

**IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA  
CIVIL DIVISION**

**CASE NO.: 2017-006245-CA-01**

CARLTON MCEKRON and MONNETTE MCEKRON,

Plaintiffs,

-vs-

SECURITY FIRST INSURANCE COMPANY,

Defendant.

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**NOTICE OF FILING DEPOSITION TRANSCRIPT AND REQUEST FOR RELIEF**

Non-Party, CHRISTOPHER ALEXANDER AGUIRRE, ESQ., hereby files this Notice of Filing Deposition Transcript and Request for Relief and in support thereof states as follows:

1. CHRISTOPHER ALEXANDER AGUIRRE, ESQ. presents the attached Deposition Transcript (Exhibit "A") to this Honorable Court for review.
2. Moral character, integrity and truth is what this Honorable Court deserves and what must be brought forth in support of our great profession and out of respect for all whom strive to stand for those ideals.

**WHEREFORE**, CHRISTOPHER ALEXANDER AGUIRRE, ESQ., requests only for the Court to know the truth and to help demonstrate the importance of honesty and integrity to others whom may appear before this Honorable Court as well as any other Court in the State of Florida and any other relief this Court might deem proper.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy was served via electronic service to: HOPE C. ZELINGER, Esq., at [hzelinger@bressler.com](mailto:hzelinger@bressler.com); [miainsurance@bressler.com](mailto:miainsurance@bressler.com) and ORLANDO ROMERO, ESQ. at [pleadings@stremslaw.com](mailto:pleadings@stremslaw.com); [team6@stremslaw.com](mailto:team6@stremslaw.com) and on this 16<sup>th</sup> day of January 2020.

Respectfully Submitted,

By: /s/ Christopher A. Aguirre, Esq.  
600 Brickell Avenue  
Suite 2600  
Miami, FL 33131  
Florida Bar Number: 71370

Christopher Aguirre, Esquire  
January 14, 2020

IN THE CIRCUIT COURT OF THE  
11TH JUDICIAL CIRCUIT IN AND  
FOR MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 2017-006245 CA 01

CARLTON McEKRON and MONNETTE McEKRON,

Plaintiffs,

vs.

SECURITY FIRST INSURANCE COMPANY,

Defendant.

/

One S.E. Third Avenue  
Miami, Florida  
January 14, 2020  
Tuesday, 10:30 a.m.

DEPOSITION OF CHRISTOPHER AGUIRRE, ESQUIRE

Taken before Theresa M. Cohen, Florida  
Professional Reporter and Notary Public in and for the  
State of Florida at Large, pursuant to Notice of Taking  
Deposition filed in the above cause.

- - -

1 APPEARANCES:

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GIASI LAW  
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On behalf of the Defendant.

INDEX

WITNESS	DIRECT	CROSS
CHRISTOPHER AGUIRRE	4	79
	(Zelinger)	(Giasi)

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

EXHIBITS

Defendant's Exhibit No. 1 Page 30

(Driver's License)

Defendant's Composite Exhibit No. 2 Page 30

(Notice of Taking Deposition)

Defendant's Composite Exhibit No. 3 Page 30

(Fee Sheets)

Defendant's Composite Exhibit No. 4 Page 45

(Affidavit of Orlando J. Romero)

Defendant's Composite Exhibit No. 5 Page 52

(E-Mails)

Defendant's Exhibit No. 6 Page 55

(Affidavit of Christopher Aguirre)

Defendant's Composite Exhibit No. 7 Page 105

(Notes)

1 THEREUPON:

2 THE REPORTER: Raise your right hand.

3 Do you swear the testimony you're about to give  
4 is the truth, the whole truth and nothing but the  
5 truth?

6 THE WITNESS: I do.

7 CHRISTOPHER AGUIRRE, ESQUIRE

8 called as a witness on behalf of the Defendant herein  
9 and, having been first duly sworn, was examined and  
10 testified as follows:

11 DIRECT EXAMINATION

12 BY MS. ZELINGER:

13 Q Please state your full name for the record.

14 A Christopher Alexander Aguirre.

15 Q What is your date of birth?

16 A November 3rd, 1983.

17 Q Did you bring your license with you today?

18 A I did.

19 Q Did you provide a copy to Madame Court Reporter?

20 A Yes, I did.

21 Q Are you represented by counsel today?

22 A No. I'm representing myself, pro se.

23 Q Have you ever provided a deposition before?

24 A I have never given deposition testimony before.

25 Q Let me go through the ground rules briefly.

1           As you know, my name is Hope Zelinger and this is  
2 Linda Berns. We represent Security First Insurance  
3 Company.

4           You've met Ms. Giasi before. She is representing  
5 the Strems Law Firm and the plaintiffs in this case.

6           We have requested your deposition because your  
7 name appeared on the timesheets.

8           Are you aware of that?

9           A     I'm aware of that.

10          Q     So this is our opportunity to ask you questions  
11 about your capacity at the Strems Law Firm and any  
12 information you have about the timesheets and your  
13 entries.

14          A     Understood.

15          Q     The person sitting to your left is the court  
16 reporter. She's taking down everything we say.

17                It's usually hard for us to remember, but we have  
18 to let each other finish speaking before we begin  
19 answering.

20          A     Okay.

21          Q     Are you on any drugs, medications or alcohol that  
22 could affect your ability to testify today?

23          A     None that would affect me now.

24          Q     I'm sorry?

25          A     None that would an affect me now.

1 Q Is there anything that would affect your memory  
2 or testimony today?

3 A No.

4 Q Because you are sworn under oath, you are  
5 required to tell the truth.

6 A I understand that.

7 Q If there's a question that I ask that you don't  
8 understand it's, perfectly legitimate to say I don't know  
9 or, Hope, that's a bad question. Okay? We don't want you  
10 to guess.

11 A I'll let you know.

12 Q And in that same breath, if you do answer the  
13 question, we're all going to assume you understood what  
14 was being asked of you.

15 A Okay.

16 Q Finally, if you want to take a break at any time,  
17 take a call, anything you need, let me know and we'll be  
18 happy to take a break.

19 A I appreciate that.

20 Q Do you have any questions before we begin?

21 A No.

22 Q Where do you currently work?

23 A I currently work at JAMS, which stands for  
24 Judicial Arbitration and Mediation Services.

25 Q What is your job there?

1           A       I'm the business operations manager and I work  
2 closely with judges, including retired Chief Judge Joseph  
3 Farina, who's fantastic to work with.

4                    I also work with retired Judge Scott Silverman.  
5 I work with retired Third DCA Chief Judge Eric Suarez. I  
6 work with retired Judge Mercedes Bach.

7           Q       Is it all judges at JAMS?

8           A       Mostly. There are a few attorneys of note there.

9           Q       What do you do as the business operations  
10 manager?

11          A       I essentially oversee everything from the  
12 arbitration handling, helping the judges prepare for  
13 arbitrations, reviewing pleadings and documents that go  
14 out, orders that the judges want to send out.

15                   I manage the staff. I make sure that they meet  
16 their metrics.

17                   I also handle things from a financial perspective  
18 and make sure those are handled as well, so I wear quite a  
19 few hats.

20          Q       If you know, what percentage of your time is  
21 spent actually working on the arbitrations with the  
22 judges?

23          A       I think that really would be about 60 percent of  
24 the time.

25          Q       How long have you worked at JAMS?



1 A I've been at JAMS for about nine months now.

2 Q Did you come in as the business operations  
3 manager?

4 A I did.

5 Q Where did you go to law school?

6 A I went to Shepard Broad Law Center at Nova  
7 Southeastern University.

8 Q Where did you go to undergrad?

9 A I went to Florida International University.

10 Q Are you from Miami?

11 A I am.

12 Q Have you ever left Miami?

13 A Living?

14 Q Yes.

15 A I've never lived anywhere but Miami.

16 Q What year did you graduate law school?

17 A I graduated in 2009.

18 Q Have your hourly rates ever been set by a court?

19 A Yes.

20 Q Can you tell me about the context of that?

21 A Yes. One time was in County Court with Judge  
22 Patricia Marino-Pedraza.

23 She set it. I can't recall the number right now,  
24 but it was in reference to sanctions that were awarded to  
25 me against the other side.

1 Q Do you know the name of the case?

2 A I don't.

3 Q Do you still work at the Strems Law Firm at all?  
4 Do you have any involvement with the Strems Law  
5 Firm?

6 A No.

7 Q Is there any way for you to get access to that  
8 order?

9 A That order wasn't with the Strems Law Firm. It  
10 was early on in my career with Gonzalez & Associates.

11 Q And, I'm sorry. I should have asked that.  
12 When did you work at the Strems Law Firm?

13 A I worked at the Strems Law Firm from March of  
14 2016 to about July of 2018.

15 Q Where did you work immediately before that?

16 A Immediately before Strems?

17 Q Yes. What was your job before that?

18 A That's when I was with Gonzalez & Associates.

19 Q And that's where you got the order?

20 A Correct. I received two of them.

21 There was another one also, and I believe it was  
22 another situation in which a judge awarded me an hour or  
23 two. I don't remember if it was because the other side  
24 defaulted or it was a sanction, but it was by Judge  
25 Cuesta.

1 Q Would there be any way for you to get those  
2 orders from Gonzalez & Associates?

3 A There might be. Since I don't remember the name  
4 of the case that might be difficult for them, but I can  
5 never say no definitively.

6 Q Is Gonzalez & Associates plaintiffs' work or  
7 defense work?

8 A No. Plaintiffs.

9 Q Similar to first party property plaintiff's work?

10 A When I was working there I worked on personal  
11 injury protection, PIP.

12 I worked on first party property damage cases and  
13 that was the majority of it.

14 Q When your rates were set was it within a PIP case  
15 or a first party case?

16 A Both rate settings were in a PIP case.

17 Q I know you don't want to guess, but would it be  
18 more than \$300 an hour, if you know?

19 A Yes.

20 Q Do you know if it was more than \$400 an hour?

21 A I'm racking my memory.

22 I believe one was at least 400 and the other one  
23 was, I believe, 350 and that was the earlier one. I  
24 believe the later one was the higher amount.

25 Q Other than those two orders has anyone else ever

1 set your rate?

2 A No.

3 Q While you were at the Strems Law Firm was there  
4 any written protocols stating your rate?

5 A A written protocol?

6 Q Was there anything in writing setting your rate  
7 at the Strems Law Firm?

8 A No.

9 Q And you said you started with the Strems Law Firm  
10 in March of 2016?

11 A Correct.

12 Q What was your job title at that time?

13 A When I began I started as a litigation attorney,  
14 meaning in the same vein as an associate attorney, but a  
15 litigation attorney.

16 Q Was it all first party property?

17 A Correct.

18 Q What was your caseload in 2016 when you started?

19 A When I began it was a transition time so I wasn't  
20 given a caseload when I began.

21 Q When were you given a caseload?

22 A It started accumulating over time and I think it  
23 finally became the full caseload I was taking over by  
24 midyear, so around July, and the amount of cases at that  
25 point was somewhere between I want to say -- I know it was

1 at least around seven hundred cases.

2 Q For you personally?

3 A For me personally.

4 Q So in 2016 when you started with the Strems Law  
5 Firm or not when you started but by midyear or the end of  
6 the year you were handling seven hundred cases personally?

7 A Yes.

8 Q What about in 2017?

9 A Well, in 2017 the number didn't start going down  
10 until I started taking more of a different role at the  
11 firm.

12 Q Did it ever go up from seven hundred cases?

13 A I can't be sure because before when I was a  
14 litigation associate with the Strems Law Firm the numbers  
15 would fluctuate because there were only three litigation  
16 attorneys so sometimes it would be moved around.

17 I know the number was around there, but I can't  
18 be sure how high or how low it might have been at any  
19 given time.

20 Q In 2016 there were three litigation attorneys?

21 A Correct.

22 Q Did everyone have roughly the same amount of  
23 cases?

24 A Yes. When I came in it was with Karina Rios  
25 transitioning out to go to the pre-litigation department.

1           That's why I say I slowly accumulated cases  
2 because these were the cases she was working on as a  
3 litigation attorney.

4           She was transitioning to the pre-litigation  
5 department and the three attorneys were Gregory  
6 Saldamando, Jerome La Torre and myself.

7           Q     And that was in 2016?

8           A     That was in 2016, yes.

9           Q     I think I said '17. I just want to correct it.

10          A     Yes, that was in 2016.

11                   More hires came on board in 2017.

12          Q     All right. Do you know what a billable hour is?

13          A     Yes.

14          Q     I know you've been practicing since, was it 2007  
15 or '09?

16          A     I've been practicing since 2009.

17          Q     So is it fair to say you would know what billable  
18 work is?

19          A     Yes. Billable work is work that was done on a  
20 matter. Essentially the time that was spent completing a  
21 task on a case.

22          Q     I know you understand what a billable hour is,  
23 but was there a billing protocol at the Strems Law Firm  
24 while you were there?

25          A     Could you explain billing protocol?

1 Q Were you instructed by the Strems Law Firm to  
2 keep track of your time?

3 A No.

4 Q So did you ever get promoted from a litigation  
5 attorney or go to a different position while at the Strems  
6 Law Firm?

7 A I did.

8 Q What was the next step?

9 A I was promoted to litigation manager.

10 Q What is a litigation manager?

11 A Litigation manager entailed overseeing  
12 departments at the Strems Law Firm, including the  
13 discovery department and --

14 Q I'm sorry. Go ahead, tell me and then I'll ask  
15 you questions.

16 A Okay.

17 Q Continue. You said it meant overseeing the  
18 discovery department?

19 A Yes. Overseeing the attorneys, reviewing cases  
20 with them, reviewing files.

21 Whatever Scot would ask. I would work with the  
22 paralegals very closely. I kept track of the deadline  
23 calendar.

24 It was my responsibility to make sure certain  
25 metrics were just being done daily.

1           Really the main task is efficiency. Keeping the  
2 firm as efficient as possible, moving cases in the most  
3 efficient way I could.

4           Q     Did you report directly to Scot Strems?

5           A     Yes.

6           Q     Were you a layer between Scot Strems and the  
7 other attorneys, the litigation attorneys?

8           A     Yes.

9           Q     So would the litigation attorneys go to you first  
10 before going straight to Scot Strems?

11          A     Yes.

12          Q     What was Mr. Strems' role with day-to-day cases?

13          A     Day-to-day cases? Not much.

14                He would get involved if there was a fire that  
15 required -- and by fire I mean an emergency situation that  
16 I felt and the other attorneys felt it had to go to his  
17 attention.

18          Q     Would the fact that Bressler, Amery & Ross was on  
19 the other side of the litigation be a, quote, fire that  
20 would require Mr. Strems to get involved?

21          A     No.

22          Q     Would a case going to trial be a fire that would  
23 require Mr. Strems to get involved?

24          A     Well, not fire in that it was an emergency, but  
25 he'd like to be kept abreast of upcoming trials if they



1 were close.

2 Q So how would he be kept informed about that?

3 A Usually when we start approaching trial,  
4 settlement discussions start picking up, maybe a mediation  
5 will have happened that will put the case on the radar,  
6 and then I would essentially be working with the attorneys  
7 to help prepare.

8 They're capable attorneys, but I was there to  
9 assist, and then obviously I felt it prudent to keep Scot  
10 informed these cases are going to trial. You know, this  
11 is what's going on.

12 Q Would you give him a written memorandum on it or  
13 would it be more "Hey, Scot. I want to let you know X  
14 case is going to trial"?

15 A No. Short conversations about I'm informing you  
16 the case is going to trial and, you know, this is my read  
17 on it, and sometimes the lead attorney would come in with  
18 me and we'd just give him a rundown on the facts.

19 If it was something that, for example, we felt it  
20 warranted, you know, either looking into it as a possible  
21 potential settlement type case or one that we really  
22 wanted to take to trial.

23 Q How long was that conversation with Mr. Strems?

24 A Which one?

25 Q The one you describing where you --

1 A On average?

2 Q Yes.

3 A I mean, these conversations were usually -- if I  
4 had to go on the high range, if there was an important  
5 issue on it, I would say maybe ten to fifteen minutes.

6 Q That's on the high range?

7 A That's on the high range.

8 Q What would an average conversation be?

9 A I would say probably around five to ten minutes.  
10 Anywhere between.

11 Q Was it your job to present this information to  
12 Mr. Stremms?

13 A No. I took it as part of my understood  
14 responsibilities.

15 So, yes, in essence, it was my job because it  
16 ended up becoming customary.

17 Q What is the discovery department?

18 A The discovery department is a group of paralegals  
19 who work to draft and file discovery responses on behalf  
20 of the attorneys.

21 Q So when you say you managed that department, what  
22 do you mean by that?

23 A Well, to give you a little background, part of me  
24 going into that position of litigation manager, one of the  
25 things I brought to Scot's attention, which he was

1 appreciative of that I had some ideas, was having a team  
2 that was able to pretty much stop the bleeding when it  
3 came to potential sanctions or missed deadlines.

4           That was really important, and so essentially  
5 daily I would have the discovery department report to me  
6 with their metrics and I would keep a binder, and they  
7 would come to me and say -- I would know how many court  
8 orders they were reviewing, and eventually we got it down  
9 to where they were doing it, you know, within the 30-day  
10 deadline, but obviously that takes work and that takes  
11 time so that's why I had to manage and oversee and keep  
12 track of the discovery and the discovery department.

13           Q     When you said that in that role as a litigation  
14 manager you'd also review cases and manage attorneys, what  
15 do you mean by that?

16           A     Can we split that question?

17           Q     Absolutely. When you said you used to manage  
18 attorneys, what does that mean?

19           A     I would manage their daily coverage. I would  
20 review their cases.

21                   I would go through the system and see what needed  
22 movement, what cases were causing us trouble.

23                   I had direct contact with the paralegals so they  
24 were very much more in the know of what was going on in  
25 the office receiving the pleadings.

1           The attorneys were out of the office a lot so I  
2 was a good buffer for them as far as helping me manage  
3 those issues as they came up.

4           Q     Did you manage all of the attorneys in the  
5 office?

6           A     Yes, that was one of my responsibilities.

7           Q     So when you started it looks like you became the  
8 litigation manager pretty fast.

9                     How did you elevate from litigation associate to  
10 litigation manager in under a year?

11          A     It happened because obviously the caseload I  
12 noticed was voluminous and I still believed in the firm  
13 and our ability to do what we were doing.

14                     I just knew we needed some tweaks, so I took it  
15 upon myself to draft up several plans and a presentation  
16 for Mr. Strems on how we can improve processes.

17          Q     When you say improve, what needed to improve?

18          A     Simply our response time to discovery, the way we  
19 were handling deadlines, the way we were responding to  
20 opposing counsel.

21                     Making sure that we actually were looking at the  
22 cases, having the time to look at cases and having the  
23 capability to react accordingly.

24          Q     Were you facing sanctions at that time?

25          A     Yes.

1 Q You personally or the Strems Law Firm?

2 A Well, on cases I had, yes, there were sanctions  
3 as well and the Strems Law Firm, but they weren't directed  
4 towards me personally.

5 They were cases, you know, filed on behalf of the  
6 Strems Law Firm.

7 Q So that kind of prompted you to want to set up  
8 some protocols?

9 A Yes, it did.

10 Q How many cases did the Strems Law Firm have in  
11 2017?

12 A I couldn't tell you.

13 Q Do you have a guess on that?

14 A I know at one point we were approaching 10,000.

15 Q At one point. Would that be in 2017 or 2018?

16 A It might have been the end of 2017 or at the  
17 beginning of 2018. I can't recall.

18 Q And while you were the litigation manager and  
19 while you were at the Strems Law Firm were you aware of  
20 the practices and procedure over the office?

21 A Yes. When it came to litigation, absolutely.

22 Q I'm only talking about the litigation and how  
23 cases were handled.

24 A Right.

25 Q So because there were more than 10,000 cases is

1 it fair to say you were more reactive than proactive?

2 A I think that's a very precise description. My  
3 goal was to be efficiently reactive.

4 Q What does that mean?

5 A That means because of the caseload and even  
6 though we were hiring more attorneys it was just difficult  
7 to be proactive and attacking as much as we wanted to.

8 Now, that's not saying we weren't proactive on  
9 cases, but for the most part the majority of the time the  
10 Strems Law Firm -- well, it was my goal that if we can't  
11 be proactive, we can at least be efficiently reactive.

12 So if we receive a motion, we can react with  
13 expediency and in the proper way. Hence, the use of the  
14 calendaring deadline system.

15 Q Do you understand what I mean by the difference  
16 between being reactive versus proactive on a case?

17 A I think I do.

18 Q And reactive means you're kind of waiting for  
19 stuff to come in and you're responding versus proactive  
20 means you're brainstorming and actually making movement on  
21 a case proactively?

22 A Correct.

23 Q And is it your characterization while you were  
24 there in 2016, '17 and part of '18 that it was more  
25 reactive than proactive?

1 A That is accurate.

2 Q Did you stay as the litigation manager until you  
3 left the Strems Law Firm?

4 A I was managing litigation, yes, until I left.

5 Q Did you ever have a job title change?

6 A I did have one more job title change.

7 Q What was that?

8 A Managing partner.

9 Q When did that happen?

10 A That happened, I want to say, probably the middle  
11 of 2017.

12 Q Who made the decision to make you the managing  
13 partner? Do you know?

14 A I know who told me I'm the managing partner.

15 Q Who told you?

16 A Scot Strems.

17 Q Were you the only managing partner at the time?

18 A Yes.

19 Q Was it the same situation where you reported  
20 directly to Mr. Strems and you were the buffer between Mr.  
21 Strems and all the other attorneys?

22 A That is accurate.

23 Q What did you do as the managing partner?

24 A The same duties as when I was litigation manager.  
25 I think it might have just carried more weight with the

1 associates, and obviously the role and scope of my job  
2 duties expanded because the firm had grown exponentially  
3 between the time I was named litigation manager and  
4 managing partner.

5 Q How many attorneys did you grow to at the time  
6 that you were managing partner?

7 A Could you rephrase that?

8 Q While you were managing partner how many  
9 attorneys were there at the Strems Law Firm?

10 A That number fluctuated. While I was managing  
11 partner we had between twenty and thirty, I want to say.

12 Q Twenty to thirty other attorneys?

13 A Correct, but that's during the timeframe of the  
14 entirety of me as managing partner.

15 Q Were you in the office every day as the managing  
16 partner?

17 A Not every day, but most days.

18 Q How many days a week would you say you were in  
19 the office?

20 A Most weeks I was in the office every day, but  
21 there were occasions in which I wasn't there.

22 I did take some time off.

23 Q Other than that. But generally you were in the  
24 office more than you were going to court?

25 A That is accurate.



1 Q And you were in the office almost five days a  
2 week if you weren't on vacation?

3 A Correct. I did cover some hearings and  
4 mediations, but not as frequently.

5 Q Were you in the office more than every other  
6 attorney at the Strems Law Firm other than Mr. Strems?

7 A Definitely.

8 Q Was Mr. Strems in the office each day?

9 A He was there most days.

10 Q Kind of like you?

11 A Yes.

12 Q I've already taken several attorneys' depositions  
13 from the Strems Law Firm and they said they'd be in court  
14 three plus days a week. Is that accurate?

15 A Yes, that sounds accurate.

16 Q Did you know what was going on in the office  
17 while you were there?

18 A Yes.

19 Q Did you ever have lunch with your colleagues?

20 A Yes.

21 Q Was that often?

22 A It became more often in late 2017 and 2018.

23 Q Were there ever instances where your colleagues  
24 would have lunch without you even though you were in the  
25 office each day?

1           A       That would be unusual. That would be rare.

2           Q       What about when Scot was involved? Would he ever  
3 go to lunch?

4           A       Yes. And when I say my colleagues have lunch  
5 without me, obviously if they're out on the road, they're  
6 not going to be having lunch with me.

7           Q       Let me back up. I understand and, again, I've  
8 taken other depositions on this McEkron case that many  
9 attorneys, just like our office, would go to lunch if  
10 everyone was in the office that day.

11          A       Okay.

12          Q       Do you know what I mean by that?

13          A       Yes. That's what I wanted to be clear on.

14          Q       It was a poor question.

15                 So when I say go to lunch what has been told to  
16 me by the other attorneys is that several times a week or  
17 however often they would all go to lunch as a group.

18          A       Depending on the timeframe you're speaking about,  
19 yes, that did become more common.

20          Q       What I want to know is if you were involved in  
21 those lunches?

22          A       I was involved in most every lunch because I was  
23 in the office with Scot, and Scot would initiate if he  
24 wanted to go to lunch, and then a lot of times it was me  
25 and him going to lunch or if there was an attorney in the

1 office they'd come along.

2 Q What would you talk about at lunch?

3 A Regular lunch conversation about life, sports, if  
4 someone wants to bring up something about a case they were  
5 handling or a funny story from, you know, attorney-client  
6 privilege stuff, but normal talk.

7 Q How long was lunch typically?

8 A An hour.

9 Q Was this the type of lunch where you or other  
10 attorneys would take notes on a specific case?

11 A No. The only time I remember ever taking notes  
12 when I was at lunch was usually when it was Scot and  
13 myself and it had to do with litigation management as far  
14 as my job and my role.

15 Q So other than running the office, operations were  
16 these the type of lunches where attorneys would actually  
17 take notes on a specific case?

18 A No, not in that way.

19 Q Was this the type of lunch where you would spend  
20 hours talking about a single case?

21 A No. And, again, these lunches were not hours.

22 Q Was this the type of lunch where you would spend  
23 thirty minutes talking about a single case?

24 A No.

25 Q Did you ever do billable work on the files during

1 those lunches?

2 A Not in the definition of billable that I gave  
3 earlier, no.

4 Q So when you say, and forgive me for these  
5 questions, but when you say a case might come up at lunch,  
6 would it be more so in passing, like, "Hey, I had a  
7 hearing. I won it today"?

8 A That's exactly the type of conversation I'm  
9 talking about.

10 Q Was it ever a lunch where you're sitting there  
11 actually coming up with formulating strategy for thirty  
12 plus minutes at a time on how to advance a case?

13 A No.

14 Q In the office did you ever have set meetings with  
15 attorneys discussing the advancement of a file? Did you  
16 personally?

17 A I had passing sit downs with attorneys as to  
18 issues on files.

19 Q How long were those meetings?

20 A Usually they'd find me in the office because I  
21 was always there, and they'd come and speak to me for,  
22 again, probably maybe on the high end fifteen to twenty  
23 minutes if it was something really big.

24 Q Do you ever recall sitting with multiple  
25 attorneys to have meetings for multiple hours on a single

1 case inside the office?

2 A No.

3 Q Would you know if a meeting like that was taking  
4 place in the office even if you weren't included?

5 A I would know.

6 Q How would you know that?

7 A Because I was the one that handled everything in  
8 litigation and everything was run through me.

9 In fact, those types of things Scot would speak  
10 to me about. If he wanted to meet with attorneys and he  
11 wanted to speak about one of the fires, for example, he'd  
12 probably say "Hey, could you please tell So-and-so and  
13 come with them to the office so we can have a chat," and  
14 there would be a quick chat about whatever the issue was.

15 Q When you say quick chat, how long would it be?

16 A Again, high end it could be ten, fifteen minutes.

17 Q Let me tell you the reason I'm asking. Have you  
18 had a chance to review the fee sheets in this case?

19 A I have.

20 Q How did you get the fee sheets?

21 A Ms. Giasi sent me the fee sheets on Sunday.

22 Q Did you notice in reviewing the fee sheets that  
23 like clockwork there's a monthly meeting every single  
24 month for hours at a time with multiple attorneys?

25 A I did.

1 Q Did those meetings ever happen?

2 A No.

3 Q And how do you know those meetings did not  
4 happen?

5 A Because I was in the office and I was running  
6 litigation.

7 Scot would have asked me to schedule these type  
8 of meetings, and I never once witnessed anything like this  
9 and I would have been the first to be made aware of it.

10 Q Even if Scot didn't ask you to schedule a  
11 meeting, is it possible that they were happening  
12 impromptu?

13 A Without my knowledge?

14 Q Yes.

15 A No. I was in the office.

16 Q Is it possible that the meetings were taking  
17 place out of the office without you there or would you  
18 know because they would report back to you and tell you as  
19 the litigation manager or the managing partner?

20 A It was part of their responsibility to keep me  
21 informed of the cases.

22 So if they had a two and half-hour meeting  
23 regarding a case, they should definitely have let me know  
24 and no one ever advised me of anything like this  
25 happening.

1 MS. ZELINGER: Let me start by marking your  
2 notice of deposition.

3 We'll mark the license as Exhibit 1 and we'll do  
4 the notice of deposition as Exhibit 2.

5 (The document was marked "Defendant's Exhibit  
6 Nos. 1 & 2 for Identification.")

7 BY MS. ZELINGER:

8 Q We did ask you to bring documents with you today.

9 A Yes.

10 Q Did you have a chance to review the duces tecum?

11 A I did.

12 Q Did you gather as many documents as you had as it  
13 relates to the duces tecum?

14 A I gathered what I had, yes.

15 MS. ZELINGER: I'm going to mark a clean fee  
16 sheet, I saw earlier that you brought a fee sheet, as  
17 Exhibit 3 for identification.

18 (The document was marked "Defendant's Composite  
19 Exhibit No. 3 for Identification.")

20 BY MS. ZELINGER:

21 Q Did you have a chance to review all fifteen pages  
22 of this fee sheet?

23 A I didn't go through every single line, but I did  
24 review the fee sheet, yes.

25 Q Walk me through how you reviewed it.

1           A       Well, I started on Page 1. First thing I think I  
2 wanted to see was exactly what was listed for myself  
3 because that was going to be, as I understood it or I  
4 would imagine as an attorney myself would be probably  
5 really relevant and I would want to know what I'm  
6 testifying to as far as what I billed.

7                       That's the first thing I looked a the.

8           Q       Were you on Page 1 of the timesheet?

9           A       No, I was not.

10          Q       So did you first go and find your name on the  
11 timesheet?

12          A       I did.

13          Q       Let's start there. What page is your name on the  
14 timesheet?

15          A       Page 4 of 15.

16          Q       What date?

17          A       August 10th, 2017.

18          Q       I understand that the response to Requests for  
19 Production did have your name on it.

20          A       Yes, it did.

21          Q       But it says here you spent 1.5 hours drafting and  
22 revising the plaintiff's response to defendant's Request  
23 for Production.

24                       Did you do that?

25          A       Could you repeat that again and give me the



1 number of hours because I think I might be looking at  
2 something different.

3 Q I'm on the second of your two time entries. We  
4 can start with the first.

5 A No, it's fine.

6 Q Because I did notice that you signed the response  
7 to Request for Production.

8 My question is on August 10th, 2017 did you spend  
9 1.6 hours drafting, revising plaintiff's response to  
10 defendant's Request for Production?

11 A No.

12 Q On August 10th, 2017 did you spent 2.5 hours  
13 review of file documents, complaint, correspondence,  
14 pleadings, relevant case law, applicable statutes in  
15 preparation of drafting plaintiff's response to  
16 defendant's Request for Production?

17 A No, I would not have done that.

18 Q How do you know you did not do that?

19 A Two reasons.

20 One, I consider myself a pretty well-versed  
21 attorney so I wouldn't do that.

22 Second of all, it's pretty easy for me to say  
23 that I was very at that time content with the work our  
24 discovery department was doing and they were the ones that  
25 would prepare it for my review if it was something that I

1 signed, and from what I saw it was a Request for  
2 Production and it was about five or six requests.

3 Q So you actually reviewed the Request for  
4 Production or the responses?

5 A I did. I wanted to see exactly what it was.

6 Q After you got notified that you were going to be  
7 part of this case?

8 A Correct.

9 Q I was asking you questions about your time  
10 entries on Exhibit 3 for 2.5 and 1.6 related to responding  
11 to Requests for Production.

12 Do you recall discussing that?

13 A Yes.

14 Q And you said that you had not spent that time  
15 doing those two items?

16 A That's correct.

17 Q And how do you know that you did not spend that  
18 time doing those two items?

19 A Because no one spent that amount of time doing  
20 these kind of items.

21 That's why we had the discovery department.

22 Q So if I understand correctly, the discovery  
23 department would have drafted the actual response to  
24 Requests for Production for your review?

25 A Yes. The specific entry had to do with seeing if

1 we had documents in our file and attaching them.

2 Q What about responding, actually writing the  
3 response? Would you do that or the discovery department?

4 A No. The paralegals in the discovery department.

5 Q And so you can state with certainty that you did  
6 not spend 1.6 hours responding to defendant's Request for  
7 Production?

8 A I can.

9 Q As it relates to the reviewing of the documents  
10 how do you know that you didn't, among other things,  
11 review applicable statutes in preparation of drafting  
12 responses to Requests for Production?

13 A Because, first of all, I understand discovery  
14 already so I wouldn't do that in every case.

15 There had to be something extremely unusual about  
16 it for me to spend time with all my other responsibilities  
17 looking up statutes.

18 I mean, really I'd be looking up more case law, I  
19 guess, would be appropriate.

20 Q But do you have any recollection of looking at  
21 case law in the McEkron file to respond to discovery?

22 A No. That's not something I would really do. No,  
23 I didn't.

24 Q When were you provided with these fee sheets?

25 A Sunday.

1 Q Did you try to get these before?

2 A Actually, I did.

3 I received the subpoena for an upcoming hearing  
4 on January 27th of this year, and I received a subpoena  
5 from Ms. Giasi and I contacted her to if she could please  
6 tell me what the subpoena was in reference to.

7 She explained to me it was in reference to a  
8 hearing regarding fees with your office, and that she was  
9 required to subpoena all the attorneys who were on the fee  
10 sheet, and I asked her that being the case would you  
11 please send me the fee sheets and she stated, "Yes. Give  
12 me your e-mail," and I gave her my e-mail.

13 Q Let me ask you when you had this initial call  
14 were you told what the file was, McEkron?

15 A No, I didn't receive an initial call. I made an  
16 initial call.

17 Q I'm sorry. When you made this call.

18 A And if I said I was called, I'm mistaken.

19 Q I'm wrong. Were you told it was on the McEkron  
20 versus Security First file?

21 A It was on the subpoena that Ms. Giasi had sent me  
22 so I knew the case.

23 Q When you heard that case name, was that familiar  
24 to you in any way?

25 A No.

1 Q Did that concern you?

2 A I think any time you receive a subpoena,  
3 especially on a case that you don't even recognize, yes.

4 It did concern me.

5 Q So you had that call and you requested the fee  
6 sheets?

7 A Yes.

8 Q But you didn't review the fee sheets until  
9 Sunday?

10 A They were never sent to me.

11 Q When were they sent to you?

12 A Sunday.

13 Q This last Sunday?

14 A Yes.

15 Q So the 12th?

16 A Yes.

17 Q January 12th?

18 A Correct, in the evening.

19 Q After you reviewed your two time entries did you  
20 review anything else on what I marked as Exhibit 3, which  
21 are the timesheets that were submitted in this case?

22 A Yes.

23 Q What did you review?

24 A I saw the pattern of monthly case status  
25 meetings. That stuck out to me.

1 Q Why did that stick out to you?

2 A Because it was unusual and nothing like that ever  
3 happened while I was at the firm.

4 Q And that's something you would be aware of?

5 A That's something I would be aware of.

6 Q Are there any other reasons why you know the  
7 meetings were not going on other than the fact that it's  
8 something that you would be aware of?

9 A Honestly, to have 2.5 hours -- first of all,  
10 there was never set on a regular basis to meet for this  
11 amount of time on a particular case. That's just too much  
12 time to dedicate to a single case.

13 Like I told you, my job was to keep the firm  
14 efficiently reactive. The attorneys were out all the time  
15 handling whatever it was. They had caseloads that were --  
16 you know, we brought it down but there were still high  
17 caseloads.

18 That's another reason why no and that's another  
19 reason it stuck out to me. I looked at it and I'm  
20 wondering to myself when did they find the time to do  
21 this?

22 Q Was there a protocol to conduct monthly meetings  
23 on each case?

24 A No, there was not.

25 Q Even if there was a protocol, can you review this

1 timesheet and raise your right hand and say that these  
2 monthly case status meetings didn't take place as alleged  
3 on the timesheets?

4 A I want to say something and be very clear about  
5 it.

6 I have a lot of pride in the work that I did at  
7 Mr. Strems' law firm. I am proud of that work.

8 I am here because I've been asked to tell the  
9 truth, and I take my obligations to the bar and to my  
10 license and to what I've dedicated my life to very  
11 seriously, and in all honesty it pains me to have to  
12 answer this question and the way I have to answer it, but,  
13 again, my obligation to being an ethical attorney, an  
14 ethical person and really to our profession I have to  
15 answer your question as follows: Yes, I'm putting my  
16 right hand up and I have to say that these meetings didn't  
17 happen.

18 Q While you were there at least?

19 A While I was there.

20 Q Did you review any of the specific monthly case  
21 meetings and the dates they were alleged to have occurred?

22 A I did.

23 Q Why did you do that?

24 A Because it was already odd enough and I wanted to  
25 see what these days were specifically, and at first I just

1 wanted to -- I was just kind of in a little bit of shock  
2 so I was just going through it, and as I kept going  
3 through it I eventually got to September 2017 and the  
4 meetings that are being alleged in the fee sheet.

5 Q In September there's a September 29th, 2017 on  
6 Page 4 of 15.

7 A Correct. That's the same page as my entry.

8 Q What stood out to you about that?

9 A It says on September 29th, 2017 that there was --  
10 I guess there's two duplicates with Rosy Aponte or I don't  
11 know, I'm not going to assume, but it's listed twice that  
12 Rosy Aponte took 2.5 hours, five hours total and Scot  
13 Strems 2.5 hours on this date to have a monthly case  
14 status meeting.

15 On this day we were traveling to Gainesville.

16 Q When you say "we", who is we?

17 A Me and Scot.

18 Q If you would have heard if Scot was on the phone  
19 with Rosy Aponte for 2.5 hours of that road trip  
20 discussing a case?

21 A I would have heard that.

22 Q If Scot had found other time that day when you  
23 got to Gainesville, would have known?

24 A I would have known. Everyone spent the day  
25 together enjoying the festivities prior to the Gators game



1 versus Vanderbilt, which took place the following morning.

2 Q Do you know what day September 29th, 2017 is?

3 A Yes. It's a Friday. The following day was a  
4 Saturday, the day of the game.

5 Q And you know with certainty that you were  
6 traveling on that day?

7 A Yes. We left in the morning. We met at the  
8 parking garage.

9 Q Which parking garage?

10 A The parking garage of the Strems Law Firm on or  
11 around 9:30 a.m.

12 Q You've already raised your right hand and said  
13 these monthly case status meetings weren't happening.

14 You were the managing partner. You oversaw all  
15 of the litigation. Is that correct?

16 A That is correct.

17 Q Now you're saying not only do you know they  
18 weren't happening, you know the one on September 29th  
19 couldn't have physically happened?

20 A Couldn't have physically happened.

21 Q Because you were with Mr. Strems?

22 A Because I was with Mr. Strems.

23 Q You said you were traveling to Gainesville. Was  
24 Ms. Aponte with you?

25 A No.

1 Q Was anyone else with you?

2 A Possibly. There might have been some -- that  
3 might have been one of the trips in which we took his  
4 larger car and had a couple attorneys with us.

5 I believe Mr. Narchet could have been with us as  
6 well.

7 Q When you reviewed these timesheets was there  
8 anything else that stood out to you other than the total  
9 number obviously of \$300,000? Did that ever stand out to  
10 you?

11 A You want to ask the question again? I want to be  
12 clear on what the question is.

13 Q Did the total amount being sought on this  
14 standard roof leak stand out to you when you say that they  
15 were seeking \$321,000?

16 A I'm not going to make a determination, with all  
17 due respect, as to whether it was a standard case or not.

18 I will say that number is high in my experience  
19 for any first party case.

20 Q Did anything else stand out to you other than the  
21 monthly case status meetings and, of course, your own  
22 time?

23 A Yes.

24 Q What else?

25 A Again, unfortunately, I have to say that --

1 MS. GIASI: I'm just going to object to the form.

2 THE WITNESS: -- I don't understand why there are  
3 these entries after these meetings that say draft,  
4 slash, revise internal attorney memo 1.5 hours for  
5 Mr. Strems.

6 BY MS. ZELINGER:

7 Q Why does that stand out to you?

8 MS. GIASI: Object to the form.

9 THE WITNESS: Because, with all due respect to  
10 Mr. Strems, I have never seen him send out a single  
11 memo regarding anything.

12 BY MS. ZELINGER:

13 Q Is it possible he could have been drafting a memo  
14 but not issue it?

15 A Anything is possible, but if he drafted it for  
16 1.5 hours, I can only assume, considering the timing of  
17 it, to memorialize these alleged case status meetings and  
18 provide -- it says attorney memo, so I assume the  
19 memorandum was alleged to have been given to the attorney  
20 on the case or whoever he spoke with.

21 Q So you're talking about each entry that comes  
22 after the monthly case status team meeting?

23 A Yes.

24 Q That says draft, slash, revise internal attorney  
25 memo?

1 MS. GIASI: Object to the form.

2 THE WITNESS: Correct.

3 BY MS. ZELINGER:

4 Q And that appears after every monthly case status  
5 meeting?

6 A It does.

7 Q Would you be aware if Mr. Strems was preparing a  
8 memorandum on each case after these meetings?

9 MS. GIASI: Object to the form.

10 THE WITNESS: He would have advised me. I'd be  
11 surprised if he would and I'd be surprised if I  
12 wasn't given a copy of these memorandums.

13 Again, I've already stated that the monthly  
14 meetings did not happen, so receiving the attorney  
15 memo if one was sent out I would have expected  
16 definitely to have been included with that  
17 memorandum, made aware of it or at least be advised  
18 by the attorneys who received them I received this  
19 from Scot.

20 It's an action plan for cases. Essentially  
21 that's what I imagine it would be, some sort of  
22 action plan of things to do on a case.

23 I was never advised by this team or any of the  
24 attorneys that worked on this case that they were  
25 receiving these memorandums or action plans because I

1 was the one in charge of creating action plans for  
2 the most part.

3 Mr. Strems, again, would get involved in fire  
4 type situations, but for the most part I would be the  
5 one issuing instructions.

6 BY MS. ZELINGER:

7 Q As the managing partner did you have access to  
8 all the systems at the Strems Law Firm?

9 A Not financial, but operationally as far as  
10 litigation, yes.

11 Q So did you have access to each of these files?

12 A Yes, I did.

13 Q And you had access to ACT?

14 A I did.

15 Q And did you ever see internal memorandums drafted  
16 or prepared by Mr. Strems in ACT?

17 A No.

18 Q Did anyone consult you before putting your time  
19 on what we marked as Exhibit 3 for identification?

20 A Unfortunately, they did not.

21 Q Mr. Romero executed an affidavit in this case as  
22 the corporate representative. Do you need a break?

23 A No, I'm fine. Thank you.

24 Q Mr. Romero executed an affidavit stating in part  
25 under paragraph five, and I'm going to show it to you

1 because I'm going to mark the affidavit as Exhibit 4 for  
2 identification, "The billing statements are made and kept  
3 in the ordinary course" -- oh, this is the wrong  
4 affidavit.

5 A This is the one I have from Mr. Romero.

6 Q You have Mr. Romero's affidavit?

7 A Yes.

8 MS. ZELINGER: I'll mark Mr. Romero's affidavit  
9 as Exhibit 4.

10 (The document was marked "Defendant's Exhibit No.  
11 4 for Identification.")

12 BY MS. ZELINGER:

13 Q It states in paragraph four, "It is the regular  
14 practice of the Strems Law Firm to produce billing  
15 statements when required to collect at a fee hearing. The  
16 billing statements are made and kept in ordinary course of  
17 the Strems Law Firm's business."

18 Based on being the managing partner do you know  
19 if these records were kept in the ordinary course of  
20 business?

21 MS. GIASI: Object to form.

22 THE WITNESS: What do you mean by that?

23 Contemporaneously?

24 BY MS. ZELINGER:

25 Q Yes.

1           A     No, they weren't kept contemporaneously, although  
2 time entries can be entered into the system. This type of  
3 sheet would have to be drafted after.

4           Q     "The time entries within the billing statement  
5 are entered by persons with knowledge of the time expended  
6 and are entered at or near the time that the time was  
7 expended."

8                     That's what I want to focus on, the time entries  
9 within the billing statements are entered by persons with  
10 knowledge of the time expended.

11                    Would you disagree with that statement as it  
12 relates to your two entries?

13           A     Yes. I was never consulted. I did not have  
14 knowledge of these entries being entered.

15           Q     And it says are entered at or near the time they  
16 were expended. Would you disagree with that?

17           A     Oh, yes, I would disagree with that.

18           Q     So in reviewing the timesheets did anything else  
19 stick out to you?

20           A     Orlando is a good guy. I'm not here to --

21           Q     That is understood and I know this is probably  
22 difficult for you. I'm just asking you to tell the truth  
23 based on what you know.

24                    Are you prepared to continue to testify?

25           A     Yes.

1 Q Okay. Did anything else stand out to you on the  
2 timesheets that I marked as Exhibit 3?

3 A Right now those are the things that stick out.

4 Q For example, it says drafted the complaint on  
5 Page 1, Mr. Strems.

6 While you were there was Mr. Strems drafting the  
7 complaints?

8 MS. GIASI: Object to the form.

9 THE WITNESS: No.

10 BY MS. ZELINGER:

11 Q Because wouldn't you agree you were working at  
12 the firm on March 15th, 2017?

13 A Oh, at the time? I couldn't tell you what was  
14 happening in March of 2015.

15 Q I'm sorry. It's March 15th, 2017.

16 A Okay.

17 Q You were working there?

18 A Yes, I was.

19 Q Do you know if Mr. Strems was drafting the  
20 complaints?

21 A No, he was not.

22 Q So you obviously wouldn't know why they put that  
23 in, drafting the complaint?

24 MS. GIASI: Object to the form.

25 THE WITNESS: I don't know.



1 BY MS. ZELINGER:

2 Q Just going back to these meetings, at the time  
3 where was your office located? Do you recall?

4 A Yes. The office was located at 2555 Ponce de  
5 Leon, Coral Gables, Florida 33134.

6 Q Was there a conference room?

7 A There was, but it had been converted into the  
8 discovery department.

9 Q So if attorneys were congregating and having  
10 these meetings inside the office, you would have known?

11 A Correct. There's really only two locations it  
12 could have been.

13 Q And you were?

14 A I was in one of those offices.

15 Q Where it could have happened?

16 A Right.

17 Q So you know it wasn't happening?

18 A It was either in my office or it would have to  
19 take place in Scot's office, which was one office down  
20 from mine.

21 Q So you would know if attorneys were meeting there  
22 spending hours at a time discussing a case?

23 A Correct.

24 Q And same with the lunches. You can state with  
25 certainty that there were not hours being devoted to a

1 single case at a single lunch advancing a file?

2 MS. GIASI: Object to the form.

3 THE WITNESS: No, because we ate. We spoke about  
4 regular lunch topics and left when we finished our  
5 meal.

6 BY MS. ZELINGER:

7 Q You'd never characterize it as billable activity  
8 on the file?

9 A No. I'd characterize it as a corporate lunch.

10 Q What I'm trying to say is in looking at these  
11 timesheets when you saw the monthly case status team  
12 meetings even though you'd go to lunch and a case might  
13 come up where I had this hearing, you didn't think this  
14 was an accurate representation of what was going on?

15 A I never thought that what we were doing was  
16 something that we'd bill for at the end of the day, no.

17 Q And in reviewing all of these monthly case status  
18 meetings you know that an hour and a half two and a half  
19 hour periods of time were not being spent by multiple  
20 attorneys on a single case?

21 A Correct.

22 MS. GIASI: Object to the form of that one.

23 Sorry.

24 THE WITNESS: And to be clear, we're referring to  
25 the lunch. Right? Because the attorneys did spend

1 time on cases.

2 BY MS. ZELINGER:

3 Q Of course. But I'm saying, as you already have  
4 testified, these monthly case status meetings were not  
5 individual lawyers spending time on cases. It was  
6 multiple lawyers meeting.

7 A That's what the timesheet says. It says, for  
8 example, attorneys with Scot Strems.

9 Q At least multiple attorneys?

10 A At least multiple.

11 Q And those did not happen?

12 A No.

13 Q Is that correct?

14 A That's correct.

15 Q Did you ever sign any affidavits in support of  
16 fees while you were at the Strems Law Firm?

17 A No, but I -- no, I did not.

18 Q What were you going to say?

19 A I was going to say I was asked.

20 Q You were asked to sign an affidavit in support of  
21 fees?

22 A Yes, I was.

23 Q While you were at the Strems Law Firm?

24 A Not while I was at the Strems Law Firm.

25 Q Walk me through what happened.

1           A       This happened afterwards.

2           Q       Why it's relevant is because I'm dealing with the  
3 affidavit in this case where the Strems Law Firm is  
4 purporting to have spent money on this case and I'm asking  
5 you were you ever asked to sign an affidavit in support of  
6 a fee claim?

7           A       Yes, I was.

8           Q       Did you bring any of that documentation with you  
9 today?

10          A       I did bring it as it seemed appropriate to bring  
11 according to what you were asking for.

12          Q       Can you please produce those documents?

13          A       These are e-mails I received while I was working  
14 at Morgan Law Group.

15                 MS. ZELINGER: I'm going to mark these four  
16 e-mails you've provided as Composite Exhibit 5.

17                 THE WITNESS: Can I see them to make sure there's  
18 no attorney-client privilege information, please?

19                 MS. ZELINGER: Of course.

20                 THE WITNESS: Do you, by any chance, have a  
21 Sharpie so I can protect the privacy of the client?

22                 MS. ZELINGER: I have a pen. We can get you a  
23 Sharpie upstairs if you want to take a quick break?

24                 THE WITNESS: I want to take a quick break. I  
25 want to make sure.

1 (A brief recess was taken.)

2 MS. ZELINGER: Let's go back on the record.

3 (The document was marked "Defendant's Composite  
4 Exhibit No. 5 for Identification.")

5 BY MS. ZELINGER:

6 Q We marked Exhibit 5. These are documents you  
7 just produced, four pages of e-mails between Mark Kamilar,  
8 Scot Strems and yourself and it looks like Cecile  
9 (phonetic)?

10 A On the first one at the top of this e-mail, I  
11 guess, packet, yes.

12 Q Walk me through what these e-mails are.

13 A These are e-mails that I received from Mr.  
14 Kamilar after I left the Strems Law Firm. They came  
15 approximately around six months later while I was working  
16 there.

17 He says in the first e-mail, "Greetings, Chris.  
18 I hope your new move is productive and working well for  
19 you. Scot and company are attempting to close out a  
20 number of cases on which you previously" -- this is cut  
21 off, but from my memory it's previously worked and that  
22 they needed my help in this effort. I'm paraphrasing  
23 because I remember the e-mail. That part was cut off. I  
24 can provide you a better copy.

25 Q That's fine. As you remember I asked if you had

1 ever been involved in signing an affidavit for fees.

2 A Yes.

3 Q And you said that you were asked to sign an  
4 affidavit for fees.

5 A Correct.

6 Q Is this the e-mail where the Strems Law Firm asks  
7 you to sign an affidavit for fees?

8 A Yes. It states the case which I blacked out to  
9 protect the clients and then it says copies of proposed  
10 affidavit to be filed in both cases is attached.

11 Q Do you have the affidavit that was attached to  
12 these e-mails?

13 A Yes, I do.

14 Q Did you have a chance to review the affidavit?

15 A I did.

16 Q And was it similar to the affidavit Orlando  
17 executed in this case?

18 A No. It was different.

19 Q Did you sign the affidavit that they asked you to  
20 sign in support of attorney's fees?

21 A I did not.

22 Q Why?

23 A Because it was -- I want to make sure I use the  
24 right words. In fact, I'll just go to the e-mail in which  
25 I responded to him.

1           That the affidavit was false, inflammatory and I  
2 had no knowledge of the matters being alleged.

3           Q     Which e-mail are you referring to?

4           A     That's the final e-mail in the packet in which I  
5 replied to the first three e-mails.

6           Q     So what are the middle two e-mails?

7           A     Well, the second e-mail was a reminder e-mail  
8 also including Cecile.

9                     "As a follow-up, find the attached" -- again the  
10 affidavit from December 18th of '18 that they wanted me to  
11 sign from before. He states, "Again we need your  
12 assistance in addressing or in a submission to the court."

13                     I'm sorry. I'm trying to read this. It's a  
14 little cut off. This is not a clear copy, but to keep  
15 from losing these fees.

16           Q     Who's Mark Kamilar?

17           A     Mark Kamilar works as Scot's attorney and until  
18 recently worked as my attorney.

19           Q     So he did represent you?

20           A     At the time of these e-mails he was representing  
21 me, yes.

22           Q     What did the affidavit say that he wanted you to  
23 sign?

24           A     I'd have to go to the affidavit.

25           Q     Okay.

1           A     I don't have extra copies, but I have to black  
2 out the client information.

3           Q     Take your time.

4           MS. ZELINGER: While you do that we'll mark the  
5 affidavit as Exhibit 6 for identification and you can  
6 redact whatever is necessary.

7                     (The document was marked "Defendant's Exhibit No.  
8 6 for Identification.")

9           THE WITNESS: Okay. The reason it looks odd is  
10 because it's not the actual Word document. It's a  
11 picture of the actual Word with the document inside  
12 of it.

13 BY MS. ZELINGER:

14          Q     Okay.

15          A     I blacked it out. If for whatever reason you  
16 accidentally see that I missed something that could be  
17 identifying to my former client, please advise me  
18 immediately, but I think I already blacked it out.

19          Q     So what did the affidavit that we marked as  
20 Exhibit 6 say that you didn't feel comfortable signing?

21          A     Let me read through it. First, it said I was one  
22 of the attorneys involved in this specific lawsuit.

23          Q     Were you involved in the lawsuit?

24          A     The way that was worded I took it to mean as if I  
25 was working on the case as an associate or lead attorney



1 of some kind and I was not.

2 Did different issues of it come to my attention?  
3 Yes, but I didn't like the way that was worded. That was  
4 just the first issue.

5 The real meat and potatoes of what I didn't like  
6 was that it said, first, that I have reviewed the records  
7 and all records retained by the Stremms Law Firm, P.A. and  
8 have not been able to locate orders awarding fees for the  
9 attorneys involved in the instant suits.

10 Since I wasn't working there at the time there's  
11 no way for me to go and verify that, nor did they offer --  
12 there was no mention in the e-mail please come back and  
13 look at it.

14 It did say if you disagree with anything, you  
15 know, let us know, but obviously I didn't have access to  
16 the records and none were provided to me.

17 After that he wanted me to say that I had reached  
18 out to Jerome La Torre and Michael Perez to obtain  
19 attorney's fees orders from them.

20 Q Did you do that?

21 A No.

22 Q So why were they asking you to sign that?

23 A They were asking me to sign this so they could  
24 collect.

25 Q I understand that, but were statements in the

1 affidavit true?

2 A They were not true.

3 Q So do you know why they'd be asking you to sign  
4 an affidavit that was untrue?

5 A I think Mark Kamilar stated clearly in the e-mail  
6 that they needed the affidavit in order to obtain fees.

7 Q Are there any other statements in the affidavit  
8 that you don't agree with that you were asked to execute?

9 A Yes. "After multiple attempts to reach them and  
10 eventually communicating with them they have both stated  
11 that they did not have existing fee orders in their  
12 possession."

13 Q Is that related to Mr. Jerome La Torre and  
14 Michael Perez?

15 A I assume that's exactly who they're talking  
16 about.

17 Q Did you ever expend those efforts described in  
18 the affidavit?

19 A No. I hadn't spoken to Michael Perez in a very  
20 long time.

21 Q Did they ask you to reach out to do the actions  
22 in the affidavit?

23 A Did they ask me?

24 Q Did they tell you that you needed to follow a  
25 process in doing X, Y and Z before executing the

1 affidavit?

2 A No. I just received the affidavit.

3 Q And they told you to sign it?

4 A Right.

5 MS. GIASI: Object to the form.

6 BY MS. ZELINGER:

7 Q Is there anything --

8 A Well, I wasn't told to sign it, but if we get to  
9 the last e-mail he sent me I can tell you what my  
10 impressions are.

11 Q Is that the January 29th, 2019 e-mail?

12 A Yes.

13 Q Before we get there are there any other  
14 statements in the affidavit that you --

15 A No. It's not the January 29th, but it's the one  
16 before that, but go ahead.

17 Q Are there any other statements in the affidavit  
18 that you disagree with?

19 A Yes.

20 Q What other statements?

21 A The following one, "Moreover, I have reached out  
22 to their prior employer to see if they have orders  
23 available for Jerome La Torre and Michael Perez and they  
24 have notified me that they do not have them and/or cannot  
25 recall the matters in which fee orders were obtained."

1 Q Did you ever reach out to their prior employers?

2 A No. That would be Gonzalez & Associates where we  
3 all previously worked.

4 Q Are there any other statements in the affidavit  
5 that you disagree with?

6 A Well, I want to say also -- again, I don't like  
7 being in this position, but, again, from the time I knew  
8 of Jerome and Michael at Gonzalez & Associates no orders  
9 were ever written so I just feel it wrong to say that I  
10 contacted the employer to tell me about these orders.

11 Q Because you knew there were none?

12 A Correct.

13 Q Okay.

14 A And then the next statement that I didn't agree  
15 with was, "That it has been brought to my attention this  
16 Honorable Court found that due to my" -- meaning mine,  
17 Christopher Aguirre -- "failure to timely provide an  
18 affidavit pursuant to this Court's prior orders resulted  
19 in the striking of the Strem's Law Firm's entitlement to  
20 fees and costs."

21 Essentially he wanted me to take full  
22 responsibility in front of the Court and damage my own  
23 reputation and my name to say it was all my fault and that  
24 I violated court order -- all prior court orders.

25 Q Did you feel pressure to sign the affidavit?

1 A Yes.

2 Q Why?

3 A Because pursuant to Mr. Kamilar's last e-mail  
4 which required a response from me, I think if I read it to  
5 you you're just going to understand why I say that.

6 It reads this way. This was received Tuesday,  
7 January 29th, 2019 at 3:00 p.m. and again coming to the  
8 Morgan Law Group.

9 It states, "Chris, I write this e-mail as a last  
10 effort to attempt to resolve this before it moves in  
11 unfortunate directions. I wrote you on December 18th,  
12 2018 and January 16th, 2019 advising you of the need for  
13 your assistance. Enclosing" -- again it's a little cut  
14 off and then it says Strems Law Firm.

15 "This is required both by the wording of the  
16 resignation agreement as well as the general requirements  
17 of Florida."

18 I remember what this e-mail says. He says as  
19 well as the general requirements of practicing law in  
20 Florida.

21 "Again, please review the attached affidavit and  
22 either make any changes or advise what can be done to  
23 address" -- and it's a little cut off and then it says  
24 "Questions. In the absence of hearing from you before the  
25 end of the week the Strems Law Firm will be left with no

1 choice" -- and I know what it says afterwards even though  
2 it's cut off and -- can we go off the record?

3 Q Yes.

4 (Discussion had off the record.)

5 MS. ZELINGER: We can go back on the record. The  
6 witness is going to review his e-mails to fill in  
7 what parts got cut off on the printed version of  
8 these e-mails without waiving the privilege of  
9 producing his cellphone records. He will just  
10 reference his own e-mails to finish reading these  
11 e-mails.

12 MS. GIASI: Would he mind doing it for each of  
13 them?

14 THE WITNESS: You want me to go through all of  
15 them?

16 MS. GIASI: If we're talking about this e-mail.

17 THE WITNESS: Okay. I'll go through each of  
18 them.

19 MS. GIASI: I'm saying at 3:00 p.m. I don't want  
20 you to just skip to the last paragraph.

21 THE WITNESS: You want me to start at the  
22 beginning?

23 MS. ZELINGER: Yes, of the January 29th e-mail.  
24 That's fine?

25 MS. GIASI: At 3:00 p.m.

1           THE WITNESS: Sent Tuesday, January 29th 2019,  
2           3:00 p.m. to me at the Morgan Law Group.

3           "Subject: The Strems Law Firm. Chris, I write  
4           this e-mail as a last effort to attempt to resolve  
5           this before it moves in unfortunate directions. I  
6           wrote you on December 18th, 2018 and January 16th,  
7           2019 advising of the need for your assistance in  
8           closing out cases at the Strems Law Firm. This is  
9           required both by the wording of the resignation  
10          agreement as well as the general requirements of  
11          practicing law in Florida. Again, please review the  
12          attached affidavit and either make any changes or  
13          advise what can be done to address the Court's  
14          questions. In the absence of hearing from you before  
15          the end of the week the Strems Law Firm will be left  
16          with no choice but to pursue other options against  
17          you accordingly. Your attention to this matter as  
18          soon as possible would be sincerely appreciated.  
19          Very truly yours, Mark Kamilar."

20 BY MS. ZELINGER:

21          Q       Was this your lawyer?

22          A       This was my attorney.

23          Q       So how did you take that as meaning you needed to  
24          sign the affidavit?

25          A       It means that the attorney that had a lot of

1 power over two very sensitive cases he was handling for me  
2 was instructing me that I needed to do this; otherwise not  
3 just the Strems Law Firm would become litigious against  
4 me, but my own attorney might himself turn litigious  
5 against me in my own cases in which he was representing me  
6 in.

7 I felt betrayed. I felt -- I was pretty shocked.  
8 I was shocked by the first e-mail. I was beyond shock by  
9 the last one.

10 Q Because they were asking you to sign an affidavit  
11 that you believed was false?

12 MS. GIASI: Object to the form.

13 THE WITNESS: That's correct, and I was being  
14 threatened by Mr. Strems' attorney who was also my  
15 attorney.

16 BY MS. ZELINGER:

17 Q Basically being encouraged to sign an affidavit  
18 that was false?

19 MS. GIASI: Object to the form. All the e-mails  
20 say that he can make any changes. You're  
21 mischaracterizing the exhibit.

22 BY MS. ZELINGER:

23 Q Did you feel as though you were being asked to  
24 sign the affidavit as you read it and as we marked it as  
25 Exhibit 6 for identification?



1           A     Yes.

2           Q     You thought you were being asked to sign it as it  
3 was stated?

4           A     I felt as if I didn't sign what was stated I was  
5 going to have to go to court with the Strems Law Firm,  
6 which that's why I couldn't ignore the last e-mail. I had  
7 to actually respond.

8           Q     Did you respond?

9           A     I did.

10          Q     Is that the January 29th e-mail at 3:58 p.m.?

11          A     Correct, and it's cut off, but I have a copy that  
12 I can fill in the holes and it's probably best I just read  
13 my complete copy instead of the cut-off one, if you want  
14 me to.

15          Q     That's fine.

16          A     Okay. So this is from me to Mark Kamilar an hour  
17 later or thereabouts at 3:58 p.m. in response to that last  
18 e-mail which, as I told you, I found threatening and I  
19 said, "First, you and your, quote-unquote, client should  
20 refrain from threatening me."

21                 I said, quote-unquote, client because it was very  
22 confusing to me who he was representing at that point.

23                 "Second, you have now disclosed the existence of  
24 our quote-unquote agreement three times to my employer" --  
25 meaning my current employer Morgan Law Group because he

1 was sending it to the Morgan Law Group server -- "in  
2 direct violation of our agreement. By continuing to send  
3 these harassing e-mails to the Morgan Law Group you have  
4 also disclosed the existence of the, quote-unquote,  
5 agreement by your decision to copy others in your  
6 e-mails." By that obviously I mean Cecile.

7 "Third, the affidavit is false, inflammatory and  
8 I have no knowledge of any other matters being alleged.

9 "Fourth, the Strems Law Firm has violated the  
10 agreement in several severe and retaliatory ways and I'll  
11 have to refer you to my attorneys."

12 Because at that point if I am being threatened by  
13 my own attorney, I need attorneys to protect me from my  
14 attorney.

15 It's kind of a hard, weird position to be in  
16 because, again, these are two sensitive matters he was  
17 representing me in.

18 But when I say that, of course, I'm referring to  
19 attorneys that would have to represent me in the matter of  
20 this affidavit request, and a retaliation that had to do  
21 with things outside of those particular cases in regards  
22 to the, quote-unquote, agreement.

23 "Fifth, the Strems Law Firm" -- okay. This is  
24 where I quote him and respond to it.

25 So, fifth, I quote him and it's bold, "The Strems

1 Law Firm will be left with no choice but to pursue other  
2 options against you accordingly."

3 I responded to him, "Should you choose to do so  
4 I'll have no choice but to explain how I'm being  
5 threatened in order to secure false testimony.

6 Q When you say in order to secure false testimony,  
7 you mean the affidavit they were asking you to sign in  
8 support of fees?

9 A Correct. I ended it by saying, "Cease and desist  
10 from engaging in these type of communications tactics,"  
11 and I signed it.

12 Q Did they follow-up to get you to execute the  
13 affidavit?

14 A No. There was no more follow-up from Mr. Kamilar  
15 as far as the affidavit was concerned.

16 The only follow-up that I ever had from Mr.  
17 Kamilar was to inform me that he was dropping my  
18 representation in those two matters I was referencing.

19 Q And that was it?

20 A And that was it.

21 Q Did it lead to any litigation?

22 A No.

23 Q Do you know why they -- this is your own term.  
24 Do you know why they threatened you?

25 A To obtain fees.

1 MS. GIASI: Object to the form.

2 THE WITNESS: I feel like they threatened me  
3 because one reason could be they felt that obviously  
4 maybe I could be threatened. I can only assume  
5 that's why you would do something like that to  
6 someone. You think you can threaten them.

7 BY MS. ZELINGER:

8 Q But in this example was it because they needed  
9 the affidavit to get fees?

10 A They needed the affidavit in these cases to  
11 obtain fees and they wanted me to fall on the sword for  
12 them and they wanted me to say these things that were not  
13 true.

14 Q Did you speak with anyone from the Strems Law  
15 Firm before this deposition?

16 A I did not speak with anyone from the Strems Law  
17 Firm.

18 Q Did you speak with Ms. Giasi?

19 A Yes.

20 Q How many times?

21 A Like I said, when I received the subpoena I  
22 reached out to her and asked her for information regarding  
23 my entries and the fee sheets and I didn't hear back from  
24 her again until Sunday. I spoke to her again.

25 Q January 12th?

1 A January 12th. I received an e-mail from her.

2 Q Did you actually speak on January 12th?

3 A Yes, we did speak.

4 Q Did you discuss the substance of today's  
5 deposition in any way?

6 A Yes.

7 Q What did you discuss? Do you recall?

8 A I do recall, but it would help if I can refer to  
9 the notes I took during the conversation.

10 Q That's fine. Just to back up, you actually took  
11 notes during your conversation with Ms. Giasi?

12 A Yes. I had a note pad next to me so I just  
13 started taking notes as the conversation went on.

14 Q Is that your general practice?

15 A No, it's not my general practice.

16 I was a little taken aback by the fact that I had  
17 been reached out to by Ms. Giasi after I kindly asked her  
18 to send me the fee sheets back when I was first  
19 subpoenaed, and I don't know if it was a month ago or two  
20 months ago, but it was a long time ago, and the fact that  
21 I was ignored even though she had promised me that day to  
22 send it to me.

23 It seemed odd to me that all of a sudden I was  
24 getting such a friendly e-mail and then, you know, I just  
25 was ready just in case.

1 Q When you say friendly e-mail, what was the e-mail  
2 that prompted it?

3 A Well, the e-mail was, you know, friendly. It was  
4 Happy New Year. You know, to the effect if you have time  
5 to meet up on Tuesday prior to the deposition, get some  
6 coffee and talk about it, let me know.

7 Again, I know Ms. Giasi has done some really good  
8 work, but that's something different from the Ms. Giasi I  
9 experienced on the day that I asked for the information in  
10 that she didn't reply to me.

11 It just felt like it came out of left field. I  
12 felt like I knew what it was like being an attorney myself  
13 about contacting a witness at the last possible second.

14 I didn't know what to expect, and considering  
15 what you've seen already from what I've shown you with my  
16 conversations with Mark Kamilar I just wanted to make sure  
17 that I was prepared for whatever it was that we were going  
18 to be discussing. I didn't want to be threatened again.

19 Q What do you recall from the conversation on  
20 January 12th?

21 A Well --

22 Q Was it in connection with today's deposition?

23 A Yes, it was.

24 Q McEkron?

25 A It was.

1 Q What do you recall?

2 A If I can read off my notes?

3 Q That's fine.

4 A She told me who was deposed and stated it was  
5 Orlando Romero, Scot Strems, Gregory Saldamando and Chris  
6 Narchet.

7 I was told I'm the first non-employee to be  
8 deposed in this matter. She advised me how everyone,  
9 meaning Scot, Orlando, Greg and Narchet agreed and said  
10 the same thing concerning the occurrence of meetings.

11 Mind you, I hadn't yet seen the fee sheets.

12 Q Did you ask any questions about that?

13 A I stayed quiet most of the time.

14 Q What do you mean she informed you about how  
15 everyone agreed and said the same thing about meetings?

16 A She explained that meetings, quote-unquote,  
17 meetings could have been anything from, quote, having  
18 lunches to just passing someone in the hallway, end quote.

19 Q Is that what appears on the timesheets?

20 A That's not how I read it.

21 Q Okay.

22 A She told me she wasn't my attorney and would not  
23 be representing me at the deposition.

24 She did say she can't tell me what to say, but,  
25 quote, if you don't remember, you don't remember.

1           She said she probably should have called earlier  
2 to see if I had been served a subpoena for the deposition  
3 we're at here now today.

4           Ms. Giasi brought up meetings listed on the fee  
5 sheet. I was told how, quote-unquote, we would meet up to  
6 discuss Bressler cases, but that there were no concrete  
7 days, times or methods for conducting these meetings.

8           Q     Is that true?

9           A     That's not true.

10          Q     But that's what she told you?

11          A     That's what she told me.

12                MS. GIASI: Object to the form.

13 BY MS. ZELINGER:

14          Q     When you say "we would meet up to discuss  
15 Bressler cases", was it your interpretation that Ms. Giasi  
16 meant you and Ms. Giasi or you and the employees at the  
17 Strems Law Firm?

18          A     No. She was referring to me and the Strems Law  
19 Firm.

20          Q     Not Ms. Giasi?

21          A     Correct.

22                MS. GIASI: Object to the form. There's no  
23 entries of him on the fee sheets at the meeting.

24                I mean, I have never been in this situation where  
25 I'm listening to notes of a conversation that I



1 fundamentally find to be misrepresentative of the  
2 conversation that I had.

3 So obviously I can address that on redirect, but  
4 I just want to have that on record now that I've heard  
5 multiple false statements.

6 BY MS. ZELINGER:

7 Q My question regarding that last statement is that  
8 you were told we would meet up to discuss Bressler cases.

9 You interpreted that to mean that you and other  
10 attorneys at the firm would meet to do that?

11 A Correct.

12 Q Okay. Do you know why you were being told that?

13 MS. GIASI: Object to the form.

14 THE WITNESS: I can't know what's in Ms. Giasi's  
15 mind. I can only assume it was so that I would say  
16 that there were meetings to discuss Bressler cases.

17 BY MS. ZELINGER:

18 Q Were there hour-long meetings on single Bressler  
19 cases with multiple attorneys?

20 A No.

21 Q Keep going if there's anything else you recall  
22 from the conversation.

23 A She said that one of the big issues at the prior  
24 depositions were the meetings and how it was probably best  
25 if asked if I remember the meetings, to say I either

1 recall them or I don't recall.

2 MS. GIASI: Object to the form.

3 BY MS. ZELINGER:

4 Q How did you take that comment?

5 A As an instruction to say either I remember or I  
6 don't remember.

7 Q And is that how you feel?

8 A No. I remember they didn't happen.

9 Q Anything else that you remember?

10 A Ms. Giasi offered to send me Orlando Romero's  
11 depo transcript and I declined that offer.

12 Q Have you read Orlando Romero's deposition  
13 transcript --

14 A No.

15 Q -- in this case?

16 A I have not.

17 Q Go ahead.

18 A Ms. Giasi stated she would send me the fee  
19 sheets, which she did.

20 She said she didn't know if I was on those fee  
21 sheets, but if I am and I don't remember the  
22 circumstances, it's okay to say that.

23 Q Anything else?

24 A This area is a little more uncomfortable for me.  
25 She stated Hope -- she didn't say your last

1 name. She referred to you as your first name. Hope  
2 didn't quote get anywhere with Orlando or Scot, end quote,  
3 and that the outcome of the deposition was predictable.

4 I was told, quote, Hope didn't get anything, end  
5 quote.

6 Ms. Giasi told me I might be asked why I left the  
7 firm. She told me I can make up any answer I want as to  
8 that question. She stated that as to any answer I decided  
9 to give to that question she, quote-unquote, said I don't  
10 care.

11 Q Did you discuss your departure from the Strems  
12 Law Firm?

13 A I stated to her I don't see how that's relevant  
14 and she agreed.

15 Q Okay.

16 A She returned to the subject of the meetings. I  
17 was told to say if I do remember the meetings, I can go  
18 ahead and say that or not, that it's fine, but that the  
19 meetings did indeed happen but, quote, just not in the  
20 context as stipulated in the fee sheets, end quote.

21 Q Do you know what that means?

22 A To me it means that what's in the fee sheets is  
23 inaccurate and not the reality of what occurred.

24 Q Do you know why you discussed the meetings so  
25 much in your pre-depo call?

1           A       I assume it's a point of contention in this  
2 matter and a point of concern for Ms. Giasi and her  
3 client.

4           Q       Was there anything else that was discussed?

5           A       Yes. Ms. Giasi spoke to me about some proposal  
6 for settlements and how it's the crux of the issue because  
7 these cases were resolved at courts in, quote-unquote,  
8 our, meaning the Strems Law Firm, our favor.

9           Q       Did you ever see a proposal for settlement in  
10 this case?

11          A       No.

12          Q       Do you know how much was offered to the McEkrons  
13 in this case?

14          A       No.

15          Q       Did you discuss the proposal settlement issue  
16 with Ms. Giasi?

17          A       All she stated after that was that she mentioned,  
18 you know, her victories in similar cases.

19          Q       Anything related to McEkron?

20          A       Nothing else about that.

21          Q       Okay.

22          A       She asked if I knew about the proposed -- oh,  
23 I'm sorry. This is why notes are important.

24                    She asked if I knew about the proposals for  
25 settlement, and I didn't offer any response or answer to

1 that question, but she just moved on and told me -- I know  
2 it's coming and I'm going to prepare myself now.

3 I am here to tell the truth and when I say this  
4 I'm not here to be a trier of fact. I am not here to cast  
5 aspersions. I am not here to ruin anyone's reputation. I  
6 am not here to imply anything. I am simply here to depart  
7 the facts.

8 Q Do you feel like you're being asked to do  
9 something other than that?

10 A No. I feel Ms. Giasi has already stated that  
11 what I am saying is false and how she's going to address  
12 them on redirect and that's perfectly fine. I'm sorry.  
13 Not on redirect. On cross. That's perfectly fine, but  
14 this statement I do not take lightly and I would not say  
15 any of this if it wasn't true.

16 I know the importance of the Rules of  
17 Professional Conduct. I understand their implications.  
18 You can't even threaten another attorney with a bar  
19 complaint because that's unprofessional. You can't do  
20 that.

21 So saying that an attorney did something,  
22 anything at all we as attorneys always have to be careful,  
23 especially when we're on the record or testifying in  
24 court. That's the way I feel.

25 Saying that, you have asked me what she did tell

1 me and I will repeat it. Ms. Giasi told me, quote,  
2 hopefully we all get some money out of this once this is  
3 over, end quote.

4 Q Is that the statement you were referring to?

5 A Yes.

6 Q Why did that trouble you?

7 A Because I have no reason to get any money out of  
8 this case at all.

9 I was paid regular compensation as a W-2  
10 employee.

11 Q When you say regular compensation, you didn't get  
12 a percentage of what got brought back in?

13 A Correct. I did not get commission off the cases  
14 so I had no reason to expect any money on this case.

15 Q Did you ask any questions about that statement?

16 A No. I preferred not to go down that rabbit hole.  
17 I didn't want to know and I'll leave it to Ms. Giasi to  
18 explain what she means by that. I'm not going to assume  
19 not too much about it other than to tell you my own  
20 personal feelings and leave it at that.

21 Q Did you talk about anything else on the call?

22 A She said I was smart, charismatic. She advised  
23 me to be charismatic during the deposition and, quote, you  
24 will be fine, end quote.

25 She told me being charismatic works on Hope,

1 referring to you.

2 She stated, quote, I saw Scot do it and I was  
3 surprised. I didn't know he could be charismatic and I  
4 will tell him that to his face if I have to. I didn't  
5 know he had it in him.

6 Q Is that all part of one quote?

7 A Yes. She stated he had -- I have here written  
8 Hope, but he had you giggly during the deposition.

9 Then Ms. Giasi told me she'd contact me again  
10 later, she had another appointment and I did not speak to  
11 her verbally again.

12 I received two e-mails with attachments and a  
13 text message this morning.

14 Q What was the text message?

15 A May I?

16 Q That's fine.

17 A "Hey, Chris. Let me know if you have any  
18 questions or wanted to chat before depo. If not, I'll see  
19 you at 10:00 a.m. for the festivities, dash, ha-ha."

20 I responded, "Good morning, Melissa. I don't  
21 have any questions, but I appreciate the offer. Safe  
22 travels and I'll see you there."

23 She said, "Sounds good. Thanks."

24 Q When you said you received two e-mails with  
25 attachments, what was that in regards to?

1           A       It was the -- it's all the stuff that I believe  
2 you already have, which is the affidavit, the fee sheets.

3           Q       Documents to review for today?

4           A       Documents to review for today. I can tell you.

5           Q       That's fine. Did you review all the documents?

6           A       Yes, I did. The only one I didn't go line by  
7 line on was the fee sheet.

8                   MS. ZELINGER: I'm just going to review my notes.  
9 I know Ms. Giasi will have questions for you. Let me  
10 see if I have any other questions.

11                   I don't have any further questions, but I may  
12 have questions after Ms. Giasi asks you questions.

13                                   CROSS EXAMINATION

14 BY MS. GIASI:

15           Q       We'll start with the phone conversation that we  
16 had on the 12th.

17                   Do you have any notes about how the conversation  
18 began?

19           A       I know I received your e-mail and I responded  
20 back to you in an e-mail asking you to call me on my  
21 cellphone.

22           Q       When I called you isn't it true that you said "I  
23 don't really think that there's much more to expect of me  
24 other than to look at the timesheets and go in there and  
25 tell the truth about anything that's on them"? Correct?



1           A     I said, "I think all that is expected of me is to  
2 go ahead and tell the truth."

3           Q     My response was "Absolutely, 100 percent," wasn't  
4 it?

5           A     Yes, you did say that.

6           Q     Do you know how long the phone conversation was?

7           A     Fifteen minutes.

8           Q     Do you have the original notes that you took?

9           A     These are the notes I took.

10          Q     So you were transcribing -- I thought you said  
11 earlier it was on a legal pad.

12          A     It was in a notebook.

13          Q     So where are those notes?

14          A     Those notes I didn't need them anymore. I think  
15 I just threw them away.

16                 I made a transcript of it because I had to write  
17 very quickly and it was like chicken scratch.

18          Q     But you would agree you missed a very key part of  
19 the conversation where I told you unequivocally to do  
20 nothing other than to tell the truth in this deposition.  
21 Correct?

22          A     I told you I have to tell the truth and you  
23 responded to me "Yes, of course."

24          Q     So is that on your transcript?

25          A     No, it's not on the transcript because I believe

1 that was right leading into your statement regarding the  
2 meetings and everything else.

3 Q Do you recall how many times during that phone  
4 conversation that you told me you were having trouble  
5 hearing me?

6 A Yes.

7 Q Was it at least two times?

8 A It was at least two times because I wanted to be  
9 sure I heard you correctly.

10 Q But you were saying things to me like "You're  
11 breaking up or I can't hear you at all." Correct?

12 And there was a point in time where you said "I'm  
13 driving in the car. I'm having trouble hearing."  
14 Correct?

15 A I was in the car.

16 Q Were you driving?

17 A I was driving.

18 Q So you took chicken scratch notes while you were  
19 driving the car? Did you pull over?

20 A Of course, I pulled over.

21 Q But you did tell me during the conversation that  
22 you were driving. Correct?

23 A Yes.

24 Q You didn't say "Hold on a second. I'm going to  
25 pull over"?

1           A       When I saw you calling, yes, I knew I had to pull  
2 over, but I didn't say give me a second to pull over.

3           Q       During the call you said "I'm sorry I'm having  
4 trouble hearing you because I'm driving."

5                    That's correct, isn't it?

6           A       "I'm having trouble hearing you because I'm in  
7 the car and it's breaking up."

8                    I don't remember exactly if I said I was driving.  
9 I know I stopped to take notes.

10          Q       And then after I told you to absolutely go in and  
11 tell the truth did you ask me where we were in the  
12 process?

13                    I mean, did you ask me any questions that would  
14 have prompted me to tell you about -- I mean, wasn't there  
15 a moment where I said, "Well, is there anything else?",  
16 and you said, "Well, what happened so far?"

17          A       No.

18          Q       Was it clear to you when we spoke that I had no  
19 clue what time entries you had on these timesheets?

20          A       You stated to me that you didn't know if I was on  
21 the timesheets.

22          Q       So was it clear when we spoke that I had no clue  
23 what may or may not have been indicated on here that you  
24 billed for?

25          A       I had no idea what the truth of what you knew or

1 didn't know was.

2 Q Did you believe me when I said I don't know what  
3 your billing entries are on these timesheets?

4 A You want the honest answer? No, I didn't believe  
5 you.

6 Q Okay. Why?

7 A Because you completely ignored my request for the  
8 fee sheets when I had asked you two months prior, and to  
9 me that's something that's done when you're trying to hide  
10 something.

11 With all due respect, I would have expected the  
12 professional courtesy the first time I had asked you for  
13 the fee sheets to be immediately sent to me.

14 Q Do you know when that was?

15 A No, I don't. When I received the subpoena I  
16 immediately called you.

17 Q You really believe it was two months ago?

18 A A month ago. Whatever it was it was too long and  
19 you took my e-mail and said "I will send it to you  
20 immediately."

21 Q Hold on. Are you sure that's true?

22 A I'd like to finish my answer.

23 MS. ZELINGER: Go ahead. You should be able to  
24 finish your answer. The question is are you sure  
25 that's true?

1 THE WITNESS: Well, I need to go back because I  
2 was cut off.

3 You took my e-mail immediately and you said "I'm  
4 going to get this over to you right away."

5 You told me you were going to get it to me that  
6 evening and I never heard back from you.

7 BY MS. GIASI:

8 Q Did you ever follow-up with me?

9 A No, I didn't follow-up with you.

10 Q Do you recall me telling you that I had been  
11 contacted by a couple of other people who I subpoenaed and  
12 I had taken down their e-mails and it might not be  
13 immediately, but then when I got the fee sheets I'd  
14 forward them on to you?

15 A I don't recall.

16 Q Do you recall when we were discussing the  
17 proposal for settlement do you recall me stating that as a  
18 result of that entitlement had not yet been determined?

19 A No.

20 Q That's not part --

21 A Oh, yes, yes, you did state that was part of the  
22 proposal for settlement.

23 Q And when I say "we", you obviously understood  
24 that I was not representing you in any capacity?

25 A Correct.

1 Q You knew who my clients were. Correct?

2 A I did, and if you hadn't said you were not my  
3 attorney then I would have made it clear, but you made it  
4 clear from the beginning you were not representing me.

5 Q What possible explanation -- I mean, did you take  
6 my statement by me saying hopefully we'll get money from  
7 all of this, the depositions after it's over, did you  
8 think that I was going to offer to pay you money for  
9 participating in the deposition?

10 A You actually said -- no, not to participate in  
11 the deposition.

12 Q For what then?

13 A Ms. Giasi, I don't know why you're asking me  
14 these questions because if you want my speculation, I will  
15 give you my speculation.

16 Q You're impugning my character.

17 A "Hopefully we all get some money out of this once  
18 this is over."

19 When you say we all get some money out of this  
20 once this is over implies to me once this goes the way  
21 Strems Law Firm wants it to go I could see some money out  
22 of it at the end of the day.

23 That's the way I understood it.

24 Q You spent a lot of time testifying about a very  
25 bitter parting between you and your former employer.

1 Correct?

2 MS. ZELINGER: Form.

3 THE WITNESS: No, I didn't.

4 MS. ZELINGER: I haven't heard any testimony  
5 about the departure.

6 THE WITNESS: No, no testimony and nothing about  
7 that was said.

8 In fact, I had an amicable parting with Scot in  
9 which he gave me a hug and he told me he didn't want  
10 me to leave and he said that he slept better knowing  
11 when I was there managing the law firm and I told him  
12 that I really appreciated that.

13 That was one of the nicest things that's ever  
14 been told to me by an employer.

15 BY MS. GIASI:

16 Q So you resigned?

17 A I did resign.

18 Q Was that your own decision or were you asked to  
19 resign?

20 MS. ZELINGER: Form. Outside the scope of the  
21 direct examination.

22 MS. GIASI: You can answer.

23 THE WITNESS: No, I can't. I agree with the  
24 objection. It's outside of the scope. I'm my own  
25 attorney today.

1 BY MS. GIASI:

2 Q You can't instruct yourself not to answer unless  
3 it's privileged or work product and I think you know that.

4 A It's outside the scope and I'm not going to  
5 answer that here today and there were no questions  
6 regarding that.

7 Q So you're refusing to say whether you were asked  
8 to resign or not?

9 MS. ZELINGER: Same form objection.

10 BY MS. GIASI:

11 Q Are you refusing to answer?

12 A I was not asked to resign. I resigned of my own  
13 choice, and you're going down a very slippery slope for  
14 your own client if you want to have that conversation, but  
15 that's not relevant to what we're doing here today.

16 I'm here to tell the truth regarding fee sheets  
17 and now that you've opened Pandora's box there I'd be very  
18 careful, Ms. Giasi.

19 Q Are you threatening me now on the record?

20 A I'm advising you as a professional courtesy not  
21 to assume things to which obviously you are unaware.

22 Q Why are you getting so upset about that question?

23 MS. ZELINGER: Form.

24 THE WITNESS: I'm not upset. I'm explaining to  
25 you do not make the assumption that I was forced to



1 resign.

2 BY MS. GIASI:

3 Q Well, I didn't make the assumption. I asked you  
4 to testify truthfully as to whether or not you were asked  
5 to resign and your answer was no, I was not. Correct?

6 A That's my answer.

7 Q So what slippery slope am I going down? I don't  
8 understand.

9 MS. ZELINGER: Same form objection. Outside the  
10 scope of direct.

11 THE WITNESS: It's outside the scope and I'm  
12 going to agree with that and I'm not going to answer  
13 any questions on that.

14 In fact, I'll make it easier, Ms. Giasi, and I  
15 don't want you to state that my demeanor is anything  
16 but completely calm because, honestly, I have no  
17 reason not to be calm.

18 If you want to get into all this, then I'm more  
19 than happy to have an in camera discussion and  
20 present documents to the judge of privileged material  
21 that can easily answer your questions, but only with  
22 the judge's permission.

23 I will do so. If you want to know the reason  
24 why, you can ask that question and I will answer it  
25 or we can change the subject.

1 BY MS. GIASI:

2 Q I don't really understand your answer, but I can  
3 move on.

4 Your testimony is that it was a very amicable  
5 parting, and at one point you would agree that you said  
6 you felt threatened both by Scot Strems and maybe Mark  
7 Kamilar. Was that your testimony today?

8 MS. ZELINGER: Form.

9 THE WITNESS: Yes, after I left, and I did not  
10 say -- I explained the e-mails of Mark Kamilar to me  
11 while I was at Morgan Law Group about six months  
12 after I finished working at Strems law.

13 BY MS. GIASI:

14 Q And you have not heard from Mr. Kamilar or Mr.  
15 Strems since that January 29th e-mail at 3:58 p.m.?

16 A Incorrect. I stated that Mr. Kamilar contacted  
17 me after this to inform me that he was no longer --

18 Q Representing you in whatever case he was  
19 handling?

20 MS. ZELINGER: I'll just ask to let the witness  
21 finish answering for the court reporter.

22 Go ahead. You can finish your answer.

23 THE WITNESS: He sent me a letter advising that  
24 he was no longer representing me. It wasn't a  
25 request to withdraw.

1 BY MS. GIASI:

2 Q And so based on that backdrop you thought that my  
3 general discussion of the case in saying hopefully we all  
4 get some money out of this some day was a promise to pay  
5 you for false testimony? Is that your testimony today?

6 MS. ZELINGER: Form.

7 THE WITNESS: No.

8 BY MS. GIASI:

9 Q Mr. Aguirre, did --

10 A I gave the exact quote. I'm answering the  
11 question. I gave the exact quote. "Hopefully we all get  
12 some money out of this once this is over."

13 Q But to clarify, you did not at any point  
14 reasonably believe that I meant you would get money from  
15 this?

16 A I don't know what you meant by it.

17 Q But it's reasonable given the backdrop that we've  
18 discussed here that you would not get money from this.  
19 There was no specific statement from me to you saying I'm  
20 going to pay you money if we recover. Correct?

21 A No, you didn't say that.

22 You said exactly what I said here, quoted.

23 Q But you are implying that we meant you. Correct?

24 A I'm not implying anything. I'm reading a direct  
25 quote.

1 Q Would you agree with me today that we in the  
2 context that I was using it in no way implied you?

3 A No, I can't agree to that because I don't know  
4 what you meant by it because it sounded very strange to  
5 me.

6 I never heard another attorney talk to a witness  
7 and say that hopefully we all get some money out of this  
8 once this is over.

9 Q So you thought I was offering to pay you?

10 A I didn't know what you were doing. It didn't  
11 sound right to me. It concerned me. I wrote it down and  
12 I have to state it.

13 Q And you wrote it down on a piece of paper that  
14 you have now thrown away?

15 A You know what? I'll go look in my trash if  
16 that's your concern. I stand by my notes.

17 Q And --

18 A I'll go digging through the trash. It might not  
19 have been thrown away yet.

20 Q Being accused of telling you to provide false  
21 testimony matters a lot to me.

22 Is that your testimony today, that you think that  
23 I asked you to provide false testimony?

24 A I don't know what your goal was. I simply am  
25 providing information of what you said to me.

1 Q Did you ask me questions about this case?

2 A I asked you for fee sheets when you first  
3 subpoenaed me. I was ignored after I gave you my  
4 information.

5 So, no, I didn't really want to ask any more  
6 questions about the case.

7 Q But I provided to you with fee sheets on Sunday.  
8 Correct?

9 A You did.

10 Q And I followed up to ask if you needed anything  
11 or had any questions. Correct?

12 A You did.

13 Q Did you get served with a subpoena before or  
14 after Christmas?

15 A I think this was before Christmas.

16 Q Is it possible that someone who runs her own  
17 business and has two children and is dealing with the  
18 holidays that she could have possibly just lost the piece  
19 of paper that she wrote your e-mail address down on and it  
20 not necessarily be a priority and that it would have  
21 nothing to do with any nefarious intent on my end?

22 MS. ZELINGER: Form. Counsel testifying.

23 THE WITNESS: I don't know what your question is.  
24 I don't know anything about your life, Ms. Giasi, and  
25 I'm sorry if you're very busy and I'm sorry if you

1 lost a piece of paper that you had my e-mail on.

2 The fact of the matter is you had a way of  
3 contacting me prior to Sunday. If you did lose that  
4 piece of paper because you have children and you have  
5 a busy life, I'm sorry that happened, but I would  
6 have appreciated if you actually had provided me the  
7 information prior to Sunday as far as my role in  
8 these fee sheets and what the fee sheets actually  
9 contained.

10 BY MS. GIASI:

11 Q I just want to make it clear. When we were  
12 talking about your actual testimony, did I tell you  
13 anything other than to absolutely tell the truth,  
14 including if you couldn't remember something?

15 You're lodging a very serious accusation against  
16 me today, and I believe that our conversation started out  
17 with you saying all I have to do is go in there and tell  
18 the truth and I said absolutely.

19 MS. ZELINGER: Form.

20 THE WITNESS: Right.

21 BY MS. GIASI:

22 Q Did I ever back down off of that? Did I ever  
23 say --

24 A You didn't say not to tell the truth.

25 After I said I plan to go in there and tell the

1 truth you were telling me how the meetings occurred, et  
2 cetera. You gave me all this information.

3 Q Correct. But I never told you anything but to  
4 tell the truth. Correct?

5 A Well, you kind of put me on the spot where you  
6 said if I don't remember the meetings, just say I don't  
7 remember it. If I do remember it, say I remember it.

8 Q Okay. But did I ever tell you anything other  
9 than to tell the truth, Mr. Aguirre?

10 MS. ZELINGER: Form.

11 THE WITNESS: In my opinion? I mean, look, I  
12 just wanted to say exactly what you said and let the  
13 chips fall where they may.

14 Now you want me to break down what actually I  
15 believe? You want me to be the juror on this? I can  
16 do that for you.

17 BY MS. GIASI:

18 Q You're accusing me of professional misconduct so  
19 I would like you to make the record clear today that I  
20 never asked you to do anything other than to tell the  
21 truth.

22 MS. ZELINGER: Form.

23 THE WITNESS: I can't say that because I don't  
24 believe that.

25

1 BY MS. GIASI:

2 Q When did I ask you to tell a lie?

3 A You didn't say the words "I want you to lie."

4 You told me what the meetings were. You told me  
5 how everyone testified. You said comments which bothered  
6 me.

7 You said if I remember the meetings, say I  
8 remember them. If I don't, just say you don't.

9 You said the meetings could be anything from  
10 having lunches to passing someone in the hallway. You  
11 said it might not be exactly how it appears on the fee  
12 sheet.

13 Q Did you have any notes on the pad that you've  
14 thrown away that I said there have been a lot of questions  
15 about meetings on the fee sheets?

16 A I didn't throw away the pad.

17 Q You don't know where it is sitting here today.  
18 Correct?

19 A Is your concern the location of the pad or the  
20 substance? I don't understand.

21 Q Well, you transcribed something that I disagree  
22 with the accuracy of, so I would like to see your original  
23 notes.

24 A Sure. Okay. They may still be in the trash.  
25 What's your question?



1           Q     My question is you obviously are missing a big  
2 part, I think the most important part of our conversation  
3 where I unequivocally told you to tell the truth that's  
4 not on that sheet.

5                   MS. ZELINGER:   Form.

6                   THE WITNESS:   Well, you told me that it was okay.  
7 You said -- and it's funny that you bring up the  
8 resignation thing and you're trying to throw me under  
9 the bus with it.

10                   Apparently you might have been told something  
11 differently because I don't think I would have  
12 received a question such as were you forced to  
13 resign.

14                   I mean, obviously I don't know what was told to  
15 you, but when you actually bring up why I left the  
16 law firm obviously you wanted to make sure I said  
17 something other than the truth, so that's why I say  
18 I'm very surprised you want to go down this road  
19 because it was amicable, but there were situations  
20 surrounding it that are confidential.

21                   So you stated to me that -- let me find it -- if  
22 I'm asked why I left the firm, you told me I can make  
23 up any answer I want as to that question and that you  
24 don't care what I say in regards to that.

25

1 BY MS. GIASI:

2 Q That's an absolute representation of what was  
3 said.

4 Do you recall me asking you she's probably going  
5 to ask you why you left?

6 A Yes.

7 Q And do you recall your answer saying "Well, how  
8 is that relevant?"

9 A After you told me what you told me I said --

10 Q No, no.

11 A -- why I left is --

12 Q Answer my question first.

13 Do you recall me saying you're probably going to  
14 be asked about the circumstances of you leaving?

15 A You did say that.

16 Q Do you recall me saying "I don't know the  
17 circumstances of you leaving"?

18 A No, I don't recall that.

19 Q It's not on that piece of paper, is it?

20 A No, but that doesn't mean that you said it.

21 Q Well, we already established that me telling you  
22 to unequivocally tell the truth no matter what is not on  
23 this piece of paper. Correct?

24 MS. ZELINGER: Correct.

25 THE WITNESS: You did not say unequivocally tell

1 the Ruth.

2 BY MS. GIASI:

3 Q When you asked I'm not expected to do anything  
4 other than to go in there and tell the truth my response  
5 was absolutely. How is that not unequivocal?

6 MS. ZELINGER: Form.

7 THE WITNESS: Because that was me meaning to say  
8 the statement before you started telling the rest of  
9 it.

10 BY MS. GIASI:

11 Q Did I ever retract from my instruction to you to  
12 absolutely tell the truth?

13 A Ms. Giasi, if you're asking me if you told me  
14 specifically I need you to go in there and lie, no, you  
15 did not say those words.

16 Q Thank you. I appreciate you clearing that up for  
17 the record.

18 A Sure.

19 Q Now back to the question about the circumstances  
20 of you leaving do you recall saying to me "How is that  
21 relevant?"

22 Yes or no?

23 MS. ZELINGER: Form.

24 THE WITNESS: No.

25

1 BY MS. GIASI:

2 Q Do you recall my response being "Well, it could  
3 be relevant and in depositions unless something is work  
4 product or attorney-client privilege you're going to have  
5 to answer"? Do you recall me saying that?

6 A This is why notes are good because this is what  
7 happened when that came up.

8 You stated that the question was not relevant. I  
9 did say it's not relevant. You stated that you agreed  
10 that it was not relevant.

11 Q And you said how is it relevant and then do you  
12 recall what I said?

13 A I didn't ask you how it was relevant.

14 Q But then do you recall me saying that you're  
15 going to have to answer the question?

16 A No.

17 Q You don't recall any discussion about?

18 A You did not tell me I was going to have to answer  
19 that question because you told me it was not relevant.

20 Q So you don't recall me saying but in depositions  
21 unless something is work product or protected by the  
22 attorney-client privilege it's pretty much fair game? You  
23 don't recall that?

24 A I don't recall the answer that you're looking  
25 for. The answer I'm giving you is no, you didn't say

1 that.

2 Q And it's your position that this piece of paper  
3 is -- do you have a recording of our conversation?

4 A No, because if you record other people that would  
5 be a crime without their permission.

6 Q Well, did you ask me if you could record it?

7 A No, because I --

8 Q Did you say I'm going to chicken scratch a  
9 transcript of this on a piece of paper and I'm going to  
10 maintain that it's accurate; would you mind if I recorded  
11 this conversation?

12 MS. ZELINGER: Form.

13 THE WITNESS: I didn't record the conversation.

14 BY MS. GIASI:

15 Q You could have asked.

16 A I was taking notes.

17 Q You could have asked me if it was okay with me if  
18 we recorded this conversation. Right?

19 MS. ZELINGER: Form.

20 THE WITNESS: I'm not going to speculate as to  
21 that.

22 BY MS. GIASI:

23 Q Could you have asked me?

24 A Could I have?

25 Q Yes.

1           A     Yes, I could have done anything.

2           Q     Do you think if we had recorded the conversation  
3 and then taken a transcript to a court reporter that we  
4 would have an accurate transcript of what our conversation  
5 was?

6           A     I'm --

7           Q     More accurate than yours?

8           MS. ZELINGER: Form.

9           THE WITNESS: I'm fairly confident in my  
10 transcript.

11 BY MS. GIASI:

12          Q     Don't you agree that if you had asked my  
13 permission and I said yes and it had been recorded it  
14 would 100 percent be more accurate which is two times  
15 removed from the chicken scratch that you took on the side  
16 of the road?

17          MS. ZELINGER: Form.

18          THE WITNESS: No. I think mine is pretty  
19 accurate.

20 BY MS. GIASI:

21          Q     And you're basing that on a piece of paper that's  
22 not in front of you?

23          A     It's a paper right in front of me.

24          Q     No. It's not the paper that you took  
25 contemporaneously. Correct?

1 A No. I had to transcribe it so it was legible.

2 Q But you don't have the piece of paper that you  
3 took contemporaneous notes?

4 MS. ZELINGER: Form.

5 THE WITNESS: I didn't say I don't have it.

6 BY MS. GIASI:

7 Q Well, you don't know where it is sitting here  
8 today?

9 A No, I don't know the exact location of it sitting  
10 here today because I thought it was best to create a  
11 written out typed up version of exactly what I had written  
12 down in handwriting.

13 I thought that would be a more professional way  
14 to present the same exact information that was written  
15 down on that sheet of paper.

16 Q So it's your testimony today that if you find  
17 that piece of paper every single word on that typed  
18 summary is on that legal pad?

19 A Yes.

20 Q That's your testimony today?

21 A The words that I quoted where I have you in  
22 quotes, absolutely.

23 Q But not every single word. Correct?

24 A What do you mean every single word?

25 Q I'm asking you if on the legal pad where you took

1 notes does it have every single word that's now on the  
2 typed summary in front of you?

3 A I probably added articles and conjunctions in  
4 order to make it read better because sometimes you need a  
5 the or an an or a comma.

6 Q But other than a the, an an or comma if you found  
7 this piece of paper it's going to basically have those  
8 words on it?

9 A Ms. Giasi, I'll give you my word I'll look for  
10 that piece of paper and you can go ahead and make your  
11 comparison.

12 Q Why did you leave out the part where you asked me  
13 I'm not expected to do anything but go in there and tell  
14 the truth and my response being absolutely? Why did you  
15 omit that?

16 A Again, I took that as my statement in a very  
17 shorthand response from you.

18 Q But wouldn't you agree if you're accusing someone  
19 of trying to tell false testimony that that would be  
20 pretty important? That would be something that would  
21 contradict your accusation. Right?

22 A I never said you told me to come in here and lie.  
23 I'm repeating exactly what you told me.

24 Q You're not, because you don't have the first part  
25 where I told you to absolutely come in here and tell the



1 truth.

2 MS. ZELINGER: Form.

3 THE WITNESS: You did not say that.

4 BY MS. GIASI:

5 Q Yes, I did.

6 A Not in that way.

7 Q How do you know?

8 A Because I remember it.

9 Q But it's not on that sheet, is it?

10 A No, but I have a memory.

11 Q No further questions at this time.

12 A I believe in my memory, and the reason I took  
13 notes is to make sure that in case I did forget anything I  
14 would have it, but even if I didn't have this sheet in  
15 front of me I can remember the majority, if not all of  
16 this.

17 Q You would agree that it's different than my  
18 memory. Correct?

19 A I don't know what your memory is.

20 Q I asked you on multiple --

21 MS. ZELINGER: I'm sorry. Are you done with your  
22 questions?

23 MS. GIASI: I just want to make sure that we're  
24 going to get as part of the subpoena the original  
25 sheet of paper.

1 MS. ZELINGER: Do you mind if we mark that as an  
2 exhibit?

3 THE WITNESS: Of course.

4 MS. ZELINGER: We'll mark it as --

5 MS. GIASI: No. You can mark it as an exhibit, I  
6 don't care, but with the caveat that the original  
7 notes that you took are responsive to the subpoena  
8 that was served today, the contemporaneous notes.

9 (The document was marked "Defendant's Exhibit No.  
10 7 for Identification.")

11 MS. ZELINGER: What I was going to say is I know  
12 it's been a long deposition and thank you for being  
13 honest.

14 Can you do us a favor and go check --

15 MS. GIASI: Objection.

16 MS. ZELINGER: Thank you for coming and raising  
17 your right hand and providing testimony today.

18 Can you please state for the record that you will  
19 go check for the handwritten notes?

20 THE WITNESS: I will.

21 MS. ZELINGER: And if you do find those notes, we  
22 will ask you not to destroy those. That those will  
23 need to be produced. That you will keep your  
24 handwritten notes.

25 THE WITNESS: Absolutely. Hopefully I still have

1 it in my office.

2 MS. ZELINGER: Melissa, do you have any other  
3 questions?

4 MS. GIASI: Not at this time. Given the fact  
5 that the hearing has been moved from the 22nd we  
6 might subpoena him again for deposition, but for now  
7 nothing.

8 THE WITNESS: And this goes back to exactly what  
9 I was saying with the type of statements that are  
10 made unnecessarily that come off as a form of  
11 intimidation because I'm here under subpoena, and for  
12 no reason Ms. Giasi has just stated now that the  
13 hearing has been moved we may now subpoena him for  
14 deposition implying that, oh, now we're going to have  
15 a shot at you.

16 This is the type of behavior that I'm glad she  
17 said this right now because now it is being witnessed  
18 live and in person as to why I took notes in my  
19 conversation with Ms. Giasi.

20 BY MS. GIASI:

21 Q Mr. Aguirre, I am not threatening you. You have  
22 come here and lodged some very serious accusations against  
23 me professionally. Okay?

24 So no one is threatening you, but I want the  
25 opportunity and I'm not going to waive the opportunity to

1 redepose you if you're able to produce the documentation.

2 A That part is reasonable. The way in which you  
3 said it, that's my objection. You can just subpoena me if  
4 you want to.

5 Q Just for the record, have you and I ever had a  
6 hostile conversation?

7 A No, not to my recollection.

8 Q Our conversation on the 12th was friendly. I was  
9 talking to you about the background information of the  
10 case and the unique theory of the proposal for settlement.  
11 Correct?

12 A That you did bring up, yes.

13 Q And is that on your sheet?

14 A About the unique theory of the proposal of  
15 settlement?

16 You were telling me about the arguments you made  
17 in appellate court. No, I didn't write down the cases you  
18 had mentioned as far as what you argued.

19 Q So how much time do you think or according to  
20 your recollection you know did we spend talking about the  
21 testimony that had been provided before versus me bringing  
22 you up to speed of the case?

23 MS. ZELINGER: Form.

24 THE WITNESS: The majority of the time you were  
25 just talking about the deposition.

1           You gave me a short spiel on the proposal for  
2           settlement and the successful arguments you made in  
3           the past in similar cases.

4 BY MS. GIASI:

5           Q       Just to be clear because you've already testified  
6           that I unequivocally told you to tell the truth in the  
7           deposition --

8           MS. ZELINGER: Form.

9 BY MS. GIASI:

10          Q       -- what exactly is your accusation that I asked  
11          you to provide false testimony?

12          MS. ZELINGER: Form.

13          THE WITNESS: I did not accuse you of that. I am  
14          simply relaying the words as I remember them.

15 BY MS. GIASI:

16          Q       Did you ever say to me "Hey, you're telling me  
17          about prior testimony. You don't expect me to say that"?  
18          Did you ever say that to me?

19          A       Say it again, I'm sorry.

20          Q       When I was describing what others had testified  
21          to did you ever say "Hey, Melissa, you know, you're not  
22          asking me to testify that way, are you?"

23          A       No. I already testified I stayed pretty quiet  
24          during our conversation.

25          Q       So this is just your impression of our

1 conversation, your memory of your notes and whatever you  
2 took?

3 A Yes.

4 Q And on the backdrop of what has, unfortunately,  
5 dissolved into a pretty contentious prior relationship  
6 with the Strems Law Firm. Correct?

7 MS. ZELINGER: Form.

8 THE WITNESS: No, and you're going down that road  
9 again.

10 BY MS. GIASI:

11 Q I'm asking you if you have a high opinion of me,  
12 if we never had anything other than just perfectly  
13 professional I've gone out of my way to send you case law  
14 what about my character, anything that I've ever done in  
15 the past would you take statements like that that I made  
16 on the phone to you?

17 I'm taking this very seriously. Okay? I would  
18 absolutely appreciate it if you would rectify this record  
19 and make it clear from your testimony that these were your  
20 impressions, but I never asked you to provide false  
21 testimony.

22 A I've already made it clear you did not  
23 specifically state to give false testimony except for that  
24 one line in which you told me I can make up any answer  
25 regarding why I left.

1 Q And those were my words?

2 A Yes.

3 Q Make up?

4 A Make up.

5 Q Did you want to testify about the reasons why  
6 behind you leaving?

7 A You said they weren't relevant.

8 Q Do you recall me saying in gist it can be  
9 whatever reason you want to give? Do you recall me saying  
10 "Hey, maybe I can go in there and say have you ever spent  
11 48 hours in a room with Scot Strems?"

12 Do you recall me saying that?

13 A Spending 48 hours in a room with Scot Strems?

14 Q Do you recall me saying have you ever too much  
15 time in a row with Scot Strems or something to that degree  
16 in gist when we were talking about the reasons you were  
17 leaving?

18 A No.

19 Q You don't recall me saying that?

20 A If I spent too much time with him in a room?

21 Q You said that it's not relevant, and, again, I  
22 know you testified that you don't recall me saying it, but  
23 if it's not work product or attorney-client it's fair game  
24 in a deposition and you're aware of that as an attorney.  
25 Correct?

1           A       I'm also aware of a confidentiality clause and I  
2 know the meaning behind it.

3                    That's why I said we can do an in camera  
4 inspection. If the judge wants, I will go down that road  
5 and I will lay all bare.

6           Q       I will say on the record I have no idea why you  
7 left. I have no idea what's in that agreement.

8           A       Well, maybe you should find out before you ask me  
9 because now I have to tell you there's a confidentiality  
10 clause and if you want to know about it you can ask --

11          Q       Could it be possibly that I was just preparing  
12 you for the fact that you would be asked that question?

13          A       I don't know what's in your mind.

14          Q       Is it 100 percent your testimony, as Ms. Zelinger  
15 said earlier raising your hand under oath, I said you  
16 could make up after unequivocally telling you to tell the  
17 truth you can make up whatever reasons you want about why  
18 you left?

19                    You said I used the words make up as in  
20 fabricate?

21                    MS. ZELINGER: Form.

22                    THE WITNESS: You didn't say fabricate. You said  
23 make up and I stand by that.

24 BY MS. GIASI:

25          Q       Okay. So make up you don't think is the same



1 thing as fabricate? Make up isn't the same thing as lie?

2 MS. ZELINGER: Form.

3 THE WITNESS: I'm not here to be a trier of fact  
4 and to say what it is your intention was.

5 BY MS. GIASI:

6 Q I want to know. You recall specifically me  
7 telling you that you could make something up under sworn  
8 deposition testimony? You're raising your right hand and  
9 testifying to that?

10 A I already raised my right hand.

11 Q I'm giving you the opportunity to correct the  
12 record.

13 MS. ZELINGER: Form.

14 THE WITNESS: I have nothing to apologize for and  
15 I have not told a single lie this entire deposition  
16 so I do not need to re-raise my right hand and I  
17 stand by what I said.

18 BY MS. GIASI:

19 Q That I told you to make something up during this  
20 deposition?

21 MS. ZELINGER: Formed.

22 THE WITNESS: You told me to make up regarding  
23 the reason why I left, yes.

24 MS. GIASI: All right.

25 THE WITNESS: And, quote-unquote, I don't care is

1       what you told me.

2 BY MS. GIASI:

3       Q       That's a lie. I'll go on the record saying that.

4       A       Okay. Well, now you're impugning my character.

5       MS. ZELINGER: Ms. Giasi, are you done?

6       MS. GIASI: Yes.

7       MS. ZELINGER: Mr. Aguirre, thank you very much  
8 for your time today.

9       You have the option to read the transcript or you  
10 can waive that option.

11       THE WITNESS: Can I say one last thing?

12       MS. ZELINGER: The questions are done. You  
13 understand there are no questions pending?

14       THE WITNESS: There are no questions pending.  
15 This is a statement I'm making on my own.

16       This is my ethical obligation and this is one of  
17 the most difficult moments of my life and one of  
18 those moments I think in an attorney's life that is  
19 unenviable and one in which -- this hurts. This  
20 hurts. This hurts a lot.

21       I have an ethical obligation as an attorney to  
22 report certain conduct, and I'm under oath here today  
23 and I have told the truth, and I love being an  
24 attorney and I love what this profession stands for  
25 and there's not much more I can offer in this case,

1 but I don't think I'm being professionally honest or  
2 ethical if I leave here and I don't officially state  
3 that my deposition testimony has to be reported now  
4 to the Florida Bar concerning the behavior for the  
5 Florida Bar to make a determination if anything wrong  
6 was done.

7 I'm not here to make that determination. I'm not  
8 here to say what needs to happen. I leave that in  
9 the hands of the capable people in Tallahassee, but I  
10 will say this.

11 My deposition testimony I hold, because it is  
12 under oath, as an official bar complaint, and it  
13 really, really pains me to do this, against Mr. Scot  
14 Strems, against Mr. Mark Kamilar and against and, I'm  
15 sorry, Melissa, against Ms. Giasi and I would request  
16 a copy of the transcript so that I can do, again, the  
17 unenviable task which I just have to do because I  
18 swore an oath when I became an attorney.

19 I need a copy of the transcript so I can transmit  
20 it to the officials at the Florida Bar.

21 MS. ZELINGER: Do you want to read this  
22 transcript?

23 THE WITNESS: Please.

24 MS. ZELINGER: So you're invoking your option to  
25 read?

1 THE WITNESS: Actually --

2 MS. GIASI: I have follow-up questions after  
3 that.

4 THE WITNESS: I will go ahead and I'll reserve.  
5 No. You know what? I'll waive. I'll waive.

6 MS. GIASI: I have follow-up questions. You made  
7 a statement.

8 What's the professional misconduct you're  
9 accusing me of?

10 THE WITNESS: Counselor, was cross closed?

11 MS. ZELINGER: Yes. I have no further questions.

12 THE WITNESS: I'm not going to make any more  
13 statements as the deposition is closed. That's my  
14 stance and my obligation.

15 MS. ZELINGER: The deposition was concluded.

16 THE WITNESS: The deposition is concluded. I  
17 made a final statement. I'm requesting a copy.

18 MS. ZELINGER: Or if you want the transcript,  
19 that's fine.

20 THE WITNESS: Yes. How quickly can I get a copy?

21 THE REPORTER: Regular copy is ten days.

22 THE WITNESS: I want it sooner.

23 MS. ZELINGER: We'll do rush delivery too.

24 THE REPORTER: Do you want a copy?

25 MS. GIASI: Yes.

1 MS. ZELINGER: So I guess we're all three  
2 ordering.

3 THE WITNESS: Yes.

4 MS. ZELINGER: I'll make the first order. That's  
5 fine.

6 (Thereupon, the deposition was concluded at 1:20  
7 p.m.)

8 (Reading, signing and notice of filing were  
9 waived.)

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REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA)

: SS

COUNTY OF DADE)

I, THERESA M. COHEN, a Florida  
Professional Reporter, certify that I was  
authorized to and did stenographically report  
the deposition of CHRISTOPHER AGUIRRE, ESQUIRE;  
and that the transcript is a true record of my  
stenographic notes.

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

Dated this 15th day of January 2020.



Theresa M. Cohen  
Registered Professional Reporter

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CERTIFICATE OF OATH

STATE OF FLORIDA)

: SS

COUNTY OF DADE)

I, the undersigned authority, certify that  
CHRISTOPHER AGUIRRE, ESQUIRE personally appeared  
before me and was duly sworn.

WITNESS my hand and official seal  
this 15th day of January 2020.



Theresa M. Cohen  
Notary Public-State of Florida  
Commission #GG 174339  
Expires March 28, 2022

<p><b>\$</b></p> <p><b>\$300</b> 10:18 <b>\$300,000</b> 41:9 <b>\$321,000</b> 41:15 <b>\$400</b> 10:20</p>	<p><b>2</b></p> <p><b>2</b> 30:4,6 <b>2.5</b> 32:12 33:10 37:9 39:12,13,19 <b>2007</b> 13:14 <b>2009</b> 8:17 13:16 <b>2015</b> 47:14 <b>2016</b> 9:14 11:10,18 12:4,20 13:7, 8,10 21:24 <b>2017</b> 12:8,9 13:11 20:11, 15,16 22:11 24:22 31:17 32:8,12 39:3, 5,9 40:2 47:12,15 <b>2018</b> 9:14 20:15,17 24:22 60:12 62:6 <b>2019</b> 58:11 60:7,12 62:1, 7 <b>22nd</b> 106:5 <b>2555</b> 48:4 <b>27th</b> 35:4 <b>29th</b> 39:5,9 40:2,18 58:11,15 60:7 61:23 62:1 64:10 89:15</p>	<p><b>3:00</b> 60:7 61:19,25 62:2 <b>3:58</b> 64:10,17 89:15 <b>3rd</b> 4:16</p>	<p>20:22 25:2,18 26:2,3,4,20, 23 27:9 28:10,11,14 33:2,9 34:2, 15 38:4 39:8 42:21 49:3 57:16 59:10 61:16 69:6,13 70:12,14,15 75:5,20,22,24 77:15,19,21 79:17,25 82:14 85:24 86:5,6 87:22 89:11 92:1,6, 24 93:12 95:15 97:14 98:19 99:17 107:9,14,16, 20,25 108:17 109:14 110:5, 16 111:10,17</p>
<p><b>0</b></p> <p><b>09</b> 13:15</p>	<p><b>2015</b> 47:14 <b>2016</b> 9:14 11:10,18 12:4,20 13:7, 8,10 21:24 <b>2017</b> 12:8,9 13:11 20:11, 15,16 22:11 24:22 31:17 32:8,12 39:3, 5,9 40:2 47:12,15 <b>2018</b> 9:14 20:15,17 24:22 60:12 62:6 <b>2019</b> 58:11 60:7,12 62:1, 7 <b>22nd</b> 106:5 <b>2555</b> 48:4 <b>27th</b> 35:4 <b>29th</b> 39:5,9 40:2,18 58:11,15 60:7 61:23 62:1 64:10 89:15</p>	<p><b>4</b></p> <p><b>4</b> 31:15 39:6 45:1,9,11 <b>400</b> 10:22 <b>48</b> 110:11,13</p>	<p>42:21 49:3 57:16 59:10 61:16 69:6,13 70:12,14,15 75:5,20,22,24 77:15,19,21 79:17,25 82:14 85:24 86:5,6 87:22 89:11 92:1,6, 24 93:12 95:15 97:14 98:19 99:17 107:9,14,16, 20,25 108:17 109:14 110:5, 16 111:10,17</p>
<p><b>1</b></p> <p><b>1</b> 30:3,6 31:1,8 47:5 <b>1.5</b> 31:21 42:4,16 <b>1.6</b> 32:9 33:10 34:6 <b>10,000</b> 20:14, 25 <b>100</b> 80:3 101:14 111:14 <b>10:00</b> 78:19 <b>10th</b> 31:17 32:8,12 <b>12th</b> 36:15,17 67:25 68:1,2 69:20 79:16 107:8 <b>15</b> 31:15 39:6 <b>15th</b> 47:12,15 <b>16th</b> 60:12 62:6 <b>17</b> 13:9 21:24 <b>18</b> 21:24 54:10 <b>18th</b> 54:10 60:11 62:6 <b>1983</b> 4:16 <b>1:20</b> 116:6</p>	<p><b>3</b></p> <p><b>3</b> 30:17,19 33:10 36:20 44:19 47:2 <b>30-day</b> 18:9 <b>33134</b> 48:5 <b>350</b> 10:23</p>	<p><b>5</b></p> <p><b>5</b> 51:16 52:4, 6 <b>6</b> 55:5,8,20 63:25 <b>60</b> 7:23</p>	<p>82:14 85:24 86:5,6 87:22 89:11 92:1,6, 24 93:12 95:15 97:14 98:19 99:17 107:9,14,16, 20,25 108:17 109:14 110:5, 16 111:10,17</p>
<p><b>09</b> 13:15</p>	<p><b>2015</b> 47:14 <b>2016</b> 9:14 11:10,18 12:4,20 13:7, 8,10 21:24 <b>2017</b> 12:8,9 13:11 20:11, 15,16 22:11 24:22 31:17 32:8,12 39:3, 5,9 40:2 47:12,15 <b>2018</b> 9:14 20:15,17 24:22 60:12 62:6 <b>2019</b> 58:11 60:7,12 62:1, 7 <b>22nd</b> 106:5 <b>2555</b> 48:4 <b>27th</b> 35:4 <b>29th</b> 39:5,9 40:2,18 58:11,15 60:7 61:23 62:1 64:10 89:15</p>	<p><b>6</b></p> <p><b>6</b> 55:5,8,20 63:25 <b>60</b> 7:23</p>	<p><b>abreast</b> 15:25 <b>absence</b> 60:24 62:14 <b>absolute</b> 97:2 <b>absolutely</b> 18:17 20:21 80:3 82:10 93:13,18 98:5,12 102:22 103:14,25 105:25 109:18</p>
<p><b>10,000</b> 20:14, 25 <b>100</b> 80:3 101:14 111:14 <b>10:00</b> 78:19 <b>10th</b> 31:17 32:8,12 <b>12th</b> 36:15,17 67:25 68:1,2 69:20 79:16 107:8 <b>15</b> 31:15 39:6 <b>15th</b> 47:12,15 <b>16th</b> 60:12 62:6 <b>17</b> 13:9 21:24 <b>18</b> 21:24 54:10 <b>18th</b> 54:10 60:11 62:6 <b>1983</b> 4:16 <b>1:20</b> 116:6</p>	<p><b>3</b></p> <p><b>3</b> 30:17,19 33:10 36:20 44:19 47:2 <b>30-day</b> 18:9 <b>33134</b> 48:5 <b>350</b> 10:23</p>	<p><b>7</b></p> <p><b>7</b> 105:10</p>	<p><b>access</b> 9:7 44:7,11,13 56:15 <b>accidentally</b> 55:16 <b>according</b> 51:11 107:19 <b>accordingly</b> 19:23 62:17 66:2 <b>accumulated</b> 13:1</p>
<p><b>15</b> 31:15 39:6 <b>15th</b> 47:12,15 <b>16th</b> 60:12 62:6 <b>17</b> 13:9 21:24 <b>18</b> 21:24 54:10 <b>18th</b> 54:10 60:11 62:6 <b>1983</b> 4:16 <b>1:20</b> 116:6</p>	<p><b>3</b></p> <p><b>3</b> 30:17,19 33:10 36:20 44:19 47:2 <b>30-day</b> 18:9 <b>33134</b> 48:5 <b>350</b> 10:23</p>	<p><b>9</b></p> <p><b>9:30</b> 40:11</p>	<p><b>absolute</b> 97:2 <b>absolutely</b> 18:17 20:21 80:3 82:10 93:13,18 98:5,12 102:22 103:14,25 105:25 109:18</p>
<p><b>15</b> 31:15 39:6 <b>15th</b> 47:12,15 <b>16th</b> 60:12 62:6 <b>17</b> 13:9 21:24 <b>18</b> 21:24 54:10 <b>18th</b> 54:10 60:11 62:6 <b>1983</b> 4:16 <b>1:20</b> 116:6</p>	<p><b>3</b></p> <p><b>3</b> 30:17,19 33:10 36:20 44:19 47:2 <b>30-day</b> 18:9 <b>33134</b> 48:5 <b>350</b> 10:23</p>	<p><b>A</b></p> <p><b>a.m.</b> 40:11 78:19 <b>aback</b> 68:16 <b>ability</b> 5:22 19:13 <b>able</b> 18:2 56:8 83:23 107:1 <b>about</b> 4:3 5:11,12 7:23 8:1,20 9:14 12:8 16:2,15</p>	<p><b>access</b> 9:7 44:7,11,13 56:15 <b>accidentally</b> 55:16 <b>according</b> 51:11 107:19 <b>accordingly</b> 19:23 62:17 66:2 <b>accumulated</b> 13:1</p>



<b>accumulating</b> 11:22	<b>advise</b> 55:17 60:22 62:13	67:24 69:7,18 78:9,11	68:23 75:17 76:22 77:2,8
<b>accuracy</b> 95:22	<b>advised</b> 29:24 43:10,17,23	103:16 106:6 108:19 109:9	78:6 79:1,5 80:1 81:11
<b>accurate</b> 22:1,22 23:25 24:14,15 49:14 100:10 101:4,7,14,19	70:8 77:22	110:21 114:16	83:11 85:7, 17,19 88:18
<b>accusation</b> 93:15 103:21 108:10	<b>advising</b> 60:12 62:7 87:20 89:23	<b>against</b> 8:25 62:16 63:3,5 66:2 93:15 106:22 114:13,14,15	90:3,11 91:7 93:17 94:2 104:15 111:5 112:24 116:1
<b>accusations</b> 106:22	<b>affidavit</b> 44:21,24 45:1,4,6,8	<b>ago</b> 68:19,20 83:17,18	<b>alleged</b> 38:2, 21 39:4 42:17,19 54:2 65:8
<b>accuse</b> 108:13	50:20 51:3,5 53:1,4,7,10, 11,14,16,19	<b>agree</b> 47:11 57:8 59:14 80:18 86:23 88:12 89:5 91:1,3 101:12 103:18 104:17	<b>almost</b> 24:1 <b>along</b> 26:1
<b>accused</b> 91:20	54:1,10,22,24 55:5,19 57:1, 4,6,7,18,22	<b>agreed</b> 70:9, 15 74:14 99:9	<b>already</b> 24:12 34:14 38:24 40:12 43:13 50:3 55:18 69:15 76:10 79:2 97:21 108:5,23 109:22 112:10
<b>accusing</b> 94:18 103:18 115:9	58:1,2,14,17 59:4,18,25 60:21 62:12, 24 63:10,17, 24 65:7,20	<b>agreement</b> 60:16 62:10 64:24 65:2,5, 10,22 111:7	<b>also</b> 7:4,17 9:21 18:14 54:8 59:6 63:14 65:4 111:1
<b>ACT</b> 44:13,16	66:7,13,15 67:9,10 79:2	<b>Aguirre</b> 4:7, 14 59:17 90:9 94:9 106:21 113:7	<b>although</b> 46:1 <b>always</b> 27:21 76:22
<b>action</b> 43:20, 22,25 44:1	<b>affidavits</b> 50:15	<b>ahead</b> 14:14 58:16 73:17 74:18 80:2 83:23 89:22 103:10 115:4	<b>am</b> 8:11 38:7, 8 65:12 73:21 76:3,4,5,6,11 88:7 91:24 106:21 108:13
<b>actions</b> 57:21	<b>after</b> 33:6 36:19 42:3,22 43:4,8 46:3 52:14 56:17 57:9 68:17 75:17 79:12 82:10 85:7 89:9,12,17 92:3,14 93:25 97:9 111:16 115:2	<b>alcohol</b> 5:21	<b>Amery</b> 15:18
<b>activity</b> 49:7	<b>afterwards</b> 51:1 61:1	<b>Alexander</b> 4:14	<b>amicable</b> 86:8 89:4 96:19
<b>actual</b> 33:23 55:10,11 93:12	<b>again</b> 25:7 26:21 27:22 28:16 31:25 38:13 41:11, 25 43:13 44:3 54:9,11 59:6, 7 60:7,13,21 62:11 65:16	<b>all</b> 6:13 7:7 9:3 11:16 13:12 19:4 22:21 25:17 30:21 32:22 34:13,16 35:9 37:9,14 38:11 40:14 41:16 42:9 44:8 49:17 56:7 59:3,23,24 61:14 63:19	<b>among</b> 34:10 <b>amount</b> 10:24 11:24 12:22 33:19 37:11 41:13
<b>actually</b> 7:21 19:21 21:20 26:16 27:11 33:3 34:2 35:2 64:7 68:2,10 85:10 93:6,8 94:14 96:15 115:1			<b>and</b> 4:4,9 5:1,5,11,12 6:12,17,24
<b>added</b> 103:3			
<b>address</b> 60:23 62:13 72:3 76:11 92:19			
<b>addressing</b> 54:12			
<b>advance</b> 27:12			
<b>advancement</b> 27:15			
<b>advancing</b> 49:1			

7:1,13,18  
9:11,19,21  
10:12,22,23  
11:9,22,24  
13:5,6,7  
14:13,14  
15:6,15,16  
16:6,9,16,17,  
18 17:19  
18:4,6,7,8,  
10,11,12,14,  
21 19:12,13,  
15,22 20:3,  
18,20,22  
21:5,7,13,18,  
19,20,23,24  
22:20,21  
23:1,3,11  
24:1,3,13,22  
25:4,7,23,24,  
25 26:12,13,  
14,21 27:4,21  
28:8,10,12,13  
29:3,5,8,9,  
18,22,24 30:3  
31:5,10,21,25  
32:24 33:1,2,  
10,14,17  
34:1,5 35:4,  
5,8,10,11,12,  
18 36:5 37:2,  
4,18,19 38:1,  
4,9,10,11,12,  
14,16,21,24,  
25 39:2,3,12,  
17 40:5,12  
41:4,21 42:17  
43:4,11  
44:13,15,25  
45:2,16 46:6,  
15,21 48:9,  
13,24 49:4,  
12,17,18,24  
50:11 51:4  
52:8,18,19,21  
53:3,9,16  
54:1,17 55:5  
56:1,5,7,11,  
12,16,18

57:9,13,25  
58:3,23 59:8,  
14,20,22,23  
60:7,12,14,  
21,23 61:1,2  
62:6,12  
63:13,24  
64:11,12,18,  
19 65:7,10,  
20,24,25  
66:9,11,19,20  
67:11,12,22,  
23 68:19,20,  
24 69:6,14  
70:4,5,9,15,  
22 71:16,18  
72:9,24 73:7,  
11,21 74:3,  
14,18,23  
75:2,6,25  
76:1,2,3,11,  
12,14 77:1,  
17,20,23  
78:2,3,10,12,  
22 79:19,24  
80:2,17,22  
81:2,12 82:7,  
10,16 83:8,  
18,19 84:3,6,  
11,12,23  
85:2,25 86:6,  
9,10,11 87:3,  
4,5,13,17  
88:5,11,12,  
14,19,24  
89:5,6,9,14  
90:2 91:7,11,  
13,17 92:10,  
17,19,20,24,  
25 93:4,8,16,  
17,18,25  
94:12 96:7,8,  
23 97:7 98:4,  
14 99:3,11  
100:2,9  
101:3,13,21  
103:3,10,13,  
14,22,25  
104:12

105:12,14,16,  
17,21 106:8,  
11,18,22,25  
107:5,10,13  
108:2 109:1,  
4,8,19 110:1,  
10,21,24  
111:1,5,10,23  
112:4,8,14,  
16,25 113:16,  
17,19,22,23,  
24,25 114:2,  
12,14,15  
115:4,14  
116:8  
**and/or** 58:24  
**another** 9:21,  
22 37:18  
76:18 78:10  
91:6  
**answer** 6:12  
38:12,15  
74:7,8 75:25  
83:4,22,24  
86:22 87:2,5,  
11 88:5,6,12,  
21,24 89:2,22  
96:23 97:7,12  
99:5,15,18,  
24,25 109:24  
**answering**  
5:19 89:21  
90:10  
**any** 5:11,21  
6:16,20 9:4,7  
10:1 11:4  
12:18 34:20  
35:24 36:2  
37:6 38:20  
41:19 43:23  
50:15 51:8,20  
57:7 58:13,17  
59:4 60:22  
62:12 63:20  
65:8 66:21  
68:5 70:12  
74:7,8 75:25  
76:15 77:7,  
14,15 78:17,

21 79:10,11,  
17 82:13  
84:24 86:4  
88:13 90:13  
92:5,11,21  
95:13 96:23  
99:17 106:2  
109:24 115:12  
**anymore** 80:14  
**anyone** 10:25  
41:1 44:18  
67:14,16  
**anyone's** 76:5  
**anything** 6:1,  
17 11:6 29:8,  
24 36:20  
41:8,20  
42:11,15  
46:18 47:1  
56:14 58:7  
70:17 72:21  
73:9,23 74:4  
75:4,19 76:6,  
22 77:21  
79:25 82:15  
88:15 90:24  
92:10,24  
93:13 94:3,8,  
20 95:9 98:3  
101:1 103:13  
104:13  
109:12,14  
114:5  
**anywhere** 8:15  
17:10 74:2  
**apologize**  
112:14  
**Aponte** 39:10,  
12,19 40:24  
**Apparently**  
96:10  
**appeared** 5:7  
**appears** 43:4  
70:19 95:11  
**appellate**  
107:17  
**applicable**  
32:14 34:11

<b>appointment</b> 78:10	52:15	70:12 77:15	<b>associates</b> 9:10,18 10:2, 6 23:1 59:2,8
<b>appreciate</b> 6:19 78:21 98:16 109:18	<b>articles</b> 103:3	82:11,13 88:24 89:20 92:1,5,10 95:2 97:5 99:13 100:6 105:22 111:8, 10	<b>assume</b> 6:13 39:11 42:16, 18 57:15 67:4 72:15 75:1 77:18 87:21
<b>appreciated</b> 62:18 86:12 93:6	<b>as</b> 4:8,10 5:1 7:9,18 8:2 11:13,14 13:2 15:2 16:20 17:13 18:13 19:2,3 20:3 21:7 22:2,23, 24 23:14,15 24:4 25:17 26:13,14 27:17 29:18 30:3,4,12,16 31:3,4,6 34:9 36:20 38:2,15 39:2,7 41:5, 17 44:7,9,19, 21 45:1,9 46:11 47:2 49:7,9 50:3 51:10,16 52:25 54:9, 17,18 55:5, 19,24,25 60:9,16,18,19 62:4,10,17, 18,23 63:23, 24 64:2,4,18 66:15 68:13 73:5 74:1,7, 8,20 76:22 77:9 84:17 87:20 88:4 93:7 96:12,23 100:20 103:16 104:24 105:1, 4,5 106:10,18 107:18 108:14 110:24 111:14,19 112:1 113:21 114:12 115:13	<b>asked</b> 6:14 9:11 29:7 35:10 38:8 50:19,20 51:5 52:25 53:3,19 57:8 63:23 64:2 67:22 68:17 69:9 72:25 74:6 75:22,24 76:8,25 83:8, 12 86:18 87:7,12 88:3, 4 91:23 92:2 94:20 96:22 97:14 98:3 100:15,17,23 101:12 103:12 104:20 108:10 109:20 111:12	<b>assumption</b> 87:25 88:3
<b>appreciative</b> 18:1		<b>asking</b> 28:17 33:9 46:22 51:4,11 56:22,23 57:3 63:10 66:7 79:20 85:13 97:4 98:13 102:25 108:22 109:11	<b>at</b> 5:11 6:16, 23 7:7,25 8:1,6 9:3,12, 13 10:22 11:3,7,12,24 12:1,10,18 13:23 14:5,12 19:21,22,24 20:14,15,16, 19 21:11 22:17 23:5,9 24:6 26:2,12 27:5,12 28:24 32:1,23 34:20 37:3,19 38:6, 18,25 40:7 43:17 44:8 45:15 46:6,15 47:11,13 48:2,4,22 49:1,10,16 50:9,10,16, 23,24 51:14 52:10 54:20 56:10,13 59:8 60:7 61:19, 21,25 62:2,8 64:10,17,22 65:12 69:13 70:23 71:3, 16,23 72:10, 23 75:7 76:22 77:8,20 78:19 79:24 81:7,8, 11 85:22 89:5,11,12,15 90:13 104:11 106:4,15 114:20 116:6
<b>approaching</b> 16:3 20:14		<b>asks</b> 53:6 79:12	
<b>appropriate</b> 34:19 51:10		<b>aspersions</b> 76:5	
<b>approximately</b> 52:15		<b>assist</b> 16:9	
<b>arbitration</b> 6:24 7:12		<b>assistance</b> 54:12 60:13 62:7	
<b>arbitrations</b> 7:13,21		<b>associate</b> 11:14 12:14 19:9 55:25	
<b>are</b> 4:21 5:8, 21 6:4 7:8,18 8:10 16:10 36:21 37:6 39:4 42:2 45:2,16 46:5, 6,9,15,24 47:3 51:13 52:6,12,13,19 54:3,6 57:7 58:10,13,17 59:4 65:16 75:23 80:9,13 83:3,21,24 87:11,19,21, 22 90:23 96:1,20 99:6 104:21 105:7 106:9 108:22 113:5,12,13, 14	<b>ask</b> 5:10 6:7 14:14,21 29:10 30:8 35:13 41:11 57:21,23		
<b>area</b> 73:24			
<b>argued</b> 107:18			
<b>arguments</b> 107:16 108:2			
<b>around</b> 11:24 12:1,16,17 17:9 40:11			

<b>ate</b> 49:3	17:20 18:14,	<b>backdrop</b>	24 104:8
<b>attached</b>	18 19:1,4	90:2,17 109:4	106:11,17
53:10,11 54:9	21:6 22:21	<b>background</b>	108:5 111:9
60:21 62:12	23:5,9,12	17:23 107:9	114:11,17
<b>attaching</b>	25:9,16	<b>bad</b> 6:9	<b>become</b> 25:19
34:1	26:10,16	<b>bar</b> 38:9	63:3
<b>attachments</b>	27:15,17,25	76:18 114:4,	<b>becoming</b>
78:12,25	28:10,24 35:9	5,12,20	17:16
<b>attacking</b>	37:14 41:4	<b>bare</b> 111:5	<b>been</b> 4:9 8:1,
21:7	43:18,24	<b>based</b> 45:18	18 12:18
<b>attempt</b> 60:10	48:9,21	46:23 90:2	13:14,16
62:4	49:20,25	<b>basically</b>	20:16 25:15
<b>attempting</b>	50:8,9 55:22	63:17 103:7	29:9 38:8
52:19	56:9 65:11,	<b>basing</b> 101:21	41:2,3,5
<b>attempts</b> 57:9	13,19 72:10,	<b>basis</b> 37:10	42:13,19
<b>attention</b>	19 76:22	<b>became</b> 11:23	43:16 48:7,12
15:17 17:25	<b>attorneys'</b>	19:7 24:22	53:1 56:8
56:2 59:15	24:12	114:18	59:15 68:17
62:17	<b>August</b> 31:17	<b>because</b> 5:6	70:17 71:2,24
<b>attorney</b>	32:8,12	6:4 9:23	82:23 84:10,
11:13,14,15	<b>available</b>	12:13,15 13:2	18 86:14
13:3 14:5	58:23	17:15 19:11	91:19 95:14
16:17 24:6	<b>average</b> 17:1,	20:25 21:5	96:10 101:13
25:25 31:4	8	23:2 25:22	105:12 106:5,
32:21 38:13	<b>awarded</b> 8:24	27:20 28:7	13 107:21
42:4,18,19,24	9:22	29:5,18 31:3	<b>before</b> 4:23,
43:14 54:17,	<b>awarding</b> 56:8	32:1,6 33:19	24 5:4,18
18 55:25	<b>aware</b> 5:8,9	34:13 37:2	6:20 9:15,16,
62:22,25	20:19 29:9	38:8,24	17 12:13
63:4,14,15	37:4,5,8	40:21,22 42:9	15:10 35:1
65:13,14	43:7,17	43:25 45:1	44:18 54:11
69:12 70:22	110:24 111:1	47:11 49:3,25	57:25 58:13,
76:18,21 85:3	<b>away</b> 80:15	51:2 52:23	16 60:10,24
86:25 91:6	84:4 91:14,19	53:23 55:10	62:5,14 67:15
110:24	95:14,16	59:11 60:3	78:18 92:13,
113:21,24		63:10 64:21,	15 98:8
114:18		25 65:12,16	107:21 111:8
<b>attorney's</b>		67:3,8 75:6	<b>began</b> 11:13,
53:20 56:19	<b>Bach</b> 7:6	76:19 77:7	19,20 79:18
113:18	<b>back</b> 25:7	80:16,25 81:8	<b>begin</b> 5:18
<b>attorney-</b>	29:18 48:2	82:4,6 83:7	6:20
<b>client</b> 26:5	52:2 56:12	84:1 85:14	<b>beginning</b>
51:18 99:4,22	61:5 67:23	88:16 91:3,4	20:17 61:22
110:23	68:10,18	93:4 94:23	85:4
<b>attorneys</b> 7:8	77:12 79:20	96:11,19 98:7	<b>behalf</b> 4:8
12:16,20 13:5	84:1,6 93:22	99:6,19	17:19 20:5
14:19 15:7,9,	98:19 106:8	100:4,7	<b>behavior</b>
16 16:6,8		102:10 103:4,	106:16 114:4

**B**

**behind** 110:6  
111:2  
**being** 6:14  
14:25 21:16  
35:10 38:13  
39:4 41:13  
45:18 46:14  
48:25 49:19  
54:2 59:7  
63:13,17,23  
64:2 65:8,12  
66:4 69:12  
72:12 76:8  
77:25 91:20  
99:2 103:14  
105:12 106:17  
113:23 114:1  
**believe** 9:21  
10:22,23,24  
41:5 79:1  
80:25 83:2,4,  
17 90:14  
93:16 94:15,  
24 104:12  
**believed**  
19:12 63:11  
**Berns** 5:2  
**best** 64:12  
72:24 102:10  
**betrayed** 63:7  
**better** 52:24  
86:10 103:4  
**between** 11:25  
15:6 17:10  
21:16 22:20  
23:3,11 52:7  
85:25  
**beyond** 63:8  
**big** 27:23  
72:23 96:1  
**bill** 49:16  
**billable**  
13:12,17,19,  
22 26:25 27:2  
49:7  
**billed** 31:6  
82:24

**billing**  
13:23,25  
45:2,14,16  
46:4,9 83:3  
**binder** 18:6  
**birth** 4:15  
**bit** 39:1  
**bitter** 85:25  
**black** 55:1  
**blacked** 53:8  
55:15,18  
**bleeding** 18:2  
**board** 13:11  
**bold** 65:25  
**both** 10:16  
53:10 57:10  
60:15 62:9  
89:6  
**bothered** 95:5  
**box** 87:17  
**brainstorming**  
21:20  
**break** 6:16,18  
44:22 51:23,  
24 94:14  
**breaking**  
81:11 82:7  
**breath** 6:12  
**Bressler**  
15:18 71:6,15  
72:8,16,18  
**brief** 52:1  
**briefly** 4:25  
**bring** 4:17  
26:4 30:8  
51:8,10 96:7,  
15 107:12  
**bringing**  
107:21  
**Broad** 8:6  
**brought** 17:25  
30:16 37:16  
59:15 71:4  
77:12  
**buffer** 19:2  
22:20

**bus** 96:9  
**business** 7:1,  
9 8:2 45:17,  
20 92:17  
**busy** 92:25  
93:5  
**but** 4:4 5:17  
8:15,24 9:24  
10:4,17 11:14  
12:5,17 13:23  
15:24 16:8  
18:10 20:3  
21:9 23:13,  
17,20,23 24:4  
26:6 27:5  
30:23 31:21  
34:20 36:8  
37:16 38:12  
39:11 42:14,  
15 44:4,9  
48:7 50:3,17  
52:21 54:14  
55:1,18 56:3,  
15,25 58:8,  
15,16 59:7  
62:16 63:4  
64:11 65:18  
66:1,4 67:8  
68:8,20 69:8  
70:24 71:6,10  
72:3 73:21  
74:18,19  
76:1,13 78:8,  
21 79:11  
80:18 81:10,  
21 82:2 84:13  
85:3 87:14  
88:16,21 89:2  
90:13,17,23  
92:7 93:5  
94:3,8 96:15,  
19 97:20  
99:14,20  
102:2,23  
103:6,13,18  
104:9,10,14  
105:6 106:6,  
24 109:20  
110:22 114:1,

9  
**by** 4:12,21  
8:18 9:24  
11:23 12:5  
14:1 15:15  
17:22 18:15  
21:15 25:12,  
16 30:1,7,20  
42:6,12 43:3,  
18,23 44:6,16  
45:12,22,24  
46:5,9 47:10  
48:1 49:6,19  
50:2 51:20  
52:5 55:13  
56:7 58:6  
60:15 62:9,20  
63:8,14,16,22  
65:2,5,6,12  
66:9 67:7  
68:16,17  
71:13 72:6,17  
73:3 77:18  
79:6,14 84:7,  
11 85:6  
86:14,15  
87:1,10 88:2  
89:1,6,13  
90:1,8,16  
91:4,16  
93:10,21  
94:17 95:1  
97:1 98:2,10  
99:1,21  
100:14,22  
101:11,20  
102:6 104:4  
106:20 108:4,  
9,15 109:10  
111:23,24  
112:5,17,18  
113:2

---

**C**

---

**calendar**  
14:23  
**calendaring**  
21:14

<b>call</b> 6:17 35:13,15,16, 17 36:5 74:25 77:21 79:20 82:3	87:2 91:3 94:23 <b>cannot</b> 58:24 <b>capability</b> 19:23 <b>capable</b> 16:8 114:9 <b>capacity</b> 5:11 84:24 <b>car</b> 41:4 81:13,15,19 82:7 <b>care</b> 74:10 96:24 105:6 112:25 <b>career</b> 9:10 <b>careful</b> 76:22 87:18 <b>carried</b> 22:25 <b>case</b> 5:5 9:1 10:4,14,15,16 13:21 15:22 16:5,14,16,21 21:16,21 25:8 26:4,10,17, 20,23 27:5,12 28:1,18 29:23 32:14 33:7 34:14,18,21 35:10,22,23 36:3,21,24 37:11,12,23 38:2,20 39:13,20 40:13 41:17, 19,21 42:17, 20,22 43:4,8, 22,24 44:21 48:22 49:1, 11,12,17,20 50:4 51:3,4 53:8,17 55:25 68:25 73:15 75:10,13 77:8,14 89:18 90:3 92:1,6 104:13 107:10,22	109:13 113:25 <b>caseload</b> 11:18,20,21, 23 19:11 21:5 <b>caseloads</b> 37:15,17 <b>cases</b> 10:12 11:24 12:1,6, 12,23 13:1,2 14:19 15:2, 12,13 16:10 18:14,20,22 19:22 20:2,5, 10,23,25 21:9 29:21 43:20 50:1,5 52:20 53:10 62:8 63:1,5 65:21 67:10 71:6,15 72:8,16,19 75:7,18 77:13 107:17 108:3 <b>cast</b> 76:4 <b>causing</b> 18:22 <b>caveat</b> 105:6 <b>Cease</b> 66:9 <b>Cecile</b> 52:8 54:8 65:6 <b>cellphone</b> 61:9 79:21 <b>Center</b> 8:6 <b>certain</b> 14:24 113:22 <b>certainty</b> 34:5 40:5 48:25 <b>cetera</b> 94:2 <b>chance</b> 28:18 30:10,21 51:20 53:14 <b>change</b> 22:5,6 88:25 <b>changes</b> 60:22 62:12 63:20 <b>character</b> 85:16 109:14 113:4	<b>characterizati</b> <b>on</b> 21:23 <b>characterize</b> 49:7,9 <b>charge</b> 44:1 <b>charismatic</b> 77:22,23,25 78:3 <b>chat</b> 28:13, 14,15 78:18 <b>check</b> 105:14, 19 <b>chicken</b> 80:17 81:18 100:8 101:15 <b>Chief</b> 7:2,5 <b>children</b> 92:17 93:4 <b>chips</b> 94:13 <b>choice</b> 61:1 62:16 66:1,4 87:13 <b>choose</b> 66:3 <b>Chris</b> 52:17 60:9 62:3 70:5 78:17 <b>Christmas</b> 92:14,15 <b>Christopher</b> 4:7,14 59:17 <b>circumstances</b> 73:22 97:14, 17 98:19 <b>claim</b> 51:6 <b>clarify</b> 90:13 <b>clause</b> 111:1, 10 <b>clean</b> 30:15 <b>clear</b> 25:13 38:4 41:12 49:24 54:14 82:18,22 85:3,4 93:11 94:19 108:5 109:19,22 <b>clearing</b> 98:16
<b>called</b> 4:8 35:18 71:1 79:22 83:16 <b>calling</b> 82:1 <b>calm</b> 88:16,17 <b>came</b> 12:24 13:11 18:3 19:3 20:21 52:14 69:11 99:7 <b>camera</b> 88:19 111:3 <b>can</b> 8:20 10:4 18:16 19:16 21:11,12 28:13 32:4 34:5,8 37:25 42:16 46:2 48:24 51:12, 17,21,22 52:24 55:5 58:9 60:22 61:2,5 62:13 63:20 64:12 67:4,6 68:8 70:2 72:3,15 74:7,17 79:4 86:22 88:21, 24,25 89:2,22 94:15 96:22 103:10 104:15 105:5,14,18 107:3 109:24 110:8,10 111:3,10,17 113:10,11,25 114:16,19 115:20 <b>can't</b> 8:23 12:13,17 20:17 21:10 70:24 72:14 76:18,19 81:11 86:23			

<b>clearly</b> 57:5	<b>comparison</b> 103:11	<b>connection</b> 69:22	18 101:2,4
<b>client</b> 51:21 55:2,17 64:19,21 75:3 87:14	<b>compensation</b> 77:9,11	<b>consider</b> 32:20	106:19 107:6, 8 108:24 109:1
<b>clients</b> 53:9 85:1	<b>complaint</b> 32:13 47:4,23 76:19 114:12	<b>considering</b> 42:16 69:14	<b>conversations</b> 16:15 17:3 69:16
<b>clockwork</b> 28:23	<b>complaints</b> 47:7,20	<b>consult</b> 44:18	<b>converted</b> 48:7
<b>close</b> 16:1 52:19	<b>complete</b> 64:13	<b>consulted</b> 46:13	<b>copies</b> 53:9 55:1
<b>closed</b> 115:10,13	<b>completely</b> 83:7 88:16	<b>contact</b> 18:23 78:9	<b>copy</b> 4:19 43:12 52:24 54:14 64:11, 13 65:5 114:16,19 115:17,20,21, 24
<b>closely</b> 7:2 14:22	<b>completing</b> 13:20	<b>contacted</b> 35:5 59:10 84:11 89:16	<b>Coral</b> 48:5
<b>closing</b> 62:8	<b>Composite</b> 30:18 51:16 52:3	<b>contacting</b> 69:13 93:3	<b>corporate</b> 44:22 49:9
<b>clue</b> 82:19,22	<b>concern</b> 36:1, 4 75:2 91:16 95:19	<b>contained</b> 93:9	<b>correct</b> 9:20 11:11,17 12:21 13:9 21:22 23:13 24:3 33:8,16 36:18 39:7 40:15,16 43:2 48:11,23 49:21 50:13, 14 53:5 59:12 63:13 64:11 66:9 71:21 72:11 77:13 79:25 80:21 81:11,14,22 82:5 84:25 85:1 86:1 88:5 90:20,23 92:8,11 94:3, 4 95:18 97:23,24 101:25 102:23 104:18 107:11 109:6 110:25 112:11
<b>coffee</b> 69:6	<b>concerned</b> 66:15 91:11	<b>contemporaneou s</b> 102:3 105:8	<b>correctly</b> 33:22 81:9
<b>colleagues</b> 24:19,23 25:4	<b>concerning</b> 70:10 114:4	<b>contemporaneou sly</b> 45:23 46:1 101:25	
<b>collect</b> 45:15 56:24	<b>concluded</b> 115:15,16 116:6	<b>content</b> 32:23	
<b>come</b> 8:2 16:17 18:7 21:19 26:1 27:5,21 28:13 49:13 56:2,12 103:22,25 106:10,22	<b>concrete</b> 71:6	<b>contention</b> 75:1	
<b>comes</b> 42:21	<b>conduct</b> 37:22 76:17 113:22	<b>contentious</b> 109:5	
<b>comfortable</b> 55:20	<b>conducting</b> 71:7	<b>context</b> 8:20 74:20 91:2	
<b>coming</b> 27:11 60:7 76:2 105:16	<b>conference</b> 48:6	<b>continue</b> 14:17 46:24	
<b>comma</b> 103:5,6	<b>confident</b> 101:9	<b>continuing</b> 65:2	
<b>comment</b> 73:4	<b>confidential</b> 96:20	<b>contradict</b> 103:21	
<b>comments</b> 95:5	<b>confidentialit y</b> 111:1,9	<b>conversation</b> 16:23 17:8 26:3 27:8 68:9,11,13 69:19 71:25 72:2,22 79:15,17 80:6,19 81:4, 21 87:14 93:16 96:2 100:3,11,13,	
<b>commission</b> 77:13	<b>confusing</b> 64:22		
<b>common</b> 25:19	<b>congregating</b> 48:9		
<b>communicating</b> 57:10	<b>conjunctions</b> 103:3		
<b>communications</b> 66:10			
<b>company</b> 5:3 52:19			

<b>correspondence</b> 32:13	<b>coverage</b> 18:19	21:14	<b>departments</b> 14:12
<b>costs</b> 59:20	<b>create</b> 102:10	<b>deadlines</b> 18:3 19:19	<b>departure</b> 74:11 86:5
<b>could</b> 5:22 13:25 15:3 23:7 28:12,16 31:25 35:5 41:5 42:13 48:12,15 55:16 56:23 67:3,4 70:17 78:3 85:21 92:18 95:9 99:2 100:6, 15,17,23,24 101:1 111:11, 16 112:7	<b>creating</b> 44:1 <b>crime</b> 100:5 <b>cross</b> 76:13 79:13 115:10 <b>crux</b> 75:6 <b>Cuesta</b> 9:25 <b>current</b> 64:25 <b>currently</b> 6:22,23 <b>customary</b> 17:16 <b>cut</b> 52:20,23 54:14 60:13, 23 61:2,7 64:11 84:2 <b>cut-off</b> 64:13	<b>dealing</b> 51:2 92:17 <b>December</b> 54:10 60:11 62:6 <b>decided</b> 74:8 <b>decision</b> 22:12 65:5 86:18 <b>declined</b> 73:11 <b>dedicate</b> 37:12 <b>dedicated</b> 38:10 <b>defaulted</b> 9:24 <b>Defendant</b> 4:8 <b>defendant's</b> 30:5,18 31:22 32:10,16 34:6 45:10 52:3 55:7 105:9 <b>defense</b> 10:7 <b>definitely</b> 24:7 29:23 43:16 <b>definition</b> 27:2 <b>definitively</b> 10:5 <b>degree</b> 110:15 <b>delivery</b> 115:23 <b>demeanor</b> 88:15 <b>depart</b> 76:6 <b>department</b> 12:25 13:5 14:13,18 17:17,18,21 18:5,12 32:24 33:21,23 34:3,4 48:8	<b>Depending</b> 25:18 <b>depo</b> 73:11 78:18 <b>deposed</b> 70:4, 8 <b>deposition</b> 4:23,24 5:6 30:2,4 67:15 68:5 69:5,22 70:23 71:2 73:12 74:3 77:23 78:8 80:20 85:9,11 105:12 106:6, 14 107:25 108:7 110:24 112:8,15,20 114:3,11 115:13,15,16 116:6 <b>depositions</b> 24:12 25:8 72:24 85:7 99:3,20 <b>described</b> 57:17 <b>describing</b> 16:25 108:20 <b>description</b> 21:2 <b>desist</b> 66:9 <b>destroy</b> 105:22 <b>determination</b> 41:16 114:5,7 <b>determined</b> 84:18 <b>devoted</b> 48:25 <b>did</b> 4:17,18, 19,20 8:2,4, 5,8,16 9:12, 15 12:12,22 14:4,7 15:4
<b>couldn't</b> 20:12 40:19, 20 47:13 64:6 93:14			
<b>counsel</b> 4:21 19:20 92:22			
<b>Counselor</b> 115:10			
<b>County</b> 8:21			
<b>couple</b> 41:4 84:11			
<b>course</b> 41:21 45:3,16,19 50:3 51:19 65:18 80:23 81:20 105:3			
<b>court</b> 4:19 5:15 8:18,21 18:7 23:24 24:13 54:12 59:16,22,24 64:5 76:24 89:21 101:3 107:17			
<b>Court's</b> 59:18 62:13			
<b>courtesy</b> 83:12 87:20			
<b>courts</b> 75:7			
<b>cover</b> 24:3			
	<b>D</b>		
	<b>daily</b> 14:25 18:5,19 <b>damage</b> 10:12 59:22 <b>dash</b> 78:19 <b>date</b> 4:15 31:16 39:13 <b>dates</b> 38:21 <b>day</b> 23:15,17, 20 24:8,25 25:10 39:15, 22,24 40:2,3, 4,6 49:16 68:21 69:9 85:22 90:4 <b>day-to-day</b> 15:12,13 <b>days</b> 23:17,18 24:1,9,14 38:25 71:7 115:21 <b>DCA</b> 7:5 <b>de</b> 48:4 <b>deadline</b> 14:22 18:10		



19:4,9 20:9,  
10 22:2,5,6,  
9,23 23:5,22  
24:3,16,19  
25:19 26:25  
27:14,15  
28:20,22,25  
29:1,3 30:8,  
10,11,12,21,  
23 31:10,12,  
19,20,24  
32:6,8,12,18  
33:5,17 34:5  
35:1,2 36:1,  
4,19,23 37:1,  
20 38:6,20,  
22,23 41:9,  
13,20 43:14  
44:7,11,12,  
14,15,18,20  
46:13,18 47:1  
49:25 50:11,  
15,17 51:8,10  
53:14,15,19,  
21 54:19,22  
55:19 56:2,  
11,14,20  
57:11,17,21,  
23,24 59:1,25  
62:23 63:23  
64:8,9 66:12,  
21 67:14,16,  
18 68:2,3,4,7  
70:12,24  
73:4,19  
74:11,19  
75:9,15  
76:21,25  
77:6,13,15,21  
78:10 79:5,6  
80:5 81:19,21  
82:11,13 83:2  
84:8,21 85:2,  
5,7 86:17  
89:9 90:9,13  
92:1,9,12,13  
93:3,12,22  
94:8 95:2,13  
97:15,25

98:11,15  
99:9,18  
100:6,8  
103:12,14  
104:3,5,13  
107:12,20  
108:13,16,18,  
21 109:22  
110:5  
**didn't** 12:9  
29:10 30:23  
34:10,23  
35:15 36:8  
38:2,16 49:13  
55:20 56:3,5,  
15 59:14 64:4  
67:23 69:10,  
14,18 73:8,  
20,25 74:2,4  
75:25 77:11,  
17 78:3,4  
79:6 80:14  
81:24 82:2,20  
83:1,4 84:9  
86:3,9 88:3  
90:21 91:10  
92:5 93:24  
95:3,16  
99:13,25  
100:13 102:5  
104:14 107:17  
111:22  
**difference**  
21:15  
**different**  
12:10 14:5  
32:2 53:18  
56:2 69:8  
104:17  
**differently**  
96:11  
**difficult**  
10:4 21:6  
46:22 113:17  
**digging** 91:18  
**direct** 4:11  
18:23 65:2  
86:21 88:10  
90:24

**directed** 20:3  
**directions**  
60:11 62:5  
**directly** 15:4  
22:20  
**disagree**  
46:11,16,17  
56:14 58:18  
59:5 95:21  
**disclosed**  
64:23 65:4  
**discovery**  
14:13,18  
17:17,18,19  
18:5,12 19:18  
32:24 33:21,  
22 34:3,4,13,  
21 48:8  
**discuss** 68:4,  
7 71:6,14  
72:8,16 74:11  
75:15  
**discussed**  
74:24 75:4  
90:18  
**discussing**  
27:15 33:12  
39:20 48:22  
69:18 84:16  
**discussion**  
61:4 88:19  
90:3 99:17  
**discussions**  
16:4  
**dissolved**  
109:5  
**do** 4:3,6  
6:12,20,22  
7:9 9:1,3,4  
10:20 13:12  
17:22 18:15  
19:13 20:13  
21:15,17  
22:13,23  
25:12 26:13,  
25 27:24 29:3  
30:3 31:24  
32:18,21

33:12,17,25  
34:3,10,14,  
20,22 37:20  
38:23 40:2,17  
43:22 44:22  
45:18,22  
47:19 48:3  
51:20 53:11,  
13 55:4 56:20  
57:3,21 58:24  
63:2 65:20  
66:3,23,24  
67:5 68:7,8  
69:19 70:1,14  
72:10,12  
74:17,21,24  
75:12 76:8,  
14,19 78:2  
79:17 80:6,8,  
19 81:3 83:14  
84:10,16,17  
87:25 88:23  
92:21 93:17  
94:7,16,20  
97:4,7,13,16  
98:3,20 99:2,  
5,11,14 100:3  
101:2 102:24  
103:13 104:7  
105:1,14,21  
106:2 107:19  
110:8,9,12,14  
111:3 112:16  
114:13,16,17,  
21 115:23,24  
**document**  
30:5,18 45:10  
52:3 55:7,10,  
11 105:9  
**documentation**  
51:8 107:1  
**documents**  
7:13 30:8,12  
32:13 34:1,9  
51:12 52:6  
79:3,4,5  
88:20  
**does** 18:18  
21:4 42:7

<p>43:6 103:1 <b>doesn't</b> 97:20 <b>doing</b> 18:9 19:13 32:24 33:15,18,19 49:15 57:25 61:12 87:15 91:10 <b>don't</b> 6:7,8,9 9:2,23 10:3, 17 36:3 39:10 42:2 47:25 55:1 57:8 59:6 61:19 68:19 70:25 73:1,6,21 74:9,13 78:20 79:11,23 82:8 83:2,15 84:15 85:13 88:7,15 89:2 90:16 91:3,24 92:23,24 94:6,23 95:8, 17,20 96:11, 14,24 97:16, 18 99:17,20, 23,24 101:12 102:2,5,7,9 103:24 104:19 105:6 108:17 110:19,22 111:13,25 112:25 114:1, 2 <b>done</b> 13:19 14:25 32:17 60:22 62:13 69:7 83:9 101:1 104:21 109:14 113:5, 12 114:6 <b>down</b> 5:16 12:9 18:8 37:16 48:19 77:16 84:12 87:13 88:7 91:11,13 92:19 93:22</p>	<p>94:14 96:18 102:12,15 107:17 109:8 111:4 <b>downs</b> 27:17 <b>draft</b> 17:19 19:15 42:3,24 <b>drafted</b> 33:23 42:15 44:15 46:3 47:4 <b>drafting</b> 31:21 32:9,15 34:11 42:13 47:6,19,23 <b>driving</b> 81:13,16,17, 19,22 82:4,8 <b>dropping</b> 66:17 <b>drugs</b> 5:21 <b>duces</b> 30:10, 13 <b>due</b> 41:17 42:9 59:16 83:11 <b>duly</b> 4:9 <b>duplicates</b> 39:10 <b>during</b> 23:13 26:25 68:9,11 77:23 78:8 81:3,21 82:3 108:24 112:19 <b>duties</b> 22:24 23:2</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>e-mail</b> 35:12 52:10,17,23 53:6,24 54:3, 4,7 56:12 57:5 58:9,11 60:3,9,18 61:16,23 62:4 63:8 64:6,10, 18 68:1,24 69:1,3 79:19,</p>	<p>20 83:19 84:3 89:15 92:19 93:1 <b>e-mails</b> 51:13,16 52:7,12,13 53:12 54:5,6, 20 61:6,8,10, 11 63:19 65:3,6 78:12, 24 84:12 89:10 <b>each</b> 5:18 24:8,25 37:23 42:21 43:8 44:11 61:12, 17 <b>earlier</b> 10:23 27:3 30:16 71:1 80:11 111:15 <b>early</b> 9:10 <b>easier</b> 88:14 <b>easily</b> 88:21 <b>easy</b> 32:22 <b>effect</b> 69:4 <b>efficiency</b> 15:1 <b>efficient</b> 15:2,3 <b>efficiently</b> 21:3,11 37:14 <b>effort</b> 52:22 60:10 62:4 <b>efforts</b> 57:17 <b>either</b> 16:20 48:18 60:22 62:12 72:25 73:5 <b>elevate</b> 19:9 <b>else</b> 10:25 36:20 41:1,8, 20,24 46:18 47:1 72:21 73:9,23 75:4, 20 77:21 81:2 82:15</p>	<p><b>emergency</b> 15:15,24 <b>employee</b> 77:10 <b>employees</b> 71:16 <b>employer</b> 58:22 59:10 64:24,25 85:25 86:14 <b>employers</b> 59:1 <b>Enclosing</b> 60:13 <b>encouraged</b> 63:17 <b>end</b> 12:5 20:16 27:22 28:16 49:16 60:25 62:15 70:18 74:2,4, 20 77:3,24 85:22 92:21 <b>ended</b> 17:16 66:9 <b>engaging</b> 66:10 <b>enjoying</b> 39:25 <b>enough</b> 38:24 <b>entailed</b> 14:11 <b>entered</b> 46:2, 5,6,9,14,15 <b>entire</b> 112:15 <b>entirety</b> 23:14 <b>entitlement</b> 59:19 84:18 <b>entries</b> 5:13 32:3 33:10 36:19 42:3 46:2,4,8,12, 14 67:23 71:23 82:19 83:3 <b>entry</b> 33:25</p>
--	---	---	---

39:7 42:21  
**Eric** 7:5  
**especially**  
36:3 76:23  
**ESQUIRE** 4:7  
**essence** 17:15  
**essentially**  
7:11 13:20  
16:6 18:4  
43:20 59:21  
**established**  
97:21  
**ethical**  
38:13,14  
113:16,21  
114:2  
**even** 21:5  
24:24 28:4  
29:10 36:3  
37:25 49:12  
61:1 68:21  
76:18 104:14  
**evening** 36:18  
84:6  
**eventually**  
18:8 39:3  
57:10  
**ever** 4:23  
8:12,18 10:25  
12:12 14:4  
22:5 24:19,23  
25:2 26:11,25  
27:10,14,24  
29:1,24 37:2  
41:9 44:15  
50:15 51:5  
53:1 57:17  
59:1,9 66:16  
75:9 84:8  
86:13 93:22  
94:8 98:11  
107:5 108:16,  
18,21 109:14  
110:10,14  
**every** 23:15,  
17,20 24:5  
25:22 28:23  
30:23 34:14

43:4 102:17,  
23,24 103:1  
**everyone**  
12:22 25:10  
39:24 70:8,15  
95:5  
**everything**  
5:16 7:11  
28:7,8 81:2  
**exact** 90:10,  
11 102:9,14  
**exactly** 27:8  
31:2 33:5  
57:15 82:8  
90:22 94:12  
95:11 102:11  
103:23 106:8  
108:10  
**examination**  
4:11 79:13  
86:21  
**examined** 4:9  
**example** 16:19  
28:11 47:4  
50:8 67:8  
**except** 109:23  
**execute** 57:8  
66:12  
**executed**  
44:21,24  
53:17  
**executing**  
57:25  
**exhibit** 30:3,  
4,5,17,19  
33:10 36:20  
44:19 45:1,9,  
10 47:2 51:16  
52:4,6 55:5,  
7,20 63:21,25  
105:2,5,9  
**existence**  
64:23 65:4  
**existing**  
57:11  
**expanded** 23:2  
**expect** 69:14  
77:14 79:23

108:17  
**expected**  
43:15 80:1  
83:11 98:3  
103:13  
**expediency**  
21:13  
**expend** 57:17  
**expended**  
46:5,7,10,16  
**experience**  
41:18  
**experienced**  
69:9  
**explain** 13:25  
66:4 77:18  
**explained**  
35:7 70:16  
89:10  
**explaining**  
87:24  
**explanation**  
85:5  
**exponentially**  
23:2  
**extra** 55:1  
**extremely**  
34:15

**F**

**fabricate**  
111:20,22  
112:1  
**face** 78:4  
**facing** 19:24  
**fact** 15:18  
28:9 37:7  
53:24 68:16,  
20 76:4 86:8  
88:14 93:2  
106:4 111:12  
112:3  
**facts** 16:18  
76:7  
**failure** 59:17

**fair** 13:17  
21:1 99:22  
110:23  
**fairly** 101:9  
**fall** 67:11  
94:13  
**false** 54:1  
63:11,18 65:7  
66:5,6 72:5  
76:11 90:5  
91:20,23  
103:19 108:11  
109:20,23  
**familiar**  
35:23  
**fantastic** 7:3  
**far** 19:2  
26:13 31:6  
44:9 66:15  
82:16 93:7  
107:18  
**Farina** 7:3  
**fast** 19:8  
**fault** 59:23  
**favor** 75:8  
105:14  
**fee** 28:18,20,  
21,22 30:15,  
16,22,24  
34:24 35:9,11  
36:5,8 39:4  
45:15 51:6  
57:11 58:25  
67:23 68:18  
70:11 71:4,23  
73:18,20  
74:20,22  
79:2,7 83:8,  
13 84:13  
87:16 92:2,7  
93:8 95:11,15  
**feel** 55:20  
59:9,25 63:23  
67:2 73:7  
76:8,10,24  
**feelings**  
77:20

<b>fees</b> 35:8 50:16,21 53:1,4,7,20 54:15 56:8,19 57:6 59:20 66:8,25 67:9, 11	74:18 76:12, 13 77:24 78:16 79:5 115:19 116:5 <b>finish</b> 5:18 61:10 83:22, 24 89:21,22	63:8 64:19 68:18 70:7 74:1 83:12 92:2 97:12 103:24 116:4 <b>five</b> 17:9 24:1 33:2 39:12 44:25	52:4,18 53:1, 4,7 55:5,8,15 56:8,11 58:23 60:12 61:12 62:7 63:1,25 67:11,22 69:9,17 71:2, 7 73:24 75:2, 6,9,24 78:19 79:3,4,9 82:24 83:7,12 84:17,22 85:8,12 87:13 89:21 90:5 92:2 94:16 98:16 99:25 103:9 105:10, 12,16,18,19 106:6,11,13 107:5,10 108:1 109:23 111:12 112:14 113:8,24 114:4
<b>felt</b> 15:16 16:9,19 63:7 64:4 67:3 69:11,12 89:6	<b>finished</b> 49:4 89:12 <b>fire</b> 15:14, 15,19,22,24 44:3	<b>Florida</b> 8:9 48:5 60:17,20 62:11 114:4, 5,20	89:21 90:5 92:2 94:16 98:16 99:25 103:9 105:10, 12,16,18,19 106:6,11,13 107:5,10 108:1 109:23 111:12 112:14 113:8,24 114:4
<b>festivities</b> 39:25 78:19	<b>fires</b> 28:11	<b>fluctuate</b> 12:15	<b>forced</b> 87:25 96:12
<b>few</b> 7:8,19	<b>firm</b> 5:5,11 9:3,5,9,12,13 11:3,7,9 12:5,11,14 13:23 14:1,6, 12 15:2 19:12 20:1,3,6,10, 19 21:10 22:3 23:2,9 24:6, 13 37:3,13 38:7 40:10 44:8 45:14 47:12 50:16, 23,24 51:3 52:14 53:6 56:7 60:14,25 62:3,8,15 63:3 64:5 65:9,23 66:1 67:15,17 71:17,19 72:10 74:7,12 75:8 85:21 86:11 96:16, 22 109:6	<b>fluctuated</b> 23:10	<b>forgot</b> 104:13
<b>field</b> 69:11	<b>fires</b> 28:11	<b>focus</b> 46:8	<b>forgive</b> 27:4
<b>fifteen</b> 17:5 27:22 28:16 30:21 80:7	<b>firm</b> 5:5,11 9:3,5,9,12,13 11:3,7,9 12:5,11,14 13:23 14:1,6, 12 15:2 19:12 20:1,3,6,10, 19 21:10 22:3 23:2,9 24:6, 13 37:3,13 38:7 40:10 44:8 45:14 47:12 50:16, 23,24 51:3 52:14 53:6 56:7 60:14,25 62:3,8,15 63:3 64:5 65:9,23 66:1 67:15,17 71:17,19 72:10 74:7,12 75:8 85:21 86:11 96:16, 22 109:6	<b>follow</b> 57:24	<b>form</b> 42:1,8 43:1,9 45:21 47:8,24 49:2, 22 58:5 63:12,19 67:1 71:12,22 72:13 73:2 86:2,20 87:9, 23 88:9 89:8 90:6 92:22 93:19 94:10, 22 96:5 98:6, 23 100:12,19 101:8,17 102:4 104:2 106:10 107:23 108:8,12 109:7 111:21 112:2,13
<b>fifth</b> 65:23, 25	<b>firm</b> 5:5,11 9:3,5,9,12,13 11:3,7,9 12:5,11,14 13:23 14:1,6, 12 15:2 19:12 20:1,3,6,10, 19 21:10 22:3 23:2,9 24:6, 13 37:3,13 38:7 40:10 44:8 45:14 47:12 50:16, 23,24 51:3 52:14 53:6 56:7 60:14,25 62:3,8,15 63:3 64:5 65:9,23 66:1 67:15,17 71:17,19 72:10 74:7,12 75:8 85:21 86:11 96:16, 22 109:6	<b>follow-up</b> 54:9 66:12, 14,16 84:8,9 115:2,6	<b>formed</b> 112:21
<b>file</b> 17:19 27:15 32:13 34:1,21 35:14,20 49:1,8	<b>Firm's</b> 45:17 59:19	<b>followed</b> 92:10	
<b>filed</b> 20:5 53:10	<b>first</b> 4:9 5:2 10:9,12,15 11:16 15:9 29:9 31:1,7, 10 32:4 34:13 35:20 37:9 38:25 41:19 52:10,17 54:5 55:21 56:4,6	<b>following</b> 40:1,3 58:21	
<b>files</b> 14:20 26:25 27:18 44:11		<b>follows</b> 4:10 38:15	
<b>filing</b> 116:8		<b>for</b> 4:13 5:17 6:23 7:12 8:1 9:7 10:1,4 12:2,3 16:19 19:2,16 21:9, 18 27:4,11, 21,25 28:11, 24 30:6,17,19 31:2,18,23 32:7,10,16, 22,25 33:1,3, 10,11,24 34:6,12,16 35:3 37:10 39:19 41:19 42:4,15 43:20 44:1,4,19 45:1,11 46:22 47:4 49:16 50:7 51:11	
<b>fill</b> 61:6 64:12			
<b>final</b> 54:4 115:17			
<b>finally</b> 6:16 11:23			
<b>financial</b> 7:17 44:9			
<b>find</b> 27:20 31:10 37:20 54:9 72:1 96:21 102:16 105:21 111:8			
<b>fine</b> 32:5 44:23 52:25 61:24 64:15 68:10 70:3			

**former** 55:17  
85:25  
**formulating**  
27:11  
**forward** 84:14  
**found** 39:22  
59:16 64:18  
103:6  
**four** 45:13  
51:15 52:7  
**Fourth** 65:9  
**frequently**  
24:4  
**Friday** 40:3  
**friendly**  
68:24 69:1,3  
107:8  
**from** 7:11,17  
8:10 9:13  
10:2 12:12  
14:4 19:9  
24:13 26:5  
33:1 35:5  
43:19 45:5  
48:20 52:13,  
21 54:10,11,  
15 56:19 59:7  
60:4,24 62:14  
64:16,20  
65:13 66:10,  
14,16 67:14,  
16,23 68:1  
69:8,15,19  
70:17 72:22  
74:11 84:6  
85:4,6 89:14  
90:14,18,19  
95:9 98:11  
101:15 103:17  
106:5 109:19  
**front** 59:22  
101:22,23  
103:2 104:15  
**full** 4:13  
11:23 59:21  
**fundamentally**  
72:1

**funny** 26:5  
96:7  
**further** 79:11  
104:11 115:11

**G**

**Gables** 48:5  
**Gainesville**  
39:15,23  
40:23  
**game** 39:25  
40:4 99:22  
110:23  
**garage** 40:8,  
9,10  
**gather** 30:12  
**gathered**  
30:14  
**Gators** 39:25  
**gave** 27:2  
35:12 86:9  
90:10,11 92:3  
94:2 108:1  
**general**  
60:16,19  
62:10 68:14,  
15 90:3  
**generally**  
23:23  
**get** 9:7 10:1  
14:4 15:14,  
20,23 28:20  
35:1 44:3  
51:22 58:8,13  
66:12 67:9  
69:5 74:2,4  
77:2,7,11,13  
84:4,5 85:6,  
17,19 88:18  
90:4,11,14,18  
91:7 92:13  
104:24 115:20  
**getting** 68:24  
87:22  
**Giasi** 5:4  
28:21 35:5,21  
42:1,8 43:1,9

45:21 47:8,24  
49:2,22 58:5  
61:12,16,19,  
25 63:12,19  
67:1,18  
68:11,17  
69:7,8 71:4,  
12,15,16,20,  
22 72:13  
73:2,10,18  
74:6 75:2,5,  
16 76:10  
77:1,17 78:9  
79:9,12,14  
84:7 85:13  
86:15,22  
87:1,10,18  
88:2,14 89:1,  
13 90:1,8  
92:24 93:10,  
21 94:17 95:1  
97:1 98:2,10,  
13 99:1  
100:14,22  
101:11,20  
102:6 103:9  
104:4,23  
105:5,15  
106:4,12,19,  
20 108:4,9,15  
109:10 111:24  
112:5,18,24  
113:2,5,6  
114:15 115:2,  
6,25  
**Giasi's** 72:14  
**giggly** 78:8  
**gist** 110:8,16  
**give** 4:3  
16:12,18  
17:23 31:25  
35:11 74:9  
82:2 85:15  
103:9 109:23  
110:9  
**given** 4:24  
11:20,21  
12:19 42:19  
43:12 90:17

106:4  
**giving** 99:25  
112:11  
**glad** 106:16  
**go** 4:25 7:13  
8:5,8 12:12,  
25 14:5,14  
15:9,16 17:4  
18:21 25:3,9,  
15,17,24  
30:23 31:10  
49:12 52:2  
53:24 54:24  
56:11 58:16  
61:2,5,14,17  
64:5 73:17  
74:17 77:16  
79:6,24 80:2  
82:10 83:23  
84:1 85:21  
89:22 91:15,  
18 93:17,25  
96:18 98:4,14  
103:10,13  
105:14,19  
110:10 111:4  
113:3 115:4  
**goal** 21:3,10  
91:24  
**goes** 85:20  
106:8  
**going** 6:13  
12:9 15:10,22  
16:10,11,14,  
16 17:24  
18:24 23:24  
24:16 25:6,25  
30:15 31:3  
33:6 37:7  
39:2,11 41:16  
42:1 44:25  
45:1 48:2  
49:14 50:18,  
19 51:15 60:5  
61:6 64:5  
69:17 72:21  
76:2,11 77:18  
79:8 81:24  
84:4,5 85:8

87:4,13 88:7,  
12 90:20  
97:4,13 99:4,  
15,18 100:8,  
9,20 103:7  
104:24 105:11  
106:14,25  
109:8 115:12  
**gone** 109:13  
**Gonzalez**  
9:10,18 10:2,  
6 59:2,8  
**good** 19:2  
46:20 69:7  
78:20,23 99:6  
**got** 9:19 18:8  
33:6 39:3,23  
61:7 77:12  
84:13  
**graduate** 8:16  
**graduated**  
8:17  
**Greetings**  
52:17  
**Greg** 70:9  
**Gregory** 13:5  
70:5  
**ground** 4:25  
**group** 17:18  
25:17 51:14  
60:8 62:2  
64:25 65:1,3  
89:11  
**grow** 23:5  
**grown** 23:2  
**guess** 6:10  
10:17 20:13  
34:19 39:10  
52:11 116:1  
**guy** 46:20

---

**H**

---

**ha-ha** 78:19  
**had** 15:16  
17:4 18:1,11,  
23 20:2 23:2,

11 26:13  
27:6,17 28:18  
29:22 30:12,  
14 33:14,21,  
25 34:1,15  
35:13,21 36:5  
37:15 39:22  
41:4 44:13  
48:7 49:13  
52:25 54:2  
56:17 61:4  
62:25 64:6  
65:20 66:16  
68:12,16,21  
71:2 72:2  
77:14 78:5,7,  
8,10 79:16  
80:16 82:1,  
18,19,22,25  
83:8,12  
84:10,12,18  
86:8 92:11  
93:1,2,6  
101:2,12,13  
102:1,11  
107:5,18,21  
108:20 109:12  
**hadn't** 57:19  
70:11 85:2  
**half** 49:18  
**half-hour**  
29:22  
**hallway** 70:18  
95:10  
**hand** 4:2  
38:1,16 40:12  
105:17 111:15  
112:8,10,16  
**handle** 7:17  
**handled** 7:18  
20:23 28:7  
**handling** 7:12  
12:6 19:19  
26:5 37:15  
63:1 89:19  
**hands** 114:9  
**handwriting**  
102:12

**handwritten**  
105:19,24  
**happen** 22:9  
29:1,4 38:17  
43:14 50:11  
73:8 74:19  
114:8  
**happened** 16:5  
19:11 22:10  
37:3 40:19,20  
48:15 50:25  
51:1 82:16  
93:5 99:7  
**happening**  
29:11,25  
40:13,18  
47:14 48:17  
**happy** 6:18  
69:4 88:19  
**harassing**  
65:3  
**hard** 5:17  
65:15  
**has** 10:25  
25:15 59:15  
65:9 69:7  
76:10 92:17  
106:5,12,13  
109:4 114:3  
**hats** 7:19  
**have** 4:23,24  
5:6,12,17  
6:20 7:25  
8:12,18 9:4,  
11 12:18,22  
16:5 18:5  
20:10,13,16  
22:5,6,25  
24:19,24 25:4  
27:14,25  
28:13,17,19  
29:7,9,23  
30:10,21  
31:19 32:17  
33:23 34:20  
37:9 38:6,11,  
12,14,16,21  
39:13,18,21,

23,24 40:19,  
20 41:2,3,5,  
25 42:10,13,  
19 43:10,15,  
16 44:7,11  
45:5,6 46:3,  
13 48:10,12,  
15,18 50:3  
51:4,20,22  
53:11,14  
54:24 55:1  
56:6,8,15  
57:10,11  
58:21,22,24  
64:5,11,23  
65:3,8,11,19  
66:4 69:4  
70:17 71:1,24  
72:4 73:12,16  
76:22,25 77:7  
78:4,7,17,21  
79:2,9,10,11,  
12,17 80:8,22  
82:14,23  
83:11 85:3  
87:14 88:16,  
19 89:14  
91:12,14,19  
92:18,20  
93:4,6,17  
95:13,14  
96:10,11  
99:4,15,18  
100:3,15,17,  
23,24 101:1,4  
102:2,5,21  
103:1,7,24  
104:10,14  
105:25 106:2,  
14,21 107:5  
109:11  
110:10,14  
111:6,7,9  
112:14,15  
113:9,21,23  
114:17 115:2,  
6,11  
**haven't** 86:4

**having** 4:9  
18:1 19:22  
25:6 48:9  
70:17 81:4,13  
82:3,6 95:10  
**he** 15:14 16:2  
17:25 24:9  
25:2,23 28:10  
42:13,15,20  
43:10,11  
47:21 52:17  
54:11,19,20,  
22 56:17 58:9  
59:21 60:18  
61:9,12 63:1,  
5,20 64:22,25  
65:16 66:17  
78:3,5,7,8  
86:9,10  
89:17,18,23,  
24  
**he'd** 15:25  
28:11  
**head** 72:4  
**hear** 67:23  
81:11  
**heard** 35:23  
39:18,21 81:9  
84:6 86:4  
89:14 91:6  
**hearing** 27:7  
35:3,8 45:15  
49:13 60:24  
62:14 81:5,13  
82:4,6 106:5,  
13  
**hearings** 24:3  
**help** 16:7  
52:22 68:8  
**helping** 7:12  
19:2  
**Hence** 21:13  
**her** 35:5,10,  
12 67:22,24  
68:1,17 74:13  
75:2,18 78:11  
92:16

**here** 31:21  
38:8 46:20  
71:3 76:3,4,  
5,6 78:7  
82:23 87:5,  
15,16 90:18,  
22 95:17  
102:7,10  
103:22,25  
106:11,22  
112:3 113:22  
114:2,7,8  
**herein** 4:8  
**Hey** 16:13  
27:6 28:12  
78:17 108:16,  
21 110:10  
**hide** 83:9  
**high** 12:18  
17:4,6,7  
27:22 28:16  
37:16 41:18  
109:11  
**higher** 10:24  
**him** 16:12,18  
25:25 42:10  
53:25 65:24,  
25 66:3 71:23  
78:4,5 86:11  
106:6,13  
110:20  
**himself** 63:4  
**hires** 13:11  
**hiring** 21:6  
**his** 15:16  
41:3 61:6,9,  
10 78:4  
**hold** 81:24  
83:21 114:11  
**hole** 77:16  
**holes** 64:12  
**holidays**  
92:18  
**honest** 83:4  
105:13 114:1  
**honestly** 37:9  
88:16

**honesty** 38:11  
**Honorable**  
59:16  
**hope** 5:1 6:9  
52:18 73:25  
74:1,4 77:25  
78:8  
**hopefully**  
77:2 85:6,17  
90:3,11 91:7  
105:25  
**hostile** 107:6  
**hour** 9:22  
10:18,20  
13:12,22 26:8  
49:18,19  
64:16  
**hour-long**  
72:18  
**hourly** 8:18  
**hours** 26:20,  
21 27:25  
28:24 31:21  
32:1,9,12  
34:6 37:9  
39:12,13,19  
42:4,16  
48:22,25  
110:11,13  
**how** 7:25  
12:18 16:2,23  
18:7 19:9,16  
20:10,22  
23:5,8,18  
26:7 27:12,19  
28:6,15,20  
29:3 30:25  
32:18 33:17  
34:10 62:23  
66:4 67:20  
70:8,14,20  
71:5 72:24  
73:4,7 74:13  
75:6,12 76:11  
79:17 80:6  
81:3 94:1  
95:5,11 97:7  
98:5,20

99:11,13  
104:7 107:19  
115:20  
**however** 25:17  
**hug** 86:9  
**hundred** 12:1,  
6,12  
**hurts** 113:19,  
20

---

**I**

---

**I'D** 34:18  
43:10,11 49:9  
54:24 83:22  
84:13 87:17  
**I'LL** 6:11  
14:14 45:8  
53:24 61:17  
65:10 66:4  
77:17 78:18,  
22 88:14  
89:20 91:15,  
18 103:9  
113:3 115:4,5  
116:4  
**I'M** 4:22 5:9,  
24 7:1 9:11  
10:21 14:14  
16:15 20:22  
22:14 27:8  
28:17 30:15  
31:5 32:3  
35:17,18,19  
37:19 38:15  
39:11 41:16  
42:1 44:23,25  
45:1 46:20,22  
47:15 49:10  
50:3 51:2,4,  
15 52:22  
54:13 61:19  
65:18 66:4  
70:7 71:25  
75:23 76:2,4,  
12 77:18 79:8  
81:12,13,24  
82:3,4,6 84:3

86:24 87:4, 16,20,24 88:11,12,18 90:10,19,24 92:25 93:5 96:18,22 98:3 99:25 100:8, 9,20 101:6,9 102:25 103:13,23 104:21 106:11,16,25 108:19 109:11,17 111:1 112:3, 11 113:15,22 114:1,7,14 115:12,17 <b>I'VE</b> 8:1,15 13:16 24:12 25:7 38:8,10 43:13 69:15 72:4 109:13, 14,22 <b>idea</b> 82:25 111:6,7 <b>ideas</b> 18:1 <b>identification</b> 30:6,17,19 44:19 45:2,11 52:4 55:5,8 63:25 105:10 <b>identifying</b> 55:17 <b>if</b> 6:7,12,16 7:20 9:23 10:18,20 15:14,25 16:19 17:3,4 21:10,12 24:2 25:5,9,20,23, 25 26:3 27:23 28:3,4,10 29:10,22 32:25 33:22, 25 35:5,18 37:25 39:18, 22 42:15 43:7,11,15	45:19 47:19 48:9,21 51:23 52:25 55:15, 24 56:14 58:8,22 60:4 61:16 64:4,13 65:12 68:8,19 69:4 70:2,25 71:2 72:21,25 73:20,21 74:17 75:22, 24 76:15 78:4,17,18 79:10 82:8,20 85:2,14 87:14 88:18,23 90:20 91:15 92:10,25 93:3,6,14 94:6,7 95:7,8 96:21 98:13 100:4,6,10,17 101:2,12 102:16,25 103:6,18 104:14,15 105:1,21 107:1,3 109:11,12,18 110:20,23 111:4,10 114:2,5 115:18 <b>ignore</b> 64:6 <b>ignored</b> 68:21 83:7 92:3 <b>imagine</b> 31:4 43:21 <b>immediately</b> 9:15,16 55:18 83:13,16,20 84:3,13 <b>implications</b> 76:17 <b>implied</b> 91:2 <b>implies</b> 85:20 <b>imply</b> 76:6 <b>implying</b>	90:23,24 106:14 <b>importance</b> 76:16 <b>important</b> 17:4 18:4 75:23 96:2 103:20 <b>impression</b> 108:25 <b>impressions</b> 58:10 109:20 <b>impromptu</b> 29:12 <b>improve</b> 19:16,17 <b>impugning</b> 85:16 113:4 <b>in</b> 5:5 6:12 8:2,17,21,24 9:10,22 10:16 11:6,10,14,18 12:4,8,9,20, 24 13:7,8,10, 11 15:2,24 16:17 17:15 18:13,24 19:4,10,12 20:10,15 21:13,19,24 23:15,18,20, 21,23 24:1,5, 8,13,16,22,24 25:10,20,22, 23,25 26:18 27:2,6,14,20 28:4,7,9,18, 22 29:5,15 32:14 34:1,4, 11,14,21 35:6,7,24 36:18,21 38:6,11 39:1, 4,5 40:7 41:3,18 44:1, 3,16,21,24 45:3,13,16,19 46:18 47:14, 23 48:14,18,	19 49:10,17 50:15,20 51:3,5 52:17, 22 53:1,10, 17,20,24 54:4,12 55:22,23 56:9,12,25 57:5,6,7,11, 17,19,22,25 58:14,17,25 59:4,7,19,22 60:10,19,24 61:6 62:5,7, 11,14 63:5,6 64:12,17 65:1,5,10,15, 17,19,21 66:5,6,7,10, 18 67:8,10 68:5,25 69:9, 22 70:8,18 71:24 72:14 73:15 74:19, 20,22,25 75:1,7,9,13, 18 76:23 77:12 78:5,25 79:20,24 80:12,20 81:12,13,15 82:6,10,11 84:24 85:9,10 86:8 88:14,19 89:18 90:3 91:1,2,15 93:7,17,25 94:11 95:10, 24 96:24 98:4,14 99:3, 20 101:9,22, 23 102:12,21 103:2,3,13, 16,22,25 104:6,12,13, 14 106:1,18 107:2,17 108:2,3,6 109:14,24
---	--	---	--



110:8,10,11, 13,15,16,20, 24 111:3,7, 13,19 113:18, 19,25 114:8,9	<b>instant</b> 56:9 <b>instead</b> 64:13 <b>instruct</b> 87:2 <b>instructed</b> 14:1 <b>instructing</b> 63:2 <b>instruction</b> 73:5 98:11 <b>instructions</b> 44:5 <b>Insurance</b> 5:2 <b>intent</b> 92:21 <b>intention</b> 112:4 <b>internal</b> 42:4,24 44:15 <b>International</b> 8:9 <b>interpretation</b> 71:15 <b>interpreted</b> 72:9 <b>intimidation</b> 106:11 <b>into</b> 16:20 17:24 46:2 48:7 81:1 88:18 109:5 <b>invoking</b> 114:24 <b>involved</b> 15:14,20,23 25:2,20,22 44:3 53:1 55:22,23 56:9 <b>involvement</b> 9:4 <b>is</b> 4:4,15 5:1,4,10,15 6:1,25 7:7,20 9:7 10:6 13:12,17,18, 19,22 14:10 15:1 16:11, 14,16 17:17, 18 20:25	21:23 22:1,22 23:25 24:14 25:16,20 29:11,16 31:13 32:8 39:16 40:2, 15,16 41:12, 18 42:13,15 45:3,5,13 46:20,21 49:10 50:13 51:2,3 52:18, 20 53:6,10 54:14 55:6,9 57:13 58:7,11 60:15 61:6 62:8 64:10,16 65:7,23 66:23 68:14 70:19 71:8 72:7 73:7,24 74:22 75:23 76:11 77:2,4 78:6 79:2 80:1,24 82:15 83:24 85:18,20 88:15 89:4 90:5,12 91:8, 22 92:16,17, 23 93:2,17 95:17,19 96:1 97:8,11,19,22 98:5,20 99:3, 6,11,21,25 100:3 101:14, 18 102:7,18 104:9,13,19 105:11 106:16,17,24 107:2,13 108:10,25 111:14,25 112:4,25 113:15,16,18 114:11 115:13,16,21 <b>isn't</b> 79:22 82:5 112:1	<b>issue</b> 17:5 28:14 42:14 56:4 75:6,15 <b>issues</b> 19:3 27:18 56:2 72:23 <b>issuing</b> 44:5 <b>it</b> 7:7 8:23, 24 9:9,21,23, 24 10:13,14, 17,20 11:16, 19,22,25 12:12,16,18, 24 13:9,14,17 14:17,24 15:16,24 16:9,12,13, 17,19,20 17:5,11,13,15 18:2,8,9 19:7,11,14 20:9,16,21 21:1,6,10,23, 24 22:19,25 24:22 25:14, 24 26:12,13 27:6,7,10,23 28:15,16 29:9,11,16,20 30:12,25 31:3,19,20,21 32:25 33:1,2, 5 34:9,16 35:7,19,21 36:4 37:2,15, 16,19 38:5, 11,12,24 39:2,3,9 41:17 42:13, 14,15,17,18 43:6,17,21 44:25 45:13 46:11,15 47:4 48:7,11,15, 17,18 49:7,9 50:5,7 51:10 52:8 53:8,9, 16,18,23 55:9,12,15,
---	--	---	---

18,21,24  
56:2,6,13,14  
58:3,8 59:9,  
15,23 60:4,6,  
9,10,14,23  
61:1,12 62:5,  
25 63:24  
64:2,21 65:1,  
24 66:9,11,  
19,20,21 67:8  
68:8,19,20,  
22,23 69:2,3,  
6,11,12,17,  
22,23,25  
70:4,20 71:15  
72:15,24  
74:22 76:15  
77:1,17,19,20  
78:2,5 79:1,  
22 80:4,11,  
12,16,17  
81:7,8 82:5,  
18,22 83:17,  
18,19 84:5,12  
85:3,21,22,23  
88:14,24  
89:4,24 90:16  
91:2,4,10,11,  
12,13,18  
92:16,19,20  
93:11 94:7  
95:11,17  
96:6,9,19,20,  
21 97:19,20  
98:9 99:2,10,  
11,13,19  
100:6,17  
101:13 102:1,  
5,7,9,10  
103:1,4,8  
104:8,9,14  
105:4,5  
106:1,17  
107:3 108:19  
109:18,19,22  
110:8,22  
111:2,10,11,  
14 112:4  
114:11,12,20

115:22  
**it's** 5:17 6:8  
32:5,22 37:7  
39:11 40:3  
43:20 47:15  
51:2 52:21  
54:13 55:10  
58:15 60:13,  
23 61:2  
64:11,12  
65:15,25  
68:15 73:22  
74:18 75:1,6  
76:2 79:1  
80:25 82:7  
85:7 86:24  
87:3,4 88:11  
90:17 96:7  
97:19 99:9,22  
100:2,10  
101:23,24  
102:16 103:7  
104:9,17  
105:12  
110:21,23  
**items** 33:15,  
18,20

**J**

**JAMS** 6:23  
7:7,25 8:1  
**January** 35:4  
36:17 58:11,  
15 60:7,12  
61:23 62:1,6  
64:10 67:25  
68:1,2 69:20  
89:15  
**Jerome** 13:6  
56:18 57:13  
58:23 59:8  
**job** 6:25 9:17  
11:12 17:11,  
15 22:5,6  
23:1 26:14  
37:13

**Joseph** 7:2  
**judge** 7:2,4,  
5,6 8:21  
9:22,24 88:20  
111:4  
**judge's** 88:22  
**judges** 7:2,7,  
12,14,22  
**Judicial** 6:24  
**July** 9:14  
11:24  
**juror** 94:15  
**just** 13:9  
14:25 16:18  
19:14 21:6  
22:25 25:9  
37:11 38:25  
39:1,2 42:1  
46:22 48:2  
52:7 53:24  
56:4 58:2  
59:9 60:5  
61:9,20 63:3  
64:12 68:10,  
12,24,25  
69:11,16  
70:18 72:4  
74:19 76:1  
79:8 80:15  
89:20 92:18  
93:11 94:6,12  
95:8 104:23  
106:12 107:3,  
5,25 108:5,25  
109:12 111:11  
114:17

**K**

**Kamilar** 52:7,  
14 54:16,17  
57:5 62:19  
64:16 66:14,  
17 69:16  
89:7,10,14,16  
114:14  
**Kamilar's**  
60:3

**Karina** 12:24  
**keep** 14:2  
16:9 18:6,11  
29:20 37:13  
54:14 72:21  
105:23  
**Keeping** 15:1  
**kept** 14:22  
15:25 16:2  
39:2 45:2,16,  
19 46:1  
**key** 80:18  
**kind** 20:7  
21:18 24:10  
33:20 39:1  
56:1 65:15  
94:5  
**kindly** 68:17  
**knew** 19:14  
35:22 59:7,11  
69:12 75:22,  
24 82:1,25  
85:1  
**know** 5:1 6:8,  
11,17 7:20  
9:1 10:17,18,  
20 11:25  
12:17 13:12,  
14,17,22  
16:10,13,16,  
20 18:7,9,24  
20:5,14  
22:13,14  
24:16 25:12,  
20 26:5 28:3,  
5,6 29:3,18,  
23 31:5 32:18  
33:17 34:10  
37:6,16 39:11  
40:2,5,17,18  
45:18 46:21,  
23 47:19,22,  
25 48:17,21  
49:18 56:15  
57:3 61:1  
66:23,24  
68:19,24  
69:3,4,6,7,14  
72:12,14

73:20 74:21,  
24 75:12,18  
76:1,16 77:17  
78:3,5,17  
79:9,19 80:6  
82:9,20 83:1,  
2,14 85:13  
87:3 88:23  
90:16 91:3,  
10,15,24  
92:23,24  
95:17 96:14  
97:16 102:7,9  
104:7,19  
105:11 107:20  
108:21 110:22  
111:2,10,13  
112:6 115:5  
**knowing** 86:10  
**knowledge**  
29:13 46:5,  
10,14 54:2  
65:8  
**known** 39:23,  
24 48:10

**L**

**La** 13:6 56:18  
57:13 58:23  
**larger** 41:4  
**last** 36:13  
58:9 60:3,9  
61:20 62:4  
63:9 64:6,17  
69:13 72:7  
73:25 113:11  
**late** 24:22  
**later** 10:24  
52:15 64:17  
78:10  
**law** 5:5,11  
8:5,6,16 9:3,  
4,9,12,13  
11:3,7,9  
12:4,14 13:23  
14:1,6,12  
20:1,3,6,10,

19 21:10 22:3  
23:9 24:6,13  
32:14 34:18,  
21 38:7 40:10  
44:8 45:14,17  
50:16,23,24  
51:3,14 52:14  
53:6 56:7  
59:19 60:8,  
14,19,25  
62:2,3,8,11,  
15 63:3 64:5,  
25 65:1,3,9,  
23 66:1  
67:14,16  
71:17,18  
74:12 75:8  
85:21 86:11  
89:11,12  
96:16 109:6,  
13  
**lawsuit**  
55:22,23  
**lawyer** 62:21  
**lawyers** 50:5,  
6  
**lay** 111:5  
**layer** 15:6  
**lead** 16:17  
55:25 66:21  
**leading** 81:1  
**leak** 41:14  
**least** 10:22  
12:1 21:11  
38:18 43:17  
50:9,10 81:7,  
8  
**leave** 77:17,  
20 86:10  
103:12 114:2,  
8  
**leaving**  
97:14,17  
98:20 110:6,  
17  
**left** 5:15  
8:12 22:3,4  
40:7 49:4

52:14 60:25  
62:15 66:1  
69:11 74:6  
89:9 96:15,22  
97:5,11  
109:25 111:7,  
18 112:23  
**legal** 80:11  
102:18,25  
**legible** 102:1  
**legitimate**  
6:8  
**Leon** 48:5  
**let** 4:25 5:18  
6:11,17 16:13  
25:7 28:17  
29:23 30:1  
35:13 55:21  
56:15 69:6  
78:17 79:9  
89:20 94:12  
96:21  
**Let's** 31:13  
52:2  
**letter** 89:23  
**license** 4:17  
30:3 38:10  
**lie** 95:2,3  
98:14 103:22  
112:1,15  
113:3  
**life** 26:3  
38:10 92:24  
93:5 113:17,  
18  
**lightly** 76:14  
**like** 15:25  
19:7 24:10  
25:9 27:6  
28:3,23 29:8,  
24 37:2,13  
52:8 56:3,5  
59:6 67:2,5,  
21 69:11,12  
76:8 80:17  
81:10 83:22  
94:19 95:22  
109:15

**Linda** 5:2  
**line** 30:23  
79:6,7 109:24  
**listed** 31:2  
39:11 71:4  
**listening**  
71:25  
**litigation**  
11:13,15  
12:14,15,20  
13:3 14:4,9,  
10,11 15:7,9,  
19 17:24  
18:13 19:8,9,  
10 20:18,21,  
22 22:2,4,24  
23:3 26:13  
28:8 29:6,19  
40:15 44:10  
66:21  
**litigious**  
63:3,4  
**little** 17:23  
39:1 54:14  
60:13,23  
68:16 73:24  
**live** 106:18  
**lived** 8:15  
**Living** 8:13  
**locate** 56:8  
**located** 48:3,  
4  
**location**  
95:19 102:9  
**locations**  
48:11  
**lodged** 106:22  
**lodging** 93:15  
**long** 7:25  
16:23 26:7  
27:19 28:15  
57:20 68:20  
80:6 83:18  
105:12  
**longer** 89:17,  
24  
**look** 19:22

56:13 79:24 91:15 94:11 103:9 <b>looked</b> 31:7 37:19 <b>looking</b> 16:20 19:21 32:1 34:17,18,20 49:10 99:24 <b>looks</b> 19:7 52:8 55:9 <b>lose</b> 93:3 <b>losing</b> 54:15 <b>lost</b> 92:18 93:1 <b>lot</b> 19:1 25:24 38:6 62:25 85:24 91:21 95:14 113:20 <b>love</b> 113:23, 24 <b>low</b> 12:18 <b>lunch</b> 24:19, 24 25:3,4,6, 9,15,17,22, 24,25 26:2,3, 7,9,12,19,22 27:5,10 49:1, 4,9,12,25 <b>lunches</b> 25:21 26:16,21 27:1 48:24 70:18 95:10	<b>majority</b> 10:13 21:9 104:15 107:24 <b>make</b> 7:15,18 14:24 22:12 41:16 51:17, 25 53:23 60:22 62:12 63:20 69:16 74:7 87:25 88:3,14 93:11 94:19 96:16, 22 103:4,10 104:13,23 109:19,24 110:3,4 111:16,17,19, 23,25 112:1, 7,19,22 114:5,7 115:12 116:4 <b>making</b> 19:21 21:20 113:15 <b>manage</b> 7:15 18:11,14,17, 19 19:2,4 <b>managed</b> 17:21 <b>management</b> 26:13 <b>manager</b> 7:1, 10 8:3 14:9, 10,11 17:24 18:14 19:8,10 20:18 22:2,24 23:3 29:19 <b>managing</b> 22:4,8,12,14, 17,23 23:4,6, 8,10,14,15 29:19 40:14 44:7 45:18 86:11 <b>many</b> 18:7 20:10 23:5,8, 18 25:8 30:12 67:20 81:3 <b>March</b> 9:13 11:10 47:12,	14,15 <b>Marino-pedraza</b> 8:22 <b>mark</b> 30:3,15 45:1,8 51:15 52:7 54:16,17 55:4 57:5 62:19 64:16 69:16 89:6,10 105:1,4,5 114:14 <b>marked</b> 30:5, 18 36:20 44:19 45:10 47:2 52:3,6 55:7,19 63:24 105:9 <b>marking</b> 30:1 <b>material</b> 88:20 <b>matter</b> 13:20 62:17 65:19 70:8 75:2 93:2 97:22 <b>matters</b> 54:2 58:25 65:8,16 66:18 91:21 <b>may</b> 78:15 79:11 82:23 94:13 95:24 106:13 <b>maybe</b> 16:4 17:5 27:22 67:4 89:6 110:10 111:8 <b>Mcekron</b> 25:8 34:21 35:14, 19 69:24 75:19 <b>Mcekrons</b> 75:12 <b>me</b> 4:25 5:23, 25 6:17 8:20, 25 9:22 12:3 14:14 16:18 17:23 18:5,7 19:2 20:4 22:14 23:14	25:5,6,7,16, 24 27:4,20,21 28:8,10,17,21 29:7,20,23,24 30:1,25 31:25 32:22 34:16 35:6,7,11,12, 13,21 36:4, 10,25 37:19 38:11 39:17 43:10 50:25 52:12 54:10, 21 55:17,21 56:11,16,17, 23 57:23 58:9,24 59:10,21 60:4 61:14,21 62:2 63:1,2,4,5 64:14,16,20, 22 65:13,17, 19 66:17 67:2,11,12 68:12,18,21, 22,23 69:6,10 70:4,8,22,23, 24 71:11,18 73:10,18,24 74:6,7,22 75:5 76:1,25 77:1,23,25 78:9,17 79:9, 20,23 80:1,23 81:4,5,10,21 82:2,11,13, 14,20 83:2,9, 13 84:5,8,10, 17 85:4,6,13, 20 86:9,10,14 87:19 89:10, 17,23,24 90:19 91:1,5, 11,21,25 92:1,3 93:3, 6,16 94:1,2, 5,14,15,18 95:4,6 96:6, 8,21,22 97:4, 9,13,16,21
<b>M</b>			
<b>Madame</b> 4:19 <b>made</b> 22:12 29:9 35:15,17 43:17 45:2,16 80:16 85:3 106:10 107:16 108:2 109:15, 22 115:6,17 <b>main</b> 15:1 <b>maintain</b> 100:10			

98:7,13,20 99:5,14,18, 19,20 100:6, 17,23 101:23 103:12,22,23 104:15 106:23 107:3,16,21 108:1,16,17, 18,22 109:11, 24 110:8,9, 12,14,19,22 111:8 112:6, 22 113:1 114:13 115:9 <b>meal</b> 49:5 <b>mean</b> 15:15 17:3,22 18:15,18 21:4,15 25:12 34:18 45:22 55:24 65:6 66:7 70:14 71:24 72:9 82:13,14 85:5 94:11 96:14 97:20 102:24 <b>meaning</b> 11:14 59:16 62:23 64:25 70:9 75:8 98:7 111:2 <b>means</b> 21:5, 18,20 62:25 74:21,22 77:18 <b>meant</b> 14:17 71:16 90:14, 16,23 91:4 <b>meat</b> 56:5 <b>mediation</b> 6:24 16:4 <b>mediations</b> 24:4 <b>medications</b> 5:21 <b>meet</b> 7:15 28:10 37:10 69:5 71:5,14	72:8,10 <b>meeting</b> 28:3, 23 29:11,22 39:14 42:22 43:5 48:21 50:6 71:23 <b>meetings</b> 27:14,19,25 29:1,3,8,16 36:25 37:7,22 38:2,16,21 39:4 40:13 41:21 42:3,17 43:8,14 48:2, 10 49:12,18 50:4 70:10, 15,16,17 71:4,7 72:16, 18,24,25 74:16,17,19, 24 81:2 94:1, 6 95:4,7,9,15 <b>Melissa</b> 78:20 106:2 108:21 114:15 <b>memo</b> 42:4,11, 13,18,25 43:15 <b>memorandum</b> 16:12 42:19 43:8,17 <b>memorandums</b> 43:12,25 44:15 <b>memorialize</b> 42:17 <b>memory</b> 6:1 10:21 52:21 104:10,12,18, 19 109:1 <b>mention</b> 56:12 <b>mentioned</b> 75:17 107:18 <b>Mercedes</b> 7:6 <b>message</b> 78:13,14 <b>met</b> 5:4 40:7	<b>methods</b> 71:7 <b>metrics</b> 7:16 14:25 18:6 <b>Miami</b> 8:10, 12,15 <b>Michael</b> 56:18 57:14,19 58:23 59:8 <b>middle</b> 22:10 54:6 <b>midyear</b> 11:24 12:5 <b>might</b> 10:3,4 12:18 20:16 22:25 27:5 32:1 41:2,3 49:12 63:4 74:6 84:12 91:18 95:11 96:10 106:6 <b>mind</b> 61:12 70:11 72:15 100:10 105:1 111:13 <b>mine</b> 48:20 59:16 101:18 <b>minutes</b> 17:5, 9 26:23 27:12,23 28:16 80:7 <b>mischaracteriz ing</b> 63:21 <b>misconduct</b> 94:18 115:8 <b>misrepresentat ive</b> 72:1 <b>missed</b> 18:3 55:16 80:18 <b>missing</b> 96:1 <b>mistaken</b> 35:18 <b>moment</b> 82:15 <b>moments</b> 113:17,18 <b>money</b> 51:4 77:2,7,14 85:6,8,17,19,	21 90:4,12, 14,18,20 91:7 <b>month</b> 28:24 68:19 83:18 <b>monthly</b> 28:23 36:24 37:22 38:2,20 39:13 40:13 41:21 42:22 43:4,13 49:11,17 50:4 <b>months</b> 8:1 52:15 68:20 83:8,17 89:11 <b>more</b> 10:18,20 12:10 13:11 16:13 18:24 20:25 21:1,6, 24 22:6,25 23:24 24:5,22 25:19 27:6 34:18 66:14 73:24 79:23 88:18 92:5 101:7,14 102:13 113:25 115:12 <b>Moreover</b> 58:21 <b>Morgan</b> 51:14 60:8 62:2 64:25 65:1,3 89:11 <b>morning</b> 40:1, 7 78:13,20 <b>most</b> 15:2 21:9 23:17,20 24:9 25:22 44:2,4 70:13 96:2 113:17 <b>Mostly</b> 7:8 <b>motion</b> 21:12 <b>move</b> 52:18 89:3 <b>moved</b> 12:16 76:1 106:5,13 <b>movement</b> 18:22 21:20
--	---	---	---

**moves** 60:10  
62:5  
**moving** 15:2  
**Mr** 15:12,20,  
23 16:23  
17:12 19:16  
22:20 24:6,8  
38:7 40:21,22  
41:5 42:5,10  
43:7 44:3,16,  
21,24 45:5,6,  
8 47:5,6,19  
52:13 57:13  
60:3 63:14  
66:14,16  
89:14,16 90:9  
94:9 106:21  
113:7 114:13,  
14  
**Ms** 4:12 5:4  
28:21 30:1,7,  
15,20 35:5,21  
40:24 42:1,6,  
8,12 43:1,3,9  
44:6 45:8,12,  
21,24 47:8,  
10,24 48:1  
49:2,6,22  
50:2 51:15,  
19,22 52:2,5  
55:4,13 58:5,  
6 61:5,12,16,  
19,23,25  
62:20 63:12,  
16,19,22  
67:1,7,18  
68:11,17  
69:7,8 71:4,  
12,13,15,16,  
20,22 72:6,  
13,14,17  
73:2,3,10,18  
74:6 75:2,5,  
16 76:10  
77:1,17 78:9  
79:8,9,12,14  
83:23 84:7  
85:13 86:2,4,  
15,20,22

87:1,9,10,18,  
23 88:2,9,14  
89:1,8,13,20  
90:1,6,8  
92:22,24  
93:10,19,21  
94:10,17,22  
95:1 96:5  
97:1,24 98:2,  
6,10,13,23  
99:1 100:12,  
14,19,22  
101:8,11,17,  
20 102:4,6  
103:9 104:2,  
4,21,23  
105:1,4,5,11,  
15,16,21  
106:2,4,12,  
19,20 107:23  
108:4,8,9,12,  
15 109:7,10  
111:14,21,24  
112:2,5,13,  
18,21,24  
113:2,5,6,7,  
12 114:15,21,  
24 115:2,6,  
11,15,18,23,  
25 116:1,4  
**much** 15:13  
18:2,24 21:7  
37:11 74:25  
75:12 77:19  
79:23 99:22  
107:19  
110:14,20  
113:7,25  
**multiple**  
27:24,25  
28:24 49:19  
50:6,9,10  
57:9 72:5,19  
104:20  
**my** 5:1 9:10  
10:21 14:24  
16:16 17:13,  
15 19:6 21:2,  
10 23:1 25:4

26:14 29:13  
32:8,25 34:16  
35:12 37:13  
38:9,10,13,15  
39:7 41:18  
48:18 52:21,  
22 54:18  
55:17 56:2  
58:9 59:15,  
16,22,23  
62:22 63:4,5,  
14 64:13,24,  
25 65:11,13  
66:17 67:23  
68:15 69:15  
70:2,22 72:7  
77:19 79:8,20  
80:3 83:7,19,  
22 84:3 85:1,  
2,6,14,15,16  
86:24 87:12  
88:6,15 90:2  
91:15,16  
92:3,21 93:1,  
7 94:11 96:1  
97:12 98:4,11  
99:2 101:9,12  
103:9,14,16  
104:12,17  
106:1,18  
107:3,7  
109:13,14  
110:1 112:10,  
16 113:4,15,  
16,17 114:3,  
11 115:13,14  
**myself** 4:22  
13:6 19:15  
26:13 31:2,4  
32:20 37:20  
69:12 76:2  

---

**N**

---

**name** 4:13  
5:1,7 9:1  
10:3 31:10,  
13,19 35:23  
59:23 74:1

**named** 23:3  
**Narchet** 41:5  
70:6,9  
**near** 46:6,15  
**necessarily**  
92:20  
**necessary**  
55:6  
**need** 6:17  
44:22 54:11  
60:12 62:7  
65:13 80:14  
84:1 98:14  
103:4 105:23  
112:16 114:19  
**needed** 18:21  
19:14,17  
52:22 57:6,24  
62:23 63:2  
67:8,10 92:10  
**needs** 114:8  
**nefarious**  
92:21  
**never** 4:24  
8:15 10:5  
29:8 36:10  
37:10 42:10  
43:23 46:13  
49:7,15 71:24  
84:6 91:6  
94:3,20  
103:22  
109:12,20  
**new** 52:18  
69:4  
**next** 14:8  
59:14 68:12  
**nicest** 86:13  
**nine** 8:1  
**no** 4:22 6:3,  
21 9:6 10:5,8  
11:2,8 14:3  
15:21 16:15  
17:13 26:11,  
18,21,24  
27:3,13 28:2  
29:2,15,24  
30:19 31:9

32:5,11,17	<b>normal</b> 26:6	21,25 107:7	<b>number</b> 8:23
33:19 34:4,22	<b>Nos</b> 30:6	108:13,21	12:9,17 23:10
35:15,25	<b>not</b> 12:5	109:22	32:1 41:9,18
37:18,24	15:13,24 21:8	110:21,23	52:20
40:25 44:17,	23:17 24:4	112:3,15,16	<b>numbers</b> 12:14
23 45:10 46:1	25:6 26:18,21	113:25 114:7	
47:9,21 49:3,	27:2 29:3	115:12	
9,16 50:12,17	31:9 32:17,18	<b>note</b> 7:8	
51:18 52:4	33:14,17	68:12	<b>O</b>
53:18 54:2	34:6,22 37:7,	<b>notebook</b>	<b>oath</b> 6:4
55:7 56:11,	24 39:11	80:12	111:15 113:22
12,21 57:19	40:17 41:16,	<b>notes</b> 26:10,	114:12,18
58:2,15 59:2,	17 42:14	11,17 68:9,	<b>object</b> 42:1,8
8 60:25 62:16	43:14 44:9,20	11,13 70:2	43:1,9 45:21
65:8 66:1,4,	46:13,20	71:25 75:23	47:8,24 49:2,
14,22 68:15	47:21 48:25	79:8,17 80:8,	22 58:5
71:6,18,22	49:19 50:4,	9,13,14 81:18	63:12,19 67:1
72:20 73:8,14	11,17,24	82:9 91:16	71:12,22
75:11,14	53:21 54:14	95:13,23 99:6	72:13 73:2
76:10 77:7,	55:10 56:1,8	100:16 102:3	<b>objection</b>
14,16 80:25	57:2,11	103:1 104:13	86:24 87:9
82:17,18,22,	58:15,24 63:2	105:7,8,19,	88:9 105:15
25 83:4,15	67:12,16	21,24 106:18	107:3
84:9,19 85:10	68:15 70:20,	109:1	<b>obligation</b>
86:3,6,23	22 71:9,20	<b>nothing</b> 4:4	38:13 113:16,
87:5 88:5,16	73:16 74:18,	37:2 75:20	21 115:14
89:17,24	19,23 76:4,5,	80:20 86:6	<b>obligations</b>
90:7,19,21	6,13,14	92:21 106:7	38:9
91:2,3 92:5	77:13,16,18,	112:14	<b>obtain</b> 56:18
97:10,18,20,	19 78:10,18	<b>notice</b> 28:22	57:6 66:25
22 98:14,22,	80:25 82:23	30:2,4 32:6	67:11
24 99:16,25	84:12,18,20,	116:8	<b>obtained</b>
100:4,7	24 85:2,4,10	<b>noticed</b> 19:12	58:25
101:18,24	87:2,4,8,12,	<b>notified</b> 33:6	<b>obviously</b>
102:1,9	15,20,24,25	58:24	16:9 18:10
104:10,11	88:4,5,12,17	<b>Nova</b> 8:6	19:11 23:1
105:5,9	89:9,14	<b>November</b> 4:16	25:5 41:9
106:12,24	90:13,18,24	<b>now</b> 5:23,25	47:22 56:15
107:7,17	91:18 92:20	8:1,23 21:8	65:6 67:3
108:23 109:8	93:24 95:11	40:17 47:3	72:3 84:23
110:18 111:6,	96:4 97:19,	64:23 71:3	87:21 96:1,
7 113:13,14	22,25 98:3,5,	72:4 76:2	14,16
115:5,11	15 99:8,9,10,	87:17,19	<b>occasions</b>
<b>non-employee</b>	18,19 100:20	91:14 94:14	23:21
70:7	101:22,24	98:19 103:1	<b>occurred</b>
<b>none</b> 5:23,25	102:23	106:6,12,13,	38:21 74:23
56:16 59:11	103:13,24	14,17 111:9	94:1
<b>nor</b> 56:11	104:3,6,9,15	113:4 114:3	<b>occurrence</b>
	105:22 106:4,		70:10

**odd** 38:24  
55:9 68:23  
**of** 4:8,15  
5:8,9 6:14  
7:8,20,23  
8:20 9:1,13,  
14,20 10:4,13  
11:10,24  
12:5,10,22  
14:2,22  
15:19,25  
17:13,18,20,  
23,24 18:1,  
12,24 19:1,4,  
6 20:5,7,16,  
17,19 21:5,9,  
13,18,24  
22:11 23:1,  
13,14 24:10  
25:24 26:9,  
16,19,22  
27:2,8,15  
28:9,11 29:8,  
9,17,20,21,24  
30:2,4,22  
31:8,15 32:1,  
3,13,15,22  
33:7,19,20  
34:9,11,13,20  
35:4 36:24  
37:4,5,8,9,11  
38:6,7,20  
39:1,6,19  
40:4,10,15  
41:3,9,21  
42:16 43:12,  
17,21,22,23  
44:1,11  
45:14,16,19  
46:2,5,10,14  
47:14 48:14  
49:14,16,17,  
19,22 50:3,  
15,20 51:5,8,  
19,21 52:7,  
10,20 53:9,20  
54:2,10,20  
55:11,12,22  
56:1,2,5

59:8,19,22  
60:12,15,17,  
19,24,25  
61:7,8,12,14,  
17,23 62:7,9,  
10,14,15,25  
64:13,23  
65:2,4,8,15,  
18,19,21  
66:8,10 68:4,  
23 69:11  
70:10,13  
71:23,25  
72:1,23 74:3,  
16,23 75:1,2,  
6 76:4,15,16  
77:2,7,12  
78:6 79:23  
80:1,16,18,23  
81:20 82:25  
84:11,18,21  
85:7,17,19,  
22,24 86:13,  
20,24 87:12  
88:10,20  
89:10 90:3,4,  
12 91:7,13,  
20,25 92:19  
93:1,2,4,22  
94:5,18  
95:14,19,22  
96:2 97:2,14,  
17,19,23  
98:8,20  
100:2,3,9  
101:4,16,21,  
22,23 102:2,  
9,11,15,17  
103:2,7,10,19  
104:15,24,25  
105:3 106:9,  
10,16 107:9,  
10,14,22,24  
108:13,25  
109:1,4,11,13  
110:24 111:1  
112:3 113:16,  
17 114:9,16,  
19 115:9

116:8  
**off** 23:22  
52:21,23  
54:14 60:14,  
23 61:2,4,7  
64:11 70:2  
77:13 84:2  
93:22 106:10  
**offer** 56:11  
73:11 75:25  
78:21 85:8  
113:25  
**offered** 73:10  
75:12  
**offering** 91:9  
**office** 18:25  
19:1,5 20:20  
23:15,19,20,  
24 24:1,5,8,  
16,25 25:9,  
10,23 26:1,15  
27:14,20  
28:1,4,13  
29:5,15,17  
35:8 48:3,4,  
10,18,19  
106:1  
**offices** 48:14  
**official**  
114:12  
**officially**  
114:2  
**officials**  
114:20  
**often** 24:21,  
22 25:17  
**oh** 45:3 46:17  
47:13 75:22  
84:21 106:14  
**okay** 5:20  
6:9,15 14:16  
25:11 47:1,16  
54:25 55:9,14  
59:13 61:17  
64:16 65:23  
70:21 72:12  
73:22 74:15  
75:21 83:6

94:8 95:24  
96:6 100:17  
106:23 109:17  
111:25 113:4  
**omit** 103:15  
**on** 4:8 5:7,21  
7:21 9:10  
10:10,12  
13:2,11,19,21  
15:18 16:5,  
11,12,17,18  
17:1,4,5,6,7,  
19 18:24  
19:16 20:2,5,  
13 21:8,16,20  
24:2,16 25:5,  
8,13,18  
26:10,17,25  
27:12,18,22,  
25 28:21  
31:1,8,10,13,  
19 32:3,8,12  
33:10 35:4,9,  
19,21 36:3,20  
37:7,10,11,23  
38:3 39:5,9,  
13,15,18  
40:6,10,18  
41:12,13  
42:20 43:8,  
22,24 44:19  
45:18 46:8,23  
47:1,4,12  
49:8,14,20  
50:1,5 51:4  
52:2,10,20  
55:25 60:11  
61:5,7 62:6  
67:11 68:2,13  
69:5,9,19  
70:19 71:4,23  
72:3,4,18  
73:20 76:1,  
12,13,23  
77:14,21,25  
79:7,16,20,25  
80:11,24,25  
81:24 82:19,  
20,23 83:3,21



84:14 87:19 88:13 89:3 90:2 91:13 92:7,19,21 93:1 94:5,15 95:11,13,15 96:4 97:19,22 100:9 101:15, 21 102:15,17, 18,25 103:1,8 104:9,20 107:8,13 108:1 109:4, 16 111:6 113:3,15 <b>once</b> 29:8 77:2 85:17,20 90:12 91:8 <b>one</b> 8:21 9:21 10:22,23,24 16:21,24,25 17:24 19:6 20:14,15 22:6 28:7,11 29:24 32:20 33:19 40:18 41:3 43:15 44:1,5 45:5 48:14,19 49:22 52:10 55:21 58:15, 21 63:9 64:13 67:3 72:23 78:6 79:6 86:13 89:5 106:24 109:24 113:11,16,17, 19 <b>ones</b> 32:24 <b>only</b> 12:15 20:22 22:17 26:11 40:17 42:16 48:11 66:16 67:4 72:15 79:6 88:21 <b>opened</b> 87:17 <b>operationally</b> 44:9	<b>operations</b> 7:1,9 8:2 26:15 <b>opinion</b> 94:11 109:11 <b>opportunity</b> 5:10 106:25 112:11 <b>opposing</b> 19:20 <b>option</b> 113:9, 10 114:24 <b>options</b> 62:16 66:2 <b>or</b> 5:21 6:2,9 9:22,24 10:6, 15 12:5,18 13:15 14:5 16:12,21 18:3 20:1,15,16 25:16,25 26:5,9 29:17, 19 31:3 33:2, 4 34:3 39:10 40:10 41:17 42:20 43:17, 23,25 44:16 46:6,15 48:18 54:12 55:25 60:22 62:12 64:17 68:19 71:7,16 73:1, 5 74:2,18 75:25 76:23 78:18 81:11 82:23,25 86:18 87:3,8 88:4,25 89:14 92:11,13 95:19 98:22 99:4,21 103:5,6 107:19 110:15,23 113:9 114:1 115:18 <b>order</b> 9:8,9, 19 57:6 59:24 66:5,6 103:4	116:4 <b>ordering</b> 116:2 <b>orders</b> 7:14 10:2,25 18:8 56:8,19 57:11 58:22,25 59:8,10,18,24 <b>ordinary</b> 45:3,16,19 <b>original</b> 80:8 95:22 104:24 105:6 <b>Orlando</b> 46:20 53:16 70:5,9 73:10,12 74:2 <b>other</b> 5:18 8:25 9:23 10:22,25 15:7,16,19 22:21 23:12, 23 24:5,6 25:8,16 26:9, 15 34:10,16 37:6,7 39:22 41:8,20 57:7 58:13,17,20 59:4 62:16 65:8 66:1 72:9 76:9 77:19 79:10, 24 80:20 84:11 93:13 94:8,20 96:17 98:4 100:4 103:6 106:2 109:12 <b>others</b> 65:5 108:20 <b>otherwise</b> 63:2 <b>our</b> 5:10 19:13,18 25:9 32:23 34:1 38:14 49:4 64:24 65:2 75:8 93:16 96:2 100:3	101:4 107:8 108:24,25 <b>out</b> 7:14 12:25 19:1 25:5 29:17 36:25 37:1, 14,19 39:8 41:8,9,14,20 42:7,10 43:15 46:19 47:1,3 52:19 53:8 55:2,15,18 56:18 57:21 58:21 59:1 62:8 67:22 68:17 69:11 77:2,7 85:17, 19,21 90:4,12 91:7 93:16 102:11 103:12 109:13 111:8 <b>outcome</b> 74:3 <b>outside</b> 65:21 86:20,24 87:4 88:9,11 <b>over</b> 11:22,23 20:20 63:1 77:3 81:19, 20,25 82:2 84:4 85:7,18, 20 90:12 91:8 <b>oversaw</b> 40:14 <b>oversee</b> 7:11 18:11 <b>overseeing</b> 14:11,17,19 <b>own</b> 41:21 59:22 61:10 63:4,5 65:13 66:23 77:19 86:18,24 87:12,14 92:16 113:15 <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <b>P.A.</b> 56:7
---	---	---	--

<b>p.m.</b> 60:7 61:19,25 62:2 64:10,17 89:15 116:7	<b>participating</b> 85:9	<b>personal</b> 10:10 77:20	105:18 114:23
<b>packet</b> 52:11 54:4	<b>particular</b> 37:11 65:21	<b>personally</b> 12:2,3,6 20:1,4 27:16	<b>plus</b> 24:14 27:12
<b>pad</b> 68:12 80:11 95:13, 16,19 102:18, 25	<b>parting</b> 85:25 86:8 89:5	<b>persons</b> 46:5, 9	<b>point</b> 11:25 20:14,15 64:22 65:12 75:1,2 81:12 89:5 90:13
<b>page</b> 31:1,8, 13,15 39:6,7 47:5	<b>partner</b> 22:8, 13,14,17,23 23:4,6,8,11, 14,16 29:19 40:14 44:7 45:18	<b>perspective</b> 7:17	<b>Ponce</b> 48:4
<b>pages</b> 30:21 52:7	<b>parts</b> 61:7	<b>phone</b> 39:18 79:15 80:6 81:3 109:16	<b>poor</b> 25:14
<b>paid</b> 77:9	<b>party</b> 10:9, 12,15 11:16 41:19	<b>phonetic</b> 52:9	<b>position</b> 14:5 17:24 59:7 65:15 100:2
<b>pains</b> 38:11 114:13	<b>passing</b> 27:6, 17 70:18 95:10	<b>physically</b> 40:19,20	<b>possession</b> 57:12
<b>Pandora's</b> 87:17	<b>past</b> 108:3 109:15	<b>picking</b> 16:4	<b>possible</b> 15:2 16:20 29:11, 16 42:13,15 62:18 69:13 85:5 92:16
<b>paper</b> 91:13 92:19 93:1,4 97:19,23 100:2,9 101:21,23,24 102:2,15,17 103:7,10 104:25	<b>Patricia</b> 8:22	<b>picture</b> 55:11	<b>possibly</b> 41:2 92:18 111:11
<b>paralegals</b> 14:22 17:18 18:23 34:4	<b>pattern</b> 36:24	<b>piece</b> 91:13 92:18 93:1,4 97:19,23 100:2,9 101:21 102:2, 17 103:7,10	<b>potatoes</b> 56:5
<b>paraphrasing</b> 52:22	<b>pay</b> 85:8 90:4,20 91:9	<b>PIP</b> 10:11,14, 16	<b>potential</b> 16:21 18:3
<b>parking</b> 40:8, 9,10	<b>pen</b> 51:22	<b>place</b> 28:4 29:17 38:2 40:1 48:19	<b>power</b> 63:1
<b>part</b> 17:13,23 21:9,24 29:20 33:7 44:2,4, 24 52:23 78:6 80:18 84:20, 21 96:2 103:12,24 104:24 107:2	<b>pending</b> 113:13,14	<b>plaintiff's</b> 10:9 31:22 32:9,15	<b>practice</b> 45:14 68:14, 15
<b>participate</b> 85:10	<b>people</b> 84:11 100:4 114:9	<b>plaintiffs</b> 5:5 10:8	<b>practices</b> 20:20
	<b>percent</b> 7:23 80:3 101:14 111:14	<b>plaintiffs'</b> 10:6	<b>practicing</b> 13:14,16 60:19 62:11
	<b>percentage</b> 7:20 77:12	<b>plan</b> 43:20,22 93:25	<b>pre-depo</b> 74:25
	<b>Perez</b> 56:18 57:14,19 58:23	<b>plans</b> 19:15 43:25 44:1	<b>pre-litigation</b> 12:25 13:4
	<b>perfectly</b> 6:8 76:12,13 109:12	<b>pleadings</b> 7:13 18:25 32:14	<b>precise</b> 21:2
	<b>periods</b> 49:19	<b>please</b> 4:13 28:12 35:5,11 51:12,18 55:17 56:12 60:21 62:11	<b>predictable</b> 74:3
	<b>permission</b> 88:22 100:5 101:13		<b>preferred</b> 77:16
	<b>person</b> 5:15 38:14 106:18		<b>preparation</b> 32:15 34:11

76:2 <b>prepared</b> 44:16 46:24 69:17 <b>preparing</b> 43:7 111:11 <b>present</b> 17:11 88:20 102:14 <b>presentation</b> 19:15 <b>pressure</b> 59:25 <b>pretty</b> 18:2 19:8 32:20,22 63:7 99:22 101:18 103:20 108:23 109:5 <b>previously</b> 52:20,21 59:3 <b>pride</b> 38:6 <b>printed</b> 61:7 <b>prior</b> 39:25 58:22 59:1, 18,24 69:5 72:23 83:8 93:3,7 108:17 109:5 <b>priority</b> 92:20 <b>privacy</b> 51:21 <b>privilege</b> 26:6 51:18 61:8 99:4,22 <b>privileged</b> 87:3 88:20 <b>pro</b> 4:22 <b>proactive</b> 21:1,7,8,11, 16,19,25 <b>proactively</b> 21:21 <b>probably</b> 17:9 22:10 27:22 28:12 31:4 46:21 64:12 71:1 72:24 97:4,13 103:3	<b>procedure</b> 20:20 <b>process</b> 57:25 82:12 <b>processes</b> 19:16 <b>produce</b> 45:14 51:12 107:1 <b>produced</b> 52:7 105:23 <b>producing</b> 61:9 <b>product</b> 87:3 99:4,21 110:23 <b>Production</b> 31:19,23 32:7,10,16 33:2,4,11,24 34:7,12 <b>productive</b> 52:18 <b>profession</b> 38:14 113:24 <b>professional</b> 76:17 83:12 87:20 94:18 102:13 109:13 115:8 <b>professionally</b> 106:23 114:1 <b>promise</b> 90:4 <b>promised</b> 68:21 <b>promoted</b> 14:4,9 <b>prompted</b> 20:7 69:2 82:14 <b>proper</b> 21:13 <b>property</b> 10:9,12 11:16 <b>proposal</b> 75:5,9,15 84:17,22 107:10,14 108:1	<b>proposals</b> 75:24 <b>proposed</b> 53:9 75:22 <b>protect</b> 51:21 53:9 65:13 <b>protected</b> 99:21 <b>protection</b> 10:11 <b>protocol</b> 11:5 13:23,25 37:22,25 <b>protocols</b> 11:4 20:8 <b>proud</b> 38:7 <b>provide</b> 4:19 42:18 52:24 59:17 91:20, 23 108:11 109:20 <b>provided</b> 4:23 34:24 51:16 56:16 92:7 93:6 107:21 <b>providing</b> 91:25 105:17 <b>prudent</b> 16:9 <b>pull</b> 81:19,25 82:1,2 <b>pulled</b> 81:20 <b>purporting</b> 51:4 <b>pursuant</b> 59:18 60:3 <b>pursue</b> 62:16 66:1 <b>put</b> 16:5 47:22 94:5 <b>putting</b> 38:15 44:18	38:12,15 41:11,12 72:7 74:8,9 76:1 83:24 87:22 88:24 90:11 92:23 95:25 96:1,12,23 97:12 98:19 99:8,15,19 111:12 <b>questions</b> 5:10 6:20 14:15 27:5 33:9 60:24 62:14 70:12 77:15 78:18, 21 79:9,10, 11,12 82:13 85:14 87:5 88:13,21 92:1,6,11 95:14 104:11, 22 106:3 113:12,13,14 115:2,6,11 <b>quick</b> 28:14, 15 51:23,24 <b>quickly</b> 80:17 115:20 <b>quiet</b> 70:13 108:23 <b>quite</b> 7:18 <b>quote</b> 15:19 65:24,25 70:17,18,25 74:2,4,5,19, 20 77:1,3,23, 24 78:2,6 90:10,11,25 <b>quote-unquote</b> 64:19,21,24 65:4,22 70:16 71:5 74:9 75:7 112:25 <b>quoted</b> 90:22 102:21 <b>quotes</b> 102:22
<hr/> <b>Q</b> <hr/>			
		<b>question</b> 6:7, 9,13 18:16 25:14 32:8	

<b>R</b>			
<b>rabbit</b> 77:16	18:4 27:23	<b>recently</b> 54:18	<b>refusing</b> 87:7,11
<b>racking</b> 10:21	31:5 34:18,22	<b>recess</b> 52:1	<b>regarding</b> 29:23 35:8
<b>radar</b> 16:5	38:14 48:11	<b>recognize</b> 36:3	42:11 67:22
<b>raise</b> 4:2	69:7 79:23	<b>recollection</b> 34:20 107:7,20	72:7 81:1
38:1	83:17 86:12	<b>record</b> 4:13	87:6,16
<b>raised</b> 40:12	89:2 92:5	52:2 61:2,4,5	109:25 112:22
112:10	114:13	72:4 76:23	<b>regards</b> 65:21
<b>raising</b> 105:16 111:15	<b>reason</b> 28:17	87:19 94:19	78:25 96:24
112:8	37:18,19	98:17 100:4,6,13 105:18	<b>regular</b> 26:3
<b>range</b> 17:4,6,7	55:9,15 67:3	107:5 109:18	37:10 45:13
<b>rare</b> 25:1	77:7,14	111:6 112:12	49:4 77:9,11
<b>rate</b> 10:16	88:17,23	113:3	115:21
11:1,4,6	104:12 106:12	<b>recorded</b> 100:10,18	<b>related</b> 33:10
<b>rates</b> 8:18	110:9 112:23	101:2,13	57:13 75:19
10:14	<b>reasonable</b> 90:17 107:2	<b>recording</b> 100:3	<b>relates</b> 30:13
<b>re-raise</b> 112:16	<b>reasonably</b> 90:14	<b>records</b> 45:19	34:9 46:12
<b>reach</b> 57:9,21	<b>reasons</b> 32:19	56:6,7,16	<b>relationship</b> 109:5
59:1	37:6 110:5,16	61:9	<b>relaying</b> 108:14
<b>reached</b> 56:17	111:17	<b>recover</b> 90:20	<b>relevant</b> 31:5
58:21 67:22	<b>recall</b> 8:23	<b>rectify</b> 109:18	32:14 51:2
68:17	20:17 27:24	<b>redact</b> 55:6	74:13 87:15
<b>react</b> 19:23	33:12 48:3	<b>redepose</b> 107:1	97:8 98:21
21:12	58:25 68:7,8	<b>redirect</b> 72:3	99:3,8,9,10,
<b>reactive</b> 21:1,3,11,16,	69:19 70:1	76:12,13	11,13,19
18,25 37:14	72:21 73:1	<b>refer</b> 65:11	110:7,21
<b>read</b> 16:16	81:3 84:10,	68:8	<b>remember</b> 5:17
54:13 55:21	15,16,17	<b>reference</b> 8:24 35:6,7	9:23 10:3
60:4 63:24	97:4,7,13,16,	61:10	26:11 52:23,
64:12 70:2,20	18 98:20	<b>referencing</b> 66:18	25 60:18
73:12 103:4	99:2,5,12,14,	<b>referred</b> 74:1	70:25 72:25
113:9 114:21,	17,20,23,24	<b>referring</b> 49:24 54:3	73:5,6,8,9,21
25	110:8,9,12,	65:18 71:18	74:17 82:8
<b>reading</b> 61:10	14,19,22	77:4 78:1	93:14 94:6,7
90:24 116:8	112:6	<b>refrain</b> 64:20	95:7,8 104:8,
<b>reads</b> 60:6	<b>receive</b> 21:12		15 108:14
<b>ready</b> 68:25	35:15 36:2		<b>reminder</b> 54:7
<b>real</b> 56:5	<b>received</b> 9:20		<b>removed</b> 101:15
<b>reality</b> 74:23	35:3,4 43:18		<b>repeat</b> 31:25
<b>really</b> 7:23	51:13 52:13		77:1
15:1 16:21	58:2 60:6		<b>repeating</b> 103:23
	67:21 68:1		<b>rephrase</b> 23:7
	78:12,24		
	79:19 83:15		
	96:12		
	<b>receiving</b> 18:25 43:14,25		

**replied** 54:5  
**reply** 69:10  
**report** 15:4  
18:5 29:18  
113:22  
**reported**  
22:19 114:3  
**reporter** 4:2,  
19 5:16 89:21  
101:3 115:21,  
24  
**represent** 5:2  
54:19 65:19  
**representation**  
49:14 66:18  
97:2  
**representative**  
44:22  
**represented**  
4:21  
**representing**  
4:22 5:4  
54:20 63:5  
64:22 65:17  
70:23 84:24  
85:4 89:18,24  
**reputation**  
59:23 76:5  
**request** 31:22  
32:7,10,16  
33:1,3 34:6  
65:20 83:7  
89:25 114:15  
**requested** 5:6  
36:5  
**requesting**  
115:17  
**requests**  
31:18 33:2,  
11,24 34:12  
**require**  
15:20,23  
**required** 6:5  
15:15 35:9  
45:15 60:4,15  
62:9  
**requirements**  
60:16,19

62:10  
**reserve** 115:4  
**resign** 86:17,  
19 87:8,12  
88:1,5 96:13  
**resignation**  
60:16 62:9  
96:8  
**resigned**  
86:16 87:12  
**resolve** 60:10  
62:4  
**resolved** 75:7  
**respect** 41:17  
42:9 83:11  
**respond** 34:21  
64:7,8 65:24  
**responded**  
53:25 66:3  
78:20 79:19  
80:23  
**responding**  
19:19 21:19  
33:10 34:2,6  
**response**  
19:18 31:18,  
22 32:6,9,15  
33:23 34:3  
60:4 64:17  
75:25 80:3  
98:4 99:2  
103:14,17  
**responses**  
17:19 33:4  
34:12  
**responsibiliti  
es** 17:14 19:6  
34:16  
**responsibility**  
14:24 29:20  
59:22  
**responsive**  
105:7  
**rest** 98:8  
**result** 84:18  
**resulted**  
59:18

**retained** 56:7  
**retaliation**  
65:20  
**retaliatory**  
65:10  
**retired** 7:2,  
4,5,6  
**retract** 98:11  
**returned**  
74:16  
**review** 18:14,  
20 28:18  
30:10,21,24  
32:13,25  
33:24 34:11  
36:8,20,23  
37:25 38:20  
53:14 60:21  
61:6 62:11  
79:3,4,5,8  
**reviewed**  
30:25 33:3  
36:19 41:7  
56:6  
**reviewing**  
7:13 14:19,20  
18:8 28:22  
34:9 46:18  
49:17  
**revise** 42:4,  
24  
**revising**  
31:22 32:9  
**right** 4:2  
8:23 13:12  
20:24 38:1,16  
40:12 47:3  
48:16 49:25  
53:24 58:4  
81:1 84:4  
91:11 93:20  
100:18 101:23  
103:21 105:17  
106:17 112:8,  
10,16,24  
**Rios** 12:24  
**road** 25:5  
39:19 96:18

101:16 109:8  
111:4  
**role** 12:10  
15:12 18:13  
23:1 26:14  
93:7  
**Romero** 44:21,  
24 45:5 70:5  
**Romero's**  
45:6,8 73:10,  
12  
**roof** 41:14  
**room** 48:6  
110:11,13,20  
**Ross** 15:18  
**Rosy** 39:10,  
12,19  
**roughly** 12:22  
**row** 110:15  
**ruin** 76:5  
**rules** 4:25  
76:16  
**run** 28:8  
**rundown** 16:18  
**running** 26:15  
29:5  
**runs** 92:16  
**rush** 115:23  
**Ruth** 98:1

---

**S**

---

**Safe** 78:21  
**said** 11:9  
13:9 14:17  
18:13,17  
24:13 33:14  
35:18 40:12,  
23 53:3 55:21  
56:6 64:19,21  
67:21 70:9,15  
71:1 72:23  
73:20 74:9  
77:22 78:23,  
24 79:22  
80:1,10 81:12  
82:3,8,15,16

83:2,19 84:3  
85:2,10 86:7,  
10 89:5 90:22  
91:25 93:18,  
25 94:6,12  
95:5,7,9,11,  
14 96:7,16  
97:3,9,20  
99:11,12  
101:13 103:22  
106:17 107:3  
110:7,21  
111:3,15,19,  
22 112:17

**Saldamando**

13:6 70:5

**same** 6:12

11:14 12:22  
22:19,24 39:7  
48:24 70:10,  
15 87:9 88:9  
102:14 111:25  
112:1

**sanction** 9:24

**sanctions**

8:24 18:3  
19:24 20:2

**Saturday** 40:4

**saw** 30:16

33:1 36:24  
49:11 78:2  
82:1

**say** 5:16 6:8

10:5 11:25  
13:1,17 17:5,  
9,21 18:7  
19:17 21:1  
22:10 23:11,  
18 25:4,15  
27:4,5 28:12,  
15 32:22  
38:1,4,16  
39:16 41:14,  
18,25 42:3  
49:10 50:18,  
19 54:22  
55:20 56:14,  
17 59:6,9,23  
60:5 63:20

65:18 66:6  
67:12 69:1  
70:24 71:14  
72:15,25  
73:5,22,25  
74:17,18  
76:3,14 77:11  
80:5 81:24  
82:2 84:23  
85:19 87:7  
89:10 90:21  
91:7 93:23,24  
94:6,7,12,23  
95:3,7,8  
96:17,24  
97:15,25  
98:7,15 99:9,  
25 100:8  
102:5 104:3  
105:11  
108:16,17,18,  
19,21 110:10  
111:6,22  
112:4 113:11  
114:8,10

**saying** 21:8

40:17 50:3  
61:19 66:9  
76:11,21,25  
81:10 85:6  
90:3,19 93:17  
97:7,13,16  
98:20 99:5,  
14,20 106:9  
110:8,9,12,  
14,19,22  
113:3

**says** 31:21

39:9 42:18,24  
46:15 47:4  
50:7 52:17  
53:9 60:14,  
18,23 61:1

**schedule**

29:7,10

**school** 8:5,16

**scope** 23:1

86:20,24 87:4  
88:10,11

**Scot** 14:21  
15:4,6,10  
16:9,13 22:16  
25:2,23 26:12  
28:9 29:7,10  
39:12,17,18,  
22 43:19 50:8  
52:8,19 70:5,  
9 74:2 78:2  
86:8 89:6  
110:11,13,15  
114:13

**Scot's** 17:25

48:19 54:17

**Scott** 7:4

**scratch** 80:17

81:18 100:8  
101:15

**second** 32:3,  
22 54:7 64:23  
69:13 81:24  
82:2

**secure** 66:5,6

**Security** 5:2

35:20

**see** 18:21

31:2 33:5  
38:25 44:15  
51:17 55:16  
58:22 71:2  
74:13 75:9  
78:18,22  
79:10 85:21  
95:22

**seeing** 33:25

**seeking** 41:15

**seemed** 51:10

68:23

**seen** 42:10

69:15 70:11

**send** 7:14

35:11 42:10  
65:2 68:18,22  
73:10,18  
83:19 109:13

**sending** 65:1

**sensitive**

63:1 65:16

**sent** 28:21  
35:21 36:10,  
11 43:15 58:9  
62:1 83:13  
89:23

**September**

39:3,5,9  
40:2,18

**serious** 93:15

106:22

**seriously**

38:11 109:17

**served** 71:2

92:13 105:8

**server** 65:1

**Services** 6:24

**set** 8:18,23

10:14 11:1  
20:7 27:14  
37:10

**setting** 11:6

**settings**

10:16

**settlement**

16:4,21 75:9,  
15,25 84:17,  
22 107:10,15  
108:2

**settlements**

75:6

**seven** 12:1,6,

12

**several** 19:15

24:12 25:16  
65:10

**severe** 65:10

**Sharpie**

51:21,23

**she** 5:4 8:23

13:2,4 35:5,  
7,8,11 68:21  
69:10 70:4,8,  
14,16,22,24  
71:1,10,11,18  
72:23 73:18,  
19,20,25  
74:1,7,8,9,  
14,16 75:17,

22,24 76:1,25  
77:18,22,25  
78:2,7,10,23  
92:18,19  
106:16  
**she'd** 78:9  
**she's** 5:16  
76:11 97:4  
**sheet** 30:16,  
22,24 35:10  
39:4 46:3  
71:5 79:7  
95:12 96:4  
102:15 104:9,  
14,25 107:13  
**sheets** 28:18,  
20,21,22  
34:24 35:11  
36:6,8 67:23  
68:18 70:11  
71:23 73:19,  
21 74:20,22  
79:2 83:8,13  
84:13 87:16  
92:2,7 93:8  
95:15  
**Shepard** 8:6  
**shock** 39:1  
63:8  
**shocked** 63:7,  
8  
**short** 16:15  
108:1  
**shorthand**  
103:17  
**shot** 106:15  
**should** 9:11  
29:23 64:19  
66:3 71:1  
83:23 111:8  
**show** 44:25  
**shown** 69:15  
**side** 8:25  
9:23 15:19  
101:15  
**sign** 50:15,20  
51:5 53:3,7,  
19,20 54:11,

23 56:22,23  
57:3 58:3,8  
59:25 62:24  
63:10,17,24  
64:2,4 66:7  
**signed** 32:6  
33:1 66:11  
**signing** 53:1  
55:20 116:8  
**Silverman** 7:4  
**similar** 10:9  
53:16 75:18  
108:3  
**simply** 19:18  
76:6 91:24  
108:14  
**since** 10:3  
13:14,16  
56:10 89:15  
**sincerely**  
62:18  
**single** 26:20,  
23 27:25  
28:23 30:23  
37:12 42:10  
49:1,20 72:18  
102:17,23,24  
103:1 112:15  
**sit** 27:17  
**sitting** 5:15  
27:10,24  
95:17 102:7,9  
**situation**  
9:22 15:15  
22:19 71:24  
**situations**  
44:4 96:19  
**six** 33:2  
52:15 89:11  
**skip** 61:20  
**slash** 42:4,24  
**slept** 86:10  
**slippery**  
87:13 88:7  
**slope** 87:13  
88:7

**slowly** 13:1  
**smart** 77:22  
**so** 5:10 7:18  
11:19,24  
12:4,16 13:17  
14:4 15:9  
16:2 17:15,21  
18:4,11,23  
19:1,7,14  
20:7,25 21:12  
25:15 26:15  
27:4,6 28:13  
29:22 31:10  
32:21 33:3,22  
34:5,14 35:22  
36:5,15 39:2  
42:18,21  
43:14 44:11  
46:18 47:22  
48:9,17,21  
51:21 54:6,19  
55:19 56:22,  
23 57:3 59:9  
62:23 64:16  
65:25 66:3  
68:12 72:3,15  
74:24 76:21  
77:14 80:10,  
13,24 81:18  
82:16,22  
86:16 87:7,22  
88:7,23 90:2  
91:9 92:5  
94:18 95:22  
96:17,21  
99:20 102:1,  
16 106:24  
107:19 108:25  
111:25 112:16  
114:16,19,24  
116:1  
**So-and-so**  
28:12  
**some** 18:1  
19:14 20:8  
23:22 24:3  
41:2 43:21  
56:1 69:5,7  
75:5 77:2

85:17,19,21  
90:4,12 91:7  
106:22  
**someone** 26:4  
67:6 70:18  
92:16 95:10  
103:18  
**something**  
16:19 26:4  
27:23 32:2,25  
34:15,22  
37:4,5,8 38:4  
49:16 55:16  
67:5 69:8  
76:9,21 83:9,  
10 93:14  
95:21 96:10,  
17 99:3,21  
103:20 110:15  
112:7,19  
**sometimes**  
12:16 16:17  
103:4  
**somewhere**  
11:25  
**soon** 62:18  
**sooner** 115:22  
**sorry** 5:24  
9:11 14:14  
35:17 47:15  
49:23 54:13  
75:23 76:12  
82:3 92:25  
93:5 104:21  
108:19 114:15  
**sort** 43:21  
**sought** 41:13  
**sound** 91:11  
**sounded** 91:4  
**sounds** 24:15  
78:23  
**Southeastern**  
8:7  
**speak** 27:21  
28:9,11  
67:14,16,18  
68:2,3 78:10

**speaking** 5:18  
25:18  
**specific**  
26:10,17  
33:25 38:20  
55:22 90:19  
**specifically**  
38:25 98:14  
109:23 112:6  
**speculate**  
100:20  
**speculation**  
85:14,15  
**speed** 107:22  
**spend** 26:19,  
22 32:8 33:17  
34:6,16 49:25  
107:20  
**spending**  
48:22 50:5  
110:13  
**spent** 7:21  
13:20 31:21  
32:12 33:14,  
19 39:24  
49:19 51:4  
85:24 110:10,  
20  
**spiel** 108:1  
**split** 18:16  
**spoke** 42:20  
49:3 67:24  
75:5 82:18,22  
**spoken** 57:19  
**sports** 26:3  
**spot** 94:5  
**staff** 7:15  
**stance** 115:14  
**stand** 41:9,  
14,20 42:7  
47:1 91:16  
111:23 112:17  
**standard**  
41:14,17  
**stands** 6:23  
113:24

**start** 12:9  
16:3,4 30:1  
31:13 32:4  
61:21 79:15  
**started** 11:9,  
13,18,22  
12:4,5,10  
19:7 31:1  
68:13 93:16  
98:8  
**state** 4:13  
34:5 48:24  
84:21 88:15  
91:12 105:18  
109:23 114:2  
**stated** 35:11  
43:13 57:5,10  
64:3,4 70:4  
73:18,25  
74:8,13 75:17  
76:10 78:2,7  
82:20 89:16  
96:21 99:8,9  
106:12  
**statement**  
46:4,11 59:14  
72:7 76:14  
77:4,15 81:1  
85:6 90:19  
98:8 103:16  
113:15 115:7,  
17  
**statements**  
45:2,15,16  
46:9 56:25  
57:7 58:14,  
17,20 59:4  
72:5 106:9  
109:15 115:13  
**states** 45:13  
53:8 54:11  
60:9  
**stating** 11:4  
44:24 84:17  
**status** 36:24  
38:2 39:14  
40:13 41:21  
42:17,22 43:4  
49:11,17 50:4

**statutes**  
32:14 34:11,  
17  
**stay** 22:2  
**stayed** 70:13  
108:23  
**step** 14:8  
**stick** 37:1  
46:19 47:3  
**still** 9:3  
19:12 37:16  
95:24 105:25  
**stipulated**  
74:20  
**stood** 39:8  
41:8  
**stop** 18:2  
**stopped** 82:9  
**story** 26:5  
**straight**  
15:10  
**strange** 91:4  
**strategy**  
27:11  
**Strems** 5:5,11  
9:3,4,9,12,  
13,16 11:3,7,  
9 12:4,14  
13:23 14:1,5,  
12 15:4,6,10,  
20,23 16:23  
17:12 19:16  
20:1,3,6,10,  
19 21:10  
22:3,16,20,21  
23:9 24:6,8,  
13 39:13  
40:10,21,22  
42:5,10 43:7  
44:3,8,16  
45:14,17  
47:5,6,19  
50:8,16,23,24  
51:3 52:8,14  
53:6 56:7  
59:19 60:14,  
25 62:3,8,15  
63:3 64:5

65:9,23,25  
67:14,16 70:5  
71:17,18  
74:11 75:8  
85:21 89:6,  
12,15 109:6  
110:11,13,15  
114:14  
**Strems'** 15:12  
38:7 63:14  
**striking**  
59:19  
**stuck** 36:25  
37:19  
**stuff** 21:19  
26:6 79:1  
**Suarez** 7:5  
**subject** 62:3  
74:16 88:25  
**submission**  
54:12  
**submitted**  
36:21  
**subpoena**  
35:3,4,6,9,21  
36:2 67:21  
71:2 83:15  
92:13 104:24  
105:7 106:6,  
11,13 107:3  
**subpoenaed**  
68:19 84:11  
92:3  
**substance**  
68:4 95:20  
**successful**  
108:2  
**such** 68:24  
96:12  
**sudden** 68:23  
**suits** 56:9  
**summary**  
102:18 103:2  
**Sunday** 28:21  
34:25 36:9,  
12,13 67:24  
92:7 93:3,7



**support**  
50:15,20 51:5  
53:20 66:8  
**sure** 7:15,18  
12:13,18  
14:24 19:21  
51:17,25  
53:23 69:16  
81:9 83:21,24  
95:24 96:16  
98:18 104:13,  
23  
**surprised**  
43:11 78:3  
96:18  
**surrounding**  
96:20  
**swear** 4:3  
**sword** 67:11  
**swore** 114:18  
**sworn** 4:9 6:4  
112:7  
**system** 18:21  
21:14 46:2  
**systems** 44:8

**T**

**tactics** 66:10  
**take** 6:16,17,  
18 16:22  
23:22 26:10,  
17 38:2,9  
48:19 51:23,  
24 55:3 59:21  
62:23 73:4  
76:14 82:9  
85:5 109:15  
**taken** 24:12  
25:8 52:1  
68:16 84:12  
101:3  
**takes** 18:10  
**taking** 5:16  
11:23 12:10  
26:11 28:3  
29:16 68:13  
100:16 109:17

**talk** 26:2,6  
69:6 77:21  
91:6  
**talking** 20:22  
26:20,23 27:9  
42:21 57:15  
61:16 93:12  
107:9,20,25  
110:16  
**Tallahassee**  
114:9  
**task** 13:21  
15:1 114:17  
**team** 18:1  
42:22 43:23  
49:11  
**tecum** 30:10,  
13  
**tell** 6:5 8:20  
14:14 20:12  
28:12,17  
29:18 35:6  
38:8 46:22  
47:13 57:24  
58:9 59:10  
70:24 76:3,25  
77:19 78:4  
79:4,25 80:2,  
20,22 81:21  
82:11,14  
87:16 93:12,  
13,17,24,25  
94:4,8,9,20  
95:2 96:3  
97:22,25  
98:4,12 99:18  
103:13,19,25  
108:6 111:9,  
16  
**telling** 84:10  
91:20 94:1  
97:21 98:8  
107:16 108:16  
111:16 112:7  
**ten** 17:5,9  
28:16 115:21  
**term** 66:23

**testified**  
4:10 50:4  
95:5 108:5,  
20,23 110:22  
**testify** 5:22  
46:24 88:4  
108:22 110:5  
**testifying**  
31:6 76:23  
85:24 92:22  
112:9  
**testimony**  
4:3,24 6:2  
66:5,6 86:4,6  
89:4,7 90:5  
91:21,22,23  
93:12 102:16,  
20 103:19  
105:17 107:21  
108:11,17  
109:19,21,23  
111:14 112:8  
114:3,11  
**text** 78:13,14  
**than** 10:18,  
20,25 20:25  
21:1,25  
23:23,24  
24:5,6 26:15  
37:7 41:8,20  
76:9 77:19  
79:24 80:20  
88:19 93:13  
94:9,20 96:17  
98:4 101:7  
103:6 104:17  
109:12  
**thank** 44:23  
98:16 105:12,  
16 113:7  
**Thanks** 78:23  
**that** 5:8,9,  
21,23,25 6:1,  
6,7,12,19  
7:13,14,15,23  
8:20,24 9:7,  
9,11,15,17  
10:4,13,23  
11:12,24

13:7,8,10,19,  
20 15:14,15,  
18,19,22,24  
16:2,5,19,21,  
23 17:21,22,  
24 18:1,2,4,  
10,13,15,16,  
18 19:6,21,24  
20:7,13,15  
21:4,5,10,24  
22:1,7,9,10,  
22 23:6,7,10,  
23,25 24:14,  
15,21 25:1,8,  
10,12,16,19  
26:18 27:2  
28:3,6,7,22  
29:11,16  
30:16 31:3,  
18,24,25  
32:6,17,18,  
21,23,24,25  
33:6,12,14,  
17,19 34:3,5,  
10,14 35:8,  
10,21,23  
36:1,3,5,21,  
25 37:1,2,7,  
8,15 38:1,6,  
7,16,23 39:4,  
8,9,11,19,21,  
22 40:5,6,15,  
16 41:2,8,9,  
14,18,25  
42:3,7,21,24  
43:4,13,16,24  
45:22 46:6,  
11,16,17,21  
47:2,3,22  
48:25 49:15,  
16,18,22  
50:13 51:8  
52:13,21,23  
53:3,11,19  
54:1,10,22  
55:4,16,19,  
20,24 56:3,6,  
11,17,20,22,  
25 57:4,6,8,

11,13,24  
58:11,14,16,  
18,24 59:2,5,  
9,14,15,16,23  
60:5 62:23,25  
63:2,11,18,20  
64:10,11,17,  
22 65:6,12,  
18,19,20  
66:16,17,19,  
20 67:3,5,12  
68:14,16,20,  
21,23 69:2,9,  
10,17 70:12,  
16,19 71:6,8,  
15,25 72:2,3,  
4,7,9,10,12,  
15,16,23  
73:4,7,9,11,  
22 74:3,8,9,  
18,21,22  
75:4,17,20  
76:1,9,10,20,  
21,25 77:4,6,  
15,16,18,20  
78:4,6,25  
79:1,15,22,23  
80:1,5,8,24  
81:1,3,4,21  
82:13,18,20,  
22,23 83:14  
84:5,10,17,  
18,21,24 85:8  
86:7,10,12,  
13,18 87:3,5,  
6,14,17,22,25  
88:12,13,15,  
21,24 89:4,5,  
7,15,16,17,23  
90:2,5,14,17,  
18,21,23  
91:1,2,3,7,  
13,22 92:16,  
18,19,20  
93:1,3,5,16,  
22 94:16,19,  
23,24 95:13,  
14,21 96:4,6,  
7,20,21,23,24

97:8,15,18,  
19,20,21  
98:5,7,16,20  
99:5,7,8,9,  
10,14,19,23,  
24 100:1,2,4,  
10,21 101:3,  
12,15,21,24  
102:2,13,14,  
15,16,17,18,  
21 103:10,15,  
16,19,20  
104:3,6,9,13,  
17,23 105:1,  
6,7,8,18,22,  
23 106:5,9,  
10,12,14,16  
107:2,12,13,  
21 108:6,10,  
13,17,18,22  
109:8,14,15,  
19,23 110:12,  
15,19,21,22,  
24 111:4,7,  
11,12,23  
112:7,9,19  
113:3,10,18  
114:3,7,8,16  
115:3  
**that's** 6:9  
9:18,19 13:1  
17:6,7 18:11  
21:2,8 23:13  
25:13 27:8  
31:7 33:16,21  
34:22 37:4,5,  
11,18 39:7  
43:21 46:8  
50:7,14 52:25  
54:4 57:15  
61:24 63:13  
64:6,15 67:5  
68:10 69:8  
70:3,20 71:9,  
10,11 74:13  
76:12,13,19,  
24 78:16  
79:5,25 82:5  
83:9,21,25

84:20 85:23  
86:13 87:15  
88:6 91:16  
96:3,17 97:2  
101:21 102:20  
103:1 107:3  
111:3 113:3  
115:13,19  
116:4  
**their** 7:16  
18:6,19,20  
29:20 57:11  
58:22 59:1  
76:17 84:12  
100:5  
**them** 9:20  
10:4 14:20  
19:2 28:13  
34:1 43:18  
51:17 56:19  
57:9,10 58:24  
61:13,15,18  
67:6,12 73:1  
76:12 79:25  
80:14,15  
84:14 95:8  
108:14  
**then** 14:14  
16:6,9 25:24  
53:9 59:14  
60:14,23  
68:24 78:9  
82:10 84:13  
85:3,12 88:18  
99:11,14  
101:3  
**theory**  
107:10,14  
**there** 6:1,25  
7:8 9:7,21  
10:1,3,10  
11:3,6 12:15,  
17,20 13:23,  
24 15:14 16:8  
17:4 20:2,25  
21:24 23:9,21  
24:9,17,23  
25:25 27:10,  
21 28:14

29:17 31:13  
34:15 37:6,  
10,16,22,24,  
25 38:18,19  
39:9 41:2,7  
42:2 47:6,17  
48:6,7,21,25  
52:16 56:10,  
12 57:7 58:7,  
13,17 59:4,11  
66:14 71:6  
72:16,18 75:4  
78:22 79:24  
81:12 82:14,  
15 86:11  
87:5,17 90:19  
93:17,25  
95:14 96:19  
98:4,14  
103:13 110:10  
113:13,14  
**there's** 6:7  
28:23 39:5,10  
48:11 51:17  
56:10 71:22  
72:21 79:23  
111:9 113:25  
**thereabouts**  
64:17  
**thereupon** 4:1  
116:6  
**these** 13:2  
16:10 17:3  
26:16,21 27:4  
29:7 33:20  
34:24 35:1  
38:1,16,25  
40:13 41:7  
42:3,17 43:8,  
12,25 44:11  
45:19 46:14  
48:2,10  
49:10,17 50:4  
51:13,15  
52:6,12,13  
53:12 54:15,  
20 59:10  
61:8,10 65:3,  
16 66:10

67:10,12 71:7  
75:7 80:9  
82:19 83:3  
85:14 93:8  
109:19  
**they** 7:15  
15:25 18:6,8,  
9,23 19:3  
20:3,5 24:13  
25:17 26:4  
29:11,18,22,  
23 32:24  
36:10,11  
37:15,20  
38:21 40:17  
41:14 43:24  
44:20 46:1,15  
47:22 52:14,  
22 53:19  
54:10 56:11,  
22,23 57:2,6,  
10,11,21,23,  
24 58:3,22,  
23,24 63:10  
66:7,12,23,24  
67:2,3,8,10,  
11,12 73:8  
94:13 95:24  
110:7  
**they'd** 24:13  
26:1 27:20,21  
57:3  
**they're** 16:8  
25:5 57:15  
**thing** 31:1,7  
70:10,15 96:8  
112:1 113:11  
**things** 7:17  
17:25 28:9  
34:10 43:22  
47:3 65:21  
67:12 81:10  
86:13 87:21  
**think** 7:23  
11:22 13:9  
21:2,17 22:25  
31:1 32:1  
36:2 49:13  
55:18 57:5

60:4 67:6  
79:23 80:1,14  
85:8 87:3  
91:22 92:15  
96:2,11  
101:2,18  
107:19 111:25  
113:18 114:1  
**Third** 7:5  
65:7  
**thirty** 23:11,  
12 26:23  
27:11  
**this** 5:1,5,10  
16:10,16  
17:11 25:8  
26:9,19,22  
28:18 29:8,24  
30:22 33:7  
35:4,13,17  
36:13,21  
37:10,21,25  
38:12 39:13,  
15 41:13  
43:18,23,24  
44:21 45:3,5  
46:2,21 49:13  
51:1,3,4  
52:10,20,22  
53:6,17  
54:13,14  
55:22 56:23  
59:7,15,18  
60:6,9,10,15,  
18 61:16  
62:4,5,8,17,  
21,22 63:2  
64:16 65:20,  
23 66:23  
67:8,15 70:8  
71:24 73:15,  
24 75:1,10,  
13,23 76:3,  
14,15 77:2,8,  
14 78:13  
80:20 84:4  
85:7,17,18,  
19,20 88:18  
89:17 90:4,

12,15,18  
91:7,8 92:1,  
15 94:2,15  
96:18 97:23  
99:6 100:2,9,  
11,18 103:7  
104:11,14,16  
106:4,8,16,17  
108:25  
109:17,18  
112:15,19  
113:15,16,19,  
20,24,25  
114:10,13,21  
**those** 7:18  
10:1,25 19:3  
25:21 27:1,19  
28:9 29:1,3  
33:15,18 47:3  
48:14 50:11  
51:12 57:17  
65:21 66:18  
73:20 80:13,  
14 98:15  
103:7 105:21,  
22 110:1  
113:18  
**though** 21:6  
24:24 49:12  
61:1 63:23  
68:21  
**thought** 49:15  
64:2 80:10  
90:2 91:9  
102:10,13  
**threaten** 67:6  
76:18  
**threatened**  
63:14 65:12  
66:5,24 67:2,  
4 69:18 89:6  
**threatening**  
64:18,20  
87:19 106:21,  
24  
**three** 12:15,  
20 13:5 24:14  
54:5 64:24  
116:1

**threw** 80:15  
**through** 4:25  
18:21 28:8  
30:23,25  
39:2,3 50:25  
52:12 55:21  
61:14,17  
91:18  
**throw** 95:16  
96:8  
**thrown** 91:14,  
19 95:14  
**time** 6:16  
7:20,24 8:21  
11:12,19,22  
12:19 13:20  
14:2 18:11  
19:18,22,24  
21:9 22:17  
23:3,5,22  
26:11 27:12  
28:24 32:3,23  
33:9,14,18,19  
34:16 36:2,19  
37:11,12,14,  
20 39:22  
41:22 44:18  
46:2,4,5,6,8,  
10,15 47:13  
48:2,22 49:19  
50:1,5 54:20  
55:3 56:10  
57:20 59:7  
68:20 69:4  
70:13 81:12  
82:19 83:12  
85:24 104:11  
106:4 107:19,  
24 110:15,20  
113:8  
**timeframe**  
23:13 25:18  
**timely** 59:17  
**times** 25:16,  
24 64:24  
67:20 71:7  
81:3,7,8  
101:14

<b>timesheet</b> 31:8,11,14 38:1 50:7	10,11,23,25 34:6,9,12,15, 16,21 35:1,5, 6,7,9,24 36:10,11,25 37:1,9,10,12, 13,19,20,22 38:4,8,9,10, 11,12,13,14, 16,21,24 39:1,3,8,11, 13,15,23,25 40:23 41:8,9, 11,14,16,17, 20,25 42:1,7, 8,9,17,19 43:1,9,16,22 44:7,11,13,25 45:1,14,15,21 46:3,8,12,19, 20,22,24 47:1,8,24 48:2,18,25 49:2,10,12, 22,24 50:18, 19,20 51:4,5, 10,11,15,17, 23,24,25 52:19 53:3,7, 8,10,11,14, 16,19,23,24, 25 54:3,5,10, 12,13,14,22, 24 55:1,17,24 56:2,8,11,15, 16,17,18,22, 23 57:3,6,8, 9,13,19,21,24 58:3,5,8,22 59:1,6,9,10, 15,16,17,18, 19,21,23,25 60:3,4,5,7, 10,22 61:6, 10,14,20,21 62:2,4,13,16, 17,23 63:2, 10,12,17,19, 23 64:2,5,7,	14,16,17,22, 24 65:1,2,3, 5,11,13,15, 18,19,20,22, 24 66:1,3,4, 5,6,7,12,17, 21,25 67:1,5, 9,10,11,12, 22,24 68:8, 10,12,17,18, 21,22,23 69:4,5,10,14, 16,18 70:7, 18,24 71:2,5, 12,14,18,22, 25 72:1,4,8, 9,10,13,16,25 73:2,5,10,22 74:1,7,8,9, 13,16,17,22 75:5,12,19,25 76:2,3,4,5,6, 8,11,22 77:4, 7,14,16,17, 18,19,23 78:1,4,10,18, 25 79:3,4,8, 20,23,24 80:1,16,19, 20,22,23 81:8,10,24 82:1,2,9,10, 14,18,20 83:8,9,13,19, 22,23 84:1,4, 5,14 85:8,10, 20,21 86:10, 14,18 87:2,4, 7,8,11,12,14, 15,16,21,24, 25 88:4,5,12, 15,17,18,19, 20,23 89:10, 17,20,25 90:4,13,19,20 91:3,4,6,9, 11,12,20,21, 23,25 92:5,7, 10,21 93:3,7,	11,13,17,24, 25 94:3,9,12, 14,15,19,20 95:2,3,10,22 96:3,8,12,14, 16,18,21,23, 24 97:5,13,22 98:3,4,7,11, 14,19,20 99:4,5,15,18 100:8,9,20 101:3 102:1, 10,14 103:4, 7,13,19,22,25 104:13,23,24 105:7,11,22, 23 106:8,14, 18,25 107:1, 4,7,9,19,22 108:5,6,11, 16,17,18,21, 22 109:13,16, 20,23 110:5, 9,15 111:9, 10,16 112:3, 4,6,9,11,14, 16,19,22 113:9,21 114:3,4,5,7, 8,13,17,20, 21,24 115:12 <b>today</b> 4:17,21 5:22 6:2 27:7 30:8 51:9 71:3 79:3,4 86:25 87:5,15 89:7 90:5 91:1,22 93:16 94:19 95:17 102:8,10,16, 20 105:8,17 113:8,22 <b>today's</b> 68:4 69:22 <b>together</b> 39:25 <b>told</b> 22:14,15 25:15 35:14, 19 37:13
---	---	--	--

58:3,8 64:18	<b>transcript</b>	<b>truthfully</b>	<b>undergrad</b> 8:8
70:4,7,22	73:11,13	88:4	<b>understand</b>
71:5,10,11	80:16,24,25	<b>try</b> 35:1	6:6,8 13:22
72:8,12 74:4,	100:9 101:3,	<b>trying</b> 49:10	21:15 25:7
6,7,17 76:1	4,10 113:9	54:13 83:9	31:18 33:22
77:1,25 78:9	114:16,19,22	96:8 103:19	34:13 42:2
80:19,22 81:4	115:18	<b>Tuesday</b> 60:6	56:25 60:5
82:10 84:5	<b>transition</b>	62:1 69:5	76:17 88:8
86:9,11,14	11:19	<b>turn</b> 63:4	89:2 95:20
94:3 95:4	<b>transitioning</b>	<b>tweaks</b> 19:14	113:13
96:3,6,10,14,	12:25 13:4	<b>twenty</b> 23:11,	<b>understood</b>
22 97:9 98:13	<b>transmit</b>	12 27:22	5:14 6:13
99:19 103:22,	114:19	<b>twice</b> 39:11	17:13 31:3
23,25 108:6	<b>trash</b> 91:15,	<b>two</b> 9:20,23	46:21 84:23
109:24	18 95:24	10:25 29:22	85:23
112:15,19,22	<b>traveling</b>	32:3,19	<b>unenviable</b>
113:1,23	39:15 40:6,23	33:15,18	113:19 114:17
<b>too</b> 37:11	<b>travels</b> 78:22	36:19 39:10	<b>unequivocal</b>
77:19 83:18	<b>trial</b> 15:22	46:12 48:11	98:5
110:14,20	16:3,10,14,	49:18 54:6	<b>unequivocally</b>
115:23	16,22	63:1 65:16	80:19 96:3
<b>took</b> 17:13	<b>trials</b> 15:25	66:18 68:19	97:22,25
19:14 39:12	<b>trier</b> 76:4	78:12,24	108:6 111:16
40:1 41:3	112:3	81:7,8 83:8,	<b>unfortunate</b>
55:24 68:9,10	<b>trip</b> 39:19	17 92:17	60:11 62:5
80:8,9 81:18	<b>trips</b> 41:3	101:14	<b>unfortunately</b>
83:19 84:3	<b>trouble</b> 18:22	<b>type</b> 16:21	41:25 44:20
101:15,24	77:6 81:4,13	26:9,16,19,22	109:4
102:3,25	82:4,6	27:8 29:7	<b>unique</b>
103:16 104:12	<b>true</b> 57:1,2	44:4 46:2	107:10,14
105:7 106:18	67:13 71:8,9	66:10 106:9,	<b>University</b>
109:2	76:15 79:22	16	8:7,9
<b>top</b> 52:10	83:21,25	<b>typed</b> 102:11,	<b>unless</b> 87:2
<b>topics</b> 49:4	<b>truly</b> 62:19	17 103:2	99:3,21
<b>Torre</b> 13:6	<b>truth</b> 4:4,5	<b>types</b> 28:9	<b>unnecessarily</b>
56:18 57:13	6:5 38:9	<b>typically</b>	106:10
58:23	46:22 76:3	26:7	<b>unprofessional</b>
<b>total</b> 39:12	79:25 80:2,		76:19
41:8,13	20,22 82:11,	<b>U</b>	<b>until</b> 12:10
<b>towards</b> 20:4	25 87:16	<b>unaware</b> 87:21	22:2,4 36:8
<b>track</b> 14:2,22	93:13,18,24	<b>uncomfortable</b>	54:17 67:24
18:12	94:1,4,9,21	73:24	<b>untrue</b> 57:4
<b>transcribe</b>	96:3,17 97:22	<b>under</b> 6:4	<b>unusual</b> 25:1
102:1	98:4,12	19:10 44:25	34:15 37:2
<b>transcribed</b>	103:14 104:1	96:8 106:11	<b>up</b> 12:12 16:4
95:21	108:6 111:17	111:15 112:7	17:16 19:3,15
<b>transcribing</b>	113:23	113:22 114:12	20:7 25:7
80:10			26:4 27:5,11

34:17,18  
38:16 49:13  
68:10 69:5  
71:4,5,14  
72:8 74:7  
81:11 82:7  
92:10 96:7,  
15,23 98:16  
99:7 102:11  
107:12,22  
109:24 110:3,  
4 111:16,17,  
19,23,25  
112:1,7,19,22

**upcoming**

15:25 35:3

**upon** 19:15

**upset** 87:22,  
24

**upstairs**

51:23

**us** 5:17 18:22

41:4,5 56:15  
105:14

**use** 21:13

53:23

**used** 18:17

111:19

**using** 91:2

**usually** 5:17

16:3 17:3

26:12 27:20

**V**

**vacation** 24:2

**Vanderbilt**

40:1

**vein** 11:14

**verbally**

78:11

**verify** 56:11

**version** 61:7

102:11

**versus** 21:16,

19 35:20 40:1

107:21

**very** 14:22

18:24 21:2

32:23 38:4,10

57:19 62:19

63:1 64:21

80:17,18

85:24 87:13,

17 89:4 91:4

92:25 93:15

96:18 103:16

106:22 109:17

113:7

**victories**

75:18

**violated**

59:24 65:9

**violation**

65:2

**voluminous**

19:12

**W**

**W-2** 77:9

**waiting** 21:18

**waive** 106:25

113:10 115:5

**waived** 116:9

**waiving** 61:8

**Walk** 30:25

50:25 52:12

**want** 6:9,16

7:14 10:17

11:25 13:9

16:13 20:7

22:10 23:11

25:20 31:5

38:4 41:11

46:8 51:23,

24,25 53:23

59:6 61:14,

19,21 64:13

69:18 72:4

74:7 77:17

83:4 85:14

86:9 87:14

88:15,18,23

92:5 93:11

94:14,15 95:3

96:18,23

104:23 106:24

107:4 110:5,9

111:10,17

112:6 114:21

115:18,22,24

**wanted** 16:22

21:7 25:13,24

28:10,11 31:2

33:5 38:24

39:1 54:10,22

56:17 59:21

67:11,12

69:16 78:18

81:8 94:12

96:16

**wants** 26:4

85:21 111:4

**warranted**

16:20

**was** 4:9 6:14

8:21,24 9:10,

17,18,21,23,

24 10:10,13,

14,20,22,23,

24 11:3,6,12,

16,18,19,23,

25 12:13,17,

24 13:2,4,7,

8,10,14,19,

20,23 14:8,9,

24 15:12,14,

18,24 16:8,

19,23 17:4,

11,15,25

18:1,2,4,24

19:2,6,12

21:3,6,10,24

22:4,7,19,24

23:3,10,20

24:8,9,16,21

25:2,10,14,

22,24,25

26:7,9,12,19,

22 27:10,21,

23 28:3,7,8,

14 29:5,15,20

30:5,18 31:2,

3,9 32:23,24,

25 33:1,2,5,9

35:6,7,8,14,

18,19,21,23

37:2,3,10,13,

15,22,24,25

38:19,24

39:1,2,9,18

40:3,22,23

41:1,7,17

42:19 43:7,

15,23 44:1

45:10 46:6,13

47:6,13,18,

19,21 48:3,4,

6,7,14,18,19

49:14,15

50:5,19,22,24

51:7,13 52:1,

3,15,23

53:11,16,18,

23 54:1,7,20

55:7,21,24,25

56:1,3,6,12

57:4 59:15,23

60:6 62:21,22

63:1,2,5,7,8,

11,13,14,18

64:3,4,21,22

65:1,16

66:14,15,17,

18,19,20 67:8

68:16,18,19,

20,21,23,25

69:1,3,12,17,

22,23,25

70:4,7 71:5,

15,18 72:15,

24 73:20

74:3,4,17

75:4,12,17

77:9,22 78:2,

14,25 79:1,7

80:3,6,11,12,

17 81:1,7,8,

12,15,17

82:8,18,20,22

83:1,14,17,18

84:2,21,24

85:8 86:7,11,  
13,18 87:12,  
25 88:5 89:4,  
7,11,17,18,24  
90:4,19 91:2,  
9,24 92:3,15  
96:6,14,19  
97:2 98:5,7  
99:8,10,13,  
18,19 100:16,  
17 101:5  
102:1,10,14  
105:8,9,11  
106:9 107:8  
108:20 111:11  
112:4 114:6  
115:10,15  
116:6  
**wasn't** 9:9  
11:19 23:21  
43:12 48:17  
56:10 58:8  
70:22 76:15  
80:3 82:14  
89:24  
**way** 9:7 10:1  
15:3 19:18,19  
21:13 26:18  
35:24 38:12  
55:24 56:3,11  
60:6 68:5  
76:24 85:20,  
23 91:2 93:2  
102:13 104:6  
107:2 108:22  
109:13  
**ways** 65:10  
**we** 5:2,6,16,  
17,18 6:9,20  
16:3,19,21  
18:8,16  
19:13,14,16,  
18,19,21  
20:14 21:6,7,  
8,10,11,12  
23:11 28:13  
30:8 32:3  
33:21 34:1  
37:16 39:15,

16 40:7 41:3  
44:19 49:3,4,  
15 51:22 52:6  
54:11 55:19  
58:8,13 59:2  
61:2,5 63:24  
68:3 69:17  
71:5,14 72:8  
76:22 77:2  
79:15 82:11,  
18,22 84:16,  
23 85:17,19  
88:25 90:3,  
11,20,23  
91:1,7 93:11  
97:21 100:18  
101:2,3  
105:1,21  
106:5,13  
107:20 109:12  
110:16 111:3  
**we'd** 16:18  
49:16  
**we'll** 6:17  
30:3 55:4  
79:15 85:6  
105:4 115:23  
**we're** 6:13  
49:24 61:16  
71:3 76:23  
87:15 104:23  
106:14 116:1  
**we've** 90:17  
**wear** 7:18  
**week** 23:18  
24:2,14 25:16  
60:25 62:15  
**weeks** 23:20  
**weight** 22:25  
**weird** 65:15  
**well** 7:18  
12:9 15:24  
17:23 20:2,3  
21:10 31:1  
41:6 52:18  
54:7 58:8  
59:6 60:16,19  
62:10 69:3,21

82:15,16 84:1  
88:3 94:5  
95:21 96:6  
97:7,21 99:2  
100:6 102:7  
111:8 113:4  
**well-versed**  
32:20  
**went** 8:6,9  
68:13  
**were** 8:24  
10:14,16  
11:3,21 12:6,  
15,20 13:2,5,  
24 14:1,25  
15:6 16:1  
17:3 18:8,9,  
22,24 19:1,  
13,19,21,24  
20:2,5,14,18,  
19,23,25  
21:1,6,23  
22:17,20  
23:6,8,9,15,  
18,21,23,24  
24:1,5,17,23,  
24 25:20  
26:4,15,21  
27:19 29:11,  
16 31:8 32:24  
33:6 34:24  
35:9,14,19  
36:10,11,21  
37:7,14,15,16  
38:18,21,25  
39:15 40:5,  
14,21,23  
41:15 43:24  
45:19 46:16  
47:6,11,17  
48:9,13,21,25  
49:15,19  
50:4,16,18,  
20,23 51:5,11  
53:3 55:23  
56:16,22,23,  
25 57:2,8  
58:25 59:9,11  
63:10,23 64:2

66:7 67:12  
69:17 71:6  
72:8,12,16,  
18,24 75:7  
77:4 80:10  
81:4,10,16,  
18,22 82:11  
84:5,16 85:1,  
2,4 86:18  
87:5,7 88:4  
91:10 93:11  
94:1 95:4  
96:12,19  
107:16,24  
109:19 110:1,  
16 116:8  
**weren't** 20:3  
21:8 24:2  
28:4 40:13,18  
46:1 110:7  
**what** 4:15  
6:13,25 7:9,  
20 8:16 9:17  
11:12,18 12:8  
13:12,17,22  
14:8,10 15:12  
17:8,17,21  
18:14,18,21,  
22,24 19:13,  
17 21:4,15  
22:7,23 24:16  
25:2,12,13,  
15,20 26:2  
30:14 31:2,5,  
6,13,16 33:1,  
5 34:2 35:6,  
14 36:20,23  
38:10,25 39:8  
40:2 41:12,24  
43:21 44:19  
45:22 46:8,23  
47:13 49:10,  
14,15 50:7,  
18,25 51:11  
52:12 54:6,22  
55:19 56:5  
58:9,20  
60:18,22  
61:1,7 62:13

64:4 68:7  
69:1,12,14,  
15,19 70:1,  
14,19,24  
71:10,11  
74:21,23  
76:11,25  
77:12,18  
78:14,25  
82:16,19,23,  
25 83:2 85:5,  
12 87:15 88:7  
90:16,22  
91:4,10,15,  
24,25 92:23  
93:8 94:12,14  
95:4 96:14,24  
97:2,9,22  
99:6,12 101:4  
102:11,24  
103:23 104:19  
105:11 106:8  
107:18  
108:10,20  
109:4,14  
112:4,17  
113:1,24  
114:8 115:5  
**what's** 16:11  
72:14 74:22  
95:25 111:7,  
13 115:8  
**whatever**  
14:21 28:14  
37:15 55:6,15  
69:17 83:18  
89:18 109:1  
110:9 111:17  
**when** 9:12,18  
10:10,14  
11:13,18,19,  
20,21 12:4,5,  
13,24 16:3  
17:21 18:2,  
13,17 19:7,17  
20:21 22:9,24  
25:2,4,15  
26:12 27:4,5  
28:15 34:24

35:13,17,23  
36:11 37:20  
39:16,22  
41:7,14 45:15  
49:4,11 65:18  
66:6 67:21  
68:18 69:1  
71:14 76:3,23  
77:11 78:24  
79:22 82:1,  
18,22 83:2,8,  
9,14,15  
84:13,16,23  
85:19 86:11  
92:2 93:11  
95:2 96:15  
98:3 99:7  
108:20 110:16  
114:18  
**where** 6:22  
8:5,8 9:15,19  
16:25 18:9  
22:19 24:23  
26:9,16,19,22  
27:10 48:3,15  
49:13 51:3  
53:6 59:2  
65:24 71:24  
80:13,19  
81:12 82:11,  
15 94:5,13  
95:17 96:3  
102:7,21,25  
103:12,25  
**whether** 41:17  
87:7 88:4  
**which** 6:23  
9:22 16:24  
17:25 23:21  
36:20 40:1,9  
41:3 48:19  
52:20 53:8,24  
54:3,4 58:25  
60:4 63:5  
64:6,18 73:19  
79:2 86:9  
87:21 95:5  
101:14 107:2  
109:24 113:19

114:17  
**while** 11:3  
13:24 14:5  
20:18,19  
21:23 23:8,10  
24:17 37:3  
38:18,19 47:6  
50:16,23,24  
51:13 52:15  
55:4 81:18  
89:11  
**who** 17:19  
22:12,14,15  
35:9 39:16  
43:18 57:15  
63:14 64:22  
70:4 84:11  
85:1 92:16  
**who's** 7:3  
54:16  
**whoever** 42:20  
**whole** 4:4  
**why** 13:1  
18:11 33:21  
37:1,6,18  
38:23 42:2,7  
47:22 51:2  
53:22 56:22  
57:3 60:2,5  
64:6 66:23,24  
67:5 72:12  
74:6,24 75:23  
77:6 83:6  
85:13 87:22  
88:24 96:15,  
17,22 97:5,11  
99:6 103:12,  
14 106:18  
109:25 110:5  
111:3,6,17  
112:23  
**will** 16:5  
41:18 60:25  
61:9 62:15  
66:1 77:1,24  
78:4 79:9  
83:19 85:14  
88:23,24  
105:18,20,22,

23 111:4,5,6  
114:10 115:4  
**with** 4:17  
7:2,3,4,5,6,  
21 8:21 9:4,  
9,10,18 11:9  
12:4,14,24  
14:20,21  
15:12 16:6,  
17,23 18:6,23  
21:12 22:25  
24:19 25:6,23  
26:13 27:11,  
14,17,24  
28:10,13,24  
30:8 32:4,23  
33:25 34:5,  
16,24 35:8  
39:10,19  
40:5,21,22,24  
41:1,4,5,16  
42:9,20 43:16  
46:5,9,11,16,  
17 48:24 50:8  
51:2,8 55:11  
56:14 57:8,10  
58:18 59:5,15  
60:25 62:16  
64:5 65:21  
66:1 67:14,  
16,18 68:11  
69:15,16,22  
72:19 74:2  
75:16 76:18  
78:12,24  
79:15 83:11  
84:8,9 86:8,  
23 88:12,21  
91:1 92:7,13,  
17,21 93:17  
95:22 96:9  
100:17 104:21  
105:6 106:9,  
19 109:6  
110:11,13,15,  
20  
**withdraw**  
89:25



<b>within</b> 10:14 18:9 46:4,9	102:21 103:8 108:14 110:1 111:19	24 43:7,10, 11,15,21 44:3,4 46:3, 11,16,17 48:10,18,21 59:2 61:12 62:18 63:3 65:19 67:5 68:8 70:22 71:5,14 72:8, 10,15 73:18 76:14 80:18 82:13 83:11 85:3 89:5 90:14,18 91:1 92:20 93:5 94:19 95:22 96:11 100:4, 10 101:4,14 102:13 103:19,20 104:14,17 109:15,17,18 111:12 114:15	35:4 69:4 <b>yes</b> 4:20 8:14,19,21 9:17 10:19 12:7,24 13:8, 10,13,19 14:19 15:5,8, 11 17:2,15 19:6,25 20:2, 9,21 22:4,18 24:11,15,18, 20 25:4,13,19 29:14 30:9, 14,24 31:20 33:13,25 35:11 36:3,7, 14,16,22 38:15 40:3,7 41:23 42:23 44:10,12 45:7,25 46:13,17,25 47:18 48:4 50:22 51:7 52:11 53:2,8, 13 54:21 56:3 57:9 58:12,19 60:1 61:3,23 64:1 67:19 68:3,6,12 69:23 75:5 77:5 78:7 79:6 80:5,23 81:6,23 82:1 84:21 89:9 97:6 98:22 100:25 101:1, 13 102:19 104:5 107:12 109:3 110:2 112:23 113:6 115:11,20,25 116:3
<b>without</b> 24:24 25:5 29:13,17 61:8 100:5	<b>work</b> 6:22,23 7:1,3,4,5,6 9:3,12,15 10:6,7,9 13:18,19 14:21 17:19 18:10 26:25 32:23 38:6,7 69:8 87:3 99:3,21 110:23		
<b>witness</b> 4:6,8 42:2,9 43:2, 10 45:22 47:9,25 49:3, 24 51:17,20, 24 55:9 61:6, 14,17,21 62:1 63:13 67:2 69:13 72:14 84:1 86:3,6, 23 87:24 88:11 89:9, 20,23 90:7 91:6 92:23 93:20 94:11, 23 96:6 97:25 98:7,24 100:13,20 101:9,18 102:5 104:3 105:3,20,25 106:8 107:24 108:13 109:8 111:22 112:3, 14,22,25 113:11,14 114:23 115:1, 4,10,12,16, 20,22 116:3	<b>worked</b> 7:25 9:13 10:10,12 43:24 52:21 54:18 59:3		
<b>witnessed</b> 29:8 106:17	<b>working</b> 7:21 10:10 13:2 16:6 47:11,17 51:13 52:15, 18 55:25 56:10 89:12	<b>wouldn't</b> 32:21 34:14 47:11,22 103:18	
<b>won</b> 27:7	<b>works</b> 54:17 77:25	<b>write</b> 60:9 62:3 80:16 107:17	
<b>wondering</b> 37:20	<b>would</b> 5:23,25 6:1 7:23 10:1,17 12:15,16 13:17 14:21 15:9,14,18, 20,22 16:2,6, 12,13,17 17:5,8,9 18:5,6,7,19, 21 20:15 23:18 24:24 25:1,2,9,17, 23 26:2,10, 16,19,22 27:6 28:3,5,6,9, 14,15 29:7,9, 17,18 31:4,5 32:17,25 33:23 34:3, 19,22 35:10 37:4,5,8 39:18,21,23,	<b>writing</b> 11:6 34:2	
<b>word</b> 55:10,11 102:17,23,24 103:1,9		<b>written</b> 11:4, 5 16:12 59:9 78:7 102:11, 14	
<b>worded</b> 55:24 56:3		<b>wrong</b> 35:19 45:3 59:9 114:5	
<b>wording</b> 60:15 62:9		<b>wrote</b> 60:11 62:6 91:11,13 92:19	
<b>words</b> 53:24 95:3 98:15		<b>year</b> 8:16 12:6 19:10	<b>yet</b> 70:11 84:18 91:19 <b>you</b> 4:3,17, 19,21,23 5:1, 8,10,12,21 6:4,7,9,11,

12,13,14,16,  
17,20,22 7:9,  
20,25 8:2,5,  
8,10,12,16,20  
9:1,3,4,7,12,  
15,19 10:1,  
17,18,20  
11:3,9,18,21  
12:2,4,5,6  
13:12,17,22,  
24,25 14:1,4,  
15,17 15:4,6,  
9 16:10,12,  
13,15,16,20,  
25 17:21,22,  
23 18:9,13,  
15,17 19:4,7,  
9,17,24 20:1,  
5,7,12,13,18,  
19 21:1,15,23  
22:2,5,12,13,  
15,17,19,20,  
23 23:5,6,7,  
8,15,18,23,24  
24:1,2,5,10,  
16,17,19,24  
25:12,20  
26:2,5,9,19,  
22,25 27:4,5,  
14,15,24  
28:3,4,6,12,  
15,17,20,22  
29:3,10,17,18  
30:8,10,12,  
16,21,25  
31:8,10,21,  
24,25 32:6,8,  
12,18 33:3,6,  
9,12,14,17  
34:3,5,10,20,  
24 35:1,10,  
13,14,17,19,  
23,24 36:1,2,  
3,5,8,11,19,  
23 37:1,4,6,  
8,13,16,25  
38:18,20,23  
39:8,16,18,22  
40:2,5,14,17,

18,21,23,24  
41:1,7,8,10,  
11,14,20 42:7  
43:7 44:7,11,  
13,15,18,22,  
23,25 45:6,  
18,22 46:11,  
16,19,22,23,  
24 47:1,6,11,  
13,17,19,22  
48:3,10,13,  
17,21,24  
49:11,13,18  
50:3,15,16,  
18,20,23  
51:5,8,11,12,  
20,22,23  
52:6,19,20,  
24,25 53:3,7,  
11,14,19  
54:3,19,22  
55:4,5,15,20,  
23 56:14,20,  
22 57:3,8,17,  
21,24 58:3,9,  
14,18 59:1,5,  
11,25 60:5,  
11,12,24  
61:14,20,21  
62:6,14,17,23  
63:10,11,23,  
24 64:2,8,13,  
18,19,23  
65:3,11 66:2,  
3,6,7,12,23,  
24 67:5,6,14,  
18 68:2,4,7,  
10,24 69:1,3,  
4,15,19 70:1,  
11,12,14,25  
71:10,14,16  
72:8,9,12,21  
73:4,7,9,12  
74:1,11,21,24  
75:9,12,15,18  
76:8,18,19,25  
77:4,6,11,15,  
19,21,23  
78:1,8,17,19,

22,24 79:2,4,  
5,9,12,17,20,  
22 80:5,6,8,  
10,18,19,22  
81:3,4,9,10,  
11,12,16,18,  
19,21,22,24  
82:1,3,4,6,  
10,11,13,14,  
16,18,19,20,  
23,25 83:2,4,  
5,7,8,12,14,  
16,17,19,21,  
23,24 84:3,4,  
5,6,8,9,10,  
14,16,17,21,  
23,24 85:1,2,  
3,4,5,7,8,10,  
14,15,19,24,  
25 86:16,18,  
22 87:2,3,7,  
11,14,19,20,  
21,22,25  
88:3,4,15,18,  
23,24 89:5,6,  
14,18,22  
90:2,5,13,14,  
16,18,19,20,  
21,22,23  
91:1,2,4,9,  
10,13,14,15,  
20,22,23,25  
92:1,2,3,7,9,  
10,12,13,25  
93:1,2,3,4,6,  
12,14,17,24  
94:1,2,3,5,8,  
12,14,15,16,  
19,20 95:2,3,  
4,5,7,8,9,10,  
13,17,21  
96:1,3,6,7,  
10,12,15,16,  
18,21,22,23  
97:4,5,7,9,  
13,14,15,16,  
17,20,21,25  
98:3,8,11,13,  
14,16,20

99:2,5,8,9,  
11,13,14,17,  
18,19,20,22,  
25 100:3,4,6,  
8,10,15,17,23  
101:2,12,15,  
22,24 102:2,  
7,16,21,24,25  
103:2,4,6,9,  
10,12,14,17,  
18,22,23,24,  
25 104:3,7,  
17,20,21  
105:1,5,7,12,  
14,16,18,21,  
22,23 106:2,  
15,21,24  
107:1,2,3,4,  
5,9,12,16,17,  
18,19,20,22,  
24 108:1,2,6,  
11,13,16,17,  
18,21,22  
109:1,11,13,  
15,16,18,20,  
22,24 110:5,  
6,7,8,9,10,  
12,14,16,19,  
21,22 111:6,  
8,9,10,12,15,  
16,17,18,19,  
22,25 112:6,  
7,11,19,22  
113:1,5,7,9,  
12 114:21  
115:5,6,18,24  
**you'd** 18:14  
49:7,12  
**you're** 4:3  
21:18,19,20  
25:18 27:10  
40:17 42:21  
60:5 63:20  
76:8 81:10  
83:9 85:13,16  
87:7,13 92:25  
93:15 94:18  
96:8 97:13  
98:13 99:4,

14,24 101:21  
103:18,24  
107:1 108:16,  
21 109:8  
110:24 112:8  
113:4 114:24  
115:8  
**you've** 5:4  
13:14 40:12  
51:16 69:15  
87:17 95:13  
108:5  
**your** 4:2,13,  
15,17 5:6,11,  
12,15,22 6:1,  
25 7:20 8:18  
9:17 10:14  
11:1,4,6,12,  
18 14:2 17:11  
21:23 24:19,  
23 30:1  
31:10,13,19  
32:3 33:9,24  
35:8,12 36:19  
38:1,15 40:12  
41:21 44:18  
46:12 48:3  
52:18 54:11  
55:3 60:13  
62:7,17,21  
64:19 65:5  
66:23 68:11,  
14 71:15  
73:25 74:1,  
11,25 79:19  
80:24 81:1  
83:3,24 85:25  
86:18 87:14  
88:5,21 89:2,  
4,7,22 90:5  
91:16,22,24  
92:19,23,24  
93:12 95:19,  
22,25 97:7  
100:2 102:16,  
20 103:10,21  
104:19,21  
105:17,23  
107:13,20

108:10,25  
109:1,19  
111:13,14,15  
112:4,8 113:8  
114:24  
**yours** 62:19  
101:7  
**yourself** 52:8  
87:2

**Z**

**Zelinger** 4:12  
5:1 30:1,7,  
15,20 42:6,12  
43:3 44:6  
45:8,12,24  
47:10 48:1  
49:6 50:2  
51:15,19,22  
52:2,5 55:4,  
13 58:6 61:5,  
23 62:20  
63:16,22 67:7  
71:13 72:6,17  
73:3 79:8  
83:23 86:2,4,  
20 87:9,23  
88:9 89:8,20  
90:6 92:22  
93:19 94:10,  
22 96:5 97:24  
98:6,23  
100:12,19  
101:8,17  
102:4 104:2,  
21 105:1,4,  
11,16,21  
106:2 107:23  
108:8,12  
109:7 111:14,  
21 112:2,13,  
21 113:5,7,12  
114:21,24  
115:11,15,18,  
23 116:1,4