the wayside over time,  
23 right?

24 A. Yes, yes.

25 944 Q. So you would have at any given

1 time 10, 15, maybe 20 leased vehicles?

2 A. No, that's not true.

3 945 Q. 10 or 15?

4 A. I would have no more than three  
5 cars, two to three cars to myself. The others  
6 would be trailers and company cars or a car for my  
7 wife...

8 946 Q. Recreational vehicles?

9 A. Which was one up until towards the  
10 end, and that's when we got the second one, but no,  
11 I had no more than three cars in my possession for  
12 the most part that I was utilizing.

13 947 Q. That you drove --

14 A. Right.

15 948 Q. So you personally drove no more  
16 than three cars at once?

17 A. And that wasn't all the time. It  
18 was -- depends. They were changed frequently.

19 949 Q. And Nicholas got the Jeep as soon  
20 as he got his driver's license, I assume?

21 A. Yes.

22 950 Q. And Aimee had the Porsche?

23 A. Yes.

24 951 Q. And then you had the other various  
25 recreational vehicles?

1 A. The one recreational vehicle and  
2 the two RVs, yes.

3 952 Q. So you're still -- I don't have it  
4 in front of me. I think it was probably 16,  
5 \$17,000 a month you were paying for leased vehicles  
6 even at the end?

7 A. Well, this is at the end of two  
8 thousand and -- or, sorry, on --

9 953 Q. '16. I'm talking about '16.

10 A. '16, yeah. But there was also --  
11 in that time period, the RV was in the process of  
12 being sold. It was --

13 954 Q. And the money was going to Dean?

14 A. Was going to Compuquest.

15 955 Q. Well, all right. So let's talk  
16 about that. You say the money went to Compuquest.  
17 You opened a new bank account at TD?

18 A. On -- after telling CIBC that's  
19 what I was going to do. And the reason I opened  
20 that bank account because of the restrictions that  
21 they put on me, and I had to go down to the home  
22 branch to do deposits. They were returning cheques  
23 even though the funds were in the accounts and even  
24 returning cheques when wires were received.

25 956 Q. When did you tell CIBC you were

1 going to open up the new account at TD?

2 A. At TD, I let Doug MacLean know via  
3 e-mail. And he said, I was well aware and okay to  
4 do that as long as it was fully transparent, of  
5 which it was.

6 957 Q. And, sorry, you say fully  
7 transparent is wiring money into a TD account and  
8 then sending it straight down to Dean Salem?  
9 That's transparent?

10 A. I was using my TD account for  
11 Compuquest transactions towards the end because of  
12 the restrictions that CIBC put on me.

13 958 Q. That was a breach of the CIBC loan  
14 agreement.

15 A. No, it wasn't because he was well  
16 aware of it.

17 959 Q. Oh, okay. If you say so.

18 A. And he was okay with it.

19 960 Q. And you told him that you were  
20 selling the King Aire and sending the money to  
21 Mr. Salem?

22 A. I didn't tell him that.

23 961 Q. No, I didn't think so. Okay.

24 A. It was Compuquest business. It  
25 was -- all he was concerned with --

1 962 Q. Well, sorry, he doesn't care about  
2 Compuquest business?

3 A. With regards to that -- again, it  
4 was put -- something that was put back into the  
5 corporate accounts to help with purchases and cash  
6 flow.

7 963 Q. I don't think so. It just went to  
8 Mr. Salem.

9 A. Which was used for purchases,  
10 prior purchases that were owed.

11 964 Q. Well, you owed money to CIBC too,  
12 Mr. Bodimeade.

13 A. Yes, but CIBC, for the most part,  
14 wasn't keeping my business running. Dean Salem was  
15 by providing me product, which allowed me to  
16 bring -- produce sales and make profits.

17 965 Q. Let's go back to the March 3rd  
18 agreement. So you were in communication with  
19 Andrea Robertson through Gary Stern, correct?

20 A. Yes.

21 966 Q. And Andrea wrote back with a  
22 revolving line of credit agreement on March 3rd  
23 indicating a number of changes that had been made,  
24 right?

25 A. Yes.

1 967 Q. And under change number two, she  
2 deleted the King Aire because she said:

3 "The parties had sold it and  
4 had agreed to divide the proceeds  
5 equally between them."

6 A. At that point, I don't think it  
7 had been sold or was just about to be sold.

8 968 Q. And did you agree the proceeds  
9 would be divided equally?

10 A. We did agree, yes.

11 969 Q. And that's not what happened?

12 A. That's not what happened.

13 970 Q. So you violated that agreement?

14 A. I violated it to keep the business  
15 running, yes.

16 971 Q. And the business did not keep  
17 running, did it?

18 A. No. Not shortly after that, no.

19 972 Q. And then number four, she removed  
20 the word "personally"?

21 A. What about where it says "borrower  
22 agrees to secure her"? When she crossed out "his."  
23 You missed that one.

24 973 Q. So? Well, I mean, Aimee's - -

25 A. So I'm just saying, if you're

1 highlighting what the changes were, you should have  
2 highlighted that one.

3 974 Q. Can we stick with my question,  
4 Mr. Bodimeade?

5 A. Sure.

6 975 Q. Okay. She's removed the words  
7 "both personally," correct?

8 A. Yes.

9 976 Q. So Aimee was not agreeing to  
10 personally guarantee the line of credit, correct?

11 A. No, that's not correct because up  
12 here it states that she does based on these items,  
13 and those items aren't personally owned. They're  
14 owned by Compuquest, except for the house.

15 977 Q. So not one of the items that you  
16 were pledging under this so-called personal line of  
17 credit agreement was owned by either of you, right?

18 A. I'm sorry, can you repeat the  
19 question?

20 978 Q. So you were saying that the items  
21 were not personally owned?

22 A. They were all -- other than the  
23 house, they were all assets of Compuquest.

24 979 Q. And yet you were purporting to  
25 pledge them to Mr. Salem?

1 A. Because they were assets of  
2 Compuquest, yes. To keep, to keep --

3 980 Q. And what right did you have to  
4 pledge assets of Compuquest to Mr. Salem when you'd  
5 already pledged them to CIBC?

6 A. Again, to keep the business  
7 running, to keep the product flow going.

8 981 Q. You had already been told by CIBC  
9 that they didn't want your business anymore,  
10 correct?

11 A. That, I believe, was somewhere  
12 around February 28th, yes.

13 982 Q. All right. And this is March, so  
14 you knew that CIBC wanted you out?

15 A. Yeah, they were -- came right out  
16 and told me.

17 983 Q. Okay. So last paragraph:  
18 "Please confirm in writing that  
19 the 1 million dollars leveraged on  
20 the house is from Gary's share only  
21 and not Aimee's share."

22 A. I'm sorry, where did --

23 984 Q. It's the part that says "Please  
24 confirm in writing." You see that?

25 A. No, you're looking at -- oh,

1                   you're looking at an e-mail that we don't have.

2   985                   Q.   Oh, I'm sorry. You can read it.

3                   A.   Yes.

4   986                   Q.   So Andrea is asking as a condition  
5                   to confirm that the 1 million dollars pledged on  
6                   the house would only be from your share and not  
7                   from Aimee's share, right?

8                   A.   Yes.

9   987                   Q.   And you knew that that was a  
10                  condition on her signing?

11                  A.   I probably read it. Whether I  
12                  read it properly, apparently not, but yes. I don't  
13                  recall seeing that, but yes.

14   988                   Q.   Well, you knew that and Dean knew  
15                  that?

16                  A.   I can't answer for Dean. I can  
17                  answer for myself.

18   989                   Q.   Well, you can answer for what you  
19                  told Dean.

20                  A.   I don't recall what I told Dean.

21   990                   Q.   Well, Dean left it to you to get  
22                  this agreement, right?

23                  A.   After --

24   991                   Q.   He didn't negotiate directly with  
25                  Andrea. He did it --

1                           A.    He did.  He had multiple  
2                           conversations and multiple e-mails with Andrea, but  
3                           he leveraged my position to keep the business  
4                           running.

5   992                    Q.    He used you to get this signed,  
6                           correct?

7                           A.    I wouldn't say he used me.  I saw  
8                           the importance of it needing being signed, so yes.

9   993                    Q.    And you agreed to that condition,  
10                          right?

11                          A.    To Andrea's condition?

12   994                    Q.    Yes.

13                          A.    Yes.

14   995                    Q.    You did, okay.  Here, I'll take  
15                          the book back.  And before doing so, you talked to  
16                          Dean about it, right?

17                          A.    I don't recall.

18   996                    Q.    Oh, okay.

19                          A.    I've had many conversations with  
20                          many people.

21   997                    Q.    I want to show you an e-mail  
22                          exchange in the letter.  Do you recall that?

23                          A.    I remember seeing it, yes.

24   998                    Q.    You remember getting the letter  
25                          which set out the conditions?

1 A. Yes.

2 999 Q. And you sent that letter to  
3 Mr. Stern, right?

4 A. Yes.

5 1000 Q. And Mr. Stern sent it to you?

6 A. I believe so.

7 MR. AZEFF: Slow down there. Answer  
8 that, but give me a chance to consider the question  
9 before you respond.

10 BY MS. FRANCIS:

11 1001 Q. And then you immediately sent it  
12 out to Dean Salem?

13 A. That I don't recall.

14 1002 Q. Well, look at the top.

15 A. Yeah, okay. I guess I did.

16 1003 Q. And, in fact, you said:

17 "Please see attached. I will  
18 call you in a few minutes to  
19 discuss."

20 A. Okay.

21 1004 Q. And it's reasonable to assume that  
22 you probably called him to discuss those terms,  
23 correct?

24 A. I would think so, yes.

25 1005 Q. And it's reasonable to assume that

1                   you got his concurrence to the terms so that you  
2                   could get this signed, correct?

3                   A.    That I don't recall. I don't  
4                   recall the conversation.

5 1006               Q.    The letter was very explicit that  
6                   the collateral would be limited to Gary's share,  
7                   correct?

8                   A.    Yes.

9 1007               Q.    And Dean was aware of that?

10                  A.    I believe he was, yes.

11 1008              Q.    Yes, because you sent it to him?

12                  A.    I believe I did, yes.

13                   MS. FRANCIS: We'll mark this as  
14                  Exhibit -- I think it's 8.

15                   EXHIBIT NO. 8: E-Mail Exchange in  
16                   Letter that Sets out Conditions.

17                   BY MS. FRANCIS:

18 1009              Q.    And what did you think was your  
19                   share of the home?

20                  A.    50 percent.

21 1010              Q.    And as far as you know, Aimee  
22                   concurred with that?

23                  A.    She was always under the  
24                   assumption because the house was in her name, as  
25                   she was the only one on title, that it was her

1 house, and I had no rights to it.

2 1011 Q. And did you agree with that?

3 A. I've never agreed to it, but I've  
4 never had a resolution to it, either.

5 1012 Q. All right. And you not only  
6 e-mailed back your confirmation, but you actually  
7 sent a signed confirmation to Andrea, right?

8 A. Yes.

9 1013 Q. And that's your handwriting?

10 A. It is.

11 1014 Q. And that's agreeing to those  
12 terms?

13 A. Yes.

14 MS. FRANCIS: All right. I'll mark  
15 that as Exhibit No. 9.

16 EXHIBIT NO. 9: Signed Confirmation of  
17 Line of Credit.

18 BY MS. FRANCIS:

19 1015 Q. And all of this took place...

20 MR. AZEFF: Counsel, I note it's  
21 1 o'clock. It might be a good time to take a  
22 break.

23 MS. FRANCIS: Yes, that's fair. So  
24 want to come back at 2?

25 MR. AZEFF: Sure, that works.

1                   -- Lunch Recess at 1:01 p.m. --

2                   -- Upon resuming at 2:01 p.m. --

3                   BY MS. FRANCIS:

4 1016                   Q.    Can you turn to Tab B, please?

5                   This is a listing of various cheques that I wanted  
6                   to ask you about, what they were for and who the  
7                   people are. So I'll make the assumption that Keith  
8                   Bodimeade is your father?

9                   A.    Yes.

10 1017                  Q.    Why was \$215,000 paid to your  
11                   father out of Compuquest funds?

12                  A.    It was a re-payback of a loan.

13 1018                  Q.    And where did the loan money go?

14                  A.    Right into Compuquest accounts.

15 1019                  Q.    Do you know when?

16                  A.    It would have been probably six  
17                   months prior to the payback dates; I don't recall  
18                   specifically.

19 1020                  Q.    Well, why was your father lending  
20                   you money?

21                  A.    For cash flow purposes.

22 1021                  Q.    Can you find out when the money  
23                   went in?

24                  A.    I can't, no.

25 1022                  Q.    What?

1 A. I could ask my father when he  
2 wrote me the cheques. He has copies of them.  
3 Again, all deposits --

4 1023 Q. All right. Will you do that?

5 A. Pardon me?

6 1024 Q. Will you do that?

7 U/T A. I can ask, yes.

8 1025 Q. So you were borrowing money from  
9 Jay Clausner, Craig Pinfold, and your father to  
10 keep Compuquest running?

11 A. To purchase product, yes.

12 1026 Q. And at the same time, you're using  
13 Compuquest funds to build your personal house?

14 A. No, these were, I believe, were  
15 all after the house was built.

16 1027 Q. Well, you were borrowing money  
17 from these people at the same time that you were  
18 building the house, correct?

19 A. No, that's not true.

20 1028 Q. Well, Mr. Pinfold [sic], the house  
21 was still being built in 2009, correct?

22 A. Yes, but that was not used for  
23 anything to do with the house. That was for cash  
24 flow.

25 1029 Q. Okay. I don't think you're

1 listening to my question. You were using  
2 Compuquest money to pay for the house, correct?  
3 Cheques were going directly from Compuquest --

4 A. Yes.

5 1030 Q. -- to pay for the house?

6 A. Yes.

7 1031 Q. In fact, all the cheques we found  
8 are from 2009 onward because we didn't have any in  
9 2008, right?

10 A. Right.

11 1032 Q. So we've only found around a  
12 million dollars so far. Obviously, the house  
13 purchase before construction was a lot more than a  
14 million dollars, right?

15 A. Yes.

16 1033 Q. And we haven't found out yet how  
17 all of the rest of the house construction was paid  
18 for.

19 A. I don't recall when the house was  
20 actually completed to be totally honest with you.

21 1034 Q. That's really not part of my  
22 question.

23 A. Well, it is if you're referring to  
24 cheque dates.

25 1035 Q. No. Let me step back. Generally,

1 the bulk of the house construction was done in  
2 2008, correct?

3 A. This would have been our either  
4 ninth or tenth year in the house, so it would have  
5 been done prior to 2008. 2007 and/or 2008, I  
6 believe, is when we moved in. Sometime in 2008.

7 1036 Q. No, you moved in in 2009,  
8 Mr. Bodimeade.

9 A. Okay. That's --

10 1037 Q. You bought the house in the fall  
11 of 2007.

12 A. Right.

13 1038 Q. Okay? And you started building it  
14 sometime in late 2007.

15 A. Yes.

16 1039 Q. And the bulk of the actual house  
17 construction as opposed to the other and  
18 improvements was done in 2008, correct?

19 A. Yes.

20 1040 Q. And certainly what we've found  
21 from 2009 onwards were a lot of cheques written by  
22 Compuquest to pay for the house construction.

23 A. Yes.

24 1041 Q. And it's reasonable to assume the  
25 same pattern applied in 2008, correct?

1 A. Without looking at the cheques, I  
2 can't answer that.

3 1042 Q. Well, you don't have any other  
4 evidence as to how the house construction was paid  
5 for, correct?

6 A. Correct. And you're assuming  
7 also --

8 1043 Q. Okay, thank you. I'm also  
9 assuming what?

10 A. You're also assuming that that was  
11 the pattern, and I can't answer that question  
12 because I don't have the documentation in front of  
13 me.

14 1044 Q. You, at one point, and it's in the  
15 records -- I don't think I have to point it out --  
16 told Aimee that everything was paid for by the  
17 company.

18 A. Yes, and that was from the hip in  
19 the middle of a heated argument.

20 1045 Q. Well, because of your on-the-hip  
21 comments, we took it upon ourselves to get cheques,  
22 and we found out that it was true, correct?

23 A. No, because you don't have all the  
24 cheques, apparently.

25 1046 Q. Well, we don't have them going

1 back prior to 2009, but certainly from 2009  
2 onward --

3 A. What I was also referring to with  
4 regards to that statement that Compuquest paid for  
5 everything. Compuquest was our source of income.  
6 That was our livelihood. That's where all of our  
7 funds came from.

8 Whether they went to the house or into  
9 our pockets personally or to wherever else, that  
10 was our source of income. So without Compuquest,  
11 there is nothing.

12 1047 Q. Other than the income that was  
13 declared by you on your tax returns -- sorry. You  
14 declared some amount of income on our tax returns,  
15 either by way of dividends or salaries, correct?

16 A. Yes.

17 1048 Q. And everything else you took out  
18 of the company was Compuquest paying your expenses  
19 for you, correct?

20 A. Yes, but we never actually took  
21 the dividends money.

22 1049 Q. Well --

23 A. Where, where --

24 1050 Q. -- let's take a look. In fact,  
25 unless you actually had salaries, of course you

1           took the dividends money. So I don't know what  
2           you're talking about, Mr. Bodimeade.

3                   A. Based on my conversations with my  
4           accountant, the dividends money was never paid  
5           directly to us. It was used at will if we decided  
6           to use it for payments for the house or the  
7           construction of the barn or whatever else.

8 1051           Q. Then how were your so-called  
9           salaries being accounted for, Mr. Bodimeade?

10                  A. That, you'd have to talk to  
11           Mr. Hogan about.

12 1052           Q. Then I'll talk to Mr. Hogan about  
13           that. So at the moment, you have evidence exactly  
14           what your father's loans were used for?

15                  A. For purchases and product.

16 1053           Q. But you don't have any evidence of  
17           that?

18                  A. No.

19 1054           Q. Do you know who M. Trentadue is?

20                  A. Mike Trentadue? Yes, I do.

21 1055           Q. Who is that?

22                  A. That was a friend of my  
23           brother-in-law's who used to work for me up until  
24           2010.

25 1056           Q. Who is your brother-in-law?

1 A. Frank Verbanac.

2 1057 Q. And that is Aimee's sister's  
3 husband?

4 A. Past, yeah. They're separated or  
5 divorced.

6 1058 Q. Okay, so ex-husband. And  
7 Trentadue used to work for you?

8 A. No, he was a friend of Frank's and  
9 was looking to put an investment into a company, so  
10 we used his money for the same purposes, and he got  
11 a small return on that.

12 1059 Q. Sorry, Frank? You said a friend  
13 of Frank's?

14 A. He is a friend of Frank's, yes.

15 1060 Q. Sorry, who's Frank?

16 A. Pardon me?

17 1061 Q. Frank?

18 A. Verbanac. Mike Trentadue is a  
19 friend of Frank Verbanac's.

20 1062 Q. Oh, I'm sorry. Okay. And so why  
21 are you writing him a cheque for 33,100?

22 A. For a repayment back of a loan.

23 1063 Q. Oh, so you're getting a loan from  
24 Mike Trentadue as well?

25 A. Yes.

1 1064 Q. And when did his money go in?

2 A. I don't recall the exact dates.

3 Sometime in 2010, early 2010.

4 1065 Q. And what was it used for?

5 A. Purchases.

6 1066 Q. Well, do you know that?

7 A. Yes, I do.

8 1067 Q. Was it directly used for purchases  
9 or just went into the bank account?

10 A. It directly went into the company  
11 accounts and was used for purchases.

12 1068 Q. But the company accounts at the  
13 same time were being used for lots of personal  
14 things too, correct?

15 A. Yes.

16 1069 Q. Advanced Skyline Technology.  
17 What's that?

18 A. That's a gentleman who owns -- the  
19 one below, the Feng Wen -- he's the owner of  
20 Advanced Skyline. Those were purchases for COAs.

21 1070 Q. Sorry, Feng Wen Qiang is the owner  
22 of Advanced Skyline --

23 A. I believe he is the owner of  
24 Advanced Skyline. It's one of the same.

25 1071 Q. What's COA?

1 A. COAs are certificates of  
2 authentication [sic] for allowing -- when you buy a  
3 computer, they have Microsoft COAs on them. When  
4 you put a COA in, it allows you to load the  
5 software legally, so we were buying COAs because  
6 some of our clients requested that we have COAs on  
7 our machines. I know it's a little confusing.

8 1072 Q. It is a little confusing. What do  
9 you mean, they sell certificates --

10 A. So when you buy a computer, it has  
11 software on it if you were to buy it from a store.  
12 When we sold our computers, they had no software on  
13 them because of the sheer volumes.

14 On the odd occasion when we were either  
15 selling retail or to an end-user customer, they  
16 required software be put on those machines. In  
17 order to put software on those machines, we would  
18 need a license from Microsoft. Those are what we  
19 were buying off of him.

20 1073 Q. So was he licensed with Microsoft?

21 A. Yes, he was.

22 1074 Q. And you're paying large round  
23 dollar figures to him?

24 A. Yeah, they were probably anywhere  
25 from 11 to \$20 per COA.

1 1075 Q. And does his company still do  
2 this?

3 A. I deal a little bit with him now,  
4 but things have changed since 2010. Now there's a  
5 thing called a MAR program, which is Microsoft  
6 Authorized Refurbisher, and everything's done in a  
7 completely different way.

8 1076 Q. Who is John Perry?

9 A. John Perry is a friend of  
10 Jay Clausner's.

11 1077 Q. And why are you paying large --

12 A. Same thing again. He loaned us  
13 money. And we still actually owe him \$125,000.

14 1078 Q. We, meaning Compuquest?

15 A. Yes.

16 1079 Q. And do you have any records of  
17 these loan agreements with Mr. Perry?

18 A. There was no loan agreement with  
19 him, but again, all the deposits went directly into  
20 the corporate accounts.

21 1080 Q. And do you have any records of the  
22 deposits?

23 A. I do not. They're all in my  
24 office.

25 1081 Q. Where's your office? You mean at

1 home or --

2 A. No, at Silicone Drive.

3 1082 Q. So you should have records of  
4 your -- do you have a loan agreement with him?

5 A. No, I do not.

6 1083 Q. So that's separate from the  
7 \$150,000 you say that Compuquest owes to  
8 Mr. Clausner?

9 A. Yes.

10 1084 Q. And how much in total did John  
11 Perry lend to Compuquest and over what period of  
12 time?

13 A. I think the maximum was  
14 approximately \$250,000, and it went on for the  
15 better part of -- between two and three years, if  
16 I'm not mistaken.

17 1085 Q. So what do you mean? It was  
18 sitting there for two or three years?

19 A. No, we would use it, pay it back.  
20 Use it, pay it back. Use it, pay it back.

21 1086 Q. You mean, it was 250 at most at  
22 any one time?

23 A. I think that was the biggest  
24 cheque that we ever got off of him at one time.

25 1087 Q. So there was a lot of back and

1                   forth with Mr. Perry?

2                   A.    Yes.

3 1088               Q.    These are just samples of these --

4                   A.    Yes.

5 1089               Q.    -- cheques?

6                   A.    Yeah, they wouldn't be more than

7                   that.

8 1090               Q.    And how far back does this go with

9                   Mr. Perry?

10                   A.    I would guess somewhere around  
11                   maybe 2009? No, I'm sorry. Probably 2012 is when  
12                   we started or when I started borrowing money off of  
13                   him.

14 1091               Q.    And why didn't you repay him the  
15                   last 125,000?

16                   A.    Because the bank shut my doors.

17 1092               Q.    Oh, sorry, this was still going on  
18                   at the end?

19                   A.    At the end, yeah.

20 1093               Q.    What's his address?

21                   A.    I'm not sure. I know he lives in  
22                   Brooklin on -- oh, my gosh. Selkirk Drive.

23 1094               Q.    Selkirk Drive?

24                   A.    I don't know the number, though.

25 1095               Q.    And he hasn't filed a claim?

1 A. No.

2 1096 Q. Does he have records of this  
3 writing account that you had?

4 A. He may do. I'm sure he would have  
5 copies of the cheques.

6 1097 Q. Did all of these people that you  
7 were borrowing money back and forth with over these  
8 years know about each other?

9 A. Jay and -- Jay and John did  
10 because they were friends. My dad, no, obviously  
11 through me. And Mike was through Frank.

12 1098 Q. Is this the total amount from your  
13 dad, or was there more?

14 A. No, there was -- that would have  
15 been the total amount.

16 1099 Q. So it was 215 in and 215 out? Or  
17 was it more?

18 A. No, he charged me no interest.

19 1100 Q. Okay. Darren Wright and Ron  
20 Wright? Who are they?

21 A. Those were -- would have been all  
22 for basement finishes.

23 1101 Q. Basement finishes to what?

24 A. To the Ashburn property.

25 1102 Q. Oh, so this can get added. So

1                   that's \$44,000?

2                   A.    Yes, I believe that was the  
3                   number.

4 1103               Q.    And what was the total amount that  
5                   they did for the basement?

6                   A.    I don't recall.

7 1104               Q.    And these were being paid through  
8                   Compuquest?

9                   A.    Yes.

10 1105              Q.    Okay.  James -- it says an F.  I'm  
11                   not sure.  It might be a T.

12                   A.    I think it's Christidis.

13 1106              Q.    Who is James Christidis?

14                   A.    He's actually my hairdresser.

15 1107              Q.    And why is your hairdresser  
16                   getting money?

17                   A.    I loaned him \$20,000 to start up  
18                   his own business.

19 1108              Q.    You, meaning Compuquest, loaned  
20                   him \$20,000 to start his own business?  You mean  
21                   his hairdressing business?

22                   A.    Yes.

23 1109              Q.    And did he pay it back?

24                   A.    Yes, he did.

25 1110              Q.    When did he pay it back?

1 A. I don't recall.

2 1111 Q. Well, can I get some records of  
3 when he paid it back?

4 A. It was over a year-and-a-half  
5 period, I believe.

6 1112 Q. Did he pay you interest?

7 A. No, he did not.

8 1113 Q. Why would you be lending money to  
9 your hairdresser when you say that you're having  
10 such cash flow difficulties that you have to borrow  
11 high interest loans from all kinds of people?

12 A. Because I'm a nice guy, and I've  
13 known him for 20 years.

14 1114 Q. Did you send his family on a trip  
15 recently?

16 A. On my Aeroplan points, yes, I did.

17 1115 Q. And where was the trip to?

18 A. I believe it was Florida.

19 1116 Q. So you send your hairdresser's  
20 entire family on a trip to Florida?

21 A. It didn't cost me anything. It  
22 was all used on points. All I provided was the  
23 flights.

24 1117 Q. What are the points from?

25 A. They were Aeroplan points from

1 credit cards purchases.

2 1118 Q. What credit card is that  
3 associated with?

4 A. It would have been the Amex and  
5 the CIBC. And I believe -- I don't know, the Bank  
6 of Montreal was something else.

7 1119 Q. And what did you accumulate in  
8 points?

9 A. It varied from time to time. I  
10 don't know what the numbers were.

11 1120 Q. And these credit cards were used  
12 for corporate purchases?

13 A. Yes.

14 1121 Q. So the points would belong to  
15 Compuquest?

16 A. In essence, yes.

17 1122 Q. And what happened to the points  
18 when the company went bankrupt?

19 A. They were all used up.

20 1123 Q. What does that mean?

21 A. Aimee cashed in a pile of them for  
22 Christmas gifts and whatnot for the kids.

23 1124 Q. Which Christmas?

24 A. It would have been 2015.

25 1125 Q. So can you cash it in for money?

1 A. You can get gift cards.

2 1126 Q. So how much did Aimee cash in for  
3 gift cards?

4 A. I cashed in -- I believe it was  
5 for five \$500 American Express gift cards, of which  
6 I saw nothing, none of them, because she took them.

7 1127 Q. So, sorry, did Aimee also cash  
8 them in too, or is that you're just saying --

9 A. No, she used them for other things  
10 as well. I believe she got some pots and pans and  
11 small appliances over the years.

12 1128 Q. But at the end, you had a pile of  
13 points, and you decide to cash them all in right  
14 before the bankruptcy?

15 A. Not just myself. They were used,  
16 yes.

17 1129 Q. Sorry, who --

18 A. Up to --

19 1130 Q. Well, who else? Who else did you  
20 cash them in for?

21 A. I used -- I sent Jay's cousin. He  
22 asked me if he could use some points for a flight  
23 in from Turkey, and I said yes. My mother-in-law  
24 used the flights to go back and forth --

25 1131 Q. So let me start again.

1 Jay Clausner's cousin?

2 A. Yes.

3 1132 Q. So you flew Jay Clausner's cousin  
4 in from Turkey?

5 A. Yes.

6 1133 Q. What else? When was this?

7 A. I believe it was around, again,  
8 around Christmas of 2015.

9 1134 Q. And what else did you use them  
10 for?

11 A. My mother-in-law flew to  
12 Newfoundland numerous times. And any horse-related  
13 stuff, Aimee and Don would always use the points as  
14 well.

15 1135 Q. Can you be a little more precise  
16 as to what that means? Horse-related stuff using  
17 points?

18 A. If there was -- if she would go --  
19 excuse me, horse shows if she wasn't participating  
20 in. Just to watch.

21 1136 Q. So I have February of 2016 that  
22 you sent your hairdresser's family to Florida?

23 A. Yes.

24 1137 Q. And at that point, it looks like  
25 you still have 1,779,139 Aeroplan miles?

1 A. I guess, yeah. I don't know the  
2 number.

3 1138 Q. But they all somehow got used up  
4 after that?

5 A. Yes, I don't believe -- I believe  
6 there's some left, but not -- I don't know how  
7 many.

8 1139 Q. So what else? Because the things  
9 you told me were Christmas of 2015. What did you  
10 do --

11 A. I don't recall, but I can probably  
12 get a report from my Aeroplan that shows what they  
13 were used for.

14 1140 Q. Yes, can you do that please?

15 U/T A. Sure.

16 1141 Q. Okay.

17 A. Sorry, should I be writing that  
18 down?

19 MR. AZEFF: I've got this. It's okay.

20 BY MS. FRANCIS:

21 1142 Q. So did you tell the trustee about  
22 your use of Aeroplan miles to buy friends, family,  
23 and acquaintances flights, trips, whatever?

24 A. No.

25 1143 Q. No. Any reason why not?

1 A. No.

2 1144 Q. No, okay. You were represented by  
3 Gary Stern in the family proceedings, right?

4 A. Yes.

5 1145 Q. And then have you since retained  
6 family lawyers?

7 A. Yes.

8 1146 Q. And are you still using them?

9 A. Yes.

10 1147 Q. And you were originally  
11 represented by someone other than Fogler related to  
12 the business and bankruptcy issues?

13 A. Steven -- sorry, Steve Seon was  
14 our corporate lawyer, yes.

15 1148 Q. And you decided to move to Fogler?

16 A. Based on the advice I heard, yes.

17 1149 Q. Advice from a lawyer?

18 MR. AZEFF: Stop, stop. We're not  
19 getting into advice at all.

20 MS. FRANCIS: Well, depends who it's  
21 from.

22 MR. AZEFF: Well, if it was his former  
23 lawyer or his current lawyer, in neither case is  
24 that advice admissible. I'm sorry.

25 MS. FRANCIS: Well, I haven't heard

1                   that it was advice from a lawyer yet.

2                   MR. AZEFF: Okay. You know what, just  
3                   make sure I have a chance to hear the question.

4                   THE WITNESS: Sure.

5                   BY MS. FRANCIS:

6 1150            Q. Was it advice from a lawyer or  
7                   advice from someone else?

8                   A. In order for me to go to Fogler?

9 1151            Q. Yes.

10                  A. It was advice...

11                  MR. AZEFF: If it's advice from a  
12                  lawyer, claim privilege.

13                  THE WITNESS: Yeah. No, it was  
14                  privilege.

15                  BY MS. FRANCIS:

16 1152            Q. Well, I want to know, is it advice  
17                  from a lawyer?

18                  MR. AZEFF: He's just claimed  
19                  privilege. I think it's self-explanatory.

20                  MS. FRANCIS: Well, it's not.  
21                  Nothing's self-explanatory.

22                  MR. AZEFF: You know what, we object to  
23                  the question. Might as well move on.

24                  BY MS. FRANCIS:

25 1153            Q. All right. Dean Salem was

1           advising you on how to stick-handle your situation  
2           with CIBC, correct?

3                   A.    He was giving me advice on what he  
4           would do in a similar situation or how he would  
5           handle the situation as a friend, yes.

6 1154               Q.   Well, he was giving you advice on  
7           exactly what you should say to CIBC, correct?

8                   A.    I wouldn't go so far as to say  
9           that, no.

10 1155              Q.   And he was giving advice both to  
11           you and to your lawyer on what to do?

12                   A.    That I can't answer.

13 1156              Q.   And you both decided to go to  
14           Fogler, right?

15                   A.    I decided to go to Fogler, yes.

16 1157              Q.   And then Dean decided to go to  
17           Fogler too?

18                   A.    I assume he did, yes.

19 1158              Q.   Well, you know he did, right?

20                   A.    Yeah.

21 1159              Q.   So I want to show you a letter of  
22           April 8th, 2016. Excuse me, it's in the e-mail  
23           chain.

24                   MR. AZEFF: I'm sorry, where did this  
25           e-mail chain come from?

1 MS. FRANCIS: Gary's e-mail.

2 MR. AZEFF: Gary's e-mail?

3 MS. FRANCIS: Yes.

4 MR. AZEFF: So was Gary given an  
5 opportunity to review the e-mails that Grant  
6 Thornton seized to claim privilege over anything?

7 MS. FRANCIS: Well, Gary gave them to  
8 Grant Thornton.

9 THE WITNESS: No, I did not.

10 BY MS. FRANCIS:

11 1160 Q. Well, you gave them access to your  
12 e-mail.

13 A. No, I did not. They had access to  
14 my systems, which were all passworded. I've never  
15 given them my password for my e-mail accounts.

16 R/F MR. AZEFF: Yes, we're going to object  
17 to this being entered. We're not going to answer  
18 any questions on this. Take it as you will.

19 MS. FRANCIS: You claim privilege over  
20 this?

21 MR. AZEFF: Yes. It was clearly a  
22 communication between Mr. Salem and Mr. Bodimeade  
23 with my firm for the purposes of legal advice.

24 MS. FRANCIS: Wait a minute. What does  
25 a joint retainer --

1 MR. AZEFF: At the time, it was  
2 considered that they would be acting together, yes.

3 MS. FRANCIS: And that's still the  
4 case?

5 MR. AZEFF: Look, the e-mail speaks for  
6 itself. We're just not --

7 MS. FRANCIS: Well, I have a little bit  
8 of difficulty because Mr. Salem and Mr. Bodimeade  
9 are supposedly --

10 MR. AZEFF: It may have been that they  
11 were in a common cause at the time. We're  
12 objecting to it. If you want to take it up later  
13 on, we're happy to, but we're not going to answer  
14 questions on it today.

15 MS. FRANCIS: So you're not going to  
16 answer any questions as to what Mr. Salem was --

17 MR. AZEFF: As to an e-mail between  
18 Mr. Salem and Mr. Bodimeade with a law firm for the  
19 purposes of obtaining advice, no, we are not going  
20 to answer any questions.

21 MS. FRANCIS: Well, I don't know if it  
22 was for the purpose of obtaining advice. It looks  
23 like Mr. Salem was giving you advice as to how you  
24 should deal with CIBC.

25 MR. AZEFF: If it's a communication,

1                   what we're trying to determine is strategy. That  
2                   falls within the common privilege.

3                   MS. FRANCIS: All right.

4                   MR. AZEFF: We'll take it up later on.  
5                   We're not answering any questions on that.

6                   BY MS. FRANCIS:

7 1161               Q. Was it you personally or  
8                   Compuquest who retained Fogler?

9                   A. I believe it was probably both.

10 1162              Q. Do you have a retainer agreement?

11                  U/T       MR. AZEFF: There is a retainer  
12                  agreement, and I believe it's on behalf of both,  
13                  but we'll have to confirm that.

14                  BY MS. FRANCIS:

15 1163              Q. I would like to know if there's  
16                  also a retainer on behalf of Compuquest and you  
17                  personally. Who was paying for the services of  
18                  Fogler?

19                  R/F       MR. AZEFF: Don't answer that.

20                  MS. FRANCIS: Why?

21                  MR. AZEFF: There's lots of law on  
22                  payment of retainer funds to a law firm, whether  
23                  that's covered by privilege. We're not going to  
24                  answer any questions on how the retainer was paid.

25                  BY MS. FRANCIS:

1 1164 Q. Well, who's currently paying for  
2 your legal services?

3 R/F MR. AZEFF: Don't answer that.

4 BY MS. FRANCIS:

5 1165 Q. That's something that should be on  
6 your statement of income expenses.

7 MR. AZEFF: We're objecting to the  
8 question.

9 BY MS. FRANCIS:

10 1166 Q. Is Mr. Salem paying? Is Mr. Salem  
11 or Norris paying for your services, Mr. Bodimeade?

12 U/A MR. AZEFF: Look, we'll take the  
13 question under advisement, but we're not going to  
14 get into that right now.

15 BY MS. FRANCIS:

16 1167 Q. Did Mr. Salem discuss with you the  
17 application that he proposed to bring against Aimee  
18 to obtain a mortgage over the house?

19 MR. AZEFF: You can answer.

20 THE WITNESS: He mentioned it, but  
21 again, I'm not lawyer, so I didn't get the real  
22 gist of it other than he was trying to protect his  
23 position.

24 BY MS. FRANCIS:

25 1168 Q. Did you get legal advice on that

1 application since it was, in effect, your interest?

2 A. No, I didn't.

3 1169 Q. And you didn't oppose that  
4 application?

5 A. No.

6 1170 Q. Were you provided with a copy of  
7 it?

8 A. The actual one that they took  
9 to...

10 1171 Q. Let me start with the one where  
11 they got the certificate pending litigation against  
12 the Ashburn property.

13 A. No, I did not see that document.

14 1172 Q. You've never seen that?

15 A. No.

16 1173 Q. And what about the one where they  
17 got the order that was registered on title?

18 A. No. Actually, I saw that based on  
19 the third or fourth report or whatever. It was in  
20 there. That's the only time I've seen that, if I  
21 remember correctly.

22 1174 Q. Were you aware that Mr. Salem was  
23 promising Aimee that he would buy her a new house?

24 A. I heard rumblings of it, but  
25 nothing was ever solidified.

1 1175 Q. And he was going to be supporting  
2 her as long as Aimee kept onside against the  
3 trustee?

4 A. I don't know any dealings that  
5 they had directly together, no.

6 1176 Q. You weren't involved in suggesting  
7 to Aimee that if she supported Dean that Dean would  
8 get her a new house and pay her living expenses?

9 A. No. Compuquest had an obligation  
10 to pay Dean Salem his money back that was owed, and  
11 it's still owed.

12 1177 Q. I want to just show you some  
13 sample documents related to a shipment of product,  
14 and if you can go through and explain them to me.  
15 You were aware of all aspects, obviously, of  
16 Compuquest business?

17 A. Yes.

18 1178 Q. All right. And I want to go  
19 through the sequence of the steps which were  
20 involved when product was shipped by Mr. Salem or  
21 Norris and what kind of paperwork would exist to  
22 document those --

23 A. Yes.

24 1179 Q. -- shipping and products. So can  
25 you go through and explain some of the sample

1 documents we've pulled up?

2 A. What we've got here is proof of  
3 deliveries from trucking companies to prove that  
4 loads were picked up and delivered to our facility.

5 1180 Q. So can you explain to me the  
6 delivery process? First of all, I assume,  
7 generally speaking, it's Norris. Norris gets the  
8 product from --

9 A. We would buy the load from Norris.  
10 Norris would be billed from his supplier.

11 1181 Q. His supplier's usually HP?

12 A. It could be anyone. Dell  
13 Financial, Impulse Computers. There was a  
14 multitude of different suppliers that he used.

15 1182 Q. Were they first shipped to Norris?

16 A. No, not always. In order -- HP  
17 Financial will not ship directly to Canada anymore.  
18 So with -- the deal then that I had with Dean, he  
19 would act like he was picking up the product. My  
20 carrier would pick it up. We would then provide a  
21 proper bill of lading in showing that it was  
22 coming from Norris to us called a "blind shipment."  
23 Happened all the time.

24 1183 Q. Why would HP not ship to Canada?

25 A. That's one of their rules and

1 regulations that they've now come up with.

2 1184 Q. So they will not sell product to  
3 Canada?

4 A. Not that I'm aware of.

5 1185 Q. So how do buyers in Canada  
6 purchase their HP products?

7 A. Through U.S. dealers or through  
8 HP Financial in Canada, which is a lot less volume.  
9 Or whoever else has product, other leasing  
10 companies.

11 1186 Q. So does HP U.S. authorize the sale  
12 of its product in Canada?

13 A. They're not selling it into  
14 Canada. They're selling into the U.S. Once  
15 Norris, either on paper or physically takes  
16 possession of it, he's free to do whatever he wants  
17 with it.

18 1187 Q. Right. So there's no restriction  
19 once they sell to Norris, right?

20 A. Right.

21 1188 Q. But they will not permit a sale  
22 directly into...

23 A. As far as I know, yes.

24 1189 Q. Were you told why? Is there maybe  
25 an agreement with HP Canada or with somebody else?

1 A. I don't know the -- I don't know  
2 the answer to that question.

3 1190 Q. Are your customers typically in  
4 Canada?

5 A. Both U.S. and Canada.

6 1191 Q. So sometimes the product, it's not  
7 physically shipped to Norris, but it's blind  
8 shipped?

9 A. On paper, it's shipped to Norris.  
10 It's blind shipped, picked up by Compuquest  
11 carriers and delivered to the Compuquest warehouse.

12 1192 Q. So HP thinks they're delivering to  
13 Norris, but it's really going straight to  
14 Compuquest?

15 A. HP doesn't deliver. If Dean was  
16 picking up for his company, he would send in his  
17 own truck. Once it leaves HP's dock, they don't  
18 care where it goes.

19 1193 Q. So would you be using Norris's  
20 truck to pick it up?

21 A. No, it was always a  
22 Compuquest-requested truck.

23 1194 Q. But they can't tell because it  
24 doesn't say "Compuquest" on it?

25 A. On the final documentation, it

1 would always say Compuquest.

2 1195 Q. So go through and show me what  
3 these documents represent.

4 A. These are all bill of lading, and then the  
5 which would be provided by Dean, and then the  
6 commercial invoices. Quik X would be one of our  
7 carriers. There was a few that we used.

8 So Quik X, Vanguard were the two  
9 carriers that usually picked up from us from HP and  
10 Dell on Dean's behalf, and they would have copies  
11 of every invoice showing that shipments were  
12 delivered to us.

13 1196 Q. And they would have to be signed  
14 for?

15 A. Yes. Not their invoices, but all  
16 the proof of deliveries would have had to be signed  
17 for on the waybill.

18 1197 Q. And if they're not signed for?

19 A. The driver would not release the  
20 product if they weren't.

21 1198 Q. And does that apply to all of  
22 them? I haven't really looked through this  
23 document.

24 A. Yeah, every shipment that was  
25 picked up.

1 1199 Q. So when we say "signed for," where  
2 do you mean specifically?

3 A. Can I see it on here?

4 1200 Q. Sure.

5 A. You would always have the  
6 carrier's signature on it showing that he would  
7 pick it up, and then always have one of our  
8 employees. There's Chaminda's signature.  
9 Shipper's, I don't know why that one wouldn't have  
10 been signed.

11 These are probably the -- these are  
12 the -- see, this is why these are the ones that  
13 went from HP to Norris. There should be one that  
14 shows from Norris to us. So there's another bill  
15 of lading -- this is the original one that was  
16 used to pick up the product. There's another bill  
17 of lading that shows that it was coming to us.

18 1201 Q. So for HP's product, there should  
19 be a bill of lading and then --

20 A. A signature from one of our staff,  
21 absolutely.

22 1202 Q. -- with one of your staff?

23 A. Yes.

24 1203 Q. And your staff is your staff in --

25 A. Yes.

1 1204 Q. Like, those six people?

2 A. Sorry, yes.

3 1205 Q. Right. And it's only those six  
4 people?

5 A. I'm not sure if we did any blind  
6 shipments directly to customers. Not that I can  
7 recall.

8 1206 Q. So everything gets shipped into  
9 your premises, and for every shipment, there has to  
10 be something signed by one of your staff members  
11 that the product was received?

12 A. Yes. There's also accompanying  
13 paperwork from our broker to show the product is  
14 coming across the border.

15 1207 Q. And who's your broker?

16 A. Parkwood & Cavanaugh.

17 1208 Q. And then in every case, does the  
18 product go into your -- I don't know, is it a  
19 warehouse or an office?

20 A. Yes.

21 1209 Q. Warehouse?

22 A. Yes.

23 1210 Q. And then it gets physically  
24 unpacked --

25 A. Yes.

1 1211 Q. -- and separated and things done  
2 to it?

3 A. Yes.

4 1212 Q. And what would be the turnaround  
5 time to do whatever you had to do to -- whatever  
6 kind of refurbishing is --

7 A. It varied on every shipment  
8 because we could get four or five shipments in in  
9 the same week.

10 1213 Q. So on average, how many shipments  
11 would you be getting in a week?

12 A. I don't know because I couldn't --  
13 I'm not looking at my purchase orders.

14 1214 Q. And you're saying you didn't have  
15 direction? So in other words, they would always  
16 come through you, they wouldn't go straight to the  
17 customer?

18 A. Yeah, I would say 99 percent of  
19 them would always come to us, yes.

20 1215 Q. And then, you're not selling  
21 retail, right? You're selling --

22 A. No.

23 1216 Q. -- to retailers or are you selling  
24 to wholesalers? Who are selling to?

25 A. To wholesalers and the people that

1                   sell into the school boards. We take it to one  
2                   level in there, that they're the ones that actually  
3                   go in and clean the product and put the software on  
4                   and sell it at a retailer or an end-user type sale.

5 1217                   Q.   Oh, I see. So when you sell it,  
6                   it's not in retail --

7                   A.   No.

8 1218                   Q.   -- ready state? They're the ones  
9                   that actually do the --

10                   A.   The actual reburshment of --

11 1219                   Q.   -- refurbishing?

12                   A.   Yes.

13 1220                   Q.   So you're just basically a  
14                   wholesaler? Is that...

15                   A.   Yeah, that's fair. Fair thing to  
16                   say.

17 1221                   Q.   So you're not selling in small,  
18                   but you're selling large batches, right?

19                   A.   Not always, no. Sometimes it  
20                   would be 100 machines or 200 machines at a time to  
21                   a smaller dealer.

22 1222                   Q.   At what kind of prices?

23                   A.   All depended on what it was and  
24                   what the config was.

25 1223                   Q.   So in terms of this -- so I'm

1 going to mark this as -- and, actually, are you  
2 able to tell from this how many shipments this  
3 represents?

4 A. No, not without cross-referencing  
5 my POs and whatnot.

6 1224 Q. So I will mark this as -- what are  
7 we at?

8 A. Seven, I think.

9 MR. AZEFF: Exhibit 8.

10 MS. FRANCIS: Exhibit 10.

11 EXHIBIT NO. 10: Sample Documents  
12 Related to a Shipment of Product.

13 MR. AZEFF: What was 9?

14 MS. FRANCIS: Nine was the e-mail  
15 confirmation I'm showing you of the line of credit.

16 MR. AZEFF: Oh, yes, okay. Thanks.

17 BY MS. FRANCIS:

18 1225 Q. In terms of your inventory, once  
19 you physically receive the shipment, obviously it  
20 goes into your physical inventory, right?

21 A. Yes.

22 1226 Q. And then how does it get entered  
23 into your inventory for financial statement  
24 purposes?

25 A. Our inventory system through

1                   QuickBooks was -- never worked because of what we  
2                   actually did to the machines.

3                   Again, on a multitude of occasions, if  
4                   we got a shipment in and the product wasn't  
5                   selling, we would part it down and to try and  
6                   manage work and taking one machine and breaking it  
7                   down into 15 pieces and inventory-ing it, so it was  
8                   all done on a spreadsheet that I controlled.

9 1227               Q.    Well, you said you had to do  
10                   monthly statements for the bank. How would you  
11                   figure out the inventory to be given to the bank?

12                   A.    I don't -- up until the last year  
13                   or eight months, I don't believe we had to provide  
14                   inventory statements other than at year end.

15 1228              Q.    Oh, so you're talking about  
16                   earlier on in the relationship, you provided  
17                   inventory statements?

18                   A.    I believe it was only on the  
19                   financial statements at the end of the -- as a  
20                   matter of fact, it was. It was up until we  
21                   received the line increase sometime in 2015. We  
22                   didn't have to provide any of that information  
23                   other than the financial statements at the end of  
24                   year.

25 1229              Q.    I'm missing you. You said you

1                   didn't have to provide that information until you  
2                   got the line increase in 2015?

3                   A.    Yes.

4 1230               Q.    After you got the line increase,  
5                   you had to provide inventory?

6                   A.    Yes.

7 1231               Q.    On a monthly basis?

8                   A.    I don't know if it was on a  
9                   monthly basis.

10 1232              Q.    You said before. I thought you  
11                   said before it was on a monthly basis?

12                   A.    No, I don't recall how it was  
13                   reported. Again, Alan Hogan did all the reporting.

14 1233              Q.    Oh, he did the reporting --

15                   A.    He did all the comparity reporting  
16                   directly.

17 1234              Q.    So whether it was monthly,  
18                   quarterly, or whatever, how would you come up with  
19                   the inventory? Was it from your QuickBooks or not?

20                   A.    No, from my Excel spreadsheet  
21                   files.

22 1235              Q.    And where are those files?

23                   A.    They were all on my system.

24 1236              Q.    Computer system?

25                   A.    Yes, sorry. My main desktop.

1 1237 Q. So you personally would create  
2 Excel spreadsheets of inventory?

3 A. Yes.

4 1238 Q. And this is just something you  
5 inputted yourself into the spreadsheet as opposed  
6 to something you press a button on QuickBooks?

7 A. Every day, yep.

8 1239 Q. So every day, you did your own --

9 A. I did my own plus, minuses, what  
10 was coming in, what was going out.

11 1240 Q. What about accounts receivable,  
12 how did that work?

13 A. Same way. That was all pulled off  
14 the system.

15 1241 Q. So let me take the cycle because  
16 the stuff from Dean is going to be most of your  
17 deliveries, right?

18 A. Yes.

19 1242 Q. You told me it's 95 percent? All  
20 right. So you get the product in. What was the  
21 time period from when you first ordered it to when  
22 it physically arrives in your warehouse?

23 A. All depended on which vendor it  
24 was coming from. Even though they were all coming  
25 from Dean, some of them take longer to pack -- pick

1 and pack the product. They would be anywhere from  
2 three to five days on average.

3 1243 Q. And then from the time that it  
4 hits your warehouse, what is the turnaround time  
5 for you to get it ready for sale and sell it?

6 A. Again, that varied by load, by  
7 customer, what was required to do. So it could be  
8 30 days, it could be 60 days, it could be 2 days.

9 1244 Q. Where would I find that  
10 information on the turnaround time?

11 A. You wouldn't be able to unless  
12 you're going to look through invoices and match  
13 them up to when orders came in, which would be  
14 impossible.

15 1245 Q. Okay. So you get the product in  
16 from Dean and then you have --

17 A. And other suppliers, yes.

18 1246 Q. Well, you said it was mostly Dean,  
19 so I'm just saying --

20 A. And other suppliers, but yes.

21 1247 Q. 95 percent, you get the product in  
22 from Dean, you do what you have to do, and then you  
23 sell it to somebody?

24 A. Yes.

25 1248 Q. And you have a list of your

1 customers?

2 A. Yeah, all, again, in QuickBooks.  
3 You got to remember too when a load came in, not  
4 the whole load would be sold. There was always  
5 residual inventory left over.

6 1249 Q. And would the residual be junk?  
7 Or just because --

8 A. No, just because --

9 1250 Q. -- you got a 100 and you can only  
10 sell 50?

11 A. Exactly. Or it's a lower-end  
12 model or a newer model.

13 1251 Q. And then what kind of terms did  
14 you have with your customers?

15 A. Most were CODs, some were net-30.  
16 Again, I don't have access to that information. It  
17 depended on the customer.

18 1252 Q. Well, who were COD?

19 A. I don't recall.

20 1253 Q. Well, if they were mostly COD, how  
21 did you have accounts receivable?

22 A. Depended on what time the  
23 shipments came in and what time -- when I invoiced  
24 as to when they went out and when they were paid  
25 for. If I would invoice it soon as I got the

1 purchase order or the order from the customer, it  
2 could take 30 days for that shipment to go out.

3 1254 Q. So you mean you would count it as  
4 an account receivable --

5 A. As soon as I generated an invoice,  
6 the system automatically counted it as an account  
7 receivable.

8 1255 Q. But the stuff may not have left  
9 the warehouse?

10 A. Yes.

11 1256 Q. And would it also then be included  
12 in inventory during that same time period?

13 A. No. Plus, minus on the same  
14 thing.

15 1257 Q. And even at the end, were you  
16 getting COD?

17 A. In some cases, yes.

18 1258 Q. Most cases? Or you don't --

19 A. Again, it depended on the  
20 customer. It depended on the dollar amount.

21 1259 Q. Let's get the second report out if  
22 we can...

23 MR. AZEFF: Which volume?

24 MS. FRANCIS: Sorry?

25 MR. AZEFF: I think our second report's

1 in two volumes.

2 MS. FRANCIS: Hmm?

3 MR. AZEFF: Our second report is in two  
4 volumes.

5 MS. FRANCIS: Oh, I do double-sided.

6 MR. AZEFF: Okay, just let us know.

7 MS. FRANCIS: Yes, okay.

8 THE WITNESS: That's -- sorry, that's  
9 your copy, right?

10 MS. FRANCIS: Thank you. So it's  
11 Tab 31. I'm guessing it's in the second volume?

12 MR. AZEFF: Yes.

13 BY MS. FRANCIS:

14 1260 Q. So in addition to being your  
15 bookkeeper, Mr. Hogan, through his firm,  
16 TurnerMoore, did review engagement reports?

17 A. No, I believe it was a different  
18 employee at the same firm that did the review  
19 engagement.

20 1261 Q. Oh, pardon me. So he was an  
21 employee of TurnerMoore?

22 A. Only towards the end. It was  
23 something new that he was -- I believe it was only  
24 six months to a year that he was employed by  
25 TurnerMoore, but prior to that, he was by himself.

1 1262 Q. Oh, okay. I didn't know that. So  
2 Mr. Hogan only joined TurnerMoore in the last --

3 A. I don't know the exact dates, but  
4 it hasn't been that long.

5 1263 Q. Where was his office before that?

6 A. In Brooklin.

7 1264 Q. Like, was it a home office or --

8 A. No, he has a physical office.

9 1265 Q. He had a physical office in  
10 Brooklin?

11 A. Yes, yes. It's on Winchester  
12 Drive, but again -- I think it's number  
13 62 Winchester Drive.

14 1266 Q. And is he still there?

15 A. Yes.

16 1267 Q. So he never worked at TurnerMoore?

17 A. I don't know the agreement or the  
18 arrangement that they have.

19 1268 Q. So you don't know if he's -- he's  
20 not a partner there, then?

21 A. Again, I'm not sure. I don't  
22 know.

23 1269 Q. Well, did someone else do review  
24 engagement statements prior to --

25 A. TurnerMoore?

1 1270 Q. -- TurnerMoore?

2 A. I'm not sure. I don't have them  
3 in front of me.

4 1271 Q. Who did these review engagement  
5 statements, then?

6 A. The last one was TurnerMoore, and  
7 I believe he did -- or they did a few prior to that  
8 as well, but I don't --

9 1272 Q. No, sorry, you said there was a  
10 person?

11 A. Oh, I think it's listed in here.  
12 I don't remember the gentleman's name.

13 1273 Q. And you think even before  
14 Mr. Hogan joined this firm, they were doing their  
15 review engagement statements?

16 A. I believe so, yes.

17 1274 Q. And that was their only role?

18 A. I believe so. What he accounted  
19 or used them for, I'm not sure.

20 1275 Q. Mr. Hogan's a CA, I take it?

21 A. I believe he is, yes.

22 1276 Q. So according to these review  
23 engagement statements which are prepared as of  
24 May 31, 2015, but the date of preparing these  
25 statements is January 26, 2016?

1 A. Yes.

2 1277 Q. So as of the last year end prior  
3 to the bankruptcy, it says that there were accounts  
4 receivable of \$2,705,143?

5 A. Okay.

6 1278 Q. Well, I mean, these are your  
7 statements, Mr. Bodimeade.

8 A. I don't -- I would have to look at  
9 my QuickBooks system to see what was in there at  
10 that time.

11 1279 Q. Did you ever have inventory in the  
12 2.7 million dollar level?

13 A. Yes.

14 1280 Q. I'm sorry; I've misspoke. That  
15 was accounts receivable?

16 A. Yes, I have, and inventory as  
17 well.

18 1281 Q. You had accounts receivable of  
19 2.7 million?

20 A. Yes.

21 1282 Q. And you had inventory of  
22 2,397,177?

23 A. Again, yeah, I've had -- we have  
24 had inventory in excess of 2 million dollars at  
25 that particular time.

1 1283 Q. So the two combined was  
2 5.1 million dollars roughly?

3 A. Sure. Okay, sorry.

4 1284 Q. And there's something due from  
5 government agencies of 146,388?

6 A. That probably would have been an  
7 HST return but, again, I'm only speculating. I  
8 don't know what that would have been.

9 1285 Q. And then property, plant, and  
10 equipment was about 432,618?

11 A. Okay, yeah.

12 1286 Q. What happened? You had well over  
13 5 million dollars of assets on the balance sheet in  
14 the last year, and when the receiver went in, there  
15 was kind of nothing.

16 A. What happened was during --  
17 usually business is a lot slower over Christmas --  
18 or Christmas, over summer. And then my pending  
19 divorce, I focused my whole time on fighting my  
20 wife's allegations against me, and I lost complete  
21 focus.

22 And me being Compuquest, sales went  
23 down, customers and vendors lost faith in me, and  
24 that was how it all started.

25 1287 Q. So you're blaming the break-up of

1                   your marriage for the loss of over 5 million  
2                   dollars of assets in Compuquest?

3                   A.    I wouldn't say it was a loss.

4 1288               Q.    Well, when the receiver went in,  
5                   they were gone, okay? All the assets in the  
6                   balance sheet, all the assets in the books were  
7                   gone, Mr. Bodimeade.

8                   A.    Right.

9 1289               Q.    And what I'm trying to figure out  
10                  is one of two things or perhaps a combination: Did  
11                  they not exist, or did they disappear?

12                  A.    Alan wouldn't have got the numbers  
13                  off the top of his head; he would have got them  
14                  factual from the system.

15 1290               Q.    I thought you said Alan didn't do  
16                  this.

17                  A.    Alan did the statements. They  
18                  were getting reviewed by TurnerMoore.

19 1291               Q.    Okay. So Alan --

20                  A.    Alan always did the financial  
21                  statements.

22 1292               Q.    So TurnerMoore should have working  
23                  papers that back up what is in these statements?

24                  A.    I guess, yeah.

25 1293               Q.    And Mr. Hogan should as well?

1 A. I believe so, yes.

2 1294 Q. You have no other explanation of  
3 what happened to 5 million dollars of assets that  
4 were on the books?

5 A. No. But, again, in addition, my  
6 accounting -- accounts payable and receivables, me  
7 keeping them up to date and receiving them in a  
8 timely manner; again, it was all part and parcel to  
9 me defending myself for seven hours a day to my  
10 wife's lawyer and her accusations and my character.

11 So not particular to this, but if there  
12 was 2 million dollars accounts receivable, I may  
13 have received funds that were put into the bank  
14 accounts and just not updated the system and vice  
15 versa with the sales as well.

16 My paperwork towards the last six to  
17 eight months of Compuquest existence was  
18 lacksa-daisy [sic] to say the least. But that was  
19 base --

20 1295 Q. You're referring to Andrea?

21 A. Yes.

22 1296 Q. And when did Aimee retain  
23 Andrea Robertson?

24 A. I believe it was sometime in  
25 October.

1 1297 Q. Of 2015?

2 A. 2015.

3 1298 Q. And you said you were spending  
4 seven hours a day responding to Andrea Robertson?

5 A. I'm sure it wasn't seven, but that  
6 was my focus, 100 percent of my focus.

7 1299 Q. So you spent all your time  
8 defending the allegations. And what were the  
9 accusations against you?

10 A. There was a multitude of things:  
11 That I was a bad father; I didn't provide for my  
12 family properly. On and on and on and on. And my  
13 biggest fight was with Don being around my kids and  
14 being part of my family when there was a potential  
15 cheating situation going on.

16 1300 Q. So that's the explanation as to  
17 why the assets of Compuquest disappeared?

18 A. I'm explaining why my focus was  
19 left -- was gone, yes. And that, potentially,  
20 after this, my bookkeeping wasn't up to snub.

21 But what went into the accounts and  
22 what out of the accounts may not have been updated  
23 in QuickBooks properly, but those were legitimate  
24 numbers.

25 1301 Q. I don't understand what you're

1 saying. Are these legitimate numbers as of 2015?

2 A. According to Alan Hogan, yes, and  
3 TurnerMoore.

4 1302 Q. According to you? Because I'm not  
5 asking Alan Hogan.

6 A. I was presented these and said  
7 sign them based on what he provided off the -- what  
8 he got off the system.

9 1303 Q. You said the system doesn't  
10 provide inventory, Mr. Bodimeade.

11 A. No, inventory, I would have given  
12 him that number.

13 1304 Q. So you would have given that. So  
14 what was the inventory as of the end of 2015?

15 A. 2,000 -- or 2,397,000 --

16 1305 Q. No, no, no. At the end, the  
17 calendar end of 2015?

18 A. I have no idea. I don't have  
19 that. I don't have any of my paperwork in front of  
20 me.

21 1306 Q. Why were there no accounts  
22 receivable at the end?

23 A. Because they were collected, and I  
24 was cut off from most of my suppliers three months  
25 prior, and business was down over 75 percent.

1 1307 Q. Well, I thought you said that  
2 95 percent of your supply was from Mr. Salem?

3 A. Right. And based on the agreement  
4 not being signed and my pending divorce, my biggest  
5 suppliers for the most part stopped sending me  
6 product, and as a result, my sales were down well  
7 over 75 percent.

8 1308 Q. So according to this statement,  
9 you had 15.8 million dollars of revenue in year end  
10 May 31, 2015?

11 A. Yes.

12 1309 Q. And the vast majority of that was  
13 from Salem?

14 A. No, that wouldn't have been --  
15 that would have been purchases from Dean, not  
16 specifically sales to Norris Technologies.

17 1310 Q. Okay, I'm sorry. That was  
18 generated from products supplied by Dean?

19 A. And other suppliers, yes.

20 1311 Q. I want to provide you with a  
21 further small bundle of documents related to  
22 shipments from Norris, if you could take a look at  
23 them?

24 A. Okay.

25 1312 Q. They don't look as complete as the

1 ones that I showed you in Exhibit 10.

2 A. Complete with regards to what?

3 1313 Q. Well, there's no signatures on any  
4 of them.

5 A. That's because some of the  
6 documents are missing.

7 1314 Q. Meaning what?

8 A. Meaning they haven't been  
9 provided. All PODs, all receipts from all carriers  
10 were kept at our Silicone facility.

11 1315 Q. And?

12 A. And?

13 1316 Q. And this doesn't include any proof  
14 of deliveries.

15 A. Yes, so somebody has them, or  
16 they're still in a file. But every one can be  
17 provided if for whatever reason the paperwork's  
18 been lost.

19 MS. FRANCIS: So I'm going to mark this  
20 as Exhibit No. 11, if that's okay.

21 EXHIBIT NO. 11: Small Bundle of  
22 Documents Related to Shipments from  
23 Norris.

24 BY MS. FRANCIS:

25 1317 Q. But from my reading, it's fair to

1 say that none of the documents that I've marked as  
2 a group as Exhibit 11 include any proof of delivery  
3 of product?

4 A. They're not complete, yes.

5 1318 Q. And to be complete, they would  
6 have to include the proof of delivery?

7 A. Yes.

8 1319 Q. Should Mr. Salem also have proof  
9 of delivery?

10 A. No, because it would be proof of  
11 delivery from our carriers for us. He would never  
12 receive a copy of that for the most part.

13 1320 Q. Well, how would he be able to  
14 prove that?

15 A. Again, once we picked it up from  
16 HP, it was now belonged to us. It was our product.

17 1321 Q. How does he prove that he  
18 delivered the product to you?

19 A. Based on my word.

20 1322 Q. Well, would you not send him  
21 copies of the proof of delivery?

22 A. No. It wasn't standard practice.

23 1323 Q. And if they're not in whatever  
24 bundles we have here, and they're not in the  
25 office, then there is no proof of delivery?

1 A. Every one of those can be obtained  
2 from the carriers directly or the brokerage firm  
3 that was brokering out the carriage.

4 1324 Q. And would Mr. Salem know how to do  
5 that?

6 A. No, but I would.

7 1325 Q. Did he ever ask you to assist in  
8 getting proof of delivery?

9 A. He asked me if I had any available  
10 to him, and I did solicit both Vanguard and Quik X.

11 1326 Q. And?

12 A. I've got -- I got some that I  
13 provided to him, but I didn't get all of them.

14 1327 Q. Did you get any for 2016?

15 A. I don't recall.

16 1328 Q. Do you have any proof of delivery  
17 of product from Mr. Salem in 2016?

18 A. To Compuquest?

19 1329 Q. Yes.

20 A. Yes.

21 1330 Q. Where is it?

22 A. In my office.

23 1331 Q. Where?

24 A. It would have been actually in  
25 Chaminda's office, of which I believe they found

1 99 percent of what they were looking for when they  
2 were there.

3 1332 Q. But what I showed you is not it  
4 because there's nothing signed?

5 A. No, because obviously the  
6 paperwork either got misplaced or has been lost,  
7 but it can be provided.

8 1333 Q. And what happened to the product  
9 that Mr. Salem or Norris allegedly shipped to  
10 Compuquest in 2016?

11 A. It was all sold.

12 1334 Q. Well, sold to whom?

13 A. Again, I don't have that  
14 information. It's all in my QuickBooks.

15 1335 Q. Every drop was sold?

16 A. Again, I don't have the inventory  
17 numbers or what was in front of me. I can't answer  
18 that. A good chunk of it would have been sold,  
19 yes.

20 1336 Q. And if it was sold, it should have  
21 turned into cash or accounts receivable, no?

22 A. Yes.

23 1337 Q. And when the receiver went in,  
24 there was no cash, no accounts receivable.  
25 Everything was gone, Mr. Bodimeade.

1                                   A.     Because the bank and their  
2                                   practices towards the last two months of me being  
3                                   in business lost -- made all of my customers and  
4                                   all of my vendors lose faith and confidence in me,  
5                                   that they weren't going to honour cheques, they  
6                                   weren't going to honour wires. So the long and the  
7                                   short, nobody wanted to deal with me anymore.

8 1338                           Q.     That's really not responsive to my  
9                                   question, Mr. Bodimeade. I asked what happened.  
10                                  You said it was sold, and if it was sold, people  
11                                  would have paid. Are you saying they didn't pay  
12                                  because they didn't want to deal with you anymore?

13                                A.     No. Everything that was sold was  
14                                paid and put into either the TD or the CIBC  
15                                accounts.

16 1339                         Q.     Have you provided the TD account  
17                                to --

18                                A.     No, I don't have access to it  
19                                anymore, but I know Grant Thornton has all the  
20                                information.

21                                MS. FRANCIS: Can we take a short  
22                                break?

23                                MR. AZEFF: Yeah, no problem.

24                                -- Recess at 3:01 p.m. --

25                                -- Upon resuming at 3:17 p.m. --

1 BY MS. FRANCIS:

2 1340 Q. So before I close off on the issue  
3 of house, I know that you went through before and  
4 explained a number of the cheques that had been  
5 found by the receiver in the account.

6 But I want to know, to the best of your  
7 recollection, every other trades who did any work  
8 for either the house, the landscaping, the pool,  
9 the barns, the two barns, or any of the other work  
10 on the house, if I could do that?

11 A. Sure.

12 1341 Q. So I think we had a list before.  
13 Maybe I could find that and then I can use this.  
14 It's in the third report, I guess.

15 So Appendix 5 of the third report has  
16 the amounts that add up to about \$981,000, and  
17 we've identified today another 43,000 related to  
18 the basement. Apart from that, most of the actual  
19 house construction is missing from here.

20 So we know that Brent Jeffreys was the  
21 general contractor, but can you help me out in  
22 terms of who else was involved in the house  
23 construction, what other trades?

24 A. Again, any -- anything to do with  
25 the building of the house or any of the trades that

1                   went with it were all done through Brent Jeffreys  
2                   and his people.

3 1342                   Q.    So this would be billings by  
4                   Brent Jeffreys himself?

5                   A.    No, not necessarily. He had his  
6                   own contractors for electrical and stairs and  
7                   whatever else was involved in the house. He would  
8                   hire those.

9 1343                   Q.    Well, do you know who they are?

10                  A.    I do not have a list of those, no.

11 1344                  Q.    Do you know any of them?

12                  A.    Not off the top of my head, no.

13 1345                  Q.    What about kitchens, bathrooms?  
14                  You'd have specialized contractors for that work?

15                  A.    Yeah, I know the people who did  
16                  the kitchen, they're up on Lake Ridge Road, but I  
17                  can't remember the name of the company that did it.

18 1346                  Q.    Someone else for bathrooms?

19                  A.    No. Again, bathrooms were all  
20                  handled by Brent Jeffreys. Plumbing would have  
21                  been through his plumber, whoever he suggested.

22 1347                  Q.    And you don't know how those costs  
23                  were paid for?

24                  A.    No, I do not.

25 1348                  Q.    And you don't have a way of

1 finding out?

2 A. No, I do not.

3 1349 Q. What about the pool?

4 A. Pool was done by Colonial Pools.

5 1350 Q. I don't think they're on the list.

6 You probably...

7 A. They were up -- I know they're in  
8 Sunderland, and they went out of business six or  
9 seven years ago, I believe.

10 1351 Q. And how were they paid?

11 A. I don't recall.

12 1352 Q. Are there any other contractors  
13 that you can recall at all who did work on the  
14 house?

15 A. Not off the top of my head, no.

16 1353 Q. And what would you have to get in  
17 order to help you figure that out?

18 A. That would be a question for Aimee  
19 and Brent Jeffreys because they were involved in  
20 most of those details.

21 1354 Q. So I can possibly get it from  
22 Brent Jeffreys, okay. In your Statement of  
23 Affairs, which is in the first appendix of the  
24 third report, you told me that all of the personal  
25 assets were, in your view, held jointly, correct?

1 A. Yes.

2 1355 Q. But you didn't list any in your  
3 Statement of Affairs. You didn't list your  
4 interest in personal assets.

5 A. There was a big grey area as to  
6 what was mine, what was Aimee, and what was classed  
7 as both of ours combined.

8 1356 Q. So you didn't include any of them?

9 A. No, but I don't recall ever being  
10 asked that direct question.

11 1357 Q. There's insurance on the house,  
12 correct?

13 A. Yes.

14 1358 Q. And do you know the amount of the  
15 insurance?

16 A. What the value of it is?

17 1359 Q. Yes.

18 A. Not off the top of my head.

19 1360 Q. Who arranged the insurance?

20 A. I did.

21 1361 Q. You did, okay. And did you  
22 arrange to pay for the insurance?

23 A. I was paying for it up until  
24 recently, yes.

25 1362 Q. Until when were you paying for it?

1 A. Until I was locked out in  
2 December.

3 1363 Q. So until December of 2016, you  
4 were paying the insurance?

5 A. Yes.

6 1364 Q. And how were you paying?

7 A. That was through Compuquest, and  
8 then I've worked out a deal with the owner of the  
9 new company that was being paid for through the new  
10 company.

11 1365 Q. Sorry, Phase5 was paying your  
12 house insurance?

13 A. Yes, as a favour. It was a loan  
14 to me.

15 1366 Q. And you have to pay it back?

16 A. Yes.

17 1367 Q. So it was being paid out of their  
18 bank account?

19 A. Yes.

20 1368 Q. And do you have anything in  
21 writing on that?

22 A. I have a full list of what's owed,  
23 yes, from monies I borrowed --

24 1369 Q. Can I see that, please?

25 A. I don't have it with me now.

1 1370 Q. Sorry, you have a full list of all  
2 of the expenses --

3 A. All of the expenses that I owe  
4 Phase5 and Brad Fisher for, yes.

5 1371 Q. So Phase5 is paying your personal  
6 expenses out of its bank account?

7 A. No, that's not true.

8 1372 Q. Well, how are they being paid?

9 A. My personal expenses? I take a  
10 pay cheque or an e-transfer every two weeks, and  
11 that's what my personal expenses are being paid out  
12 of.

13 1373 Q. Well, no, you just that said you  
14 owed money.

15 A. I owed money. He's helped me with  
16 mortgage payments in the past while I was residing  
17 at Ashburn.

18 1374 Q. And how were those being paid?

19 A. They were paid directly from him,  
20 his personal accounts.

21 1375 Q. His personal accounts or the  
22 company's accounts?

23 A. His personal accounts.

24 1376 Q. So your mortgage payments would be  
25 made out of his personal bank account?

1 A. No, I would borrow the money off  
2 of him, or he would e-mail transfer as a loan to me  
3 to Aimee to keep the house payments up.

4 1377 Q. All right. Do you have documents  
5 showing these loans?

6 A. Yes, I do.

7 1378 Q. I would like to see the document  
8 showing these loans.

9 U/T A. Sure.

10 1379 Q. So you didn't declare any of this  
11 to the trustee on your income statement?

12 A. No, it's a loan.

13 1380 Q. Right. It is a loan from him  
14 personally or from --

15 A. From him personally.

16 1381 Q. And what about the payments being  
17 made from the company, the new company?

18 A. Again, same thing. It's a loan --  
19 it's his company, so I would have to pay him back,  
20 and that's all documented.

21 1382 Q. And how much do you owe his  
22 company for your personal expenses that the company  
23 has been paying?

24 A. Whatever the amount with the  
25 insurance was, and that was the only expense.

1 1383 Q. That's the only one that was going  
2 through?

3 A. That's the only one, yes.

4 1384 Q. What about the vehicle insurance?

5 A. For which vehicles?

6 1385 Q. Now, the BMW that you're driving?

7 A. That's, again, through the  
8 company.

9 1386 Q. So the company's paying for the  
10 vehicle insurance?

11 A. Yes.

12 1387 Q. Are you listed on the insurance?

13 A. No, I'm not.

14 1388 Q. You're not listed as a driver?

15 A. No.

16 1389 Q. But you're getting the benefit of  
17 a vehicle?

18 A. Yes.

19 1390 Q. And did you declare that to the  
20 trustee?

21 A. No, because it's not my vehicle.

22 1391 Q. Well, you're getting the benefit  
23 and the use of that vehicle?

24 A. I get the benefit of five or six  
25 different vehicles that I can use.

1 1392 Q. And you're not declaring any of  
2 that?

3 A. No.

4 1393 Q. In your Statement of Affairs, you  
5 had RSPs at Empire Life?

6 A. Yes.

7 1394 Q. Which were estimated value of the  
8 dollar at the time?

9 A. Yes. They were all cashed in  
10 prior to Compuquest going bankrupt, I believe two  
11 weeks before and put into the company's accounts.  
12 I have copies of those.

13 1395 Q. Put into the company's accounts  
14 and then sent off to either Mr. --

15 A. Pay -- pay bills.

16 1396 Q. Well, not pay the bills. It was  
17 either to pay Mr. Clausner or to pay Mr. Salem,  
18 right?

19 A. If those were the two vendors that  
20 were owed bill -- payments at that time, yes.

21 1397 Q. Sorry, Mr. Clausner is a vendor  
22 now?

23 A. We bought -- do I have to explain  
24 that one again?

25 1398 Q. Yes, you do. Yes, you do. You

1 have to explain why --

2 A. For the fifth time I'm explaining  
3 this, there was a deal that I brokered with Jay to  
4 a company called CNB Computers. Jay took a deposit  
5 from CNB Computers, passed the deposit on to me for  
6 product that I was going to be buying through a  
7 vendor.

8 The deal fell apart. Jay had to return  
9 the deposit to CNB. He did, and I paid him the  
10 funds back. And I have a full paper trail and an  
11 explanation of it with copies of the draft going  
12 back to CNB and including text messages from the  
13 owner of CNB asking for his money back.

14 1399 Q. I'll take a look at that and mark  
15 it. So I'll mark this package, but if you don't  
16 mind explaining to me whose account was this cheque  
17 written to CNB? Whose account is that?

18 A. That's not mine. That would be  
19 Jay Clausner's.

20 1400 Q. So Jay Clausner's personal bank  
21 account?

22 A. I don't know. It looks like a  
23 draft. I don't know where he got the draft from.  
24 I gave you two copies of the same thing by mistake.

25 1401 Q. Well, I'll take off the extra

1 copy, then. So all of this took place immediately  
2 prior to the appointment of the interim receiver?

3 A. Yes.

4 1402 Q. And you knew that that was coming  
5 down the pipe?

6 A. Which had nothing to do with this  
7 particular deal except being in the works for three  
8 weeks plus prior.

9 1403 Q. And explain to me again, where did  
10 this product go?

11 A. It was never actually received.

12 1404 Q. So what, so you did all this to  
13 pay for product that you never got?

14 A. That, yeah -- it was a load that  
15 was coming in from a Mexico customer or a Mexican  
16 vendor. And it kept getting delayed and delayed  
17 and delayed, so we finally just said, we can't do  
18 it.

19 1405 Q. So then why did you pay for it?

20 A. I didn't pay for it. I took --

21 1406 Q. Then let's start again. What's  
22 this all about?

23 A. I took a deposit for a load that I  
24 was going to sell to Jay who was going to sell to  
25 CNB Computers.

1 1407 Q. You took a deposit from who?

2 A. From Jay Clausner, who took a  
3 deposit from CNB computers.

4 1408 Q. CNB Computers wanted to buy a load  
5 of stuff that was supposed to be coming in from  
6 Mexico?

7 A. Yes. They didn't know where it  
8 was coming from.

9 1409 Q. And why is CNB taking a deposit  
10 from Jay? What does Jay have to do with it?

11 A. Jay didn't him a deposit. It was  
12 the other way around. CNB gave Jay a deposit.

13 1410 Q. That's what I said. Why did CNB  
14 give Jay a deposit? What does he have to do with  
15 your business?

16 A. He was buying the load through me  
17 and was going to sell it to CNB directly.

18 1411 Q. So they prepaid \$75,000, and he  
19 paid the 75 to you?

20 A. Yes.

21 1412 Q. And where did that money go?

22 A. Into the corporate bank account.

23 1413 Q. And when did it go into the  
24 corporate bank account?

25 A. I would -- best guess is probably

1 two to three weeks before he returned the money.

2 1414 Q. And then the shipment never came,  
3 so you cashed our RSPs, put the money into the bank  
4 account, cut the cheque to Jay, and he in turn  
5 reimbursed CNB?

6 A. Yes.

7 1415 Q. Is that the story? Okay. I'll  
8 mark this as Exhibit 12.

9 EXHIBIT NO. 12: Package of Papers  
10 Related to CNB Deal.

11 MR. AZEFF: Ms. Francis, we've got  
12 copies of Gary's Empire Life RRSP account that  
13 shows the withdrawals from his RRSPs around that  
14 time as well.

15 MS. FRANCIS: Okay.

16 MR. AZEFF: If you want to take a look  
17 at that.

18 BY MS. FRANCIS:

19 1416 Q. I'll mark that. So this is with  
20 Mr. Esmail --

21 A. Esmailzadeh, yeah.

22 1417 Q. So is that in here?

23 A. There's copies of --

24 1418 Q. His name?

25 A. It should be.

1 MR. AZEFF: Is that Mae World?

2 THE WITNESS: Yeah, that's his company  
3 name.

4 BY MS. FRANCIS:

5 1419 Q. I don't actually see it. So  
6 there's nothing left in your RSP?

7 A. No.

8 MS. FRANCIS: Okay. I'll mark this as  
9 Exhibit 13.

10 EXHIBIT NO. 13: Copies of Gary  
11 Bodimeade's Empire Life RRSP Account.

12 THE WITNESS: They were in seg funds.

13 BY MS. FRANCIS:

14 1420 Q. Sorry?

15 A. They were in seg funds and would  
16 have been protected, apparently, through this whole  
17 process.

18 1421 Q. So in other words, you shouldn't  
19 have done this?

20 A. No, I needed to do it to keep the  
21 business going.

22 1422 Q. Well, did you actually think that  
23 the business was going to keep going at the end of  
24 April when you'd been told by CIBC that you have to  
25 move and when there's been irregular banking

1 activity, and you said you lost most of your  
2 business anyway because of your divorce  
3 proceedings?

4 A. Yeah, I still thought it was  
5 savable. A lot of hard work, of which I've been  
6 doing for 20 years. Why else would I put money  
7 that couldn't be touched back into the business?

8 1423 Q. You what?

9 A. Why else would I put money back  
10 into the business that didn't need to be?

11 1424 Q. Well, it didn't stay there very  
12 long, did it? The RSPs were bought by Compuquest,  
13 anyway, right?

14 A. Yes.

15 1425 Q. And you didn't reimburse  
16 Compuquest for those RSPs?

17 A. Again, how it was allocated in the  
18 systems, I don't know.

19 1426 Q. So that was just another of your  
20 personal expenses that was paid out of Compuquest?

21 MR. AZEFF: Well, assuming it was  
22 allocated as a business expense. We haven't seen  
23 anything that suggests that it was not, in fact,  
24 attributed as income to him. You're just making  
25 that assumption.

1 MS. FRANCIS: Well, of course it wasn't  
2 attributed as income to him --

3 MR. AZEFF: I don't know --

4 MS. FRANCIS: -- because the amounts  
5 that he was taking out the company vastly exceeded  
6 what he --

7 MR. AZEFF: I understand that that's  
8 your opinion.

9 MS. FRANCIS: It's not an opinion.

10 MR. AZEFF: What I'm saying is that we  
11 have not seen anything to back up your assumption.

12 MS. FRANCIS: Well, yes, you have. You  
13 just haven't looked.

14 MR. AZEFF: You're just making the bald  
15 assumption --

16 BY MS. FRANCIS:

17 1427 Q. Okay, let me. We've tracked, for  
18 example, 1.7 million dollars approximately that was  
19 paid for leased vehicles during that time period.  
20 We've tracked over a million dollars that was used  
21 to build the house. We have, what, purchases of  
22 horses?

23 A. Yes.

24 1428 Q. Right? We have the salaries that  
25 were paid to you and Aimee?

1 A. Yes.

2 1429 Q. Which alone are roughly the amount  
3 that was attributed to you for income each year?

4 A. Based on my ten-year history, both  
5 Aimee and I, I believe it was about 2.1 million  
6 dollars over the two years that we took in the  
7 income.

8 With regards to the RRSPs, yes, they  
9 were paid by Compuquest, but they were invested,  
10 and any profits were returned over a ten-year  
11 period back into the company.

12 So in essence, they were paid by  
13 Compuquest, but all the funds came back, and they  
14 were put in place for security that if I was to  
15 drop dead that the Compuquest bills would be paid  
16 as well as my family.

17 1430 Q. Do you want to show me where the  
18 profits went back into Compuquest?

19 A. I've got a history coming from the  
20 last ten years. It was put into a -- whatever  
21 fund, wherever it was invested through  
22 Mike Esmailzadeh, it made money.

23 The excess money that was paid in or  
24 that -- the returns it was made were always put  
25 back into Compuquest somewhere to the tune of

1                   \$250,000 over the last ten years.

2 1431                   Q.    Are you going to provide me with  
3                   evidence?

4                   A.    I've asked -- yeah.  I won't have  
5                   a problem --

6 1432                   Q.    And you'll provide evidence of --

7                   A.    Yes.

8 1433                   Q.    -- whatever you invested in your  
9                   RSPs somehow when back into Compuquest?

10                  A.    Yes.

11 1434                  Q.    That's what you're telling --

12                  A.    Yes.

13 1435                  Q.    That's what you're telling me?

14                  A.    But it was also put in place as a  
15                  protection for the company as well as my family.

16 1436                  Q.    Your total expenditures over that  
17                  time period vastly exceeded your income,  
18                  Mr. Bodimeade.

19                  A.    Okay.  We were just talking about  
20                  one thing.  What?

21 1437                  Q.    Well, we talked about the leased  
22                  vehicles.

23                  A.    Yeah, but we were just talking  
24                  about the RSPs.  You went on a left-hand turn on me  
25                  there.

1 1438 Q. Okay. Who bought the horses?

2 A. Compuquest.

3 1439 Q. Compuquest, okay. And how did  
4 they buy the horses? We haven't seen the bills or  
5 the cheques for the horses.

6 A. Cheques, wires. And I made Aimee  
7 aware that, a year and a half ago, that they were  
8 all Compuquest assets.

9 1440 Q. And how much did you spend buying  
10 horses?

11 A. Best recollection, somewhere in  
12 the \$400,000 U.S. range.

13 1441 Q. And do you have any idea what  
14 they're currently worth?

15 A. If you talk to my wife, they're  
16 worth nothing, but that's not the case.

17 1442 Q. According to her, they're worth  
18 horse meat.

19 A. Yeah. They're show horses.  
20 Because they haven't been trained properly in the  
21 last year means nothing. They're her babies, and  
22 she doesn't want to get rid of them. That's why  
23 she says there's no value in them.

24 1443 Q. So what do you think they're  
25 worth?

1                   A.    Again, I'm not in that business,  
2                   but I would say a couple hundred thousand dollars  
3                   for all of them and all of the bridles and saddles  
4                   and -- unless she's already sold all of it.

5 1444               Q.    Tab 7 of the third report.

6                   MR. AZEFF: Do you have a page number?

7                   MS. FRANCIS: Page -- sorry, 49 is the  
8                   beginning to -- well, that's enough. Just the  
9                   beginning.

10                  MR. AZEFF: Thanks.

11                  BY MS. FRANCIS:

12 1445             Q.    So this is just a sample of  
13                   Compuquest bank statements from 2009. So I just  
14                   want to get an understanding of the kinds of  
15                   personal expenses that were going directly through  
16                   the account. So if you could just look at the very  
17                   beginning. Landmark Vehicle Leasing, would that be  
18                   personal?

19                  A.    I don't know what car it's  
20                   referring to, but it could have been either  
21                   business or personal.

22 1446             Q.    And there's a couple from Landmark  
23                   Leasing, so...

24                  A.    Again, same. Same answer.

25 1447             Q.    Did you lease personal vehicles

1 from Landmark?

2 A. And business vehicles through  
3 Landmark, yes, I did.

4 1448 Q. So both?

5 A. Yes.

6 1449 Q. And what kind of vehicles?

7 A. I don't recall in 2010 what they  
8 were.

9 1450 Q. 2009?

10 A. Or 2009, sorry.

11 1451 Q. Equitable Life?

12 A. That's life insurance.

13 1452 Q. Life insurance on you?

14 A. Yes.

15 1453 Q. And who owned the policy?

16 A. The beneficiary, you mean, or...

17 1454 Q. Well...

18 A. It was -- I believe it was  
19 Gary Bodimeade or Compuquest2000. I'm not  
20 100 percent sure.

21 1455 Q. And who was the beneficiary?

22 A. Aimee Bodimeade.

23 1456 Q. So this was for Aimee's benefit?

24 A. Again, same. Same answer as  
25 before: To also protect any outstanding bills that

1                   if I was to drop dead that Compuquest owed because  
2                   I was Compuquest.

3 1457                   Q.   And these were term policies?

4                   A.   Again, I don't know. I relied on  
5                   Mike for that.

6 1458                   Q.   Okay. Honda Canada?

7                   A.   That would have been probably  
8                   Aimee's car at the time.

9 1459                   Q.   Okay. BMW?

10                  A.   That could have been one of my  
11                  cars. Again, what it was in 2009, I don't recall.

12 1460                  Q.   And we have cash withdrawals at  
13                  ATMs. That could be whatever. That's just cash,  
14                  right?

15                  A.   It could be used for purchases,  
16                  office suppliers, toilet paper...

17 1461                  Q.   Empire Life, that's your RSP?

18                  A.   No, that would be the life  
19                  insurance as well.

20 1462                  Q.   So you had two different policies?

21                  A.   We had a few polices, yeah.

22 1463                  Q.   And was Aimee the beneficiary in  
23                  all of them?

24                  A.   Yes, she was.

25 1464                  Q.   And then there's a number of

1 Internet bill payments. You have Rogers, Enbridge?

2 A. Yeah, that would have been all  
3 business-related. Rogers cellphone. Veridian  
4 would have been for the hydro at the building.

5 1465 Q. And I'm not going to go through  
6 the entire thing. Hallmark, for example. That  
7 looks personal.

8 A. Are we on the same page still?

9 1466 Q. I don't know. Oh, sorry. No, I'm  
10 on the next page. It's about half way down.

11 A. Yeah, that would have been  
12 personal.

13 1467 Q. Great-West Life?

14 A. That was health benefits.

15 1468 Q. Go to the next page. You have  
16 Shoppers Drug Mart. I take it that's personal?

17 A. It could have been Tylenol and  
18 whatnot for the office. First Aid Kits, BAND-AIDS.

19 1469 Q. Or it could have been personal,  
20 right?

21 A. Or it could have been personal,  
22 yes.

23 1470 Q. You didn't keep a record of what  
24 was personal and what was company?

25 A. No. Again, Alan Hogan reconciled

1 the credit cards in the accounts at the end of the  
2 month.

3 1471 Q. Because we have a lot of credit  
4 card bills that were being paid, and that was  
5 mixed.

6 A. Probably 90 percent of that was  
7 business-related.

8 1472 Q. But you don't know?

9 A. I don't have the statements in  
10 front of me, no.

11 1473 Q. All right. You were paying Dean  
12 with your Amex card?

13 A. Yes.

14 1474 Q. And at one point, was Dean paying  
15 your Amex bills?

16 A. No. It was used -- instead of  
17 sending cheques or doing wires, he would pay my  
18 Amex bill and recharge it again for product  
19 purchases.

20 1475 Q. Sorry, explain that to me again.

21 A. He would -- I would pay off my  
22 Amex instead of paying him the funds directly on  
23 the due dates, so.

24 1476 Q. You would pay --

25 A. Instead of give him -- I would

1 use -- he would give -- sorry.

2 1477 Q. Yes, start again.

3 A. I would -- instead of sending him  
4 money to pay off the previous debts, I would use  
5 that money to pay off my Amex, and then he would  
6 run my Amex again. So in essence --

7 1478 Q. What does that mean, "run" your  
8 Amex?

9 A. -- meaning I was paying -- he  
10 would run my Amex, and that was paying down my debt  
11 for previous purchases.

12 1479 Q. What does run your Amex mean?

13 A. Charge it.

14 1480 Q. He would charge -- you pay him  
15 with your Amex bill?

16 A. No.

17 1481 Q. I don't understand. How did he --

18 A. I would use my credit card to  
19 purchase products from him.

20 1482 Q. Oh, so you would pay your Amex  
21 bill, and then you would --

22 A. Give him my --

23 1483 Q. -- you would pay him using your --

24 A. -- card number to charge my Amex  
25 for purchases, yes.

1 1484 Q. Oh, so he got to do it directly?  
2 Like, he had your card number and could charge your  
3 Amex bill for his purchases?

4 A. A lot of companies did, yes,  
5 because I used to use it for a lot of purchases.

6 1485 Q. Did you get points and stuff on  
7 Amex?

8 A. I did, but I also got charged  
9 6 percent on every transaction.

10 1486 Q. So why would you use Amex, then?

11 A. Depends what was available at the  
12 time.

13 1487 Q. So I'm not going to go through  
14 every one, but it's fair to say that both personal  
15 and business expenses were being paid out of the  
16 Compuquest bank account?

17 A. Yes. As to how much and the  
18 percentages, I don't know.

19 1488 Q. And would you give anything to  
20 Mr. Hogan to enable him to sort out which ones were  
21 which and how they should be allocated, et cetera?

22 A. He would get all the credit card  
23 statements and all the bank statements and have  
24 access to QuickBooks, and that's where he would  
25 gather his information.

1 1489 Q. And it would be up to him to  
2 decide what was personal and what was --

3 A. Yes.

4 1490 Q. -- not personal? Okay. I just  
5 want to show you a few more. An e-mail from Dean  
6 to Aimee in February of -- e-mail chain in February  
7 of 2016 where I believe he's trying to get her to  
8 sign?

9 A. Okay.

10 1491 Q. Have you seen that before?

11 A. I don't recall seeing all of it.  
12 I've heard or I've had discussions with parts of  
13 it.

14 MS. FRANCIS: Okay. I'm going to mark  
15 that as the next one, Exhibit 14.

16 EXHIBIT NO. 14: E-mail Chain Between  
17 Dean Salem and Aimee Bodimeade Dated  
18 February 3, 2016.

19 MR. AZEFF: What was the date of that  
20 e-mail?

21 MS. FRANCIS: February 3, 2016.

22 MR. AZEFF: Thank you.

23 BY MS. FRANCIS:

24 1492 Q. And then I want to show you an  
25 e-mail from yourself to Aimee, May of 2016. Are

1                   you done reading it?

2                   A.    Oh.  I'm sorry, yes.

3 1493               Q.    And do you remember sending that  
4                   e-mail to Aimee?

5                   A.    I do.

6 1494               Q.    And this is right after the  
7                   bankruptcy application was issued against you,  
8                   right?  It's May 11 of 2016?

9                   A.    Yeah, I believe the bankruptcy was  
10                  April 27th.

11 1495              Q.    No, the interim receivership was  
12                  at the end of April, and the bankruptcy application  
13                  was at the beginning of May.

14                  A.    Oh, okay.

15 1496              Q.    And it was, I believe, heard on  
16                  May 25th.

17                  A.    Okay.

18 1497              Q.    So you knew you had a bankruptcy  
19                  application against you?

20                  A.    Yes.

21 1498              Q.    And you knew that Compuquest was  
22                  in interim receivership?

23                  A.    Yes.

24 1499              Q.    You knew it was over with CIBC?

25                  A.    I'm sorry?

1 1500 Q. And you knew it was over with  
2 CIBC, and you were going to be personally bankrupt,  
3 correct?

4 A. No, I didn't know I was going to  
5 be personally bankrupt at that point.

6 1501 Q. Well, you were served with a  
7 bankruptcy application?

8 A. Oh, then I -- sorry, I guess I  
9 did.

10 1502 Q. Did you receive assurances that  
11 somehow putting a mortgage on the house wouldn't  
12 affect CIBC?

13 A. Me putting a mortgage on the  
14 house?

15 1503 Q. Well, you're telling Aimee that  
16 you spoke to Mr. Azeff and that he assured you that  
17 this would not affect the bank's position with the  
18 house if she put a million dollar mortgage on it?

19 A. She was -- I don't recall why she  
20 was going to put a million dollar mortgage on it to  
21 be honest with you, other than it was to maybe pay  
22 Dean off.

23 1504 Q. Well, no. You were trying to get  
24 her to put a million dollar mortgage on it to pay  
25 Dean off so that Dean could continue to supply the

1 new company, right?

2 A. No. At that point, the new  
3 company wasn't even established.

4 1505 Q. Well, when was --

5 A. Or even talked about.

6 1506 Q. Really? When was it incorporated?

7 A. I started on June. Sometime in  
8 June.

9 1507 Q. And you had nothing to do with the  
10 incorporation of that company?

11 A. No.

12 1508 Q. And is there a reason why it was  
13 incorporated as CQ2K?

14 A. When we originally talked about  
15 it, I had suggested that, to Brad, it might be a  
16 good idea to use a similar name based on my history  
17 until I found out that my history wasn't great  
18 because of what happened. That's why the name was  
19 changed subsequently down the road.

20 1509 Q. So the legal name of the  
21 corporation is CQ2K?

22 A. Computer Sales or something, I  
23 think, yes.

24 1510 Q. And that was your idea?

25 A. It was my suggestion.

1 1511 Q. And it was incorporated right  
2 before you sent this e-mail, right?

3 A. I don't recall the incorporation  
4 date, no.

5 1512 Q. Well...

6 A. Unless you've got the papers in  
7 front of you, I can't confirm dates.

8 1513 Q. What law firm incorporated it?

9 A. I don't recall.

10 1514 Q. And you knew that Dean was going  
11 to be selling to the new company, right?

12 A. Dean is a big player within the  
13 marketplace, so yes, my plan was to try and buy and  
14 sell from him through the new company.

15 1515 Q. And did you receive advice that  
16 putting a million dollar mortgage on the house  
17 somehow wouldn't affect CIBC?

18 A. I don't recall ever getting that  
19 advice, no.

20 1516 Q. But you told Aimee that you did?

21 A. It may have been a tactic to --  
22 for whatever reason.

23 1517 Q. To try to pressure her into  
24 signing?

25 A. I don't recall what the purpose of

1 it was for.

2 MS. FRANCIS: I'm going to mark this as  
3 Exhibit 15.

4 EXHIBIT NO. 15: E-mail from Gary  
5 Bodimeade to Aimee Bodimeade Dated May  
6 of 2016.

7 BY MS. FRANCIS:

8 1518 Q. So at this point, she'd already  
9 signed the agreement, but she was refusing to  
10 actually put a mortgage on, right?

11 A. I don't -- to be honest with you,  
12 I don't recall the whole circumstances around that  
13 point of that e-mail.

14 1519 Q. Because you had induced her, you  
15 and Dean, to sign the agreement on the basis that  
16 it would only cover your share of the property, not  
17 hers?

18 A. I didn't induce her to do  
19 anything. I mentioned to her --

20 1520 Q. You --

21 A. No, I had mentioned to her that  
22 she needed to sign the paperwork in order to keep  
23 the business going back -- well before March  
24 the 3rd or whatever date was she originally signed  
25 it.

1 1521 Q. What is the Stacker trailer?

2 A. That was one of our trailers.

3 1522 Q. And who owned it?

4 A. Compuquest.

5 1523 Q. You saw this second e-mail,

6 June 13 --

7 A. Yes.

8 1524 Q. Is that the sale of the Stacker  
9 trailer? Okay. When was it sold?

10 A. To be honest with you, I'm not  
11 sure. I was trying to sell it for -- much  
12 previously before the bankruptcy, again, to save  
13 monthly expenses.

14 1525 Q. And then you actually ended up  
15 selling it after the bankruptcy?

16 A. I didn't sell it, no.

17 1526 Q. Well, who sold it?

18 A. I believe Jensen picked that up  
19 with the other trailers because there was negative  
20 equity in some of the other trailers we had.

21 1527 Q. There wasn't negative equity in  
22 this one.

23 A. No.

24 1528 Q. There was equity in it.

25 A. I'm assuming that he picked it up

1 to pay off the negative equity in the ones that he  
2 also picked up.

3 1529 Q. There was equity in this trailer,  
4 and it belonged to Compuquest, correct?

5 A. That I don't recall. I don't know  
6 how much equity if any equity was in it, no.

7 1530 Q. This trailer was sold after the  
8 bankruptcy, and none of the money went to the  
9 receiver or the trustee, correct?

10 A. I don't know. I can't answer that  
11 question.

12 1531 Q. Well, yes, you do know.

13 A. Um...

14 MS. FRANCIS: Okay. I'll mark this as  
15 Exhibit No. 16.

16 EXHIBIT NO. 16: Second E-mail Dated  
17 June 13.

18 BY MS. FRANCIS:

19 1532 Q. The equity in the trailer was  
20 split between Aimee and your girlfriend, right?

21 A. I don't recall if that was for  
22 that trailer or something else. I don't know what  
23 equity that was for, if it was for that trailer or  
24 something else.

25 1533 Q. Mr. Bodimeade...

1 A. You can sigh all you want, I'm  
2 answering honestly.

3 1534 Q. The trailer is --

4 A. There was multiple trailers. I  
5 don't know which one that pertained to.

6 1535 Q. They were Compuquest, right? They  
7 were all owned by Compuquest?

8 A. I don't know whose names they were  
9 in.

10 1536 Q. Well, they weren't your personal  
11 name, were they?

12 A. That I can't answer without  
13 looking at the ownerships.

14 MS. FRANCIS: All right. I'm going to  
15 mark these Exhibit No. 17.

16 EXHIBIT NO. 17: Unspecified Exhibit:  
17 Possibly Related to Trailer Equity.

18 BY MS. FRANCIS:

19 1537 Q. \$14,616.08 went to Aimee Bodimeade  
20 on June 27, 2016, right?

21 A. I believe so, yes.

22 1538 Q. And \$14,791.08 went to Lorraine  
23 Stinson --

24 A. Yes.

25 1539 Q. -- on the same day? Now, why is

1                   \$14,791.08 going from Jensen to Lorraine Stinson?

2                   A.    That I can't answer other than I  
3                   know I owed Lorraine money.

4 1540               Q.    Well, wait a minute.  Someone had  
5                   to have told Jensen to write a cheque to Lorraine  
6                   Stinson, and it certainly wasn't Aimee.

7                   A.    It could have been me, yes.

8 1541               Q.    Well, it was you.  Come on.  Come  
9                   on, Mr. Bodimeade, you are under oath.

10                  A.    Yes, I already said yes.  Yes.

11 1542               Q.    Okay.  It was you?  It was you?

12                  A.    Yes.

13 1543               Q.    Okay.  So Jensen sold a trailer  
14                  that belonged to Compuquest, right?

15                  A.    Yes.

16 1544               Q.    After Compuquest went --

17                  A.    I don't know if it was -- belonged  
18                  to Compuquest or whose name it was under, I don't  
19                  know.

20 1545               Q.    Well --

21                  A.    It doesn't matter.

22 1546               Q.    Well, it does matter.  Was it  
23                  under your personal name, maybe?

24                  A.    I don't recall unless I have the  
25                  ownership in front of me.

1 1547 Q. So it was either you personally or  
2 it was Compuquest, correct?

3 A. Yes.

4 1548 Q. And both you and Compuquest are  
5 personally bankrupt, correct?

6 A. Yes.

7 1549 Q. And you instructed Jensen to split  
8 the money between your wife and your girlfriend?

9 A. Yes.

10 1550 Q. And did not declare this to the  
11 trustee?

12 A. No.

13 1551 Q. Is there anything else you didn't  
14 declare to the trustee?

15 A. No.

16 1552 Q. That's it? That's the only thing?  
17 Whatever we found is the only thing that you never  
18 declared?

19 A. That was the only thing that was  
20 left.

21 1553 Q. You mean, you'd already liquidated  
22 everything else before that?

23 A. No. I haven't liquidated  
24 anything. Anything that was liquidated was prior  
25 to the bankruptcy, other than that one, and was put

1 back in the corporate accounts.

2 1554 Q. Well, this one wasn't put in the  
3 corporate accounts.

4 A. I said other than that one.

5 1555 Q. Put in the corporate accounts and  
6 then used to pay other people, right?

7 A. For day-to-day business  
8 activities, yes.

9 1556 Q. Well, we'll talk about whether  
10 they're day-to-day. You've already had your loan  
11 called, right?

12 Okay. I want to show you a series of  
13 e-mails involving yourself and Dean and Aimee.

14 A. Okay.

15 1557 Q. You recognize them?

16 A. I don't know if I've seen all of  
17 those before, no.

18 1558 Q. Well, isn't this one chain?

19 A. I don't know if I'm mentioned on  
20 the chain, am I? I believe it's between Aimee and  
21 Dean.

22 1559 Q. Well, one appears from Aimee to  
23 you.

24 A. Oh, this was -- okay, yes, Aimee  
25 did forward me this, but I did not get this

1 directly from Dean.

2 1560 Q. And this is where Dean is talking  
3 about buying Aimee a new house and supporting her?

4 A. I guess, yeah.

5 1561 Q. Yes, and they're trying to keep  
6 the trustee at bay and hoping the trustee just goes  
7 away, I guess?

8 A. If it was referring to the money  
9 that he's owed, yeah, I guess it would be.

10 MS. FRANCIS: I will mark this as  
11 Exhibit No. 17 [sic]; is that right?

12 EXHIBIT NO. 18: E-mails Between Dean  
13 Salem, Aimee Bodimeade, and Gary  
14 Bodimeade.

15 BY MS. FRANCIS:

16 1562 Q. Your home insurance was with  
17 Chubb?

18 A. Yes.

19 1563 Q. And I just want to show you an  
20 insurance statement as of, I guess, the end of  
21 November, December of 2016?

22 A. Yes.

23 1564 Q. And that shows the payments coming  
24 out?

25 A. Yes.

1 1565 Q. And those payments are coming out  
2 of the TD account?

3 A. I don't recall which account it  
4 was coming out of.

5 1566 Q. Well, take a look at the  
6 statement.

7 A. Okay.

8 1567 Q. And the last four digits are  
9 given?

10 A. 5439, okay.

11 1568 Q. And that's the account of Phase5?

12 A. Okay.

13 1569 Q. Well, is it?

14 A. I don't know.

15 1570 Q. Well, is it your personal account?

16 A. I don't know. I have no idea.

17 1571 Q. Well, all right. Let's take a  
18 look at your personal account statements, and we  
19 can figure that out.

20 Our Motion Record from yesterday's  
21 hearing, Tab F. It's not your personal account  
22 statement, right? Did you look?

23 A. Oh, I thought you were looking. I  
24 don't have that with me. I'm sorry.

25 1572 Q. Oh, no. I have -- sorry. Your

1 counsel has it.

2 A. Oh, okay. No, 0781 is my -- yes,  
3 this is, I guess, the business account.

4 1573 Q. And you're saying this is the only  
5 personal expense that was coming out of the Phase5  
6 business account?

7 A. I believe it was, yes. I know on  
8 occasion my son's insurance did come out, but I  
9 thought that was changed.

10 1574 Q. Oh, so the insurance for the Jeep  
11 was --

12 A. For the Jeep.

13 1575 Q. -- being paid by Phase5 as well?

14 A. Not -- I don't believe it was for  
15 the whole time, and I thought it was changed over a  
16 little while ago.

17 1576 Q. You didn't include this payment in  
18 your income expense statements that you were given  
19 to the trustee, right?

20 A. No, because it's a loan. It's due  
21 to be paid back.

22 1577 Q. So what? Don't you have to  
23 declare all your expenses?

24 A. I was told I don't have to declare  
25 loans.

1 1578 Q. You have to declare all your  
2 expenses. You didn't say that your expenses were  
3 being paid out of the bank account of Phase5.

4 A. Because there was only one  
5 expense, which was that one, which is --

6 1579 Q. And you didn't declare it to the  
7 trustee?

8 A. Which is to be paid back, which is  
9 a loan.

10 1580 Q. You didn't declare it as an  
11 expense to the trustee, correct?

12 A. I didn't know it was an expense,  
13 as it was classed as a loan.

14 1581 Q. And when do you have to pay it  
15 back?

16 A. As soon as I can.

17 1582 Q. And what do you think you're  
18 paying it back out of?

19 A. At this point, I have no idea.

20 1583 Q. I just want to show you, just so I  
21 have it in the record, a quote with some statements  
22 from Brent Jeffreys. I'll mark this as Exhibit 19.

23 EXHIBIT NO. 19: Quote with Statements  
24 from Brent Jeffreys.

25 MS. FRANCIS: I'm almost done. I

1                   wouldn't mind just another little break just to  
2                   check on my clean-ups.

3                   MR. AZEFF: Yes.

4                   -- Recess at 4:11 p.m. --

5                   -- Upon resuming at 4:22 p.m. --

6                   BY MS. FRANCIS:

7 1584               Q. Do you know a company called  
8                   Rafat Construction? Rafat? R-A-F-A-T?

9                   A. No, not off the top of my head,  
10                  no.

11 1585              Q. Do you have or have you owned or  
12                  had an interest in a red Audi?

13                  A. Yes, that's the one  
14                  Mike Esmailzadeh purchased.

15 1586              Q. Oh. Does he have anything to do  
16                  with Rafat Construction, do you know?

17                  A. I wouldn't know, I'm sorry.

18 1587              Q. And he purchased this for his own  
19                  account?

20                  A. Yes.

21 1588              Q. So I'm showing you some documents  
22                  related to the BMW.

23                  A. Okay.

24 1589              Q. The top letter is a letter which  
25                  was delivered to you, I believe, on April 29, 2016?

1 A. Okay.

2 1590 Q. Well, no, I'm asking you now to  
3 tell me --

4 A. Yeah, if that's what the date  
5 says, yes.

6 1591 Q. Well, it doesn't have the date.

7 A. Oh, then I don't know when it was  
8 delivered to me.

9 1592 Q. Well, you were the one who alerted  
10 Pfaff to the interim receivership order.

11 A. Okay.

12 1593 Q. And they handed you the letter on  
13 the day of the receivership order?

14 A. I believe it was, yes.

15 1594 Q. And I think they knew about the  
16 receivership because it says so, doesn't it? Let's  
17 see. It says so right in the letter.

18 A. I told you, I enlightened him to  
19 the situation, yes.

20 1595 Q. To the situation of receivership.  
21 And you know that the receivership order prohibited  
22 anyone from taking any steps against Compuquest  
23 asset?

24 A. I was unaware of that.

25 1596 Q. Oh, you didn't see it?

1 A. I saw it, but did I read the  
2 thing from --

3 1597 Q. Well, did you read it?

4 A. I read parts of it, yes. I read  
5 it, yes, but...

6 1598 Q. Did you read it before you told  
7 Pfaff to come and get the vehicles?

8 A. I don't recall.

9 1599 Q. Well, did you read it on the day  
10 it was made?

11 A. Yes, I believe I did.

12 1600 Q. In fact, you probably read it the  
13 day before it was made. You read what was being  
14 requested, right?

15 A. I read it, but did I understand  
16 it? That's -- I'm not 100 percent sure of  
17 understanding it. It was a big, long --

18 1601 Q. Well, it was reasonably clear that  
19 you can't exercise any rights against the company,  
20 right?

21 A. I -- if it was in there, yes, I  
22 guess it was.

23 1602 Q. Yet Pfaff went and picked up the  
24 ten vehicles?

25 A. Yes.

1 1603 Q. Right. And where was the BMW?

2 A. All the cars were at Ashburn, I  
3 believe, and at Compuquest.

4 1604 Q. Well, how many were at Ashburn,  
5 and how many at Compuquest?

6 A. It depends on what day that was,  
7 if I was using that vehicle or one of the vehicles  
8 that day to get to work.

9 1605 Q. You were using the BMW that day,  
10 right? You drove away with it after the receiver  
11 arrived?

12 A. I was out for lunch for the first  
13 time in probably 12 years, and when I came back, my  
14 guys had told me they locked the building, so I  
15 went home, yes.

16 1606 Q. And you drove away in the BMW?

17 A. Yes.

18 1607 Q. And you invited Pfaff to come and  
19 get it?

20 A. Yes.

21 1608 Q. And you handed it over with the  
22 keys to the bailiff?

23 A. To the bailiff.

24 1609 Q. And how long did you not have it  
25 for?

1 A. I don't recall.

2 1610 Q. And then --

3 A. Three, four, months maybe? I  
4 don't know.

5 1611 Q. Well, I don't think so because  
6 then they turned around and entered into a lease  
7 with Phase5 with the exact same vehicle, correct?

8 A. For Brad Fisher, yes.

9 1612 Q. Well, Brad Fisher already had his  
10 own car.

11 A. Yeah. He also saw an opportunity  
12 because of the down payment that was put on it to  
13 get a good deal on a vehicle.

14 1613 Q. Oh, I see. The down payment was  
15 made by Compuquest, right?

16 A. I believe it was, yes.

17 1614 Q. And the down payment belonged to  
18 Compuquest?

19 A. Again, yes, where that was  
20 allocated.

21 1615 Q. So he was able to get a good deal  
22 on his vehicle because there was already a down  
23 payment made by Compuquest, right?

24 A. There was already payments made  
25 towards it through Compuquest, yes.

1 1616 Q. And that applied to all of these  
2 leased vehicles?

3 A. That I can't answer because I  
4 don't know where they ended up.

5 1617 Q. And who funded the down payment?

6 A. Compuquest would have.

7 MS. FRANCIS: Yes, okay. I'm going to  
8 mark this as...

9 EXHIBIT NO. 20: Documents Related to  
10 BMW and Letter Delivered to Gary  
11 Bodimeade April 29, 2016.

12 BY MS. FRANCIS:

13 1618 Q. Do you have the insurance for this  
14 car?

15 A. Do I have? No, I don't.

16 1619 Q. You've never seen the insurance?

17 A. It's -- I guess it's in the glove  
18 box. I've never looked at it, no.

19 1620 Q. Did you drive it here today?

20 A. Yes, I did. Only because it has  
21 nav, and I didn't know where I was going.

22 1621 Q. Hmm?

23 A. Only because it has navigation,  
24 and I didn't know where I was going.

25 1622 Q. Where'd you park?

1 A. At the Northbridge building.

2 1623 Q. So you have the insurance in the  
3 glove compartment in that vehicle?

4 A. I would imagine it's in there,  
5 yes.

6 1624 Q. And you've never looked at it?

7 A. Nope. I've never been pulled  
8 over, touch wood. Why would I look at the  
9 insurance if I've never had to submit it to anyone?

10 1625 Q. And the insurance is being paid  
11 for by the new company?

12 A. By the owner of the vehicle, yes,  
13 or the lessee.

14 1626 Q. You said there were three -- other  
15 than your friend, there are only three employees,  
16 you and the other two that used to be with  
17 Compuquest?

18 A. Yes.

19 1627 Q. And they refer to you as the boss?

20 A. Yeah. Because I'm their old boss,  
21 yeah.

22 1628 Q. Yes, okay.

23 A. They refer to me as "the Cheese."

24 1629 Q. And you have the big office?

25 A. No, I don't have the big office.

1 We got pretty much the same size office.

2 1630 Q. And is the company profitable?

3 A. No, it's not.

4 1631 Q. In the second report of the  
5 receiver, can you turn to Tab 31? This is the  
6 statements we looked at before. If you could just  
7 turn to page 478 of the record, and this shows the  
8 dividends. You see that?

9 A. Yes.

10 1632 Q. And you see for 2015, 150,000?

11 A. Yes.

12 1633 Q. And then for 2014, you see zero?

13 A. Yes.

14 1634 Q. Why is that?

15 A. That I can't answer.

16 1635 Q. If you weren't getting a salary,  
17 and you don't have any dividends to collect, how do  
18 you account for all the money that you've taken out  
19 of Compuquest?

20 A. I would have to look at the  
21 statements that Alan would have provided for my  
22 personal income.

23 1636 Q. And will you get those?

24 A. I believe it's all on that  
25 ten-year summary.

1 1637 Q. Okay. You're going to be getting  
2 that for me?  
3 A. I have it at the office, yes.  
4 MS. FRANCIS: You're going to be  
5 sending that to me, okay. So I may have some  
6 questions on that. Those are my questions for now.  
7 Thank you.  
8 -- Whereupon the examination adjourned at 4:31 p.m.  
9 --

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REPORTER'S CERTIFICATE

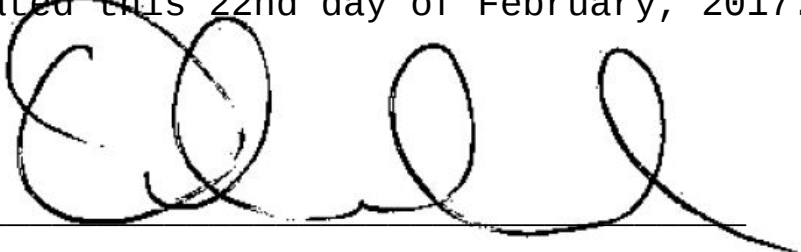
I, OLIVIA ARNAUD, Court Reporter,  
certify;

That the foregoing proceedings were  
taken before me at the time and place therein set  
forth, at which time the witness was put under oath  
by me;

That the testimony of the witness  
and all objections made at the time of the  
examination were recorded stenographically by me  
and were thereafter transcribed;

That the foregoing is a true and  
correct transcript of my shorthand notes so taken.

Dated this 22nd day of February, 2017.

A handwritten signature in black ink, appearing to be 'Olivia Arnaud', written over a horizontal line.

NEESON COURT REPORTING INC.

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|                                                      |                                                   |                              |                    |                                                             |
|------------------------------------------------------|---------------------------------------------------|------------------------------|--------------------|-------------------------------------------------------------|
| <b>\$</b>                                            | 77:16                                             | <b>1009</b> 160:18           | <b>1041</b> 165:24 | <b>1074</b> 171:22                                          |
| <b>\$1,937</b> 121:22                                | <b>\$75,000</b> 69:16<br>232:18                   | <b>101</b> 20:18             | <b>1042</b> 166:3  | <b>1075</b> 172:1                                           |
| <b>\$100,000</b> 88:10<br>89:22 91:9                 | <b>\$800</b> 93:6                                 | <b>1010</b> 160:21           | <b>1043</b> 166:8  | <b>1076</b> 172:8                                           |
| <b>\$108,000</b> 149:15                              | <b>\$863,000</b> 140:14                           | <b>1011</b> 161:2            | <b>1044</b> 166:14 | <b>1077</b> 172:11                                          |
| <b>\$125,000</b> 129:1,<br>7 133:25 135:24<br>172:13 | <b>\$9,000</b> 149:3,6                            | <b>1012</b> 161:5            | <b>1045</b> 166:20 | <b>1078</b> 172:14                                          |
| <b>\$14,616.08</b><br>255:19                         | <b>\$900,000</b> 137:13<br>143:24 144:6           | <b>1013</b> 161:9            | <b>1046</b> 166:25 | <b>1079</b> 172:16                                          |
| <b>\$14,791.08</b><br>255:22 256:1                   | <b>\$981,000</b> 221:16                           | <b>1014</b> 161:11           | <b>1047</b> 167:12 | <b>108</b> 21:16                                            |
| <b>\$15,000</b> 147:11,<br>16                        | <b>0</b>                                          | <b>1015</b> 161:19           | <b>1048</b> 167:17 | <b>1080</b> 172:21                                          |
| <b>\$150,000</b> 68:18<br>173:7                      | <b>07</b> 14:18                                   | <b>1016</b> 162:4            | <b>1049</b> 167:22 | <b>1081</b> 172:25                                          |
| <b>\$160,000</b> 148:8                               | <b>0781</b> 261:2                                 | <b>1017</b> 162:10           | <b>105</b> 21:8    | <b>1082</b> 173:3                                           |
| <b>\$17,000</b> 151:5                                | <b>1</b>                                          | <b>1018</b> 162:13           | <b>1050</b> 167:24 | <b>1083</b> 173:6                                           |
| <b>\$195,000</b> 128:5,<br>21                        | <b>1</b> 6:4 20:4 37:11<br>156:19 157:5<br>161:21 | <b>1019</b> 162:15           | <b>1051</b> 168:8  | <b>1084</b> 173:10                                          |
| <b>\$2,000</b> 121:23                                | <b>1,779,139</b><br>180:25                        | <b>102</b> 20:20             | <b>1052</b> 168:12 | <b>1085</b> 173:17                                          |
| <b>\$2,705,143</b><br>209:4                          | <b>1.7</b> 32:24 33:2<br>236:18                   | <b>1020</b> 162:19           | <b>1053</b> 168:16 | <b>1086</b> 173:21                                          |
| <b>\$20</b> 171:25                                   | <b>10</b> 7:21 11:2,8<br>40:24 126:15             | <b>1021</b> 162:22           | <b>1054</b> 168:19 | <b>1087</b> 173:25                                          |
| <b>\$20,000</b> 148:1<br>176:17,20                   | 147:25 150:1,3<br>199:10,11 216:1                 | <b>1022</b> 162:25           | <b>1055</b> 168:21 | <b>1088</b> 174:3                                           |
| <b>\$215,000</b> 162:10                              | <b>100</b> 20:15 24:24<br>27:24 67:8 84:8         | <b>1023</b> 163:4            | <b>1056</b> 168:25 | <b>1089</b> 174:5                                           |
| <b>\$250,000</b><br>133:12,19 173:14<br>238:1        | 88:11 198:20<br>204:9 213:6<br>241:20 265:16      | <b>1024</b> 163:6            | <b>1057</b> 169:2  | <b>109</b> 21:20                                            |
| <b>\$300</b> 121:25                                  | <b>1000</b> 159:5                                 | <b>1025</b> 163:8            | <b>1058</b> 169:6  | <b>1090</b> 174:8                                           |
| <b>\$350</b> 114:6,14                                | <b>1001</b> 159:11                                | <b>1026</b> 163:12           | <b>1059</b> 169:12 | <b>1091</b> 174:14                                          |
| <b>\$4,000</b> 81:22,25<br>82:5 88:3 121:10          | <b>1002</b> 159:14                                | <b>1027</b> 163:16           | <b>106</b> 21:10   | <b>1092</b> 174:17                                          |
| <b>\$40,000</b> 37:24                                | <b>1003</b> 159:16                                | <b>1028</b> 163:20           | <b>1060</b> 169:15 | <b>1093</b> 174:20                                          |
| <b>\$400,000</b> 239:12                              | <b>1004</b> 159:21                                | <b>1029</b> 163:25           | <b>1061</b> 169:17 | <b>1094</b> 174:23                                          |
| <b>\$44,000</b> 176:1                                | <b>1005</b> 159:25                                | <b>103</b> 20:25             | <b>1062</b> 169:20 | <b>1095</b> 174:25                                          |
| <b>\$500</b> 179:5                                   | <b>1006</b> 160:5                                 | <b>1030</b> 164:5            | <b>1063</b> 169:23 | <b>1096</b> 175:2                                           |
| <b>\$600,000</b> 32:14                               | <b>1007</b> 160:9                                 | <b>1031</b> 164:7            | <b>1064</b> 170:1  | <b>1097</b> 175:6                                           |
| <b>\$7,500</b> 76:17                                 | <b>1008</b> 160:11                                | <b>1032</b> 164:11           | <b>1065</b> 170:4  | <b>1098</b> 175:12                                          |
|                                                      |                                                   | <b>1033</b> 164:16           | <b>1066</b> 170:6  | <b>1099</b> 175:16                                          |
|                                                      |                                                   | <b>1034</b> 164:21           | <b>1067</b> 170:8  | <b>10:04 a.m</b> 6:1                                        |
|                                                      |                                                   | <b>1035</b> 164:25           | <b>1068</b> 170:12 | <b>11</b> 7:25 11:3,4,10<br>171:25 216:20,21<br>217:2 248:8 |
|                                                      |                                                   | <b>1036</b> 165:7            | <b>1069</b> 170:16 | <b>110</b> 21:23                                            |
|                                                      |                                                   | <b>1037</b> 165:10           | <b>107</b> 21:13   | <b>1100</b> 175:19                                          |
|                                                      |                                                   | <b>1038</b> 165:13           | <b>1070</b> 170:21 | <b>1101</b> 175:23                                          |
|                                                      |                                                   | <b>1039</b> 127:25<br>165:16 | <b>1071</b> 170:25 | <b>1102</b> 175:25                                          |
|                                                      |                                                   | <b>104</b> 21:4              | <b>1072</b> 171:8  | <b>1103</b> 176:4                                           |
|                                                      |                                                   | <b>1040</b> 165:20           | <b>1073</b> 171:20 |                                                             |

|                    |                    |                     |                    |                       |
|--------------------|--------------------|---------------------|--------------------|-----------------------|
| <b>1104</b> 176:7  | <b>1137</b> 180:24 | <b>117</b> 23:6     | 266:13             | <b>1231</b> 201:7     |
| <b>1105</b> 176:10 | <b>1138</b> 181:3  | <b>1170</b> 189:6   | <b>120</b> 23:13   | <b>1232</b> 201:10    |
| <b>1106</b> 176:13 | <b>1139</b> 181:8  | <b>1171</b> 189:10  | <b>1200</b> 128:19 | <b>1233</b> 201:14    |
| <b>1107</b> 176:15 | <b>114</b> 22:13   | <b>1172</b> 189:14  | 195:4              | <b>1234</b> 201:17    |
| <b>1108</b> 176:19 | <b>1140</b> 181:14 | <b>1173</b> 189:16  | <b>1201</b> 195:18 | <b>1235</b> 201:22    |
| <b>1109</b> 176:23 | <b>1141</b> 181:16 | <b>1174</b> 189:22  | <b>1202</b> 195:22 | <b>1236</b> 201:24    |
| <b>111</b> 22:1    | <b>1142</b> 181:21 | <b>1175</b> 190:1   | <b>1203</b> 195:24 | <b>1237</b> 202:1     |
| <b>1110</b> 176:25 | <b>1143</b> 181:25 | <b>1176</b> 190:6   | <b>1204</b> 196:1  | <b>1238</b> 202:4     |
| <b>1111</b> 177:2  | <b>1144</b> 182:2  | <b>1177</b> 190:12  | <b>1205</b> 196:3  | <b>1239</b> 202:8     |
| <b>1112</b> 177:6  | <b>1145</b> 182:5  | <b>1178</b> 190:18  | <b>1206</b> 196:8  | <b>124</b> 23:25      |
| <b>1113</b> 177:8  | <b>1146</b> 182:8  | <b>1179</b> 190:24  | <b>1207</b> 196:15 | <b>1240</b> 202:11    |
| <b>1114</b> 177:14 | <b>1147</b> 182:10 | <b>118</b> 23:9     | <b>1208</b> 196:17 | <b>1241</b> 202:15    |
| <b>1115</b> 177:17 | <b>1148</b> 182:15 | <b>1180</b> 191:5   | <b>1209</b> 196:21 | <b>1242</b> 202:19    |
| <b>1116</b> 177:19 | <b>1149</b> 182:17 | <b>1181</b> 191:11  | <b>121</b> 23:16   | <b>1243</b> 203:3     |
| <b>1117</b> 177:24 | <b>115</b> 22:24   | <b>1182</b> 191:15  | <b>1210</b> 196:23 | <b>1244</b> 203:9     |
| <b>1118</b> 178:2  | <b>1150</b> 183:6  | <b>1183</b> 191:24  | <b>1211</b> 197:1  | <b>1245</b> 203:15    |
| <b>1119</b> 178:7  | <b>1151</b> 183:9  | <b>1184</b> 192:2   | <b>1212</b> 197:4  | <b>1246</b> 203:18    |
| <b>112</b> 22:3    | <b>1152</b> 183:16 | <b>1185</b> 192:5   | <b>1213</b> 197:10 | <b>1247</b> 203:21    |
| <b>1120</b> 178:11 | <b>1153</b> 183:25 | <b>1186</b> 192:11  | <b>1214</b> 197:14 | <b>1248</b> 203:25    |
| <b>1121</b> 178:14 | <b>1154</b> 184:6  | <b>1187</b> 192:18  | <b>1215</b> 197:20 | <b>1249</b> 204:6     |
| <b>1122</b> 178:17 | <b>1155</b> 184:10 | <b>1188</b> 192:21  | <b>1216</b> 197:23 | <b>125</b> 24:4       |
| <b>1123</b> 178:20 | <b>1156</b> 184:13 | <b>1189</b> 192:24  | <b>1217</b> 198:5  | <b>125,000</b> 174:15 |
| <b>1124</b> 178:23 | <b>1157</b> 184:16 | <b>119</b> 23:11    | <b>1218</b> 198:8  | <b>1250</b> 204:9     |
| <b>1125</b> 178:25 | <b>1158</b> 184:19 | <b>1190</b> 193:3   | <b>1219</b> 198:11 | <b>1251</b> 204:13    |
| <b>1126</b> 179:2  | <b>1159</b> 184:21 | <b>1191</b> 193:6   | <b>122</b> 23:18   | <b>1252</b> 204:18    |
| <b>1127</b> 179:7  | <b>116</b> 23:1    | <b>1192</b> 193:12  | <b>1220</b> 198:13 | <b>1253</b> 204:20    |
| <b>1128</b> 179:12 | <b>1160</b> 185:11 | <b>1193</b> 193:19  | <b>1221</b> 198:17 | <b>1254</b> 205:3     |
| <b>1129</b> 179:17 | <b>1161</b> 187:7  | <b>1194</b> 193:23  | <b>1222</b> 198:22 | <b>1255</b> 205:8     |
| <b>113</b> 22:7    | <b>1162</b> 187:10 | <b>1195</b> 194:2   | <b>1223</b> 198:25 | <b>1256</b> 205:11    |
| <b>1130</b> 179:19 | <b>1163</b> 187:15 | <b>1196</b> 194:13  | <b>1224</b> 199:6  | <b>1257</b> 205:15    |
| <b>1131</b> 179:25 | <b>1164</b> 188:1  | <b>1197</b> 194:18  | <b>1225</b> 199:18 | <b>1258</b> 205:18    |
| <b>1132</b> 180:3  | <b>1165</b> 188:5  | <b>1198</b> 194:21  | <b>1226</b> 199:22 | <b>1259</b> 205:21    |
| <b>1133</b> 180:6  | <b>1166</b> 188:10 | <b>1199</b> 195:1   | <b>1227</b> 200:9  | <b>126</b> 24:7       |
| <b>1134</b> 180:9  | <b>1167</b> 188:16 | <b>11:25 a.m</b>    | <b>1228</b> 200:15 | <b>1260</b> 206:14    |
| <b>1135</b> 180:15 | <b>1168</b> 188:25 | 84:12               | <b>1229</b> 200:25 | <b>1261</b> 206:20    |
| <b>1136</b> 180:21 | <b>1169</b> 189:3  | <b>11:39</b> 84:13  | <b>123</b> 23:23   | <b>1262</b> 207:1     |
|                    |                    | <b>12</b> 8:2 22:19 | <b>1230</b> 201:4  |                       |
|                    |                    | 126:15 233:8,9      |                    |                       |

|                    |                                            |                    |                    |                         |
|--------------------|--------------------------------------------|--------------------|--------------------|-------------------------|
| <b>1263</b> 207:5  | <b>1296</b> 212:22                         | <b>1327</b> 218:14 | <b>136</b> 26:1    | <b>1392</b> 229:1       |
| <b>1264</b> 207:7  | <b>1297</b> 213:1                          | <b>1328</b> 218:16 | <b>1360</b> 224:19 | <b>1393</b> 229:4       |
| <b>1265</b> 207:9  | <b>1298</b> 213:3                          | <b>1329</b> 218:19 | <b>1361</b> 224:21 | <b>1394</b> 229:7       |
| <b>1266</b> 207:14 | <b>1299</b> 213:7                          | <b>133</b> 25:14   | <b>1362</b> 224:25 | <b>1395</b> 229:13      |
| <b>1267</b> 207:16 | <b>1299746</b> 36:6                        | <b>1330</b> 218:21 | <b>1363</b> 225:3  | <b>1396</b> 229:16      |
| <b>1268</b> 207:19 | <b>13</b> 8:4,18 234:9,<br>10 253:6 254:17 | <b>1331</b> 218:23 | <b>1364</b> 225:6  | <b>1397</b> 229:21      |
| <b>1269</b> 207:23 | <b>130</b> 25:4                            | <b>1332</b> 219:3  | <b>1365</b> 225:11 | <b>1398</b> 229:25      |
| <b>127</b> 24:14   | <b>1300</b> 213:16                         | <b>1333</b> 219:8  | <b>1366</b> 225:15 | <b>1399</b> 230:14      |
| <b>1270</b> 208:1  | <b>1301</b> 213:25                         | <b>1334</b> 219:12 | <b>1367</b> 225:17 | <b>14</b> 8:8 247:15,16 |
| <b>1271</b> 208:4  | <b>1302</b> 214:4                          | <b>1335</b> 219:15 | <b>1368</b> 225:20 | <b>140</b> 27:7         |
| <b>1272</b> 208:9  | <b>1303</b> 214:9                          | <b>1336</b> 219:20 | <b>1369</b> 225:24 | <b>1400</b> 230:20      |
| <b>1273</b> 208:13 | <b>1304</b> 214:13                         | <b>1337</b> 219:23 | <b>137</b> 26:4    | <b>1401</b> 230:25      |
| <b>1274</b> 208:17 | <b>1305</b> 214:16                         | <b>1338</b> 220:8  | <b>1370</b> 226:1  | <b>1402</b> 231:4       |
| <b>1275</b> 208:20 | <b>1306</b> 214:21                         | <b>1339</b> 220:16 | <b>1371</b> 226:5  | <b>1403</b> 231:9       |
| <b>1276</b> 208:22 | <b>1307</b> 215:1                          | <b>134</b> 25:17   | <b>1372</b> 226:8  | <b>1404</b> 231:12      |
| <b>1277</b> 209:2  | <b>1308</b> 215:8                          | <b>1340</b> 221:2  | <b>1373</b> 226:13 | <b>1405</b> 231:19      |
| <b>1278</b> 209:6  | <b>1309</b> 215:12                         | <b>1341</b> 221:12 | <b>1374</b> 226:18 | <b>1406</b> 231:21      |
| <b>1279</b> 209:11 | <b>131</b> 25:8                            | <b>1342</b> 222:3  | <b>1375</b> 226:21 | <b>1407</b> 232:1       |
| <b>128</b> 24:21   | <b>1310</b> 215:17                         | <b>1343</b> 222:9  | <b>1376</b> 226:24 | <b>1408</b> 232:4       |
| <b>1280</b> 209:14 | <b>1311</b> 215:20                         | <b>1344</b> 222:11 | <b>1377</b> 227:4  | <b>1409</b> 232:9       |
| <b>1281</b> 209:18 | <b>1312</b> 215:25                         | <b>1345</b> 222:13 | <b>1378</b> 227:7  | <b>141</b> 27:10        |
| <b>1282</b> 209:21 | <b>1313</b> 216:3                          | <b>1346</b> 222:18 | <b>1379</b> 227:10 | <b>1410</b> 232:13      |
| <b>1283</b> 210:1  | <b>1314</b> 216:7                          | <b>1347</b> 222:22 | <b>138</b> 26:12   | <b>1411</b> 232:18      |
| <b>1284</b> 210:4  | <b>1315</b> 216:11                         | <b>1348</b> 222:25 | <b>1380</b> 227:13 | <b>1412</b> 232:21      |
| <b>1285</b> 210:9  | <b>1316</b> 216:13                         | <b>1349</b> 223:3  | <b>1381</b> 227:16 | <b>1413</b> 232:23      |
| <b>1286</b> 210:12 | <b>1317</b> 216:25                         | <b>135</b> 25:20   | <b>1382</b> 227:21 | <b>1414</b> 233:2       |
| <b>1287</b> 210:25 | <b>1318</b> 217:5                          | <b>1350</b> 223:5  | <b>1383</b> 228:1  | <b>1415</b> 233:7       |
| <b>1288</b> 211:4  | <b>1319</b> 217:8                          | <b>1351</b> 223:10 | <b>1384</b> 228:4  | <b>1416</b> 233:19      |
| <b>1289</b> 211:9  | <b>132</b> 25:11                           | <b>1352</b> 223:12 | <b>1385</b> 228:6  | <b>1417</b> 233:22      |
| <b>129</b> 24:25   | <b>1320</b> 217:13                         | <b>1353</b> 223:16 | <b>1386</b> 228:9  | <b>1418</b> 233:24      |
| <b>1290</b> 211:15 | <b>1321</b> 217:17                         | <b>1354</b> 223:21 | <b>1387</b> 228:12 | <b>1419</b> 234:5       |
| <b>1291</b> 211:19 | <b>1322</b> 217:20                         | <b>1355</b> 224:2  | <b>1388</b> 228:14 | <b>142</b> 27:15        |
| <b>1292</b> 211:22 | <b>1323</b> 217:23                         | <b>1356</b> 224:8  | <b>1389</b> 228:16 | <b>1420</b> 234:14      |
| <b>1293</b> 211:25 | <b>1324</b> 218:4                          | <b>1357</b> 224:11 | <b>139</b> 26:24   | <b>1421</b> 234:18      |
| <b>1294</b> 212:2  | <b>1325</b> 218:7                          | <b>1358</b> 224:14 | <b>1390</b> 228:19 | <b>1422</b> 234:22      |
| <b>1295</b> 212:20 | <b>1326</b> 218:11                         | <b>1359</b> 224:17 | <b>1391</b> 228:22 | <b>1423</b> 235:8       |

|                    |                      |                        |                    |                    |
|--------------------|----------------------|------------------------|--------------------|--------------------|
| <b>1424</b> 235:11 | <b>1457</b> 242:3    | <b>1489</b> 247:1      | <b>1518</b> 252:8  | <b>1550</b> 257:10 |
| <b>1425</b> 235:15 | <b>1458</b> 242:6    | <b>149</b> 28:18       | <b>1519</b> 252:14 | <b>1551</b> 257:13 |
| <b>1426</b> 235:19 | <b>1459</b> 242:9    | <b>1490</b> 247:4      | <b>152</b> 29:7    | <b>1552</b> 257:16 |
| <b>1427</b> 236:17 | <b>146</b> 28:8      | <b>1491</b> 247:10     | <b>1520</b> 252:20 | <b>1553</b> 257:21 |
| <b>1428</b> 236:24 | <b>146,388</b> 210:5 | <b>1492</b> 247:24     | <b>1521</b> 253:1  | <b>1554</b> 258:2  |
| <b>1429</b> 237:2  | <b>1460</b> 242:12   | <b>1493</b> 248:3      | <b>1522</b> 253:3  | <b>1555</b> 258:5  |
| <b>143</b> 27:18   | <b>1461</b> 242:17   | <b>1494</b> 248:6      | <b>1523</b> 253:5  | <b>1556</b> 258:9  |
| <b>1430</b> 237:17 | <b>1462</b> 242:20   | <b>1495</b> 248:11     | <b>1524</b> 253:8  | <b>1557</b> 258:15 |
| <b>1431</b> 238:2  | <b>1463</b> 242:22   | <b>1496</b> 248:15     | <b>1525</b> 253:14 | <b>1558</b> 258:18 |
| <b>1432</b> 238:6  | <b>1464</b> 242:25   | <b>1497</b> 248:18     | <b>1526</b> 253:17 | <b>1559</b> 258:22 |
| <b>1433</b> 238:8  | <b>1465</b> 243:5    | <b>1498</b> 248:21     | <b>1527</b> 253:21 | <b>156</b> 29:24   |
| <b>1434</b> 238:11 | <b>1466</b> 243:9    | <b>1499</b> 248:24     | <b>1528</b> 253:24 | <b>1560</b> 259:2  |
| <b>1435</b> 238:13 | <b>1467</b> 243:13   | <b>15</b> 8:10 47:1    | <b>1529</b> 254:3  | <b>1561</b> 259:5  |
| <b>1436</b> 238:16 | <b>1468</b> 243:15   | 150:1,3 200:7          | <b>153</b> 29:13   | <b>1562</b> 259:16 |
| <b>1437</b> 238:21 | <b>1469</b> 243:19   | 252:3,4                | <b>1530</b> 254:7  | <b>1563</b> 259:19 |
| <b>1438</b> 239:1  | <b>147</b> 28:12     | <b>15.8</b> 215:9      | <b>1531</b> 254:12 | <b>1564</b> 259:23 |
| <b>1439</b> 239:3  | <b>1470</b> 243:23   | <b>150</b> 28:21 64:20 | <b>1532</b> 254:19 | <b>1565</b> 260:1  |
| <b>144</b> 27:23   | <b>1471</b> 244:3    | <b>150,000</b> 270:10  | <b>1533</b> 254:25 | <b>1566</b> 260:5  |
| <b>1440</b> 239:9  | <b>1472</b> 244:8    | <b>1500</b> 110:11     | <b>1534</b> 255:3  | <b>1567</b> 260:8  |
| <b>1441</b> 239:13 | <b>1473</b> 244:11   | 249:1                  | <b>1535</b> 255:6  | <b>1568</b> 260:11 |
| <b>1442</b> 239:17 | <b>1474</b> 244:14   | <b>1501</b> 249:6      | <b>1536</b> 255:10 | <b>1569</b> 260:13 |
| <b>1443</b> 239:24 | <b>1475</b> 244:20   | <b>1502</b> 249:10     | <b>1537</b> 255:19 | <b>157</b> 30:2    |
| <b>1444</b> 240:5  | <b>1476</b> 244:24   | <b>1503</b> 249:15     | <b>1538</b> 255:22 | <b>1570</b> 260:15 |
| <b>1445</b> 240:12 | <b>1477</b> 245:2    | <b>1504</b> 249:23     | <b>1539</b> 255:25 | <b>1571</b> 260:17 |
| <b>1446</b> 240:22 | <b>1478</b> 245:7    | <b>1505</b> 250:4      | <b>154</b> 29:16   | <b>1572</b> 260:25 |
| <b>1447</b> 240:25 | <b>1479</b> 245:12   | <b>1506</b> 250:6      | <b>1540</b> 256:4  | <b>1573</b> 261:4  |
| <b>1448</b> 241:4  | <b>148</b> 28:15     | <b>1507</b> 250:9      | <b>1541</b> 256:8  | <b>1574</b> 261:10 |
| <b>1449</b> 241:6  | <b>1480</b> 245:14   | <b>1508</b> 250:12     | <b>1542</b> 256:11 | <b>1575</b> 261:13 |
| <b>145</b> 28:3    | <b>1481</b> 245:17   | <b>1509</b> 250:20     | <b>1543</b> 256:13 | <b>1576</b> 261:17 |
| <b>1450</b> 241:9  | <b>1482</b> 245:20   | <b>151</b> 29:2        | <b>1544</b> 256:16 | <b>1577</b> 261:22 |
| <b>1451</b> 241:11 | <b>1483</b> 245:23   | <b>1510</b> 250:24     | <b>1545</b> 256:20 | <b>1578</b> 262:1  |
| <b>1452</b> 241:13 | <b>1484</b> 246:1    | <b>1511</b> 251:1      | <b>1546</b> 256:22 | <b>1579</b> 262:6  |
| <b>1453</b> 241:15 | <b>1485</b> 246:6    | <b>1512</b> 251:5      | <b>1547</b> 257:1  | <b>158</b> 30:8    |
| <b>1454</b> 241:17 | <b>1486</b> 246:10   | <b>1513</b> 251:8      | <b>1548</b> 257:4  | <b>1580</b> 262:10 |
| <b>1455</b> 241:21 | <b>1487</b> 246:13   | <b>1514</b> 251:10     | <b>1549</b> 257:7  | <b>1581</b> 262:14 |
| <b>1456</b> 241:23 | <b>1488</b> 246:19   | <b>1515</b> 251:15     | <b>155</b> 29:19   | <b>1582</b> 262:17 |
|                    |                      | <b>1516</b> 251:20     |                    |                    |
|                    |                      | <b>1517</b> 251:23     |                    |                    |

|                     |                          |                       |                          |                          |
|---------------------|--------------------------|-----------------------|--------------------------|--------------------------|
| <b>1583</b> 262:20  | <b>1614</b> 267:17       | <b>173</b> 32:6       |                          | 241:9,10 242:11          |
| <b>1584</b> 263:7   | <b>1615</b> 267:21       | <b>174</b> 32:9       | <b>2</b>                 | <b>201</b> 36:2          |
| <b>1585</b> 263:11  | <b>1616</b> 268:1        | <b>175</b> 32:20      | <b>2</b> 6:7 52:15,16    | <b>2010</b> 168:24       |
| <b>1586</b> 263:15  | <b>1617</b> 268:5        | <b>176</b> 33:1       | 161:24 203:8             | 170:3 172:4 241:7        |
| <b>1587</b> 263:18  | <b>1618</b> 268:13       | <b>177</b> 33:4       | 209:24 212:12            | <b>2012</b> 26:16,25     |
| <b>1588</b> 263:21  | <b>1619</b> 268:16       | <b>178</b> 33:7       | <b>2,000</b> 42:18       | 27:11 28:4,7,10          |
| <b>1589</b> 263:24  | <b>162</b> 30:24         | <b>179</b> 33:11      | 214:15                   | 174:11                   |
| <b>159</b> 30:11    | <b>1620</b> 268:19       | <b>18</b> 8:25 12:6,7 | <b>2,397,000</b>         | <b>2013</b> 16:25 17:6   |
| <b>1590</b> 264:2   | <b>1621</b> 268:22       | 259:12                | 214:15                   | 18:17 49:8,13            |
| <b>1591</b> 264:6   | <b>1622</b> 268:25       | <b>180</b> 33:14      | <b>2,397,177</b>         | 105:11,12 122:19         |
| <b>1592</b> 264:9   | <b>1623</b> 269:2        | <b>181</b> 33:18      | 209:22                   | <b>2014</b> 19:12 20:5   |
| <b>1593</b> 264:12  | <b>1624</b> 269:6        | <b>182</b> 33:22      | <b>2,500</b> 112:11      | 43:17 44:16 45:10        |
| <b>1594</b> 264:15  | <b>1625</b> 269:10       | <b>183</b> 33:25      | <b>2.1</b> 237:5         | 47:3 49:10,15            |
| <b>1595</b> 264:20  | <b>1626</b> 269:14       | <b>184</b> 34:5       | <b>2.7</b> 209:12,19     | 59:14 61:4 69:17         |
| <b>1596</b> 264:25  | <b>1627</b> 269:19       | <b>185</b> 34:9       | <b>20</b> 9:5 150:1      | 70:10,11 125:7,8,        |
| <b>1597</b> 265:3   | <b>1628</b> 269:22       | <b>186</b> 34:12      | 177:13 235:6             | 9 127:4 270:12           |
| <b>1598</b> 265:6   | <b>1629</b> 269:24       | <b>187</b> 34:15      | 268:9                    | <b>2015</b> 8:1,2 28:11  |
| <b>1599</b> 265:9   | <b>163</b> 31:3          | <b>188</b> 34:17      | <b>200</b> 35:24 103:22  | 32:19,21 33:1            |
| <b>16</b> 8:16 12:9 | <b>1630</b> 270:2        | <b>189</b> 34:19      | 198:20                   | 34:6 70:4 75:23          |
| 122:19 151:4,9,10   | <b>1631</b> 270:4        | <b>19</b> 9:2 18:3    | <b>200,000</b> 64:21     | 82:21,23,25 88:6         |
| 254:15,16           | <b>1632</b> 270:10       | 262:22,23             | <b>2000</b> 12:14        | 105:13,15,16             |
| <b>160</b> 30:17    | <b>1633</b> 270:12       | <b>190</b> 34:22      | <b>2000s</b> 20:21       | 121:19 122:19            |
| <b>1600</b> 265:12  | <b>1634</b> 270:14       | <b>191</b> 34:24      | <b>2001</b> 12:8 38:15   | 124:25 140:12            |
| <b>1601</b> 265:18  | <b>1635</b> 270:16       | <b>192</b> 35:1       | 63:23                    | 141:1 178:24             |
| <b>1602</b> 265:23  | <b>1636</b> 270:23       | <b>193</b> 35:3       | <b>2002</b> 38:15        | 180:8 181:9              |
| <b>1603</b> 266:1   | <b>1637</b> 271:1        | <b>194</b> 35:5       | <b>2003</b> 10:25 12:10  | 200:21 201:2             |
| <b>1604</b> 266:4   | <b>164</b> 31:6          | <b>195</b> 35:8       | <b>2004</b> 10:25 22:5   | 208:24 213:1,2           |
| <b>1605</b> 266:9   | <b>165</b> 31:9          | <b>196</b> 35:11      | 39:4                     | 214:1,14,17              |
| <b>1606</b> 266:16  | <b>166</b> 31:11         | <b>197</b> 35:15      | <b>2005</b> 22:5         | 215:10 270:10            |
| <b>1607</b> 266:18  | <b>167</b> 31:14         | <b>1972</b> 7:2       | <b>2006</b> 22:4,6,9,19, | <b>2016</b> 7:22,24 9:1, |
| <b>1608</b> 266:21  | <b>168</b> 31:17         | <b>198</b> 35:19      | 23 24:11                 | 13 71:8 73:20            |
| <b>1609</b> 266:24  | <b>169</b> 31:20         | <b>199</b> 35:22      | <b>2007</b> 14:10,17     | 75:13 76:3,5             |
| <b>161</b> 30:20    | <b>17</b> 8:20 133:12,19 | <b>1997</b> 7:13      | 15:2 24:5,22             | 94:22 123:19             |
| <b>1610</b> 267:2   | 255:15,16 259:11         | <b>1998</b> 11:13     | 26:17 96:1 99:14         | 127:24 128:21,25         |
| <b>1611</b> 267:5   | <b>170</b> 31:23         | <b>1999</b> 12:4      | 165:5,11,14              | 129:6,8 133:12,19        |
| <b>1612</b> 267:9   | <b>171</b> 32:1          | <b>1:01 p.m</b> 162:1 | <b>2008</b> 14:10 22:7   | 134:1 135:24             |
| <b>1613</b> 267:14  | <b>172</b> 32:4          | <b>1st</b> 76:2,3,4   | 31:4 46:25 56:10         | 143:23 146:6             |
|                     |                          |                       | 164:9 165:2,5,6,         | 180:21 184:22            |
|                     |                          |                       | 18,25                    | 208:25 218:14,17         |
|                     |                          |                       | <b>2009</b> 24:22 46:25  | 219:10 225:3             |
|                     |                          |                       | 52:18,21 122:19          | 247:7,18,21,25           |
|                     |                          |                       | 163:21 164:8             | 248:8 252:6              |
|                     |                          |                       | 165:7,21 167:1           | 255:20 259:21            |
|                     |                          |                       | 174:11 240:13            | 263:25 268:11            |

|                                                    |                                                |                                                |                                                               |                                   |
|----------------------------------------------------|------------------------------------------------|------------------------------------------------|---------------------------------------------------------------|-----------------------------------|
| <b>206</b> 36:19                                   | <b>237</b> 41:24                               | <b>268</b> 46:19                               | <b>298</b> 51:16                                              | <b>321</b> 55:6                   |
| <b>207</b> 36:22                                   | <b>238</b> 42:6                                | <b>269</b> 46:22                               | <b>299</b> 51:18                                              | <b>322</b> 55:8                   |
| <b>208</b> 36:25                                   | <b>239</b> 42:10                               | <b>27</b> 10:9 255:20                          | <b>29th</b> 95:4                                              | <b>323</b> 55:10                  |
| <b>209</b> 37:2                                    | <b>24</b> 9:24                                 | <b>270</b> 47:2                                | <b>2:01 p.m</b> 162:2                                         | <b>324</b> 55:14                  |
| <b>21</b> 7:2 9:11<br>128:25 129:8<br>134:1 135:24 | <b>240</b> 42:13                               | <b>271</b> 47:9                                | <b>2nd</b> 20:9                                               | <b>325</b> 55:19                  |
| <b>210</b> 37:4                                    | <b>241</b> 42:22                               | <b>272</b> 47:11                               | <hr/> <b>3</b> <hr/>                                          | <b>326</b> 55:22                  |
| <b>211</b> 37:8                                    | <b>242</b> 43:2                                | <b>273</b> 47:17                               |                                                               | <b>327</b> 56:2                   |
| <b>212</b> 37:13                                   | <b>243</b> 43:5                                | <b>274</b> 47:21                               | <b>3</b> 7:1 52:18,21<br>86:6 101:15<br>247:18,21             | <b>328</b> 56:6                   |
| <b>213</b> 37:19                                   | <b>244</b> 43:12                               | <b>275</b> 48:3                                | <b>30</b> 10:18 19:12<br>37:24 70:12<br>112:11 203:8<br>205:2 | <b>329</b> 56:9                   |
| <b>214</b> 38:2                                    | <b>245</b> 43:16                               | <b>276</b> 48:6                                |                                                               | <b>33</b> 11:4                    |
| <b>215</b> 38:9 175:16                             | <b>246</b> 43:18                               | <b>277</b> 48:9                                |                                                               | <b>33,100</b> 169:21              |
| <b>216</b> 38:12                                   | <b>247</b> 43:21                               | <b>278</b> 48:13                               |                                                               | <b>330</b> 56:12                  |
| <b>217</b> 38:17                                   | <b>248</b> 43:24                               | <b>279</b> 48:15                               |                                                               | <b>331</b> 56:15                  |
| <b>218</b> 38:21                                   | <b>249</b> 44:2                                | <b>27th</b> 248:10                             | <b>300</b> 51:21                                              | <b>332</b> 56:17                  |
| <b>219</b> 38:23                                   | <b>25</b> 10:1                                 | <b>28</b> 10:11 107:11                         | <b>301</b> 51:25                                              | <b>333</b> 56:24                  |
| <b>21st</b> 6:13                                   | <b>250</b> 40:25 44:4<br>173:21                | <b>280</b> 48:20                               | <b>302</b> 52:4                                               | <b>334</b> 57:4                   |
| <b>22</b> 9:14                                     | <b>251</b> 44:8                                | <b>281</b> 49:2                                | <b>303</b> 52:7                                               | <b>335</b> 57:6                   |
| <b>220</b> 39:2                                    | <b>252</b> 44:15                               | <b>282</b> 49:6                                | <b>304</b> 52:20                                              | <b>336</b> 57:9                   |
| <b>221</b> 39:5                                    | <b>253</b> 44:21                               | <b>283</b> 49:9                                | <b>305</b> 52:24                                              | <b>337</b> 57:11                  |
| <b>222</b> 39:7                                    | <b>254</b> 44:24                               | <b>284</b> 49:12                               | <b>306</b> 53:2                                               | <b>338</b> 57:14                  |
| <b>223</b> 39:11                                   | <b>255</b> 45:2                                | <b>285</b> 49:16                               | <b>307</b> 53:5                                               | <b>339</b> 57:17                  |
| <b>224</b> 39:14                                   | <b>256</b> 45:5                                | <b>286</b> 49:18                               | <b>308</b> 53:9                                               | <b>34</b> 11:6                    |
| <b>225</b> 39:17                                   | <b>257</b> 45:9                                | <b>287</b> 49:20                               | <b>309</b> 53:14                                              | <b>340</b> 57:20                  |
| <b>226</b> 39:20                                   | <b>258</b> 45:12                               | <b>288</b> 50:3                                | <b>31</b> 10:21 206:11<br>208:24 215:10<br>270:5              | <b>341</b> 57:23                  |
| <b>227</b> 40:1                                    | <b>259</b> 45:14                               | <b>289</b> 50:6                                |                                                               | <b>342</b> 58:1                   |
| <b>228</b> 40:5                                    | <b>25th</b> 248:16                             | <b>28th</b> 107:16<br>156:12                   | <b>310</b> 53:18                                              | <b>343</b> 58:4                   |
| <b>229</b> 40:9                                    | <b>26</b> 7:13 10:6<br>130:23 131:12<br>208:25 | <b>29</b> 10:15 94:22<br>95:1 263:25<br>268:11 | <b>311</b> 53:21                                              | <b>344</b> 58:7                   |
| <b>23</b> 9:17,24,25                               | <b>260</b> 45:17                               | <b>290</b> 50:12                               | <b>312</b> 53:24                                              | <b>345</b> 58:10                  |
| <b>230</b> 40:13                                   | <b>261</b> 45:19                               | <b>291</b> 50:15                               | <b>313</b> 54:1                                               | <b>346</b> 58:15                  |
| <b>231</b> 40:18                                   | <b>262</b> 45:21                               | <b>292</b> 50:18                               | <b>314</b> 54:4                                               | <b>347</b> 58:18                  |
| <b>232</b> 40:20                                   | <b>263</b> 45:23                               | <b>293</b> 50:21                               | <b>315</b> 54:12                                              | <b>348</b> 58:23                  |
| <b>233</b> 41:6                                    | <b>264</b> 46:2                                | <b>294</b> 50:23                               | <b>316</b> 54:17                                              | <b>349</b> 59:1                   |
| <b>234</b> 41:13                                   | <b>265</b> 46:4                                | <b>295</b> 51:2                                | <b>317</b> 54:20                                              | <b>35</b> 11:8 70:12              |
| <b>235</b> 41:16                                   | <b>266</b> 46:11                               | <b>296</b> 51:6                                | <b>318</b> 54:22                                              | <b>350</b> 59:13                  |
| <b>236</b> 41:18                                   | <b>267</b> 46:15                               | <b>297</b> 51:10                               | <b>319</b> 55:2                                               | <b>3500</b> 106:2<br>110:12 111:8 |
|                                                    |                                                |                                                | <b>32</b> 11:1 22:17                                          | <b>351</b> 59:15                  |
|                                                    |                                                |                                                | <b>320</b> 55:4                                               |                                   |

|                  |                                       |                       |                       |                         |
|------------------|---------------------------------------|-----------------------|-----------------------|-------------------------|
| <b>352</b> 59:19 | <b>385</b> 64:23                      | <b>408</b> 68:4       | <b>439</b> 72:11      | <b>471</b> 77:4         |
| <b>353</b> 59:21 | <b>386</b> 65:2                       | <b>409</b> 68:6       | <b>44</b> 12:4        | <b>472</b> 77:7         |
| <b>354</b> 59:23 | <b>387</b> 65:6                       | <b>41</b> 11:22 72:4  | <b>440</b> 72:17      | <b>473</b> 77:10        |
| <b>355</b> 60:3  | <b>388</b> 65:9                       | <b>410</b> 68:9       | <b>441</b> 72:20      | <b>474</b> 77:12        |
| <b>356</b> 60:8  | <b>389</b> 65:12                      | <b>411</b> 68:14      | <b>442</b> 72:23      | <b>475</b> 77:15        |
| <b>357</b> 60:12 | <b>39</b> 11:18                       | <b>412</b> 68:17      | <b>443</b> 72:25      | <b>476</b> 77:18        |
| <b>358</b> 60:16 | <b>390</b> 65:20                      | <b>413</b> 68:19      | <b>444</b> 73:2       | <b>477</b> 77:22        |
| <b>359</b> 60:24 | <b>391</b> 65:24                      | <b>414</b> 68:22      | <b>445</b> 73:6       | <b>478</b> 77:24 270:7  |
| <b>36</b> 11:10  | <b>392</b> 66:2                       | <b>415</b> 68:25      | <b>446</b> 73:9       | <b>479</b> 78:4         |
| <b>360</b> 61:1  | <b>393</b> 66:5                       | <b>416</b> 69:3       | <b>447</b> 73:18      | <b>48</b> 12:12         |
| <b>361</b> 61:5  | <b>394</b> 66:8                       | <b>417</b> 69:8       | <b>448</b> 73:21      | <b>480</b> 78:8         |
| <b>362</b> 61:8  | <b>395</b> 66:10                      | <b>418</b> 69:11      | <b>449</b> 73:24      | <b>481</b> 78:11        |
| <b>363</b> 61:10 | <b>396</b> 66:12                      | <b>419</b> 69:17      | <b>45</b> 12:6        | <b>482</b> 78:20        |
| <b>364</b> 61:13 | <b>397</b> 66:14                      | <b>42</b> 11:25       | <b>450</b> 74:2       | <b>483</b> 78:23        |
| <b>365</b> 61:16 | <b>398</b> 66:17                      | <b>420</b> 69:21      | <b>451</b> 74:6       | <b>484</b> 78:25        |
| <b>366</b> 61:18 | <b>399</b> 66:21                      | <b>421</b> 70:1       | <b>452</b> 74:8       | <b>485</b> 79:5         |
| <b>367</b> 61:22 | <b>3:01 p.m</b><br>220:24             | <b>422</b> 70:4       | <b>453</b> 74:12      | <b>486</b> 79:10        |
| <b>368</b> 62:1  | <b>3:17 p.m</b><br>220:25             | <b>423</b> 70:7       | <b>454</b> 74:16      | <b>487</b> 79:12        |
| <b>369</b> 62:5  | <b>3rd</b> 146:6 153:17,<br>22 252:24 | <b>424</b> 70:15      | <b>455</b> 74:19      | <b>488</b> 79:15        |
| <b>37</b> 11:12  |                                       | <b>425</b> 70:19      | <b>456</b> 74:23      | <b>489</b> 79:18        |
| <b>370</b> 62:10 |                                       | <b>426</b> 70:22      | <b>457</b> 75:1       | <b>49</b> 12:17 240:7   |
| <b>371</b> 62:13 |                                       | <b>427</b> 70:24      | <b>458</b> 75:4       | <b>490</b> 79:22        |
| <b>372</b> 62:18 | <b>4</b>                              | <b>428</b> 71:3       | <b>459</b> 75:7       | <b>491</b> 80:2         |
| <b>373</b> 62:22 | <b>4</b> 7:4 129:4,5                  | <b>429</b> 71:5       | <b>46</b> 12:8        | <b>492</b> 80:5         |
| <b>374</b> 63:2  | <b>4,000</b> 121:10                   | <b>43</b> 12:2        | <b>460</b> 75:10      | <b>493</b> 80:8         |
| <b>375</b> 63:6  | <b>4-giga</b> 40:24                   | <b>43,000</b> 221:17  | <b>461</b> 75:14      | <b>494</b> 80:11        |
| <b>376</b> 63:14 | <b>40</b> 11:20                       | <b>430</b> 71:8       | <b>462</b> 75:20      | <b>495</b> 80:20        |
| <b>377</b> 63:17 | <b>400</b> 66:25                      | <b>431</b> 71:11      | <b>463</b> 76:1       | <b>496</b> 80:23        |
| <b>378</b> 63:19 | <b>400,000</b> 95:23<br>99:2          | <b>432</b> 71:13      | <b>464</b> 76:4       | <b>497</b> 81:1         |
| <b>379</b> 63:24 | <b>401</b> 67:3                       | <b>432,618</b> 210:10 | <b>465</b> 76:10      | <b>498</b> 81:3         |
| <b>38</b> 11:15  | <b>402</b> 67:6                       | <b>433</b> 71:16      | <b>466</b> 76:12      | <b>499</b> 81:8         |
| <b>380</b> 64:3  | <b>403</b> 67:9                       | <b>434</b> 71:19      | <b>467</b> 76:15      | <b>4:11 p.m</b> 263:4   |
| <b>381</b> 64:5  | <b>404</b> 67:13                      | <b>435</b> 71:22      | <b>468</b> 76:18      | <b>4:22 p.m</b> 263:5   |
| <b>382</b> 64:8  | <b>405</b> 67:15                      | <b>436</b> 71:25      | <b>469</b> 76:21      | <b>4:31 p.m</b> 271:8   |
| <b>383</b> 64:14 | <b>406</b> 67:20                      | <b>437</b> 72:3       | <b>47</b> 12:10 52:25 |                         |
| <b>384</b> 64:18 | <b>407</b> 67:24                      | <b>438</b> 72:7       | <b>470</b> 77:1       | <b>5</b>                |
|                  |                                       |                       |                       | <b>5</b> 7:7 32:23 44:2 |

|                                                |                    |                                  |                                   |                   |
|------------------------------------------------|--------------------|----------------------------------|-----------------------------------|-------------------|
| 54:6 131:10,11<br>210:13 211:1<br>212:3 221:15 | <b>528</b> 86:8    | <b>56</b> 13:18 53:22<br>54:5,13 | <b>592</b> 95:22                  | <b>621</b> 99:22  |
| <b>5.1</b> 210:2                               | <b>529</b> 86:14   | <b>560</b> 91:8                  | <b>593</b> 96:3                   | <b>622</b> 99:25  |
| <b>50</b> 12:20 35:25<br>160:20 204:10         | <b>53</b> 13:7     | <b>561</b> 91:12                 | <b>594</b> 96:7                   | <b>623</b> 100:3  |
| <b>50-50</b> 11:18 87:8                        | <b>530</b> 86:19   | <b>562</b> 91:17                 | <b>595</b> 96:10                  | <b>624</b> 100:8  |
| <b>500</b> 40:25 44:5,8<br>81:11               | <b>531</b> 86:22   | <b>563</b> 91:20                 | <b>596</b> 96:15                  | <b>625</b> 100:16 |
| <b>501</b> 81:15                               | <b>532</b> 87:2    | <b>564</b> 91:23                 | <b>597</b> 96:20                  | <b>626</b> 100:18 |
| <b>502</b> 81:20                               | <b>533</b> 87:4    | <b>565</b> 92:2                  | <b>598</b> 96:23                  | <b>627</b> 100:23 |
| <b>503</b> 82:2                                | <b>534</b> 87:8    | <b>566</b> 92:5                  | <b>599</b> 97:2                   | <b>628</b> 101:1  |
| <b>504</b> 82:6                                | <b>535</b> 87:10   | <b>567</b> 92:8                  | <b>6</b>                          | <b>629</b> 101:4  |
| <b>505</b> 82:10                               | <b>536</b> 87:14   | <b>568</b> 92:12                 | <b>6</b> 7:9 54:6 133:18<br>246:9 | <b>63</b> 14:16   |
| <b>506</b> 82:13                               | <b>537</b> 87:17   | <b>569</b> 92:18                 | <b>60</b> 14:6 203:8              | <b>630</b> 101:18 |
| <b>507</b> 82:15                               | <b>538</b> 87:23   | <b>57</b> 13:21                  | <b>600</b> 97:5                   | <b>631</b> 101:21 |
| <b>508</b> 82:21                               | <b>539</b> 88:1    | <b>570</b> 92:22                 | <b>600,000</b> 32:21              | <b>632</b> 101:25 |
| <b>509</b> 82:24                               | <b>54</b> 13:10    | <b>571</b> 92:25                 | <b>601</b> 97:7                   | <b>633</b> 102:3  |
| <b>51</b> 12:24                                | <b>540</b> 88:5    | <b>572</b> 93:3                  | <b>602</b> 97:9                   | <b>634</b> 102:6  |
| <b>510</b> 83:2                                | <b>541</b> 88:7    | <b>573</b> 93:6                  | <b>603</b> 97:12                  | <b>635</b> 102:10 |
| <b>511</b> 83:6                                | <b>542</b> 88:11   | <b>574</b> 93:9                  | <b>604</b> 97:17                  | <b>636</b> 102:12 |
| <b>512</b> 83:9                                | <b>543</b> 88:14   | <b>575</b> 93:16                 | <b>605</b> 97:19                  | <b>637</b> 102:15 |
| <b>513</b> 83:12                               | <b>5439</b> 260:10 | <b>576</b> 93:20                 | <b>606</b> 97:23                  | <b>638</b> 102:17 |
| <b>514</b> 83:15                               | <b>544</b> 88:19   | <b>577</b> 93:23                 | <b>607</b> 98:1                   | <b>639</b> 102:20 |
| <b>515</b> 83:18                               | <b>545</b> 88:22   | <b>578</b> 94:3                  | <b>608</b> 98:5                   | <b>64</b> 14:20   |
| <b>516</b> 83:21                               | <b>546</b> 88:25   | <b>579</b> 94:6                  | <b>609</b> 98:10                  | <b>640</b> 102:22 |
| <b>517</b> 83:23                               | <b>547</b> 89:5    | <b>58</b> 13:23                  | <b>61</b> 14:11                   | <b>641</b> 102:24 |
| <b>518</b> 84:1                                | <b>548</b> 89:9    | <b>580</b> 94:9                  | <b>610</b> 98:12                  | <b>642</b> 103:3  |
| <b>519</b> 84:6                                | <b>549</b> 89:15   | <b>581</b> 94:14                 | <b>611</b> 98:15                  | <b>643</b> 103:7  |
| <b>52</b> 13:3                                 | <b>55</b> 13:13    | <b>582</b> 94:17                 | <b>612</b> 98:17                  | <b>644</b> 103:9  |
| <b>520</b> 84:15                               | <b>550</b> 89:20   | <b>583</b> 94:20                 | <b>613</b> 98:20                  | <b>645</b> 103:12 |
| <b>521</b> 85:3                                | <b>551</b> 89:23   | <b>584</b> 94:24                 | <b>614</b> 98:24                  | <b>646</b> 103:15 |
| <b>522</b> 85:11                               | <b>552</b> 90:1    | <b>585</b> 95:3                  | <b>615</b> 99:2                   | <b>647</b> 103:17 |
| <b>523</b> 85:14                               | <b>553</b> 90:4    | <b>586</b> 95:6                  | <b>616</b> 99:4                   | <b>648</b> 103:20 |
| <b>524</b> 85:19                               | <b>554</b> 90:8    | <b>587</b> 95:9                  | <b>617</b> 99:7                   | <b>649</b> 103:23 |
| <b>525</b> 85:22                               | <b>555</b> 90:12   | <b>588</b> 95:11                 | <b>618</b> 99:11                  | <b>65</b> 14:23   |
| <b>526</b> 85:25                               | <b>556</b> 90:16   | <b>589</b> 95:15                 | <b>619</b> 99:15                  | <b>650</b> 103:25 |
| <b>527</b> 86:3                                | <b>557</b> 90:20   | <b>59</b> 13:25                  | <b>62</b> 14:13 207:13            | <b>651</b> 104:3  |
|                                                | <b>558</b> 91:1    | <b>590</b> 95:17                 | <b>620</b> 99:19                  | <b>652</b> 104:5  |
|                                                | <b>559</b> 91:4    | <b>591</b> 95:20                 |                                   | <b>653</b> 104:8  |

|                   |                                  |                       |                                                          |                                                                   |
|-------------------|----------------------------------|-----------------------|----------------------------------------------------------|-------------------------------------------------------------------|
| <b>654</b> 104:10 | <b>687</b> 108:19                | <b>717</b> 112:15     | <b>75</b> 16:8 97:21,23<br>143:14 214:25<br>215:7 232:19 | <b>781</b> 120:22                                                 |
| <b>655</b> 104:12 | <b>688</b> 108:23                | <b>718</b> 112:17     |                                                          | <b>782</b> 121:1                                                  |
| <b>656</b> 104:14 | <b>689</b> 109:2                 | <b>719</b> 112:20     | <b>750</b> 32:23 116:20                                  | <b>783</b> 121:6                                                  |
| <b>657</b> 104:16 | <b>69</b> 15:11                  | <b>72</b> 12:13 15:19 | <b>751</b> 116:23                                        | <b>784</b> 121:9                                                  |
| <b>658</b> 104:19 | <b>690</b> 109:6                 | <b>720</b> 112:24     | <b>752</b> 116:25                                        | <b>785</b> 121:14                                                 |
| <b>659</b> 104:21 | <b>691</b> 109:8                 | <b>721</b> 113:2      | <b>753</b> 117:4                                         | <b>786</b> 121:18                                                 |
| <b>66</b> 15:2    | <b>692</b> 109:11                | <b>722</b> 113:5      | <b>754</b> 117:7                                         | <b>787</b> 122:1                                                  |
| <b>660</b> 104:23 | <b>693</b> 109:13                | <b>723</b> 113:7      | <b>755</b> 117:11                                        | <b>788</b> 122:4                                                  |
| <b>661</b> 105:1  | <b>694</b> 109:19                | <b>724</b> 113:9      | <b>756</b> 117:15                                        | <b>789</b> 122:7                                                  |
| <b>662</b> 105:5  | <b>695</b> 109:23                | <b>725</b> 113:12     | <b>757</b> 117:19                                        | <b>79</b> 16:22                                                   |
| <b>663</b> 105:8  | <b>696</b> 110:2                 | <b>726</b> 113:15     | <b>758</b> 117:21                                        | <b>790</b> 122:13                                                 |
| <b>664</b> 105:10 | <b>697</b> 110:5                 | <b>727</b> 113:18     | <b>759</b> 117:23                                        | <b>791</b> 122:15                                                 |
| <b>665</b> 105:13 | <b>698</b> 110:9                 | <b>728</b> 113:24     | <b>76</b> 16:13                                          | <b>792</b> 122:17                                                 |
| <b>666</b> 105:17 | <b>699</b> 110:13                | <b>729</b> 114:4      | <b>760</b> 117:25                                        | <b>793</b> 122:25                                                 |
| <b>667</b> 105:21 |                                  | <b>73</b> 15:22       | <b>761</b> 118:3                                         | <b>794</b> 123:5                                                  |
| <b>668</b> 105:24 | <b>7</b>                         | <b>730</b> 114:7      | <b>762</b> 118:6                                         | <b>795</b> 123:10                                                 |
| <b>669</b> 106:2  | <b>7</b> 7:12 135:22,23<br>240:5 | <b>731</b> 114:10     | <b>763</b> 118:10                                        | <b>796</b> 123:15                                                 |
| <b>67</b> 15:5    |                                  | <b>732</b> 114:15     | <b>764</b> 118:15                                        | <b>797</b> 123:18                                                 |
| <b>670</b> 106:5  | <b>70</b> 15:14                  | <b>733</b> 114:17     | <b>765</b> 118:18                                        | <b>798</b> 123:22                                                 |
| <b>671</b> 106:7  | <b>700</b> 110:15                | <b>734</b> 114:20     | <b>766</b> 118:20                                        | <b>799</b> 124:2                                                  |
| <b>672</b> 106:10 | <b>701</b> 110:18                | <b>735</b> 114:22     | <b>767</b> 118:23                                        |                                                                   |
| <b>673</b> 106:14 | <b>702</b> 110:21                | <b>736</b> 115:1      | <b>768</b> 119:1                                         | <b>8</b>                                                          |
| <b>674</b> 106:17 | <b>703</b> 111:1                 | <b>737</b> 115:4      | <b>769</b> 119:4                                         | <b>8</b> 7:15 136:12<br>143:24 144:6<br>148:24 160:14,15<br>199:9 |
| <b>675</b> 106:20 | <b>704</b> 111:5                 | <b>738</b> 115:6      | <b>77</b> 16:16                                          | <b>8-giga</b> 40:24                                               |
| <b>676</b> 106:22 | <b>705</b> 111:10                | <b>739</b> 115:9      | <b>770</b> 119:7                                         | <b>80</b> 17:3 89:22                                              |
| <b>677</b> 106:24 | <b>706</b> 111:13                | <b>74</b> 16:2        | <b>771</b> 119:9                                         | <b>800</b> 124:5                                                  |
| <b>678</b> 107:2  | <b>707</b> 111:15                | <b>740</b> 115:12     | <b>772</b> 119:12                                        | <b>801</b> 124:7                                                  |
| <b>679</b> 107:5  | <b>708</b> 111:17                | <b>741</b> 115:15     | <b>773</b> 119:15                                        | <b>802</b> 124:10                                                 |
| <b>68</b> 15:8    | <b>709</b> 111:19                | <b>742</b> 115:19     | <b>774</b> 119:19                                        | <b>803</b> 124:14                                                 |
| <b>680</b> 107:11 | <b>71</b> 15:17                  | <b>743</b> 115:21     | <b>775</b> 119:22                                        | <b>804</b> 124:18                                                 |
| <b>681</b> 107:15 | <b>710</b> 111:22                | <b>744</b> 115:24     | <b>776</b> 120:2                                         | <b>805</b> 124:24                                                 |
| <b>682</b> 107:18 | <b>711</b> 111:24                | <b>745</b> 116:3      | <b>777</b> 120:8                                         | <b>806</b> 125:6                                                  |
| <b>683</b> 107:24 | <b>712</b> 112:1                 | <b>746</b> 116:6      | <b>778</b> 120:11                                        | <b>807</b> 125:9                                                  |
| <b>684</b> 108:2  | <b>713</b> 112:4                 | <b>747</b> 116:10     | <b>779</b> 120:14                                        | <b>808</b> 125:12                                                 |
| <b>685</b> 108:9  | <b>714</b> 112:7                 | <b>748</b> 116:14     | <b>78</b> 16:19                                          |                                                                   |
| <b>686</b> 108:15 | <b>715</b> 112:9                 | <b>749</b> 116:17     | <b>780</b> 120:19                                        |                                                                   |
|                   | <b>716</b> 112:13                |                       |                                                          |                                                                   |

|                   |                      |                                                                   |                       |                                                                        |
|-------------------|----------------------|-------------------------------------------------------------------|-----------------------|------------------------------------------------------------------------|
| <b>809</b> 125:15 | <b>841</b> 131:18    | <b>874</b> 137:12                                                 | <b>900,000</b> 136:12 | <b>933</b> 147:13                                                      |
| <b>81</b> 17:6    | <b>842</b> 131:22    | <b>875</b> 137:19                                                 | <b>901</b> 142:10     | <b>934</b> 147:18                                                      |
| <b>810</b> 125:20 | <b>843</b> 132:1     | <b>876</b> 137:23                                                 | <b>902</b> 142:13     | <b>935</b> 147:24                                                      |
| <b>811</b> 126:1  | <b>844</b> 132:4     | <b>877</b> 138:15                                                 | <b>903</b> 142:15     | <b>936</b> 148:10                                                      |
| <b>812</b> 126:4  | <b>845</b> 132:7     | <b>878</b> 138:21                                                 | <b>904</b> 142:18     | <b>937</b> 148:14                                                      |
| <b>813</b> 126:8  | <b>846</b> 132:11    | <b>879</b> 138:24                                                 | <b>905</b> 142:21     | <b>938</b> 148:18                                                      |
| <b>814</b> 126:17 | <b>847</b> 132:14    | <b>88</b> 18:14                                                   | <b>906</b> 143:4      | <b>939</b> 148:24                                                      |
| <b>815</b> 126:23 | <b>848</b> 132:18    | <b>880</b> 139:2                                                  | <b>907</b> 143:9      | <b>94</b> 19:11                                                        |
| <b>816</b> 127:2  | <b>849</b> 132:21    | <b>881</b> 139:8                                                  | <b>908</b> 143:16     | <b>940</b> 149:6                                                       |
| <b>817</b> 127:9  | <b>85</b> 18:5 148:8 | <b>882</b> 139:13                                                 | <b>909</b> 143:22     | <b>941</b> 149:11                                                      |
| <b>818</b> 127:12 | <b>850</b> 132:24    | <b>883</b> 139:18                                                 | <b>91</b> 18:24       | <b>942</b> 149:18                                                      |
| <b>819</b> 127:18 | <b>851</b> 133:3     | <b>884</b> 139:21                                                 | <b>910</b> 144:5      | <b>943</b> 149:21                                                      |
| <b>82</b> 17:10   | <b>852</b> 133:6     | <b>885</b> 139:24                                                 | <b>911</b> 144:9      | <b>944</b> 149:25                                                      |
| <b>820</b> 127:22 | <b>853</b> 133:9     | <b>886</b> 140:7                                                  | <b>912</b> 144:13     | <b>945</b> 150:3                                                       |
| <b>821</b> 128:4  | <b>854</b> 133:11    | <b>887</b> 140:11                                                 | <b>913</b> 144:16     | <b>946</b> 150:8                                                       |
| <b>822</b> 128:7  | <b>855</b> 133:21    | <b>888</b> 140:15                                                 | <b>914</b> 144:24     | <b>947</b> 150:13                                                      |
| <b>823</b> 128:9  | <b>856</b> 133:25    | <b>889</b> 140:19                                                 | <b>915</b> 145:2      | <b>948</b> 150:15                                                      |
| <b>824</b> 128:12 | <b>857</b> 134:3     | <b>89</b> 18:17                                                   | <b>916</b> 145:5      | <b>949</b> 150:19                                                      |
| <b>825</b> 128:15 | <b>858</b> 134:7     | <b>890</b> 140:24                                                 | <b>917</b> 145:8      | <b>95</b> 19:15 43:15,24<br>47:3,22 58:23,24<br>202:19 203:21<br>215:2 |
| <b>826</b> 128:18 | <b>859</b> 134:12    | <b>891</b> 141:1                                                  | <b>918</b> 145:11     |                                                                        |
| <b>827</b> 128:23 | <b>86</b> 18:7       | <b>892</b> 141:4                                                  | <b>919</b> 145:14     |                                                                        |
| <b>828</b> 129:10 | <b>860</b> 134:16    | <b>893</b> 141:7                                                  | <b>92</b> 19:2        | <b>950</b> 150:22                                                      |
| <b>829</b> 129:14 | <b>861</b> 134:22    | <b>894</b> 141:9                                                  | <b>920</b> 145:17     | <b>951</b> 150:24                                                      |
| <b>83</b> 17:23   | <b>862</b> 135:1     | <b>895</b> 141:14                                                 | <b>921</b> 145:20     | <b>952</b> 151:3                                                       |
| <b>830</b> 129:17 | <b>863</b> 135:5     | <b>896</b> 141:18                                                 | <b>922</b> 145:24     | <b>953</b> 151:9                                                       |
| <b>831</b> 129:20 | <b>864</b> 135:8     | <b>897</b> 141:24                                                 | <b>923</b> 146:2      | <b>954</b> 151:13                                                      |
| <b>832</b> 129:23 | <b>865</b> 135:12    | <b>898</b> 142:2                                                  | <b>924</b> 146:5      | <b>955</b> 151:15                                                      |
| <b>833</b> 130:1  | <b>866</b> 135:17    | <b>899</b> 142:4                                                  | <b>925</b> 146:8      | <b>956</b> 151:25                                                      |
| <b>834</b> 130:8  | <b>867</b> 136:1     | <b>8th</b> 184:22                                                 | <b>926</b> 146:11     | <b>957</b> 152:6                                                       |
| <b>835</b> 130:14 | <b>868</b> 136:6     |                                                                   | <b>927</b> 146:14     | <b>958</b> 152:13                                                      |
| <b>836</b> 130:18 | <b>869</b> 136:10    | <b>9</b>                                                          | <b>928</b> 146:17     | <b>959</b> 152:17                                                      |
| <b>837</b> 130:22 | <b>87</b> 18:11      | <b>9</b> 7:18 10:22<br>127:24 128:21<br>129:6 161:15,16<br>199:13 | <b>929</b> 146:22     | <b>96</b> 19:18                                                        |
| <b>838</b> 131:2  | <b>870</b> 136:17    |                                                                   | <b>93</b> 19:9        | <b>960</b> 152:19                                                      |
| <b>839</b> 131:6  | <b>871</b> 136:19    | <b>90</b> 18:21 111:9<br>244:6                                    | <b>930</b> 146:24     | <b>961</b> 152:23                                                      |
| <b>84</b> 18:1    | <b>872</b> 136:21    |                                                                   | <b>931</b> 147:3      | <b>962</b> 153:1                                                       |
| <b>840</b> 131:15 | <b>873</b> 137:8     | <b>900</b> 140:21 142:8                                           | <b>932</b> 147:10     | <b>963</b> 153:7                                                       |
|                   |                      |                                                                   |                       | <b>964</b> 153:11                                                      |

|                      |                        |                         |                         |                       |
|----------------------|------------------------|-------------------------|-------------------------|-----------------------|
| <b>965</b> 153:17    | <b>997</b> 158:21      | 168:9 208:18            | 174:20                  | <b>agreement</b> 31:6 |
| <b>966</b> 153:21    | <b>998</b> 158:24      | <b>accounting</b>       | <b>adjourned</b>        | 52:13,16 66:3,4       |
| <b>967</b> 154:1     | <b>999</b> 159:2       | 15:20 74:22 88:17       | 271:8                   | 100:14,19 125:2,      |
| <b>968</b> 154:8     |                        | 212:6                   | <b>administration</b>   | 3,10 126:24 127:9     |
| <b>969</b> 154:11    | <b>A</b>               | <b>accounts</b> 15:25   | 18:9                    | 140:9,16 141:10       |
| <b>97</b> 19:23      | <b>a.m.</b> 84:13      | 16:6 31:24 32:10        | <b>administrator</b>    | 142:23 143:11         |
| <b>970</b> 154:13    | <b>absolutely</b>      | 33:8,15 56:7,10         | 19:25 64:1              | 144:10,13,19          |
| <b>971</b> 154:16    | 23:24 77:9 84:23       | 64:22 77:12 84:2        | <b>administrators</b>   | 145:6 147:4           |
| <b>972</b> 154:19    | 100:22 138:23          | 91:16 92:1 110:8,       | 16:21                   | 152:14 153:18,22      |
| <b>973</b> 154:24    | 195:21                 | 12,25 111:7             | <b>admissible</b>       | 154:13 155:17         |
| <b>974</b> 155:3     | <b>Acadia</b> 102:11   | 116:18 128:17           | 182:24                  | 157:22 172:18         |
| <b>975</b> 155:6     | <b>access</b> 44:19,21 | 130:10 151:23           | <b>Advanced</b>         | 173:4 187:10,12       |
| <b>976</b> 155:9     | 45:3 91:6 110:20       | 153:5 162:14            | 170:16,20,22,24         | 192:25 207:17         |
| <b>977</b> 155:15    | 185:11,13 204:16       | 170:11,12 172:20        | <b>advancing</b>        | 215:3 252:9,15        |
| <b>978</b> 155:20    | 220:18 246:24          | 185:15 202:11           | 143:24                  | <b>agreements</b>     |
| <b>979</b> 155:24    | <b>accessed</b> 45:5   | 204:21 209:3,15,        | <b>advice</b> 68:11     | 172:17                |
| <b>98</b> 20:8 38:14 | <b>accident</b> 105:7, | 18 212:6,12,14          | 182:16,17,19,24         | <b>agrees</b> 154:22  |
| <b>980</b> 156:3     | 24                     | 213:21,22 214:21        | 183:1,6,7,10,11,        | <b>Aid</b> 243:18     |
| <b>981</b> 156:8     | <b>accompanying</b>    | 219:21,24 220:15        | 16 184:3,6,10           | <b>Aimee</b> 7:15,21  |
| <b>982</b> 156:13    | 196:12                 | 226:20,21,22,23         | 185:23 186:19,22,       | 9:14 10:9 11:16,      |
| <b>983</b> 156:17    | <b>account</b> 56:5    | 229:11,13 244:1         | 23 188:25 251:15,       | 20 12:12,22 13:1      |
| <b>984</b> 156:23    | 75:25 76:8,18,20,      | 258:1,3,5               | 19                      | 23:23 51:25 52:21     |
| <b>985</b> 157:2     | 22,25 77:16            | <b>accumulate</b>       | <b>advised</b> 54:23    | 56:18,21,24 57:12     |
| <b>986</b> 157:4     | 82:19,25 84:4          | 178:7                   | <b>advisement</b>       | 58:1 77:19 78:1       |
| <b>987</b> 157:9     | 86:18 92:3,9,10        | <b>accusations</b>      | 188:13                  | 81:15 83:2 84:6       |
| <b>988</b> 157:14    | 94:2 95:14 110:6       | 45:25 46:2,5            | <b>advising</b> 184:1   | 85:23 86:22 91:5      |
| <b>989</b> 157:18    | 114:2,3,9 116:6        | 212:10 213:9            | <b>advisor</b> 115:2    | 96:23 97:16,17        |
| <b>99</b> 12:5 20:11 | 120:9 127:25           | <b>accused</b> 46:11    | <b>Aeroplan</b>         | 106:17 113:14,22      |
| 91:15 197:18         | 128:13,16,19           | <b>acquaintance</b>     | 177:16,25 180:25        | 121:11 125:4          |
| 219:1                | 129:1 133:1,4          | 115:22                  | 181:12,22               | 141:11,15,24          |
| <b>990</b> 157:21    | 139:5,7,10,14          | <b>acquaintances</b>    | <b>Affairs</b> 223:23   | 142:22 143:8,10,      |
| <b>991</b> 157:24    | 149:2,3,10             | 181:23                  | 224:3 229:4             | 13,18 144:9,10        |
| <b>992</b> 158:5     | 151:17,20 152:1,       | <b>act</b> 6:15 191:19  | <b>affect</b> 249:12,17 | 145:11,18,25          |
| <b>993</b> 158:9     | 7,10 170:9 175:3       | <b>activities</b> 258:8 | 251:17                  | 150:22 155:9          |
| <b>994</b> 158:12    | 205:4,6 220:16         | <b>activity</b> 135:18  | <b>afford</b> 144:4     | 160:21 166:16         |
| <b>995</b> 158:14    | 221:5 225:18           | 235:1                   | 147:24                  | 178:21 179:2,7        |
| <b>996</b> 158:18    | 226:6,25 230:16,       | <b>actual</b> 26:20     | <b>afternoon</b> 22:15  | 180:13 188:17         |
|                      | 17,21 232:22,24        | 54:1 56:25 64:23        | 107:16                  | 189:23 190:2,7        |
|                      | 233:4,12 234:11        | 66:16 123:13            | <b>agencies</b> 210:5   | 212:22 223:18         |
|                      | 240:16 246:16          | 165:16 189:8            | <b>agree</b> 84:18      | 224:6 227:3           |
|                      | 260:2,3,11,15,18,      | 198:10 221:18           | 154:8,10 161:2          | 236:25 237:5          |
|                      | 21 261:3,6 262:3       | <b>add</b> 221:16       | <b>agreed</b> 154:4     | 239:6 241:22          |
|                      | 263:19 270:18          | <b>added</b> 175:25     | 158:9 161:3             | 242:22 247:6,17,      |
|                      | <b>accountant</b>      | <b>address</b> 52:24    | <b>agreeing</b> 155:9   | 25 248:4 249:15       |
|                      | 14:3,7,16,21,24        | 66:10,16 72:3           | 161:11                  | 251:20 252:5          |
|                      | 15:3,6 74:23           |                         |                         | 254:20 255:19         |
|                      | 168:4                  |                         |                         | 256:6 258:13,20,      |
|                      | <b>accounted</b>       |                         |                         | 22,24 259:3,13        |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 157:7 169:2<br>241:23 242:8<br><b>Aire</b> 95:7,20,22<br>98:17,21 99:8<br>149:4 152:20<br>154:2<br><b>Aires</b> 98:10<br><b>Alan</b> 7:5 14:5,6,<br>9,20 21:11 28:9,<br>17 29:7 32:5,16<br>33:7 55:12 86:13,<br>15,25 88:18 89:18<br>95:18 116:9 121:4<br>201:13 211:12,15,<br>17,19,20 214:2,5<br>243:25 270:21<br><b>Alan's</b> 116:10<br><b>alerted</b> 264:9<br><b>Alex</b> 17:4,20<br>19:13,21,23<br><b>Alexander</b><br>19:15<br><b>Alexes</b> 19:18<br><b>algorithms</b><br>138:8,12<br><b>allegations</b><br>62:13,15,16,17<br>210:20 213:8<br><b>alleged</b> 50:16<br><b>allegedly</b> 219:9<br><b>alleging</b> 23:7<br><b>allocate</b> 116:20<br>119:10<br><b>allocated</b> 87:1,<br>21 89:4 116:9<br>235:17,22 246:21<br>267:20<br><b>allowed</b> 153:15<br><b>allowing</b> 171:2<br><b>Alphaservers</b><br>37:23<br><b>American</b><br>118:12 179:5<br><b>Amex</b> 118:16<br>139:18,22,24<br>178:4 244:12,15, | 18,22 245:5,6,8,<br>10,12,15,20,24<br>246:3,7,10<br><b>amount</b> 13:4<br>64:12 128:4 129:7<br>130:9 131:4<br>132:5,8 133:19<br>135:24 167:14<br>175:12,15 176:4<br>205:20 224:14<br>227:24 237:2<br><b>amounts</b> 130:3,<br>11 132:24 136:14<br>139:4,9 221:16<br>236:4<br><b>and/or</b> 165:5<br><b>Andrea</b> 145:12<br>153:19,21 157:4,<br>25 158:2 161:7<br>212:20,23 213:4<br><b>Andrea's</b><br>158:11<br><b>annum</b> 53:22<br><b>answer's</b> 90:16<br><b>answering</b><br>187:5 255:2<br><b>anticipated</b><br>54:11<br><b>anymore</b> 50:10<br>83:17 156:9<br>191:17 220:7,12,<br>19<br><b>apparently</b><br>157:12 166:24<br>234:16<br><b>appears</b> 129:3<br>258:22<br><b>appendix</b><br>221:15 223:23<br><b>appliances</b><br>179:11<br><b>application</b><br>73:7 188:17<br>189:1,4 248:7,12,<br>19 249:7<br><b>applied</b> 86:23<br>165:25 268:1 | <b>apply</b> 51:21<br>194:21<br><b>appoint</b> 107:12<br><b>appointing</b><br>94:25<br><b>appointment</b><br>107:3,6,20 108:7,<br>13,16 231:2<br><b>appraisal</b> 85:15<br>123:24<br><b>appraiser</b> 85:9<br><b>approach</b> 59:9,<br>13 73:18<br><b>approached</b><br>59:7 73:11 78:13<br><b>approximate</b><br>122:22<br><b>approximately</b><br>68:18 89:21<br>140:13 148:7<br>173:14 236:18<br><b>April</b> 12:8 94:22<br>95:1,4 107:11,16<br>108:5 184:22<br>234:24 248:10,12<br>263:25 268:11<br><b>architect</b> 123:6,<br>7<br><b>area</b> 224:5<br><b>arguing</b> 80:15<br><b>argument</b><br>166:19<br><b>arrange</b> 224:22<br><b>arranged</b><br>224:19<br><b>arrangement</b><br>207:18<br><b>arrived</b> 266:11<br><b>arrives</b> 202:22<br><b>Art</b> 14:8,11,12,13<br><b>Ashburn</b> 24:8<br>26:6,10,16,21<br>29:8 52:8,25<br>56:19 66:9,23<br>76:13 79:17 80:5, | 7 83:4 84:17<br>175:24 189:12<br>226:17 266:2,4<br><b>aspects</b> 190:15<br><b>asserted</b> 6:16<br><b>asset</b> 95:19,20<br>264:23<br><b>assets</b> 31:12<br>57:24 58:7 100:20<br>155:23 156:1,4<br>210:13 211:2,5,6<br>212:3 213:17<br>223:25 224:4<br>239:8<br><b>assist</b> 218:7<br><b>assistant</b> 57:1<br><b>assisted</b> 26:5<br><b>assume</b> 53:18<br>101:19 109:5<br>128:7 150:20<br>159:21,25 165:24<br>184:18 191:6<br><b>assumed</b><br>125:18 139:3<br><b>assuming</b><br>17:15 166:6,9,10<br>235:21 253:25<br><b>assumption</b><br>100:13 160:24<br>162:7 235:25<br>236:11,15<br><b>assumptions</b><br>123:21<br><b>assurances</b><br>249:10<br><b>assured</b> 249:16<br><b>ate</b> 81:5<br><b>ATM</b> 37:25<br>38:19,20,24 93:1,<br>7 120:11<br><b>ATMS</b> 242:13<br><b>attached</b> 130:24<br>131:13 159:17<br><b>attend</b> 108:6,12<br><b>attended</b> 108:2,<br>9,11 | <b>attributed</b><br>235:24 236:2<br>237:3<br><b>ATV</b> 104:4<br><b>Audi</b> 103:11,12<br>114:17,18 263:12<br><b>August</b> 12:14<br>105:11<br><b>authentition</b><br>171:2<br><b>authorize</b><br>192:11<br><b>Authorized</b><br>172:6<br><b>automatically</b><br>205:6<br><b>Avenue</b> 12:19<br><b>average</b> 197:10<br>203:2<br><b>averaged</b><br>121:23<br><b>Avery</b> 37:7<br><b>aware</b> 20:17<br>23:20,23,25 24:18<br>52:3 62:18 75:2,8<br>83:6 94:24 107:11<br>142:14 145:14,17<br>152:3,16 160:9<br>189:22 190:15<br>192:4 239:7<br><b>Azeff</b> 6:12,22,24<br>29:20 84:11,21,25<br>90:23 101:11<br>107:19,22,24<br>108:6,10 133:16<br>137:25 138:8,12<br>159:7 161:20,25<br>181:19 182:18,22<br>183:2,11,18,22<br>184:24 185:2,4,<br>16,21 186:1,5,10,<br>17,25 187:4,11,<br>19,21 188:3,7,12,<br>19 199:9,13,16<br>205:23,25 206:3,<br>6,12 220:23<br>233:11,16 234:1<br>235:21 236:3,7,<br>10,14 240:6,10 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                   |                                                                                 |                                                                                                                                                                                                                                                                                          |                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| 247:19,22 249:16<br>263:3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 76:22 83:6,10,18<br>84:1 92:2,9 93:3<br>110:6,17 111:6<br>114:2,3 116:14<br>118:21,24 120:8<br>121:3 122:1,5<br>124:15 128:2,12,<br>16,17 130:10<br>133:1 138:21<br>139:14 151:17,20<br>170:9 174:16<br>178:5 200:10,11<br>212:13 220:1<br>225:18 226:6,25<br>230:20 232:22,24<br>233:3 240:13<br>246:16,23 262:3 | 217:19 237:4<br>250:16                                                          | <b>biggest</b> 58:16,<br>21,25 173:23<br>213:13 215:4                                                                                                                                                                                                                                    | <b>Bodimeade's</b><br>234:11                                                               |
| <b>B</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                   | <b>basement</b> 85:8<br>175:22,23 176:5<br>221:18                               | <b>bill</b> 121:24 191:21<br>194:4 195:14,16,<br>19 229:20 243:1<br>244:18 245:15,21<br>246:3                                                                                                                                                                                            | <b>body</b> 73:12                                                                          |
| <b>babies</b> 239:21                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                   | <b>basically</b> 17:16<br>19:6 83:16 198:13                                     | <b>billed</b> 191:10                                                                                                                                                                                                                                                                     | <b>book</b> 134:13,15,<br>18,23 144:16<br>158:15                                           |
| <b>back</b> 9:8 16:16<br>17:22 27:4 32:25<br>40:10 42:20 55:2,<br>4,18,24 59:20<br>60:10,17,19 62:3<br>63:23 65:18 67:11<br>68:12,13 79:19,25<br>85:6 91:15 96:1<br>106:23,24 122:17<br>124:24 126:7,8,10<br>136:3,6,13,23,24<br>137:6 138:16<br>139:6 153:4,17,21<br>158:15 161:6,24<br>164:25 167:1<br>169:22 173:19,20,<br>25 174:8 175:7<br>176:23,25 177:3<br>179:24 190:10<br>211:23 225:15<br>227:19 230:10,12,<br>13 235:7,9 236:11<br>237:11,13,18,25<br>238:9 252:23<br>258:1 261:21<br>262:8,15,18<br>266:13 | <b>bank's</b> 249:17                                                                                                                                                                                                                                                                                              | <b>Bayern</b> 72:4                                                              | <b>billings</b> 222:3                                                                                                                                                                                                                                                                    | <b>bookkeeper</b><br>15:12 206:15                                                          |
| <b>backed</b> 17:10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>banking</b> 56:12<br>77:5 128:20<br>234:25                                                                                                                                                                                                                                                                     | <b>BB&amp;T</b> 128:19,25                                                       | <b>bills</b> 147:8<br>229:15,16 237:15<br>239:4 241:25<br>244:4,15                                                                                                                                                                                                                       | <b>bookkeeping</b><br>15:10 213:20                                                         |
| <b>backup</b> 19:12                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>bankrupt</b> 148:5<br>178:18 229:10<br>249:2,5 257:5                                                                                                                                                                                                                                                           | <b>beat</b> 63:13                                                               | <b>bio</b> 42:4                                                                                                                                                                                                                                                                          | <b>books</b> 13:16<br>15:1 55:13 64:25<br>211:6 212:4                                      |
| <b>backups</b> 16:22                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>bankruptcies</b><br>69:9                                                                                                                                                                                                                                                                                       | <b>bed</b> 8:14,19                                                              | <b>bit</b> 13:16 70:9<br>71:1 84:16 172:3<br>186:7                                                                                                                                                                                                                                       | <b>booze</b> 63:5                                                                          |
| <b>bad</b> 27:3,5<br>213:11                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>bankruptcy</b><br>73:6 100:12<br>105:19 179:14<br>182:12 209:3<br>248:7,9,12,18<br>249:7 253:12,15<br>254:8 257:25                                                                                                                                                                                             | <b>beginning</b> 8:23,<br>25 9:9 34:6 43:17<br>49:10 61:4 240:8,<br>9,17 248:13 | <b>blaming</b> 210:25                                                                                                                                                                                                                                                                    | <b>border</b> 196:14                                                                       |
| <b>bailiff</b> 109:12<br>266:22,23                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>barn</b> 9:20 26:10,<br>11,15,18,23 27:1<br>28:22,25 29:6,8,<br>10,13,15,25 30:5<br>35:18,20 37:9,10,<br>13 57:21 84:16<br>97:16,18,22,24<br>98:7 168:7                                                                                                                                                        | <b>behalf</b> 187:12,16<br>194:10                                               | <b>blank</b> 127:13<br>132:15 133:22<br>135:6,9 136:12                                                                                                                                                                                                                                   | <b>born</b> 7:2 12:4,8,<br>10                                                              |
| <b>balance</b> 210:13<br>211:6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>barns</b> 85:9 221:9                                                                                                                                                                                                                                                                                           | <b>believed</b> 57:17                                                           | <b>blind</b> 191:22<br>193:7,10 196:5                                                                                                                                                                                                                                                    | <b>borrow</b> 102:7,8<br>114:12 127:7<br>136:4 137:16<br>177:10 227:1                      |
| <b>bald</b> 236:14                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>barrels</b> 35:23                                                                                                                                                                                                                                                                                              | <b>Bell/tv</b> 121:24                                                           | <b>BMO</b> 118:14<br>120:2                                                                                                                                                                                                                                                               | <b>borrowed</b> 24:1<br>54:23 225:23                                                       |
| <b>BAND-AIDS</b><br>243:18                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>base</b> 212:19                                                                                                                                                                                                                                                                                                | <b>belong</b> 178:14                                                            | <b>BMW</b> 101:22<br>103:25 228:6<br>242:9 263:22<br>266:1,9,16 268:10                                                                                                                                                                                                                   | <b>borrower</b><br>154:21                                                                  |
| <b>bank</b> 20:22<br>21:14,18 23:2<br>24:2 25:12,14<br>51:16 53:14,19<br>54:6 74:6 75:25                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>based</b> 22:20<br>33:20 46:19 89:1<br>90:2 123:20<br>136:25 140:5<br>155:12 168:3<br>182:16 189:18<br>214:7 215:3                                                                                                                                                                                             | <b>belonged</b> 99:25<br>118:1 217:16<br>254:4 256:14,17<br>267:17              | <b>boards</b> 37:23<br>38:4 198:1                                                                                                                                                                                                                                                        | <b>borrowing</b><br>163:8,16 174:12<br>175:7                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                   | <b>beneficiary</b><br>241:16,21 242:22                                          | <b>Bodimeade</b><br>6:2,6 7:1,7,16<br>20:5 21:8,11 28:9<br>52:17 98:2 110:10<br>130:4 131:13<br>153:12 155:4<br>162:8 165:8<br>168:2,9 185:22<br>186:8,18 188:11<br>209:7 211:7<br>214:10 219:25<br>220:9 238:18<br>241:19,22 247:17<br>252:5 254:25<br>255:19 256:9<br>259:13,14 268:11 | <b>boss</b> 269:19,20                                                                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                   | <b>benefit</b> 30:25<br>31:2 228:16,22,24<br>241:23                             |                                                                                                                                                                                                                                                                                          | <b>bottle</b> 63:5                                                                         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                   | <b>benefits</b> 243:14                                                          |                                                                                                                                                                                                                                                                                          | <b>bought</b> 24:8,10<br>39:15 44:14 58:8<br>104:16 127:4<br>165:10 229:23<br>235:12 239:1 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                   | <b>Benjamin</b> 23:5                                                            |                                                                                                                                                                                                                                                                                          | <b>box</b> 268:18                                                                          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                   | <b>bid</b> 59:10                                                                |                                                                                                                                                                                                                                                                                          | <b>Boxing</b> 81:2,6,8                                                                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                   | <b>big</b> 17:25 43:9<br>224:5 251:12<br>265:17 269:24,25                       |                                                                                                                                                                                                                                                                                          | <b>boy</b> 98:22                                                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                   | <b>bigger</b> 106:19                                                            |                                                                                                                                                                                                                                                                                          | <b>Brad</b> 71:4,5,6<br>72:24 74:10,14,16<br>75:3,9 226:4<br>250:15 267:8,9                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                   |                                                                                 |                                                                                                                                                                                                                                                                                          | <b>Brad's</b> 102:8,19<br>103:15                                                           |

|                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                   |                                                                                                                                                                                                                  |                                                                                  |
|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| <b>branch</b> 57:1<br>128:20 151:22                                                | <b>builder</b> 123:13                                                                                                                                                                                                                                                                                                                                                                                                                        | 15 77:19 85:23<br>92:16 132:10<br>171:2,10,11<br>181:22 189:23<br>191:9 232:4 239:4<br>251:13                                     | <b>car</b> 102:7,8,9,10,<br>15,20,21,22<br>103:10,18,23,24<br>104:1 113:6,7<br>150:6 240:19<br>242:8 267:10<br>268:14                                                                                            | 179:2,7,13,20<br>219:21,24 242:12,<br>13                                         |
| <b>breach</b> 152:13                                                               | <b>building</b> 41:5<br>65:1 163:18<br>165:13 221:25<br>243:4 266:14<br>269:1                                                                                                                                                                                                                                                                                                                                                                | <b>buyer</b> 42:15                                                                                                                | <b>Cara</b> 67:21,22,24<br>68:10                                                                                                                                                                                 | <b>cashed</b> 95:11<br>178:21 179:4<br>229:9 233:3                               |
| <b>break</b> 84:10<br>161:22 220:22<br>263:1                                       | <b>built</b> 24:13 26:17,<br>18 79:14 99:19<br>163:15,21                                                                                                                                                                                                                                                                                                                                                                                     | <b>buyers</b> 43:3,7<br>61:16 192:5                                                                                               | <b>card</b> 93:3 118:25<br>119:4 120:8<br>139:16,18 178:2<br>244:4,12 245:18,<br>24 246:2,22                                                                                                                     | <b>caused</b> 8:10                                                               |
| <b>break-up</b><br>210:25                                                          | <b>bulk</b> 165:1,16                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>buying</b> 16:6<br>44:11 47:16<br>51:14,15 59:17<br>62:8 63:22 64:11<br>69:24 74:21<br>171:5,19 230:6<br>232:16 239:9<br>259:3 | <b>Care</b> 153:1<br>193:18                                                                                                                                                                                      | <b>Cavanaugh</b><br>196:16                                                       |
| <b>breakdown</b><br>86:9 94:11 122:20<br>126:25                                    | <b>bunch</b> 148:22                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>buying</b> 16:6<br>44:11 47:16<br>51:14,15 59:17<br>62:8 63:22 64:11<br>69:24 74:21<br>171:5,19 230:6<br>232:16 239:9<br>259:3 | <b>cards</b> 118:3,7,10<br>119:2,24 178:1,11<br>179:1,3,5 244:1                                                                                                                                                  | <b>caveat</b> 84:22                                                              |
| <b>breaking</b> 200:6                                                              | <b>bundle</b> 127:23<br>129:5 215:21<br>216:21                                                                                                                                                                                                                                                                                                                                                                                               | <b>buying</b> 16:6<br>44:11 47:16<br>51:14,15 59:17<br>62:8 63:22 64:11<br>69:24 74:21<br>171:5,19 230:6<br>232:16 239:9<br>259:3 | <b>care</b> 153:1<br>193:18                                                                                                                                                                                      | <b>Cayenne</b> 111:24                                                            |
| <b>Brent</b> 123:12,16<br>124:2,22 221:20<br>222:1,4,20<br>223:19,22 262:22,<br>24 | <b>bundles</b> 217:24                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>buying</b> 16:6<br>44:11 47:16<br>51:14,15 59:17<br>62:8 63:22 64:11<br>69:24 74:21<br>171:5,19 230:6<br>232:16 239:9<br>259:3 | <b>Caria</b> 108:11                                                                                                                                                                                              | <b>Cedar</b> 66:18,21                                                            |
| <b>Brian</b> 115:19                                                                | <b>bus</b> 95:25 96:3                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>buying</b> 16:6<br>44:11 47:16<br>51:14,15 59:17<br>62:8 63:22 64:11<br>69:24 74:21<br>171:5,19 230:6<br>232:16 239:9<br>259:3 | <b>carriage</b> 218:3                                                                                                                                                                                            | <b>cellphone</b><br>243:3                                                        |
| <b>bridles</b> 240:3                                                               | <b>busiest</b> 46:24                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>buying</b> 16:6<br>44:11 47:16<br>51:14,15 59:17<br>62:8 63:22 64:11<br>69:24 74:21<br>171:5,19 230:6<br>232:16 239:9<br>259:3 | <b>carriers</b> 93:14<br>193:11 194:7,9<br>216:9 217:11<br>218:2                                                                                                                                                 | <b>certificate</b><br>189:11                                                     |
| <b>bring</b> 22:14<br>80:18 96:17<br>143:13 153:16<br>188:17                       | <b>business</b> 10:23<br>36:10 37:20 38:24<br>43:24 46:1,7,22<br>47:3,22 48:7,16,<br>22,24 49:21 51:6,<br>8,10 66:25 67:9<br>69:22 83:17,20<br>100:11,21 101:23<br>106:3 112:7,10<br>120:25 126:20<br>140:4 141:20<br>142:20 143:14<br>152:24 153:2,14<br>154:14,16 156:6,9<br>158:3 176:18,20,<br>21 182:12 190:16<br>210:17 214:25<br>220:3 223:8<br>232:15 234:21,23<br>235:2,7,10,22<br>240:1,21 241:2<br>246:15 252:23<br>258:7 261:3,6 | <b>buying</b> 16:6<br>44:11 47:16<br>51:14,15 59:17<br>62:8 63:22 64:11<br>69:24 74:21<br>171:5,19 230:6<br>232:16 239:9<br>259:3 | <b>cars</b> 102:8,18<br>109:1 150:5,6,11,<br>16 242:11 266:2                                                                                                                                                     | <b>certificates</b><br>171:1,9                                                   |
| <b>broker</b> 196:13,<br>15                                                        | <b>business-related</b> 243:3<br>244:7                                                                                                                                                                                                                                                                                                                                                                                                       | <b>buying</b> 16:6<br>44:11 47:16<br>51:14,15 59:17<br>62:8 63:22 64:11<br>69:24 74:21<br>171:5,19 230:6<br>232:16 239:9<br>259:3 | <b>Cart</b> 67:1,3                                                                                                                                                                                               | <b>cetera</b> 246:21                                                             |
| <b>brokerage</b><br>218:2                                                          | <b>businesses</b><br>73:15                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>buying</b> 16:6<br>44:11 47:16<br>51:14,15 59:17<br>62:8 63:22 64:11<br>69:24 74:21<br>171:5,19 230:6<br>232:16 239:9<br>259:3 | <b>carts</b> 67:4,12<br>68:1,2                                                                                                                                                                                   | <b>chain</b> 184:23,25<br>247:6,16 258:18,<br>20                                 |
| <b>brokered</b> 230:3                                                              | <b>button</b> 202:6                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>buying</b> 16:6<br>44:11 47:16<br>51:14,15 59:17<br>62:8 63:22 64:11<br>69:24 74:21<br>171:5,19 230:6<br>232:16 239:9<br>259:3 | <b>case</b> 149:12<br>182:23 186:4<br>196:17 239:16                                                                                                                                                              | <b>Chaminda</b> 34:8<br>37:1,2 74:14 93:5<br>134:10                              |
| <b>brokering</b> 218:3                                                             | <b>buy</b> 12:21 44:12<br>59:5,12 60:1,5,15<br>64:2 67:12 70:14,                                                                                                                                                                                                                                                                                                                                                                             | <b>buying</b> 16:6<br>44:11 47:16<br>51:14,15 59:17<br>62:8 63:22 64:11<br>69:24 74:21<br>171:5,19 230:6<br>232:16 239:9<br>259:3 | <b>cases</b> 205:17,18                                                                                                                                                                                           | <b>Chaminda's</b><br>195:8 218:25                                                |
| <b>Brook</b> 66:18,21                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>buying</b> 16:6<br>44:11 47:16<br>51:14,15 59:17<br>62:8 63:22 64:11<br>69:24 74:21<br>171:5,19 230:6<br>232:16 239:9<br>259:3 | <b>cash</b> 28:18,20<br>33:6 51:13 52:2<br>64:16 68:24 70:14<br>91:12,14,18,21,24<br>92:6,8,10,13,15,<br>16,17,19,23,25<br>93:15,16,21 94:1<br>120:17,19 122:15<br>136:8 153:5<br>162:21 163:23<br>177:10 178:25 | <b>change</b> 27:4<br>159:8 183:3                                                |
| <b>Brooklin</b> 66:22,<br>23 174:22 207:6,<br>10                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>buying</b> 16:6<br>44:11 47:16<br>51:14,15 59:17<br>62:8 63:22 64:11<br>69:24 74:21<br>171:5,19 230:6<br>232:16 239:9<br>259:3 | <b>case</b> 149:12<br>182:23 186:4<br>196:17 239:16                                                                                                                                                              | <b>change</b> 38:18<br>41:9 42:4 140:21<br>154:1                                 |
| <b>brother</b> 7:4<br>21:11,12 25:2,8,<br>21 26:5 27:6 29:3                        |                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>buying</b> 16:6<br>44:11 47:16<br>51:14,15 59:17<br>62:8 63:22 64:11<br>69:24 74:21<br>171:5,19 230:6<br>232:16 239:9<br>259:3 | <b>case</b> 149:12<br>182:23 186:4<br>196:17 239:16                                                                                                                                                              | <b>changed</b> 37:21<br>125:25 126:1<br>136:1 150:18<br>172:4 250:19<br>261:9,15 |
| <b>brother-in-law</b><br>168:25                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>buying</b> 16:6<br>44:11 47:16<br>51:14,15 59:17<br>62:8 63:22 64:11<br>69:24 74:21<br>171:5,19 230:6<br>232:16 239:9<br>259:3 | <b>cases</b> 205:17,18                                                                                                                                                                                           | <b>changing</b> 41:21<br>42:2                                                    |
| <b>brother-in-law'</b><br><b>s</b> 168:23                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>buying</b> 16:6<br>44:11 47:16<br>51:14,15 59:17<br>62:8 63:22 64:11<br>69:24 74:21<br>171:5,19 230:6<br>232:16 239:9<br>259:3 | <b>cash</b> 28:18,20<br>33:6 51:13 52:2<br>64:16 68:24 70:14<br>91:12,14,18,21,24<br>92:6,8,10,13,15,<br>16,17,19,23,25<br>93:15,16,21 94:1<br>120:17,19 122:15<br>136:8 153:5<br>162:21 163:23<br>177:10 178:25 | <b>character</b><br>212:10                                                       |
| <b>brought</b> 107:12,<br>15 126:2 147:5                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>buying</b> 16:6<br>44:11 47:16<br>51:14,15 59:17<br>62:8 63:22 64:11<br>69:24 74:21<br>171:5,19 230:6<br>232:16 239:9<br>259:3 | <b>case</b> 149:12<br>182:23 186:4<br>196:17 239:16                                                                                                                                                              | <b>charge</b> 53:21<br>245:13,14,24<br>246:2                                     |
| <b>build</b> 26:15<br>87:18 163:13<br>236:21                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>buying</b> 16:6<br>44:11 47:16<br>51:14,15 59:17<br>62:8 63:22 64:11<br>69:24 74:21<br>171:5,19 230:6<br>232:16 239:9<br>259:3 | <b>cases</b> 205:17,18                                                                                                                                                                                           | <b>charged</b> 20:20,<br>25 21:2,4 95:13,                                        |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>17 149:9,12<br/>175:18 246:8</p> <p><b>Charlyne</b> 57:5</p> <p><b>cheating</b> 213:15</p> <p><b>check</b> 14:4<br/>32:16 33:25 66:1<br/>77:5,7,10 89:7<br/>142:19 263:2</p> <p><b>checked</b> 76:22<br/>77:5,11,12</p> <p><b>Cheese</b> 269:23</p> <p><b>cheque</b> 65:16<br/>75:24 76:6,10,16,<br/>24 77:15 78:1<br/>81:16,19,20,21<br/>82:3,6,9,16,19<br/>114:5 120:1<br/>121:17 122:16<br/>124:5 127:14,16,<br/>24,25 128:18,24<br/>129:5,7,21,24<br/>130:24 131:1,3,<br/>13,16 132:24<br/>133:18,22 134:13,<br/>14,17,20,22<br/>135:23 136:25<br/>137:21,24 138:2,<br/>5,10,22 139:16<br/>164:24 169:21<br/>173:24 226:10<br/>230:16 233:4<br/>256:5</p> <p><b>cheques</b> 55:25<br/>64:21 68:10 85:4,<br/>6 86:4,23 87:22,<br/>23 90:13 92:13,25<br/>122:6,7 124:7,10<br/>127:13,19,20<br/>129:6,11 130:2,9<br/>131:23,24 132:15<br/>133:7 134:23,25<br/>135:2,6,9 136:2,<br/>12,22,23 137:3,5,<br/>8 138:16 139:22,<br/>24,25 143:24<br/>151:22,24 162:5<br/>163:2 164:3,7<br/>165:21 166:1,21,<br/>24 174:5 175:5<br/>220:5 221:4<br/>239:5,6 244:17</p> | <p><b>child</b> 10:2</p> <p><b>children</b> 11:25</p> <p><b>Christidis</b><br/>176:12,13</p> <p><b>Christmas</b><br/>77:25 78:13,15,21<br/>79:2 80:24 81:4,5<br/>178:22,23 180:8<br/>181:9 210:17,18</p> <p><b>Christmastime</b><br/>77:19</p> <p><b>Chrysler</b> 103:22</p> <p><b>Chubb</b> 259:17</p> <p><b>chunk</b> 219:18</p> <p><b>CIBC</b> 20:18 31:4,<br/>7,9,21 51:21 56:4,<br/>7,10,15 64:20<br/>65:2 70:5 75:11,<br/>12,15 83:1,2 92:7<br/>100:9 107:12<br/>118:13,21 124:15<br/>137:20 138:3<br/>141:2 151:18,25<br/>152:12,13 153:11,<br/>13 156:5,8,14<br/>178:5 184:2,7<br/>186:24 220:14<br/>234:24 248:24<br/>249:2,12 251:17</p> <p><b>circumstances</b><br/>46:10 142:21<br/>252:12</p> <p><b>claim</b> 23:7 68:25<br/>174:25 183:12<br/>185:6,19</p> <p><b>claimed</b> 183:18</p> <p><b>claims</b> 6:16</p> <p><b>classed</b> 224:6<br/>262:13</p> <p><b>Clausner</b> 10:15,<br/>21 18:7 63:20,24<br/>64:9,19 65:14<br/>66:5 67:21 68:15<br/>163:9 173:8<br/>229:17,21 232:2</p> <p><b>Clausner's</b><br/>18:15 52:5 172:10<br/>180:1,3 230:19,20</p> | <p><b>clean</b> 30:5 39:24<br/>198:3</p> <p><b>clean-ups</b><br/>263:2</p> <p><b>cleaning</b> 30:15<br/>41:19,20</p> <p><b>clear</b> 265:18</p> <p><b>cleared</b> 131:7</p> <p><b>clients</b> 171:6</p> <p><b>close</b> 72:7,9<br/>140:25 221:2</p> <p><b>CNB</b> 230:4,5,9,<br/>12,13,17 231:25<br/>232:3,4,9,12,13,<br/>17 233:5,10</p> <p><b>COA</b> 170:25<br/>171:4,25</p> <p><b>COAS</b> 170:20<br/>171:1,3,5,6</p> <p><b>COD</b> 204:18,20<br/>205:16</p> <p><b>CODS</b> 204:15</p> <p><b>collateral</b> 160:6</p> <p><b>collect</b> 270:17</p> <p><b>collected</b><br/>214:23</p> <p><b>Colonial</b> 223:4</p> <p><b>combination</b><br/>90:2 123:23<br/>211:10</p> <p><b>combined</b><br/>87:12 210:1 224:7</p> <p><b>commencing</b><br/>6:1</p> <p><b>comments</b><br/>166:21</p> <p><b>commercial</b><br/>194:6</p> <p><b>common</b> 119:20<br/>186:11 187:2</p> <p><b>communicatio<br/>n</b> 153:18 185:22<br/>186:25</p> | <p><b>communicatio<br/>ns</b> 146:2</p> <p><b>Community</b><br/>128:1</p> <p><b>companies</b><br/>59:8 64:10 94:7,<br/>12 191:3 192:10<br/>246:4</p> <p><b>company</b> 13:17<br/>17:2,5 18:7,11,12,<br/>15 19:22 30:12,18<br/>31:2 36:9 57:20<br/>61:9 67:1,6,10<br/>70:19 71:9 72:18,<br/>21,22 73:21 74:9,<br/>24 75:19,24 86:20<br/>91:25 94:10<br/>95:18,20 116:1<br/>118:3,9,10<br/>119:13,22,23<br/>120:3 125:2<br/>128:20 133:9<br/>142:12 147:17,18,<br/>22,24,25 150:6<br/>166:17 167:18<br/>169:9 170:10,12<br/>172:1 178:18<br/>193:16 222:17<br/>225:9,10 227:17,<br/>19,22 228:8 230:4<br/>234:2 236:5<br/>237:11 238:15<br/>243:24 250:1,3,10<br/>251:11,14 263:7<br/>265:19 269:11<br/>270:2</p> <p><b>company's</b><br/>226:22 228:9<br/>229:11,13</p> <p><b>company-<br/>related</b> 120:5</p> <p><b>comparity</b><br/>201:15</p> <p><b>compartment</b><br/>269:3</p> <p><b>complete</b><br/>210:20 215:25<br/>216:2 217:4,5</p> <p><b>completed</b><br/>164:20</p> | <p><b>completely</b><br/>172:7</p> <p><b>component</b><br/>89:20</p> <p><b>components</b><br/>38:7 41:12</p> <p><b>compounded</b><br/>53:24 54:5,13</p> <p><b>compromise</b><br/>63:10</p> <p><b>Compuquest</b><br/>11:12 13:14 14:7,<br/>17 15:1,9,15 16:4,<br/>16 19:10 21:21<br/>27:8,9,11,19<br/>28:24 29:1,2,7,24<br/>30:9,10,16,20,22<br/>31:3,14 34:7<br/>35:13 36:5,20<br/>37:20 39:14 51:3<br/>55:6,8 56:3,6,9<br/>58:5 62:2,15 64:2,<br/>8,13,15 68:9,20,<br/>21 70:25 74:17,18<br/>76:10 86:5 87:11,<br/>15,17,21 92:10<br/>97:6,13,24 98:5,6<br/>99:23 100:1,5,19,<br/>24 104:10,19<br/>109:24 110:2,6<br/>111:19,20 112:2,4<br/>113:3 116:4<br/>117:19,20,23<br/>118:1,23 120:9<br/>124:8,10,16<br/>130:19 131:23<br/>139:7 141:21<br/>149:2,14 151:14,<br/>16 152:11,24<br/>153:2 155:14,23<br/>156:2,4 162:11,14<br/>163:10,13 164:2,3<br/>165:22 167:4,5,<br/>10,18 172:14<br/>173:7,11 176:8,19<br/>178:15 187:8,16<br/>190:9,16 193:10,<br/>11,14,24 194:1<br/>210:22 211:2<br/>212:17 213:17<br/>218:18 219:10<br/>225:7 229:10<br/>235:12,16,20</p> |
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|                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| 237:9,13,15,18,25<br>238:9 239:2,3,8<br>240:13 242:1,2<br>246:16 248:21<br>253:4 254:4<br>255:6,7 256:14,<br>16,18 257:2,4<br>264:22 266:3,5<br>267:15,18,23,25<br>268:6 269:17<br>270:19 | <b>configurations</b><br>40:17<br><b>confirm</b> 156:18,<br>24 157:5 187:13<br>251:7<br><b>confirmation</b><br>52:20 161:6,7,16<br>199:15<br><b>confused</b> 80:17<br><b>confusing</b><br>171:7,8<br><b>Connie</b> 128:1,<br>10,11<br><b>consent</b> 127:17<br><b>consented</b><br>108:7<br><b>consenting</b><br>108:12<br><b>considered</b><br>186:2<br><b>consistent</b><br>26:13<br><b>constraints</b><br>51:13 52:2 64:17<br><b>construct</b> 26:10<br><b>construction</b><br>26:6,21 85:8 86:5,<br>9 122:18,22<br>164:13,17 165:1,<br>17,22 166:4 168:7<br>221:19,23 263:8,<br>16<br><b>contact</b> 25:24<br>45:13,17 46:15<br>49:23 50:12 60:9<br>61:1 62:21 69:5<br><b>contacts</b> 60:14<br>63:12<br><b>continue</b> 69:21<br>100:21 141:19,21<br>249:25<br><b>continued</b> 8:5<br>38:21 39:5 49:24<br><b>contract</b> 43:18<br><b>contractor</b><br>124:21 221:21 | <b>contractors</b><br>28:25 124:18,20<br>222:6,14 223:12<br><b>contributed</b><br>13:7<br><b>control</b> 19:14<br><b>controlled</b><br>200:8<br><b>controller</b><br>128:11,13<br><b>conversation</b><br>160:4<br><b>conversations</b><br>158:2,19 168:3<br><b>convicted</b><br>22:18 25:9<br><b>copies</b> 64:22<br>90:7,8 110:16<br>116:13 137:10<br>163:2 175:5<br>194:10 217:21<br>229:12 230:11,24<br>233:12,23 234:10<br><b>copy</b> 89:8,14<br>143:13 144:15,17,<br>18,19 146:20<br>189:6 206:9<br>217:12 231:1<br><b>Cornerstone</b><br>98:23,25 99:12<br><b>corporate</b> 56:5<br>91:15 120:6 153:5<br>172:20 178:12<br>182:14 232:22,24<br>258:1,3,5<br><b>corporation</b><br>250:21<br><b>correct</b> 9:16<br>23:7,9 24:22<br>25:12 32:7 36:7<br>41:10 45:12 78:22<br>85:24 87:18 89:25<br>94:6 95:24 99:8,<br>23 102:1 107:1,22<br>108:4 110:6 117:1<br>120:24 122:9<br>131:19 138:18<br>141:5 148:16<br>153:19 155:7,10, | 11 156:10 158:6<br>159:23 160:2,7<br>163:18,21 164:2<br>165:2,18,25<br>166:5,6,22<br>167:15,19 170:14<br>184:2,7 223:25<br>224:12 249:3<br>254:4,9 257:2,5<br>262:11 267:7<br><b>correctly</b><br>189:21<br><b>corresponden<br/>ce</b> 148:21<br><b>cost</b> 70:15<br>177:21<br><b>costs</b> 85:8 86:6,<br>10,15 101:3<br>119:10 122:18,23<br>148:13 222:22<br><b>cottage</b> 79:8<br><b>counsel</b> 6:11<br>161:20 261:1<br><b>count</b> 205:3<br><b>counted</b> 205:6<br><b>couple</b> 17:8<br>53:11 59:7 69:6<br>125:24 240:2,22<br><b>courier</b> 131:20<br>132:4<br><b>court</b> 22:16<br>108:3<br><b>cousin</b> 179:21<br>180:1,3<br><b>cover</b> 52:20<br>87:10 137:4<br>144:2,20 252:16<br><b>covered</b> 187:23<br><b>Cowley</b> 19:9<br>34:23 37:3,4<br>74:14 103:19,20<br><b>CPU</b> 40:19 41:9<br>42:2,3,6<br><b>CQ2K</b> 36:10,13<br>250:13,21<br><b>Craig</b> 10:18,19 | 52:17 64:16 163:9<br><b>crash</b> 16:25<br>17:24 18:14,17<br>20:6,16<br><b>crashes</b> 18:2<br><b>create</b> 202:1<br><b>credit</b> 32:6,9,14<br>33:5,9 53:14,19<br>56:18,23 57:12<br>70:5 74:2 75:1,5<br>81:14 118:3,6,10<br>119:2,4,23 125:2<br>139:16 140:8<br>141:1,10 142:23<br>147:4 153:22<br>155:10,17 161:17<br>178:1,2,11 199:15<br>244:1,3 245:18<br>246:22<br><b>crime</b> 22:19<br><b>criminally</b><br>20:21<br><b>cross-<br/>referencing</b><br>199:4<br><b>crossed</b> 154:22<br><b>Crown</b> 25:1<br><b>cube</b> 112:11<br><b>current</b> 12:23,24<br>182:23<br><b>customer</b> 43:9<br>125:15 171:15<br>197:17 203:7<br>204:17 205:1,20<br>231:15<br><b>customers</b> 46:7<br>59:5 60:3 62:20<br>126:16 193:3<br>196:6 204:1,14<br>210:23 220:3<br><b>customers'</b><br>40:16<br><b>cut</b> 58:10 126:8,<br>9,10 143:1,4,5<br>148:6,13 214:24<br>233:4<br><b>cycle</b> 202:15 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                         |                                                                                                     |                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>cycled</b> 21:20                                                                                                                                                                                                             | <b>days</b> 37:23 38:5<br>43:14,16 60:20<br>71:23 72:1 78:17<br>135:8 146:14<br>203:2,8 205:2                                                                                                                                                                                                                                                                                                                                                         | <b>Dean's</b> 194:10                                                                    | 25 218:8,16                                                                                         | <b>difficulties</b><br>177:10                                                                                                                                                                                 |
| <b>D</b>                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>debt</b> 100:5<br>245:10                                                             | <b>Dell</b> 191:12<br>194:10                                                                        | <b>difficulty</b> 186:8                                                                                                                                                                                       |
| <b>dad</b> 175:10,13                                                                                                                                                                                                            | <b>De</b> 108:11                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>debts</b> 245:4                                                                      | <b>demand</b> 70:18                                                                                 | <b>dig</b> 19:5 146:21                                                                                                                                                                                        |
| <b>daily</b> 135:6,7                                                                                                                                                                                                            | <b>De-marketed</b><br>83:21                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>December</b> 8:23,<br>25 9:9 124:25<br>140:12 225:2,3<br>259:21                      | <b>depend</b> 43:8                                                                                  | <b>digging</b> 17:8                                                                                                                                                                                           |
| <b>damaged</b><br>105:25                                                                                                                                                                                                        | <b>dead</b> 237:15<br>242:1                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>decide</b> 116:20<br>179:13 247:2                                                    | <b>depended</b> 41:1<br>44:7 47:6 130:5<br>136:8 198:23<br>202:23 204:17,22<br>205:19,20            | <b>digits</b> 260:8                                                                                                                                                                                           |
| <b>Darren</b> 175:19                                                                                                                                                                                                            | <b>deal</b> 24:25 54:15<br>75:9 81:11 92:17<br>130:5 172:3<br>186:24 191:18<br>220:7,12 225:8<br>230:3,8 231:7<br>233:10 267:13,21                                                                                                                                                                                                                                                                                                                    | <b>decided</b> 105:1<br>168:5 182:15<br>184:13,15,16                                    | <b>depending</b><br>40:23 79:24                                                                     | <b>diminished</b><br>70:1                                                                                                                                                                                     |
| <b>data</b> 16:1 17:1,<br>14,18,21 19:22                                                                                                                                                                                        | <b>dealer</b> 198:21                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>decision</b> 98:2,3<br>104:23 126:23                                                 | <b>depends</b> 138:6<br>150:18 182:20<br>246:11 266:6                                               | <b>dinner</b> 81:5                                                                                                                                                                                            |
| <b>date</b> 18:20 24:6,<br>9,17 26:18 78:2,3<br>81:25 101:8<br>128:21 131:4<br>208:24 212:7<br>247:19 251:4<br>252:24 264:4,6                                                                                                   | <b>dealers</b> 192:7                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>declare</b> 227:10<br>228:19 257:10,14<br>261:23,24 262:1,<br>6,10                   | <b>deposit</b> 56:4<br>75:24 76:8 92:6<br>95:23 137:3<br>230:4,5,9 231:23<br>232:1,3,9,11,12,<br>14 | <b>direct</b> 224:10                                                                                                                                                                                          |
| <b>dated</b> 52:18<br>127:24 129:6,7<br>131:11 133:18<br>135:23 247:17<br>252:5 254:16                                                                                                                                          | <b>dealing</b> 146:24                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>declared</b><br>167:13,14 257:18                                                     | <b>deposited</b><br>64:21 92:2 139:5,<br>9                                                          | <b>direction</b> 50:9<br>197:15                                                                                                                                                                               |
| <b>dates</b> 24:23<br>27:2,12,13,17<br>28:5,6,8 130:4<br>162:17 164:24<br>170:2 207:3<br>244:23 251:7                                                                                                                           | <b>dealings</b> 63:20<br>66:25 67:9,20<br>68:6 190:4                                                                                                                                                                                                                                                                                                                                                                                                  | <b>declaring</b> 229:1                                                                  | <b>deposits</b> 64:20,<br>23 134:10,11<br>151:22 163:3<br>172:19,22                                 | <b>directly</b> 69:19<br>82:19 113:16,23<br>114:19 125:22<br>146:25 157:24<br>164:3 168:5<br>170:8,10 172:19<br>190:5 191:17<br>192:22 196:6<br>201:16 218:2<br>226:19 232:17<br>240:15 244:22<br>246:1 259:1 |
| <b>dating</b> 102:13                                                                                                                                                                                                            | <b>deals</b> 44:13<br>130:6 132:10                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>deducted</b><br>90:13,17                                                             | <b>describe</b> 37:19<br>38:3                                                                       | <b>disappear</b><br>211:11                                                                                                                                                                                    |
| <b>daughter</b> 8:13,<br>17                                                                                                                                                                                                     | <b>dealt</b> 49:14 59:16                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>deductions</b><br>90:19                                                              | <b>designed</b> 123:8                                                                               | <b>disappeared</b><br>44:24 213:17                                                                                                                                                                            |
| <b>day</b> 17:9 24:16,<br>18,19 50:20 76:23<br>77:11,13 78:15<br>81:2,5,6,8 98:9<br>107:2 108:24<br>109:3,4 130:10<br>132:3,5 133:4<br>135:4 136:7<br>146:1,9 202:7,8<br>212:9 213:4<br>255:25 264:13<br>265:9,13 266:6,8,<br>9 | <b>Dean</b> 59:16<br>81:12 95:12<br>126:9,17,24<br>127:2,12,25<br>128:14,19 129:11,<br>14 130:2,17,20,23<br>131:3,12 136:20<br>138:17 139:19,21<br>140:7 141:10,20,<br>24 142:13 143:2<br>145:14 151:13<br>152:8 153:14<br>157:14,16,19,20,<br>21 158:16 159:12<br>160:9 183:25<br>184:16 190:7,10<br>191:18 193:15<br>194:5 202:16,25<br>203:16,18,22<br>215:15,18 244:11,<br>14 247:5,17<br>249:22,25 251:10,<br>12 252:15 258:13,<br>21 259:1,2,12 | <b>defending</b><br>212:9 213:8                                                         | <b>desktop</b> 47:8,9,<br>10 48:1 201:25                                                            | <b>disarray</b> 80:16                                                                                                                                                                                         |
| <b>day-by-day</b><br>86:2                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>define</b> 138:10                                                                    | <b>desktops</b> 38:20,<br>25 39:3 47:13,20<br>48:5,7,8,16 63:12                                     | <b>discard</b> 127:22                                                                                                                                                                                         |
| <b>day-to-day</b><br>258:7,10                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>delayed</b> 231:16,<br>17                                                            | <b>details</b> 6:21<br>50:15 123:4<br>223:20                                                        | <b>discharge</b><br>20:24                                                                                                                                                                                     |
|                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>deleted</b> 154:2                                                                    | <b>determine</b><br>130:17 187:1                                                                    | <b>discharged</b><br>22:22                                                                                                                                                                                    |
|                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>deliver</b> 193:15                                                                   | <b>die</b> 37:25 38:13,<br>16                                                                       | <b>discounted</b><br>93:14                                                                                                                                                                                    |
|                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>delivered</b> 191:4<br>193:11 194:12<br>217:18 263:25<br>264:8 268:10                | <b>died</b> 38:24                                                                                   | <b>discuss</b> 159:19,<br>22 188:16                                                                                                                                                                           |
|                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>deliveries</b><br>106:12,15 112:12<br>117:14 137:11<br>191:3 194:16<br>202:17 216:14 | <b>differentiate</b><br>13:25 88:19                                                                 | <b>discussed</b><br>120:16 145:6                                                                                                                                                                              |
|                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>delivering</b><br>193:12                                                             |                                                                                                     | <b>DISCUSSION</b><br>22:11                                                                                                                                                                                    |
|                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>delivery</b> 191:6<br>217:2,6,9,11,21,                                               |                                                                                                     | <b>discussions</b><br>100:17 247:12                                                                                                                                                                           |

|                             |                         |                         |                        |                            |
|-----------------------------|-------------------------|-------------------------|------------------------|----------------------------|
| <b>dispose</b> 100:19       | 209:24 210:2,13         | <b>E</b>                | <b>enable</b> 246:20   | <b>equation</b> 80:19      |
| <b>distributed</b><br>60:19 | 211:2 212:3,12          |                         | <b>Enbridge</b> 243:1  | <b>equipment</b><br>210:10 |
| <b>District</b> 10:7        | 215:9 236:18,20         | <b>e-mail</b> 19:6,19   | <b>end</b> 7:23 22:7   | <b>Equitable</b><br>241:11 |
| <b>divide</b> 154:4         | 237:6 240:2             | 20:4,8,12 130:22        | 36:20 38:23 39:5,      | <b>equity</b> 95:9         |
| <b>divided</b> 154:9        | <b>Don</b> 9:15 96:25   | 131:7,11 144:20         | 6,25 49:25 50:10       | 98:24 99:9,25              |
| <b>dividends</b> 14:2       | 97:2,5 122:9,12,        | 152:3 157:1             | 61:3 62:2 70:10        | 117:25 253:20,21,          |
| 82:13 86:17,18,23           | 13,15 180:13            | 158:21 160:15           | 75:23 82:23            | 24 254:1,3,6,19,           |
| 87:6,10,22 88:11,           | 213:13                  | 184:22,25 185:1,        | 90:15,19 94:18,22      | 23 255:17                  |
| 13 89:4,19,23               | <b>doors</b> 108:24     | 2,12,15 186:5,17        | 116:23 117:4,8,17      | <b>Esmail</b> 233:20       |
| 91:8 167:15,21              | 174:16                  | 199:14 227:2            | 140:20 143:3           | <b>Esmailzadeh</b>         |
| 168:1,4 270:8,17            | <b>double</b> 66:1      | 247:5,6,16,20,25        | 148:9,14 149:3         | 114:18 115:2               |
| <b>divorce</b> 75:18,       | <b>double-sided</b>     | 248:4 251:2             | 150:10 151:6,7         | 233:21 237:22              |
| 21 210:19 215:4             | 206:5                   | 252:4,13 253:5          | 152:11 174:18,19       | 263:14                     |
| 235:2                       | <b>Doug</b> 152:2       | 254:16                  | 179:12 200:14,19,      | <b>essence</b> 30:5        |
| <b>divorced</b> 169:5       | <b>downturn</b> 70:9    | <b>e-mailed</b> 161:6   | 23 205:15 206:22       | 178:16 237:12              |
| <b>dock</b> 193:17          | <b>draft</b> 69:16      | <b>e-mails</b> 17:8     | 209:2 214:14,16,       | 245:6                      |
| <b>document</b>             | 230:11,23               | 19:4 20:14 55:17,       | 17,22 215:9            | <b>established</b>         |
| 55:14 140:22                | <b>drawing</b> 144:5    | 22 143:12 158:2         | 234:23 244:1           | 250:3                      |
| 141:15 145:18,25            | <b>drawn</b> 76:19      | 185:5 258:13            | 248:12 259:20          | <b>estimate</b> 85:7,      |
| 146:5 189:13                | 128:19,25               | 259:12                  | <b>end-user</b>        | 11 123:19                  |
| 190:22 194:23               | <b>drive</b> 17:16      | <b>e-transfer</b> 114:6 | 171:15 198:4           | <b>estimated</b>           |
| 227:7                       | 39:23 40:17,25          | 121:17 226:10           | <b>ended</b> 21:23     | 229:7                      |
| <b>documentation</b>        | 52:25 66:15 72:4        | <b>earlier</b> 84:22    | 22:6 25:8 26:25        | <b>everyday</b>            |
| 52:9 64:18 67:15            | 96:13,15,20,23,         | 200:16                  | 40:11 54:10 105:8      | 149:19                     |
| 166:12 193:25               | 24,25 99:17             | <b>early</b> 7:22 59:14 | 253:14 268:4           | <b>everything's</b>        |
| <b>documented</b>           | 103:21 106:17           | 170:3                   | <b>endorsement</b>     | 172:6                      |
| 227:20                      | 173:2 174:22,23         | <b>easy</b> 6:18 41:24  | 6:12                   | <b>evidence</b> 6:15       |
| <b>documents</b>            | 207:12,13 268:19        | 42:1 55:21              | <b>engagement</b>      | 18:21 25:1 56:2            |
| 17:1 55:15 69:12,           | <b>driver</b> 194:19    | <b>effect</b> 189:1     | 33:12 206:16,19        | 110:13 137:24              |
| 14 138:2 190:13             | 228:14                  | <b>electrical</b> 222:6 | 207:24 208:4,15,       | 138:1,4,15 166:4           |
| 191:1 194:3                 | <b>driver's</b> 150:20  | <b>else's</b> 63:13     | 23                     | 168:13,16 238:3,6          |
| 199:11 215:21               | <b>driving</b> 102:3,24 | <b>Emalee</b> 12:10     | <b>engaging</b>        | <b>ex-husband</b>          |
| 216:6,22 217:1              | 114:20 149:19           | <b>Empire</b> 229:5     | 138:22                 | 169:6                      |
| 227:4 263:21                | 228:6                   | 233:12 234:11           | <b>engine</b> 96:14    | <b>exact</b> 18:20         |
| 268:9                       | <b>drop</b> 219:15      | 242:17                  | <b>enlightened</b>     | 24:18 42:25 101:8          |
| <b>Dodge</b> 106:6          | 237:15 242:1            | <b>employed</b>         | 143:13 264:18          | 170:2 207:3 267:7          |
| 110:12,22,23                | <b>dropped</b> 11:1     | 36:23 206:24            | <b>enter</b> 51:12     | <b>examination</b>         |
| 111:2                       | 148:6                   | <b>employee</b> 9:20    | 126:23                 | 6:3,17,19 271:8            |
| <b>dollar</b> 94:1          | <b>drove</b> 101:25     | 13:18,20 19:10          | <b>entered</b> 31:6    | <b>examined</b> 26:1       |
| 138:16 171:23               | 105:7 150:13,15         | 21:13 206:18,21         | 125:9 185:17           | <b>exceeded</b> 236:5      |
| 205:20 209:12               | 266:10,16               | <b>employees</b>        | 199:22 267:6           | 238:17                     |
| 229:8 249:18,20,            | <b>Drug</b> 243:16      | 34:6 35:8,11,20         | <b>entering</b> 125:1  | <b>Excel</b> 201:20        |
| 24 251:16                   | <b>due</b> 53:13 210:4  | 36:2,19,20,22           | <b>entire</b> 177:20   | 202:2                      |
| <b>dollars</b> 32:24        | 244:23 261:20           | 39:7 42:11 74:8,        | 243:6                  |                            |
| 33:2 86:4,6                 |                         | 12,17 195:8             | <b>entitled</b> 147:22 |                            |
| 136:22 156:19               |                         | 269:15                  | <b>entry</b> 15:24     |                            |
| 157:5 164:12,14             |                         |                         | <b>equally</b> 13:7    |                            |
|                             |                         |                         | 154:5,9                |                            |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                          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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Excellent</b> 6:24</p> <p><b>excess</b> 209:24<br/>237:23</p> <p><b>exchange</b><br/>158:22 160:15</p> <p><b>excuse</b> 180:19<br/>184:22</p> <p><b>exercise</b> 265:19</p> <p><b>exhibit</b> 20:3,4<br/>52:15,16 101:10,<br/>15 129:4,5<br/>131:10,11 133:14,<br/>18 135:22,23<br/>160:14,15 161:15,<br/>16 199:9,10,11<br/>216:1,20,21 217:2<br/>233:8,9 234:9,10<br/>247:15,16 252:3,4<br/>254:15,16 255:15,<br/>16 259:11,12<br/>262:22,23 268:9</p> <p><b>exist</b> 190:21<br/>211:11</p> <p><b>existence</b><br/>212:17</p> <p><b>expenditures</b><br/>238:16</p> <p><b>expense</b> 227:25<br/>235:22 261:5,18<br/>262:5,11,12</p> <p><b>expenses</b> 58:13<br/>78:2 82:1,16<br/>93:12 113:19<br/>119:2,23 120:7<br/>121:12,19 148:6,7<br/>167:18 188:6<br/>190:8 226:2,3,6,9,<br/>11 227:22 235:20<br/>240:15 246:15<br/>253:13 261:23<br/>262:2</p> <p><b>expertise</b> 39:20</p> <p><b>explain</b> 51:25<br/>190:14,25 191:5<br/>229:23 230:1<br/>231:9 244:20</p> <p><b>explained</b><br/>138:20 221:4</p> | <p><b>explaining</b><br/>213:18 230:2,16</p> <p><b>explanation</b><br/>212:2 213:16<br/>230:11</p> <p><b>explicit</b> 160:5</p> <p><b>explored</b> 148:11</p> <p><b>Express</b> 118:12<br/>179:5</p> <p><b>extra</b> 93:13<br/>230:25</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p><b>F-150</b> 102:19</p> <p><b>facilities</b> 59:12</p> <p><b>facility</b> 191:4<br/>216:10</p> <p><b>fact</b> 26:13 60:22<br/>138:4 149:14<br/>159:16 164:7<br/>167:24 200:20<br/>235:23 265:12</p> <p><b>factual</b> 211:14</p> <p><b>fails</b> 17:17</p> <p><b>fair</b> 16:13 64:12<br/>105:4 161:23<br/>198:15 216:25<br/>246:14</p> <p><b>fairly</b> 53:18</p> <p><b>faith</b> 210:23<br/>220:4</p> <p><b>fall</b> 7:22 24:5<br/>79:22 165:10</p> <p><b>fallout</b> 140:4</p> <p><b>falls</b> 187:2</p> <p><b>false</b> 21:16</p> <p><b>family</b> 78:15,18,<br/>21,23 79:1,4 81:7<br/>177:14,20 180:22<br/>181:22 182:3,6<br/>213:12,14 237:16<br/>238:15</p> <p><b>family-related</b><br/>78:7</p> | <p><b>Fargo</b> 118:13,16</p> <p><b>father</b> 162:8,11,<br/>19 163:1,9 213:11</p> <p><b>father's</b> 168:14</p> <p><b>father-in-law</b><br/>23:14,18 24:1<br/>54:24</p> <p><b>favour</b> 53:22<br/>60:11,12 225:13</p> <p><b>February</b> 6:13<br/>20:9 75:13 127:24<br/>128:21,25 129:6,8<br/>130:23 131:12<br/>133:12,18 134:1<br/>135:23 143:23<br/>146:18 156:12<br/>180:21 247:6,18,<br/>21</p> <p><b>fell</b> 230:8</p> <p><b>fellow</b> 126:4</p> <p><b>felt</b> 27:3,5</p> <p><b>Feng</b> 170:19,21</p> <p><b>fight</b> 213:13</p> <p><b>fighting</b> 210:19</p> <p><b>figure</b> 200:11<br/>211:9 223:17<br/>260:19</p> <p><b>figures</b> 171:23</p> <p><b>file</b> 216:16</p> <p><b>filed</b> 68:25<br/>174:25</p> <p><b>files</b> 44:23 45:3<br/>65:5,6,9 83:14<br/>85:5 123:2<br/>201:21,22</p> <p><b>filing</b> 16:11<br/>30:15</p> <p><b>fill</b> 132:3,5,7,15<br/>135:4</p> <p><b>filled</b> 131:4</p> <p><b>filling</b> 130:3,11<br/>131:24 133:22</p> <p><b>filtered</b> 125:16</p> <p><b>final</b> 193:25</p> | <p><b>finally</b> 147:3<br/>231:17</p> <p><b>financial</b> 15:17<br/>33:12 43:15 47:8<br/>191:13,17 192:8<br/>199:23 200:19,23<br/>211:20</p> <p><b>financials</b> 15:18</p> <p><b>financing</b> 13:3<br/>31:18 51:16 52:1<br/>54:6</p> <p><b>find</b> 28:15,16,25<br/>42:15 50:6 52:11<br/>55:15 59:4 75:20<br/>76:21 90:20 107:5<br/>122:25 123:10<br/>130:14 144:13<br/>146:22 162:22<br/>203:9 221:13</p> <p><b>finding</b> 55:10<br/>138:4 223:1</p> <p><b>fine</b> 78:18 84:21</p> <p><b>finish</b> 11:4,10<br/>16:7 29:20 49:11,<br/>12 140:11</p> <p><b>finished</b> 11:8<br/>22:9</p> <p><b>finishes</b> 175:22,<br/>23</p> <p><b>fired</b> 45:14,15<br/>49:4,22 83:18,20</p> <p><b>firm</b> 14:13 145:1<br/>185:23 186:18<br/>187:22 206:15,18<br/>208:14 218:2<br/>251:8</p> <p><b>Fisher</b> 71:4,5<br/>72:24 74:15,16<br/>226:4 267:8,9</p> <p><b>five-</b> 89:2</p> <p><b>five-year</b> 26:24</p> <p><b>flagged</b> 137:20</p> <p><b>flew</b> 180:3,11</p> <p><b>flight</b> 179:22</p> <p><b>flights</b> 177:23<br/>179:24 181:23</p> | <p><b>Florida</b> 75:22<br/>76:23 77:1 81:9<br/>99:18 177:18,20<br/>180:22</p> <p><b>flow</b> 33:6 51:13<br/>52:2 64:17 68:24<br/>136:8 153:6 156:7<br/>162:21 163:24<br/>177:10</p> <p><b>focus</b> 140:6<br/>210:21 213:6,18</p> <p><b>focused</b> 210:19</p> <p><b>Fogler</b> 182:11,<br/>15 183:8 184:14,<br/>15,17 187:8,18</p> <p><b>forbearance</b><br/>100:14,18</p> <p><b>forced</b> 9:9</p> <p><b>Ford</b> 102:19<br/>103:5</p> <p><b>forget</b> 54:22<br/>144:25</p> <p><b>forgot</b> 143:13</p> <p><b>formal</b> 144:21</p> <p><b>forms</b> 84:19</p> <p><b>forte</b> 47:20 48:24</p> <p><b>forward</b> 147:8<br/>258:25</p> <p><b>found</b> 17:8 61:16<br/>76:2,6 85:4,6<br/>108:16 125:4<br/>164:7,11,16<br/>165:20 166:22<br/>218:25 221:5<br/>250:17 257:17</p> <p><b>fourth</b> 189:19</p> <p><b>Francis</b> 6:3,10,<br/>18,23,25 20:2,7<br/>22:10,12 29:23<br/>52:14,19 84:10,<br/>14,23 85:2 90:25<br/>101:9,12,17<br/>107:23 108:8,14<br/>129:3,9 131:9,14<br/>133:14,17,20<br/>135:21,25 138:6,<br/>10,14 159:10<br/>160:13,17 161:14,</p> |
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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 18:23 162:3<br>181:20 182:20,25<br>183:5,15,20,24<br>185:1,3,7,10,19,<br>24 186:3,7,15,21<br>187:3,6,14,20,25<br>188:4,9,15,24<br>199:10,14,17<br>205:24 206:2,5,7,<br>10,13 216:19,24<br>220:21 221:1<br>233:11,15,18<br>234:4,8,13 236:1,<br>4,9,12,16 240:7,<br>11 247:14,21,23<br>252:2,7 254:14,18<br>255:14,18 259:10,<br>15 262:25 263:6<br>268:7,12 271:4<br><br><b>Frank</b> 169:1,12,<br>15,17,19 175:11<br><br><b>Frank's</b> 169:8,<br>13,14<br><br><b>fraud</b> 20:21 21:5<br>23:7,19 25:9<br><br><b>fraudulent</b> 25:5<br><br><b>free</b> 192:16<br><br><b>freight</b> 112:20,<br>24<br><br><b>frequency</b> 32:1<br><br><b>frequently</b><br>50:23 53:9 99:15<br>150:18<br><br><b>friend</b> 52:5 72:7,<br>8 115:5,21,23<br>168:22 169:8,12,<br>14,19 172:9 184:5<br>269:15<br><br><b>friends</b> 50:18<br>175:10 181:22<br><br><b>front</b> 140:22<br>144:8 151:4<br>166:12 208:3<br>214:19 219:17<br>244:10 251:7<br>256:25<br><br><b>full</b> 6:4 71:22<br>79:6 225:22 226:1<br>230:10 | <b>full-time</b> 116:2<br><br><b>fully</b> 152:4,6<br><br><b>fun</b> 104:8,9<br><br><b>function</b> 141:21<br><br><b>functions</b> 74:22<br><br><b>fund</b> 237:21<br><br><b>funded</b> 86:10,<br>11,15 268:5<br><br><b>funds</b> 12:20<br>13:12 55:6 75:3<br>86:17 87:11,15,21<br>122:4 127:3 128:7<br>130:19 137:4<br>139:17 151:23<br>162:11 163:13<br>167:7 187:22<br>212:13 230:10<br>234:12,15 237:13<br>244:22<br><br><b>future</b> 144:12<br><br><hr/> <b>G</b> <hr/><br><b>garage</b> 99:19<br><br><b>Gary</b> 6:2,6 20:4<br>29:20 52:17<br>131:12 134:23<br>145:9 147:2<br>153:19 182:3<br>185:4,7 234:10<br>241:19 252:4<br>259:13 268:10<br><br><b>Gary's</b> 156:20<br>160:6 185:1,2<br>233:12<br><br><b>gather</b> 246:25<br><br><b>gave</b> 27:4 40:10<br>55:14 78:9 80:21<br>81:24 83:25 84:22<br>95:11 107:18<br>119:15 146:1<br>185:7,11 230:24<br>232:12<br><br><b>general</b> 27:14<br>34:2 221:21<br><br><b>generally</b> 37:20<br>164:25 191:7 | <b>generated</b><br>205:5 215:18<br><br><b>gentleman</b><br>49:14 170:18<br><br><b>gentleman's</b><br>144:25 208:12<br><br><b>get all</b> 218:13<br>246:22<br><br><b>gift</b> 179:1,3,5<br><br><b>gifts</b> 178:22<br><br><b>gig</b> 40:25<br><br><b>girlfriend</b><br>114:13 254:20<br>257:8<br><br><b>girlfriend's</b><br>102:7,10<br><br><b>Girls</b> 35:23<br><br><b>gist</b> 188:22<br><br><b>give</b> 18:25 25:1<br>39:24 49:8 59:10<br>60:14 80:25 86:9<br>93:14 109:6<br>114:25 121:14<br>122:20 132:15<br>142:11 159:8<br>232:14 244:25<br>245:1,22 246:19<br><br><b>giving</b> 33:7<br>62:24 63:10 78:1<br>89:5 121:11<br>133:22 136:21<br>184:3,6,10 186:23<br><br><b>glove</b> 268:17<br>269:3<br><br><b>GMC</b> 102:11<br>112:9<br><br><b>good</b> 39:10<br>44:13 54:9,15<br>58:12 126:12<br>135:15 161:21<br>219:18 250:16<br>267:13,21<br><br><b>gosh</b> 174:22<br><br><b>government</b><br>88:23 210:5<br><br><b>grade</b> 10:22<br>11:2,3,4,8,10 | <b>Grant</b> 45:1 69:4<br>94:25 107:12<br>185:5,8 220:19<br><br><b>great</b> 59:6<br>250:17<br><br><b>Great-west</b><br>243:13<br><br><b>grew</b> 8:15<br><br><b>grey</b> 224:5<br><br><b>Greyhawk</b><br>111:11<br><br><b>groceries</b> 77:20<br><br><b>groom</b> 97:4<br><br><b>group</b> 217:2<br><br><b>guarantee</b><br>31:15 155:10<br><br><b>guess</b> 14:18,19<br>55:12 114:25<br>138:6 146:25<br>159:15 174:10<br>181:1 211:24<br>221:14 232:25<br>249:8 259:4,7,9,<br>20 261:3 265:22<br>268:17<br><br><b>guessing</b> 27:2<br>47:4 206:11<br><br><b>guesstimate</b><br>10:25 85:13<br><br><b>guesstimating</b><br>58:24<br><br><b>guilty</b> 21:23 22:3<br><br><b>guy</b> 17:13 98:6<br>177:12<br><br><b>guys</b> 90:7 97:15<br>137:10 266:14<br><br><hr/> <b>H</b> <hr/><br><b>Hainey</b> 6:13,20<br><br><b>hairdresser</b><br>176:14,15 177:9<br><br><b>hairdresser's</b><br>177:19 180:22 | <b>hairdressing</b><br>176:21<br><br><b>half</b> 10:14 43:11<br>58:5 72:14 78:1<br>82:1,15 121:11<br>142:25 143:1<br>239:7 243:10<br><br><b>Hallmark</b> 243:6<br><br><b>Hamilton</b> 9:15<br>122:9<br><br><b>Hampshire</b><br>46:20<br><br><b>hand</b> 108:23<br><br><b>handed</b> 109:9<br>264:12 266:21<br><br><b>handle</b> 184:5<br><br><b>handled</b> 15:10<br>16:11 88:18<br>222:20<br><br><b>handwriting</b><br>129:15,20,23<br>161:9<br><br><b>Hang</b> 144:14<br><br><b>Hanover</b> 43:22<br><br><b>happen</b> 17:12<br>18:18 75:19 91:23<br><br><b>happened</b> 9:17<br>37:4 45:9,12<br>58:10 73:16 76:4<br>106:20 111:22<br>112:13 154:11,12<br>178:17 191:23<br>210:12,16 212:3<br>219:8 220:9<br>250:18<br><br><b>happening</b><br>80:18 107:9<br><br><b>happy</b> 100:11<br>186:13<br><br><b>hard</b> 39:23 40:17<br>235:5<br><br><b>hay</b> 29:10 30:3,<br>16 35:23 37:12<br><br><b>head</b> 65:23 99:6<br>101:6 122:24<br>140:18 145:1<br>211:13 222:12 |
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| 223:15 224:18<br>263:9<br><b>health</b> 243:14<br><b>hear</b> 183:3<br><b>heard</b> 73:15<br>182:16,25 189:24<br>247:12 248:15<br><b>hearing</b> 260:21<br><b>heated</b> 166:19<br><b>held</b> 223:25<br><b>helped</b> 80:8<br>226:15<br><b>helping</b> 26:25<br>30:6<br><b>heyday</b> 70:2<br><b>hiding</b> 137:21,24<br>138:2,5,10,22<br><b>high</b> 10:7,9,12,16<br>11:1 58:13 124:1<br>177:11<br><b>higher</b> 47:5<br><b>highlighted</b><br>155:2<br><b>highlighting</b><br>155:1<br><b>hip</b> 166:18<br><b>hire</b> 222:8<br><b>hired</b> 17:13 27:3,<br>10<br><b>history</b> 89:3<br>91:3 135:15<br>237:4,19 250:16,<br>17<br><b>hits</b> 203:4<br><b>Hmm</b> 206:2<br>268:22<br><b>hockey</b> 72:15<br><b>Hogan</b> 14:5,6,20<br>15:8 20:15 28:17<br>32:5 33:7,22 45:2<br>55:12 65:24<br>86:13,15,25 88:18<br>89:18 90:4,9<br>95:18 119:5 121:4 | 168:11,12 201:13<br>206:15 207:2<br>208:14 211:25<br>214:2,5 243:25<br>246:20<br><b>Hogan's</b> 208:20<br><b>Hold</b> 137:25<br><b>home</b> 76:7,12<br>83:14 85:8 151:21<br>160:19 173:1<br>207:7 259:16<br>266:15<br><b>homes</b> 123:9<br><b>Honda</b> 242:6<br><b>honest</b> 37:6 54:7<br>56:20 63:7 97:10<br>114:24 164:20<br>249:21 252:11<br>253:10<br><b>honestly</b> 9:18<br>255:2<br><b>honour</b> 220:5,6<br><b>hook</b> 96:10,16<br><b>hoping</b> 259:6<br><b>horse</b> 78:10,11<br>96:5 97:2 99:16<br>106:11 111:16<br>112:16,23 180:19<br>239:18<br><b>horse-related</b><br>78:6 180:12,16<br><b>horses</b> 96:17,18<br>117:12 236:22<br>239:1,4,5,10,19<br><b>hospital</b> 67:4<br><b>hospitals</b> 67:5<br><b>hours</b> 30:22<br>212:9 213:4<br><b>house</b> 8:6,22<br>12:13,15,17,21<br>24:13 26:22<br>29:14,18 52:25<br>57:21 78:3 79:14<br>83:13 84:16<br>85:18,19,21 86:15<br>87:18 106:8<br>110:19 113:22 | 122:17 123:3,4,<br>13,25 124:20,22<br>155:14,23 156:20<br>157:6 160:24<br>161:1 163:13,15,<br>18,20,23 164:2,5,<br>12,17,19 165:1,4,<br>10,16,22 166:4<br>167:8 168:6<br>188:18 189:23<br>190:8 221:3,8,10,<br>19,22,25 222:7<br>223:14 224:11<br>225:12 227:3<br>236:21 249:11,14,<br>18 251:16 259:3<br><b>household</b> 78:1<br>82:1,16 121:11,18<br><b>HP</b> 43:15,19,25<br>44:11,16 45:10<br>46:8,11,23 47:8,<br>23 48:11 49:21<br>50:3 51:2,15<br>54:20 58:10 59:2,<br>9 60:3,8,21,24<br>61:14 62:6,11,12<br>69:18,19 125:7,<br>10,13,16,21,25<br>126:1,11 142:3<br>191:11,16,24<br>192:6,8,11,25<br>193:12,15 194:9<br>195:13 217:16<br><b>HP'S</b> 193:17<br>195:18<br><b>HST</b> 210:7<br><b>hub</b> 43:23<br><b>humans</b> 96:7<br><b>hundred</b> 240:2<br><b>hundreds</b><br>136:21<br><b>hurt</b> 105:24<br><b>husband</b> 169:3<br><b>hydro</b> 121:23<br>243:4<br><hr/> <b>I</b> <hr/> <b>i.e.</b> 59:5 | <b>idea</b> 34:2 46:3,4<br>48:18 53:16 60:4,<br>25 61:25 80:19<br>100:12 125:1<br>143:20 214:18<br>239:13 250:16,24<br>260:16 262:19<br><b>identical</b> 91:7<br><b>identified</b><br>221:17<br><b>imagine</b> 54:14<br>269:4<br><b>immediately</b><br>107:24 108:15<br>159:11 231:1<br><b>importance</b><br>158:8<br><b>impossible</b><br>203:14<br><b>improvements</b><br>84:17 165:18<br><b>Impulse</b> 191:13<br><b>in-depth</b> 19:8<br><b>in-house</b> 15:11<br><b>in-laws</b> 24:12,<br>15,20<br><b>incident</b> 25:23<br>26:14<br><b>inclined</b> 41:22<br><b>include</b> 216:13<br>217:2,6 224:8<br>261:17<br><b>included</b> 29:12<br>31:20 205:11<br><b>including</b> 74:10<br>230:12<br><b>income</b> 113:19<br>167:5,10,12,14<br>188:6 227:11<br>235:24 236:2<br>237:3,7 238:17<br>261:18 270:22<br><b>incoming</b> 137:2<br><b>incorporate</b><br>72:22 73:10 | <b>incorporated</b><br>72:17,20,23 73:2,<br>21 250:6,13<br>251:1,8<br><b>incorporation</b><br>250:10 251:3<br><b>increase</b> 32:18<br>33:5 200:21<br>201:2,4<br><b>increased</b> 70:5<br><b>indicating</b><br>153:23<br><b>induce</b> 252:18<br><b>induced</b> 252:14<br><b>information</b><br>22:20 44:20<br>46:14,16 50:13<br>65:25 74:5 142:12<br>200:22 201:1<br>203:10 204:16<br>219:14 220:20<br>246:25<br><b>infrequent</b><br>47:24 143:7<br><b>initial</b> 13:8<br><b>initiated</b> 144:21<br><b>input</b> 15:24<br><b>inputted</b> 202:5<br><b>ins</b> 65:7,13<br><b>instructed</b><br>257:7<br><b>insurance</b><br>114:7,11,15<br>224:11,15,19,22<br>225:4,12 227:25<br>228:4,10,12<br>241:12,13 242:19<br>259:16,20 261:8,<br>10 268:13,16<br>269:2,9,10<br><b>integrity</b> 17:14<br><b>interest</b> 53:12,<br>15,19,21 54:1,5<br>65:18 175:18<br>177:6,11 189:1<br>224:4 263:12 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>interested</b><br>83:16<br><br><b>interim</b> 95:1<br>107:13 231:2<br>248:11,22 264:10<br><br><b>Internet</b> 243:1<br><br><b>introducing</b><br>60:4<br><br><b>inundate</b> 55:17<br><br><b>inventory</b> 31:23<br>32:10 33:8,15<br>34:4 37:16 42:20<br>43:13 127:6<br>199:18,20,23,25<br>200:11,14,17<br>201:5,19 202:2<br>204:5 205:12<br>209:11,16,21,24<br>214:10,11,14<br>219:16<br><br><b>inventory-ing</b><br>200:7<br><br><b>invest</b> 73:12<br><br><b>invested</b> 237:9,<br>21 238:8<br><br><b>investing</b> 73:15<br><br><b>investment</b><br>115:2 169:9<br><br><b>invite</b> 78:15<br><br><b>invited</b> 78:20<br>266:18<br><br><b>invoice</b> 25:5<br>91:19,21 92:16<br>194:11 204:25<br>205:5<br><br><b>invoiced</b> 91:16<br>204:23<br><br><b>invoices</b> 21:17<br>194:6,15 203:12<br><br><b>invoicing</b> 21:1,<br>5,10<br><br><b>involve</b> 62:14<br><br><b>involved</b> 42:11<br>64:10 122:21<br>134:7 190:6,20<br>221:22 222:7<br>223:19 | <b>involvement</b><br>13:13,17<br><br><b>involving</b> 20:21<br>21:11 258:13<br><br><b>irregular</b> 234:25<br><br><b>issue</b> 91:20<br>221:2<br><br><b>issued</b> 248:7<br><br><b>issues</b> 69:6<br>182:12<br><br><b>items</b> 42:16<br>78:6,7 155:12,13,<br>15,20<br><br><hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <b>J-o-r-n-a-r-d</b><br>34:20<br><br><b>James</b> 176:10,<br>13<br><br><b>January</b> 7:2<br>9:13 26:2 49:15<br>76:2,3,4 208:25<br><br><b>Jay</b> 10:15,21,22<br>52:5 67:7,23 68:8,<br>15 163:9 172:10<br>175:9 180:1,3<br>230:3,4,8,19,20<br>231:24 232:2,10,<br>11,12,14 233:4<br><br><b>Jay's</b> 68:11<br>179:21<br><br><b>Jayco</b> 111:11<br><br><b>Jeep</b> 113:5<br>114:17 150:19<br>261:10,12<br><br><b>Jeffreys</b> 123:12,<br>16 124:2,22<br>221:20 222:1,4,20<br>223:19,22 262:22,<br>24<br><br><b>Jenna</b> 12:8<br><br><b>Jensen</b> 115:10,<br>16,19 117:10,16<br>148:16 253:18<br>256:1,5,13 257:7 | <b>job</b> 17:20 28:23<br>37:7,8,11 74:20<br>116:17 119:9<br>121:4,6<br><br><b>jobs</b> 12:23,24<br>26:8<br><br><b>John</b> 45:18,20<br>46:6,14 50:19<br>60:20,22 172:8,9<br>173:10 175:9<br><br><b>John's</b> 46:9<br><br><b>joined</b> 207:2<br>208:14<br><br><b>joint</b> 13:12 57:15<br>84:2,5 118:9<br>128:12,16 185:25<br><br><b>jointly</b> 58:9<br>223:25<br><br><b>Jonard</b> 34:16<br>35:17 37:7<br><br><b>judgment</b><br>25:14,17<br><br><b>July</b> 7:13<br><br><b>June</b> 11:12 73:4,<br>5 250:7,8 253:6<br>254:17 255:20<br><br><b>junk</b> 204:6<br><br><b>Justice</b> 6:13,20<br>94:25<br><br><b>justifiable</b><br>147:16<br><br><hr/> <p style="text-align: center;"><b>K</b></p> <hr/> <b>keeping</b> 153:14<br>212:7<br><br><b>Keith</b> 162:7<br><br><b>keys</b> 109:6,9,11<br>266:22<br><br><b>kickbacks</b> 49:4<br>50:16 62:15,19<br><br><b>kicked</b> 50:2,4<br>78:3<br><br><b>kids</b> 80:9,17<br>178:22 213:13 | <b>kind</b> 15:14,20<br>38:2 49:2 63:6<br>65:12 86:2 125:20<br>134:16 190:21<br>197:6 198:22<br>204:13 210:15<br>241:6<br><br><b>kinds</b> 105:2<br>177:11 240:14<br><br><b>King</b> 95:7,20,22<br>98:10,17,21 99:8<br>149:4 152:20<br>154:2<br><br><b>kitchen</b> 222:16<br><br><b>kitchens</b> 222:13<br><br><b>Kits</b> 243:18<br><br><b>knew</b> 48:4 60:21<br>100:9,10 109:13,<br>23 156:14 157:9,<br>14 231:4 248:18,<br>21,24 249:1<br>251:10 264:15<br><br><b>knowledge</b><br>73:17 127:17<br><br><hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <b>L-o-o-n-o-n</b><br>49:19<br><br><b>Label</b> 37:7<br><br><b>labour</b> 41:21<br>93:12<br><br><b>lacksa-daisy</b><br>212:18<br><br><b>laiding</b> 191:21<br>195:15,17,19<br><br><b>laidings</b> 194:4<br><br><b>Lake</b> 222:16<br><br><b>Landmark</b><br>240:17,22 241:1,3<br><br><b>landscaping</b><br>85:9 221:8<br><br><b>laptop</b> 48:2<br><br><b>laptops</b> 38:25<br>39:3 47:13,15,18,<br>23 48:20,25 | <b>large</b> 99:7 136:3<br>138:15 139:4,8<br>171:22 172:11<br>198:18<br><br><b>late</b> 105:16<br>165:14<br><br><b>latest</b> 22:21<br><br><b>laundering</b><br>21:3,24 22:18<br><br><b>Lavarenne</b><br>61:24<br><br><b>law</b> 186:18<br>187:21,22 251:8<br><br><b>lawyer</b> 23:5<br>72:25 107:19<br>108:2 182:14,17,<br>23 183:1,6,12,17<br>184:11 188:21<br>212:10<br><br><b>lawyers</b> 182:6<br><br><b>LCDS</b> 49:1<br><br><b>leaning</b> 38:25<br><br><b>learn</b> 75:10<br>145:24<br><br><b>lease</b> 104:24<br>105:1 110:3,5<br>113:12 116:3,7<br>240:25 267:6<br><br><b>leased</b> 40:10<br>94:21 99:23<br>100:24 101:15<br>109:24 110:1<br>111:19 112:1<br>113:9 117:23<br>148:15 150:1<br>151:5 236:19<br>238:21 268:2<br><br><b>leases</b> 94:3,4,9<br>117:7,9,11,15<br>148:1,25<br><br><b>leasing</b> 94:7<br>117:1,2 192:9<br>240:17,23<br><br><b>leave</b> 81:1 83:7<br>91:8<br><br><b>leaves</b> 193:17 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                  |                                                                                                                                                                                    |                                                                                                                        |                                                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| <b>leaving</b> 37:9,13                                                                                           | <b>limited</b> 143:2<br>160:6                                                                                                                                                      | 18 173:4 225:13<br>227:2,12,13,18<br>258:10 261:20<br>262:9,13                                                         | 164:13 165:21<br>173:25 192:8<br>210:17 235:5<br>244:3 246:4,5                                                                                         | 23,24                                                                                   |
| <b>led</b> 22:22                                                                                                 | <b>liner</b> 112:20,24                                                                                                                                                             | <b>loaned</b> 64:12<br>172:12 176:17,19                                                                                | <b>lots</b> 58:20 142:9<br>170:13 187:21                                                                                                               | <b>Mae</b> 234:1                                                                        |
| <b>Lee</b> 19:15                                                                                                 | <b>liquidated</b><br>257:21,23,24                                                                                                                                                  | <b>loaning</b> 64:14                                                                                                   | <b>lower</b> 41:2                                                                                                                                      | <b>mailbox</b> 66:20                                                                    |
| <b>left</b> 58:13 60:22<br>77:18,19 78:19,20<br>80:20 81:2 157:21<br>181:6 204:5 205:8<br>213:19 234:6<br>257:20 | <b>list</b> 39:7 42:17,18<br>59:10 60:21 87:14<br>101:10,15,19<br>102:12 103:13<br>111:2 115:24<br>121:20 143:6<br>148:17 203:25<br>221:12 222:10<br>223:5 224:2,3<br>225:22 226:1 | <b>loans</b> 31:15<br>55:15 64:19<br>67:11,13,18 68:1<br>168:14 177:11<br>227:5,8 261:25                               | <b>lower-end</b><br>204:11                                                                                                                             | <b>mailing</b> 135:6,9                                                                  |
| <b>left-hand</b><br>238:24                                                                                       | <b>listed</b> 208:11<br>228:12,14                                                                                                                                                  | <b>located</b> 29:8<br>86:3 122:18                                                                                     | <b>lunch</b> 162:1<br>266:12                                                                                                                           | <b>main</b> 49:23<br>201:25                                                             |
| <b>legal</b> 185:23<br>188:2,25 250:20                                                                           | <b>listening</b> 164:1                                                                                                                                                             | <b>locked</b> 8:22<br>108:24 113:21<br>225:1 266:14                                                                    | <b>luxury</b> 149:21                                                                                                                                   | <b>maintain</b> 56:7<br>84:2                                                            |
| <b>legally</b> 171:5                                                                                             | <b>listing</b> 162:5                                                                                                                                                               | <b>long</b> 9:11 14:23<br>27:25 63:16,17<br>84:21 152:4 190:2<br>207:4 220:6<br>235:12 265:17<br>266:24                | <b>Lynn</b> 7:15                                                                                                                                       | <b>maintained</b><br>15:22                                                              |
| <b>leger</b> 65:13                                                                                               | <b>lists</b> 60:23                                                                                                                                                                 | <b>longer</b> 54:10<br>144:4 148:22<br>202:25                                                                          | <b>M</b>                                                                                                                                               | <b>major</b> 34:8 44:16<br>141:20,25 142:5                                              |
| <b>legitimate</b><br>213:23 214:1                                                                                | <b>literate</b> 16:14                                                                                                                                                              | <b>looked</b> 143:22<br>194:22 236:13<br>268:18 269:6<br>270:6                                                         | <b>M's</b> 35:3,4                                                                                                                                      | <b>majority</b> 48:6<br>126:13 215:12                                                   |
| <b>lend</b> 173:11                                                                                               | <b>litigation</b> 189:11                                                                                                                                                           | <b>Lorraine</b> 9:3,6<br>102:13 255:22<br>256:1,3,5                                                                    | <b>M-a-l-w-a-t-t-a</b><br>34:14                                                                                                                        | <b>make</b> 6:18 17:14<br>28:24 39:22 42:5<br>73:12 105:13<br>153:16 162:7<br>183:3     |
| <b>lender</b> 51:9                                                                                               | <b>live</b> 9:10 66:8<br>79:5,17                                                                                                                                                   | <b>lose</b> 220:4                                                                                                      | <b>M-s</b> 35:2                                                                                                                                        | <b>Makes</b> 6:22                                                                       |
| <b>lending</b> 51:11,<br>12 162:19 177:8                                                                         | <b>live-in</b> 96:9                                                                                                                                                                | <b>loss</b> 17:18 211:1,<br>3                                                                                          | <b>M-w</b> 34:13                                                                                                                                       | <b>making</b> 54:9,15<br>64:19 97:9<br>113:12,24 147:19<br>235:24 236:14                |
| <b>lessee</b> 269:13                                                                                             | <b>lived</b> 79:3 80:2                                                                                                                                                             | <b>lost</b> 17:1,21<br>49:21 88:14 142:3<br>210:20,23 216:18<br>219:6 220:3 235:1                                      | <b>M-w-a-l-t-t</b><br>34:11                                                                                                                            | <b>Malwatta</b> 34:8<br>81:17                                                           |
| <b>letter</b> 83:9,12,15<br>158:22,24 159:2<br>160:5,16 184:21<br>263:24 264:12,17<br>268:10                     | <b>livelihood</b><br>167:6                                                                                                                                                         | <b>lot</b> 9:22,23 38:8<br>41:9,10,11 54:10<br>64:2 70:13 80:15,<br>16 93:13 94:3<br>95:9 97:15 98:24<br>119:25 149:21 | <b>Macbeth</b> 12:13,<br>21 24:17                                                                                                                      | <b>manage</b> 200:6                                                                     |
| <b>letting</b> 131:15                                                                                            | <b>lives</b> 66:14,15<br>79:16 80:6 174:21                                                                                                                                         |                                                                                                                        | <b>Macdonald</b><br>23:16,17 54:24                                                                                                                     | <b>manager</b> 57:1<br>71:21 126:2                                                      |
| <b>level</b> 142:15<br>198:2 209:12                                                                              | <b>living</b> 9:3,5<br>23:21 24:12,14,<br>20,21 46:20 79:14<br>190:8                                                                                                               |                                                                                                                        | <b>machine</b> 41:4,5,<br>6 42:3 149:20<br>200:6                                                                                                       | <b>manner</b> 212:8                                                                     |
| <b>leveraged</b><br>156:19 158:3                                                                                 | <b>load</b> 127:5 171:4<br>191:9 203:6<br>204:3,4 231:14,23<br>232:4,16                                                                                                            |                                                                                                                        | <b>machines</b> 37:17<br>38:1,5,7,8,20<br>40:3,23 41:11<br>42:8,18,19 43:6,<br>11 171:7,16,17<br>198:20 200:2                                          | <b>manual</b> 93:12                                                                     |
| <b>license</b> 150:20<br>171:18                                                                                  | <b>loads</b> 191:4                                                                                                                                                                 |                                                                                                                        | <b>Maclean</b> 152:2                                                                                                                                   | <b>MAR</b> 172:5                                                                        |
| <b>licensed</b> 171:20                                                                                           | <b>loan</b> 31:6 54:8,13<br>65:16 66:2,4<br>69:12 95:14 127:9<br>137:5 149:10<br>152:13 162:12,13<br>169:22,23 172:17,                                                             |                                                                                                                        | <b>Madam</b> 94:25                                                                                                                                     | <b>March</b> 12:4<br>146:6 153:17,22<br>156:13 252:23                                   |
| <b>lieu</b> 100:6                                                                                                |                                                                                                                                                                                    |                                                                                                                        | <b>made</b> 8:4 23:14<br>46:2,5 56:5 62:14,<br>17 64:24 67:18<br>104:23 112:4<br>153:23 220:3<br>226:25 227:17<br>237:22,24 239:6<br>265:10,13 267:15, | <b>Margaret</b> 123:9                                                                   |
| <b>life</b> 229:5 233:12<br>234:11 241:11,12,<br>13 242:17,18<br>243:13                                          | <b>Loading</b> 37:18                                                                                                                                                               |                                                                                                                        |                                                                                                                                                        | <b>margin</b> 32:17                                                                     |
| <b>lifestyle</b> 78:10,<br>11                                                                                    |                                                                                                                                                                                    |                                                                                                                        |                                                                                                                                                        | <b>marginal</b> 32:17                                                                   |
| <b>lift</b> 35:23                                                                                                |                                                                                                                                                                                    |                                                                                                                        |                                                                                                                                                        | <b>margined</b> 32:10                                                                   |
|                                                                                                                  |                                                                                                                                                                                    |                                                                                                                        |                                                                                                                                                        | <b>mark</b> 20:2 22:15<br>52:14 101:10<br>127:23 129:4<br>131:9 133:14<br>135:22 160:13 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 161:14 199:1,6<br>216:19 230:14,15<br>233:8,19 234:8<br>247:14 252:2<br>254:14 255:15<br>259:10 262:22<br>268:8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>means</b> 23:9<br>57:20 76:13<br>180:16 239:21<br><b>meant</b> 15:19<br>96:17<br><b>meat</b> 239:18                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 263:14<br><b>miles</b> 180:25<br>181:22                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 64:9,13,14 65:17<br>68:12,14 73:13<br>77:19 78:6,9<br>82:18 86:19 87:4,<br>17 88:22 93:10<br>95:12 113:16,22<br>114:13 120:17<br>121:15 127:7<br>130:18 136:4,24<br>137:5,16 139:4,9,<br>13 142:13 147:7<br>151:13,16 152:7,<br>20 153:11 162:13,<br>20,22 163:8,16<br>164:2 167:21<br>168:1,4 169:10<br>170:1 172:13<br>174:12 175:7<br>176:16 177:8<br>178:25 190:10<br>226:14,15 227:1<br>230:13 232:21<br>233:1,3 235:6,9<br>237:22,23 245:4,5<br>254:8 256:3 257:8<br>259:8 270:18 | 148:4 162:17<br>200:13 206:24<br>212:17 214:24<br>220:2 267:3<br><b>Montreal</b><br>118:22,24 178:6<br><b>moratorium</b><br>26:24<br><b>morning</b> 6:8<br>108:4<br><b>mortgage</b> 52:7<br>56:21,22 57:2<br>82:20 83:4 121:22<br>188:18 226:16,24<br>249:11,13,18,20,<br>24 251:16 252:10<br><b>mother</b> 79:3,5<br>80:11<br><b>mother-in-law</b><br>179:23 180:11<br><b>motion</b> 107:12<br>260:20<br><b>motorized</b><br>96:12<br><b>move</b> 182:15<br>183:23 234:25<br><b>moved</b> 8:20,24<br>9:8 26:19 83:2,3,4<br>126:7 165:6,7<br><b>moving</b> 147:8<br><b>multiple</b> 30:13<br>130:6 158:1,2<br>255:4<br><b>multitude</b><br>191:14 200:3<br>213:10 |
| <b>marked</b> 217:1<br><b>market</b> 37:25<br>38:13 70:9<br><b>marketplace</b><br>251:13<br><b>Markham</b> 10:6<br><b>marks</b> 9:23<br><b>marriage</b><br>126:25 211:1<br><b>married</b> 7:13<br><b>Mart</b> 243:16<br><b>Massachusetts</b><br>43:22<br><b>Mastercard</b><br>118:13,14,19,22<br>120:2<br><b>match</b> 203:12<br><b>matches</b> 137:9<br><b>matching</b> 43:2<br><b>matrimonial</b><br>144:21<br><b>Matt</b> 19:9 34:23<br>35:17 37:3,4 39:9<br>74:14 103:19,20<br><b>Matt's</b> 102:8<br><b>matter</b> 30:17<br>200:20 256:21,22<br><b>Matthew</b> 37:1<br>134:6,7<br><b>Maverick</b> 104:3<br><b>maximum</b><br>173:13<br><b>MBNA</b> 118:13,18<br><b>meaning</b> 40:9<br>59:23 172:14<br>176:19 216:7,8<br>245:9 | <b>mediation</b><br>144:22 145:2,15<br>146:3,9,13,17<br><b>mediator</b><br>144:24<br><b>medical</b> 67:4<br>71:10,13,17 72:1<br><b>meet</b> 10:9,19,21<br>50:23 52:4 53:9<br>59:21<br><b>meeting</b> 147:6,7<br><b>Mega</b> 106:2<br><b>members</b><br>196:10<br><b>memory</b> 32:13<br>37:23 38:3 39:23<br>40:17,24,25<br><b>mentioned</b><br>126:5 188:20<br>252:19,21 258:19<br><b>Mercedes</b><br>100:23<br><b>messages</b><br>230:12<br><b>met</b> 50:21 51:1<br>53:3,6,7 109:8<br><b>Mexican</b> 231:15<br><b>Mexico</b> 63:16<br>231:15 232:6<br><b>Mezber</b> 94:25<br><b>Michelle</b> 103:16<br><b>Microsoft</b><br>171:3,18,20 172:5<br><b>middle</b> 64:5<br>70:10 166:19<br><b>Mike</b> 59:16<br>114:18,20 168:20<br>169:18,24 175:11<br>237:22 242:5 | <b>mind</b> 230:16<br>263:1<br><b>mine</b> 68:12 87:12<br>98:4 129:25 224:6<br>230:18<br><b>minus</b> 205:13<br><b>minuses</b> 202:9<br><b>minute</b> 86:14<br>98:1 185:24 256:4<br><b>minutes</b> 49:9<br>159:18<br><b>misplaced</b><br>219:6<br><b>misread</b> 22:23<br><b>missed</b> 154:23<br><b>missing</b> 111:1<br>200:25 216:6<br>221:19<br><b>misspoke</b><br>209:14<br><b>mistake</b> 8:4<br>230:24<br><b>mistaken</b><br>173:16<br><b>mix</b> 94:13<br><b>mixed</b> 118:15<br>244:5<br><b>model</b> 204:12<br><b>moment</b> 168:13<br><b>money</b> 13:5<br>21:2,20,24 23:19<br>24:1 30:9 38:8<br>51:22 54:9,15,16,<br>23 56:2 62:22,24 | <b>monies</b> 225:23<br><b>monitored</b><br>17:19<br><b>monitoring</b><br>133:3<br><b>Monitors</b> 47:15<br><b>monstrosities</b><br>38:7<br><b>month</b> 26:2 32:3<br>53:12 65:17 95:14<br>114:5 116:13,15,<br>19 119:6 121:25<br>135:10,14,18<br>136:22 137:13<br>143:9,19 144:6<br>147:12 148:1<br>149:7 151:5 244:2<br><b>monthly</b> 33:7<br>116:4 200:10<br>201:7,9,11,17<br>253:13<br><b>months</b> 25:25<br>28:2 101:6 114:13<br>121:23 125:24<br>140:5 142:25<br>143:1,7,10,17  | <b>named</b> 9:3,15<br><b>names</b> 255:8<br><b>nav</b> 268:21<br><b>navigation</b><br>268:23<br><b>necessarily</b><br>44:10 222:5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <hr/> <b>N</b> <hr/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>needed</b> 23:19<br/>30:14 52:1 60:3<br/>70:14 127:6 136:4<br/>137:15 148:23<br/>234:20 252:22</p> <p><b>needing</b> 158:8</p> <p><b>negative</b> 76:25<br/>253:19,21 254:1</p> <p><b>negotiate</b> 28:25<br/>157:24</p> <p><b>net-30</b> 204:15</p> <p><b>network</b> 16:20<br/>18:9 19:25 63:25</p> <p><b>newer</b> 204:12</p> <p><b>Newfoundland</b><br/>79:8,21 80:7<br/>180:12</p> <p><b>nice</b> 177:12</p> <p><b>Nicholas</b> 12:2<br/>150:19</p> <p><b>Nicholas's</b><br/>114:3</p> <p><b>nights</b> 9:7</p> <p><b>ninth</b> 165:4</p> <p><b>normal</b> 53:18</p> <p><b>Norris</b> 59:8,13,<br/>15,17 61:6 62:5<br/>69:17 73:25 74:3<br/>75:4 100:3,5,20<br/>188:11 190:21<br/>191:7,9,10,15,22<br/>192:15,19 193:7,<br/>9,13 195:13,14<br/>215:16,22 216:23<br/>219:9</p> <p><b>Norris's</b> 193:19</p> <p><b>Northbridge</b><br/>269:1</p> <p><b>note</b> 161:20</p> <p><b>Nothing's</b><br/>183:21</p> <p><b>notice</b> 80:21<br/>107:19 148:4</p> <p><b>notices</b> 109:2</p> | <p><b>notification</b><br/>50:3</p> <p><b>Nova</b> 83:7,10,18<br/>84:2 124:15<br/>138:21</p> <p><b>November</b> 31:4<br/>259:21</p> <p><b>number</b> 8:14<br/>10:20 18:10 46:18<br/>59:17 64:13 66:19<br/>81:23,24 94:6,19<br/>117:3 119:17,18<br/>122:8 127:25<br/>128:19 133:15<br/>140:18 147:23<br/>153:23 154:1,19<br/>174:24 176:3<br/>181:2 207:12<br/>214:12 221:4<br/>240:6 242:25<br/>245:24 246:2</p> <p><b>numbers</b> 47:5<br/>48:25 63:13 136:3<br/>140:17 178:10<br/>211:12 213:24<br/>214:1 219:17</p> <p><b>numerous</b><br/>180:12</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>oath</b> 256:9</p> <p><b>object</b> 138:1<br/>183:22 185:16</p> <p><b>objecting</b><br/>186:12 188:7</p> <p><b>objectives</b><br/>145:18,21,23</p> <p><b>obligated</b><br/>142:11</p> <p><b>obligation</b><br/>190:9</p> <p><b>obtain</b> 188:18</p> <p><b>obtained</b> 218:1</p> <p><b>obtaining</b> 85:15<br/>186:19,22</p> <p><b>obvious</b> 38:11<br/>124:1</p> | <p><b>occasion</b> 92:11<br/>93:18 106:9,16<br/>119:3 120:18<br/>171:14 261:8</p> <p><b>occasional</b><br/>80:3</p> <p><b>occasions</b><br/>93:13 119:25<br/>148:3 200:3</p> <p><b>October</b> 12:10<br/>212:25</p> <p><b>odd</b> 26:8 30:4<br/>72:15 91:14 93:18<br/>106:9,16 119:3<br/>120:18 171:14</p> <p><b>off-lease</b> 39:15<br/>40:7,9 47:8,9<br/>48:22,25</p> <p><b>off-site</b> 16:19</p> <p><b>office</b> 16:8 65:5,<br/>6,10 76:6,7,12<br/>81:16 83:14 93:12<br/>106:9 127:15<br/>172:24,25 196:19<br/>207:5,7,8,9<br/>217:25 218:22,25<br/>242:16 243:18<br/>269:24,25 270:1<br/>271:3</p> <p><b>officially</b> 81:23</p> <p><b>Ohio</b> 71:10,13,16<br/>72:1</p> <p><b>okayed</b> 60:10</p> <p><b>olden</b> 37:22 38:5</p> <p><b>older</b> 7:11</p> <p><b>oldest</b> 12:2</p> <p><b>on-site</b> 45:6</p> <p><b>on-the-hip</b><br/>166:20</p> <p><b>one-off</b> 44:19</p> <p><b>one-offs</b> 58:19</p> <p><b>one-time</b> 54:8</p> <p><b>online</b> 77:5</p> <p><b>onset</b> 14:8</p> | <p><b>onside</b> 190:2</p> <p><b>Ontario</b> 6:15<br/>36:6</p> <p><b>onward</b> 164:8<br/>167:2</p> <p><b>onwards</b> 165:21</p> <p><b>open</b> 56:10<br/>152:1</p> <p><b>opened</b> 151:17,<br/>19</p> <p><b>opinion</b> 236:8,9</p> <p><b>opportunity</b><br/>185:5 267:11</p> <p><b>oppose</b> 189:3</p> <p><b>opposed</b> 126:22<br/>165:17 202:5</p> <p><b>order</b> 6:20 29:3<br/>43:10 86:4 92:21<br/>94:25 109:14,18<br/>171:17 183:8<br/>189:17 191:16<br/>205:1 223:17<br/>252:22 264:10,13,<br/>21</p> <p><b>ordered</b> 202:21</p> <p><b>orders</b> 43:10<br/>197:13 203:13</p> <p><b>original</b> 37:18<br/>52:13,16 126:7<br/>195:15</p> <p><b>originally</b><br/>182:10 250:14<br/>252:24</p> <p><b>ourself</b> 37:24</p> <p><b>outs</b> 65:7</p> <p><b>outstanding</b><br/>25:18 141:7<br/>241:25</p> <p><b>overdraft</b> 76:25</p> <p><b>overnight</b> 132:3</p> <p><b>overtime</b> 13:6</p> <p><b>owe</b> 68:14 140:7<br/>172:13 226:3<br/>227:21</p> | <p><b>owed</b> 65:21<br/>69:13 140:19<br/>142:13 153:10,11<br/>190:10,11 225:22<br/>226:14,15 229:20<br/>242:1 256:3 259:9</p> <p><b>owes</b> 173:7</p> <p><b>owned</b> 57:15<br/>58:5 155:13,14,<br/>17,21 241:15<br/>253:3 255:7<br/>263:11</p> <p><b>owner</b> 67:25<br/>71:3 142:19<br/>170:19,21,23<br/>225:8 230:13<br/>269:12</p> <p><b>ownership</b><br/>256:25</p> <p><b>ownerships</b><br/>255:13</p> <p><b>owns</b> 67:6<br/>170:18</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>P-f-a-f-f</b> 94:15</p> <p><b>pack</b> 202:25<br/>203:1</p> <p><b>package</b> 230:15<br/>233:9</p> <p><b>paid</b> 24:4 28:13,<br/>18 29:3,7 30:8,23<br/>46:1,9,12 65:18<br/>68:12,13 82:8<br/>87:5,20 91:21<br/>93:15 97:5 100:3<br/>105:21 110:12,24<br/>111:20 113:2<br/>116:4 117:20<br/>120:3 121:16<br/>122:16,23 123:16,<br/>22 124:3,5 137:17<br/>139:16 147:9,14<br/>162:10 164:17<br/>166:4,16 167:4<br/>168:4 176:7 177:3<br/>187:24 204:24<br/>220:11,14 222:23<br/>223:10 225:9,17</p> |
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| 226:8,11,18,19<br>230:9 232:19<br>235:20 236:19,25<br>237:9,12,15,23<br>244:4 246:15<br>261:13,21 262:3,8<br>269:10<br><br><b>panicked</b> 58:12<br><b>pans</b> 179:10<br><b>paper</b> 123:19<br>192:15 193:9<br>230:10 242:16<br><b>papers</b> 211:23<br>233:9 251:6<br><b>paperwork</b><br>89:17 190:21<br>196:13 212:16<br>214:19 219:6<br>252:22<br><b>paperwork's</b><br>216:17<br><b>paragraph</b><br>156:17<br><b>parcel</b> 212:8<br><b>pardon</b> 163:5<br>169:16 206:20<br><b>parents</b> 79:10<br><b>park</b> 268:25<br><b>Parkwood</b><br>196:16<br><b>part</b> 9:9 24:25<br>28:23 42:16 44:13<br>47:10 48:14,21<br>56:22,23 64:1<br>71:2 84:19 96:6<br>98:19 106:8<br>129:16 133:5<br>142:24 143:1<br>147:6 148:19<br>150:12 153:13<br>156:23 164:21<br>173:15 200:5<br>212:8 213:14<br>215:5 217:12<br><b>participating</b><br>180:19<br><b>parties</b> 122:21<br>154:3 | <b>partner</b> 207:20<br><b>parts</b> 37:17<br>38:19 41:3,4,7,8,<br>12,22 247:12<br>265:4<br><b>passed</b> 230:5<br><b>password</b><br>185:15<br><b>passworded</b><br>185:14<br><b>past</b> 169:4<br>226:16<br><b>pattern</b> 165:25<br>166:11<br><b>pay</b> 24:1 28:19,<br>21 54:12 55:2,4<br>78:1 81:19,20,21<br>82:3,6,17 86:22<br>87:22,23 90:13<br>100:20 105:18<br>114:13 120:1<br>122:6,7,15<br>125:12,13 127:7,8<br>136:6 139:19<br>140:3 144:4<br>164:2,5 165:22<br>173:19,20 176:23,<br>25 177:6 190:8,10<br>220:11 224:22<br>225:15 226:10<br>227:19 229:15,16,<br>17 231:13,19,20<br>244:17,21,24<br>245:4,5,14,20,23<br>249:21,24 254:1<br>258:6 262:14<br><b>payable</b> 15:25<br>16:6 147:16 212:6<br><b>payback</b> 162:17<br><b>paying</b> 54:2,4<br>62:15,19,22 64:9<br>90:2 97:24 98:6<br>104:19 114:7,10<br>136:13 139:21<br>147:25 149:15<br>151:5 167:18<br>171:22 172:11<br>187:17 188:1,10,<br>11 224:23,25<br>225:4,6,11 226:5<br>227:23 228:9 | 244:11,14,22<br>245:9,10 262:18<br><b>payment</b> 23:13<br>76:9 99:7 100:7,8<br>110:5 114:14<br>187:22 261:17<br>267:12,14,17,23<br>268:5<br><b>payments</b><br>53:12 55:25 112:5<br>113:13,25 116:3,<br>7,9 130:21<br>147:17,25 168:6<br>226:16,24 227:3,<br>16 229:20 243:1<br>259:23 260:1<br>267:24<br><b>Paypal</b> 139:4,9,<br>13,16<br><b>payroll</b> 13:21<br>27:23,25 28:13<br>36:3 82:7,9 97:7<br><b>PCS</b> 38:6 126:22<br><b>Pegasus</b> 112:15<br><b>pending</b> 75:18,<br>21 100:12 189:11<br>210:18 215:4<br><b>people</b> 16:11<br>37:9 46:7 59:2<br>74:17 92:17,22<br>93:13 117:2<br>158:20 162:7<br>163:17 175:6<br>177:11 196:1,4<br>197:25 220:10<br>222:2,15 258:6<br><b>percent</b> 24:24<br>27:24 37:11<br>43:15,24 44:2<br>47:3,22 53:22<br>54:5,6,13 58:23,<br>24 67:8 70:12<br>84:8 91:15 97:21,<br>23 111:9 143:14<br>160:20 197:18<br>202:19 203:21<br>213:6 214:25<br>215:2,7 219:1<br>241:20 244:6<br>246:9 265:16 | <b>percentage</b><br>48:15 59:11<br><b>percentages</b><br>246:18<br><b>period</b> 8:8 27:14<br>136:11,14,16<br>138:18 143:23<br>151:11 173:11<br>177:5 202:21<br>205:12 236:19<br>237:11 238:17<br><b>permit</b> 192:21<br><b>permitted</b> 89:10<br><b>Perry</b> 172:8,9,17<br>173:11 174:1,9<br><b>person</b> 19:21,24<br>64:5 208:10<br><b>personal</b> 14:20,<br>23 15:3,5 29:4,5<br>30:18,21,24 31:2,<br>15 35:12,16 56:17<br>57:11,23 58:7<br>65:10 72:7,9 75:3,<br>24 76:8,15 82:19,<br>24 87:5,11,15<br>94:10 101:23,24<br>102:22 104:1<br>106:4 110:8,12,24<br>111:6,17 112:18,<br>25 115:21 118:6,<br>25 119:2,13,23<br>120:5,6,14,18,24<br>122:1,5 128:15<br>133:6 139:5,9,14<br>155:16 163:13<br>170:13 223:24<br>224:4 226:5,9,11,<br>20,21,23,25<br>227:22 230:20<br>235:20 240:15,18,<br>21,25 243:7,12,<br>16,19,21,24<br>246:14 247:2,4<br>255:10 256:23<br>260:15,18,21<br>261:5 270:22<br><b>personally</b> 16:2<br>27:8 34:1 68:4,7,<br>19 101:25 109:25<br>149:13 150:15<br>154:20 155:7,10,<br>13,21 167:9 | 187:7,17 202:1<br>227:14,15 249:2,5<br>257:1,5<br><b>persuaded</b><br>147:3<br><b>pertained</b> 255:5<br><b>pertaining</b><br>69:16<br><b>Pfaff</b> 94:15 95:3<br>101:13,16 103:3<br>106:21,23,24<br>108:17 109:8<br>111:23 112:22<br>113:10 114:19<br>115:14,18 117:1,<br>5,6 148:15 264:10<br>265:7,23 266:18<br><b>ph</b> 69:15<br><b>Phase5</b> 36:23<br>70:22 71:24 72:21<br>73:13,24 74:2<br>75:6 102:4,25<br>142:5,7,13,16<br>225:11 226:4,5<br>260:11 261:5,13<br>262:3 267:7<br><b>phone</b> 28:24<br>50:7 134:5<br><b>physical</b> 39:18<br>41:19,20,21 42:3<br>199:20 207:8,9<br><b>physically</b> 8:20<br>40:21 41:4 109:8<br>113:24 192:15<br>193:7 196:23<br>199:19 202:22<br><b>pick</b> 55:25<br>108:25 191:20<br>193:20 195:7,16<br>202:25<br><b>picked</b> 105:20<br>111:23 112:14<br>115:9,13,18 191:4<br>193:10 194:9,25<br>217:15 253:18,25<br>254:2 265:23<br><b>picking</b> 135:14<br>191:19 193:16<br><b>pickup</b> 106:6 |
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|                                                                                                    |                                                                                |                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                             |
|----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <b>picture</b> 132:18                                                                              | 244:14 249:5                                                                   | 98:21                                                                                                                                                                                                                                                 | 185:6,19 187:2,23                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>profit</b> 59:11                                                                                                                         |
| <b>pictures</b> 134:4                                                                              | 250:2 252:8,13<br>262:19                                                       | <b>premises</b> 196:9                                                                                                                                                                                                                                 | <b>privy</b> 46:14 74:4                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>profitable</b> 51:4<br>70:20,21 270:2                                                                                                    |
| <b>pie-in-the-sky</b><br>86:2                                                                      | <b>point-of-sale</b><br>120:20,23                                              | <b>prepaid</b> 232:18                                                                                                                                                                                                                                 | <b>probation</b> 22:2,<br>3,6                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>profits</b> 153:16<br>237:10,18                                                                                                          |
| <b>pieces</b> 200:7                                                                                | <b>points</b> 177:16,<br>22,24,25 178:8,<br>14,17 179:13,22<br>180:13,17 246:6 | <b>prepared</b> 32:4<br>208:23                                                                                                                                                                                                                        | <b>problem</b> 78:5<br>220:23 238:5                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>program</b> 172:5                                                                                                                        |
| <b>Pierre</b> 61:24                                                                                | <b>polices</b> 242:21                                                          | <b>preparing</b> 20:14<br>33:11 208:24                                                                                                                                                                                                                | <b>problems</b> 143:3                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>prohibited</b><br>264:21                                                                                                                 |
| <b>pile</b> 178:21<br>179:12                                                                       | <b>policies</b> 242:3,<br>20                                                   | <b>presented</b><br>214:6                                                                                                                                                                                                                             | <b>procedures</b><br>19:7                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>promising</b><br>189:23                                                                                                                  |
| <b>pin</b> 38:2                                                                                    | <b>policy</b> 241:15                                                           | <b>press</b> 202:6                                                                                                                                                                                                                                    | <b>proceedings</b><br>144:21 182:3<br>235:3                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>prompted</b> 70:7<br>73:10 75:14 77:10<br>126:24                                                                                         |
| <b>Pinfold</b> 10:18,19<br>51:7,9,12,18 52:1,<br>4,10,18,24 53:3,<br>22 55:16,22 63:19<br>163:9,20 | <b>pool</b> 85:8 221:8<br>223:3,4                                              | <b>presume</b> 129:14                                                                                                                                                                                                                                 | <b>proceeds</b> 22:19<br>154:4,8                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>proof</b> 137:11<br>191:2 194:16<br>216:13 217:2,6,8,<br>10,21,25 218:8,16                                                               |
| <b>pipe</b> 231:5                                                                                  | <b>Pools</b> 223:4                                                             | <b>pretty</b> 22:8 39:10<br>47:7 58:13 77:14<br>123:3 270:1                                                                                                                                                                                           | <b>process</b> 75:17<br>151:11 191:6<br>234:17                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>proper</b> 191:21                                                                                                                        |
| <b>place</b> 9:10 12:13<br>17:6 79:7 86:2<br>126:4 161:19<br>231:1 237:14<br>238:14                | <b>Porsche</b> 111:24<br>150:22                                                | <b>previous</b> 18:1<br>84:18 245:4,11                                                                                                                                                                                                                | <b>produce</b> 18:24<br>153:16                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>properly</b> 17:19<br>157:12 213:12,23<br>239:20                                                                                         |
| <b>places</b> 60:20                                                                                | <b>POS</b> 199:5                                                               | <b>previously</b><br>144:3 253:12                                                                                                                                                                                                                     | <b>Produced</b> 20:4                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>property</b> 24:8,<br>17 26:6,11,16,22<br>29:8 52:8 56:19<br>76:13 80:5 84:17<br>122:9,10 175:24<br>189:12 210:9<br>252:16               |
| <b>plan</b> 86:1 105:6<br>251:13                                                                   | <b>position</b> 17:17<br>25:4 30:14 59:3<br>63:1,10 158:3<br>188:23 249:17     | <b>price</b> 44:7                                                                                                                                                                                                                                     | <b>product</b> 37:16<br>44:7 58:16 59:6,<br>10,18 60:2,5,6,13,<br>15,17 61:14 62:6,<br>9,11 64:12 67:12,<br>13 69:18 70:11,<br>14,15 73:24<br>100:4,6 125:7,12,<br>16 126:2,14,21<br>127:3 130:21<br>137:1,2,6,9,13,16<br>139:20 140:1<br>143:18,25 144:2<br>153:15 156:7<br>163:11 168:15<br>190:13,20 191:8,<br>19 192:2,9,12<br>193:6 194:20<br>195:16,18 196:11,<br>13,18 198:3<br>199:12 200:4<br>202:20 203:1,15,<br>21 215:6 217:3,<br>16,18 218:17<br>219:8 230:6<br>231:10,13 244:18 | <b>proposed</b><br>188:17                                                                                                                   |
| <b>plant</b> 210:9                                                                                 | <b>positions</b> 30:13                                                         | <b>prices</b> 70:12<br>198:22                                                                                                                                                                                                                         | <b>products</b> 69:24<br>190:24 192:6<br>215:18 245:19                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>protect</b> 188:22<br>241:25                                                                                                             |
| <b>play</b> 72:15                                                                                  | <b>possession</b><br>44:25 150:11<br>192:16                                    | <b>pricing</b> 63:11,12<br>126:12                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>protected</b><br>234:16                                                                                                                  |
| <b>player</b> 251:12                                                                               | <b>possibility</b><br>138:3                                                    | <b>Priest</b> 14:8,12,13                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>protection</b><br>238:15                                                                                                                 |
| <b>plea</b> 22:3 24:25                                                                             | <b>possibly</b> 223:21<br>255:17                                               | <b>primary</b> 79:20                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>prove</b> 92:18<br>191:3 217:14,17                                                                                                       |
| <b>pleading</b> 21:23                                                                              | <b>potential</b> 100:14<br>213:14                                              | <b>Princess</b> 123:8                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>provide</b> 15:9<br>18:8 56:1 75:4<br>89:14 91:4 97:12<br>119:4 127:12<br>191:20 200:13,22<br>201:1,5 213:11<br>214:10 215:20<br>238:2,6 |
| <b>pledge</b> 155:25<br>156:4                                                                      | <b>potentially</b><br>19:21 85:18<br>213:19                                    | <b>principals</b><br>61:22                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                             |
| <b>pledged</b> 156:5<br>157:5                                                                      | <b>pots</b> 179:10                                                             | <b>prior</b> 12:15,17<br>16:25 19:12 24:11<br>42:17 56:12 71:8<br>82:2 95:4 101:1,6<br>111:4 124:14<br>135:11,12 138:19<br>140:5 143:7<br>148:5,21 153:10<br>162:17 165:5<br>167:1 206:25<br>207:24 208:7<br>209:2 214:25<br>229:10 231:2,8<br>257:24 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                             |
| <b>pledging</b> 155:16                                                                             | <b>practice</b> 217:22                                                         | <b>privilege</b> 6:16<br>183:12,14,19                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                             |
| <b>plumber</b> 222:21                                                                              | <b>practices</b> 220:2                                                         |                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                             |
| <b>Plumbing</b><br>222:20                                                                          | <b>pre-signed</b><br>127:13 130:3<br>134:23,24 135:1                           |                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                             |
| <b>pockets</b> 167:9                                                                               | <b>precise</b> 180:15                                                          |                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                             |
| <b>PODS</b> 216:9                                                                                  | <b>predecessor</b>                                                             |                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                             |
| <b>point</b> 16:15 48:7<br>51:19 75:10 77:2<br>121:21 122:8<br>127:2 154:6<br>166:14,15 180:24     |                                                                                |                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                             |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <p><b>provided</b> 15:18<br/>18:15 31:9,14<br/>56:17 60:21 89:2,<br/>18 90:11 101:12,<br/>16 121:21 124:22<br/>136:13 177:22<br/>189:6 194:5<br/>200:16 214:7<br/>216:9,17 218:13<br/>219:7 220:16<br/>270:21</p> <p><b>providing</b> 31:20<br/>89:10 153:15</p> <p><b>public</b> 71:6<br/>72:11</p> <p><b>pull</b> 16:1 41:3<br/>106:12</p> <p><b>pulled</b> 112:23<br/>191:1 202:13<br/>269:7</p> <p><b>purchase</b> 13:8<br/>54:9,19,20 59:11<br/>61:18 73:24 85:19<br/>92:21 163:11<br/>164:13 192:6<br/>197:13 205:1<br/>245:19</p> <p><b>purchased</b><br/>12:13 56:19 95:22<br/>137:7,17 263:14,<br/>18</p> <p><b>purchases</b> 33:6<br/>44:18 47:1 67:17<br/>68:24 92:14,19<br/>120:12,15,17<br/>153:5,9,10 168:15<br/>170:5,8,11,20<br/>178:1,12 215:15<br/>236:21 242:15<br/>244:19 245:11,25<br/>246:3,5</p> <p><b>purchasing</b><br/>61:13 62:1 73:14<br/>85:20</p> <p><b>purely</b> 111:17</p> <p><b>purporting</b><br/>155:24</p> <p><b>purpose</b> 20:11<br/>85:14 186:22<br/>251:25</p> | <p><b>purposes</b> 87:5<br/>111:16 162:21<br/>169:10 185:23<br/>186:19 199:24</p> <p><b>pursuant</b> 6:12,<br/>19</p> <p><b>put</b> 6:11,19 13:4,<br/>11 14:3 27:25<br/>37:17 40:3,15<br/>42:3,20 51:3 75:3<br/>76:9,24 91:15,25<br/>99:7 108:3,4<br/>119:23 151:21<br/>152:12 153:4<br/>169:9 171:4,16,17<br/>198:3 212:13<br/>220:14 229:11,13<br/>233:3 235:6,9<br/>237:14,20,24<br/>238:14 249:18,20,<br/>24 252:10 257:25<br/>258:2,5 267:12</p> <p><b>putting</b> 249:11,<br/>13 251:16</p> <hr/> <p><b>Q</b></p> <hr/> <p><b>Qiang</b> 170:21</p> <p><b>quarterly</b><br/>201:18</p> <p><b>question</b> 9:23<br/>19:13 28:6 29:21<br/>48:19 53:2 54:21<br/>86:12 91:17<br/>119:21 127:18<br/>140:11 142:17<br/>143:17 155:3,19<br/>159:8 164:1,22<br/>166:11 183:3,23<br/>188:8,13 193:2<br/>220:9 223:18<br/>224:10 254:11</p> <p><b>questioning</b><br/>94:12</p> <p><b>questions</b><br/>84:20 89:11<br/>185:18 186:14,16,<br/>20 187:5,24 271:6</p> <p><b>quick</b> 39:24</p> <p><b>Quickbooks</b></p> | <p>15:21,23 44:23<br/>45:3 143:21 200:1<br/>201:19 202:6<br/>204:2 209:9<br/>213:23 219:14<br/>246:24</p> <p><b>Quik</b> 194:6,8<br/>218:10</p> <p><b>quit</b> 71:13</p> <p><b>quote</b> 262:21,23</p> <p><b>quotes</b> 148:12</p> <hr/> <p><b>R</b></p> <hr/> <p><b>R-a-f-a-t</b> 263:8</p> <p><b>R-e-z-e-l</b> 35:6</p> <p><b>R/f</b> 185:16 187:19<br/>188:3</p> <p><b>Rafat</b> 263:8,16</p> <p><b>Ram</b> 106:2<br/>110:11,21 111:7</p> <p><b>range</b> 86:6 144:6<br/>239:12</p> <p><b>rate</b> 17:15 53:15,<br/>19,21 54:2 93:14</p> <p><b>Razel</b> 35:6</p> <p><b>RBC</b> 54:25</p> <p><b>re-invented</b><br/>37:24</p> <p><b>re-payback</b><br/>162:12</p> <p><b>reached</b> 69:7</p> <p><b>read</b> 22:21 77:24<br/>101:19 157:2,11,<br/>12 265:1,3,4,6,9,<br/>12,13,15</p> <p><b>readily</b> 48:21,23</p> <p><b>reading</b> 216:25<br/>248:1</p> <p><b>ready</b> 198:8<br/>203:5</p> <p><b>real</b> 13:17 70:11<br/>188:21</p> | <p><b>realized</b> 76:23</p> <p><b>reason</b> 17:20<br/>33:4 47:25 49:21<br/>64:16 83:24<br/>151:19 181:25<br/>216:17 250:12<br/>251:22</p> <p><b>reasonable</b><br/>159:21,25 165:24</p> <p><b>reasons</b> 38:11<br/>124:1 137:19</p> <p><b>reburshiment</b><br/>198:10</p> <p><b>recall</b> 18:4,16<br/>19:20 24:9,16<br/>25:6 26:1 27:12<br/>28:14 32:1,24<br/>54:18 55:5,7,9<br/>56:16 63:7,15,18<br/>65:23 89:5,9,11,<br/>15 94:7 97:10<br/>99:5 101:5,7<br/>109:18 114:16<br/>123:8 124:9,19<br/>127:21 130:13<br/>134:15,20 144:7<br/>146:4,9,12,19<br/>147:15 157:13,20<br/>158:17,22 159:13<br/>160:3,4 162:17<br/>164:19 170:2<br/>176:6 177:1<br/>181:11 196:7<br/>201:12 204:19<br/>218:15 223:11,13<br/>224:9 241:7<br/>242:11 247:11<br/>249:19 251:3,9,<br/>18,25 252:12<br/>254:5,21 256:24<br/>260:3 265:8 267:1</p> <p><b>receipts</b> 216:9</p> <p><b>receivable</b><br/>15:25 31:24 32:11<br/>33:8,15 202:11<br/>204:21 205:4,7<br/>209:4,15,18<br/>212:12 214:22<br/>219:21,24</p> <p><b>receivables</b><br/>16:5 212:6</p> | <p><b>receive</b> 83:9<br/>86:17 199:19<br/>217:12 249:10<br/>251:15</p> <p><b>received</b> 13:23<br/>86:16 88:3 89:16,<br/>18 100:5,6 137:1<br/>140:3 144:3<br/>151:24 196:11<br/>200:21 212:13<br/>231:11</p> <p><b>receiver</b> 22:14<br/>85:5 95:1 107:13,<br/>20 148:19,24<br/>210:14 211:4<br/>219:23 221:5<br/>231:2 254:9<br/>266:10 270:5</p> <p><b>receiver's</b> 85:5</p> <p><b>receivership</b><br/>107:3,6 108:16<br/>109:14,18 248:11,<br/>22 264:10,13,16,<br/>20,21</p> <p><b>receiving</b> 14:1<br/>212:7</p> <p><b>recently</b> 25:23<br/>113:20 177:15<br/>224:24</p> <p><b>Recess</b> 84:12<br/>162:1 220:24<br/>263:4</p> <p><b>recharge</b><br/>244:18</p> <p><b>reciting</b> 6:21</p> <p><b>recognize</b><br/>101:21 130:24,25<br/>131:1 258:15</p> <p><b>recollect</b> 110:14</p> <p><b>recollection</b><br/>221:7 239:11</p> <p><b>recommendati<br/>on</b> 124:23 133:24</p> <p><b>recommended</b><br/>123:14</p> <p><b>reconcile</b><br/>116:18 121:1,5</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                         |                                                                                                                           |                                                           |                                                       |                                                                        |
|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-------------------------------------------------------|------------------------------------------------------------------------|
| <b>reconciled</b><br>90:15 243:25                                                       | <b>related</b> 20:5,21<br>21:5 69:12 182:11<br>190:13 199:12<br>215:21 216:22<br>221:17 233:10<br>255:17 263:22<br>268:9  | 205:21 206:3<br>221:14,15 223:24<br>240:5 270:4           | <b>respect</b> 31:23<br>52:9 64:19 65:13<br>67:16     | 151:22,24                                                              |
| <b>record</b> 6:4,11<br>22:11,16 64:24<br>65:20 132:25<br>243:23 260:20<br>262:21 270:7 | <b>records</b> 15:14,<br>17 16:17,23 65:3,<br>4,7 89:6 92:5<br>93:20 122:2 124:3<br>166:15 172:16,21<br>173:3 175:2 177:2 | <b>report's</b> 205:25                                    | <b>respond</b> 159:9                                  | <b>returns</b> 90:6,21,<br>22 167:13,14<br>237:24                      |
| <b>recreational</b><br>104:6,17 149:7<br>150:8,25 151:1                                 | <b>relationship</b><br>9:12,14 31:4<br>50:25 51:12 52:9<br>54:11 67:16 69:12<br>107:10 126:12<br>200:16                   | <b>reported</b> 201:13                                    | <b>responding</b><br>213:4                            | <b>revenue</b> 215:9                                                   |
| <b>red</b> 263:12                                                                       | <b>relationship-</b><br><b>driven</b> 126:11                                                                              | <b>reporter</b> 114:23                                    | <b>responsibility</b><br>116:11                       | <b>review</b> 33:11,14<br>185:5 206:16,18<br>207:23 208:4,15,<br>22    |
| <b>refer</b> 78:25 96:3<br>269:19,23                                                    | <b>release</b> 194:19                                                                                                     | <b>reporting</b> 16:1<br>201:13,14,15                     | <b>responsive</b><br>143:17 220:8                     | <b>reviewed</b><br>211:18                                              |
| <b>referring</b> 36:6<br>164:23 167:3<br>212:20 240:20<br>259:8                         | <b>released</b> 45:13,<br>24 115:16                                                                                       | <b>reports</b> 31:21<br>32:2,4,17 206:16                  | <b>rest</b> 129:21,24<br>164:17                       | <b>revolving</b> 65:19<br>81:13 130:16<br>140:8 142:22<br>147:4 153:22 |
| <b>refreshed</b> 50:2                                                                   | <b>relied</b> 33:22<br>242:4                                                                                              | <b>repossess</b><br>108:19 109:19                         | <b>restaurants</b><br>73:14                           | <b>reworked</b> 42:21                                                  |
| <b>refurbish</b> 39:21                                                                  | <b>remember</b> 17:5<br>18:6 22:24,25<br>28:19 88:2 101:8<br>134:2 158:23,24<br>189:21 204:3<br>208:12 222:17<br>248:3    | <b>repossession</b><br>109:2                              | <b>restricted</b> 44:11                               | <b>rid</b> 111:4 148:22<br>239:22                                      |
| <b>Refurbished</b><br>39:16                                                             | <b>remotely</b> 45:8                                                                                                      | <b>represent</b> 194:3                                    | <b>restriction</b><br>192:18                          | <b>Ridge</b> 222:16                                                    |
| <b>Refurbisher</b><br>172:6                                                             | <b>remove</b> 41:8                                                                                                        | <b>representation</b><br>135:15                           | <b>restrictions</b><br>151:20 152:12                  | <b>rights</b> 6:14 161:1<br>265:19                                     |
| <b>refurbishing</b><br>39:18 197:6<br>198:11                                            | <b>removed</b> 154:19<br>155:6                                                                                            | <b>representative</b><br>s 127:15                         | <b>result</b> 215:6                                   | <b>ripping</b> 134:20                                                  |
| <b>refusing</b> 252:9                                                                   | <b>removing</b> 41:21                                                                                                     | <b>represented</b><br>143:25 145:8,11<br>182:2,11         | <b>resuming</b> 84:13<br>162:2 220:25<br>263:5        | <b>RLC</b> 143:15                                                      |
| <b>registered</b> 36:9,<br>11 52:8 189:17                                               | <b>rendered</b> 21:17                                                                                                     | <b>represents</b><br>199:3                                | <b>retail</b> 171:15<br>197:21 198:6                  | <b>road</b> 222:16<br>250:19                                           |
| <b>regular</b> 50:10                                                                    | <b>rental</b> 149:7                                                                                                       | <b>requested</b><br>27:21 69:15<br>141:12 171:6<br>265:14 | <b>retailer</b> 198:4                                 | <b>Robertson</b><br>145:12 146:25<br>153:19 212:23<br>213:4            |
| <b>regularly</b> 92:9                                                                   | <b>repaid</b> 141:4                                                                                                       | <b>required</b> 29:11<br>171:16 203:7                     | <b>retailers</b> 197:23                               | <b>rocket</b> 39:22                                                    |
| <b>regulations</b><br>192:1                                                             | <b>repairs</b> 105:22                                                                                                     | <b>requirements</b><br>40:16 43:9                         | <b>retain</b> 212:22                                  | <b>Rogers</b> 243:1,3                                                  |
| <b>reimburse</b><br>119:22 235:15                                                       | <b>repay</b> 174:14                                                                                                       | <b>reseller</b> 70:23                                     | <b>retained</b> 182:5<br>187:8                        | <b>role</b> 208:17                                                     |
| <b>reimbursed</b><br>233:5                                                              | <b>repayment</b><br>169:22                                                                                                | <b>reserving</b> 6:14                                     | <b>retainer</b> 185:25<br>187:10,11,16,22,<br>24      | <b>roles</b> 37:8,11                                                   |
| <b>reinventing</b><br>148:12                                                            | <b>repeat</b> 155:18                                                                                                      | <b>reside</b> 8:5                                         | <b>retook</b> 106:21                                  | <b>Ron</b> 175:19                                                      |
|                                                                                         | <b>replace</b> 41:7,8                                                                                                     | <b>residence</b> 29:4,<br>5 79:20                         | <b>retrieve</b> 19:22                                 | <b>Rosemary</b><br>12:19,21                                            |
|                                                                                         | <b>report</b> 22:13,17,<br>21 181:12 189:19                                                                               | <b>residing</b> 226:16                                    | <b>retrieved</b> 20:8                                 | <b>roughly</b> 210:2<br>237:2                                          |
|                                                                                         |                                                                                                                           | <b>residual</b> 127:6<br>204:5,6                          | <b>retrieving</b> 20:12                               | <b>round</b> 136:3<br>171:22                                           |
|                                                                                         |                                                                                                                           | <b>resold</b> 115:16                                      | <b>return</b> 169:11<br>210:7 230:8                   | <b>Royal</b> 20:22<br>21:14 23:2 24:2<br>25:12,14                      |
|                                                                                         |                                                                                                                           | <b>resolution</b><br>161:4                                | <b>returned</b> 95:5<br>101:2,4 148:6<br>233:1 237:10 |                                                                        |
|                                                                                         |                                                                                                                           |                                                           | <b>returning</b>                                      |                                                                        |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <b>RRSP</b> 233:12<br>234:11<br><b>RRSPS</b> 233:13<br>237:8<br><b>RSP</b> 234:6<br>242:17<br><b>RSPS</b> 229:5<br>233:3 235:12,16<br>238:9,24<br><b>rules</b> 191:25<br><b>rumblings</b><br>189:24<br><b>run</b> 100:21 245:6,<br>7,10,12<br><b>running</b> 65:13<br>66:6 98:5 153:14<br>154:15,17 156:7<br>158:4 163:10<br><b>RV</b> 96:9 99:20<br>111:14 151:11<br><b>RV-ING</b> 99:14<br><b>RVS</b> 151:2<br><hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <b>S-a-m</b> 35:1<br><b>S-a-m-a-t-a-r-o</b><br>45:22<br><b>S-a-m-m-s</b><br>34:23<br><b>S-u-n-t-e-r-r-e</b><br>61:11<br><b>saddles</b> 240:3<br><b>salaries</b> 89:19<br>147:20 167:15,25<br>168:9 236:24<br><b>salary</b> 13:23<br>14:1 88:12,20,25<br>89:3,20 91:9<br>270:16<br><b>salary/<br/>dividends</b><br>13:24<br><b>sale</b> 24:16 91:14<br>192:11,21 198:4 | 203:5 253:8<br><b>saleable</b> 48:21<br><b>Salem</b> 95:12<br>125:2 127:12<br>128:1,14,19<br>129:11 130:2,20,<br>23 131:3,12,23<br>143:18 152:8,21<br>153:8,14 155:25<br>156:4 159:12<br>183:25 185:22<br>186:8,16,18,23<br>188:10,16 189:22<br>190:10,20 215:2,<br>13 217:8 218:4,17<br>219:9 229:17<br>247:17 259:13<br><b>Salem's</b> 129:14<br><b>sales</b> 16:5,10<br>67:17 71:12,19,20<br>153:16 210:22<br>212:15 215:6,16<br>250:22<br><b>Salsberg</b> 23:5<br><b>Samataro</b> 45:18<br>47:11 49:3,22<br>50:19 62:14,19,23<br>63:3<br><b>Samataro's</b><br>48:16<br><b>Samms</b> 34:23<br><b>sample</b> 190:13,<br>25 199:11 240:12<br><b>samples</b> 174:3<br><b>Santiago</b> 35:7<br><b>satisfy</b> 33:18<br><b>savable</b> 235:5<br><b>Savana</b> 112:9<br><b>save</b> 101:2<br>253:12<br><b>scale</b> 47:19<br><b>schedule</b> 94:21<br>148:24,25<br><b>scheme</b> 21:1,5,<br>11 25:5 | <b>school</b> 10:7,9,<br>12,16 11:1 71:7<br>72:12 198:1<br><b>science</b> 39:22<br><b>Scotia</b> 83:7,10,<br>18 84:2,4 124:15<br>138:21<br><b>Scotiabank</b><br>56:14,17 57:3<br><b>Scott</b> 34:8<br>134:10<br><b>scratch</b> 47:25<br>48:1<br><b>sec</b> 22:10<br><b>secure</b> 154:22<br><b>security</b> 31:9,11<br>237:14<br><b>seek</b> 70:8<br><b>seeking</b> 107:20<br>145:25<br><b>seg</b> 234:12,15<br><b>seized</b> 185:6<br><b>self-<br/>explanatory</b><br>183:19,21<br><b>self-sufficient</b><br>96:9<br><b>self-taught</b><br>39:9<br><b>Selkirk</b> 174:22,<br>23<br><b>sell</b> 41:3,4,12<br>47:14 48:2 50:9<br>60:1,5,13 64:4,6<br>67:4 92:15,22<br>127:5 171:9<br>192:2,19 198:1,4,<br>5 203:5,23 204:10<br>231:24 232:17<br>251:14 253:11,16<br><b>sellable</b> 48:1,23<br><b>sellers</b> 43:3<br><b>selling</b> 41:1 42:9<br>59:17 60:2 62:3<br>63:22 64:11 74:22 | 91:18 152:20<br>171:15 192:13,14<br>197:20,21,23,24<br>198:17,18 200:5<br>251:11 253:15<br><b>send</b> 63:4,5,14<br>113:16,23 132:2<br>135:3 177:14,19<br>193:16 217:20<br><b>sending</b> 114:4<br>130:2 131:6<br>132:2,4 133:7<br>135:5 139:25<br>152:8,20 215:5<br>244:17 245:3<br>248:3 271:5<br><b>sense</b> 6:22<br>119:20<br><b>Seon</b> 182:13<br><b>separate</b> 8:14<br>84:3 96:18 173:6<br><b>separated</b> 7:18,<br>21 8:5 9:19,22<br>10:5 78:2 79:10,<br>13 105:15 169:4<br>197:1<br><b>separately</b><br>96:21<br><b>separating</b><br>125:5<br><b>separation</b> 8:10<br>75:18 81:25 82:2<br>140:5 145:3<br><b>September</b><br>7:24 19:12 22:19<br>49:7,8,13 52:18,<br>21 82:23<br><b>sequence</b><br>128:24 190:19<br><b>series</b> 258:12<br><b>served</b> 23:6<br>249:6<br><b>server</b> 16:24<br><b>server-type</b><br>126:21<br><b>service</b> 13:1<br>52:24 | <b>services</b> 15:8<br>18:8 21:17 43:15<br>97:12 187:17<br>188:2,11<br><b>set</b> 21:16 30:13<br>158:25<br><b>Sets</b> 160:16<br><b>settings</b> 42:4<br><b>settle</b> 54:24<br><b>settled</b> 23:4,11<br><b>settlement</b><br>23:13 24:2,4<br><b>share</b> 156:20,21<br>157:6,7 160:6,19<br>252:16<br><b>shareholder</b><br>147:21<br><b>shareholders</b><br>11:15 95:14<br>149:10<br><b>shavings</b> 29:11<br>30:4 37:12<br><b>she'd</b> 79:17,19,<br>25 252:8<br><b>she'll</b> 12:9<br><b>sheer</b> 171:13<br><b>sheet</b> 210:13<br>211:6<br><b>ship</b> 43:7 191:17,<br>24<br><b>shipment</b> 40:6<br>42:14 190:13<br>191:22 194:24<br>196:9 197:7<br>199:12,19 200:4<br>205:2 233:2<br><b>shipments</b><br>194:11 196:6<br>197:8,10 199:2<br>204:23 215:22<br>216:22<br><b>shipped</b> 41:18<br>137:14 190:20<br>191:15 193:7,8,9,<br>10 196:8 219:9 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                          |                                                                                                                                                                                                         |                                                                                                                                                                                              |                                                                         |                                                                                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Shipper's</b> 195:9                                                                                                                                                   | <b>sigh</b> 255:1                                                                                                                                                                                       | <b>situation</b> 23:21<br>136:9 184:1,4,5<br>213:15 264:19,20                                                                                                                                | <b>son's</b> 113:6,7<br>261:8                                           | <b>spreadsheet</b><br>65:22 127:11<br>130:17 200:8<br>201:20 202:5                                                                                                                                                    |
| <b>shipping</b> 140:1<br>143:19 148:12<br>190:24                                                                                                                         | <b>sign</b> 33:16 81:11,<br>13 141:11,12,22<br>142:25 144:10<br>145:18,25 147:4<br>214:7 247:8<br>252:15,22                                                                                             | <b>size</b> 30:12 270:1                                                                                                                                                                      | <b>sort</b> 121:6 246:20                                                | <b>spreadsheets</b><br>202:2                                                                                                                                                                                          |
| <b>shop</b> 105:8,17,<br>18,21                                                                                                                                           | <b>signature</b><br>129:17 195:6,8,20                                                                                                                                                                   | <b>Skyline</b> 170:16,<br>20,22,24                                                                                                                                                           | <b>sorts</b> 13:5                                                       | <b>spring</b> 79:23                                                                                                                                                                                                   |
| <b>Shoppers</b><br>243:16                                                                                                                                                | <b>signatures</b><br>216:3                                                                                                                                                                              | <b>sleeping</b> 8:16                                                                                                                                                                         | <b>sounds</b> 146:7                                                     | <b>stacker</b> 117:13<br>253:1,8                                                                                                                                                                                      |
| <b>short</b> 137:4<br>138:18 140:2<br>220:7,21                                                                                                                           | <b>signed</b> 33:23<br>52:21 57:12 68:2<br>76:7 129:11<br>140:8,15 141:9<br>142:22 143:11,15,<br>18 146:5,8,13<br>158:5,8 160:2<br>161:7,16 194:13,<br>16,18 195:1,10<br>196:10 215:4<br>219:4 252:9,24 | <b>slept</b> 8:13                                                                                                                                                                            | <b>source</b> 58:15<br>90:13 122:4<br>167:5,10                          | <b>staff</b> 16:9,10<br>29:9,12,24 30:13,<br>20 122:8,11<br>148:11 195:20,22,<br>24 196:10                                                                                                                            |
| <b>short-term</b><br>54:13                                                                                                                                               | <b>significant</b><br>137:24                                                                                                                                                                            | <b>Slow</b> 40:20 78:25<br>159:7                                                                                                                                                             | <b>speaking</b> 191:7                                                   | <b>stairs</b> 222:6                                                                                                                                                                                                   |
| <b>short-time</b> 54:8                                                                                                                                                   | <b>significantly</b><br>141:2                                                                                                                                                                           | <b>slowed</b> 38:16                                                                                                                                                                          | <b>speaks</b> 186:5                                                     | <b>standard</b><br>217:22                                                                                                                                                                                             |
| <b>shortage</b> 70:11                                                                                                                                                    | <b>signing</b> 141:15<br>143:8,15 157:10<br>251:24                                                                                                                                                      | <b>slower</b> 210:17                                                                                                                                                                         | <b>special</b> 99:19                                                    | <b>start</b> 9:5 16:7<br>36:18 51:6 61:13<br>63:21 94:14 127:3<br>176:17,20 179:25<br>189:10 231:21<br>245:2                                                                                                          |
| <b>shorter</b> 143:6                                                                                                                                                     | <b>Silicone</b> 173:2<br>216:10                                                                                                                                                                         | <b>small</b> 44:9 58:18<br>147:6 169:11<br>179:11 198:17<br>215:21 216:21                                                                                                                    | <b>specialists</b><br>39:8                                              | <b>started</b> 10:23<br>11:12 13:14,15<br>17:8 26:25 31:3<br>36:15 37:22,25<br>38:14,19 62:5<br>63:22 69:18 72:9<br>73:13 81:24 82:23<br>98:12 99:14<br>102:13 113:21<br>125:6 143:6<br>165:13 174:12<br>210:24 250:7 |
| <b>shortly</b> 154:18                                                                                                                                                    | <b>similar</b> 184:4<br>250:16                                                                                                                                                                          | <b>smaller</b> 47:19<br>98:14 111:14<br>198:21                                                                                                                                               | <b>specialized</b><br>222:14                                            | <b>starting</b> 34:5<br>56:18 69:17                                                                                                                                                                                   |
| <b>show</b> 19:2 22:17<br>110:15 123:9<br>127:19 130:22<br>132:19 133:11<br>158:21 184:21<br>190:12 194:2<br>196:13 237:17<br>239:19 247:5,24<br>258:12 259:19<br>262:20 | <b>simple</b> 127:11                                                                                                                                                                                    | <b>smart</b> 148:2                                                                                                                                                                           | <b>specific</b> 39:13<br>130:25                                         | <b>state</b> 198:8                                                                                                                                                                                                    |
| <b>showed</b> 216:1<br>219:3                                                                                                                                             | <b>single</b> 77:13<br>110:5 133:4                                                                                                                                                                      | <b>smooth</b> 49:25                                                                                                                                                                          | <b>specifically</b><br>6:14 28:4 78:13<br>109:17 162:18<br>195:2 215:16 | <b>statement</b> 23:7<br>25:6 87:20 105:4<br>113:18 167:4<br>188:6 199:23<br>215:8 223:22<br>224:3 227:11<br>229:4 259:20<br>260:6,22                                                                                 |
| <b>showing</b> 94:20<br>191:21 194:11<br>195:6 199:15<br>227:5,8 263:21                                                                                                  | <b>sister</b> 7:10<br>56:22,24,25                                                                                                                                                                       | <b>snub</b> 213:20                                                                                                                                                                           | <b>specs</b> 37:18<br>41:2                                              | <b>statements</b><br>33:8,12,14 110:17<br>116:12,14 119:5,<br>14 121:3 122:1,5                                                                                                                                        |
| <b>shown</b> 33:16                                                                                                                                                       | <b>sister's</b> 57:4<br>169:2                                                                                                                                                                           | <b>so-called</b><br>155:16 168:8                                                                                                                                                             | <b>speculate</b> 75:16                                                  |                                                                                                                                                                                                                       |
| <b>shows</b> 19:6 96:6<br>97:3 99:17 106:11<br>111:16 180:19<br>181:12 195:14,17<br>233:13 259:23<br>270:7                                                               | <b>sisters</b> 57:9 79:4<br>80:12                                                                                                                                                                       | <b>software</b> 39:10<br>40:3 171:5,11,12,<br>16,17 198:3                                                                                                                                    | <b>speculating</b><br>49:24 210:7                                       |                                                                                                                                                                                                                       |
| <b>shut</b> 65:1 174:16                                                                                                                                                  | <b>site</b> 59:22,23                                                                                                                                                                                    | <b>software</b> 39:10<br>40:3 171:5,11,12,<br>16,17 198:3                                                                                                                                    | <b>speculation</b><br>10:4                                              |                                                                                                                                                                                                                       |
| <b>sibling</b> 7:9                                                                                                                                                       | <b>sites</b> 60:1                                                                                                                                                                                       | <b>sold</b> 39:15,16<br>41:11 42:17,19,23<br>59:19 61:20 95:4<br>101:1 111:3<br>114:18 151:12<br>154:3,7 171:12<br>204:4 219:11,12,<br>15,18,20 220:10,<br>13 240:4 253:9,17<br>254:7 256:13 | <b>speed</b> 40:19                                                      |                                                                                                                                                                                                                       |
| <b>sic</b> 34:20 35:7<br>49:19 61:11<br>163:20 171:2<br>212:18 259:11                                                                                                    | <b>sitting</b> 134:13<br>173:18                                                                                                                                                                         | <b>solicit</b> 218:10                                                                                                                                                                        | <b>speeds</b> 41:9                                                      |                                                                                                                                                                                                                       |
|                                                                                                                                                                          |                                                                                                                                                                                                         | <b>solidified</b><br>189:25                                                                                                                                                                  | <b>spell</b> 34:9,17<br>45:19 49:18 57:6<br>61:8,10,25 114:22           |                                                                                                                                                                                                                       |
|                                                                                                                                                                          |                                                                                                                                                                                                         | <b>Solutions</b> 36:23<br>67:1,3                                                                                                                                                             | <b>spelling</b> 72:6                                                    |                                                                                                                                                                                                                       |
|                                                                                                                                                                          |                                                                                                                                                                                                         | <b>something-</b><br><b>internet</b> 59:24                                                                                                                                                   | <b>spend</b> 9:7 79:8<br>239:9                                          |                                                                                                                                                                                                                       |
|                                                                                                                                                                          |                                                                                                                                                                                                         | <b>son</b> 113:16 114:4                                                                                                                                                                      | <b>spending</b> 78:6<br>213:3                                           |                                                                                                                                                                                                                       |
|                                                                                                                                                                          |                                                                                                                                                                                                         |                                                                                                                                                                                              | <b>spent</b> 9:22 213:7                                                 |                                                                                                                                                                                                                       |
|                                                                                                                                                                          |                                                                                                                                                                                                         |                                                                                                                                                                                              | <b>split</b> 113:14<br>126:15 254:20<br>257:7                           |                                                                                                                                                                                                                       |
|                                                                                                                                                                          |                                                                                                                                                                                                         |                                                                                                                                                                                              | <b>spoke</b> 249:16                                                     |                                                                                                                                                                                                                       |

|                                                                                                                                         |                                                                                   |                                                                                                    |                                                                                                             |                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 200:10,14,17,19,<br>23 207:24 208:5,<br>15,23,25 209:7<br>211:17,21,23<br>240:13 244:9<br>246:23 260:18<br>261:18 262:21,23<br>270:6,21 | <b>stuff</b> 32:17 42:14<br>88:18 117:12<br>180:13,16 202:16<br>205:8 232:5 246:6 | <b>supplier</b> 58:12,<br>16,21 141:20,25<br>142:5 191:10                                          | <b>T4s</b> 82:10 87:2<br>88:15,19                                                                           | <b>telling</b> 33:20<br>89:16 107:7<br>135:17 137:12<br>151:18 238:11,13<br>249:15                                                                                                      |
| <b>states</b> 155:12                                                                                                                    | <b>Stupart</b> 17:4<br>19:16,23                                                   | <b>supplier's</b><br>191:11                                                                        | <b>T5</b> 89:16                                                                                             | <b>ten</b> 43:10 91:1,2<br>94:18 148:15,20<br>237:20 238:1<br>265:24                                                                                                                    |
| <b>stations</b> 39:1,3<br>47:16 48:8,10,13,<br>17 64:2                                                                                  | <b>Stupart's</b> 17:20                                                            | <b>suppliers</b> 50:10<br>62:8 142:6,8<br>191:14 203:17,20<br>214:24 215:5,19<br>242:16            | <b>T5s</b> 82:11 87:3<br>88:16                                                                              | <b>ten-plus-year</b><br>50:25                                                                                                                                                           |
| <b>stay</b> 235:11                                                                                                                      | <b>subject</b> 84:22                                                              | <b>supply</b> 70:17<br>125:10 142:15<br>215:2 249:25                                               | <b>Tab</b> 22:17 162:4<br>206:11 240:5<br>260:21 270:5                                                      | <b>ten-year</b> 89:3<br>107:9 237:4,10<br>270:25                                                                                                                                        |
| <b>step</b> 85:5 164:25                                                                                                                 | <b>submit</b> 269:9                                                               | <b>supplying</b><br>69:18 125:7 127:3<br>143:10                                                    | <b>tactic</b> 251:21                                                                                        | <b>Tennessee</b><br>81:10 124:25<br>141:17                                                                                                                                              |
| <b>steps</b> 190:19<br>264:22                                                                                                           | <b>subscribe</b><br>59:25 60:1                                                    | <b>support</b> 33:9<br>147:17                                                                      | <b>takes</b> 17:17<br>192:15                                                                                | <b>tension</b> 78:16                                                                                                                                                                    |
| <b>Stern</b> 145:9<br>147:1,2 153:19<br>159:3,5 182:3                                                                                   | <b>subsequent</b><br>6:17                                                         | <b>supported</b><br>190:7                                                                          | <b>taking</b> 19:7 49:4<br>91:13 200:6 232:9<br>236:5 264:22                                                | <b>tenth</b> 165:4                                                                                                                                                                      |
| <b>Steve</b> 182:13                                                                                                                     | <b>subsequently</b><br>250:19                                                     | <b>supporting</b><br>190:1 259:3                                                                   | <b>talk</b> 25:22 84:15<br>141:14 151:15<br>168:10,12 239:15<br>258:9                                       | <b>Teodorescu</b><br>128:1                                                                                                                                                              |
| <b>Steven</b> 182:13                                                                                                                    | <b>substantial</b><br>13:4 44:18 64:9                                             | <b>supposed</b><br>17:12,13 54:8<br>69:5 119:19 232:5                                              | <b>talked</b> 46:17<br>50:20 63:19<br>158:15 238:21<br>250:5,14                                             | <b>term</b> 242:3                                                                                                                                                                       |
| <b>stick</b> 155:3                                                                                                                      | <b>sued</b> 23:1,4,9,19<br>25:11                                                  | <b>supposedly</b><br>186:9                                                                         | <b>talking</b> 18:3<br>26:13 28:3 82:7,<br>21 92:8 94:22<br>131:22 151:9<br>168:2 200:15<br>238:19,23 259:2 | <b>terms</b> 31:18<br>33:23 51:15 145:3<br>159:22 160:1<br>161:12 198:25<br>199:18 204:13<br>221:22                                                                                     |
| <b>stick-handle</b><br>184:1                                                                                                            | <b>suggest</b> 22:18<br>138:22                                                    | <b>surreport</b><br>148:25                                                                         | <b>tally</b> 65:13 66:6                                                                                     | <b>test</b> 37:17                                                                                                                                                                       |
| <b>Stinson</b> 9:3,12<br>255:23 256:1,6                                                                                                 | <b>suggested</b><br>138:2 222:21<br>250:15                                        | <b>SUV</b> 85:9                                                                                    | <b>tax</b> 89:3 90:6,13,<br>17,18,21,22<br>167:13,14                                                        | <b>text</b> 230:12                                                                                                                                                                      |
| <b>stop</b> 76:9 182:18                                                                                                                 | <b>suggesting</b><br>190:6                                                        | <b>switch</b> 56:15                                                                                | <b>taxes</b> 90:2                                                                                           | <b>thing</b> 8:12 42:25<br>52:11 55:15<br>67:11,19 70:24<br>103:7 109:22<br>126:18 133:21<br>141:11 172:5,12<br>198:15 205:14<br>227:18 230:24<br>238:20 243:6<br>257:16,17,19<br>265:2 |
| <b>stopped</b> 143:14<br>215:5                                                                                                          | <b>suggestion</b><br>250:25                                                       | <b>switching</b> 42:6                                                                              | <b>TD</b> 74:7 151:17<br>152:1,2,7,10<br>220:14,16 260:2                                                    | <b>things</b> 42:23<br>49:25 62:25<br>109:16 125:24<br>145:5 170:14<br>172:4 179:9 181:8<br>197:1 211:10<br>213:10                                                                      |
| <b>store</b> 171:11                                                                                                                     | <b>suggests</b><br>235:23                                                         | <b>sworn</b> 6:2,7                                                                                 | <b>technical</b> 39:8,<br>20                                                                                |                                                                                                                                                                                         |
| <b>story</b> 233:7                                                                                                                      | <b>summarizing</b><br>49:2                                                        | <b>system</b> 17:15<br>92:20 199:25<br>201:23,24 202:14<br>205:6 209:9<br>211:14 212:14<br>214:8,9 | <b>technically</b><br>41:22                                                                                 |                                                                                                                                                                                         |
| <b>straight</b> 152:8<br>193:13 197:16                                                                                                  | <b>summary</b> 91:2<br>270:25                                                     | <b>systems</b> 185:14<br>235:18                                                                    | <b>technician</b> 13:2                                                                                      |                                                                                                                                                                                         |
| <b>strategy</b> 187:1                                                                                                                   | <b>summer</b> 79:9,20<br>105:12,16 210:18                                         | <b>sytem</b> 15:20                                                                                 | <b>Technologies</b><br>18:13 59:9 69:18<br>73:25 100:6<br>215:16                                            |                                                                                                                                                                                         |
| <b>street</b> 66:17                                                                                                                     | <b>sums</b> 64:9                                                                  | <b>T</b>                                                                                           | <b>Technology</b><br>170:16                                                                                 |                                                                                                                                                                                         |
| <b>strictly</b> 51:9<br>74:21 112:10,17                                                                                                 | <b>Sunderland</b><br>223:8                                                        |                                                                                                    |                                                                                                             |                                                                                                                                                                                         |
| <b>strip</b> 37:16 41:12<br>134:16                                                                                                      | <b>Sunterra</b> 59:8<br>61:7,19,23 62:2,<br>10                                    |                                                                                                    |                                                                                                             |                                                                                                                                                                                         |
| <b>stripped</b> 41:10<br>42:8                                                                                                           | <b>superiors</b> 27:21                                                            |                                                                                                    |                                                                                                             |                                                                                                                                                                                         |
| <b>strong</b> 126:13                                                                                                                    | <b>supplied</b> 215:18                                                            |                                                                                                    |                                                                                                             |                                                                                                                                                                                         |
| <b>stuck</b> 48:4                                                                                                                       |                                                                                   |                                                                                                    |                                                                                                             |                                                                                                                                                                                         |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>thinks</b> 193:12</p> <p><b>Thomas</b> 49:14,<br/>16 50:7 59:3 60:8,<br/>22,24</p> <p><b>Thornton</b> 45:1<br/>69:5 95:1 107:12<br/>185:6,8 220:19</p> <p><b>thought</b> 24:10<br/>35:19 60:11 73:16<br/>75:17,18 89:7<br/>109:22 123:21,25<br/>125:17 135:9<br/>147:22 201:10<br/>211:15 215:1<br/>235:4 260:23<br/>261:9,15</p> <p><b>thousand</b> 38:18<br/>42:19,20 43:11<br/>49:8 61:3 76:3<br/>88:5 151:8 240:2</p> <p><b>thousands</b><br/>136:22</p> <p><b>three-week</b><br/>136:11</p> <p><b>tick</b> 119:16</p> <p><b>till</b> 10:20 39:5<br/>108:3,5</p> <p><b>time</b> 8:8 9:22<br/>12:24,25 14:25<br/>17:2,23,25 20:1<br/>23:22 24:7 25:7<br/>26:8 28:2 29:1<br/>30:4,10 35:9<br/>42:14 43:6 44:6<br/>46:21 47:16 53:5,<br/>7 56:8 58:14<br/>63:16 71:22 72:15<br/>79:6 83:5 85:12,<br/>15,17 89:2 93:7<br/>100:8 105:7<br/>130:7,20 136:11,<br/>14,16 138:18<br/>140:8,15 141:9,21<br/>149:22 150:1,17<br/>151:11 161:21<br/>163:12,17 170:13<br/>173:12,22,24<br/>178:9 186:1,11<br/>189:20 191:23<br/>197:5 198:20<br/>202:21 203:3,4,10</p> | <p>204:22,23 205:12<br/>209:10,25 210:19<br/>213:7 229:8,20<br/>230:2 233:14<br/>236:19 238:17<br/>242:8 246:12<br/>261:15 266:13</p> <p><b>time-consuming</b><br/>42:2</p> <p><b>timely</b> 212:8</p> <p><b>times</b> 28:1 46:24<br/>51:1 53:12 61:21<br/>80:1 180:12</p> <p><b>title</b> 160:25<br/>189:17</p> <p><b>today</b> 38:10<br/>186:14 221:17<br/>268:19</p> <p><b>toilet</b> 242:16</p> <p><b>toilets</b> 30:15</p> <p><b>told</b> 20:15 23:18<br/>49:5,9,20 50:8<br/>69:7 78:17 87:22<br/>107:8,24 108:17<br/>109:15,16 115:6<br/>137:22 144:11<br/>145:20,22 152:19<br/>156:8,16 157:19,<br/>20 166:16 181:9<br/>192:24 202:19<br/>223:24 234:24<br/>251:20 256:5<br/>261:24 264:18<br/>265:6 266:14</p> <p><b>Tom's</b> 126:6</p> <p><b>top</b> 65:23 89:23<br/>99:5 101:5 122:24<br/>129:16 134:17<br/>159:14 211:13<br/>222:12 223:15<br/>224:18 263:9,24</p> <p><b>total</b> 67:1,3 68:1,<br/>2 115:24 123:15<br/>173:10 175:12,15<br/>176:4 238:16</p> <p><b>totally</b> 143:16<br/>164:20</p> | <p><b>touch</b> 25:20<br/>269:8</p> <p><b>touched</b> 41:5<br/>235:7</p> <p><b>tracked</b> 236:17,<br/>20</p> <p><b>trade</b> 36:17<br/>59:22,23 60:1</p> <p><b>traded</b> 103:1</p> <p><b>trades</b> 221:7,23,<br/>25</p> <p><b>trading</b> 96:2<br/>98:18</p> <p><b>trail</b> 66:19,21<br/>230:10</p> <p><b>trailer</b> 96:11,16,<br/>19 106:13,14<br/>112:15,16,23<br/>117:9,11,14<br/>253:1,9 254:3,7,<br/>19,22,23 255:3,17<br/>256:13</p> <p><b>trailers</b> 148:16<br/>150:6 253:2,19,20<br/>255:4</p> <p><b>trained</b> 239:20</p> <p><b>training</b> 39:13</p> <p><b>transaction</b><br/>94:1 130:12,15<br/>246:9</p> <p><b>transactions</b><br/>120:20,23 139:5<br/>152:11</p> <p><b>transcript</b> 77:24<br/>84:19</p> <p><b>transfer</b> 82:18<br/>227:2</p> <p><b>transferred</b><br/>139:6</p> <p><b>transparent</b><br/>152:4,7,9</p> <p><b>transpired</b><br/>135:16</p> <p><b>Trentadue</b><br/>168:19,20 169:7,<br/>18,24</p> | <p><b>triggered</b> 138:8,<br/>12</p> <p><b>trip</b> 63:4 78:19<br/>124:24 177:14,17,<br/>20</p> <p><b>trips</b> 63:6 181:23</p> <p><b>trouble</b> 75:11<br/>100:9 137:20</p> <p><b>truck</b> 96:19<br/>106:6 111:2<br/>112:23 193:17,20,<br/>22</p> <p><b>trucking</b> 191:3</p> <p><b>trucks</b> 30:3,4,16<br/>37:18 110:24</p> <p><b>true</b> 33:19 77:21<br/>110:10 111:9<br/>150:2 163:19<br/>166:22 226:7</p> <p><b>trust</b> 113:22<br/>128:1,20</p> <p><b>trustee</b> 69:1<br/>181:21 190:3<br/>227:11 228:20<br/>254:9 257:11,14<br/>259:6 261:19<br/>262:7,11</p> <p><b>tune</b> 237:25</p> <p><b>Turkey</b> 179:23<br/>180:4</p> <p><b>turn</b> 162:4 233:4<br/>238:24 270:5,7</p> <p><b>turnaround</b><br/>42:13 43:6 197:4<br/>203:4,10</p> <p><b>turned</b> 9:25<br/>219:21 267:6</p> <p><b>Turnermore</b><br/>206:16,21,25<br/>207:2,16,25<br/>208:1,6 211:18,22<br/>214:3</p> <p><b>turning</b> 54:10</p> <p><b>twin</b> 7:4 27:5</p> <p><b>two-</b> 136:11</p> | <p><b>two-off</b> 44:19</p> <p><b>two-week</b><br/>143:23</p> <p><b>Tylenol</b> 243:17</p> <p><b>type</b> 54:19 60:1<br/>70:14 126:20<br/>198:4</p> <p><b>typically</b> 87:24<br/>193:3</p> <hr/> <p><b>U</b></p> <hr/> <p><b>U.S.</b> 76:17,18,19,<br/>25 77:16 128:7,9<br/>140:14 148:8<br/>192:7,11,14 193:5<br/>239:12</p> <p><b>U/a</b> 188:12</p> <p><b>U/t</b> 55:24 89:12<br/>146:23 163:7<br/>181:15 187:11<br/>227:9</p> <p><b>unaware</b> 62:8<br/>264:24</p> <p><b>underfunded</b><br/>51:20,24</p> <p><b>understand</b><br/>7:12 9:2 12:12<br/>17:16 31:11 36:6<br/>50:1 57:14 58:1<br/>107:18 126:14<br/>213:25 236:7<br/>245:17 265:15</p> <p><b>understanding</b><br/>40:6 240:14<br/>265:17</p> <p><b>understood</b><br/>31:17 58:4</p> <p><b>unit</b> 98:14 106:19</p> <p><b>unload</b> 30:3,4<br/>37:15</p> <p><b>unloading</b><br/>29:10,11 30:16</p> <p><b>unpacked</b><br/>196:24</p> <p><b>Unspecified</b><br/>255:16</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>update</b> 22:22</p> <p><b>updated</b> 212:14<br/>213:22</p> <p><b>upped</b> 80:20<br/>83:4</p> <p><b>upset</b> 80:12</p> <p><b>usual</b> 69:22,23</p> <p><b>utilities</b> 82:20</p> <p><b>utilizing</b> 150:12</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p><b>V-a-s-q-u-e-z</b><br/>34:21</p> <p><b>vacation</b> 75:22</p> <p><b>Val</b> 34:23,24</p> <p><b>Valerie</b> 34:24,25</p> <p><b>values</b> 34:4</p> <p><b>van</b> 112:11</p> <p><b>Vanguard</b> 194:8<br/>218:10</p> <p><b>varied</b> 87:25<br/>178:9 197:7 203:6</p> <p><b>Vasquez</b> 34:16,<br/>21</p> <p><b>vast</b> 48:6 215:12</p> <p><b>vastly</b> 236:5<br/>238:17</p> <p><b>vehicle</b> 94:4<br/>95:24 97:1 104:17<br/>105:25 106:1<br/>111:25 115:7<br/>148:1,25 149:7,15<br/>151:1 228:4,10,<br/>17,21,23 240:17<br/>266:7 267:7,13,22<br/>269:3,12</p> <p><b>vehicles</b> 94:12,<br/>17,18,21 95:4<br/>99:10,12,22<br/>101:15 102:5<br/>104:24 105:2<br/>108:20 109:20,24<br/>115:9 116:25<br/>148:3,5,10,11,15,<br/>20 149:22 150:1,</p> | <p>8,25 151:5 228:5,<br/>25 236:19 238:22<br/>240:25 241:2,6<br/>265:7,24 266:7<br/>268:2</p> <p><b>vendor</b> 47:14,15<br/>202:23 229:21<br/>230:7 231:16</p> <p><b>vendors</b> 44:3,16<br/>50:1 70:9 74:1<br/>126:15 210:23<br/>220:4 229:19</p> <p><b>verbal</b> 67:19<br/>125:3,10</p> <p><b>Verbanac</b><br/>169:1,18</p> <p><b>Verbanac's</b><br/>169:19</p> <p><b>Veridian</b> 243:3</p> <p><b>versa</b> 212:15</p> <p><b>vet</b> 13:2</p> <p><b>vice</b> 212:14</p> <p><b>view</b> 223:25</p> <p><b>violated</b> 154:13,<br/>14</p> <p><b>Virtual</b> 18:12</p> <p><b>Visa</b> 118:13,21<br/>119:16</p> <p><b>volume</b> 125:21<br/>144:5 192:8<br/>205:23 206:11</p> <p><b>volumes</b> 51:14<br/>69:24 171:13<br/>206:1,4</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p><b>wait</b> 86:14 98:1<br/>185:24 256:4</p> <p><b>Walker</b> 145:1</p> <p><b>wanted</b> 84:15<br/>85:19 101:18<br/>109:19 132:16<br/>156:14 162:5<br/>220:7 232:4</p> | <p><b>warehouse</b><br/>27:20 97:14<br/>193:11 196:19,21<br/>202:22 203:4<br/>205:9</p> <p><b>watch</b> 180:20</p> <p><b>waybill</b> 194:17</p> <p><b>Wayne</b> 6:6<br/>23:16,17 54:24</p> <p><b>ways</b> 92:12<br/>138:17</p> <p><b>wayside</b> 149:22</p> <p><b>weather</b> 79:25</p> <p><b>week</b> 17:13<br/>71:23 72:1 80:22<br/>197:9,11</p> <p><b>weeks</b> 80:23<br/>81:22 82:1 88:4<br/>121:10,22 146:15<br/>226:10 229:11<br/>231:8 233:1</p> <p><b>weeks'</b> 80:21</p> <p><b>Wells</b> 118:13,16</p> <p><b>Wen</b> 170:19,21</p> <p><b>what'd</b> 132:21</p> <p><b>whatnot</b> 16:11<br/>56:1 178:22 199:5<br/>243:18</p> <p><b>Where'd</b> 268:25</p> <p><b>Whitby</b> 66:9<br/>72:5</p> <p><b>white</b> 103:11</p> <p><b>wholesaler</b><br/>198:14</p> <p><b>wholesalers</b><br/>197:24,25</p> <p><b>wife</b> 9:21 30:1,6<br/>67:8 75:23 78:13<br/>98:8 105:15<br/>128:10 150:7<br/>239:15 257:8</p> <p><b>wife's</b> 98:3<br/>103:10,15 210:20<br/>212:10</p> | <p><b>Wilson</b> 52:25</p> <p><b>Winchester</b><br/>207:11,13</p> <p><b>winter</b> 79:18</p> <p><b>winters</b> 79:3</p> <p><b>wintertime</b><br/>79:15</p> <p><b>wire</b> 139:16</p> <p><b>wires</b> 136:15,17,<br/>22 139:23,24,25<br/>151:24 220:6<br/>239:6 244:17</p> <p><b>wiring</b> 136:23<br/>152:7</p> <p><b>withdrawals</b><br/>93:1 233:13<br/>242:12</p> <p><b>withheld</b> 88:23</p> <p><b>wood</b> 269:8</p> <p><b>word</b> 93:23<br/>154:20 217:19</p> <p><b>words</b> 111:5<br/>155:6 197:15<br/>234:18</p> <p><b>work</b> 27:10,18,20<br/>29:3,7,9,25 30:18,<br/>21 35:12,16,18,20<br/>37:9,10,14 39:1,3<br/>41:14,24 43:6<br/>47:16 48:8,10,13,<br/>16 52:6 64:2<br/>71:25 97:14,16<br/>126:11 145:3<br/>168:23 169:7<br/>200:6 202:12<br/>221:7,9 222:14<br/>223:13 235:5<br/>266:8</p> <p><b>worked</b> 42:5<br/>56:21 57:2 71:9<br/>97:19 98:15 200:1<br/>207:16 225:8</p> <p><b>working</b> 12:23<br/>13:1 26:7,8 27:7,<br/>16 28:9,21 31:1<br/>35:12 71:15 72:9<br/>122:10 211:22</p> | <p><b>works</b> 71:16,18,<br/>22 98:6 161:25<br/>231:7</p> <p><b>World</b> 234:1</p> <p><b>worth</b> 37:24 38:8<br/>123:21,22 239:14,<br/>16,17,25</p> <p><b>Wrangler</b> 113:5</p> <p><b>Wright</b> 175:19,<br/>20</p> <p><b>write</b> 75:24 82:19<br/>136:25 256:5</p> <p><b>writing</b> 68:9<br/>136:23 156:18,24<br/>169:21 175:3<br/>181:17 225:21</p> <p><b>written</b> 127:16<br/>129:12 130:10<br/>131:3,16 132:21<br/>165:21 230:17</p> <p><b>wrong</b> 32:16<br/>34:12</p> <p><b>wrote</b> 92:12<br/>153:21 163:2</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <hr/> <p><b>Yan</b> 69:15</p> <p><b>year</b> 10:5,13,14,<br/>24 12:9 37:12<br/>47:1 49:25 72:14<br/>73:5 87:25 88:8,<br/>10 89:22 90:15,<br/>19,21,22 91:9<br/>99:17,18 102:14<br/>149:15 165:4<br/>200:12,14,24<br/>206:24 209:2<br/>210:14 215:9<br/>237:3 239:7,21</p> <p><b>Year's</b> 76:23</p> <p><b>year-and-a-half</b><br/>177:4</p> <p><b>years</b> 7:10 8:14<br/>9:19,21 10:20<br/>14:9 18:3,10 22:1<br/>24:13,14,19 25:22<br/>26:14,18 28:10</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

35:25 46:18 51:2  
59:17 64:13 90:24  
91:1,2 117:2,3  
119:18 135:11,12  
139:11,12 173:15,  
18 175:8 177:13  
179:11 223:9  
235:6 237:6,20  
238:1 266:13

**yesterday** 19:5

**yesterday's**  
260:20

**younger** 10:14

**youngest** 8:13,  
17