

1 IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
2 IN AND FOR PALM BEACH COUNTY, FLORIDA
3 CASE No.50-2015-CA-005885XXXXMB

4 NITV FEDERAL SERVICES, LLC,
5 a Florida limited liability company,

6 Plaintiff,

7 -vs-

8 ELWOOD GARY BAKER, an individual
9 d/b/a BAKER GROUP INTERNATIONAL,
10 EXPERTOS VSA, INC., a Florida corporation,
11 and MICHAEL SAVAGE, an individual,

12 Defendants.

13 DEPOSITION OF ELWOOD GARY BAKER
14 BY VIDEOTAPE

15 Wednesday, March 29, 2017
16 10:00 a.m. - 1:00 p.m.

17 2925 PGA Boulevard
18 Suite 204
19 Palm Beach Gardens, Florida 33410

20 Reported By:
21 Kathleen Szabo, RPR
22
23
24
25

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I N D E X

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WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
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ELWOOD GARY BAKER

BY MR. D'LOUGHY	5			
BY MR. ZAPPOLO		89		
BY MR. D'LOUGHY			91	

- - -

E X H I B I T S

- - -

(ORIGINAL EXHIBITS RETAINED BY MR. D'LOUGHY)

NUMBER	DESCRIPTION	PAGE
PLAINTIFF'S EX. 1	BANK STATEMENTS	88
PLAINTIFF'S EX. 2	INCOME STATEMENT	88
PLAINTIFF'S EX. 3	REVENUES 2017 DOCUMENT	88
PLAINTIFF'S EX. 4	COPY OF PASSPORT	89

P R O C E E D I N G S

- - -

Video deposition taken before Kathleen Szabo,
Registered Professional Reporter and Notary Public in
and for the State of Florida at Large, in the above
cause.

- - -

MR. D'LOUGHY: We are on the record in the
case of NITV Federal Services, Inc., versus
Elwood Gary Baker and Michael Savage. Palm
Beach County Circuit Court Case
Number 2015-CA-005885MBAG.

This is the deposition of Elwood Gary Baker.
It is 10:26 a.m, on March 29th, 2017. This is
Scott Zappolo recording.

Madam court reporter, would you swear the
witness.

THE COURT REPORTER: Do you swear the
testimony you are about to give will be the
truth, the whole truth, and nothing but the
truth?

THE WITNESS: I do.

Thereupon,

(ELWOOD GARY BAKER)

having been first duly sworn or affirmed, was examined

1 and testified as follows:

2 THE WITNESS: I do.

3 DIRECT EXAMINATION

4 BY MR. D'LOUGHY:

5 Q. Mr. Baker, good morning. My name is James
6 O'Loughy. I represent NITV Federal Services, Inc. in a
7 lawsuit.

8 Have you ever been a party involved in a
9 lawsuit?

10 A. Yes.

11 Q. And have you ever had your deposition taken?

12 A. Yes.

13 Q. And if I'm talking too low, please, obviously,
14 stop me and tell me you can't hear me. I understand
15 that you are hearing impaired; is that correct?

16 A. Yes.

17 Q. Okay. I'm just going to ask you a series of
18 questions. I'm going to keep this deposition as short
19 as possible.

20 If you don't understand the question, ask me
21 to repeat it. If you don't know it, I'll move on. I'm
22 not here to badger you. But you are under penalty of
23 perjury. You're under oath. You need to speak -- if
24 you know the question, you need to tell the truth,
25 that's all I ask today.

1 The court reporter will require you to speak
2 audibly to be able to take down your testimony. Nods
3 are not going to be picked up.

4 If you need to take a bathroom break, just
5 please let me know to stop the deposition and you can
6 take a break.

7 So let's begin. Please state your full name
8 and address.

9 A. Elwood Gary, one R, Baker, 1813 Paddock Club
10 Drive, Panama City Beach, Florida 32407.

11 Q. And, Mr. Baker, what do you currently do for a
12 living?

13 A. I am retired, and I -- I'm sorry. I'm a sole
14 proprietor of Baker Group International.

15 Q. What is your employment history? Let's start
16 with your first job, I mean, just a brief description.

17 A. Since 2010?

18 Q. No, since you got out of high school.

19 A. All right. I worked at a ceramic mold making
20 location owned by BW Bauch, B-a-u-c-h, in Sarasota,
21 Florida.

22 Q. Which years was that?

23 A. 1962.

24 Q. I forgot to ask you, what year -- which year
25 were you born?

1 A. 1943.

2 Q. And then how long did you work for the ceramic
3 mold company BW Bauch?

4 A. A few months. I then worked at a restaurant
5 called the Blue Ginshon, I don't know how to spell that,
6 as a dishwasher.

7 Let's see. I then worked at and managed a
8 private club and pool, and then the country club as a
9 bartender in Emporia, E-m-p-o-r-i-a, Kansas. I then, my
10 next job was doing renderings for a construction company
11 in Albany, Georgia for a short while. I then was the
12 food and beverage manager at Double Gate Country Club in
13 Albany. I then worked a very short time at Howard
14 Johnson as a management trainee in Perry, Georgia. I
15 then became manager of the Dublin, common spelling,
16 Georgia Country Club. I then became a restaurant
17 manager and assistant hotel manager at Stone Mountain,
18 Inn, in Georgia.

19 I then was the general manager of Norcross
20 Country Club in Norcross, Georgia. I then became food
21 and beverage manager at the -- I forget the name of the
22 hotel. In a new hotel in downtown -- I'm sorry,
23 Downtowner Hotel in Albany. I then did marketing for a
24 short period selling hotel directories for a company
25 from Boca Raton, Unique Technique. I then became the

1 food and beverage manager hotel -- I'm sorry, the
2 restaurant manager at the Ramada Inn in Emporia, Kansas.
3 I then became the sales representative for Guardsmark,
4 Incorporated.

5 Q. What does Guardsmark do?

6 A. Guardsmark is a security and investigative
7 agency.

8 Q. Did that job require any special training?

9 A. On the job only.

10 Q. Let me -- let me just interrupt you with your
11 chronology of your work related experience. What is
12 your highest level of education after high school?

13 A. I have a Ph.D. in theocentric business and
14 ethics.

15 Q. Where did you earn that Ph.D. from?

16 A. The American College of Metaphysical Theology.

17 Q. Where is that college located?

18 A. It was located in Minneapolis, Minnesota.

19 Q. Is it no longer in business?

20 A. I think they moved. I don't know where.

21 Q. And you'll have to excuse me, I got the
22 business part of the title, but what does the remainder
23 mean to the laymen?

24 MR. ZAPPOLO: Object to the form. You can
25 answer.

1 THE WITNESS: Theocentric business and
2 ethics. That --

3 BY MR. D'LOUGHY:

4 Q. What does theocentric mean?

5 A. God centered or metaphysical. God centered.

6 Q. Okay. And how many years did it -- did you
7 spend at the -- at this institution?

8 A. This is a dis -- distichs learning. It took
9 about a year.

10 Q. And after you had -- you were awarded or
11 earned your Ph.D., what else did you do in terms of your
12 higher education? Was this the only degree you
13 received?

14 A. Continuing education only from various voice
15 stress analysis societies.

16 Q. The degree, the Ph.D. degree that you earned,
17 does that have anything to do with voice stress analysis
18 with respect to facilitating that area of business?

19 A. Yes.

20 Q. Let me -- let's get back on track with respect
21 to Guardsmark. You worked at Guardsmark, which years
22 would this have been?

23 A. 1970 through 1975.

24 Q. And what did you do at Guardsmark?

25 MR. ZAPPOLO: For the clarification, was

1 it Guardsmark, m-a-r-t or m-a-r-k?

2 THE WITNESS: M-a-r-k.

3 MR. D'LOUGHY: I was just vacillating in
4 between that.

5 MR. ZAPPOLO: I thought you were
6 m-a-r-k-e-d. I'm not sure. It's m-a-r-k,
7 correct?

8 THE WITNESS: M-a-r-k. Guardsmark, one
9 word.

10 BY MR. D'LOUGHY:

11 Q. What type of business was Guardsmark?

12 A. Security and investigations.

13 Q. And you were there between 1970 and '75. What
14 did you do during that five-year period?

15 A. Marketing and sales, and I then was the
16 regional sales manager, and then I was the assistant
17 vice president of national marketing.

18 Q. And what type of services were you, yourself,
19 responsible to sell and market or marketing, sell,
20 should I say?

21 A. All of it.

22 Q. Give me an example of what type of services
23 besides investigation, was there any more specific
24 examples you can give me?

25 A. Private security officers, investigations,

1 polygraph examinations.

2 Q. Okay. And then from Guardsmark after 1975,
3 what happened -- where did you go from there?

4 A. I started my own business.

5 Q. And what type of business was that?

6 A. Private investigations.

7 Q. Can you tell me the name of the business,
8 please.

9 A. Baker and Associates, Incorporated.

10 Q. And where was the business located?

11 A. Omaha, Nebraska.

12 Q. And I think it's fairly -- the name identifies
13 what you did and how long were you running your own
14 business in this -- under this particular name?

15 A. Regarding Baker and Associates --

16 Q. Yes.

17 A. -- Incorporated?

18 Q. Uh-huh.

19 A. Until 1990.

20 Q. And did you sell the business at that point?

21 A. No. The business was filed for bankruptcy.

22 Q. And then in 1990, what did you do from there
23 with your career?

24 A. I conducted voice stress analysis examinations
25 and investigations through that point until now.

1 Q. Okay. And how did you get involved in voice
2 stress analysis investigations?

3 A. I met a vice-president of the company
4 marketing voice stress analysis at a trade show.

5 Q. Okay.

6 A. And became interested and purchased the
7 instrument and training.

8 Q. How many, in your best estimation, voice
9 stress analysis companies are there in the United
10 States?

11 MR. ZAPPOLO: Object to the form. You can
12 answer.

13 THE WITNESS: I'm not sure. There are
14 many companies using voice stress analysis.

15 BY MR. D'LOUGHY:

16 Q. When you say -- I'm sorry, I misspoke. Not
17 using it, but how many companies sell voice stress
18 analysis --

19 MR. ZAPPOLO: Same objection.

20 BY MR. D'LOUGHY:

21 Q. -- services or like -- or programs?

22 MR. ZAPPOLO: Same objection.

23 THE WITNESS: I didn't hear that.

24 MR. ZAPPOLO: I objected, but you can
25 answer the question.

1 THE WITNESS: Six to eight I would say.

2 BY MR. D'LOUGHY:

3 Q. And outside the United States, do you have any
4 best estimate of how many companies are out there
5 selling voice stress analysis to customers, so to speak?

6 MR. ZAPPOLO: Same objection.

7 THE WITNESS: I have no idea.

8 BY MR. D'LOUGHY:

9 Q. Do you have an idea of which country in the
10 world is most qualified in terms of their voice stress
11 analysis techniques? You have to excuse me, but I don't
12 know anything about voice stress analysis. I don't know
13 what the hell it means, except you're measuring
14 someone's voice for truthfulness. And if I'm incorrect
15 in my terminology, I have to apologize. And you're
16 welcome to correct me, if you want, obviously you don't
17 have to because I'm the one asking the question.

18 A. It's like Judge Gorsuch said, when a lawyer
19 starts talking like that, hold on to your wallet.

20 MR. ZAPPOLO: For the record, we're
21 laughings and technically I object. I
22 understand, counsel, what you're doing.

23 MR. D'LOUGHY: I'm just being
24 conversational.

25 MR. ZAPPOLO: And I understand that.

1 BY MR. D'LOUGHY:

2 Q. There's no end game in that, other than
3 being -- except to say is the United States known as the
4 foremost leading country for voice stress analysis
5 companies?

6 MR. ZAPPOLO: Object to form. You can
7 answer.

8 THE WITNESS: I don't know.

9 BY MR. D'LOUGHY:

10 Q. Are you familiar with DVSA?

11 A. Yes.

12 Q. What do you know about DVSA?

13 A. I know a lot about DVSA.

14 Q. And what does the acronym DVSA stand for?

15 A. Digital Voice Stress Analyzer.

16 Q. And is there a difference between analysis and
17 analyzer? I'm not being cute, but is there a difference
18 between that?

19 A. One is the technique of analyzing, and one
20 is -- analyzer is the -- is the instrument or the
21 software.

22 Q. So DVSA is an actual tangible thing? When you
23 say --

24 MR. ZAPPOLO: Object to the form.

25 THE WITNESS: Yes.

1 BY MR. D'LOUGHY:

2 Q. And do you know who invented the DVSA?

3 A. Yes.

4 Q. And who was that?

5 A. Me.

6 Q. And how did you do it? How did you invent the
7 DVSA?

8 A. I hired a programmer and a sound engineer
9 to -- and gave them a list of issues that my -- a class
10 had provided to me as a -- what they would like to see
11 with a voice stress analyzer.

12 Q. What's a class?

13 A. A group of people.

14 Q. And these people were composed of what types
15 of people?

16 A. These were law enforcement and private
17 citizens meeting for recertification.

18 Q. And when you created the DVSA through, I
19 suppose, they were programmers who were subcontractors
20 that were asked to do some measurements of what?

21 A. I provided them with an algorithm that was
22 published, and from that point, neither of these
23 individuals had ever seen a voice stress analyzer.

24 Q. What is an algorithm?

25 A. A mathematical equation.

1 Q. You said it was published. Who published it,
2 and where was it published?

3 A. Dr. Hansen from the University of Colorado.

4 Q. And what was the purpose of this particular
5 algorithm?

6 A. Voice stress analysis.

7 Q. And what was the name of the algorithm to the
8 best of your knowledge?

9 A. It was a MATLAB algorithm.

10 Q. So this algorithm was already being used in
11 the field of voice stress analysis when you came upon
12 the article?

13 A. Yes.

14 Q. And was the algorithm copyrighted, do you
15 know?

16 A. Not to my knowledge.

17 Q. And was the algorithm being used in the field
18 of voice stress analysis?

19 A. It was the basis of voice stress analysis.

20 Q. And I don't mean to be redundant, but what is
21 voice stress analysis?

22 A. I can't use the word analysis. Is the -- the
23 study and -- I have to use the word analysis. An
24 analysis of derived filtered speech to determine
25 credibility assessment and detection of deception.

1 Q. Now, you were able to procure Dr. Hansen's
2 algorithm. And how did you do that as far as -- let me
3 rephrase that.

4 Prior to hiring your coders to develop the
5 DVSA, did you have Dr. Hansen's analysis and code that
6 you then shared with your developers?

7 A. Yes.

8 Q. And do you recall how you procured it?

9 A. It was published both on the Internet and in
10 hard copy.

11 Q. So to the best of your knowledge, it was open
12 source?

13 A. Open source, true.

14 Q. And from that open source code, then you
15 developed, correct me if I'm wrong, the DVSA?

16 A. Yes.

17 Q. Okay.

18 A. Well, let me clarify, because I promised to
19 tell the whole truth.

20 Hansen obtained the patent information from
21 the psychological stress evaluator, which was patented
22 in 1971. The patent had expired, my understanding, but
23 then he developed the MATLAB algorithm in that.

24 Q. And how much of the DVSA today is part of the
25 MATLAB Hansen algorithm?

1 MR. ZAPPOLO: Object to form.

2 THE WITNESS: The algorithm is just a
3 small part of the DVSA software. It's a
4 component.

5 MR. D'LOUGHY: Okay. Let's just take a
6 quick pause.

7 MR. ZAPPOLO: Do you want to go off the
8 record?

9 MR. D'LOUGHY: Off the record.

10 MR. ZAPPOLO: It is 10:52 a.m. We are
11 going off the record in the case of NITV
12 Federal Services, Inc. versus Elwood Gary
13 Baker, et cetera.

14 (Brief recess.)

15 MR. ZAPPOLO: We are back on the record in
16 the case of NITV Federal Services,
17 Incorporated, versus Elwood Gary Baker, et
18 cetera. Palm Beach County Circuit Court Case
19 Number 2015-CA-005885MBAG.

20 It is Wednesday, March 29th, 2017, at
21 10:59 a.m. This is still Scott Zappolo still
22 recording.

23 And, Mr. Baker, you're still under oath.

24 BY MR. D'LOUGHY:

25 Q. So, Mr. Baker, going back on the record. 1990

1 you started your own company in voice stress analysis;
2 am I correct in stating that?

3 A. 1975.

4 Q. From 1975 to 1990, I've got you on the record
5 that you had Baker Private Investigation.

6 A. That was voice stress analysis and polygraph.

7 Q. Okay. And then 1990, what was the
8 significance of 1990 then?

9 A. Baker and Associates, Incorporated, filed for
10 bankruptcy, and I was a hundred percent stockholder.
11 And I continued my services under the name Gary Baker
12 and Associates.

13 Q. And then we discussed what knowledge you have
14 of the DVSA. And you have just testified that you
15 actually developed the DVSA using an algorithm that was
16 published in the paper by Dr. Hansen; is that correct?

17 A. From the PSE patent.

18 Q. Okay. And I'm just going to diverge for a
19 second with respect to your career chronology.

20 What is the -- are you familiar with an
21 acronym known as the FVSA?

22 A. Yes.

23 Q. And what do you know about the FVSA? What
24 does it mean, first of all, FVSA?

25 A. Forensic voice stress analysis is a technique

1 of using voice stress analysis for legal purposes. I
2 think there is a company in Australia who uses that
3 acronym FVSA, same purpose. It has also been known to
4 be associated with DVSA.

5 Q. And how is it associated with DVSA?

6 A. FVSA?

7 Q. Yes.

8 A. It's the same technique.

9 Q. Do you -- in terms of technique, what do you
10 mean by technique?

11 A. Forensic voice stress analysis is another term
12 used for voice stress analysis.

13 Q. If you were -- I'd like to just compare and
14 contrast that to the best of your ability. How do you
15 differ between the two? There are two different --
16 let's call them Coke and Pepsi, they're soft drinks
17 but --

18 MR. ZAPPOLO: Object to the form.

19 THE WITNESS: I don't know.

20 BY MR. D'LOUGHY:

21 Q. Gatorade and Coke, how about that?

22 MR. ZAPPOLO: Object to form.

23 THE WITNESS: I've never seen -- I've
24 never seen FVSA from Australia. But I, at
25 times, used the term forensic voice analyzer or

1 voice stress analysis in my reports and in
2 my -- in explaining my DVSA, the use of DVSA
3 for forensic purposes.

4 BY MR. D'LOUGHY:

5 Q. So is FVSA a brand name?

6 A. It's like Kleenex.

7 Q. Is --

8 A. No.

9 Q. Is DVSA the same, like Kleenex?

10 A. No.

11 Q. What's the difference then between DVSA and
12 FVSA?

13 MR. ZAPPOLO: Object to the form.

14 THE WITNESS: There is no difference.

15 BY MR. D'LOUGHY:

16 Q. Do you know of other companies that sell FVSA
17 besides the one you spoke of in Australia?

18 MR. ZAPPOLO: Object to form. If you
19 want, counsel, I'll clarify my objection after
20 he answers.

21 MR. D'LOUGHY: I don't need it.

22 THE WITNESS: Would you repeat your
23 question?

24 BY MR. D'LOUGHY:

25 Q. Do you know of companies, other than the

1 company you mentioned in Australia, that sell FVSA?

2 A. Not specifically.

3 Q. F, as in fox trot, V as in Victor, S, as in
4 Sera, A, A in alpha, FVSA. And then there's DVSA, which
5 I'm also using.

6 So there's no difference in terms of -- and,
7 I'm sorry, but I'm not from this area. So you're going
8 to have to put up with my questions on this, because I
9 don't -- I don't really understand.

10 You're selling DVSA. There are other
11 companies selling FVSA, correct?

12 MR. ZAPPOLO: Object to the form.

13 THE WITNESS: Yes. I would suspect, and I
14 also used the terminology in -- I don't sell
15 DVSA, for example. But I use the term FVSA in
16 explaining what DVSA does.

17 BY MR. D'LOUGHY:

18 Q. Okay. Could you use that term and explain to
19 me what using FVSA, what DVSA does?

20 A. Yes.

21 Q. Can you explain that to me?

22 A. FVSA is the forensic application of voice
23 stress analysis.

24 Q. And what other applications are there?

25 A. DVSA could be used for employment purposes,

1 counter-intelligence, intelligence, as well as FVSA.

2 Q. Okay. What about CVSA, are you familiar with
3 that acronym?

4 A. I am.

5 Q. And can you compare and contrast CVSA with
6 FVSA and DVSA?

7 A. Can I what?

8 MR. ZAPPOLO: Object to form.

9 BY MR. D'LOUGHY:

10 Q. Can you compare and contrast CVSA with FVSA
11 and DVSA?

12 A. Yes.

13 MR. ZAPPOLO: Object to the form.

14 BY MR. D'LOUGHY:

15 Q. Would you please let me know what that is.

16 MR. ZAPPOLO: Same objection.

17 THE WITNESS: CVSA is also a FVSA, and
18 there are subtle differences in a cosmetics, I
19 would say, and the operating, the final
20 operating algorithms and computer language.

21 BY MR. D'LOUGHY:

22 Q. Okay.

23 A. Between the two.

24 Q. So you -- what -- you have your company, which
25 today is Baker International; is that correct?

1 A. No.

2 Q. What is the name of your company today?

3 A. Baker Group International.

4 Q. And Baker Group International, does that
5 company own DVSA?

6 A. I own Baker Group International, and I also
7 own DVSA. Baker Group International is the company that
8 I use, the trade name that I use to market DVSA.

9 Q. And you just said, and perhaps I
10 misunderstood, that you don't sell DVSA?

11 A. No.

12 Q. Do you license DVSA?

13 A. That's correct.

14 Q. How do you distinguish between selling it and
15 licensing it?

16 MR. ZAPPOLO: Object to the form.

17 THE WITNESS: One implies ownership and
18 one does not.

19 BY MR. D'LOUGHY:

20 Q. So the other one implies usership?

21 A. Usership, right, with a license.

22 Q. So you sell the rights to use DVSA?

23 A. No. I license the use of DVSA.

24 Q. So you sell the licenses to use --

25 A. I don't sell anything. I provide DVSA with an

1 end-user license agreement or end-user license for a
2 finite period of time.

3 Q. Does Baker --

4 A. I own -- I own and maintain ownership of the
5 software.

6 Q. When you say you, do you mean Baker Group
7 International or you, yourself, personally?

8 A. Both. I own Baker Group International.

9 Q. Okay.

10 A. And I own DVSA.

11 Q. And you, meaning you and Baker Group
12 International, are making money on licensing the DVSA,
13 correct? People pay you for licenses?

14 MR. ZAPPOLO: Object to the form.

15 THE WITNESS: That's correct.

16 BY MR. D'LOUGHY:

17 Q. Please repeat that.

18 A. Yes.

19 Q. Okay. With respect to the licenses that you
20 sell through Baker Group International, have you ever
21 traveled to a country outside the United States where
22 you have lectured and participated in instructing
23 clients or customers how to use the DVSA?

24 A. No.

25 Q. Have you ever trained anyone outside the

1 United States in using the DVSA?

2 A. No.

3 Q. No seminars regarding the DVSA?

4 MR. ZAPPOLO: Object to the form.

5 THE WITNESS: No.

6 BY MR. D'LOUGHY:

7 Q. With respect to any other voice stress
8 analysis that you might own -- and let me ask you: Do
9 you own any other types of voice stress analysis?

10 A. No.

11 Q. With respect --

12 A. I'm sorry. Let me back up. That's not
13 correct. I own a psychological stress evaluator that I
14 purchased in 1974.

15 Q. With regard to any other voice stress
16 analysis, have you, outside of the United States,
17 trained, instructed, helped any person outside of this
18 country with respect to usage or qualification in voice
19 stress analysis?

20 MR. ZAPPOLO: Object to the form.

21 THE WITNESS: I don't understand your
22 question.

23 BY MR. D'LOUGHY:

24 Q. I'll read it to you.

25 With respect to any other voice stress

1 analysis other than the DVSA, which you have just
2 testified does not apply to this question, have you
3 lectured or participated in lectures about the
4 applications, usage, certification or any other form of
5 training or seminars regarding a voice stress analysis
6 other than DVSA?

7 MR. ZAPPOLO: Object to form.

8 THE WITNESS: No.

9 BY MR. D'LOUGHY:

10 Q. Have you ever -- this is regarding DVSA. Have
11 you ever prepared or assisted in the preparation of
12 materials about the applications, usage, certification
13 or any other form of training for use at seminars,
14 lectures or similar events regarding DVSA outside of
15 this country?

16 MR. ZAPPOLO: Objection, form.

17 MR. D'LOUGHY: Let me just stop you. If
18 you want, and I'm not being cute with you, if
19 you want to just make a general objection to
20 every question, I'm glad to.

21 MR. ZAPPOLO: I don't mean to -- I mean,
22 if you want to give me -- you know, I have the
23 right to object later on or raise any
24 objections to the question.

25 MR. D'LOUGHY: Sure.

1 MR. ZAPPOLO: That's fine. I will tell
2 you right off the bat. My objection is
3 compound. From my perspective, those are
4 incredibly compound.

5 MR. D'LOUGHY: And I'm fine --

6 MR. ZAPPOLO: And I'm just being -- I'm
7 happy --

8 MR. D'LOUGHY: -- I know you are.

9 THE COURT REPORTER: Talk one at a time,
10 please.

11 MR. D'LOUGHY: I'm happy to grant you an
12 overall objection to every question that I ask
13 you if you would like.

14 MR. ZAPPOLO: Okay. Thank you. Then
15 we'll go ahead with that. That will expedite
16 things probably.

17 BY MR. D'LOUGHY:

18 Q. All right.

19 A. That was a compound question, and I just
20 didn't understand it.

21 Q. Okay. This question is regard to DVSA.

22 A. Okay.

23 Q. Have you ever prepared or assisted in the
24 preparation of materials about the applications, usage,
25 certification or any other form of training for use at

1 seminars, lectures or similar events outside of this
2 country?

3 A. No.

4 Q. Have you ever licensed and -- strike that.

5 The same goes for any -- for any other voice
6 stress analysis other than DVSA.

7 A. No.

8 Q. Have you ever licensed the DVSA to an
9 individual or company or entity outside the United
10 States?

11 A. No.

12 Q. Have you ever licensed any other voice stress
13 analysis system or program to any country, individual,
14 entity, person outside of the United States?

15 A. No.

16 Q. Have you ever sold any license or use or right
17 to the DVSA to any country, citizen, entity, person,
18 outside the United States?

19 A. No.

20 Q. Have you ever traveled outside the United
21 States for the purpose of lecturing or participating in
22 a lecture concerning the applications, usage,
23 certification or any other form of training or seminar
24 regarding the DVSA?

25 A. No.

1 Q. Any other voice stress analysis program, have
2 you ever, again, traveled outside the United States to
3 lecture and participate in a lecture concerning?

4 A. No.

5 Q. When you entered into this field of voice
6 stress analysis detection in 1975 or thereabouts, were
7 you one of the pioneers?

8 A. Was what?

9 Q. Were you one of the pioneers of voice stress
10 analysis starting in 1975?

11 A. Yes.

12 Q. And what makes you a pioneer?

13 A. I'm a very early users and participants in
14 validity studies of voice stress analysis at that time,
15 PSE.

16 Q. And up until 1990 when you -- when you
17 actually developed the DVSA, what were you using from
18 1975 to 1990 with respect to voice stress analysis,
19 which technique?

20 A. Would you read -- I don't understand your
21 question, because you're asking two questions.

22 Q. My question wasn't clear. I will own up to
23 that.

24 You testified that in 1990 you invented and
25 developed the DVSA.

1 A. I did not.

2 Q. Okay.

3 A. I did not testify to that.

4 Q. Okay. So what in 1990, what -- what did you
5 ask the developers to develop based on the algorithm
6 that Dr. Hansen refers to in his article?

7 A. Nothing.

8 Q. Okay. So let's go back then. I misunderstood
9 you. I'm sorry about that.

10 You own the DVSA, correct?

11 A. I do.

12 Q. And tell me about the genesis of the DVSA.

13 A. In about 1999 or 2000, I was teaching a
14 re-trainer at the time, and I asked the persons
15 attending this re-trainer, who were using CVSA, PSE,
16 Mark2, PSE Dek, PSE101, PSE1, what they would like to
17 see. They were also using a Diogenese program, VSA
18 program. I asked them for a list of things they would
19 like to see in a new system, and I got a long list of
20 improvements, things that they would like to see.

21 And in 2001, it could be 2000, I asked a
22 programmer, who then obtained the services of an
23 electronics engineer. They took, at the time it was
24 called the Ford Maquiston Bell algorithm, which in 2002
25 was published by Dr. Hansen, and they developed the very

1 first DVSA software.

2 Q. And since the -- and that was in 2002?

3 A. 2002.

4 Q. And since then have there been other versions
5 of the DVSA software?

6 A. Yes.

7 Q. How many?

8 A. Six.

9 Q. And am I to understand you to say that, are
10 you the only person who sells DVSA?

11 A. I don't sell DVSA.

12 Q. Are you the only person that licenses DVSA?

13 A. Yes.

14 Q. You don't have any sublicensees?

15 A. No.

16 Q. And where do you license DVSA geographically?

17 A. United States and -- at this point, the Unites
18 States.

19 Q. Is there any other point where it's been
20 licensed outside of the United States?

21 A. No.

22 Q. Are there other voice stress techniques that
23 are similar or have been developed based on the DVSA
24 program --

25 MR. ZAPPOLO: Object to the form.

1 BY MR. D'LOUGHY:

2 Q. -- in the market?

3 MR. ZAPPOLO: I'm sorry.

4 THE WITNESS: Probably.

5 BY MR. D'LOUGHY:

6 Q. And why do you say probably?

7 A. The person who -- the company who wrote the
8 version, a new version in 2008 left his company in the
9 United States and moved to India, and that person
10 developed the -- another program that, although I have
11 not seen it, probably used some of the components in
12 developing another one.

13 Q. And what is that person's name?

14 A. Fahaad Sayeed.

15 Q. And do you consider that an infringement upon
16 your copyright?

17 A. I do.

18 Q. What is your knowledge of a company called
19 Expertos SA in Guatemala?

20 A. Expertos?

21 Q. Expertos SA.

22 A. And what was your question?

23 Q. What is your knowledge of that company?

24 A. It's a company in Guatemala.

25 Q. Do you do business with Expertos SA?

1 A. Yes.

2 Q. And how do you do business with them?

3 A. I loan them money to -- as a startup.

4 Q. You loaned them money as a startup?

5 A. Right.

6 Q. Is this a continuous relationship of lending
7 money or did you just do a one-time loan to them to
8 start them up?

9 A. One time.

10 Q. Who did you -- who is the principal of the
11 company?

12 A. There are, to my understanding, there are
13 three principals.

14 Q. What are their names?

15 A. A person by the name of Jorge, Jorge, and I
16 don't remember his last name.

17 Q. Okay.

18 A. A person by the name of Lorina, that I don't
19 know her last name, and Colonel Michael Savage.

20 Q. And how much money did you own them -- loan
21 them?

22 A. \$50,000.

23 Q. When?

24 A. 2008.

25 Q. Did you have a loan agreement, a written loan

1 agreement with them?

2 A. No.

3 Q. So you had a handshake agreement, oral
4 agreement?

5 A. Yes.

6 Q. And with who?

7 A. With Expertos VSA -- or VSA SA.

8 Q. And who did you negotiate the loan agreement
9 with?

10 A. Michael Savage.

11 Q. And he asked you for the loan?

12 A. Yes.

13 Q. And what were the conditions of the loan?

14 A. That he would repay me with -- for licenses
15 that he would sell.

16 Q. What licenses?

17 A. Licenses for the voice stress analysis system
18 that Sayeed developed for him.

19 Q. And who is Sayeed?

20 A. For Expertos VSA.

21 Q. And who is Sayeed?

22 A. He was my programmer in the United States who
23 moved to India.

24 Q. And this is the same gentleman that I
25 understood hijacked some of your code?

1 A. I suspect.

2 Q. And so Sayeed developed the Expertos voice
3 stress analysis?

4 A. Yes.

5 Q. And what is the Expertos voice stress analysis
6 program called?

7 A. FVAS.

8 Q. Can you spell that?

9 A. F-V-A-S.

10 Q. And this is the same FVAS that you testified
11 earlier that is used by a company in Australia?

12 A. No.

13 Q. You mentioned an Australian company earlier.

14 A. I did.

15 Q. And what do they use?

16 A. I don't know.

17 Q. In what context did you mention the Australian
18 company, do you recall?

19 A. You asked me about FVSA and I said that was a
20 company or -- that a company in Australia was marketing
21 under that name.

22 Q. Okay. Marketing under that name. Marketing a
23 program?

24 A. A voice stress analysis program. I know
25 nothing more about it.

1 Q. And you don't know it to be the same FVSA that
2 Expertos markets their program for?

3 MR. ZAPPOLO: Objection. You're
4 transposing letters.

5 THE WITNESS: It is not the same.
6 BY MR. D'LOUGHY:

7 Q. So the FVSA that Expertos sells, to your
8 knowledge, is the one developed by the person named
9 Sayeed who fled to India with your code?

10 A. I don't know that.

11 Q. But you did testify that you think that's the
12 case?

13 A. I did not.

14 Q. Okay. So what was it that you testified in
15 respect -- with respect to the development or the
16 genesis of Expertos FVSA?

17 A. I didn't.

18 Q. Okay. So let's go back. You said that you
19 lent Expertos SA \$50,000.

20 A. Right.

21 Q. And that -- that loan agreement was not
22 memorialized in writing, but it was an agreement that
23 you made orally with Michael Savage?

24 A. That's correct.

25 Q. And that \$50,000 was going to be paid back

1 through the sale of licenses by Expertos SA?

2 A. That's correct.

3 Q. Okay. And I asked you then which licenses are
4 you referring to.

5 A. That's correct.

6 Q. And you said? Which licenses are you
7 referring to when you say "licenses"?

8 MR. ZAPPOLO: I'm sorry.

9 THE WITNESS: I said --

10 MR. ZAPPOLO: I feel like --

11 MR. D'LOUGHY: Am I touching on a nerve?

12 MR. ZAPPOLO: No. I'm just saying you're
13 transposing letters, and that's getting this
14 whole thing very convoluted, and I think if I
15 objected as you said a question, you might
16 correct your question and get the right answers
17 and we would get some clarity for the record.

18 Just for the record, you seem to be
19 transposing FVAS and FVSA. They are two different
20 concepts, two different things, two different
21 ideas.

22 MR. D'LOUGHY: What was it, FVAS?

23 MR. ZAPPOLO: FVAS versus FVSA.

24 BY MR. D'LOUGHY:

25 Q. So let me try to get my acronyms correct.

1 What is FVAS?

2 A. That is the, as I understand it, the program
3 that is marketed by Expertos VSA SA in Guatemala.

4 Q. And when you say marketed, you mean they sell
5 licenses?

6 A. I don't know what they do. I suspect that.

7 Q. And the license you're \$50,000 loan was
8 premised upon them selling licenses to pay it back,
9 correct?

10 A. That's correct.

11 Q. And do you know what licenses, when you
12 testified that they were selling licenses, do you know
13 what licenses that they intended to sell?

14 A. For FVAS.

15 Q. And FVAS, I just want to be clear, you believe
16 was coded or developed by Sayeed, the Indian, who worked
17 for you?

18 A. That's correct.

19 Q. Okay. And would it also be your belief that
20 part of the FVAS is another program -- well, I will
21 withdraw that question for now. I'm a little confused
22 with all the acronyms. It seems like it's all the same
23 thing to me.

24 MR. ZAPPOLO: Object to form.

25

1 BY MR. D'LOUGHY:

2 Q. So did you ever get paid back the \$50,000 that
3 you lent Expertos SA?

4 A. Almost.

5 Q. Okay. And do you do any other business with
6 Expertos SA as other than just lending them money?

7 A. I recommend them to certain clients that -- or
8 certain individuals who inquire about DVSA, if it's a
9 small, not worth my time to deal with it, outside of the
10 country. I, at times, recommend that they contact
11 Expertos VSA in that area.

12 Q. In, you mean, that area, you mean
13 geographically?

14 A. Latin America.

15 Q. And when you say, not worth my time to deal
16 with it, what does that mean exactly?

17 A. If it's just one system.

18 Q. So if a client contacts you from Latin America
19 and it's one system, that's when you would refer to
20 Expertos?

21 A. I might.

22 Q. And if it was for multiple symptoms, maybe 20
23 systems, would you then do it yourself and take the
24 business on?

25 A. I would.

1 Q. And how would you go about selling a company
2 in Latin America or Latin American National, the DVSA
3 system? And when I say selling, I mean licensing.

4 A. I would --

5 MR. ZAPPOLO: Objection.

6 THE WITNESS: -- hypothetically I would
7 have them complete the Department of Commerce
8 Bureau of Industry and Security forms, submit
9 that to VIS for approval for export.

10 BY MR. D'LOUGHY:

11 Q. And you have never done that before, have you?

12 A. No.

13 Q. Because you have never sold outside the
14 country?

15 A. That's correct.

16 I've tried, but I have not.

17 Q. You have tried to do what?

18 A. Sell outside the country.

19 Q. And how have you tried?

20 A. By making sales presentations or by Internet.

21 Q. Where did you make the sales presentations?

22 A. I've made some in Mexico. I've made -- let's
23 see. All the physical presentations were in Mexico.

24 Q. And did you ever make any presentations in any
25 other country besides Mexico for sales?

1 A. Ever?

2 Q. Ever.

3 A. Are we talking about since 2010 or ever?

4 MR. ZAPPOLO: His question was ever.

5 Answer his question.

6 THE WITNESS: All right.

7 Yes. In the UK. I did go to the UK and did a
8 presentation.

9 BY MR. D'LOUGHY:

10 Q. And throughout all of these sales missions
11 that you have taken through to Mexico and UK, have you
12 ever managed to sell a client and licensed your program,
13 the DVSA?

14 A. DVS -- no.

15 Q. Any other program?

16 A. I couldn't hear you.

17 Q. Any other program?

18 A. No.

19 Q. Any other service?

20 A. Oh, sure.

21 Q. Like what?

22 A. Classes in interview and interrogation.

23 Q. Let me just -- I'm sure there's a lot. But
24 any other service with respect to voice stress analysis?

25 A. No.

1 Well, let me clarify. I did have a
2 representative in South Africa that was representing me
3 and for my company in DVSA, and that was one of the
4 systems also that I -- I couldn't sell on. I provided
5 it to that representative in South Africa to make sales
6 presentations.

7 Q. You didn't sell but you provided it?

8 A. That's correct. Without compensation.

9 Q. And why would you do that?

10 A. Marketing.

11 Q. Marketing for what?

12 A. DVSA.

13 Q. To license DVSA?

14 A. To license, yes.

15 Q. And did that sales representative in South
16 Africa ever sell the -- or license the DVSA onwards?

17 A. He reversed engineered my system and gave it
18 away to his clients.

19 Q. What's the person's name?

20 A. Cliff Cotzee.

21 Q. Spell it, please.

22 A. C-o-t-z-e-e.

23 Q. Okay. And you never received any
24 remuneration, any compensation?

25 A. No, I didn't.

1 Q. Okay. And what year was that?

2 A. 2004.

3 Q. So in all your sales missions you have never
4 managed to export your DVSA outside of the United
5 States?

6 A. Those two that I just mentioned.

7 Q. Okay. Are you still developing the DVSA
8 system?

9 A. It's an ongoing development.

10 Q. And who is developing it for you?

11 A. I'm developing it.

12 Q. Are you developing it?

13 A. I'm continuously developing, researching and
14 making lists of improvements that I see. I always ask
15 my clients what they would like to see different for
16 improvements.

17 Q. And are you -- are you adding to the software
18 with additional applications or algorithms as you
19 develop this?

20 A. No.

21 Q. So right now you're not -- you have not
22 retained or have an ongoing relationship with any coders
23 or computer software developers with respect to the
24 DVSA?

25 A. I do.

1 Q. And are they doing work for you?

2 A. No.

3 Q. You have brought with you today documents that
4 were requested in our Subpoena Duces Tecum.

5 A. Yes.

6 Q. You indicated that you brought bank
7 statements, but the bank statements went back how far?

8 A. I brought 2015 through the present, end of
9 February.

10 Q. And you're --

11 A. 2017.

12 Q. And you're aware that we did ask for bank
13 statements going back to 2010?

14 A. Yes.

15 Q. And you were unable to procure those?

16 A. That's correct.

17 Q. And for what reason?

18 A. I didn't have time to obtain them from the
19 various banks that I've done business with.

20 Q. And which banks have you done business with
21 since 2010? And when I say you, I mean you and your
22 company.

23 A. TD Bank, Prosperity Bank, Ameritas Bank and
24 First National Bank.

25 Q. Of?

1 A. Panama City Beach or Panama City. I'm sorry,
2 that's not correct.

3 First National Bank of Northwest Florida, and
4 that's what you have.

5 Q. So that's what I have. I have the bank
6 statements from First National Bank of Northwest
7 Florida?

8 A. That's correct.

9 Q. Do I have the bank statements at all from
10 Ameritas, Prosperity or TDD?

11 A. You do not.

12 Q. Have you contacted those three other banks?

13 A. I have not.

14 Q. And you also brought your passport which is a
15 U.S. passport, correct?

16 A. That's correct.

17 Q. Do you have any other passports?

18 A. Current?

19 Q. Current.

20 A. I'm sorry?

21 Q. Current or expired.

22 A. Yes.

23 Q. And are any of those passports -- well, tell
24 me which ones you have.

25 A. I have a -- I don't know where they are. I've

1 had a passport since, I think, 1970 something.

2 Q. But in terms of -- do you have another
3 passport other than a U.S. passport?

4 A. I have a -- let me see what's the right word.
5 Yes.

6 Q. And what nationality passport?

7 A. It's a -- it's a passport from British
8 Honduras, expired in 2007.

9 Q. And any other countries?

10 A. No.

11 Q. What was the reason for applying and receiving
12 a passport from British Honduras?

13 A. It was a cover -- it was a cover passport.

14 Q. When is the passport that you currently --
15 okay. That answers my question.

16 So as of today, this is the only passport
17 that's valid, current?

18 A. That's correct.

19 Q. That's unexpired?

20 A. Yes.

21 Q. Okay. And if you will grab your passport, I
22 just want to ask you a few questions about the passport.

23 A. Certainly.

24 Q. I notice on Page 9 of the passport that you
25 have an entry into the Republic of Ecuador dated

1 October 22nd, 2011. What was the nature of that trip?

2 A. I made a sales call to the National Police.

3 Q. And that sales call had to do with -- what
4 were you selling?

5 A. I was -- I wasn't selling anything. I was
6 representing DVSA in their interest in voice stress
7 analysis.

8 Q. And then I see on February 27th, 2010, an
9 entry into South Africa.

10 A. What page?

11 Q. Page 8.

12 A. Yes.

13 Q. What was the nature of that visit?

14 A. That visit was for a safari to install
15 officers, and to the American -- the American Polygraph
16 and Voice Stress Association of South Africa Chapter,
17 and to conduct a interview and interrogation seminar.

18 Q. What was the -- was there a financial interest
19 in you going to South Africa?

20 A. The association paid for my trip.

21 Q. But there was no other financial interest?

22 A. No.

23 Q. Was there any financial interest in your entry
24 into Ecuador on October 22nd, 2011?

25 A. No. I did not, no.

1 Q. Was it a gratuitous visit?

2 A. No. I said I made a presentation to the
3 National Police.

4 Q. And the nature of the presentation?

5 A. DVSA.

6 Q. Okay. Page 10, that seems to be your exit
7 from Ecuador?

8 A. Yes.

9 Q. Page 13, January 20th, 2013, you visit Mexico.
10 What was the nature of that visit?

11 A. For a presentation to the Secretary of
12 Security, and a presentation to the C5 Group, which is
13 a -- just a general presentation, and to the Attorney
14 General's Office.

15 Q. Attorney General of Mexico?

16 A. Nuevo Leo.

17 Q. What were the presentations, the nature of the
18 presentations that you provided in Mexico?

19 A. Regarding voice stress analysis in conjunction
20 with their needs for screening of large numbers of
21 police officers.

22 Q. And did it have anything to do with -- let me
23 make sure I get this right -- the DVSA?

24 A. Yes.

25 Q. Why was there a connection between the DVSA

1 and the Mexican authorities?

2 A. I was attempting to sell them large numbers of
3 systems, DVSA systems.

4 Q. Did they purchase any?

5 A. No.

6 Q. And did you meet Mr. Baker or -- sorry --
7 Mr. Savage on that -- on that trip?

8 A. I don't recall.

9 Q. Did you meet Mr. Savage during your trip to
10 Ecuador?

11 A. No.

12 Q. And to South Africa?

13 A. No.

14 Q. Have you met Mr. Savage in either Mexico or
15 Latin America or South America?

16 A. Oh, yes.

17 Q. And which times and where?

18 A. I don't remember.

19 Q. How many times?

20 A. In Nuevo Leon. I don't recall the dates.

21 Q. Were -- would you say it's more than five
22 times?

23 A. No.

24 Q. How many times would you say?

25 A. I think twice.

1 Q. And what was the purpose of meeting him
2 outside the country?

3 A. He was teaching a class on one of my visits,
4 and on another visit --

5 Q. Let me stop you there. What type of class was
6 he teaching?

7 A. A voice stress analysis class.

8 And on the other visit it was through -- he
9 had a presentation to the Attorney General.

10 Q. And what was the nature of the presentation?

11 A. Of voice stress analysis.

12 Q. And both of you were present during that
13 meeting?

14 A. Yes.

15 Q. And you both provide -- presented or presided
16 over the presentation to the Attorney General?

17 A. I did, and he did.

18 Q. And that was the Attorney General of Mexico?

19 A. Attorney General of Nuevo Leon.

20 Q. And that's a state in Mexico?

21 A. Yes.

22 Q. How do you know Mr. Savage?

23 A. How do I know him?

24 Q. Yes. When did you first meet him?

25 A. Oh, 1998, I think.

1 Q. And on which premise did you meet Mr. Savage
2 on?

3 A. He was the vice-president of operations for
4 the Diogenese Group or Diogenese Company, Incorporated.

5 Q. Can you spell that, please.

6 A. I'm sorry?

7 Q. Spell the name of that company.

8 A. Diogenese, D-i-o-g-e-n-e-s-e.

9 Q. And you worked with this company?

10 A. I was the director of training.

11 Q. So you worked together with Mr. Savage?

12 A. I worked for the company as a contractor.

13 Q. And then what year did you leave this company
14 or stop doing business with this company?

15 A. 2000 and -- I mean, 1999, maybe late 1998.

16 Q. And after you left, did you still have
17 connections or some type of relationship with Mr. Savage
18 in a business sense?

19 A. I don't recall a relationship until -- I don't
20 recall.

21 Q. And what do you recall about your relationship
22 with Mr. Savage since you left Diogenese?

23 A. We're friends. I send him business. As I
24 said, if I get an inquiry in Mexico or in Latin America.
25 He is a colleague, a member of my board of advisers. He

1 is an officer and a gentleman.

2 Q. Do you receive any compensation, any
3 commissions, any finder's fees for sending him business,
4 and if so, from who?

5 A. It's a hard question.

6 I receive a percentage of the licenses that he
7 sells for repayment of the loan Expertos VSA SA.

8 Q. But in terms of the -- notwithstanding your
9 accepting the loan, do you receive any compensation for
10 referring business to Mr. Savage or any of his
11 companies?

12 A. No.

13 Q. How did you transmit that \$50,000 loan to
14 Mr. Savage or his company?

15 A. I paid Sayeed. I paid -- I paid Sayeed.

16 Q. How did you pay Sayeed?

17 A. By check.

18 Q. You paid \$50,000 to Sayeed?

19 A. I gave him a lot more than that.

20 Q. But there wasn't any particular check that's
21 earmarked \$50,000 in -- for the benefit of Mr. Savage or
22 his company?

23 A. No. I paid him. No.

24 Q. Did you receive -- are you receiving interest
25 on the loan?

1 A. No.

2 Q. So what's in it for you in terms of personal
3 financial gain?

4 A. Well, I paid Sayeed 30,000.

5 Q. Let me -- let me just clarify. You told me
6 that you -- you lent \$50,000 to Mr. Savage and his
7 company.

8 A. That's correct.

9 Q. But in actuality you didn't lend it to them
10 directly, you actually paid for a developer on his
11 behalf; is that correct?

12 A. Not his. Expertos' behalf I paid Sayeed
13 \$30,000.

14 Q. And what about the other 20?

15 A. I call that business.

16 Q. I don't understand.

17 A. I made \$20,000.

18 Q. You made \$20,000?

19 A. Yes.

20 Q. I'm talking --

21 A. On the deal.

22 Q. Okay. So you said you lent \$50,000 to
23 Expertos.

24 A. To Expertos SA.

25 Q. Right.

1 A. Right.

2 Q. But then you said you didn't lend \$50,000 to
3 Expertos but, in fact, you paid this Indian programmer
4 Sayeed \$50,000?

5 A. No. 30,000.

6 Q. 30,000.

7 And so what happened? Where is the other 20
8 that you lent?

9 A. It's profit.

10 Q. So it's not a loan. It's you received in
11 exchange for lending \$30,000 or paying Sayeed, you
12 received \$20,000 on top of that?

13 A. In lieu of interest.

14 Q. Okay. Going back to your passport, Page 24 --

15 A. Okay.

16 Q. -- October 19th. I can't really tell what the
17 date is. Maybe you have a clearer image.

18 A. 2010.

19 Q. Is this the same? I just want to make sure
20 I'm not looking at an exit stamp.

21 A. I can't tell.

22 Q. Do you recall how many times you visited
23 Mexico in the last five, six years?

24 A. One, two, three -- probably four times.

25 Q. And each time you visited that was -- the

1 primary purpose was for business?

2 A. Yes.

3 Q. And do you recall -- I noticed, if you
4 contrast Page 13 to Page 24, those seem to be different
5 years. So this is another visit to Nuevo Leon,
6 October 19th, 2010.

7 A. Okay. Let's see.

8 Q. And that's on Page 24.

9 A. Thirteen, is that what you said?

10 Q. I'm looking on Page 24.

11 A. Okay.

12 Q. And there's another visit to Nuevo Leon
13 October 19th, 2010; is that correct?

14 A. Yes. And -- okay.

15 Q. And what was the nature of that business that
16 visit?

17 A. Same type of visits regarding sales of or
18 licensing of DVSA.

19 Q. And did you -- do you recall who you met with
20 during that visit?

21 A. I met with, again, both with the Attorney
22 General and with the Secretary of Security.

23 Q. Do you recall what was discussed during the
24 visit?

25 A. It was marketing sales of DVSA.

1 Q. This was -- this particular stamp precedes the
2 one in 2013.

3 A. Okay.

4 Q. On Page 12, I believe, of 13 of the passport.
5 Was this another attempt to sell into Mexico
6 or to the Mexican government in Nuevo Leon the DVSA?

7 A. I'm trying to remember if -- if some of these
8 were merely passing, being Nuevo Leon entry into Mexico,
9 and then transferring in to Yucatan, that's what it
10 appears on one of these, but I can't remember.

11 Q. What were you doing in the Yucatan?

12 A. I was teaching a class of polygraph.

13 Q. And were you using the DVSA to teach it?

14 A. No.

15 Q. Did you make any money on that trip?

16 MR. ZAPPOLO: Object to the form.

17 THE WITNESS: Did I make any money?

18 BY MR. D'LOUGHY:

19 Q. Did you earn any money?

20 MR. ZAPPOLO: Same objection.

21 THE WITNESS: I did. Let's see what year
22 it was. I can't remember exactly when I went
23 to -- I think it was -- I can't remember.

24 Yes, I made about -- I made money. Yes.

25

1 BY MR. D'LOUGHY:

2 Q. But has nothing that -- the revenues that you
3 made had nothing do with the DVSA?

4 A. That's correct.

5 Q. And have you ever or your company or on behalf
6 of a customer ever applied for an export license for the
7 DVSA?

8 A. No.

9 Q. Okay. All right. So I'm going to go over
10 what you did, in fact, bring. I'm missing, it seems to
11 a lot of bank statements. So it's hard to examine those
12 here today without them, but I'm going to do my best to
13 go over what you did bring, and I'll try to make it
14 brief.

15 A. Sure.

16 Q. What is Welcore Suppliers?

17 A. It's a voice stress analysis and investigative
18 agency in Pretoria.

19 Q. Pretoria, South Africa?

20 A. Right.

21 Q. And they are called Welcore Suppliers PTY
22 Limited?

23 A. Yes.

24 Q. And they have -- I'm looking here on your
25 statement, 3/31/16, there's a deposit of \$1,173.

1 A. Yes.

2 Q. And what was that? I'm sorry. Strike that.

3 There's a deposit of \$1,610. What was the
4 nature of that deposit into your account?

5 A. I have to look at the -- I think it says
6 software development.

7 Q. Right here?

8 A. Right. Okay.

9 On the next page it says, software
10 development, investigations, and it was for license for
11 the FVAS.

12 Q. They paid you for the FVAS?

13 A. Yes.

14 Q. Again, the FVAS is distinguished between the
15 DVSA how?

16 A. It's a separate company. There are separate
17 system owned by Expertos VSA SA.

18 Q. Okay. But why is South Africa paying you for
19 Expertos VSA's software?

20 A. To pay off the loan.

21 Q. So, to your knowledge, Expertos VSA is doing
22 business in South Africa now.

23 A. Yes.

24 MR. D'LOUGHY: Let me just go off the
25 record for a second.

1 MR. ZAPPOLO: We're off the record.

2 (Brief recess.)

3 MR. ZAPPOLO: We are back on the record in
4 the case of NITV Federal Services, Inc. versus
5 Elwood Gary Baker, et cetera, Palm Beach County
6 Circuit Case Number 50-2015-CA005885MBAG.

7 It is March 29th, 2017, at 12:14. This is
8 still Scott Zappolo recording.

9 Mr. Baker, you're still under oath.

10 BY MR. D'LOUGHY:

11 Q. Mr. Baker, I'm going to show you another --
12 just for the record, I just got these. I'm reviewing
13 them in a very cursory way. But this statement is dated
14 4/1/16 through 5/1/16. There is another -- another line
15 item in here, wire transfer credit \$4,200, it says
16 software development, invoice 2160. I'd love to get my
17 hands on the invoice, from Welcore. What was -- do you
18 want to take a look at it and tell me what this is for?

19 A. This is the same. The same answer.

20 Q. So this was for what? Tell me again.

21 A. License for FVAS, payment of the loan directly
22 to me rather than going through Expertos VSA SA.

23 Q. And are these -- if I go back, the loan was
24 made which year?

25 A. 2008.

1 Q. And if I go back through your bank statements
2 for 2008, what will the total of that payment be to you
3 for that loan?

4 A. Well, \$50,000. It's almost -- it's -- it's
5 not quite paid but close.

6 Q. Okay. But the loan was, in fact, for 30,000?

7 A. Right.

8 Q. And 20,000 was the profit on the loan or the
9 interest, so to speak?

10 A. Right.

11 Q. Okay. And will there be any other of these
12 bank accounts, TD&D, Prosperity Bank, Ameritas Bank,
13 that would contain payments from varies licensees of
14 Expertos' software being paid to you?

15 A. No.

16 Q. So this would be the only account where you
17 have been paid your loan off?

18 A. Yes.

19 Q. Okay.

20 A. Well, and from Expertos VSA.

21 Q. Was there another loan that --

22 A. No. I'm just saying that Expertos VSA also
23 repays the loan.

24 Q. So it's not just merely from their licensees
25 but they pay you directly?

1 A. Expertos VSA pays me directly based upon their
2 sale of FVAS.

3 Q. And they have been doing that since 2008?

4 A. Yes.

5 Q. And when was this --

6 A. Up, probably 2009 I would say.

7 Q. And only through this account?

8 A. Only through? No, that's -- that's a -- a new
9 account. You have everything on that account.

10 Q. Okay. So which account did they use to pay
11 you prior to this account?

12 A. TD Bank and may have -- and I think that's
13 all.

14 Q. Not Prosperity, not Amer- --

15 A. I'm not sure. Really, I'm not sure.

16 Q. Fair enough. And I will go through this.
17 Hang on for a second.

18 And now I've got, and I'm going to enter this
19 all into evidence as one single composite, it's the bank
20 statements from First National Bank in Panama City, is
21 that the correct name?

22 A. Northwest Florida.

23 Q. Of Northwest Florida. The bank name is not on
24 here. I don't see it. So...

25 The statement dated 8/31/15, are you familiar

1 with SSA TRES 310?

2 A. Yes.

3 Q. What is that?

4 A. It's my Social Security retirement check.

5 Q. Okay. Why --

6 A. That's payment.

7 Q. Wire transfer credit, Welcore Suppliers,
8 \$3,610, again, it's software development. Is that the,
9 again, the same repayment from Expertos SA and
10 Mr. Savage for the loan?

11 A. Yes. Yes. Yes.

12 Q. A statement date 10/30/15, Welcore Suppliers,
13 \$3,410, software development. Again, the same loan
14 between Expertos and yourself?

15 A. Yep.

16 Q. Statement date 12/31/2015, \$1410, Welcore
17 Suppliers. This one in particular on the
18 12/31/15 account, it just says Welcore -- well, sorry.
19 It does say software development.

20 So why does it say software development when
21 your understanding is that they are actually purchasing
22 licenses of Mr. Savage's and Expertos' software?

23 MR. ZAPPOLO: Object to the form.

24 THE WITNESS: It's my understanding --

25 MR. ZAPPOLO: You can answer.

1 THE WITNESS: -- to meet certain banking
2 restrictions of paying money outside of South
3 Africa.

4 BY MR. D'LOUGHY:

5 Q. Whose restrictions are they to your
6 understanding, US restrictions or --

7 A. No.

8 Q. -- South African?

9 A. South African banking restrictions.

10 Q. And what do you know about Welcore Suppliers
11 PTY Limited?

12 A. Welcore is the, as I understand it, the
13 representative of Expertos VSA SA in South Africa.

14 Q. And have you ever done any business with them
15 other than that?

16 A. No.

17 Q. Do you know the principal's name at Welcore?

18 A. Yes.

19 Q. What's the name of the person?

20 A. Chris Nell.

21 Q. Spell it.

22 A. K-e-l (sic).

23 Q. K-e-l (sic).

24 And did Mr., was it, Coates?

25 A. Cotzee.

1 Q. Cotzee, was he ever involved with Welcore?

2 A. My understanding is that Chris Nell took a VAS
3 class from Cotzee and used my pirated DVSA, was given a
4 copy, advised -- contacted me about it, and subsequently
5 I notified Cotzee that he was in violation.

6 Q. And do you have that letter?

7 A. Someplace. Yeah.

8 Q. Okay.

9 A. And a general letter that Welcore and others
10 who are members of the American Polygraph and Voice
11 Stress Association, South Africa Chapter disseminated to
12 those that they knew that Cotzee had provided the
13 software to. That they were in violation of a
14 copyright, and it was pirated, and that I had provided
15 that information to the Department of Commerce, Bureau
16 of Industry and Security.

17 Q. You have provided what information?

18 A. I self-reported that about Cotzee and about
19 the UK back in 2004.

20 Q. Okay.

21 A. And my understanding that Cotzee had reverse
22 engineered DVSA and was providing it to others without
23 cost or as part of his training. He was selling
24 training, VSA training, and giving them my pirated
25 software.

1 Q. And have you ever visited Welcore Suppliers in
2 South Africa?

3 A. No.

4 Q. And how often do you receive a check from -- a
5 wire transfer credit from Welcore Suppliers?

6 A. That was the last one. I forget which one it
7 was, but I've not received any since.

8 Q. But prior to that was it more frequently than
9 it is now?

10 A. Once a month maybe.

11 Q. Okay. And for how many years has it occurred?

12 A. I don't really remember. I mean, I will give
13 you --

14 Q. Do you think more than three or four?

15 A. Probably four years.

16 Q. And that was all relative to your payment of
17 the \$30,000 loan?

18 A. Right.

19 Q. Or Expertos' payment to you of the \$30,000
20 loan?

21 A. Right, because of the banking --

22 Q. Understood.

23 A. -- thing.

24 Q. All right. I also have here, that you
25 produced today, is an income gross sales statement, it

1 says 5/13/2013, and then it says rev- -- then there is a
2 second page, it says, Revenues 2017.

3 A. They were, yes.

4 Q. And we requested everything going back from
5 2010, January 1st, 2010, if I'm not mistaken. Why
6 didn't you produce the balance of the documents?

7 A. That's all I could find.

8 Q. So you found 5/13/2010, it looks like much of
9 it is redacted.

10 MR. D'LOUGHY: And by the way, I want to
11 add these as -- do you have any objection of me
12 adding these as composites to the --

13 MR. ZAPPOLO: No objection. You said
14 5/13/2010?

15 MR. D'LOUGHY: I'm just going to hand him
16 the whole thing.

17 MR. ZAPPOLO: Right. But do you have
18 something that says 5/13/2010 on it? I think
19 on the right --

20 MR. D'LOUGHY: I can go through it.

21 MR. ZAPPOLO: No. I don't have a problem
22 with the composite.

23 MR. D'LOUGHY: I'm looking at this. I'm
24 not issuing it right now.

25 MR. ZAPPOLO: Okay. You just said

1 5/13/2010?

2 MR. D'LOUGHY: Yes.

3 MR. ZAPPOLO: But the document you are
4 referring to right now, would agree with me
5 with your hand on, it says 5/13/13.

6 MR. D'LOUGHY: Did I say 2010?

7 MR. ZAPPOLO: Yes, you did.

8 MR. D'LOUGHY: Okay. My apologies.

9 MR. ZAPPOLO: Of course, if you want to
10 mark that.

11 MR. D'LOUGHY: If you'd mark that Exhibit
12 A, please.

13 MR. ZAPPOLO: Exhibit A is a composite of
14 Mr. Bakers' bank statements produced here today
15 and what else?

16 MR. D'LOUGHY: Ranging from 1/30/2015
17 through -- to 9/30/2016.

18 Do you have a copy you can give to the court
19 reporter?

20 MR. ZAPPOLO: I think we do. I just want
21 to make sure. Okay. So this.

22 MR. FARWELL: You came with one set, and I
23 came with another set.

24 MR. ZAPPOLO: We need to have a complete
25 set, and we'll let him have a complete set, and

1 let the court reporter have a complete set.

2 MR. FARWELL: Here's the another copy.
3 Here's another set. Are they down by Gary
4 maybe?

5 MR. ZAPPOLO: Probably. Yes. Let's
6 agree -- excuse me. Okay. So we have
7 1/30/2015 through --

8 THE WITNESS: It should be February of
9 this year.

10 MR. ZAPPOLO: This is 8/31/2016.
11 9/30/2016. And then the last page says
12 9/30/2016. Is that what you have?

13 THE WITNESS: It may be out of order.

14 MR. ZAPPOLO: Don't talk.
15 9/30/2016.

16 MR. D'LOUGHY: I have 10/2/2016.

17 MR. ZAPPOLO: Yes. On the top of the last
18 page it says 10/2/2016, and --

19 MR. D'LOUGHY: 9/30/2016.

20 MR. ZAPPOLO: So let's agree that this
21 will be -- we agree that's Composite Exhibit A,
22 if you want.

23 MR. D'LOUGHY: 1A.

24 MR. ZAPPOLO: And we're giving that to the
25 court reporter for marking.

1 MR. D'LOUGHY: Madam court reporter, where
2 would you like me to set this?

3 MR. ZAPPOLO: And then your next exhibit?

4 MR. D'LOUGHY: I'm running to your -- you
5 produced an income gross sales statement
6 5/13/2013.

7 MR. ZAPPOLO: Okay. And how many pages is
8 that?

9 MR. D'LOUGHY: It's a one-page.

10 MR. ZAPPOLO: One page. Okay. Great.

11 MR. D'LOUGHY: We'll mark this as
12 Plaintiff's Exhibit 2.

13 MR. ZAPPOLO: Exhibit 2. Do you have a
14 copy of it, Mr. Baker?

15 Here's a copy for the court reporter, and you
16 have your copy, right?

17 MR. D'LOUGHY: I don't know if Mr. Baker
18 has his copy.

19 MR. ZAPPOLO: That's all right.

20 Mr. Baker, here's your copy.

21 BY MR. D'LOUGHY:

22 Q. Are you familiar with this document?

23 A. Partially. Yes.

24 Q. What does it represent?

25 A. It was redacted. It looks like it's redacted.

1 Gross income dated 5/13/2013, and everything is redacted
2 with the exception of the payments from either Expertos
3 VSA or from Welcore.

4 Q. First of all, what does it represent? Is it
5 your personal income statement or is it your company's
6 income document statement or is it personal?

7 A. It's company's income. It's income for the
8 company. It may have gone into a personal account or a
9 business account.

10 Q. And who prepared it?

11 A. I did.

12 Q. And why is there a big void in between where
13 it has heading, dates, source, class amount and BK, and
14 I don't know what BK means.

15 A. I don't know. I didn't make the copies.

16 Q. Do you know whether or not there is anything
17 prior -- that filled this void that was deleted?

18 MR. ZAPPOLO: For clarity, Mr. Farwell
19 just informed me at the top portion where
20 there's a big space is redacted because, I
21 believe, it's a court order.

22 MR. FARWELL: United States, it's money
23 coming in from the United States government.

24 BY MR. D'LOUGHY:

25 Q. Okay. Who prepared this?

1 A. I did.

2 Q. When did you prepare it?

3 A. I prepare as I receive the income.

4 Q. So it's an ongoing statement that you prepare?

5 A. Yes.

6 Q. And it's dated 5/13/2013?

7 A. That's correct.

8 Q. And it ends -- I can't really tell where it
9 ends, other than it says 12/7.

10 A. End of the year.

11 Q. What happened to 5/14/2000 or 5/2014, '15,
12 '16, where are those?

13 A. You have them.

14 MR. FARWELL: I have this stuff, but this
15 was all United States.

16 MR. ZAPPOLO: Well, let me ask. Do you
17 care if I consult with Mr. Baker in the middle
18 of your deposition? I don't want to step on
19 any toes.

20 I have another document Mr. Farwell just
21 handed me. I don't think it's in the same format
22 as this for clarity purposes.

23 MR. FARWELL: But it has all United States
24 internal money.

25 MR. D'LOUGHY: Let me just ask Mr. Baker a

1 question. I understand you're redacting the
2 domestic transactions on here, which we agreed
3 to.

4 BY MR. D'LOUGHY:

5 Q. Mr. Baker, you prepare these income statements
6 how often?

7 A. They are continuous.

8 Q. When did you start preparing them?

9 A. I don't remember.

10 Q. Would it have been prior to 2010?

11 A. I would -- sure.

12 Q. What about prior to 2008?

13 A. Probably.

14 Q. Why is it that -- well, this, the one I'm
15 holding here in my hand that's dated 5/13/2013, these
16 transactions -- and I'll go through them with you
17 because I don't quite understand the nature or what some
18 of these acronyms means.

19 Let's start at 7/29/13. The top line it says,
20 WVS. What is WVS?

21 A. Welcore, voice stress --

22 Q. Okay.

23 A. -- recertification.

24 Q. And what does RC mean, class?

25 A. Recertification.

1 Q. And recertification of what?

2 A. Renewal codes.

3 Q. Renewal codes for what?

4 A. For FVAS.

5 Q. And that again is Expertos' --

6 A. Yes.

7 Q. -- program?

8 A. Yes.

9 Q. Or the software?

10 A. Right.

11 Q. And this is \$4,500?

12 A. Right.

13 Q. And this was, again, part of that loan that
14 was being paid to you, correct?

15 A. That's correct.

16 Q. And 8/24/13, CM. What is CM?

17 A. Personnel.

18 Q. And he's with the Welcore, correct?

19 A. That's correct.

20 Q. And RC, recertification?

21 A. Yes.

22 Q. And when it's CM, that means that it wasn't
23 coming from Welcore but it was coming from him
24 personally?

25 A. I don't remember. It was just -- it was

1 ongoing. It's either Welcore, Chris Nell, Nell, Chris,
2 Expertos.

3 Q. And it was for \$706.99?

4 A. Right.

5 Q. Do you know what it was for, other than
6 recertification?

7 A. Recertification codes.

8 Q. Okay. And TD per, what does that mean?

9 A. Where?

10 Q. Out to the left.

11 Let me ask you on the top, you have got sort
12 of a table here. It says date, source, class, amount
13 BK.

14 A. Right.

15 Q. What's BK?

16 A. Bank.

17 Q. Okay. And TD per, what is that?

18 A. TD Bank personal account.

19 Q. And if and when you produce the TD Bank
20 statements, that would be reflected in there?

21 A. That's correct. And my tax statements.

22 Q. Okay. And then 9/13/13, NC?

23 A. That's Nell, Chris.

24 Q. Okay. So it's just his name in reverse?

25 A. Yes.

1 Q. Okay. \$711.72, I think is -- or seven cents
2 is self-explanatory.

3 A. Right.

4 Q. 10/22, Exp?

5 A. Expertos VSA.

6 Q. And that came from which bank?

7 A. Came from which bank?

8 Q. Yeah. Where was the money wired from?

9 A. I don't know.

10 Q. Would that be reflected on your bank
11 statement?

12 A. It may or may not.

13 Q. And what is the Class L -- NL mean?

14 A. New license.

15 Q. New license of -- for what?

16 A. For FVAS.

17 Q. And they are paying you for a new license?

18 A. Right.

19 Q. But you don't sell FVAS, right?

20 A. That's correct.

21 Q. So please explain to me why they are paying
22 you for a new license that you don't sell?

23 A. Repaying the loan.

24 Q. Okay. And then 11/2, and I take it that all
25 of these dates, 11/2, 11/5, 11/19, 12/7, they fall

1 during the year 2013, would that be an accurate
2 statement?

3 A. Yes.

4 Q. Okay. So 1/12, NC, Nell, Chris again?

5 A. Yes.

6 Q. RC, I think you testified that's a renewal
7 code for the Expertos SA program?

8 A. Program license.

9 Q. License.

10 And then 1150.79 is the amount, and then bank,
11 it says TD, but it doesn't have p-e-r, like the
12 foregoing ones did?

13 A. It's a business account.

14 Q. So you have two accounts. You have a personal
15 account and a business account?

16 A. That's correct.

17 Q. And the bank documents you submitted to us
18 today from First National Bank Northwest, Florida --

19 A. Yes.

20 Q. -- are those personal or business?

21 A. It's a business, small business account.

22 That's the only bank account I have.

23 Q. So it's both personal and business?

24 A. Correct.

25 Q. Okay. And -- but prior to that, prior to

1 opening up the account with First National -- when do
2 you -- do you recall when you opened up the First
3 National account?

4 A. You have those.

5 Q. So it would have been with you, within the
6 inception of the first --

7 A. Yes. The statements reflect that.

8 Q. But prior to that, you kept separate accounts
9 between your personal and business?

10 A. I did.

11 Q. Okay. Here's a new one, 1/11/19, WVS.

12 A. Welcore voice stress.

13 Q. Okay. I see it's in caps versus the lower
14 case.

15 Okay. The 12/7, self-explanatory. And then
16 again 12/7. All right.

17 And this is -- this is going to be entered,
18 you have it as Plaintiff's Exhibit 2.

19 And then I have a subsequent document that you
20 produced to me -- produced to me. And again, if I am --
21 you have, going back to the Plaintiff's Exhibit 2,
22 income gross sales statement for 5/13/2013. You would
23 have other income statements just like this one that
24 tracks any of the deposits or wires that were incoming
25 to your account, correct?

1 A. Yes.

2 MR. FARWELL: This is the only one I have.

3 MR. ZAPPOLO: Can I show Mr. Baker this?

4 I will tell you that -- I mean, Gary, this is
5 stuff that re- --

6 THE WITNESS: This is redacted, I didn't
7 do it.

8 MR. ZAPPOLO: For the record, you're
9 indicating that the top portion of Exhibit
10 Number 2 was redacted by Mr. Farwell, correct?

11 THE WITNESS: Right.

12 MR. ZAPPOLO: All right. Now, without
13 getting into anyone else testifying. I don't
14 know what else Mr. Baker gave Mr. Farwell.

15 But, Mr. Baker, is this document, what you're
16 referring to -- and do you care if I give that to
17 counsel right now, just so we have a clear record?

18 MR. FARWELL: No.

19 MR. ZAPPOLO: Because this is all American
20 stuff.

21 BY MR. D'LOUGHY:

22 Q. Well, I guess -- I guess, my question is: For
23 every payment that you received from Expertos or any
24 other company related to Expertos that came into your
25 bank account, would you have a corresponding income

1 gross statement that reflects those payments that were
2 coming in, and if so, where is it?

3 A. I should, and you have them.

4 Well, you say you. I don't know, that's
5 between -- Mr. Baker, you're going to have to consult
6 with Mr. Farwell who is handling that documentation.

7 MR. D'LOUGHY: Do you want to take a
8 moment.

9 MR. FARWELL: If there's something
10 further, I'm going to have to go back to the
11 office, because you only gave me that one
12 document.

13 THE WITNESS: Okay.

14 MR. ZAPPOLO: Maybe lunch --

15 THE WITNESS: Maybe that's all he has.
16 I'm not sure what he's talking about.

17 MR. D'LOUGHY: Do you want me to refocus?

18 MR. ZAPPOLO: Well, I understand. Gary,
19 for clarity, this starts in 2013.

20 THE WITNESS: Yes.

21 MR. ZAPPOLO: We've redacted things that
22 are not international income. But do you have
23 something that says five -- or something from
24 2012 that would have similar entries and maybe
25 2011 and 2010 and 2008?

1 THE WITNESS: Oh, I follow you.

2 MR. ZAPPOLO: Okay. That's what he's
3 getting at, and I'm curious myself. I don't
4 know whether you had the documents and believe
5 that you gave it to Jeff and there was some
6 screw up in our office or whether you can
7 clarify that this is where it starts with
8 respect to this type of income statement, but
9 you have other information elsewhere.

10 THE WITNESS: You have the tax returns for
11 2010 and 2011. I thought that I provided '12,
12 '13, '14, '15 and '16, and January and February
13 of '17.

14 MR. ZAPPOLO: Of income statements?

15 THE WITNESS: Of the income statements.

16 MR. ZAPPOLO: Okay. We don't have that.
17 So maybe that's a mixup in our office. During
18 lunch Jeff will try to track it down with
19 Mr. Baker, and if necessary he'll be here and
20 you can pick up with him and clear that up. Is
21 that fair, counsel?

22 MR. D'LOUGHY: Fair enough.

23 MR. ZAPPOLO: Okay. And, you know, we're
24 kind of it doing this on the fly. I didn't see
25 them until now before.

1 MR. D'LOUGHY: Okay. So I'm requesting
2 that, you know, for the -- at least for the
3 period of time from January or -- I'm sorry,
4 I'm going to go ahead and make that request.
5 We can make that afterwards. But from a
6 minimum of January 1st, 2010, forward.

7 But as it comes down, I'm going to go back to
8 the well and ask from the inception of the loan,
9 you know, we're going to do our math, and that's
10 what I'm going to ask you for, if you have it.

11 MR. ZAPPOLO: I don't know that he has it
12 with him, but whatever we have, we'll get you.

13 MR. D'LOUGHY: I doubt that you have it
14 with you today, that's a lot of documentation.

15 MR. ZAPPOLO: I don't know that's it's
16 back to the beginning of the loan today from
17 2010 forward because that's what you asked for
18 and that may just be a screw up in our office,
19 but we'll deal with it.

20 BY MR. D'LOUGHY:

21 Q. I have a third page here and I don't
22 understand, it says Revenues 2017, I assume, and do you
23 have this page?

24 MR. ZAPPOLO: Gary, here.

25 THE WITNESS: Okay.

1 BY MR. D'LOUGHY:

2 Q. Can you describe to me what this page
3 represents?

4 A. Revenues from -- of 2017.

5 Q. Revenues of what?

6 A. Revenues into Baker Group International.

7 Q. Okay.

8 A. Small loan account.

9 Q. And Baker --

10 A. Small business account.

11 Q. And Baker Group International, is it a sole
12 proprietorship? Is it an Inc., LLC, or do you just own
13 it and run it yourself without being incorporated? I
14 haven't checked recently.

15 A. Sole proprietorship.

16 Q. Okay. And did you prepare this document?

17 A. I did.

18 Q. And from 2010 up to 2017, are those -- are
19 there documents that reflect your revenues for each year
20 that you prepared?

21 A. If I can find them, yes.

22 Q. And did you bother to look for them prior to
23 this hearing today?

24 A. I did.

25 Q. And were you successfully able to find them?

1 A. I didn't look closely because of the tax
2 statements would reflect that.

3 Q. Okay.

4 A. So '12, I don't know why.

5 Q. So I just have 2017. Do you think you can get
6 me '10 through '16?

7 A. Possibly.

8 Q. And do you know where those might be?

9 A. They may be on my computer. I had a crash. I
10 lost a hard drive and a mother board, but I should be
11 able to find them.

12 MR. ZAPPOLO: For clarity, in the room
13 today, you have the tax returns which show your
14 revenues for the five years.

15 THE WITNESS: Yes. That's my point.

16 MR. D'LOUGHY: Are you willing to share
17 those with me?

18 MR. ZAPPOLO: We've objected to it. So I
19 don't know -- I don't know what the relevancy
20 to any of it is.

21 MR. D'LOUGHY: I don't know either.

22 MR. ZAPPOLO: There's no --

23 MR. D'LOUGHY: I'm just going to examine
24 this with him and ask him whether it's
25 relevant. I don't even know that I even asked

1 for it.

2 MR. ZAPPOLO: I don't know that the
3 revenues in 2017 is relevant to anything,
4 because there's nothing coming in from out of
5 country.

6 BY MR. D'LOUGHY:

7 Q. Let me just quickly ask you. You've got a
8 number of line items and they all fall in the -- one is
9 a loan for \$2,000, FNB. What is FNB?

10 A. First National Bank.

11 Q. And they lent you \$2,000?

12 A. No. No. This was a loan from -- this was
13 payment on the loan from Expertos VSA.

14 Q. And that's reflected in a bank statement I
15 take it?

16 A. Yes.

17 Q. And then 3/13, County SO?

18 A. Uh-huh. Yes.

19 Q. What does that mean?

20 A. A county Sheriff's Office.

21 Q. These are all domestic, though, correct?

22 A. Yes.

23 Q. Okay. What does FNB mean?

24 A. First National Bank.

25 Q. Is there anything on here that's not domestic?

1 A. Other than the 2/17, which is a loan payment
2 from Expertos.

3 Q. Okay.

4 A. No.

5 MR. D'LOUGHY: I'm just going to go ahead
6 and admit this in as Plaintiff's Exhibit
7 Number 3, and it represents the revenues of
8 2017 for the -- for Mr. Baker and the Baker
9 Group International.

10 So if you just give me a moment, I'm about
11 done here. Let's take a moment.

12 MR. ZAPPOLO: Sure.

13 MR. D'LOUGHY: We can go of the record.

14 MR. ZAPPOLO: We're going off the record
15 at 12:48 p.m.

16 (Brief recess.)

17 MR. ZAPPOLO: All right. We are back on
18 the record in the case of NITV Federal
19 Services, Inc., versus Elwood Gary Baker, et
20 cetera. Palm Beach County Circuit Court Case
21 Number 50-2015-CA-0005885MBAG.

22 It is 12:53 on March 29th, 2017. This is
23 still Scott Zappolo recording.

24 Mr. Baker, you're still under oath.

25 MR. D'LOUGHY: I have no further questions

1 other than to mark the passport copies as
2 Exhibit Number 5.

3 MR. ZAPPOLO: Four. It should be 4.

4 MR. D'LOUGHY: No. I think we're 5,
5 because we actually marked the composite of all
6 the documents that was produced through
7 discovery.

8 MR. ZAPPOLO: Oh, we did, all the
9 documents produced through discovery?

10 MR. D'LOUGHY: That you provided to us.

11 MR. ZAPPOLO: Composite Exhibit 1 I have
12 as Mr. Baker's bank statements that we
13 discussed.

14 MR. D'LOUGHY: Okay. Then it wasn't --
15 then we misstated.

16 MR. ZAPPOLO: Okay.

17 MR. D'LOUGHY: So how do you want to do
18 it?

19 MR. ZAPPOLO: Let's give the court
20 reporter the exhibits right now. It's very
21 simple. We gave her a composite of all the
22 bank statements that Mr. Baker prepared and
23 brought today, right, and we discussed what
24 those were.

25 MR. D'LOUGHY: I misspoke. You're

1 correct.

2 MR. ZAPPOLO: Okay. Well, if we're
3 marking, we're going to give the court reporter
4 copies, correct?

5 So this stack of documents, we'll give to the
6 court reporter. Those are the bank statements.

7 MR. D'LOUGHY: This is 1.

8 MR. ZAPPOLO: That's Exhibit Number 1,
9 correct?

10 MR. D'LOUGHY: Yes.

11 (Plaintiff's Exhibit No. 1 was marked for
12 identification and retained by Mr. D'Loughy.)

13 MR. ZAPPOLO: All right. And then we have
14 Exhibit Number 2 is marked as the income
15 statement dated 5/13/2013, and we're giving
16 that to the court reporter.

17 (Plaintiff's Exhibit No. 2 was marked for
18 identification and retained by Mr. D'Loughy.)

19 MR. ZAPPOLO: Then Exhibit Number 3 is the
20 Revenues 2017 document, and we're giving that
21 to the court reporter.

22 (Plaintiff's Exhibit No. 3 was marked for
23 identification and retained by Mr. D'Loughy.)

24 MR. ZAPPOLO: And then Exhibit Number 4 is
25 the copy of the passport, and we're giving that

1 to the court reporter, correct?

2 MR. D'LOUGHY: That is correct.

3 (Plaintiff's Exhibit No. 4 was marked for
4 identification and retained by Mr. D'Loughy.)

5 MR. ZAPPOLO: All right. So the court
6 reporter now, we are in agreement, has copies
7 of all the exhibits for this deposition,
8 correct?

9 MR. D'LOUGHY: Yes, we are.

10 MR. ZAPPOLO: So, Mr. Baker, please come
11 back here and sit down, we're in the middle of
12 a deposition.

13 THE WITNESS: I'm sorry, really sorry. I
14 thought it was over.

15 CROSS (ELWOOD GARY BAKER)

16 BY MR. ZAPPOLO:

17 Q. Now, Mr. Baker, I just wanted to ask you a
18 couple of very quick follow-up questions.

19 Did you produce any documents to us, meaning
20 your attorneys, for production to the other side in
21 response to an earlier request for production of
22 documents in this case?

23 A. I did.

24 Q. Okay. And there was testimony earlier today
25 about your dealings with South Africa and the United

1 Kingdom; do you remember that?

2 A. Yes.

3 Q. Within the documents of -- that you produced
4 earlier in this case, I believe off the top of my head
5 it might be Bates stamped 00003, do you recall a letter
6 to anyone in the United States government related to any
7 self-reporting?

8 A. Yes.

9 Q. Okay. So with respect to the dealings that
10 you testified about earlier today, you self-reported
11 that to the U.S. government and the other side has
12 copies of those documents, correct?

13 A. Yes.

14 Q. Okay. And with respect to the letter that you
15 alluded to earlier today, your letter to the company in
16 South Africa saying basically, for want of a better
17 phrase, they were knocking off your product and were
18 distributing it inappropriately, that letter is
19 contained within the documentation that we provided to
20 the other side already as well, correct?

21 A. Yes.

22 MR. ZAPPOLO: That's all that I have.

23 Thank you.

24

25

1 REDIRECT (ELWOOD GARY BAKER)

2 BY MR. D'LOUGHY:

3 Q. With respect to the letter that you allege you
4 self-report to the United States government regarding
5 the company, South Africa knocking off your software,
6 what year was that?

7 MR. ZAPPOLO: Objection, that's not the
8 representation. The accusation about knocking
9 off the software I believe is found at Bates
10 stamp 00005.

11 MR. D'LOUGHY: Okay.

12 MR. ZAPPOLO: So that wasn't a
13 self-reporting issue.

14 MR. D'LOUGHY: I'm looking here at a
15 letter dated 11/28/2005 to Agent Pomerly.

16 MR. ZAPPOLO: P-o-m-e-r-o-y?

17 MR. D'LOUGHY: P-o-m-e-r-l-y.

18 MR. ZAPPOLO: Is that Bates stamped 0003
19 on the bottom right?

20 MR. D'LOUGHY: Yes.

21 MR. ZAPPOLO: That is the letter
22 self-reporting relating to the South African
23 and UK entity.

24 BY MR. D'LOUGHY:

25 Q. After that you're alleging that you had no

1 involvement with either the South African or UK entity?

2 A. I'm sorry?

3 Q. Are you alleging that after you self-reported
4 to the U.S. government with respect to the letter, Bates
5 stamped 3 to the U.S. government and Agent Pomerly, are
6 you alleging that you had no further business with these
7 companies in South Africa or the UK?

8 A. Yes.

9 MR. D'LOUGHY: Okay. I have no further
10 questions.

11 MR. ZAPPOLO: That's it. I have no
12 further questions either.

13 Just for clarity, he will read.

14 MR. D'LOUGHY: He will have to quickly
15 read, because I'm am ordering that express.

16 I want it tomorrow. And I want a rough.

17 (Witness excused.)

18 (Deposition was concluded.)

19

20

21

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24

25

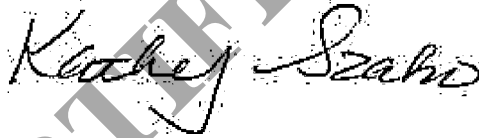
CERTIFICATE OF OATH

THE STATE OF FLORIDA

COUNTY OF PALM BEACH

I, the undersigned authority, certify that
ELWWOD GARY BAKER personally appeared before me and was
duly sworn on the 29th day of March, 2017.

Dated this 30th day of March, 2017.



Kathleen M. Szabo, RPR
Notary Public - State of Florida
My Commission Expires: 4/22/2019
My Commission No.: FF205570

C E R T I F I C A T E

THE STATE OF FLORIDA

COUNTY OF PALM BEACH


I, Kathleen Szabo, Registered Professional Reporter and Notary Public in and for the State of Florida at large, do hereby certify that I was authorized to and did report said deposition in stenotype; and that the foregoing pages are a true and correct transcription of my shorthand notes of said deposition.

I further certify that said deposition was taken at the time and place hereinabove set forth and that the taking of said deposition was commenced and completed as hereinabove set out.

I further certify that I am not attorney or counsel of any of the parties, nor am I a relative or employee of any attorney or counsel of party connected with the action, nor am I financially interested in the action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

Dated this 30th day of March, 2017.



Kathleen Szabo, RPR

1 DATE: March 29, 2017

2 TO: ELWOD GARY BAKER
3 c/o SCOTT W. ZAPOLLO, ESQUIRE
4 ZAPPOLO FARWELL ATTORNEYS AT LAW
5 7108 Fairway Drive, Suite 150
6 Palm Beach Gardens, Florida 33418

7 DEPOSITION OF: ELWOD GARY BAKER
8 TAKEN: 3/29/17 JOB NO.: 1552911
9 IN RE: NITV Federal Services, LLC vs. Baker

10 The transcript of the above proceeding is now
11 available for your review.

12 Please call to schedule an appointment between
13 the hours of 9:00 a.m. and 4:00 p.m., Monday through
14 Friday, at a U.S. Legal Support office located nearest
15 you.

16 If you are a party in this action and your
17 attorney has ordered a copy of this transcript, you may
18 wish to read his/her copy of the transcript. In that
19 event, please execute the Errata Sheet, found at the
20 back of the transcript, and return it to us for
21 distribution. A self-addressed envelope is enclosed for
22 your convenience

23 Please complete your review within a
24 reasonable amount of time/30 days.

25 Very truly yours,
26 *Kathleen Szabo*

27 _____
28 Kathleen Szabo, RPR
29 U.S. Legal Support
30 444 West Railroad Avenue
31 Suite 300
32 West Palm Beach, Florida 33401

33 I do hereby waive my signature.

34 _____
35 ELWOD GARY BAKER
36 cc: Via transcript: James D'Loughy, Esquire

C E R T I F I C A T E

- - -

THE STATE OF FLORIDA

COUNTY OF PALM BEACH

I hereby certify that I have read the
foregoing deposition by me given, and that the
statements contained herein are true and correct to the
best of my knowledge and belief, with the exception of
any corrections or notations made on the errata sheet,
if one was executed.

Dated this ____ day of _____,
20 ____ .

ELWOD GARY BAKER

<div>\$</div> <div>\$1,173 58:25</div> <div>\$1,610 59:3</div> <div>\$1410 63:16</div> <div>\$2,000 85:9, 11</div> <div>\$20,000 54:17,18 55:12</div> <div>\$3,410 63:13</div> <div>\$3,610 63:8</div> <div>\$30,000 54:13 55:11 66:17, 19</div> <div>\$4,200 60:15</div> <div>\$4,500 74:11</div> <div>\$50,000 34:22 37:19,25 39:7 40:2 53:13, 18,21 54:6,22 55:2,4 61:4</div> <div>\$706.99 75:3</div> <div>\$711.72 76:1</div> <div>0</div> <div>00003 90:5</div> <div>00005 91:10</div> <div>0003 91:18</div> <div>1</div> <div>1 87:11 88:7, 8,11</div> <div>1/11/19 78:11</div> <div>1/12 77:4</div> <div>1/30/2015 68:16 69:7</div> <div>10 49:6 84:6</div> <div>10/2/2016 69:16,18</div> <div>10/22 76:4</div> <div>10/30/15 63:12</div>	<div>10:26 4:14</div> <div>10:52 18:10</div> <div>10:59 18:21</div> <div>11/19 76:25</div> <div>11/2 76:24,25</div> <div>11/28/2005 91:15</div> <div>11/5 76:25</div> <div>1150.79 77:10</div> <div>12 57:4 81:11 84:4</div> <div>12/31/15 63:18</div> <div>12/31/2015 63:16</div> <div>12/7 72:9 76:25 78:15, 16</div> <div>12:14 60:7</div> <div>12:48 86:15</div> <div>12:53 86:22</div> <div>13 49:9 56:4 57:4 81:12</div> <div>14 81:12</div> <div>15 72:11 81:12</div> <div>16 72:12 81:12 84:6</div> <div>17 81:13</div> <div>1813 6:9</div> <div>1943 7:1</div> <div>1962 6:23</div> <div>1970 9:23 10:13 47:1</div> <div>1971 17:22</div> <div>1974 26:14</div> <div>1975 9:23 11:2 19:3,4 30:6,10,18</div> <div>1990 11:19,22 18:25 19:4,7, 8 30:16,18,24 31:4</div> <div>1998 51:25 52:15</div>	<div>1999 31:13 52:15</div> <div>19th 55:16 56:6,13</div> <div>1A 69:23</div> <div>1st 67:5 82:6</div> <div>2</div> <div>2 70:12,13 78:18,21 79:10 88:14, 17</div> <div>2/17 86:1</div> <div>20 40:22 54:14 55:7</div> <div>20,000 61:8</div> <div>2000 31:13,21 52:15</div> <div>2001 31:21</div> <div>2002 31:24 32:2,3</div> <div>2004 44:2 65:19</div> <div>2007 47:8</div> <div>2008 33:8 34:24 60:25 61:2 62:3 73:12 80:25</div> <div>2009 62:6</div> <div>2010 6:17 42:3 45:13,21 48:8 55:18 56:6,13 67:5 68:6 73:10 80:25 81:11 82:6,17 83:18</div> <div>2011 48:1,24 80:25 81:11</div> <div>2012 80:24</div> <div>2013 49:9 57:2 77:1 80:19</div> <div>2015 45:8</div> <div>2015-CA-005885MBAG 4:12</div>	<div>2015-CA-005885MBAG 18:19</div> <div>2017 4:14 18:20 45:11 60:7 67:2 82:22 83:4,18 84:5 85:3 86:8,22 88:20</div> <div>20th 49:9</div> <div>2160 60:16</div> <div>22nd 48:1,24</div> <div>24 55:14 56:4,8,10</div> <div>27th 48:8</div> <div>29th 4:14 18:20 60:7 86:22</div> <div>3</div> <div>3 86:7 88:19, 22 92:5</div> <div>3/13 85:17</div> <div>3/31/16 58:25</div> <div>30,000 54:4 55:5,6 61:6</div> <div>310 63:1</div> <div>32407 6:10</div> <div>4</div> <div>4 87:3 88:24 89:3</div> <div>4/1/16 60:14</div> <div>5</div> <div>5 87:2,4</div> <div>5/1/16 60:14</div> <div>5/13/13 68:5</div> <div>5/13/2010 67:8,14,18 68:1</div> <div>5/13/2013 67:1 70:6</div>
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71:1 72:6 73:15 78:22 88:15 5/14/2000 72:11 5/2014 72:11 50-2015-CA- OOO5885MBAG 86:21 50-2015- CAOO5885MBAG 60:6	22 78:1,3,25 79:25 83:8,10 accounts 61:12 77:14 78:8 accurate 77:1 accusation 91:8 acronym 14:14 19:21 20:3 23:3 acronyms 38:25 39:22 73:18 actual 14:22 actuality 54:9 add 67:11 adding 44:17 67:12 additional 44:18 address 6:8 admit 86:6 advised 65:4 advisers 52:25 affirmed 4:25 Africa 43:2, 5,16 48:9,16, 19 50:12 58:19 59:18, 22 64:3,13 65:11 66:2 89:25 90:16 91:5 92:7 African 64:8, 9 91:22 92:1 agency 8:7 58:18 Agent 91:15 92:5 agree 68:4 69:6,20,21 agreed 73:2 agreement 25:1 34:25	35:1,3,4,8 37:21,22 89:6 ahead 28:15 82:4 86:5 Albany 7:11, 13,23 algorithm 15:21,24 16:5,7,9,10, 14,17 17:2, 23,25 18:2 19:15 31:5,24 algorithms 23:20 44:18 allege 91:3 alleging 91:25 92:3,6 alluded 90:15 alpha 22:4 Amer- 62:14 America 40:14,18 41:2 50:15 52:24 American 8:16 41:2 48:15 65:10 79:19 Ameritas 45:23 46:10 61:12 amount 71:13 75:12 77:10 analysis 9:15,17 11:24 12:2,4,9,14, 18 13:5,11,12 14:4,16 16:6, 11,18,19,21, 22,23,24 17:5 19:1,6,25 20:1,11,12 21:1 22:23 26:8,9,16,19 27:1,5 29:6, 13 30:1,6,10, 14,18 35:17 36:3,5,24 42:24 48:7 49:19 51:7,11	58:17 analyzer 14:15,17,20 15:11,23 20:25 analyzing 14:19 answers 21:20 38:16 47:15 apologies 68:8 apologize 13:15 appears 57:10 application 22:22 applications 22:24 27:4,12 28:24 29:22 44:18 applied 58:6 apply 27:2 applying 47:11 approval 41:9 area 9:18 22:7 40:11,12 article 16:12 31:6 assessment 16:25 assistant 7:17 10:16 assisted 27:11 28:23 Associates 11:9,15 19:9, 12 association 48:16,20 65:11 assume 82:22 attempt 57:5 attempting 50:2 attending 31:15
7			
7/29/13 73:19 75 10:13			
8			
8 48:11 8/24/13 74:16 8/31/15 62:25 8/31/2016 69:10			
9			
9 47:24 9/13/13 75:22 9/30/2016 68:17 69:11, 12,15,19			
A			
a.m 4:14 a.m. 18:10,21 ability 20:14 accepting 53:9 account 59:4 61:16 62:7,9, 10,11 63:18 71:8,9 75:18 77:13,15,21,			

Attorney 49:13,15 51:9,16,18,19 56:21 attorneys 89:20 audibly 6:2 Australia 20:2,24 21:17 22:1 36:11,20 Australian 36:13,17 authorities 50:1 awarded 9:10 aware 45:12	87:22 89:10, 15,17 91:1 Baker's 87:12 Bakers' 68:14 balance 67:6 bank 45:6,7, 12,23,24 46:3,5,6,9 58:11 61:1,12 62:12,19,20, 23 68:14 75:16,18,19 76:6,7,10 77:10,17,18, 22 79:25 85:10,14,24 87:12,22 88:6 banking 64:1, 9 66:21 bankruptcy 11:21 19:10 banks 45:19, 20 46:12 bartender 7:9 based 31:5 32:23 62:1 basically 90:16 basis 16:19 bat 28:2 Bates 90:5 91:9,18 92:4 bathroom 6:4 Bauch 6:20 7:3 Beach 4:11 6:10 18:18 46:1 60:5 86:20 begin 6:7 beginning 82:16 behalf 54:11, 12 58:5 belief 39:19 Bell 31:24	benefit 53:21 beverage 7:12,21 8:1 big 71:12,20 BK 71:13,14 75:13,15 Blue 7:5 board 52:25 84:10 Boca 7:25 born 6:25 bother 83:22 bottom 91:19 brand 21:5 break 6:4,6 bring 58:10, 13 British 47:7, 12 brought 45:3, 6,8 46:14 87:23 Bureau 41:8 65:15 business 8:13,19,22 9:1,18 10:11 11:4,5,7,10, 14,20,21 33:25 34:2 40:5,24 45:19,20 52:14,18,23 53:3,10 54:15 56:1,15 59:22 64:14 71:9 77:13,15,20, 21,23 78:9 83:10 92:6 BW 6:20 7:3	call 20:16 48:2,3 54:15 called 7:5 31:24 33:18 36:6 58:21 caps 78:13 care 72:17 79:16 career 11:23 19:19 case 4:9,11 18:11,16,18 37:12 60:4,6 78:14 86:18, 20 89:22 90:4 centered 9:5 cents 76:1 ceramic 6:19 7:2 certification 27:4,12 28:25 29:23 cetera 18:13, 18 60:5 86:20 Chapter 48:16 65:11 check 53:17, 20 63:4 66:4 checked 83:14 Chris 64:20 65:2 75:1,23 77:4 chronology 8:11 19:19 Circuit 4:11 18:18 60:6 86:20 citizen 29:17 citizens 15:17 City 6:10 46:1 62:20 clarification 9:25 clarify 17:18 21:19 43:1 54:5 81:7
<hr/> <p style="text-align: center;">B</p> <hr/>			
B-A-U-C-H 6:20 back 9:20 18:15,25 26:12 31:8 37:18,25 39:8 40:2 45:7,13 55:14 60:3,23 61:1 65:19 67:4 78:21 80:10 82:7,16 86:17 89:11 badger 5:22 Baker 4:10, 13,24 5:5 6:9,11,14 11:9,15 18:13,17,23, 25 19:5,9,11 23:25 24:3,4, 6,7 25:3,6,8, 11,20 50:6 60:5,9,11 70:14,17,20 72:17,25 73:5 79:3,14,15 80:5 81:19 83:6,9,11 86:8,19,24			
<hr/> <p style="text-align: center;">C</p> <hr/>			
	C-O-T-Z-E-E 43:22 C5 49:12		

<p>clarity 38:17 71:18 72:22 80:19 84:12 92:13 class 15:9,12 51:3,5,7 57:12 65:3 71:13 73:24 75:12 76:13 Classes 42:22 clear 30:22 39:15 79:17 81:20 clearer 55:17 client 40:18 42:12 clients 25:23 40:7 43:18 44:15 Cliff 43:20 close 61:5 closely 84:1 club 6:9 7:8, 12,16,20 CM 74:16,22 Coates 64:24 code 17:5,14 35:25 37:9 77:7 coded 39:16 coders 17:4 44:22 codes 74:2,3 75:7 Coke 20:16,21 colleague 52:25 college 8:16, 17 Colonel 34:19 Colorado 16:3 Commerce 41:7 65:15 commissions 53:3 common 7:15</p>	<p>companies 12:9,14,17 13:4 14:5 21:16,25 22:11 53:11 92:7 company 7:3, 10,24 12:3 19:1 20:2 22:1 23:24 24:2,5,7 29:9 33:7,8,18,23, 24 34:11 36:11,13,18, 20 41:1 43:3 45:22 52:4,7, 9,12,13,14 53:14,22 54:7 58:5 59:16 71:8 79:24 90:15 91:5 company's 71:5,7 compare 20:13 23:5,10 compensation 43:8,24 53:2, 9 complete 41:7 68:24,25 69:1 component 18:4 components 33:11 composed 15:14 composite 62:19 67:22 68:13 69:21 87:5,11,21 composites 67:12 compound 28:3,4,19 computer 23:20 44:23 84:9</p>	<p>concepts 38:20 concluded 92:18 conditions 35:13 conduct 48:17 conducted 11:24 confused 39:21 conjunction 49:19 connection 49:25 connections 52:17 construction 7:10 consult 72:17 80:5 contact 40:10 contacted 46:12 65:4 contacts 40:18 contained 90:19 context 36:17 continued 19:11 Continuing 9:14 continuous 34:6 73:7 continuously 44:13 contractor 52:12 contrast 20:14 23:5,10 56:4 conversational 13:24 convoluted 38:14</p>	<p>copies 71:15 87:1 88:4 89:6 90:12 copy 17:10 65:4 68:18 69:2 70:14, 15,16,18,20 88:25 copyright 33:16 65:14 copyrighted 16:14 correct 5:15 10:7 13:16 17:15 19:2,16 22:11 23:25 24:13 25:13, 15 26:13 31:10 37:24 38:2,5,16,25 39:9,10,18 41:15 43:8 45:16 46:2,8, 15,16 47:18 54:8,11 56:13 58:4 62:21 72:7 74:14, 15,18,19 75:21 76:20 77:16,24 78:25 79:10 85:21 88:1,4, 9 89:1,2,8 90:12,20 cosmetics 23:18 cost 65:23 Cotzee 43:20 64:25 65:1,3, 5,12,18,21 counsel 13:22 21:19 79:17 81:21 counter- intelligence 23:1 countries 47:9</p>
--	--	--	---

<p>country 7:8, 12,16,20 13:9 14:4 25:21 26:18 27:15 29:2,13,17 40:10 41:14, 18,25 51:2 85:5</p> <p>county 4:11 18:18 60:5 85:17,20 86:20</p> <p>couple 89:18</p> <p>court 4:11, 16,18 6:1 18:18 28:9 68:18 69:1,25 70:1,15 71:21 86:20 87:19 88:3,6,16,21 89:1,5</p> <p>cover 47:13</p> <p>crash 84:9</p> <p>created 15:18</p> <p>credibility 16:25</p> <p>credit 60:15 63:7 66:5</p> <p>CROSS 89:15</p> <p>curious 81:3</p> <p>current 46:18,19,21 47:17</p> <p>cursor 60:13</p> <p>customer 58:6</p> <p>customers 13:5 25:23</p> <p>cute 14:17 27:18</p> <p>CVSA 23:2,5, 10,17 31:15</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D'LOUGHY 4:8 5:4 9:3 10:3, 10 12:15,20</p>	<p>13:2,8,23 14:1,9 15:1 18:5,9,24 20:20 21:4, 15,21,24 22:17 23:9, 14,21 24:19 25:16 26:6,23 27:9,17,25 28:5,8,11,17 33:1,5 37:6 38:11,22,24 40:1 41:10 42:9 57:18 58:1 59:24 60:10 64:4 67:10,15,20, 23 68:2,6,8, 11,16 69:16, 19,23 70:1,4, 9,11,17,21 71:24 72:25 73:4 79:21 80:7,17 81:22 82:1,13,20 83:1 84:16, 21,23 85:6 86:5,13,25 87:4,10,14, 17,25 88:7, 10,12,18,23 89:2,4,9 91:2,11,14, 17,20,24 92:9,14</p> <p>D-I-O-G-E-N-E-S-E 52:8</p> <p>date 55:17 63:12,16 75:12</p> <p>dated 47:25 60:13 62:25 71:1 72:6 73:15 88:15 91:15</p> <p>dates 50:20 71:13 76:25</p> <p>deal 40:9,15 54:21 82:19</p>	<p>dealings 89:25 90:9</p> <p>deception 16:25</p> <p>degree 9:12, 16</p> <p>Dek 31:16</p> <p>deleted 71:17</p> <p>Department 41:7 65:15</p> <p>deposit 58:25 59:3,4</p> <p>deposition 4:3,13 5:11, 18 6:5 72:18 89:7,12 92:18</p> <p>deposits 78:24</p> <p>derived 16:24</p> <p>describe 83:2</p> <p>description 6:16</p> <p>detection 16:25 30:6</p> <p>determine 16:24</p> <p>develop 17:4 31:5 44:19</p> <p>developed 17:15,23 19:15 30:17, 25 31:25 32:23 33:10 35:18 36:2 37:8 39:16</p> <p>developer 54:10</p> <p>developers 17:6 31:5 44:23</p> <p>developing 33:12 44:7, 10,11,12,13</p> <p>development 37:15 44:9 59:6,10 60:16 63:8,13,19,20</p>	<p>differ 20:15</p> <p>difference 14:16,17 21:11,14 22:6</p> <p>differences 23:18</p> <p>Digital 14:15</p> <p>Diogenese 31:17 52:4,8, 22</p> <p>DIRECT 5:3</p> <p>directly 54:10 60:21 61:25 62:1</p> <p>director 52:10</p> <p>directories 7:24</p> <p>dis 9:8</p> <p>discovery 87:7,9</p> <p>discussed 19:13 56:23 87:13,23</p> <p>dishwasher 7:6</p> <p>disseminated 65:11</p> <p>distichs 9:8</p> <p>distinguish 24:14</p> <p>distinguished 59:14</p> <p>distributing 90:18</p> <p>diverge 19:18</p> <p>document 68:3 70:22 71:6 72:20 78:19 79:15 80:12 83:16 88:20</p> <p>documentation 80:6 82:14 90:19</p> <p>documents 45:3 67:6 77:17 81:4</p>
---	---	--	---

83:19 87:6,9 88:5 89:19,22 90:3,12 domestic 73:2 85:21,25 Double 7:12 doubt 82:13 downtown 7:22 Downtowner 7:23 drinks 20:16 drive 6:10 84:10 Dublin 7:15 Duces 45:4 duly 4:25 DVS 42:14 DVSA 14:10, 12,13,14,22 15:2,7,18 17:5,15,24 18:3 19:14,15 20:4,5 21:2, 9,11 22:4,10, 15,16,19,25 23:6,11 24:5, 7,8,10,12,22, 23,25 25:10, 12,23 26:1,3 27:1,6,10,14 28:21 29:6,8, 17,24 30:17, 25 31:10,12 32:1,5,10,11, 12,16,23 40:8 41:2 42:13 43:3,12,13,16 44:4,7,24 48:6 49:5,23, 25 50:3 56:18,25 57:6,13 58:3, 7 59:15 65:3, 22	<hr/> E <hr/> E-M-P-O-R-I-A 7:9 earlier 36:11,13 89:21,24 90:4,10,15 early 30:13 earmarked 53:21 earn 8:15 57:19 earned 9:11, 16 Ecuador 47:25 48:24 49:7 50:10 education 8:12 9:12,14 electronics 31:23 elwood 4:10, 13,24 6:9 18:12,17 60:5 86:19 89:15 91:1 employment 6:15 22:25 Emporia 7:9 8:2 end 14:2 45:8 72:10 end-user 25:1 ends 72:8,9 enforcement 15:16 engineer 15:8 31:23 engineered 43:17 65:22 enter 62:18 entered 30:5 78:17 entity 29:9, 14,17 91:23	92:1 entries 80:24 entry 47:25 48:9,23 57:8 equation 15:25 estimate 13:4 estimation 12:8 ethics 8:14 9:2 evaluator 17:21 26:13 events 27:14 29:1 evidence 62:19 EXAMINATION 5:3 examinations 11:1,24 examine 58:11 84:23 examined 4:25 examples 10:24 exception 71:2 exchange 55:11 excuse 8:21 13:11 69:6 excused 92:17 exhibit 68:11,13 69:21 70:3, 12,13 78:18, 21 79:9 86:6 87:2,11 88:8, 11,14,17,19, 22,24 89:3 exhibits 87:20 89:7 exit 49:6 55:20 Exp 76:4	expedite 28:15 experience 8:11 Expertos 33:19,20,21, 25 35:7,20 36:2,5 37:2, 7,16,19 38:1 39:3 40:3,6, 11,20 53:7 54:23,24 55:3 59:17,19,21 60:22 61:20, 22 62:1 63:9, 14 64:13 71:2 75:2 76:5 77:7 79:23,24 85:13 86:2 Expertos' 54:12 61:14 63:22 66:19 74:5 expired 17:22 46:21 47:8 explain 22:18,21 76:21 explaining 21:2 22:16 export 41:9 44:4 58:6 express 92:15
			<hr/> F <hr/> F-V-A-S 36:9 facilitating 9:18 fact 55:3 58:10 61:6 Fahaad 33:14 fair 62:16 81:21,22 fairly 11:12 fall 76:25 85:8

familiar 14:10 19:20 23:2 62:25 70:22 Farwell 68:22 69:2 71:18,22 72:14,20,23 79:2,10,14,18 80:6,9 February 45:9 48:8 69:8 81:12 Federal 4:9 5:6 18:12,16 60:4 86:18 feel 38:10 fees 53:3 field 16:11, 17 30:5 filed 11:21 19:9 filled 71:17 filtered 16:24 final 23:19 financial 48:18,21,23 54:3 find 67:7 83:21,25 84:11 finder's 53:3 fine 28:1,5 finite 25:2 five-year 10:14 fled 37:9 Florida 4:5 6:10,21 46:3, 7 62:22,23 77:18 fly 81:24 FNB 85:9,23 follow 81:1 follow-up 89:18	food 7:12,20 8:1 Ford 31:24 foregoing 77:12 foremost 14:4 forensic 19:25 20:11, 25 21:3 22:22 forget 7:21 66:6 forgot 6:24 form 8:24 12:11 14:6,24 18:1 20:18,22 21:13,18 22:12 23:8,13 24:16 25:14 26:4,20 27:4, 7,13,16 28:25 29:23 32:25 39:24 57:16 63:23 format 72:21 forms 41:8 forward 82:6, 17 found 67:8 91:9 fox 22:3 frequently 66:8 friends 52:23 full 6:7 FVAS 36:7,10 38:19,22,23 39:1,14,15,20 59:11,12,14 60:21 62:2 74:4 76:16,19 FVSA 19:21, 23,24 20:3,6, 24 21:5,12,16 22:1,4,11,15, 19,22 23:1,6, 10,17 36:19 37:1,7,16 38:19,23	<hr/> G <hr/> gain 54:3 game 14:2 Gary 4:10,13, 24 6:9 18:12, 17 19:11 60:5 69:3 79:4 80:18 82:24 86:19 89:15 91:1 Gate 7:12 Gatorade 20:21 gave 15:9 43:17 53:19 79:14 80:11 81:5 87:21 general 7:19 27:19 49:13, 15 51:9,16, 18,19 56:22 65:9 General's 49:14 genesis 31:12 37:16 gentleman 35:24 53:1 geographically 32:16 40:13 Georgia 7:11, 14,16,18,20 Ginshon 7:5 give 4:19 10:22,24 27:22 66:12 68:18 79:16 86:10 87:19 88:3,5 giving 65:24 69:24 88:15, 20,25 glad 27:20 God 9:5	good 5:5 Gorsuch 13:18 government 57:6 71:23 90:6,11 91:4 92:4,5 grab 47:21 grant 28:11 gratuitous 49:1 Great 70:10 gross 66:25 70:5 71:1 78:22 80:1 group 6:14 15:13 24:3,4, 6,7 25:6,8, 11,20 49:12 52:4 83:6,11 86:9 Guardsmark 8:3,5,6 9:21, 24 10:1,8,11 11:2 Guatemala 33:19,24 39:3 guess 79:22 <hr/> H <hr/> hand 67:15 68:5 73:15 handed 72:21 handling 80:6 hands 60:17 handshake 35:3 Hang 62:17 Hansen 16:3 17:20,25 19:16 31:6,25 Hansen's 17:1,5 happened 11:3 55:7 72:11 happy 28:7,11
--	--	--	--

<p>hard 17:10 53:5 58:11 84:10</p> <p>he'll 81:19</p> <p>head 90:4</p> <p>heading 71:13</p> <p>hear 5:14 12:23 42:16</p> <p>hearing 5:15 83:23</p> <p>hell 13:13</p> <p>helped 26:17</p> <p>high 6:18 8:12</p> <p>higher 9:12</p> <p>highest 8:12</p> <p>hijacked 35:25</p> <p>hired 15:8</p> <p>hiring 17:4</p> <p>history 6:15</p> <p>hold 13:19</p> <p>holding 73:15</p> <p>Honduras 47:8,12</p> <p>hotel 7:17, 22,23,24 8:1</p> <p>Howard 7:13</p> <p>hundred 19:10</p> <p>hypothetically 41:6</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>idea 13:7,9</p> <p>ideas 38:21</p> <p>identification 88:12,18,23 89:4</p> <p>identifies 11:12</p> <p>image 55:17</p> <p>impaired 5:15</p> <p>implies 24:17,20</p>	<p>improvements 31:20 44:14, 16</p> <p>inappropriatel y 90:18</p> <p>inception 78:6 82:8</p> <p>income 66:25 70:5 71:1,5, 6,7 72:3 73:5 78:22,23 79:25 80:22 81:8,14,15 88:14</p> <p>incoming 78:24</p> <p>incorporated 8:4 11:9,17 18:17 19:9 52:4 83:13</p> <p>incorrect 13:14</p> <p>incredibly 28:4</p> <p>India 33:9 35:23 37:9</p> <p>Indian 39:16 55:3</p> <p>indicating 79:9</p> <p>individual 29:9,13</p> <p>individuals 15:23 40:8</p> <p>Industry 41:8 65:16</p> <p>information 17:20 65:15, 17 81:9</p> <p>informed 71:19</p> <p>infringement 33:15</p> <p>Inn 7:18 8:2</p> <p>inquire 40:8</p> <p>inquiry 52:24</p>	<p>install 48:14</p> <p>institution 9:7</p> <p>instructed 26:17</p> <p>instructing 25:22</p> <p>instrument 12:7 14:20</p> <p>intelligence 23:1</p> <p>intended 39:13</p> <p>interest 48:6,18,21,23 53:24 55:13 61:9</p> <p>interested 12:6</p> <p>internal 72:24</p> <p>international 6:14 23:25 24:3,4,6,7 25:7,8,12,20 80:22 83:6,11 86:9</p> <p>Internet 17:9 41:20</p> <p>interrogation 42:22 48:17</p> <p>interrupt 8:10</p> <p>interview 42:22 48:17</p> <p>invent 15:6</p> <p>invented 15:2 30:24</p> <p>investigation 10:23 19:5</p> <p>investigations 10:12,25 11:6,25 12:2 59:10</p> <p>investigative 8:6 58:17</p>	<p>invoice 60:16,17</p> <p>involved 5:8 12:1 65:1</p> <p>involvement 92:1</p> <p>issue 91:13</p> <p>issues 15:9</p> <p>issuing 67:24</p> <p>item 60:15</p> <p>items 85:8</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>James 5:5</p> <p>January 49:9 67:5 81:12 82:3,6</p> <p>Jeff 81:5,18</p> <p>job 6:16 7:10 8:8,9</p> <p>Johnson 7:14</p> <p>Jorge 34:15</p> <p>Judge 13:18</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>K-E-L 64:22, 23</p> <p>Kansas 7:9 8:2</p> <p>Kathleen 4:3</p> <p>kind 81:24</p> <p>Kingdom 90:1</p> <p>Kleenex 21:6, 9</p> <p>knew 65:12</p> <p>knocking 90:17 91:5,8</p> <p>knowledge 16:8,16 17:11 19:13 33:18, 23 37:8 59:21</p>
--	--	---	---

<p>L</p> <p>language 23:20</p> <p>large 4:5 49:20 50:2</p> <p>late 52:15</p> <p>Latin 40:14, 18 41:2 50:15 52:24</p> <p>laughings 13:21</p> <p>law 15:16</p> <p>lawsuit 5:7,9</p> <p>lawyer 13:18</p> <p>laymen 8:23</p> <p>leading 14:4</p> <p>learning 9:8</p> <p>leave 52:13</p> <p>lecture 29:22 30:3</p> <p>lectured 25:22 27:3</p> <p>lectures 27:3,14 29:1</p> <p>lecturing 29:21</p> <p>left 33:8 52:16,22 75:10</p> <p>legal 20:1</p> <p>lend 54:9 55:2</p> <p>lending 34:6 40:6 55:11</p> <p>lent 37:19 40:3 54:6,22 55:8 85:11</p> <p>Leo 49:16</p> <p>Leon 50:20 51:19 56:5,12 57:6,8</p> <p>letter 65:6,9 90:5,14,15,18 91:3,15,21 92:4</p>	<p>letters 37:4 38:13</p> <p>level 8:12</p> <p>license 24:12,21,23 25:1 29:16 32:16 39:7 43:13,14,16 58:6 59:10 60:21 76:14, 15,17,22 77:8,9</p> <p>licensed 29:4,8,12 32:20 42:12</p> <p>licensees 61:13,24</p> <p>licenses 24:24 25:13, 19 32:12 35:14,16,17 38:1,3,6,7 39:5,8,11,12, 13 53:6 63:22</p> <p>licensing 24:15 25:12 41:3 56:18</p> <p>lieu 55:13</p> <p>Limited 58:22 64:11</p> <p>list 15:9 31:18,19</p> <p>lists 44:14</p> <p>living 6:12</p> <p>LLC 83:12</p> <p>loan 34:3,7, 20,25 35:8, 11,13 37:21 39:7 53:7,9, 13,25 55:10 59:20 60:21, 23 61:3,6,8, 17,21,23 63:10,13 66:17,20 74:13 76:23 82:8,16 83:8 85:9,12,13</p>	<p>86:1</p> <p>loaned 34:4</p> <p>located 8:17, 18 11:10</p> <p>location 6:20</p> <p>long 7:2 11:13 31:19</p> <p>longer 8:19</p> <p>Lorina 34:18</p> <p>lost 84:10</p> <p>lot 14:13 42:23 53:19 58:11 82:14</p> <p>love 60:16</p> <p>low 5:13</p> <p>lower 78:13</p> <p>lunch 80:14 81:18</p> <p>M</p> <p>m-a-r-k 10:1, 2,6,8</p> <p>m-a-r-k-e-d 10:6</p> <p>m-a-r-t 10:1</p> <p>Madam 4:16 70:1</p> <p>made 37:23 41:22 48:2 49:2 54:17,18 57:24 58:3 60:24</p> <p>maintain 25:4</p> <p>make 27:19 41:21,24 43:5 49:23 55:19 57:15,17 58:13 68:21 71:15 82:4,5</p> <p>makes 30:12</p> <p>making 6:19 25:12 41:20 44:14</p> <p>managed 7:7 42:12 44:4</p>	<p>management 7:14</p> <p>manager 7:12, 15,17,19,21 8:1,2 10:16</p> <p>Maquiston 31:24</p> <p>March 4:14 18:20 60:7 86:22</p> <p>mark 68:10,11 70:11 87:1</p> <p>Mark2 31:16</p> <p>marked 87:5 88:11,14,17, 22 89:3</p> <p>market 10:19 24:8 33:2</p> <p>marketed 39:3,4</p> <p>marketing 7:23 10:15, 17,19 12:4 36:20,22 43:10,11 56:25</p> <p>markets 37:2</p> <p>marking 69:25 88:3</p> <p>materials 27:12 28:24</p> <p>math 82:9</p> <p>mathematical 15:25</p> <p>MATLAB 16:9 17:23,25</p> <p>meaning 25:11 89:19</p> <p>means 13:13 71:14 73:18 74:22</p> <p>measurements 15:20</p> <p>measuring 13:13</p> <p>meet 50:6,9 51:24 52:1</p>
---	---	--	---

<p>64:1 meeting 15:17 51:1,13 member 52:25 members 65:10 memorialized 37:22 mention 36:17 mentioned 22:1 36:13 44:6 met 12:3 50:14 56:19, 21 metaphysical 8:16 9:5 Mexican 50:1 57:6 Mexico 41:22, 23,25 42:11 49:9,15,18 50:14 51:18, 20 52:24 55:23 57:5,8 Michael 4:10 34:19 35:10 37:23 middle 72:17 89:11 minimum 82:6 Minneapolis 8:18 Minnesota 8:18 missing 58:10 missions 42:10 44:3 misspoke 12:16 87:25 misstated 87:15 mistaken 67:5 misunderstood 24:10 31:8 mixup 81:17 mold 6:19 7:3</p>	<p>moment 80:8 86:10,11 money 25:12 34:3,4,7,20 40:6 57:15, 17,19,24 64:2 71:22 72:24 76:8 month 66:10 months 7:4 morning 5:5 mother 84:10 Mountain 7:17 move 5:21 moved 8:20 33:9 35:23 multiple 40:22</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>named 37:8 names 34:14 national 10:17 41:2 45:24 46:3,6 48:2 49:3 62:20 77:18 78:1,3 85:10, 24 nationality 47:6 nature 48:1, 13 49:4,10,17 51:10 56:15 59:4 73:17 NC 75:22 77:4 Nebraska 11:11 negotiate 35:8 Nell 64:20 65:2 75:1,23 77:4 nerve 38:11 NITV 4:9 5:6 18:11,16 60:4</p>	<p>86:18 NL 76:13 Nods 6:2 Norcross 7:19,20 Northwest 46:3,6 62:22, 23 77:18 Notary 4:4 notice 47:24 noticed 56:3 notified 65:5 notwithstandin g 53:8 Nuevo 49:16 50:20 51:19 56:5,12 57:6, 8 number 4:12 18:19 60:6 79:10 85:8 86:7,21 87:2 88:8,14,19,24 numbers 49:20 50:2</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>O'LOUGHY 5:6 oath 5:23 18:23 60:9 86:24 object 8:24 12:11 13:21 14:6,24 18:1 20:18,22 21:13,18 22:12 23:8,13 24:16 25:14 26:4,20 27:7, 23 32:25 39:24 57:16 63:23 objected 12:24 38:15 84:18</p>	<p>objection 12:19,22 13:6 21:19 23:16 27:16,19 28:2,12 37:3 41:5 57:20 67:11,13 91:7 objections 27:24 obtain 45:18 obtained 17:20 31:22 occurred 66:11 October 48:1, 24 55:16 56:6,13 office 49:14 80:11 81:6,17 82:18 85:20 officer 53:1 officers 10:25 48:15 49:21 Omaha 11:11 one-page 70:9 one-time 34:7 ongoing 44:9, 22 72:4 75:1 onwards 43:16 open 17:11, 13,14 opened 78:2 opening 78:1 operating 23:19,20 operations 52:3 oral 35:3 orally 37:23 order 69:13 71:21 ordering 92:15 owned 6:20 59:17</p>
---	---	---	--

ownership 24:17 25:4	55:14 57:4 87:1 88:25	20,23 78:9	prepare 72:2, 3,4 73:5 83:16
<hr/> P <hr/>	passports 46:17,23	personally 25:7 74:24	prepared 27:11 28:23 71:10,25 83:20 87:22
p-e-r 77:11	patent 17:20, 22 19:17	Personnel 74:17	preparing 73:8
P-O-M-E-R-L-Y 91:17	patented 17:21	persons 31:14	present 45:8 51:12
P-O-M-E-R-O-Y 91:16	pause 18:6	perspective 28:3	presentation 42:8 49:2,4, 11,12,13 51:9,10,16
p.m. 86:15	pay 25:13 39:8 53:16 59:20 61:25 62:10	Ph.d. 8:13,15 9:11,16	presentations 41:20,21,23, 24 43:6 49:17,18
Paddock 6:9	paying 55:11 59:18 64:2 76:17,21	phrase 90:17	presented 51:15
pages 70:7	payment 60:21 61:2 63:6 66:16,19 79:23 85:13 86:1	physical 41:23	presided 51:15
paid 37:25 40:2 48:20 53:15,18,23 54:4,10,12 55:3 59:12 61:5,14,17 74:14	payments 61:13 71:2 80:1	pick 81:20	president 10:17
Palm 4:10 18:18 60:5 86:20	pays 62:1	picked 6:3	Pretoria 58:18,19
Panama 6:10 46:1 62:20	penalty 5:22	pioneer 30:12	primary 56:1
paper 19:16	people 15:13, 14,15 25:13	pioneers 30:7,9	principal 34:10
part 8:22 17:24 18:3 39:20 65:23 74:13	Pepsi 20:16	pirated 65:3, 14,24	principal's 64:17
Partially 70:23	percent 19:10	plaintiff's 70:12 78:18, 21 86:6 88:11,17,22 89:3	principals 34:13
participants 30:13	percentage 53:6	point 11:20, 25 15:22 32:17,19 84:15	prior 17:4 62:11 66:8 71:17 73:10, 12 77:25 78:8 83:22
participate 30:3	period 7:24 10:14 25:2 82:3	police 48:2 49:3,21	private 7:8 10:25 11:6 15:16 19:5
participated 25:22 27:3	perjury 5:23	polygraph 11:1 19:6 48:15 57:12 65:10	problem 67:21
participating 29:21	Perry 7:14	Pomerly 91:15 92:5	procure 17:1 45:15
party 5:8	person 26:17 29:14,17 32:10,12 33:7,9 34:15, 18 37:8 64:19	pool 7:8	procured 17:8
passing 57:8	person's 33:13 43:19	portion 71:19 79:9	
passport 46:14,15 47:1,3,6,7, 12,13,14,16, 21,22,24	personal 54:2 71:5,6,8 75:18 77:14,	Possibly 84:7	
		precedes 57:1	
		premise 52:1	
		premised 39:8	
		preparation 27:11 28:24	

produce 67:6 75:19 89:19	16	quick 18:6 89:18	record 4:8 13:20 18:8,9, 11,15,25 19:4 38:17,18 59:25 60:1,3, 12 79:8,17 86:13,14,18
produced 66:25 68:14 70:5 78:20 87:6,9 90:3	PSE1 31:16	quickly 85:7 92:14	recording 4:15 18:22 60:8 86:23
product 90:17	PSE101 31:16		redacted 67:9 70:25 71:1,20 79:6,10 80:21
production 89:20,21	psychological 17:21 26:13	R	redacting 73:1
Professional 4:4	PTY 58:21 64:11	raise 27:23	REDIRECT 91:1
profit 55:9 61:8	Public 4:4	Ramada 8:2	redundant 16:20
program 29:13 30:1 31:17,18 32:24 33:10 36:6,23,24 37:2 39:2,20 42:12,15,17 74:7 77:7,8	published 15:22 16:1,2 17:9 19:16 31:25	Ranging 68:16	refer 40:19
programmer 15:8 31:22 35:22 55:3	purchase 50:4	Raton 7:25	referring 38:4,7 53:10 68:4 79:16
programmers 15:19	purchased 12:6 26:14	RC 73:24 74:20 77:6	refers 31:6
programs 12:21	purchasing 63:21	re- 79:5	reflect 78:7 83:19 84:2
promised 17:18	purpose 16:4 20:3 29:21 51:1 56:1	re-trainer 31:14,15	reflected 75:20 76:10 85:14
proprietor 6:14	purposes 20:1 21:3 22:25 72:22	read 26:24 30:20 92:13, 15	reflects 80:1
proprietorship 83:12,15	put 22:8	reason 45:17 47:11	refocus 80:17
Prosperity 45:23 46:10 61:12 62:14	Q	recall 17:8 36:18 50:8,20 52:19,20,21 55:22 56:3, 19,23 78:2 90:5	regard 26:15 28:21
provide 24:25 51:15	qualification 26:18	receive 53:2, 6,9,24 66:4 72:3	regional 10:16
provided 15:10,21 43:4,7 49:18 65:12,14,17 81:11 87:10 90:19	qualified 13:10	received 9:13 43:23 55:10, 12 66:7 79:23	Registered 4:4
providing 65:22	question 5:20,24 12:25 13:17 21:23 26:22 27:2, 20,24 28:12, 19,21 30:21, 22 33:22 38:15,16 39:21 42:4,5 47:15 53:5 73:1 79:22	receiving 47:11 53:24	related 8:11 79:24 90:6
PSE 19:17 30:15 31:15,	questions 5:18 22:8 30:21 47:22 86:25 89:18 92:10,12	recently 83:14	relating 91:22
		recertificatio n 15:17 73:23,25 74:1,20 75:6, 7	relationship 34:6 44:22 52:17,19,21
		recess 18:14 60:2 86:16	relative 66:16
		recommend 40:7,10	relevancy 84:19

relevant 84:25 85:3	requested 45:4 67:4	rough 92:16	screw 81:6
remainder 8:22	requesting 82:1	run 83:13	82:18
remember 34:16 50:18 57:7,10,22,23 66:12 73:9 74:25 90:1	require 6:1 8:8	running 11:13 70:4	Secretary 49:11 56:22
remuneration 43:24	researching 44:13	S	security 8:6 10:12,25 41:8 49:12 56:22 63:4 65:16
renderings 7:10	respect 9:18, 20 19:19 25:19 26:7, 11,18,25 30:18 37:15 42:24 44:23 81:8 90:9,14 91:3 92:4	SA 33:19,21, 25 35:7 37:19 38:1 39:3 40:3,6 53:7 54:24 59:17 60:22 63:9 64:13 77:7	self- explanatory 76:2 78:15
renewal 74:2, 3 77:6	response 89:21	safari 48:14	self-report 91:4
repay 35:14	responsible 10:19	sale 38:1 62:2	self-reported 65:18 90:10 92:3
Repaying 76:23	restaurant 7:4,16 8:2	sales 8:3 10:15,16 41:20,21,25 42:10 43:5,15 44:3 48:2,3 56:17,25 66:25 70:5 78:22	self-reporting 90:7 91:13,22
repayment 53:7 63:9	restrictions 64:2,5,6,9	Sarasota 6:20	sell 10:19 11:20 12:17 21:16 22:1,14 24:10,22,24, 25 25:20 32:11 35:15 39:4,13 41:18 42:12 43:4,7, 16 50:2 57:5 76:19,22
repays 61:23	retained 44:22 88:12, 18,23 89:4	Savage 4:10 34:19 35:10 37:23 50:7,9, 14 51:22 52:1,11,17,22 53:10,14,21 54:6 63:10	selling 7:24 13:5 22:10,11 24:14 39:8,12 41:1,3 48:4,5 65:23
repeat 5:21 21:22 25:17	retired 6:13	Savage's 63:22	sells 32:10 37:7 53:7
rephrase 17:3	retirement 63:4	Sayed 33:14 35:18,19,21 36:2 37:9 39:16 53:15, 16,18 54:4,12 55:4,11	seminar 29:23 48:17
reporter 4:4, 16,18 6:1 28:9 68:19 69:1,25 70:1, 15 87:20 88:3,6,16,21 89:1,6	returns 81:10 84:13	school 6:18 8:12	seminars 26:3 27:5,13 29:1
reports 21:1	rev- 67:1	Scott 4:15 18:21 60:8 86:23	send 52:23
represent 5:6 70:24 71:4	revenues 58:2 67:2 82:22 83:4,5,6,19 84:14 85:3 86:7 88:20	screening 49:20	sending 53:3
representation 91:8	reverse 65:21 75:24		sense 52:18
representative 8:3 43:2,5,15 64:13	reversed 43:17		separate 59:16 78:8
representing 43:2 48:6	reviewing 60:12		Sera 22:4
represents 83:3 86:7	rights 24:22		series 5:17
Republic 47:25	room 84:12		service
request 82:4 89:21			

42:19,24 services 4:9 5:6 10:18,22 12:21 18:12, 16 19:11 31:22 60:4 86:19 set 68:22,23, 25 69:1,3 70:2 share 84:16 shared 17:6 Sheriff's 85:20 short 5:18 7:11,13,24 show 12:4 60:11 79:3 84:13 sic 64:22,23 side 89:20 90:11,20 significance 19:8 similar 27:14 29:1 32:23 80:24 simple 87:21 single 62:19 sit 89:11 small 18:3 40:9 77:21 83:8,10 Social 63:4 societies 9:15 soft 20:16 software 14:21 18:3 25:5 32:1,5 44:17,23 59:6,9,19 60:16 61:14 63:8,13,19, 20,22 65:13, 25 74:9 91:5, 9	sold 29:16 41:13 sole 6:13 83:11,15 someone's 13:14 Someplace 65:7 sort 75:11 sound 15:8 source 17:12, 13,14 71:13 75:12 South 43:2,5, 15 48:9,16,19 50:12,15 58:19 59:18, 22 64:2,8,9, 13 65:11 66:2 89:25 90:16 91:5,22 92:1, 7 space 71:20 speak 5:23 6:1 13:5 61:9 special 8:8 specific 10:23 specifically 22:2 speech 16:24 spell 7:5 36:8 43:21 52:5,7 64:21 spelling 7:15 spend 9:7 spoke 21:17 SSA 63:1 stack 88:5 stamp 55:20 57:1 91:10 stamped 90:5 91:18 92:5 stand 14:14 start 6:15 34:8 73:8,19	started 11:4 19:1 starting 30:10 starts 13:19 80:19 81:7 startup 34:3, 4 state 4:5 6:7 51:20 statement 58:25 60:13 62:25 63:12, 16 66:25 70:5 71:5,6 72:4 76:11 77:2 78:22 80:1 81:8 85:14 88:15 statements 45:7,13 46:6, 9 58:11 61:1 62:20 68:14 73:5 75:20,21 78:7,23 81:14,15 84:2 87:12,22 88:6 States 12:10 13:3 14:3 25:21 26:1,16 29:10,14,18, 21 30:2 32:17,18,20 33:9 35:22 44:5 71:22,23 72:15,23 90:6 91:4 stating 19:2 step 72:18 stockholder 19:10 Stone 7:17 stop 5:14 6:5 27:17 51:5 52:14 stress 9:15, 17 11:24 12:2,4,9,14,	17 13:5,10,12 14:4,15 15:11,23 16:6,11,18, 19,21 17:21 19:1,6,25 20:1,11,12 21:1 22:23 26:7,9,13,15, 19,25 27:5 29:6,12 30:1, 6,9,14,18 32:22 35:17 36:3,5,24 42:24 48:6,16 49:19 51:7,11 58:17 65:11 73:21 78:12 strike 29:4 59:2 studies 30:14 study 16:23 stuff 72:14 79:5,20 subcontractors 15:19 sublicensees 32:14 submit 41:8 submitted 77:17 Subpoena 45:4 subsequent 78:19 subsequently 65:4 subtle 23:18 successfully 83:25 Suppliers 58:16,21 63:7,12,17 64:10 66:1,5 suppose 15:19 suspect 22:13 36:1 39:6 swear 4:16,18
--	--	--	---

sworn 4:25	terms 9:11	84:13 87:23	truth 4:20,21
symptoms	13:10 20:9	89:24 90:10,	5:24 17:19
40:22	22:6 47:2	15	truthfulness
system 29:13	53:8 54:2	toes 72:19	13:14
31:19 35:17	testified 5:1	told 54:5	type 10:11,
40:17,19 41:3	19:14 27:2	tomorrow	18,22 11:5
43:17 44:8	30:24 36:10	92:16	51:5 52:17
59:17	37:14 39:12	top 55:12	56:17 81:8
systems 40:23	77:6 90:10	69:17 71:19	types 15:14
43:4 50:3	testify 31:3	73:19 75:11	26:9
Szabo 4:3	37:11	79:9 90:4	
	testifying	total 61:2	<hr/> U <hr/>
<hr/> T <hr/>	79:13	touching	
	testimony	38:11	U.S. 46:15
table 75:12	4:19 6:2	track 9:20	47:3 90:11
talk 28:9	89:24	81:18	92:4,5
69:14	theocentric	tracks 78:24	Uh-huh 11:18
talking 5:13	8:13 9:1,4	trade 12:4	85:18
13:19 42:3	Theology 8:16	24:8	UK 42:7,11
54:20 80:16	thereabouts	trained 25:25	65:19 91:23
tangible	30:6	26:17	92:1,7
14:22	thing 14:22	trainee 7:14	unable 45:15
tax 75:21	38:14 39:23	training 8:8	understand
81:10 84:1,13	66:23 67:16	12:7 27:5,13	5:14,20
TD 45:23	things 28:16	28:25 29:23	13:22,25 22:9
62:12 75:8,	31:18,20	52:10 65:23,	26:21 28:20
17,18,19	38:20 80:21	24	30:20 32:9
77:11	Thirteen 56:9	transactions	39:2 54:16
TD&D 61:12	thought 10:5	73:2,16	64:12 73:1,17
TDD 46:10	81:11 89:14	transfer	80:18 82:22
teach 57:13	time 7:13	60:15 63:7	understanding
teaching	25:2 28:9	66:5	17:22 34:12
31:13 51:3,6	30:14 31:14,	transferring	63:21,24 64:6
57:12	23 34:9 40:9,	57:9	65:2,21
technically	15 45:18	transmit	understood
13:21	55:25 82:3	53:13	35:25 66:22
technique	times 20:25	transposing	unexpired
7:25 14:19	40:10 50:17,	37:4 38:13,19	47:19
19:25 20:8,9,	19,22,24	traveled	Unique 7:25
10 30:19	55:22,24	25:21 29:20	United 12:9
techniques	title 8:22	30:2	13:3 14:3
13:11 32:22	today 5:25	TRES 63:1	25:21 26:1,16
Tecum 45:4	17:24 23:25	trip 48:1,20	29:9,14,18,20
term 20:11,25	24:2 45:3	50:7,9 57:15	30:2 32:17,20
22:15,18	47:16 58:12	trot 22:3	33:9 35:22
terminology	66:25 68:14	true 17:13	44:4 71:22,23
13:15 22:14	77:18 82:14,		72:15,23
	16 83:23		89:25 90:6

<p>91:4 Unites 32:17 University 16:3 usage 26:18 27:4,12 28:24 29:22 users 30:13 usership 24:20,21</p> <hr/> <p>v</p> <hr/> <p>vacillating 10:3 valid 47:17 validity 30:14 varies 61:13 VAS 65:2 version 33:8 versions 32:4 versus 4:9 18:12,17 38:23 60:4 78:13 86:19 vice 10:17 vice-president 12:3 52:3 Victor 22:3 Video 4:3 violation 65:5,13 VIS 41:9 visit 48:13, 14 49:1,9,10 51:4,8 56:5, 12,16,20,24 visited 55:22,25 66:1 visits 51:3 56:17 voice 9:14,17 11:24 12:1,4, 8,14,17 13:5, 10,12,14 14:4,15</p>	<p>15:11,23 16:6,11,18, 19,21 19:1,6, 25 20:1,11, 12,25 21:1 22:22 26:7,9, 15,18,25 27:5 29:5,12 30:1, 5,9,14,18 32:22 35:17 36:2,5,24 42:24 48:6,16 49:19 51:7,11 58:17 65:10 73:21 78:12 void 71:12,17 VSA 31:17 35:7,20 39:3 40:11 53:7 59:17,21 60:22 61:20, 22 62:1 64:13 65:24 71:3 76:5 85:13 VSA's 59:19</p> <hr/> <p>w</p> <hr/> <p>wallet 13:19 wanted 89:17 Wednesday 18:20 Welcore 58:16,21 60:17 63:7, 12,16,18 64:10,12,17 65:1,9 66:1,5 71:3 73:21 74:18,23 75:1 78:12 wire 60:15 63:7 66:5 wired 76:8 wires 78:24 withdraw 39:21</p>	<p>word 10:9 16:22,23 47:4 work 7:2 8:11 45:1 worked 6:19 7:4,7,13 9:21 39:16 52:9, 11,12 world 13:10 worth 40:9,15 writing 37:22 written 34:25 wrong 17:15 wrote 33:7 WVS 73:20 78:11</p> <hr/> <p>y</p> <hr/> <p>year 6:24 9:9 44:1 52:13 57:21 60:24 69:9 72:10 77:1 83:19 91:6 years 6:22 9:6,21 55:23 56:5 66:11,15 84:14 Yucatan 57:9, 11</p> <hr/> <p>z</p> <hr/> <p>Zappolo 4:15 8:24 9:25 10:5 12:11, 19,22,24 13:6,20,25 14:6,24 18:1, 7,10,15,21 20:18,22 21:13,18 22:12 23:8, 13,16 24:16 25:14 26:4,20 27:7,16,21</p>	<p>28:1,6,14 32:25 33:3 37:3 38:8,10, 12,23 39:24 41:5 42:4 57:16,20 60:1,3,8 63:23,25 67:13,17,21, 25 68:3,7,9, 13,20,24 69:5,10,14, 17,20,24 70:3,7,10,13, 19 71:18 72:16 79:3,8, 12,19 80:14, 18,21 81:2, 14,16,23 82:11,15,24 84:12,18,22 85:2 86:12, 14,17,23 87:3,8,11,16, 19 88:2,8,13, 19,24 89:5, 10,16 90:22 91:7,12,16, 18,21 92:11</p>
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