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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

KEITH RANIERE, )  
)  
Plaintiff, )  
)  
v. ) No. 3:15-cv-00540-M  
)  
MICROSOFT CORPORATION, )  
)  
Defendant. )

----- )  
KEITH RANIERE, )  
)  
Plaintiff, )  
)  
v. ) No. 3:15-cv-02298-M  
)  
AT&T CORP., )  
)  
Defendant. )

TRANSCRIPT OF HEARING ON MOTIONS TO DISMISS  
BEFORE THE HONORABLE BARBARA M. G. LYNN,  
UNITED STATES DISTRICT JUDGE  
TUESDAY, MARCH 1, 2016  
DALLAS, TEXAS

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P R O C E E D I N G S

(March 1, 2016)

(Court opening.)

THE COURT: All right. We're here on the defendant's motions to dismiss. So I will hear from the defendants in whatever order y'all prefer.

MR. LEWIS: Good morning, Your Honor. Douglas Lewis for both defendants, but specifically representing Microsoft Corporation.

So this case should be dismissed because there is no evidence that plaintiff owns the patents-in-suit at all, even if you account for plaintiff's declarations, which are otherwise inconsistent with the written record. There's no written evidence at all of any share transfers to Mr. Raniere, which would be necessary for him to have transferred the patents from GTI to himself.

The bylaws of GTI require that share transfers be in writing and on the books of the corporation and the person on the books is deemed to be the owner. That's not Mr. Raniere; it's three other people.

Really this just ends the analysis and maybe I should sit down. Raniere doesn't own the patents-in-suit, but I'm going to go through a few arguments that they've made nonetheless.

First of all, Mr. Raniere --

1 THE COURT: Well, let's do it this way. If  
2 everything else you're going to say is responsive to what  
3 Mr. Ranieri's argument is, I'll let Mr. Ranieri make his  
4 argument and then I'll let you --

5 MR. LEWIS: I think that makes a lot of sense,  
6 Your Honor.

7 THE COURT: Because if I don't, then we'll spend  
8 a lot of time with Mr. Ranieri's counsel trying to reframe  
9 what you've already said, and that is just going to waste  
10 time. So I've heard you, and I'll hear from Mr. Ranieri  
11 after I hear from all defense counsel who are speaking.

12 I'm going to wait to -- are you speaking for  
13 both?

14 MR. LEWIS: That was the plan, Your Honor, in  
15 order to save your time.

16 THE COURT: Okay. That's fine.

17 I'll hear from you, Mr. Crockett, and I will  
18 have a lot of questions for you, but I'll let you make your  
19 argument to start.

20 MR. CROCKETT: Thank you, Your Honor.  
21 Appreciate being heard today. Robert Crockett for  
22 Mr. Ranieri.

23 I'd like to, if I might, focus on new material  
24 that's raised in the reply, statements made in the reply  
25 that I deserve or merit a response.

1           The one thing we've highlighted in our brief,  
2 Your Honor, is our concern with inadequate process. And I  
3 want to just revisit the timeline here a little bit.

4           The Court had a Rule 16 conference on September  
5 the 28th in which the issue of stay was both -- I'm  
6 sorry -- standing was first raised and. Then 30 days  
7 later, in October, the Court issues a stay of all  
8 proceedings.

9           Within that 30-day period, perhaps my client  
10 could have deposed Danzig and Delaney to get buttressing  
11 testimony. But since that time, Mr. Ranieri has not been  
12 able to undertake any discovery of any sort to buttress his  
13 claim. And when you look at the brief, it's basically  
14 Mr. Ranieri's testimony is -- is unrebutted. He's got --  
15 he's got a declaration saying, "This is my assignment, I  
16 had the authority to do it." They chose not to depose any  
17 witness. They chose not to depose Ranieri. So the  
18 testimony is completely unrebutted.

19           But instead what they've done is they've  
20 taken --

21           THE COURT: Well, just a minute. Are you  
22 telling me that you have unrebutted testimony that  
23 evidences a written transfer to Mr. Ranieri?

24           MR. CROCKETT: Yes, Your Honor.

25           THE COURT: What is it?

1 MR. CROCKETT: The testimony is Mr. Ranieri's  
2 explanation that he controlled GTI at the time that the  
3 assignment was executed on December 26th, 2014, that he had  
4 the power to do so, that he had 100 percent of the shares  
5 of --

6 THE COURT: Maybe I'll ask my question again,  
7 because either I didn't ask it well or you didn't  
8 understand it.

9 Is there any evidence in the record of a  
10 transfer of shares to Mr. Ranieri?

11 MR. CROCKETT: Yes, Your Honor.

12 THE COURT: What evidence?

13 MR. CROCKETT: Mr. Ranieri testified that  
14 Natalie, Toni Natalie transferred her shares to him, number  
15 one. Number two, the Rubens documents show that  
16 Mr. Ranieri had a controlling interest in Global  
17 Technology, even before it was formed, days before it was  
18 formed. On February 4th, 1995, Danzig, Delaney and Natalie  
19 executed a shareholders' agreement by which they would  
20 agree to the transfer to Keith Ranieri of all of Natalie's  
21 shares in GTI. She later confirmed that she had 75 percent  
22 interest in GTI.

23 That agreement -- that February 4th agreement  
24 was countersigned by Keith Ranieri. It makes no sense to  
25 have Keith Ranieri approving a shareholders' agreement to

1 transfer him 75 percent of the shares if he didn't have  
2 some say-so in the operations of the corporation.

3 THE COURT: Well, do you not recognize that the  
4 operative documents say that a transfer from her to him has  
5 to be in writing?

6 MR. CROCKETT: Pardon me? The operative  
7 documents say that they have to be in writing?

8 THE COURT: Yes, a transfer of shares in the  
9 company to him has to be in writing.

10 MR. CROCKETT: That's correct, Your Honor.  
11 However, we have demonstrated under Washington law,  
12 transfers don't have to be in writing. And that  
13 agreement -- the inter-shareholder agreements requiring  
14 that they be in writing is a convenience and an  
15 understanding between the shareholders.

16 It's not a point that can be raised by third  
17 parties, Microsoft and AT&T. Those agreements are -- they  
18 lack standing to challenge that kind of understanding and  
19 relationship. And as we all know, in every state, Texas  
20 and in Washington, even though you have an agreement that  
21 says your future relationships will be in writing, that can  
22 be overcome if there's an executed oral agreement. And  
23 that's what happened in this case.

24 Raniere -- she told him she transferred him the  
25 shares. She had a written authorization to do so from the



1 corporation permitting her to do so without any further  
2 corporate activity. So in my view, that writing existed  
3 February 4th, 1995. She bore and had the writing  
4 authorizing her to transfer those shares.

5 THE COURT: And then 20 years later, Mr. Ranieri  
6 transfers the -- assigns the patent rights to himself.

7 MR. CROCKETT: That's correct.

8 THE COURT: And doesn't have -- I mean, I think  
9 you're conceding -- if you're not, correct me -- that there  
10 wasn't a writing. Or are you saying the writing can't be  
11 located?

12 MR. CROCKETT: Your Honor, I can tell you  
13 something that's not in the record on that point.

14 THE COURT: Okay.

15 MR. CROCKETT: Mr. Ranieri is here to testify.  
16 He's here to authenticate the Rubens documents that  
17 Mr. Rubens wouldn't authenticate because he couldn't recall  
18 all of the signatures, but Mr. Ranieri is here to do that.

19 But Mr. Ranieri is of the view and he recalls  
20 that there was a written transfer between Natalie and  
21 himself, but he doesn't have possession of the document  
22 because he needs a subpoena to obtain that document. And  
23 the most likely person to have the document was Mr. Danzig,  
24 who resides in Spokane. Mr. Danzig was the former -- the  
25 incorporator of the entity. Mr. Danzig's lawyer,

1 Mr. Rubens, incorporated the entity. Mr. Danzig has all  
2 the corporate records. But Mr. Ranieri has been prevented,  
3 since -- since October of last year to use any third-party  
4 discovery. But it's my position, Your Honor, that that  
5 written transfer is not --

6 THE COURT: Of course that's not correct. It's  
7 not correct for any number of reasons, but I'll just take  
8 one. It isn't correct that he wasn't permitted to do any  
9 discovery. You wanted to get the Rubens documents, and I  
10 let you get the Rubens documents.

11 MR. CROCKETT: True.

12 THE COURT: So it's not true that he hasn't done  
13 anything or been permitted to do anything.

14 Now, you and I, I think, have said what I think  
15 we have to say in papers about this alleged unfairness to  
16 your client. That argument is not going to carry any  
17 weight with me. I've heard it; I've considered it; I  
18 reject it unequivocally. If the circuit disagrees with me,  
19 then the circuit disagrees with me. Your client has had  
20 plenty of opportunities and court orders with which he has  
21 not complied.

22 So I'll consider the fact that you want to put  
23 your client on the stand today. I'll consider whether to  
24 do that. But other than that, you've made your point  
25 pretty clear in documents filed in the case, and I don't

1 think I need to spend my time having you repeat those for  
2 the record, unless you think you're being deprived of an  
3 appellate record.

4 MR. CROCKETT: Well, Your Honor, just one point.  
5 My client has not failed to comply with any order. The  
6 only order that issued from this Court came from the  
7 Rule 16 Conference, and he produced everything he had.

8 And in his interrogatory responses, he said, "I  
9 need to get more, and I have more to get. I just don't  
10 have it."

11 And the documents that he produced to this Court  
12 by way of a letter were documents that were previously  
13 produced to Microsoft and AT&T in this case.

14 THE COURT: Well, as you pointed out at the very  
15 beginning of your argument, there was nothing that kept  
16 Mr. Raniere from doing whatever he wanted to do to get the  
17 documents that would establish standing the first month. I  
18 gave him time to do that. I have yet to hear any  
19 reasonable explanation in my view for why he didn't do  
20 that. You seem to be arguing that in December of 2014,  
21 Mr. Raniere remembered that he had the authority to do what  
22 he did, because there was a transfer.

23 And yet in September -- from September to  
24 October of 2015, he seems not to have remembered that,  
25 because he could have furnished to the Court evidence of

1 that and he didn't.

2 MR. CROCKETT: Well, if I might respond to that,  
3 Your Honor. Again, the -- under Washington law, a written  
4 transfer document is beyond the standing of AT&T and  
5 Microsoft to complain about. And number two, Mr. Ranieri's  
6 testimony is unrebutted that Natalie transferred the  
7 documents that told him that she had transferred the shares  
8 to him. That testimony is unrebutted. And, furthermore,  
9 the Rubens documents show that the parties were intending  
10 that that transfer occur and authorized Natalie to transfer  
11 that.

12 THE COURT: Well, the issue is if she did  
13 transfer them. This isn't about whether she intended to  
14 transfer them. The issue is whether she did transfer them.

15 MR. CROCKETT: And Mr. Ranieri said that she  
16 did, and the testimony is unrebutted. There's no testimony  
17 contravening that.

18 Now, if I might point out, Your Honor, that  
19 under patent law, if we are talking about an assignment,  
20 I'd be in trouble. I mean, you can't have verbal promises  
21 to assign patents. You can't have promises to assign  
22 patents in the future. You just can't. That's patent law.

23 But here we're deal with Washington corporate  
24 law. And I've cited authority to the Court which says that  
25 transfers don't have to be in writing, they don't have to

1 documented on the corporate books, they don't have to be  
2 represented by certificates. They can be attested to by  
3 testimony.

4           And what makes our testimony -- Mr. Ranieri's  
5 testimony even more compelling is that we have documentary  
6 support for it. So unlike assignment law, which requires a  
7 written assignment of the patent, we have more than enough  
8 information. And I would submit to Your Honor that -- just  
9 a couple of points about the cited authorities by the  
10 defendants, the defendants say in their brief -- first of  
11 all, they cite us. They cite us for saying the only  
12 document needed by a patent assignee to fight back a  
13 standing challenge is a valid assignment executed before  
14 the lawsuit. The reply says this argument is contrary to  
15 well-established patent law.

16           So their brief contends that they have the right  
17 to collaterally attack the manner in which corporate  
18 authority has been exercised to execute an assignment.  
19 They say it's well established by patent law. They cite a  
20 number of cases. Not a single one of them is on point,  
21 Your Honor. Every single one of the cases that they cite  
22 deal with the face of the assignment. There's no  
23 collateral attack.

24           They cite Primatech, which was a Fed Circuit  
25 case from 2000, which was decided on the face of the

1 assignment. The Court held that according to the face of  
2 the assignment, the licensee was not a 100 percent owner  
3 due to qualifying language in the assignment. They cite  
4 *Abraxis Bioscience, Federal Circuit, 2010*. That was  
5 decided on the face of the assignment. The Court held that  
6 because of the asset purchase agreement, which was the  
7 purported assignment, is a promise to assign the relevant  
8 patents, "Under our promise-to-assign cases, a subsequent  
9 written agreement is necessary to consummate the  
10 assignment."

11 So -- and I could go on and on. They've  
12 miscited, misrepresented the holding of important cases.  
13 They spent a lot of time on *Advanced Video*, a case out of  
14 the Southern District of New York, 2015. But like the  
15 *Carson* case, which we discuss in our brief, they've misused  
16 that case. That case does not involve -- it does not  
17 involve a collateral attack on the way corporations do  
18 things. In that case, the wrong assignor assigned the  
19 patent.

20 So, Your Honor, what I'm trying to tell the  
21 Court here is that -- is that if there were a case  
22 permitting a collateral attack on the way a corporation  
23 transferred shares to bring about the authority to execute  
24 an assignment, they would have cited one. They haven't.  
25 And of the cases they cite, every one of them, except

1 Advanced, the courts decided the transfer issue on the face  
2 of the assignment.

3           So what I'm trying to tell the Court, again, is  
4 that even though the corporate documents require transfers  
5 to be in writing, we have a writing, the February 4th  
6 agreement authorizing the transfer.

7           Do we have the actual -- an actual writing  
8 documenting the transfer after the fact or  
9 contemporaneously to the fact? No, we don't, and it isn't  
10 require under Washington law. So I would submit, Your  
11 Honor, that we have way more than enough standing in this  
12 case.

13           THE COURT: It's like being pregnant. You  
14 either have it or you don't have it. It's not way more  
15 standing.

16           MR. CROCKETT: A little hyperbole here and  
17 there. I apologize.

18           But we have enough standing to proceed in this  
19 case. This case is unlike any other case that's -- that  
20 cited in the defense briefs. There's no particular case  
21 that even remotely approaches this decision. We've got --  
22 we've got declarations that are not inconsistent from Mr.  
23 Ranieri. The moving papers and the reply papers repeatedly  
24 say that Mr. Ranieri's declarations are completely  
25 inconsistent. But that's not the case, Your Honor.

1 Mr. Raniere has only filed one declaration in this case.  
2 It's not inconsistent with any other declaration he's ever  
3 filed, because he's not filed any other declarations, with  
4 one exception and that was in 2003 in New York, he filed a  
5 declaration. And in that declaration he said that he had a  
6 controlling interest of the corporation.

7 So that is not inconsistent with the declaration  
8 he filed here. He's not been inconsistent. So I -- I  
9 would urge the Court not -- and I use this phrase in my  
10 brief, and I did so as respectfully as I could. But I  
11 encourage the Court not to accept the invitation to make an  
12 error here. And there's just too much in the record -- we  
13 have a valid assignment right on its face.

14 And I would submit, Your Honor, that I have  
15 Mr. Raniere here ready to --

16 THE COURT: All right. Let me ask a couple of  
17 questions.

18 Is there an objection to the Court considering  
19 the Rubens documents without further authentication?

20 MR. LEWIS: No, Your Honor.

21 THE COURT: Okay. Do the defendants object to  
22 Mr. Raniere testifying? And if so, on what basis?

23 MR. LEWIS: May I have a moment, Your Honor?

24 (Pause in proceedings.)

25 MR. LEWIS: Your Honor, after conferring with my



1 colleagues, we do object. We object for a couple of  
2 reasons. First of all, plaintiff sought to introduce  
3 declaration testimony from Mr. Ranieri. That was in a  
4 motion to reconsider which was denied. We now have a  
5 motion to -- a standing motion to reconsider the motion to  
6 reconsider. So for that reason, we would object.

7 THE COURT: Well, an affidavit or declaration is  
8 quite different from live testimony, and the main  
9 difference is you get to cross-examine him.

10 MR. LEWIS: That's correct, Your Honor.

11 THE COURT: So it's not the same issue; it's a  
12 different issue. And so in light of that, I'm asking if  
13 you object or you don't.

14 MR. LEWIS: We do.

15 THE COURT: Okay. Any additional objections?

16 MR. LEWIS: The additional one is that he's had  
17 his chance all along. We did not take his deposition  
18 because of the state of the record at the time, and it  
19 was -- it is his burden on standing to put forward a case.  
20 He hadn't. We made that decision at the time. What  
21 they're asking now is to put him on, have him put forward  
22 perhaps another version of why he thinks he owns GTI and  
23 the patents and leave us cross-examination on, you know, no  
24 preparation, which would be fundamentally unfair to the  
25 defendants.

1 THE COURT: That just sounds like the most fun a  
2 person could have.

3 MR. LEWIS: We have different views of fun.

4 THE COURT: Fun: Cross-examination of a witness  
5 without preparation.

6 I'm going to let you do it. Have at it.

7 MR. CROCKETT: Thank you, Your Honor. I call --  
8 I request that Mr. Ranieri come forward.

9 And may I approach Mr. Ranieri --

10 THE COURT: Stand in front of the court  
11 reporter, please. Raise your right hand. State your full  
12 name.

13 THE WITNESS: Keith Alan Ranieri.

14 (Witness sworn.)

15 THE COURT: Do you understand you're under oath,  
16 subject to the penalties of perjury?

17 THE WITNESS: Yes.

18 MR. CROCKETT: Your Honor, I have some documents  
19 that I'll be using with this witness, basically the Rubens  
20 documents that I'd like to hand to the clerk, two copies,  
21 and to counsel.

22 THE COURT: You may, but the documents are  
23 deemed authenticated, so I wouldn't spend any time on that  
24 because there's no objection to that.

25 As a matter of fact, if you want to offer those,

1 go ahead and offer them.

2 MR. CROCKETT: I offer the following documents,  
3 Your Honor. I offer the Rubens documents, which are in the  
4 defendants' appendix at Pages A55 through 59. That's the  
5 February 4th agreement between shareholders of Global  
6 Technologies, Inc. I offer the document that's dated  
7 February 18th, 1995, the stock purchase agreement that's in  
8 the defendant's appendix at A42 to 54.

9 THE COURT: Okay. If you intend to appeal, if  
10 you are not successful today, I'm sure I will get a love  
11 note from either the Fifth Circuit or the Federal Circuit  
12 about letting documents come in that require an appellate  
13 court to look through the appendix of the other party.

14 MR. CROCKETT: I have them right here then.

15 THE COURT: Okay. So just put an exhibit  
16 sticker or -- the court reporter doesn't -- we don't do it  
17 that way here. You have to put the stickers on. You can  
18 just write it by hand for now and during the break you can  
19 put a sticker on it.

20 MR. CROCKETT: That's for you-all. I'll do it  
21 with one of my copies.

22 So I've handed the Court document entitled  
23 "Plaintiff's Duplicate Exhibits to be offered during  
24 Ranieri's Examination March 1, 2016."

25 THE COURT: See, you were very optimistic. You

1 already had this prepared, assuming I was going to grant  
2 your request to examine him.

3 MR. CROCKETT: I can only -- it's the only thing  
4 left in me, Your Honor.

5 THE COURT: Okay. All right. So you're  
6 offering presumably Exhibits 1 through 7 --

7 MR. CROCKETT: That's right.

8 THE COURT: -- in the sequence that they are on  
9 the index at the front. Any objection?

10 MR. LEWIS: No, Your Honor.

11 THE COURT: Plaintiff's 1 through 7 are  
12 admitted.

13 MR. CROCKETT: I also offer, which I don't  
14 presently have copies of, the certified copies from the  
15 Washington state that are in the record. But they are in  
16 the record at Raniere's Second Supplemental Appendix at  
17 Opposition to Motion to Dismiss. And that document is --

18 THE COURT: That document is Document 146 in the  
19 court record.

20 MR. CROCKETT: And those documents are marked as  
21 Exhibit 24 through 25, 26 and 27. And I offer those.

22 THE COURT: Any objection to those?

23 MR. LEWIS: No, Your Honor.

24 THE COURT: Okay.

25 MR. LEWIS: I don't want to speak for AT&T,

1 but --

2 THE COURT: Okay. Admitted.

3 MR. CROCKETT: May I proceed?

4 THE COURT: Yes.

5 KEITH ALAN RANIERE,

6 Having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. CROCKETT:

9 Q Mr. Raniere, do you have the documents I placed in  
10 front of you?

11 A Yes.

12 Q The first document I'd like you to take a look at --

13 THE COURT: Can I take just a moment? I can't  
14 see Mr. Raniere. I was supposed to have this all fixed for  
15 me, but --

16 (Pause in proceedings.)

17 THE COURT: Okay. Got it. Thank you.

18 Q (By Mr. Crockett) The first document I'd like you to  
19 take a look at is the document that starts at Raniere Exam  
20 4, if you look at the bottom.

21 A Okay. Yes.

22 Q And you'll note that the document is dated  
23 February 4th, 1995?

24 A Yes.

25 Q Does it bear --

1 THE COURT: I'm sorry. What document are you  
2 referring to?

3 MR. CROCKETT: The first document in the index,  
4 Exhibit 1 -- Exhibit 1.

5 THE COURT: I thought you said 4. I may have  
6 misunderstood you.

7 Q (By Mr. Crockett) So I'm referring you to Exhibit 1.  
8 And do you see that there are four signatures on the  
9 document?

10 A Yes.

11 Q And you -- do you know who Mr. Delaney and Mr. Danzig  
12 and Toni Natalie are?

13 A Yes. Five signatures total, including mine, yes.

14 Q Yes. And so could you tell me who Delaney, Danzig  
15 and Natalie are, briefly?

16 A Steve Danzig was a business advisor of mine. He  
17 became president of one of my corporations because of his  
18 experience, and he handled most of the business matters.

19 Q Delaney?

20 A Yes. Thomas Delaney was head of my computer  
21 department in that same corporation, and he was someone who  
22 I also brought on the team to help develop this idea.

23 Q And Natalie?

24 A Toni Natalie was my then girlfriend/partner, also  
25 involved in one of the other businesses for a skin care

1 line.

2 Q And can you --

3 THE COURT: I'm sorry. What was the name of the  
4 company you just said? I couldn't hear you. What was the  
5 name of the company that you said she was involved in?

6 THE WITNESS: She was involved in something  
7 called Awaken Skin Care, which was part of a group of  
8 companies called Consumers Buyline.

9 Q (By Mr. Crockett) Mr. Raniere, can you tell me why  
10 your signature appears on Exhibit 1?

11 A Because it was my property. The idea was mine, and  
12 Steve Danzig and the group was instructed to protect me so  
13 that I could have full rights to the idea.

14 Q Well, can you explain to me why you're not -- you  
15 don't appear as a shareholder on this shareholder  
16 agreement?

17 A Well, because of the controversy, the media exposure  
18 at the time, the attorneys I had felt it would not be wise  
19 to have my name associated with a new idea that was  
20 being -- attempted to being rolled out. So it was my idea.

21 Q And can you just briefly -- very briefly summarize  
22 what this new idea was?

23 A The origin of it?

24 Q Just the idea itself. What was the process that  
25 you-all came up with that you used to put into --

1 A It was a method of teleconferencing. At the time you  
2 had -- when you signed on to someone else's computer, you  
3 had the modems and they would talk to each other, but you  
4 couldn't get on the line or do anything. You were very  
5 limited. So we decided to come up with a way that people  
6 could teleconference and be at the computer at the same  
7 time and do a number of functions that way.

8 Q And could you tell the Court very briefly your  
9 educational background.

10 A I have degrees in mathematics, physics and biology.

11 Q From what institution?

12 A Rensselaer Polytechnic Institute.

13 Q And Mr. Ranieri, did you have some sort of  
14 arrangement or agreement with Ms. Natalie about the role  
15 that she would play in -- in holding shares of Global  
16 Technologies, Inc.?

17 A Yes. She held them in trust for me.

18 Q What does that mean?

19 A That at any time they were mine. I believe there's  
20 actually -- I believe there are actually two agreements  
21 that represent that.

22 Q And did Ms. Natalie ever transfer her shares to you?

23 A Yes.

24 Q Can you explain how that came about and how that  
25 happened?



1 THE COURT: Just a second. Before you pass  
2 that, what agreements are you saying that evidence that she  
3 was holding the shares in trust for you?

4 THE WITNESS: Your Honor, there -- when we  
5 originally signed the documents, I was to be protected. I  
6 believe --

7 THE COURT: Just answer my question. What  
8 documents were you referring to when you said that she held  
9 the shares in trust for you?

10 THE WITNESS: I believe --

11 THE COURT: What documents?

12 THE WITNESS: The documents signed when we  
13 signed these other documents that Rubens produced. And I  
14 also believe that a bankruptcy document represents that,  
15 too.

16 THE COURT: Okay. So when you say "these  
17 documents," you're referring to the stock purchase  
18 agreement, in your view, demonstrates that she's holding  
19 the shares in trust for you?

20 THE WITNESS: I'm sorry, Your Honor. None of  
21 the documents that are here represents that.

22 THE COURT: Okay. Well, where are these other  
23 documents that you think represent --

24 THE WITNESS: I think one might be held by  
25 Mr. Danzig, or it might have been destroyed in a flood with

1 Mr. Delaney. The other document has to do with a  
2 bankruptcy that Toni Natalie declared years later as to  
3 what her property was and what interest she had in the  
4 property. And there was a settlement in that where she  
5 directly stated all interests of any corporations -- and  
6 there were several -- were all mine.

7 THE COURT: Okay. And is that document before  
8 the Court?

9 THE WITNESS: I'm sorry, Your Honor. No.

10 MR. CROCKETT: The Natalie documents, Your  
11 Honor, we offered them as a matter of proof, but they're  
12 not in the record.

13 THE COURT: Well, are you saying that there is a  
14 document from the bankruptcy court that says that  
15 Ms. Natalie was holding the shares in trust for  
16 Mr. Ranieri?

17 MR. CROCKETT: No, Your Honor.

18 THE COURT: Okay. Well, that's what he just  
19 said. So that's what I'm asking.

20 THE WITNESS: That's not what I meant to say.  
21 I'm sorry.

22 THE COURT: Well, let me try again. Listen to  
23 my question.

24 What documents do you claim evidence that  
25 Ms. Natalie was holding shares in trust for you?

1 THE WITNESS: Okay. Not in -- in the record or  
2 not in the record?

3 THE COURT: Wherever they might be.

4 THE WITNESS: First, I believe at the time we  
5 signed the Rubens documents, there was an additional side  
6 agreement signed that stated she held the documents in  
7 trust. I'm not sure where that is.

8 The second is the bankruptcy that Toni Natalie  
9 declared, I think it was in 2000. There was a settlement  
10 where she agreed that she transferred any interest in any  
11 corporations that she ever had with respect to me, to me,  
12 which would include that. But I don't think it was -- I  
13 think Cross Point Communications might have been named, but  
14 certainly not Global Technologies.

15 THE COURT: Okay. Go ahead.

16 Q (By Mr. Crockett) Mr. Ranieri, can you also look at  
17 the document, which is Exhibit 2 in the stack, which begins  
18 Ranieri Exam 10.

19 A Yes.

20 Q Now, this document also apparently bears your  
21 signature.

22 THE COURT: I'm sorry. What are you --

23 MR. CROCKETT: Exhibit 2.

24 THE COURT: Speak up a little bit, because I  
25 thought you said 10.

1 MR. CROCKETT: It was Page 10 in the stack.

2 THE COURT: Okay.

3 MR. CROCKETT: It's the Stock Purchase Agreement  
4 dated February 10th, 1995.

5 Q (By Mr. Crockett) Mr. Raniere, in the Stock Purchase  
6 Agreement, your name also -- your signature also appears on  
7 the document, correct?

8 A Yes.

9 Q And tell me why your signature appears on Exhibit 2?

10 A Then let me just make sure.

11 Okay. Yes. Because it was my property and I was  
12 supposed to have complete control over anything that  
13 happened with it, including profits from the corporation,  
14 how the property was used.

15 Q Let me ask you to examine Page 5 of this Exhibit 2  
16 where it speaks about the purchase price.

17 A 9 -- Clause 9.

18 Q Clause 9, that's correct. And you'll note that  
19 there's a reference to you obtaining profits and that  
20 profits were to be computed after you obtained profit  
21 distributions or payments in the name -- in the nature of  
22 profits from the corporation.

23 THE COURT: Okay. I'm sorry. I'm lost. Where  
24 are you now?

25 MR. CROCKETT: In the document that the bottom

1 says Raniere Exam-14, 014.

2 THE COURT: Okay.

3 MR. LEWIS: Your Honor, I object as well to that  
4 question, because he just misstated what this agreement  
5 says. If he wants to lay foundation and have the witness  
6 confirm that that's what the agreement says, fine, if he  
7 wants to read it. But that was not an accurate  
8 representation of --

9 THE COURT: That sounds like an objection to  
10 leading the witness. Sustained.

11 MR. CROCKETT: All right. Has the Court found  
12 the pages that I'm referring to?

13 THE COURT: Yes.

14 Q (By Mr. Crockett) Mr. Raniere, can you explain to me  
15 why there's a reference in here to net profits being  
16 calculated after monies are paid to the  
17 shareholders/employees and to Keith Raniere?

18 A Because I had control over corporation, and it was to  
19 ensure that any sort of dealings with the profits or monies  
20 would also be not only acknowledging that control but that  
21 I would have a call on that.

22 Q The -- let me turn you to Exhibit 3 in the stack,  
23 which begins at Raniere Exam Page 24. The document is  
24 entitled Agreement Confirming Stock Ownership, and it's  
25 dated March 17th, 1995.

1 Do you have that?

2 A Raniere 24, agreement to -- yes. I don't see a date.

3 Oh, okay. Yes.

4 Q And would you agree with me that the signatures of  
5 Toni Natalie, yourself, Danzig, Delaney, and a couple of  
6 spouses -- I'm sorry -- spouses are not on this one. But  
7 would you agree with me that the persons whose names I  
8 mentioned are on the documents?

9 A Yes. Tom Delaney, Saul -- I can't pronounce his last  
10 name well.

11 Q And is the same reason your name appears on this  
12 document is the reason you gave me before for the prior two  
13 documents?

14 A Yes. I had to approve everything that was of major  
15 concern.

16 Q Now, let me ask you to turn to Exhibit 5 in the  
17 stack.

18 A Where does that start?

19 Q That begins at page -- Raniere 35 -- 36. I'm sorry.

20 And this document is entitled Unanimous Consent  
21 Resolution of Shareholders of Global Technologies, Inc.  
22 dated December 26, 2014. Do you see that?

23 A Yes.

24 Q And do you know who prepared this document?

25 A It's my understanding, my attorneys with Steve

1 Danzig's attorneys and Steve Danzig created this.

2 Q And the document, at the time -- it says, "Whereas at  
3 all times prior to dissolution, upon dissolution, or at all  
4 times subsequent to dissolution, I was the sole shareholder  
5 of all of the stock in the company."

6 Do you see that?

7 A Uh-huh.

8 THE COURT: Say yes or no, please.

9 THE WITNESS: Yes.

10 Q (By Mr. Crockett) At the time this document was  
11 executed, were you the sole shareholder of Global  
12 Technologies, Inc.?

13 A Apparently I was not.

14 Q Well, look at the --

15 A Yes. I was the sole shareholder as far as at that  
16 point in time, but previous to that, I thought I was the  
17 sole shareholder relating to this document, but I was not.

18 Q And can you explain to me why thought on  
19 December 14th that you were -- that you had been the sole  
20 shareholder and you were not?

21 A Because this document was prepared by -- in part by  
22 Steve Danzig and his attorney. He handled all of the  
23 corporate going-ons. And it was -- I assumed that the  
24 stocks had not been officially transferred. That had never  
25 actually come to fruition. And because he prepared this

1 document and he directed all of the work with respect to  
2 the corporation and how that was handled, I made the  
3 assumption that this was true.

4 Q Well, how did you obtain the shares of Danzig and  
5 Delaney?

6 A Well, with respect to Toni Natalie --

7 Q Let's talk about Danzig and Delaney.

8 A Well, when Tom Delaney left working with us, he was a  
9 bit disappointed. And what he said essentially was that  
10 not only did he not want to be involved in any efforts, he  
11 didn't want anything to do with it, and all --

12 MR. LEWIS: Hearsay, Your Honor.

13 THE COURT: I'm going to hear it with your  
14 objection reserved.

15 MR. CROCKETT: Your Honor, just as matter of --

16 THE COURT: After the -- when you testimony --  
17 you can make an objection as to hearsay, anything that you  
18 think is hearsay, and I will rule on those as a group at  
19 the end of the examination.

20 MR. CROCKETT: And I cite to the Court, Your  
21 Honor, United States versus Continental Casualty, 414 F 2d  
22 431, Fifth Circuit, 1969, which holds that recollections of  
23 corporate transfers and -- recollections of exchanges  
24 between persons are not necessarily hearsay.

25 THE COURT: Well, that -- the Court does not



1 find that statement very helpful, since there are about 50  
2 exceptions to the hearsay rule. So if you're putting me on  
3 notice of something, I don't know what it was.

4 MR. CROCKETT: It's an -- he's testifying as to  
5 an action that came about by reason of the language. In  
6 other words, it's a verbal act that occurs; it's an  
7 exception to the hearsay rule --

8 THE COURT: Yes.

9 MR. CROCKETT: -- not offered for the truth of  
10 the matter asserted.

11 THE COURT: Well, I think it is offered for the  
12 truth of the matter, which is apparently about to be that  
13 Mr. Delaney and Mr. Danzig transferred the stock, or  
14 intended to or wanted to wash their hands of it or  
15 something.

16 MR. CROCKETT: Your Honor, it would be no  
17 different --

18 THE COURT: But at the moment, I've let you  
19 develop the testimony, so go ahead. But if you're giving  
20 me a citation and just it's a hearsay rule, but there are a  
21 lot of exceptions to it, I'm not finding that terribly  
22 helpful.

23 Q (By Mr. Crockett) All right.

24 A He transferred all interest to all property, to all  
25 stock, and didn't even want any liability of what might

1 come about in the corporation. He divested himself.

2 Q And what about Mr. Danzig?

3 A Mr. Danzig, the same thing, but Mr. Danzig and I  
4 maintained a friendship over the years. Because the  
5 pursuit of this became a bit more abundant; it didn't bear  
6 any fruit.

7 Q Can you explain how Ms. Natalie transferred her  
8 shares to you?

9 A First of all, we signed this document. There was a  
10 moment when I first signed the one document where she -- I  
11 believe -- it was my recollection that she made a joke  
12 that, "Ha-ha, now I have it all," and now there was the  
13 next document that was signed -- was signed where she  
14 transferred it back. And, indeed, I had control and  
15 ownership of those shares throughout the process. And in  
16 the end, when we separated, she clearly wanted nothing to  
17 do with it and transferred everything to me.

18 THE COURT: Hold on. I don't understand what  
19 you just said.

20 Are you saying that she actually signed a  
21 written document transferring her shares to you?

22 THE WITNESS: I believe so, Your Honor. I don't  
23 have that document.

24 THE COURT: Well, that's abundantly clear. What  
25 I'm trying to find out is what you're saying. Because you

1 just now said then she transferred everything to you.

2           So your position is that she transferred the  
3 shares to you by a written document. And where and when  
4 and how did she do that?

5           THE WITNESS: With respect to this particular  
6 company, I believe that was done first when we signed these  
7 documents and then when the venture ended. She verbally  
8 did that.

9           THE COURT: Let's talk about the written  
10 document.

11           THE WITNESS: Yes.

12           THE COURT: So are all of these documents signed  
13 in Mr. Rubens' office?

14           THE WITNESS: No.

15           THE COURT: Where are they signed?

16           THE WITNESS: The ones that I signed were signed  
17 in our corporate offices.

18           THE COURT: And who prepared the documents?

19           THE WITNESS: I think Steve Danzig's attorneys.

20           THE COURT: And who was that?

21           THE WITNESS: Steve Danzig was the person who  
22 was my business manager.

23           THE COURT: Who was Mr. Danzig's attorney?

24           THE WITNESS: Well, Rubens was one of them, and  
25 I don't know the others.

1 THE COURT: Okay. So you didn't have anything  
2 to do with the preparation of these documents?

3 THE WITNESS: No.

4 THE COURT: Well, who was advising you about the  
5 content of these documents?

6 THE WITNESS: Steve Danzig and the attorneys  
7 that I had.

8 THE COURT: And the attorney for what?

9 THE WITNESS: That I had at the time.

10 THE COURT: Who was your attorney?

11 THE WITNESS: Patton Boggs from Washington.

12 THE COURT: Okay. And your testimony is that  
13 there was a side deal that for some reason is not with the  
14 other papers where there was a transfer from Ms. Natalie to  
15 you?

16 THE WITNESS: Yes.

17 THE COURT: What you've called, quote, a side  
18 deal?

19 THE WITNESS: Yes. Steve Danzig was instructed  
20 to protect me against all contingencies. So it had to be  
21 that the transfer of stock was something that I had control  
22 of.

23 THE COURT: Okay. Well, why do the documents  
24 discuss something that can happen in the future if it's  
25 already happened?

1 THE WITNESS: I don't know, Your Honor.

2 THE COURT: Well, did you read these documents  
3 before?

4 THE WITNESS: I read them to a degree. But I  
5 did trust Steve Danzig. There are a lot of things  
6 I don't understand.

7 THE COURT: Okay. So are you claiming that  
8 there are other missing documents that were signed at the  
9 same time or the only one that's missing is the one that  
10 would establish that you owned the stock?

11 THE WITNESS: I'm honestly not sure. But I am  
12 claiming that there is a missing -- at least one missing  
13 document that would show that.

14 THE COURT: Okay. Well, that's the -- I'm just  
15 trying to make sure that I understand. Your position is  
16 that the only missing document is the document that would  
17 establish that you owned stock yourself?

18 THE WITNESS: Your Honor, I don't know if that's  
19 the only document, but that document is missing.

20 THE COURT: Okay. All right. Go ahead,  
21 Counsel.

22 Q (By Mr. Crockett) Mr. Raniere, is there a particular  
23 person on the face of the Earth today that would likely  
24 have custody of corporate documents?

25 A Steve Danzig.

1 Q And where does he reside?

2 A In Washington State.

3 Q Have there been efforts to obtain his cooperation in  
4 this case?

5 A There have been some.

6 Q And what did they result in?

7 A He's very fearful, doesn't want to spend a lot of  
8 time, has a lot of family obligations, a lot of things like  
9 that. He's -- he has a very large family. He's a family  
10 man.

11 Q The --

12 THE COURT: Wait. What does that have to do  
13 with anything?

14 THE WITNESS: He was asking what the -- my  
15 understanding is what happened and --

16 THE COURT: Okay. He has a big family, and he's  
17 a family man, and therefore, what?

18 THE WITNESS: He doesn't want to spend a lot of  
19 time with this. So --

20 THE COURT: How long would it take him, do you  
21 think, to give us the document that allegedly resolves the  
22 issue now before us?

23 THE WITNESS: Your Honor, I honestly don't know.  
24 But he expresses a lot of fear, even sometimes anger, at  
25 having to go through the documents. But he's also vigilant

1 at saying I have standing.

2 THE COURT: Okay.

3 MR. LEWIS: You were, I'm going to object on  
4 hearsay again.

5 THE COURT: Yeah. Well, I'm ignoring that  
6 testimony, because it doesn't matter and consequently is  
7 irrelevant, so I'm not going to waste my time on hearsay  
8 objection.

9 I'm the one that's going to decide that, not  
10 Mr. Danzig.

11 Okay.

12 Q (By Mr. Crockett) But is it correct to say that your  
13 lawyers made effort to obtain his cooperation and it just  
14 didn't happen?

15 A That's correct.

16 Q And when you executed Exhibits 5, 6 and 7, which are  
17 the Unanimous Consent Resolution and the Unanimous Consent  
18 Resolution of the Sole Director and Sole Shareholder and  
19 the assignment to Keith Raniere, you did that before this  
20 litigation commenced, correct?

21 A Which documents? I'm sorry.

22 Q The stack before you. They are the ones that start  
23 at Pages 35, 37 and 39. They're the last three documents  
24 in the stack. They're the ones you executed on  
25 December 26th, 2014.

1 A Yes.

2 Q And those documents all bear your signature, correct?

3 A Yes.

4 Q And at the time you executed these documents, were  
5 you the sole shareholder of GTI?

6 A Yes.

7 Q And were you the -- after you executed these  
8 documents, were you the sole director of GTI?

9 A Yes.

10 Q And were you the principal, primary inventor of the  
11 patents described in the assignment?

12 A Yes.

13 Q Has Delaney, Danzig or Natalie ever stepped forward  
14 and say, "I have a share of GTI"? In the -- in the lead-up  
15 to the lawsuit in December of 2014, did they ever step  
16 forward and say, "I have an interest in GTI"?

17 A No.

18 Q Have they in the past few years ever asserted an  
19 interest in the patent?

20 A No.

21 MR. CROCKETT: Thank you, Your Honor. I have no  
22 further questions.

23 THE COURT: All right. I have a few additional  
24 questions.

25 I just want to make sure I understand your



1 position.

2 With respect to each of the parties to the  
3 agreement between shareholders, Ms. Natalie, tell me  
4 everything you claim about how Ms. Natalie transferred her  
5 shares to you.

6 THE WITNESS: Okay. I believe Ms. Natalie  
7 signed, first of all, an agreement that gave me the right  
8 to have the shares whenever I requested.

9 THE COURT: Okay. And by that, are you  
10 referring to the agreement between shareholders?

11 THE WITNESS: No. I'm referring to the  
12 agreement, unfortunately that's not in evidence, that I  
13 haven't been able to produce.

14 THE COURT: Okay. So that's a document that  
15 represents that she holds the shares in trust for you?

16 THE WITNESS: Yes.

17 THE COURT: Okay. And who prepared that?

18 THE WITNESS: I think Danzig's attorney.

19 THE COURT: Why would Danzig's attorney have  
20 prepared that?

21 THE WITNESS: Because Steve Danzig was  
22 instructed to protect me and protect my interest.

23 THE COURT: Okay. And the reason that you  
24 weren't actually a shareholder on the document entitled  
25 Agreement Between Shareholders was what?

1           THE WITNESS: Because I was controversial in the  
2 media at that point, and my attorneys at Patton Boggs said  
3 that I shouldn't have my name associated with any of my new  
4 ideas, because it would cause problems. And I believed  
5 that, because --

6           THE COURT: Okay. And by that you mean that the  
7 Agreement Between Shareholders, if it showed that Your  
8 Honor a stockholder, would you reveal to the public that  
9 you were involved in the --

10           THE WITNESS: No. If I were the president or I  
11 was represented like that, and I don't know all the reasons  
12 why, but Steve Danzig and at that time my attorneys put  
13 this together so that I would not be directly a shareholder  
14 and that they would be held in trust.

15           THE COURT: Okay. So your position is -- we're  
16 missing more than one document; we're missing a trust  
17 document that showed that Ms. Natalie was -- excuse me --  
18 holding her shares in trust for you, and that was prepared  
19 when and where and by whom?

20           THE WITNESS: I'm sorry. All I know is that it  
21 was Steve Danzig, who presented these documents to me.

22           THE COURT: All of them?

23           THE WITNESS: Yes.

24           THE COURT: Okay. So they came from the same  
25 place, presumably were prepared by the same person, but

1 that document that you claim shows that she held the shares  
2 in trust for you is -- you don't know where that it?

3 THE WITNESS: Correct.

4 THE COURT: Okay. When did Mr. Danzig actually  
5 transfer his shares to you? I don't mean when did he say,  
6 "I'm done with the company; I don't want anything to do  
7 with it." But when did Mr. Danzig, if he did, transfer his  
8 shares to you?

9 THE WITNESS: Sometime before 2000, because I  
10 started to go and fund extensions of the patent, which I  
11 did so over the next ten years.

12 THE COURT: Well, how did he transfer his shares  
13 to you?

14 THE WITNESS: He told me he had no more interest  
15 and that it was all mine and that I should go forward with  
16 it if I wanted.

17 THE COURT: Okay. Do you claim that there's a  
18 missing document reflecting the transfer from Danzig to  
19 you?

20 THE WITNESS: No.

21 THE COURT: So that one there isn't any  
22 agreement; what you claim was he said just go forth, I  
23 don't want anything to do with it anymore?

24 THE WITNESS: Correct.

25 THE COURT: Okay. And what about Mr. Delaney?

1 Was there an agreement?

2 THE WITNESS: There was no document for  
3 Mr. Delaney.

4 THE COURT: What did he say?

5 THE WITNESS: He was fed up with the efforts.  
6 He didn't want to put any more time in. He didn't want any  
7 liability or profit.

8 THE COURT: Okay. So there wasn't a written  
9 document with Mr. Delaney either?

10 THE WITNESS: Correct.

11 THE COURT: Have you made any effort to get from  
12 Mr. Danzig the document that you believe he has regarding a  
13 transfer?

14 THE WITNESS: Yes, I have.

15 THE COURT: Okay. And what did he say?

16 THE WITNESS: He said, "I don't" -- they had a  
17 flood in Washington. He walked in and his best friend had  
18 died. It was a very long litany of problems that he is  
19 facing, and he did not want to go through his storage  
20 facility or anything like that.

21 THE COURT: Okay. All right. Thank you.

22 Cross-examination.

23 CROSS-EXAMINATION

24 BY MR. LEWIS:

25 Q So, Mr. Ranieri, could you turn to in the packet your

1 counsel gave -- what's been -- I guess the bottom right,  
2 Ranieri Exam 038. It's the same page, toward the back.

3 THE COURT: I'm sorry. You're --

4 Q (By Mr. Lewis) I'm sorry. I said it's Ranieri Exam  
5 038, towards the back of the packet.

6 A Yes.

7 Q It's your Unanimous Consent Resolution. Are you on  
8 that page?

9 A Yes.

10 Q Who wrote that document?

11 A I Steve Danzig's attorney and my attorney and Steve  
12 Danzig. They collaborated.

13 Q And Mr. Danzig's attorney is Mr. Rubens, right?

14 A No, it's not Mr. Rubens anymore, and I don't know  
15 that attorney's name.

16 Q Is it somebody at Mr. Rubens' firm?

17 A I don't believe so.

18 Q And does that attorney -- you don't remember that  
19 attorney's name?

20 A No, I don't know if I've even ever heard that  
21 attorney's name.

22 Q And no subpoena was issued or any attempt to get  
23 discovery from this gentleman as part of your preparation  
24 for this case?

25 A Not that I know of.

1 Q Now, do you recall there was a status hearing in this  
2 case in September -- on September 26th?

3 THE COURT: Year?

4 Q (By Mr. Lewis) Of 2015.

5 A I know there was a status hearing. I don't know if  
6 it was that day.

7 Q And do you recall that Judge Lynn ordered you to  
8 provide us documents relating to your ownership of the  
9 patents-in-suit by October 12th?

10 A I don't know that. That was done through my  
11 attorneys.

12 Q Did your attorneys contact you to get information  
13 relating to your ownership of the patents-in-suit --

14 MR. CROCKETT: Objection. Objection, Your  
15 Honor, attorney-client privilege.

16 THE COURT: Rephrase that. I sustain the  
17 objection as to the pending question.

18 Q (By Mr. Lewis) Did you provide your attorneys in the  
19 first part of October of 2015 any documents relating to  
20 your ownership of the patents-in-suit?

21 A As many as I could.

22 Q How many was that?

23 A I don't know.

24 Q You don't remember?

25 A No, I didn't provide all of them directly.

1 Q You didn't provide all of them directly. Who did you  
2 provide them to?

3 A Our attorneys, and I did not provide them directly.

4 Q How did --

5 THE COURT: I think he's using "directly" to  
6 refer to them coming from him.

7 THE WITNESS: Right. I'm sorry.

8 Q (By Mr. Lewis) Yes. I understood. Who then provided  
9 them to your attorneys, the documents?

10 A I'm honestly not sure.

11 Q Do you know if any documents were provided to your  
12 attorneys?

13 A My understanding, yes.

14 Q Did you look for any documents?

15 A Yes, I did.

16 Q Did you find any?

17 A I don't think anything of significance, no.

18 Q Did you find anything at all?

19 A I think I found some papers with the names written on  
20 them, but settlements for a bankruptcy, things like that,  
21 but nothing that had any substance to it. I provided them,  
22 but I don't think they were used.

23 Q You provided them to your attorneys?

24 A Yes.

25 Q And the bankruptcy document you referenced, whose

1 bankruptcy did it relate to?

2 A Toni Natalie's.

3 Q And you provided those to your attorneys -- this was  
4 prior to October 12th, 2015?

5 A I honestly -- I've been providing documents as I  
6 found them all along or as we found them.

7 Q When did you provide the Natalie bankruptcy document  
8 to your attorneys?

9 A I think that was provided early on. I'm not honestly  
10 sure.

11 Q Early on in 2015?

12 A Yes.

13 Q Okay. Did you contact Mr. Danzig in order to comply  
14 with the Court's order requiring you to provide certain  
15 information by October 12th, 2015?

16 A I don't know about the October 12th, but yes, I  
17 contacted Steve Danzig and had interchanges with him.

18 Q When did you first contact Mr. Danzig?

19 A I honestly don't know. It would be in 2'14.

20 Q It would what?

21 A Well, I -- I've been his friend for 20 years. But  
22 with respect to this issue, he and his attorney prepared  
23 these documents in 2'14, I believe, was it -- yes.

24 Q Did you contact Mr. Delaney about the ownership of  
25 the patents-in-suit?



1 A I think Steve Danzig did. I did not.

2 Q Do you know Mr. Danzig did?

3 A I don't know for sure.

4 Q Did you ever make any attempt to talk to Mr. Delaney?

5 A Yes, but not recently.

6 Q With regard to the ownership of the patents-in-suit  
7 at issue in this case, did you make any attempt to contact  
8 Mr. Delaney?

9 A No, I saw no need.

10 Q And when did you first learn that your ownership of  
11 the patents-in-suit was in dispute in this case?

12 A Do you mean that your side had raised an issue or  
13 that I needed to sign these sort of documents so that it  
14 pedigreed what existed?

15 Q When you had first learned that we had raised the  
16 issue.

17 A I think it was in -- I'm not sure -- August,  
18 September maybe.

19 Q Of 2015?

20 A I think so, yeah.

21 Q Now, let's take a look at your -- the packet your  
22 counsel provided you. And take a look at Ranieri Exam 004,  
23 Agreement Between Shareholders of Global Technologies,  
24 Inc., Cross Point Communications, Inc. and Innovative  
25 Science, Inc.

1 A I'm sorry? I'm at the page, Raniere Exam 004.

2 Q Great. And is it your testimony that -- let me take  
3 a step back.

4 It's your testimony that you signed a document with  
5 Ms. Natalie wherein she held the shares of GTI in trust for  
6 you. Was that your testimony earlier?

7 A Yes. I'm not sure I know exactly what "in trust"  
8 means as much as I had to have control over them. They  
9 were my shares, but she held them and operated with them on  
10 my direction ultimately.

11 Q And there was a document you signed with Ms. Natalie  
12 to that effect?

13 A I believe so.

14 Q And you signed it about the same that you signed the  
15 document that begins at Raniere Exam 004?

16 A I'm not sure if it was this document. I signed a  
17 series of documents over a number of days, and it was  
18 within those days that that was signed.

19 Q Okay. And the only document, then -- so there are a  
20 number documents you signed of which the documents appear  
21 in Mr. Rubens' files, except for the document you signed  
22 with Ms. Natalie providing that you controlled her shares?  
23 Is that your testimony?

24 A I'm sorry. Say that again.

25 Q Is it your testimony that the documents you signed

1 over the period of days you just testified about --

2 A Yes.

3 Q -- all appear in Mr. Rubens' documents, except for  
4 this agreement with Ms. Natalie wherein she agreed you  
5 controlled her shares? Is that your testimony?

6 A I don't believe -- I don't know that. Mr. Rubens, I  
7 think, was involved in the corporation, and he incorporated  
8 the business and dealt with that. There were many other  
9 documents that were corporate documents that I signed that  
10 I'm sure Mr. Rubens has nothing to do with.

11 Q And which of those documents can you testify right  
12 now were missing from the Rubens production?

13 A Well, I believe the one document, which is the side  
14 agreement with Toni Natalie, but that's a contract, not a  
15 corporate document.

16 Q Is that the only agreement that you recall missing  
17 from Mr. Rubens' document production?

18 A I don't know if Mr. Rubens ever had that document.

19 Q Mr. Raniere, I didn't ask you that.

20 A I'm sorry.

21 Q So you signed a bunch of documents relating to GTI.

22 A Yes.

23 Q And your testimony is that there's a document  
24 missing --

25 A Yes.

1 Q -- this agreement with Ms. Natalie. And I want to  
2 know: Do you believe there are any other documents missing  
3 from Mr. Rubens' production?

4 A I don't know. I suspect not, but I don't know.

5 Q So that's the only one you know about, correct?

6 A Correct.

7 Q Now, you mentioned Ms. Natalie's bankruptcy earlier,  
8 did you not?

9 A Yes.

10 Q And that was one of the reasons you gave that  
11 supposedly she acknowledged her lack of ownership in GTI.  
12 Was that your testimony?

13 A Lack of ownership of all corporations.

14 Q So do you recall signing a declaration in the Natalie  
15 bankruptcy?

16 A I believe I did.

17 MR. LEWIS: Your Honor, may I approach with a  
18 document?

19 THE COURT: Yes.

20 MR. CROCKETT: May I see a copy, Your Honor?

21 MR. LEWIS: I have one for you as well.

22 Your Honor, this appears at Exhibit 2 to our  
23 motion, A184. Normally I would have a copy for you, but  
24 apologize, but due to the spontaneous nature of this, I  
25 don't have a fourth copy.

1                   It's A184 at the bottom.

2                   MR. CROCKETT: Your Honor, we can give up our  
3 copy.

4                   MR. LEWIS: Oh, you have an extra one? Thank  
5 you.

6                   May I approach, Your Honor?

7                   THE COURT: Yes.

8 Q                (By Mr. Lewis) So, Mr. Raniere, I've handed you what  
9 is A184 from Exhibit 2 to our motion to dismiss.

10 A                Uh-huh.

11 Q                Is that your signature towards the bottom on the  
12 right?

13 A                Yes, it is.

14 Q                And this document A184 is a document that you  
15 submitted to the bankruptcy court in Ms. Natalie's  
16 bankruptcy, right?

17 A                I believe so, yes.

18 Q                And when you signed -- this is an affidavit, is it  
19 not?

20 A                I believe so, yes, it's an affidavit.

21 Q                And you understand when you sign an affidavit, what  
22 you say in the affidavit needs to be true, right?

23 A                Yes, to the best of my knowledge.

24 Q                All right. And in here, you said that Ms. Natalie --  
25 quote, "I believe that debtor has knowingly and

1 intentionally misstated and admitted a multitude of items  
2 on the petition and that this will result in the loss of  
3 well over a hundred thousand dollars to the creditors."

4 A Yes.

5 Q Do you see that?

6 A Yes.

7 Q And you swore to that, did you not?

8 A Yes.

9 Q Okay. And that was true then, right?

10 A I believe so, yes.

11 Q And it's still true, isn't it?

12 A I believe so, yes.

13 MR. LEWIS: Your Honor, could we enter A184 as  
14 an exhibit?

15 THE COURT: Yes, Defendant's 1. Any objection  
16 to that?

17 MR. CROCKETT: No, Your Honor.

18 THE COURT: All right. Admitted.

19 Is that your handwriting in the upper right  
20 corner, Mr. Ranieri?

21 THE WITNESS: Oh, yes. Yes, that is mine.

22 THE COURT: And those are your lawyers, Gordon  
23 Siegle Law Firm?

24 THE WITNESS: Yes.

25 THE COURT: Who prepared that affidavit?

1 THE WITNESS: I believe they did.

2 THE COURT: All right. What is the entity "CBI"  
3 under your name?

4 THE WITNESS: Consumers Buyline, Incorporated.

5 THE COURT: Go ahead.

6 Q (By Mr. Lewis) So, Mr. Ranieri, if I can take you  
7 to -- back in the packet that your attorney provided you  
8 into Ranieri Exam 040. It is the very last page in the  
9 packet.

10 A Ranieri Exam 040 -- hold on.

11 Q Let me know when you're there.

12 A Yes.

13 Q Now, this is the agreement wherein you purport to  
14 transfer the patents-in-suit from Global Tech to yourself;  
15 is that right?

16 A Yes.

17 Q And do you see it says, quote, "Global Technologies,  
18 Inc., for good and valuable consideration, herein assigns"  
19 and then it goes on.

20 Do you see that?

21 A Yes.

22 Q What was the good and valuable consideration,  
23 Mr. Ranieri?

24 A I don't know off the top of my head. I had provided  
25 a lot of money in creating these patents and provided a lot

1 of money to Global Technologies.

2 Q At the time of the agreement in Raniere Exam 040, did  
3 you provide anything to GTI in consideration for assigning  
4 the patents-in-suit to you?

5 A I'm not exactly sure.

6 Q You don't recall?

7 A I don't recall.

8 Q This was December of 2014. It was just over a year  
9 ago. You don't recall?

10 A Well, my attorneys handled this sort of thing. So I  
11 didn't take anything directly out of my pocket at the  
12 moment of signing this, but I don't know what was  
13 transferred between them.

14 Q Now, you mentioned a minute ago that you provided  
15 other services for --

16 A You're talking about GTI, the dissolved corporation?

17 Q Yes. Did you provide something at the time of the  
18 12-20 -- 2014 agreement?

19 A I don't know.

20 Q You don't know?

21 A I don't know.

22 Q Now, I think you mentioned that you provided other  
23 services to GTI; is that right?

24 A Yes.

25 Q And by that, do you refer to the cost of preparing



1 the patents-in-suit and prosecuting them through the patent  
2 office?

3 A No. More that I consulted with them while they were  
4 operating and then directed the marketing and I directed  
5 how the product was used.

6 Q Who is the "them" in that sentence?

7 A Steve Danzig, Tom Delaney and Toni Natalie.

8 Q So your services to GTI, you're saying?

9 A Yes.

10 Q Did you receive a salary from GTI at any point?

11 A No.

12 Q Now, I believe in your declaration that you testified  
13 that you invested more than \$75,000 in continuing the  
14 patent?

15 A Yes.

16 Q And by that you're referring to patent prosecution,  
17 correct?

18 A Yes.

19 Q And you've never paid personally any money at all to  
20 the patent -- the prosecuting patent attorneys, have you?

21 A I don't believe so. I think it's through one of my  
22 corporations, but I'm not positive.

23 Q Okay. So, therefore, you did not invest more than  
24 \$75,000 in continuing the patent, correct?

25 A No. Because I honestly don't know how the monies are

1 handled. But I have royalties and things are subtracted  
2 from my royalties.

3 Q So what you're saying is, you didn't keep track of  
4 what you owned personally and what the corporation owns?

5 A You -- I don't understand how that relates. I'm  
6 missing something. I'm sorry.

7 Q Do you separate out your monies from the  
8 corporations, who owns monies?

9 A Yeah. If I'm paid monies or owed monies, there are  
10 people who keep track of what happens with those monies.

11 Q Did you personally pay for the prosecution of the  
12 patents-in-suit?

13 A If I -- I'm sorry to ask you this. If I have  
14 monies that are owed to me and the cost of prosecuting the  
15 patent are subtracted off, am I paying personally?

16 Q Mr. Ranieri, did you write a check to the attorneys  
17 who prosecuted the patents-in-suit?

18 A No.

19 Q Did you pay the attorneys that prosecuted the  
20 patents-in-suit with cash?

21 A No.

22 Q Did you provide any bank transfers or any other means  
23 of providing money to the attorneys who prosecuted the  
24 patents-in-suit?

25 A I don't know that.

1 Q You don't know one way or the other?

2 A Right.

3 Q So, Mr. Ranieri, what is your proof for the fact that  
4 you testified that quote -- sorry -- you invested -- sorry,  
5 quote there -- that you invested more than \$75,000 into  
6 continuing the patent?

7 A Because I've been continuing the patent, and I asked  
8 my patent attorney how much money I invested, and he said  
9 it was at least that much.

10 Q Even though those investments are from corporations  
11 that are not the same as you?

12 A I guess. I took his word for it.

13 Q So you signed a declaration based on -- did you  
14 investigate the facts underneath your declaration?

15 A Yes. I mean, it's my belief that those monies are  
16 subtracted out of monies that I would get.

17 Q Let me have you take a look at the documents starting  
18 at Ranieri Exam 004, which is the Agreement Between  
19 Shareholders.

20 A Yes.

21 Q If you could take a look at -- under Recitals B on  
22 the first page there.

23 A Yes.

24 Q Do you see where it says, "Toni Natalie has advised  
25 the other shareholders that she may wish to sell or

1 otherwise assign or transfer her interests in the foregoing  
2 corporations to Keith Raniere at some time in the future."

3 Do you see that?

4 A Yes.

5 Q And "some time in the future," you would agree, would  
6 mean sometime after this agreement was signed?

7 A Yes.

8 Q Those are the ordinary meaning of those words?

9 A Yes.

10 Q And the ordinary meaning of those words also wouldn't  
11 assign the corporations to you at that exact moment,  
12 correct?

13 A Correct.

14 Q Is it your testimony that Ms. Natalie also  
15 transferred Cross Point Communications to you?

16 A Yes.

17 Q And is it your position that she also transferred  
18 Innovative Science to you?

19 A Yes.

20 Q Did she do that before 2000?

21 A I don't know exactly what date the bankruptcy  
22 settlement was reached. But before that, she had said that  
23 she had no interest in any of the corporations relating to  
24 this and transferred all of the interest.

25 Q And was there a writing when she did that?

1 A I believe there was a writing that's a document, a  
2 side document here. But at that particular moment when we  
3 were separating our interests, no.

4 Q Now, you mentioned the bankruptcy settlement. Is  
5 that when you -- you claim that you received the interest  
6 in these corporations, Cross Point Communications and  
7 Innovative Science?

8 A No. I received -- she had several other corporations  
9 with me, and she made a blanket statement that gave all of  
10 the interest. So what I'm saying is, if there was some  
11 doubt, it was transferred there, too.

12 Q It was before the bankruptcy, you're saying?

13 A Yes.

14 Q Okay. Are you aware -- have you looked at -- no,  
15 nevermind.

16 THE COURT: I'm sorry. Just a minute. Are you  
17 saying that document is missing, too, the bankruptcy  
18 settlement?

19 THE WITNESS: I'm not sure if it's missing. We  
20 have looked for it. We went to the court. We went to the  
21 law firm. They do not have it. But I think there are  
22 potentially a few other places we can go. But as of right  
23 now, yes, it is missing.

24 MR. LEWIS: That was my next question, Your  
25 Honor. Thank you.

1 Q (By Mr. Lewis) So, Mr. Raniere, it's your testimony  
2 that you've owned Ms. Natalie's shares of GTI since when?

3 A Maybe 1997.

4 Q And you've owned -- allegedly owned Mr. Danzig's  
5 shares since when?

6 A Right around that point.

7 Q And Mr. Delaney?

8 A Right around that point also.

9 Q Were you ever at any -- did you ever have any board  
10 meetings at any time when you were an owner of GTI?

11 A I didn't own it in a normal way, no. I think they  
12 had board meetings.

13 Q Did you attend them?

14 A Not directly.

15 Q You were there or you were not --

16 A I was not there. I heard about them.

17 Q Okay. And --

18 THE COURT: Is that what you mean when you say  
19 "not directly," that were you -- are you saying you were  
20 there in some metaphysical way, or what are you saying?

21 THE WITNESS: Steve Danzig was supposed to  
22 represent my interests, as well as Toni Natalie.

23 Q (By Mr. Lewis) You've said that a couple of three  
24 times. Did he sign something where he said he would  
25 represent your interests?

1 A He may have, because he was president of Consumers  
2 Buyline and he was in charge of all of my business  
3 dealings. But, no, not with respect to this group of  
4 documents.

5 Q So there's no document on that either that says he  
6 agreed to represent your interests?

7 A Probably not.

8 Q Okay. So we're missing another document.

9 Why don't you turn to page -- Raniere Exam 010 in  
10 your packet.

11 Let me know when you're there.

12 A Yes.

13 Q Now, this is a document between -- an agreement  
14 between Natalie, Delaney and Danzig, correct?

15 A Hold on. It's longer than I anticipated.

16 And spouses.

17 Q Now, let me ask you to turn to Page 5 of that  
18 agreement, Raniere Exam --

19 A And myself, by the way. I --

20 Q You're not listed as a shareholder of this agreement?

21 A But I approved it.

22 Q I didn't ask that.

23 A I'm sorry.

24 Q Are you listed as shareholder in this agreement?

25 A No. Which page did you --

1 Q If you would look at Raniere Exam 014.

2 A Yes.

3 Q Now, I believe you said that you did not receive a  
4 salary from GTI; is that right?

5 A Correct.

6 Q Did you receive any bonuses from GTI?

7 A No.

8 Q Now, this agreement says that for purposes of this  
9 calculation -- and I'm quoting -- "net profits shall be the  
10 operating profit of the corporation as determined by the  
11 accountants regularly" applied -- "employed by the  
12 corporation without taking into account 50 percent of the  
13 base salary paid to its shareholder employees and to Keith  
14 Raniere and without taking into account bonuses paid to  
15 said individuals."

16 Do you see that?

17 A Yes.

18 Q And that says what is subtracted out from net profits  
19 is your base salary and any bonuses you might get. Am I  
20 correct?

21 A I believe so.

22 Q It also lists shareholders/employees separately from  
23 you. Do you see that?

24 A Yes.

25 Q And do you agree with me that would show that you are



1 not a shareholder?

2 A Correct.

3 Q If you could take a look at Raniere Exam 024,  
4 continuing on.

5 A Yes.

6 Q There's a list there of shareholders in Global Tech,  
7 Innovative Science, and Cross Point Communications,  
8 correct?

9 A Yes.

10 Q And you're not listed as a shareholder in any of  
11 those three, are you?

12 A Correct.

13 Q That's what this document says, right?

14 A Yes.

15 Q And you're aware this document came from Mr. Rubens,  
16 right?

17 A Yes.

18 Q Okay. And Mr. Rubens was the attorney for GTI,  
19 right?

20 A Some attorney for GTI. I don't know if he was the  
21 only attorney for GTI. But he apparently formed the  
22 corporate documents.

23 Q He was one of GTI's attorneys, even if there were  
24 others, correct?

25 A Yes.

1 Q Do you think Mr. Rubens would have any reason to  
2 withhold documents when he produced them under the subpoena  
3 in this case?

4 A I have no -- I never met him.

5 Q But you have no reason to believe he would?

6 A Correct.

7 Q Do you ever receive a stock certificate from GTI?

8 A No.

9 THE COURT: Take a five-minute break.

10 MR. LEWIS: Thank you, Your Honor.

11 THE COURT: Don't talk to anyone, including your  
12 counsel, during the recess.

13 THE WITNESS: Okay.

14 (Recess.)

15 THE COURT: Okay. You may proceed.

16 MR. LEWIS: Thank you, Your Honor.

17 Your Honor, may I approach the witness?

18 THE COURT: Yes.

19 MR. LEWIS: Thank you.

20 For the record, I just handed the witness a copy  
21 of Exhibit 3 to the motion.

22 THE COURT: Did you show it to opposing counsel?

23 MR. LEWIS: It's Exhibit 3 to our motion.

24 MR. CROCKETT: May I see it?

25 MR. LEWIS: Plaintiff's responses to our

1 interrogatories.

2 For the record, it's Exhibit 3 to the Motion to  
3 Dismiss. It's Mr. Raniere's responses to Microsoft's  
4 interrogatories, and it's A79 through 87.

5 Q (By Mr. Lewis) Mr. Raniere, if you could turn to page  
6 marked at the bottom A85.

7 THE COURT: Is there any objection to those?

8 MR. CROCKETT: No, Your Honor.

9 THE COURT: Admitted.

10 Is that Defendant's 2?

11 MR. LEWIS: Yes.

12 THE COURT: Okay.

13 Q (By Mr. Lewis) Are you on Page A85, Mr. Raniere?

14 A Yes.

15 Q Is that your signature there on the left?

16 A Yes.

17 Q And do you understand when you signed Defendant's  
18 Exhibit 2, you were agreeing under oath that the  
19 information provided was accurate?

20 A Yes.

21 Q Now, there's no mention in here of any document from  
22 Mr. Natalie relating to the shares of GTI; is that correct?

23 A I don't know. I haven't read this in a long time.

24 Q You read it in December, did you not?

25 A Yes.

1 Q Late November of 2015, right?

2 A Yes.

3 Q Okay. And at that time, were you aware of the  
4 agreement that you now are testifying about with  
5 Ms. Natalie regarding her agreeing to give you control of  
6 her shares?

7 A Yes.

8 Q Okay. But --

9 A I was aware of my memory of it.

10 Q And you did not provide that memory in these  
11 interrogatory responses, did you --

12 A I was advised not to.

13 Q You were advised by counsel not to?

14 A Yes.

15 Q But you agree that the information is not in this  
16 document, Exhibit 2, right?

17 A I haven't read it. I can read it now, if you like.

18 MR. LEWIS: Please feel free.

19 THE COURT: Wait. I don't have it at my  
20 fingertips. Do you have your interrogatory answers? Is  
21 that what you're looking at?

22 THE WITNESS: Yes.

23 THE COURT: And are you saying you didn't look  
24 at those before they were sent to opposing counsel?

25 THE WITNESS: I'm just not absolutely sure of

1 their content.

2 THE COURT: Listen to my question. Are you  
3 saying that you did not look at them before they were sent  
4 to opposing counsel?

5 THE WITNESS: No, I did look at them. I did  
6 look at them.

7 THE COURT: Okay. All right. Go ahead.

8 Q (By Mr. Lewis) Take a quick look and tell me if you  
9 put any information in there about Ms. Natalie's alleged  
10 agreement with you.

11 A If you say it's not in here, I'll believe you.

12 Q And you were advised by counsel not to include that;  
13 is that your testimony?

14 A Correct. I was advised not to include a lot.

15 Q You were advised not to include a lot?

16 A Yes.

17 Q And what were you advised not to include?

18 A Things that I wasn't sure of, things that -- I don't  
19 even understand sometimes why.

20 Q Well, if you could give me specifics. What is it  
21 that you did not include in your interrogatory responses?

22 A Well, that agreement.

23 Q What else?

24 A I don't know off the top of my head. I did not agree  
25 with counsel's approach.

1 Q And so you claim that the Natalie agreement --

2 THE COURT: Which counsel are you referring to?

3 THE WITNESS: There were two other counsels.

4 There were --

5 THE COURT: I'm aware of that. Which counsel  
6 are you referring to?

7 THE WITNESS: The -- I don't know the name of  
8 the first person that was before Barry -- Mr. Bennett  
9 (sic), the one before him, the very first one.

10 THE COURT: The one before Barry Barnett was  
11 your lawyer?

12 THE WITNESS: Yes.

13 THE COURT: All right.

14 Q (By Mr. Lewis) Okay. Besides the alleged agreement  
15 with Ms. Natalie, what else did you not include in your  
16 interrogatory responses?

17 A I don't know.

18 Q So there's nothing else?

19 A I don't know. I would have to read them and  
20 contemplate what went on.

21 MR. LEWIS: Your Honor, if I may approach with  
22 another exhibit?

23 THE COURT: Yes.

24 MR. LEWIS: Your Honor, I've just handed the  
25 witness Exhibit 4 to our motion, which are Plaintiff's

1 response to AT&T's interrogatories. It's Exhibit 4 to our  
2 motion, which I think I just said. It's A88 through A96,  
3 which I'd like to have admitted.

4 THE COURT: Any objection?

5 MR. CROCKETT: No, Your Honor.

6 THE COURT: Exhibit 3 is admitted, Defendant's  
7 3.

8 You-all are responsible for making sure the  
9 record has documents that actually bear the exhibit numbers  
10 that I'm stating for the record.

11 Q (By Mr. Lewis) Mr. Raniere, if you would turn to A95.

12 A Yes.

13 Q That's your signature at the top?

14 A It is.

15 Q And again with this document, Defendant's Exhibit 3,  
16 you understood when you signed that, you were verifying the  
17 accuracy of the statements made in response to AT&T's  
18 interrogatories?

19 A Yes.

20 Q And the response to AT&T's interrogatories also do  
21 not include this supposed agreement with Ms. Natalie; is  
22 that right?

23 A I haven't read it, but yes, likely not.

24 Q And, again, that was because counsel told you not to  
25 include that information?

1 A Yes.

2 Q What other information was not included in response  
3 to AT&T's interrogatories?

4 A I don't know -- the same answers with respect to  
5 Microsoft.

6 Q If you go back to Defendants' Exhibit 2, which is the  
7 response to Microsoft's --

8 A Exhibit 2?

9 THE COURT: Well, it doesn't say that, I don't  
10 think, the interrogatory answers to Microsoft.

11 MR. LEWIS: I'm sorry. It says on the front  
12 Exhibit 3, but it's Defendant's Exhibit 2.

13 Q (By Mr. Lewis) If you turn to Page A85.

14 A Yes.

15 Q And at the bottom, there are -- there's a signature  
16 and some lawyers.

17 A Okay.

18 Q There's Mr. Barnett and under that there's Mr. Blank,  
19 Mr. DuJack, Mr. Valenti.

20 A Yes.

21 Q Could you identify which lawyer or lawyers advised  
22 you not to include information in your interrogatory  
23 responses relating to Ms. Natalie and this supposed  
24 agreement?

25 A It might have been Mr. Barnett. I mean, if that's



1 his signature there, then this was at the time when he was  
2 my attorney.

3 Q It is your testimony that's Mr. Barnett's signature?

4 A I don't know, but his name is on the top at lead  
5 counsel.

6 Q Well, there's three more lawyers below as well.

7 A I'm sorry. What?

8 Q There's three more lawyers below as well.

9 THE COURT: Let's move on. I think he said he  
10 doesn't know.

11 A Let me see.

12 Yeah. I -- and so what would you like to know?

13 Q (By Mr. Lewis) I'll withdraw that question.

14 So, Mr. Ranieri, so I've asked you a bunch of  
15 questions and the Court has asked you a bunch of questions  
16 and you've had at various points some memory lapses. Is it  
17 typical for you to have these kind of memory lapses?

18 A I don't see them as memory lapses. But do I not know  
19 things? Yes. Do I not remember things? Yes.

20 Q You had -- you put in a declaration some years ago  
21 talking about your acceptance into the Mega Society.

22 A Yes.

23 Q What is the Mega Society?

24 A It's a society for like-minded individuals that have  
25 been identified as high IQ individuals potentially.

1 Q And so you testified in your other declaration that  
2 the IQ was above 176.

3 A Correct.

4 Q And so your allegation is that you have such a high  
5 IQ?

6 A As tested, yes. I don't believe in the term as used.

7 Q Does IQ correlate with memory?

8 A No.

9 Q I guess not.

10 MR. LEWIS: Your Honor, I have no questions.

11 I'm told that --

12 THE COURT: Resist the temptation.

13 MR. LEWIS: Yes. I'm told that AT&T has a few  
14 questions as well. I'm going to clear out and let them do  
15 that.

16 THE COURT: Okay.

17 MR. LEWIS: Your Honor, just to clarify, I  
18 assume we'll have some time to argue with respect to what  
19 Mr. Crockett -- I almost called him Barnett -- said,  
20 because we haven't had our chance yet. Just making sure.

21 THE COURT: I've got this. I've got all of the  
22 jobs that come up here.

23 MR. KENNERLY: Thank you, Your Honor. Chris  
24 Kennerly from Paul Hastings for AT&T.

25 CROSS-EXAMINATION

1 BY MR. KENNERLY:

2 Q Sir, you testified to the effect that your lawyers  
3 had made a conscious decision to essentially protect you by  
4 keeping your name out of the corporate documents by not  
5 naming you a shareholder; is that correct?

6 A Yes.

7 Q And so did you approve that decision?

8 A Yes.

9 Q Okay. And so you would agree that at no time were  
10 you listed in any of the corporate documents as a  
11 shareholder of GTI?

12 A I believe that's true.

13 Q Okay. And the decision to not make you a shareholder  
14 was a conscious decision by your lawyers, which you  
15 approved, in order to protect you?

16 A To protect my ownership of the product, yes.

17 Q What do you mean by protect your ownership of the  
18 product?

19 A I owned the invention. I created the foundational  
20 idea of the whole thing. At no point when I made  
21 negotiations with Tom Delaney or Steve Danzig or Toni  
22 Natalie was that not understood. It was understood. And,  
23 in fact, everything was done to protect that.

24 Q And how would excluding you as shareholder; that is,  
25 not listing you in any corporate documents as a

1 shareholder, protect your ownership of the invention?

2 A If there are liabilities that came about, it would  
3 protect it, like being bankruptcy remote to some degree.

4 Q Well, as a result of that effort, in any event, you  
5 don't dispute and you would agree that you are not listed  
6 as a shareholder in any of the GTI corporate documents?

7 A As far as I know, yes.

8 Q Okay. Do you recall the Unanimous Consent Resolution  
9 that's been talked about today?

10 A I've seen it.

11 Q Okay. I'm going to give that to you, if I can find  
12 it here.

13 MR. KENNERLY: May I approach, Your Honor?

14 THE COURT: Yes. If I stand up, y'all don't be  
15 bothered by that. I'm just stretching.

16 THE WITNESS: Thank you.

17 MR. CROCKETT: Your Honor, may I see a copy of  
18 what has been presented?

19 THE COURT: Yes. Counsel should furnish to  
20 opposing counsel copies of any documents.

21 MR. KENNERLY: May I see that back, please?

22 THE WITNESS: Certainly.

23 MR. KENNERLY: I'm sorry. We're a little  
24 unprepared. This is the --

25 (Counsel confer.)

1 MR. CROCKETT: These are already, Your Honor,  
2 exhibits -- just one second.

3 THE COURT: Okay. If that's the only objection,  
4 overruled. It's faster to just put it in, even if it's  
5 being done again.

6 Okay. Let's just go. Any objection?

7 MR. CROCKETT: No, Your Honor.

8 THE COURT: Okay. What exhibit numbers?

9 MR. KENNERLY: What are we at?

10 THE COURT: 4.

11 MR. KENNERLY: Okay. This will be Exhibit 4,  
12 Your Honor.

13 THE COURT: Okay. Defendants' 4 is admitted,  
14 maybe duplicative.

15 Q (By Mr. Kennerly) Do you see Exhibit 4 before you,  
16 sir?

17 A Yes.

18 Q And this is the Unanimous Consent Resolution of the  
19 Sole Shareholder of Global Technologies, Inc., correct?

20 A Yes.

21 Q And is that your signature at the bottom?

22 A Yes.

23 Q Dated December 26, 2014?

24 A Yes.

25 Q And did you read this document before you signed it?

1 A Yes.

2 Q And was this document true?

3 A I believed at the time.

4 Q Okay. Do you see the fourth "whereas" clause?

5 A Yes.

6 Q It states, "Whereas at all times prior to  
7 dissolution, upon dissolution, and at all times subsequent  
8 to dissolution, I was the sole shareholder of all stock in  
9 company."

10 Do you see that?

11 A Yes.

12 Q Was that true?

13 A No.

14 Q That was false, right?

15 A Correct.

16 Q And you signed this document, nonetheless, knowing  
17 that that was a false statement?

18 A No. I believed it was true at the time.

19 Q Okay. You have testified that you are aware of a  
20 conscious decision, however, prior to this document, not to  
21 name you as a shareholder of GTI in any of the corporate  
22 documents, correct?

23 A Uh-huh.

24 Q So you knew at the time you signed this document in  
25 December of 2014 that that was a false statement?

1 A The "whereas" statement?

2 Q Yes.

3 A No, I did not.

4 Q You knew you were not a shareholder of GTI in the  
5 corporate documents, right?

6 A Can I explain?

7 I trust Steve Danzig with all of the business  
8 handlings. I had believed that shares were delivered and  
9 things along those lines. I'd never witnessed it. When he  
10 and his lawyer and our lawyers produced this document, I  
11 assumed that the technicality of the actual delivery of  
12 those shares had never happened because GTI never received  
13 monies. It was almost informal.

14 Q Part of this statement that you attested to says, "At  
15 all times prior to dissolution, upon dissolution, and at  
16 all times subsequent to dissolution, I was the sole  
17 shareholder of all stock in the company."

18 A Yes.

19 Q Right?

20 And you knew that at least as of the date when the  
21 corporate documents were prepared, that did not list you as  
22 a shareholder --

23 A Correct.

24 Q -- that you were not a shareholder, correct?

25 A Correct.

1 Q Okay. So the statement that at all times prior to  
2 dissolution you were the sole shareholder of all stock in  
3 GTI --

4 A I assumed the shares were never distributed, so yeah.

5 THE COURT: You assumed what?

6 THE WITNESS: The shares were never distributed.

7 Q (By Mr. Kennerly) What do you mean by that?

8 A It's my understanding with corporations that if you  
9 decide initially that someone is going to have a certain  
10 percentage of the shares, that you distribute them with  
11 some sort of certificates that -- within the meetings or  
12 the contemplations of the company, there are certain  
13 mechanizations that make it official.

14 I didn't know what made it official or not. Because  
15 this was prepared by Steve Danzig, my assumption is there  
16 was something that never made the entities really official.

17 Q Well, what you knew was that none of the documents  
18 listed you as a shareholder at all, correct?

19 A I didn't know that at the time. I didn't have the  
20 Rubens documents at this point.

21 Q Well, you testified that you were aware and recall a  
22 conscious decision by you and your attorneys not to list  
23 you as a shareholder.

24 A Yes. That's correct.

25 Q So as of that time, you knew you were not a



1 shareholder, correct?

2 A Yes. But I was never sure if the company was  
3 constituted appropriately or that the shares were delivered  
4 appropriately. I don't understand corporate law.

5 THE COURT: Okay. I want to ask a question.  
6 I'm confused about what you're saying now.

7 The -- you testified a little while ago that the  
8 transfers from the three named shareholders happened in  
9 1997. That was your testimony.

10 THE WITNESS: Yes.

11 THE COURT: Okay. Well, the company was  
12 administratively dissolved on May 20th, 1996.

13 THE WITNESS: Okay. I didn't know that at the  
14 time.

15 THE COURT: Well, it says that in this document  
16 that we're talking about.

17 THE WITNESS: I understand.

18 THE COURT: And the one that you signed, that is  
19 before me. So let's assume that that part of this is true.

20 So you're not even claiming that you were a  
21 stock owner in 1996, are you?

22 THE WITNESS: I did not know if the corporation  
23 was formed completely. It was an idea. A group of us went  
24 out to market it, and I didn't know if all of the P's and  
25 Q's of the corporate filing and all of that stuff had been

1 done.

2 THE COURT: Okay. In December of 2014, is that  
3 when you actually signed this?

4 THE WITNESS: Yes.

5 THE COURT: That's the day of this?

6 THE WITNESS: Yes, yes.

7 THE COURT: And it recites that the company was  
8 administratively dissolved on May 20th, 1996.

9 THE WITNESS: Yes.

10 THE COURT: You knew that the company was  
11 dissolved before 1997, didn't you?

12 THE WITNESS: Not until this document, but once  
13 this document --

14 THE COURT: Well, when you saw this document --

15 THE WITNESS: Right.

16 THE COURT: Who prepared this?

17 THE WITNESS: My patent attorney, Steve Danzig's  
18 attorney, and Steve Danzig, I believe.

19 THE COURT: Okay. Who? A name.

20 THE WITNESS: Arlen Olsen of Schmeiser, Olsen &  
21 Watts, and that's the only person whose name I know. I  
22 don't know the other attorney.

23 THE COURT: Okay. But on the face of this, if  
24 you're just reading it, it says the company was dissolved  
25 in 1996.

1 THE WITNESS: Uh-huh.

2 THE COURT: This was about 15 months ago that  
3 you signed this.

4 THE WITNESS: Uh-huh.

5 THE COURT: And you knew that these transfers  
6 that you're claiming happened, happened in 1997, didn't  
7 you?

8 THE WITNESS: Well, I knew that they divested  
9 all of their interest.

10 THE COURT: In 1997?

11 THE WITNESS: Yes, at the time I signed this  
12 document. I didn't try to remember when that was, but yes.

13 THE COURT: Okay. All right. Go ahead.

14 Q (By Mr. Kennerly) Sir, you've alleged a large number  
15 of transfers from Ms. Natalie of her 75 percent interest,  
16 from Mr. Danzig of his 12-and-a-half percent interest, and  
17 from Mr. Delaney of his 12-and-a-half percent interest,  
18 correct?

19 A Yes.

20 Q And would you agree with me that if you had been at  
21 all times the sole shareholder, that none of those  
22 transfers would have been necessary or would have had any  
23 effect?

24 A Yeah, I guess.

25 Q Okay. So one of those things doesn't add up. Either

1 the transfers were unnecessary because you somehow had a  
2 hundred percent ownership, or as you alleged recently,  
3 those transfers did have affect, i.e., you were not the  
4 sole shareholder of GTI at all times prior, correct?

5 A Uh-huh.

6 Q So again?

7 A Can I tell you when I signed this, because it was  
8 prepared by Steve Danzig and his attorney and my attorney,  
9 that I assumed that was true.

10 Q Okay.

11 A But during these times when we had these discussions,  
12 when Tom Delaney divested himself and Toni Natalie did  
13 these transfers, I did assume this was true.

14 Q Based on the facts as you knew them, this statement  
15 in the CRSS was untrue?

16 A Going into this, I would have said I remember it  
17 differently. But this was prepared by the person who took  
18 care of the whole affairs of the corporation.

19 Q And you didn't question that; you just signed it?

20 A Yes.

21 Q And that is one of the key documents that you're  
22 relying on in this instance to try to demonstrate that you  
23 have standing in this case?

24 A If I needed additional documents, I would have done  
25 differently. I mean, I -- this is my invention.

1 Q That wasn't my question, though. This CRSS, which  
2 you, I believe, acknowledge was untrue --

3 A Yes.

4 Q -- is one of the key documents that you're relying on  
5 now to try to prove standing in this case?

6 A I believe so. The clause is not true. It was -- I  
7 believed it was true at the time I signed it.

8 Q And it's untrue?

9 A Yes. That clause is untrue.

10 Q Right. And that document that you're relying on is  
11 untrue and false?

12 A I think the document that's relying on is partially  
13 true. I think the document represents a circumstance.  
14 It's not the circumstance.

15 Q Well, that statement, which is a key statement in  
16 there about your ownership, that's false?

17 A Yeah. I did not own all of the stock at all prior --  
18 at all times prior to dissolution. That is true. That is  
19 correct. And in that document, that is not correct.

20 Q Now, you signed a sworn declaration in 2003. Do you  
21 recall that?

22 A In --

23 Q That's been mentioned today.

24 A In what context?

25 Q I'm sorry. In the context of another case. You

1 signed a sworn declaration to various things.

2 A I believe that's true.

3 Q And do you recall in that declaration stating that  
4 you gave shares to some of your key employees?

5 A Yes.

6 Q Okay. And those key employees were Natalie?

7 A No. Tom Delaney and Steve Danzig.

8 Q Okay. Delaney and Danzig.

9 A Yeah.

10 Q So you acknowledged in that declaration that Delaney  
11 and Danzig had shares?

12 A Yes.

13 Q And, again, that contradicts the CRSS, in which you  
14 say --

15 A I did not know if the shares -- I'm sorry.

16 Q I'm sorry. I'll try to let you finish you and you  
17 let me finish.

18 A Okay.

19 Q Your declaration contradicts, again, the CRSS in  
20 which you stated that you had at all times been the sole  
21 shareholder?

22 A Yes.

23 Q And would you agree with me, Mr. Raniere, that  
24 sitting here today, you are unable to produce any written  
25 document evidencing a transfer of interest from Ms. Natalie

1 to yourself?

2 A I believe that's true.

3 Q And sitting here today, you're unable to produce any  
4 written document evidencing a transfer from Mr. Danzig to  
5 yourself?

6 A Yes.

7 Q And sitting here today, you're unable to produce any  
8 written document evidencing a transfer from Mr. Delaney to  
9 yourself?

10 A Okay. I don't believe --

11 THE COURT: Okay. He asked you a question.  
12 Just answer the question.

13 THE WITNESS: I'm sorry.

14 Q (By Mr. Kennerly) And between Natalie, Danzig and  
15 Delaney, together they had a hundred percent of the shares,  
16 correct?

17 A Yes.

18 Q And in essence, there is no writing that you can  
19 provide that demonstrates a transfer of even one percent of  
20 the share interests of GTI to yourself?

21 A I believe that's true.

22 Q I think you testified to the fact that Danzig was a  
23 good and trusted friend of yours; is that fair?

24 A Yes.

25 Q And was it your testimony that he was unwilling to

1 attempt to help you demonstrate your alleged standing  
2 without a subpoena?

3 A No.

4 Q Okay.

5 A I believe he tried, and he used his attorney and  
6 created the document.

7 Q Well, he was unable to --

8 THE COURT: No, I don't -- ask your question  
9 again. I don't think you're answering the question he  
10 asked you.

11 Go ahead. Ask it again, please.

12 Q (By Mr. Kennerly) Sir, the question was: Did Danzig  
13 refuse or was he unwilling to assist you in your effort to  
14 demonstrate standing without a subpoena?

15 A I -- I don't think that's true.

16 Q Okay. Did you ask him to do his best to try to find  
17 any writing that would evidence a transfer of at least his  
18 12-and-a-half percent ownership to you?

19 A I don't believe that writing exists, but yes, I asked  
20 him to do his best to help me with this.

21 Q Okay. And he was unable to find anything?

22 A Yes, with his searching.

23 Q Okay. So between you and your friend Danzig, who  
24 allegedly transferred his ownership to you, neither of you  
25 can produce any writing evidencing such a transfer?



1 A Yes.

2 Q Okay. And is the same true with respect to  
3 Mr. Delaney? Did you ask him?

4 A I did not ask Mr. Delaney.

5 Q Why not?

6 A I'm not on speaking terms with Mr. Delaney.

7 Q Well, you agree this is an important matter  
8 that we're here about today.

9 THE COURT: All right. Counsel, let's move  
10 along. I think we're plowing old ground here.

11 MR. KENNERLY: Nothing further, Your Honor.  
12 Thank you.

13 THE COURT: Thank you.  
14 Redirect.

15 MR. CROCKETT: Briefly.

16 THE COURT: Yes.

17 REDIRECT EXAMINATION

18 BY MR. CROCKETT:

19 Q Mr. Ranieri, has anything changed since your  
20 December 26th declaration to lead you to conclude that you  
21 didn't hold one hundred percent of the shares at all times?

22 THE COURT: What declaration?

23 MR. CROCKETT: I'm sorry. Not his declaration,  
24 but it's the --

25 THE COURT: Okay. Ask it again.

1 MR. CROCKETT: -- Unanimous Consent Resolution,  
2 which is, which is Plaintiff's Exhibit 5 at Page 35 of the  
3 binder in the second -- or the plaintiff's duplicate  
4 exhibits.

5 Q (By Mr. Crockett) Yes?

6 A Yes.

7 Q What?

8 A I saw Mr. Rubens' documents.

9 Q And has that caused you to want to renew or amend  
10 your interrogatory responses?

11 A Yes.

12 Q And, in fact, is it true that your interrogatory  
13 responses say that you're in the process of attempting to  
14 locate and obtain copies of documents relating to GTI's  
15 governance?

16 A Yes.

17 Q So now that you have the benefit of Rubens'  
18 documents, is it correct, then, that you understand that  
19 documents were --

20 THE COURT: Excuse me. Leading.

21 MR. CROCKETT: I'll withdraw, Your Honor.

22 Q (By Mr. Crockett) What is it about the Rubens'  
23 documents that cause you to rethink your statement that you  
24 held 100 percent of the shares?

25 A There were documents there that I had never seen

1 before, including shares that were handed out to people,  
2 share documents.

3 Q Did you see documents that you had signed that caused  
4 you to change your -- refresh your recollection?

5 A Refresh my memory, yes.

6 Q As to the \$75,000, was the money that was spent yours  
7 to deal with?

8 A Yes.

9 Q It was just held by other corporations?

10 A Yes.

11 Q You've stated many times that you were not a  
12 shareholder of the corporation. Do you recall that?

13 A Correct.

14 Q Did you understand that you had some interest in the  
15 company?

16 A Yes.

17 Q What was your understanding?

18 A That anything that came of it or was done with it was  
19 under my control. It was handling my property.

20 Q And did Toni Natalie hold these -- hold her shares  
21 for you?

22 A Yes.

23 Q So is it your testimony that there's a document that  
24 documents the transfer of 75 percent of the shares to you,  
25 but you can't locate it, correct?

1 A I believe that is true.

2 Q And as to the remaining 25 percent, there's not a  
3 document that reflects the transfer from Delaney and Danzig  
4 to you, correct?

5 A Correct.

6 MR. CROCKETT: I have no further questions, Your  
7 Honor.

8 THE COURT: What is it about the documents from  
9 Mr. Rubens that caused you to change your recollection?

10 THE WITNESS: Some of them I hadn't seen before.

11 THE COURT: What? What? What did you see there  
12 that caused you to have this eureka moment that you had  
13 said something in your Unanimous Consent that wasn't true?  
14 What was it?

15 THE WITNESS: I saw the shares. I saw the share  
16 certificates.

17 THE COURT: Well, the document that caused the  
18 shares to be allocated was the Agreement Among Shareholders  
19 that you signed.

20 THE WITNESS: I don't know if I signed that  
21 document. Let me see.

22 Which exhibit is it? Because I believe I had  
23 never seen those before.

24 THE COURT: Okay. There are in the duplicate  
25 exhibits a stack of documents that are signed by, at

1 various signature pages, Ms. Natalie, Mr. Delaney,  
2 Mr. Danzig and you.

3 THE WITNESS: Okay.

4 THE COURT: Okay. You can look at Raniere Exam  
5 19.

6 THE WITNESS: 19.

7 THE COURT: Okay.

8 THE WITNESS: Yes, Your Honor.

9 THE COURT: Okay. So you signed that document.

10 THE WITNESS: Yes.

11 THE COURT: Okay. So what were you talking  
12 about a minute ago when you say you saw what Mr. Rubens had  
13 and that caused you to have a different recollection? Are  
14 you saying you didn't remember that you had approved the  
15 shareholders' agreement?

16 THE WITNESS: I didn't remember that  
17 specifically. But what was striking to me were the actual  
18 share certificates, because I had assumed that that had  
19 never actually transpired.

20 THE COURT: Okay. But the document that you  
21 signed says --

22 THE WITNESS: That I did not remember --

23 THE COURT: Excuse me. Let me finish, please.

24 In Paragraph 14, the agreement talks about what  
25 is going to be the endorsement on the stock certificates --

1 THE WITNESS: Uh-huh.

2 THE COURT: -- upon execution of the agreement.

3 THE WITNESS: Uh-huh.

4 THE COURT: What I'm trying to figure out is,  
5 what were the documents that were produced by Mr. Rubens  
6 that caused you to have this sudden and unanticipated  
7 recollection that your Unanimous Consent was not accurate  
8 or truthful?

9 THE WITNESS: I saw that this -- it was formal,  
10 that -- the stock certificates are what got me. But yes,  
11 there's this, too. I hadn't remembered the specifics of  
12 this document. I had signed a bunch of things related to  
13 GTI, but I hadn't known what they were.

14 THE COURT: Okay. Are all of the Rubens  
15 documents what is between A6 and A78?

16 MR. CROCKETT: They're defense documents.

17 THE COURT: Okay. Are there other Rubens  
18 documents other than what is between A6 and A78?

19 MR. LEWIS: Your Honor, I believe we've provided  
20 the entire production at A6 through A78.

21 MR. CROCKETT: And if I could just double check,  
22 Your Honor. That is correct. The starting of --

23 THE COURT: Okay. Could someone hand those up  
24 to the witness, please.

25 THE WITNESS: Thank you.

1 THE COURT: Okay. So when you are referring to  
2 the stock certificates --

3 THE WITNESS: Uh-huh.

4 THE COURT: -- do you mean what is in the back  
5 of this production set --

6 THE WITNESS: Yes.

7 THE COURT: Excuse me. Let me finish my  
8 question.

9 THE WITNESS: I'm sorry.

10 THE COURT: Beginning at A73?

11 THE WITNESS: Yes, yes.

12 THE COURT: Okay. Do you -- do you now think  
13 that these documents were actually issued?

14 THE WITNESS: Yes.

15 THE COURT: Okay. Is there a signature on the  
16 bottom? I can't tell because of the photocopying. Is  
17 there a signature on these stock certificates?

18 THE WITNESS: Toni Natalie, the last one, I  
19 think. I'd have to look, but it's visible on the very last  
20 page, but on the right side of it.

21 THE COURT: Okay. So when you said that  
22 Ms. Natalie held the stock in trust for you in some  
23 document that doesn't exist or can't be located, did you  
24 mean something other than she had stock certificates and  
25 she was holding them for you?

1 THE WITNESS: I had a right to have them at any  
2 time.

3 THE COURT: Okay. Just listen to my question.  
4 You seem to be testifying that you had -- when you saw  
5 these stock certificates --

6 THE WITNESS: Yes.

7 THE COURT: -- at A73 to 76 -- excuse me -- A73  
8 to 78 --

9 THE WITNESS: Uh-huh.

10 THE COURT: -- that you had an epiphany, because  
11 until then you didn't know that these stock certificates  
12 were issued.

13 THE WITNESS: Yes.

14 THE COURT: And what I'm trying to find out is,  
15 what did you think was going to happen as a result of the  
16 agreement between the shareholders, other than that stock  
17 certificates would be issued to the shareholders?

18 THE WITNESS: I didn't remember the agreement to  
19 the shareholders at the time either. I didn't remember a  
20 lot of this.

21 THE COURT: Well, what happened exactly in  
22 December of 2014 that caused you to sign these Unanimous  
23 Consents? What happened?

24 Here -- the sequence, as I understand it, is  
25 that in 1996, the company is administratively dissolved,



1 and at the end of 2014, all of a sudden, you're affirming  
2 that you're the sole shareholder, GTI is transferring  
3 interest to you, and all of that is happening in December  
4 of 2014, prompted by what?

5 THE WITNESS: The statute of limitations of 20  
6 years on the patent. I was told if we were going to do  
7 anything about this, it had to be done soon.

8 THE COURT: Okay. Who -- who is telling you  
9 anything about that?

10 THE WITNESS: Arlen Olsen, my patent attorney.

11 THE COURT: Okay. And what did you -- how long  
12 had Mr. Olsen been involved as your lawyer?

13 THE WITNESS: 15 years.

14 THE COURT: Okay. So that doesn't take us back  
15 to the 1995 --

16 THE WITNESS: No.

17 THE COURT: Okay. Well, did -- did you provide  
18 information to your attorney that evidenced the statements  
19 made in the Unanimous Consents as accurate?

20 Are you telling me that this lawyer just drafted  
21 these documents saying you were the sole stockholder just  
22 because you said you were?

23 THE WITNESS: No. Because Steve Danzig's  
24 attorney -- Steve Danzig believed that I should have  
25 standing, and Steve Danzig and his attorney worked with my

1 attorney to draft this. That was supposedly accurate and  
2 what was needed.

3 THE COURT: Okay. All right. Any other  
4 questions for the witness?

5 Any other questions?

6 MR. CROCKETT: Yes, Your Honor.

7 THE COURT: All right. You can ask questions  
8 responsive to my questions if you wish.

9 CONTINUED REDIRECT EXAMINATION

10 BY MR. CROCKETT:

11 Q Did you see the Agreement Between Shareholders where  
12 Ms. Natalie agreed to transfer your shares --

13 A Uh-huh.

14 Q -- without corporate authority?

15 A Yes.

16 Q Was that one of the documents --

17 THE COURT: I'm sorry. What did you say,  
18 without corporate authority?

19 MR. CROCKETT: Without further corporate  
20 authority.

21 THE COURT: Okay. I don't understand that  
22 question. Since I have to determine the facts in this  
23 case, I don't understand that question. So would you  
24 rephrase that, please.

25 MR. CROCKETT: Yes.

1 Q (By Mr. Crockett) Turn to the duplicate exhibit  
2 binder at Exhibit Ranieri Exam 004.

3 A I think so, yes.

4 Q And you see Subparagraph B where it says in all caps  
5 "Toni Natalie has advised"?

6 A Yes.

7 Q If you look at that, would you agree with that  
8 recital, it provides that it will, quote, not be necessary  
9 to obtain the consent in the future as provided in the  
10 Stock Purchase Agreements, unquote, with respect to a  
11 future transfer of Mr. -- to Mr. Ranieri?

12 A Yes, I believe so.

13 Q And your signature appears on this document, correct?

14 A Yes.

15 Q Is this one of the Rubens documents that helped you  
16 understand what the original arrangement and relationships  
17 between the parties were?

18 MR. LEWIS: Leading, Your Honor.

19 A Yes.

20 THE COURT: I'm sorry?

21 MR. LEWIS: Objection, leading.

22 THE COURT: Sustained. Rephrase that.

23 Q (By Mr. Crockett) What meaning did this document,  
24 which is Exhibit A in the packet that I've given you,  
25 what -- Exhibit 1, what meaning did this document have to

1 you?

2 A It reaffirmed that I had control of my property. I  
3 hadn't remembered the specifics of it.

4 Q Did you -- were you -- had you recalled or were you  
5 aware of the existence of this Exhibit 1 in this packet at  
6 the time that you signed that Unanimous Consent Resolution  
7 where you said you had always had 100 percent of the  
8 shares?

9 A No.

10 Q And do you understand what a beneficial owner of  
11 shares is?

12 A I don't know if I understand in a legal sense.

13 Q But did you understand that Toni Natalie had no  
14 interest whatsoever in the shares other than that she held  
15 title to them?

16 A Yes.

17 MR. LEWIS: Objection.

18 MR. KENNERLY: Objection, leading.

19 THE COURT: Sustained. I'm disregarding the  
20 answer.

21 Q (By Mr. Crockett) What interest at all did Toni  
22 Natalie ever have in the shares of GTI?

23 A She was my voting proxy, if you will. She needed to  
24 vote as I would say and protect my property.

25 Q All right.

1 MR. CROCKETT: No further questions, Your Honor.

2 THE COURT: All right. I want to just make sure  
3 I'm understanding you.

4 In Paragraph B, do you read this to say -- I'm  
5 not asking about any other agreements that you claim you  
6 had with her. Do you read Paragraph B to require  
7 Ms. Natalie to transfer the stock to you?

8 THE WITNESS: No.

9 THE COURT: All right. Thank you.

10 All right. You may be seated. Thank you very  
11 much.

12 MR. LEWIS: Your Honor, could we get entered as  
13 Exhibit 5, A6 through A78 that was just passed up to the  
14 witness? Those are the Rubens documents.

15 THE COURT: Any objection?

16 MR. CROCKETT: None.

17 THE COURT: Okay. That will be -- I think we're  
18 at 5.

19 MR. LEWIS: 5, Your Honor.

20 THE COURT: Exhibit 5.

21 Okay. You may step down, Mr. Raniere.

22 Any other evidence to be presented today by  
23 plaintiff's counsel?

24 MR. CROCKETT: No, Your Honor. But we request  
25 the stay be lifted so that we may take the deposition of

1 Mr. Danzig and Mr. Delaney.

2 THE COURT: Denied.

3 All right. Thank you. You may be seated.

4 MR. KENNERLY: Your Honor, just as a final note,  
5 I'd like to renew the objection to the hearsay testimony  
6 that you said you would --

7 THE COURT: All right. That is noted and  
8 overruled. The Court will consider the fact that the  
9 witness's reciting what other people say as going to the  
10 weight of the evidence.

11 All right. You may be seated -- thank you --  
12 over there.

13 All right. I'll hear from defense counsel now.

14 MR. LEWIS: Your Honor, it's happened again. As  
15 I guess --

16 THE COURT: That's a famous jingle line. You  
17 should cash in on that. I think it starts with, "Oops, it  
18 happened again."

19 MR. LEWIS: Once plaintiff realized, again, the  
20 evidence at hand didn't support standing, new supposed  
21 evidence was created here again. There's no written proof  
22 that Ms. Natalie transferred anything or had any beneficial  
23 or trust or any other agreement with Mr. Ranieri. His  
24 testimony and his testimony alone.

25 The documents don't exist. We would expect them

1 to exist in Mr. Rubens' files. He signed agreements as he  
2 admitted. There are in Mr. Rubens files the Stock Purchase  
3 Agreement, the Authorization to Transfer the Shares in the  
4 future that we were just talking about, all about the same  
5 time as this agreement with Ms. Natalie, but the agreement  
6 with Ms. Natalie isn't in Mr. Rubens' files. Your Honor, I  
7 put forward because it doesn't exist.

8 And certainly his burden here in standing is to  
9 show that he has standing, that he owns the  
10 patents-in-suit, and he hasn't done that.

11 THE COURT: Well, is it your -- I want to be  
12 sure that the record is clear. It's your motion. Is it  
13 your position that Mr. Ranieri has to prove that he has  
14 standing, or you have to show me that he doesn't and then  
15 he can respond to that?

16 MR. LEWIS: No. The burden is on Mr. Ranieri.  
17 We cited cases in our brief. That's clear. And he hasn't  
18 satisfied that burden.

19 THE COURT: Right. And he's cited a string of  
20 foreclosure cases with which I am quite familiar. But he  
21 cites those foreclosure cases to say that you don't have  
22 the right to challenge the validity of the assignment.

23 MR. LEWIS: Yes. So that we obviously disagree  
24 with and I do want to address.

25 First of all, patent cases, as the ones we

1 cited, show -- routinely look at the validity of the  
2 assignment. And sometimes that requires looking at  
3 employment agreements in some cases, looking at assignment  
4 agreements in other cases, looking at corporate law in some  
5 cases.

6 I want to bring the Court's back to the Advanced  
7 Video case, the AVT case that we cited and talked about in  
8 our brief. Counsel talked about that, and I disagree with  
9 his take on that. He said it did not involve a collateral  
10 attack, which is his term for determining if the plaintiff  
11 actually owned the patent.

12 And in that case, we had a situation where a  
13 corporate assignor in the chain of title claimed to own the  
14 patent-in-suit based on a purchase of another corporation.  
15 And the assignor claimed that the purchase of the other  
16 corporation automatically brought that daughter corporate's  
17 assets into -- into the assigning corporation.

18 And the Court looked at the corporate law and  
19 said no, that's not right. It's a subsidiary corporation,  
20 and when you, parent corporation, tried to assign that  
21 patent, you didn't own it. And, therefore, the two people  
22 who took downstream didn't own it either, and they threw  
23 out the standing.

24 So that's very analogous to this case. It  
25 looked at corporate organization, what happens when one



1 corporation buys another. Obviously, that fact is a little  
2 different here, but the idea of how corporate law controls  
3 who owns a patent.

4 Of course we get to check these type of facts  
5 and investigate it. A plaintiff can't come in with a piece  
6 of paper that says "I assigned the patent to myself," and  
7 we have to stand by and say, "Oh, okay," even though all of  
8 the testimony, except his own self-serving testimony says  
9 that he doesn't own that patent.

10 Like I said, the Federal Circuit while not, you  
11 know, exactly on point, has looked at the background of  
12 assignments. Other courts have looked at the background of  
13 assignments. And the AVT case looked at the corporate  
14 organization issues relating to an assignment and said no  
15 standing. So I think that is very clear.

16 We have, you know, Mr. Raniere looking at the  
17 bankruptcy documents from Natalie's bankruptcy saying that  
18 she doesn't list GTI and, therefore, that shows that he  
19 owns GTI. In fact, as I took him through, he put a  
20 declaration in that says she was not providing a complete  
21 list of her assets, and it's certainly possible that GTI  
22 was one of the ones that was missing. And that is actually  
23 supported by the fact that the agreement wherein  
24 Mr. Raniere would be allowed to take the shares of GTI  
25 require that Ms. Natalie transfer the shares, along with

1 two other corporations. That's Cross Point Communications  
2 and Innovative Services.

3 And we put into the -- into exhibit to our  
4 motion her -- part of her bankruptcy file that they  
5 produced. And at A97 is a schedule of personal property  
6 from Ms. Natalie that lists both Cross Point Communications  
7 and what she refers to as Innovative Network.

8 Those corporations, if indeed she had  
9 transferred to Mr. Ranieri, as would be allowed under the  
10 agreement that we got from Mr. Rubens, those two  
11 corporations would have gone as well. I think the better  
12 conclusion, especially with Mr. Ranieri's declaration, is  
13 that Ms. Natalie perhaps forgot to include GTI for whatever  
14 reason, but it is not evidence that Mr. Ranieri owned GTI  
15 at that point or, frankly, any point.

16 I'd like to also address the process argument.  
17 Counsel started with that argument. And he -- he talks  
18 about how they, quote, first received -- was his word --  
19 notice of the issue of standing at the hearing, the Rule 16  
20 hearing. Well, that's wrong.

21 We filed our answers in July -- both AT&T and  
22 Microsoft filed answers in July and in both cases had  
23 standing as a defense. When we put in our document to the  
24 Court relating to the scheduling and the issues that were  
25 needing to be dealt with in this case, we put in standing.

1 In fact, I think it's likely that's how come the Court  
2 brought it up at the Rule 16 hearing.

3 So indeed it was not, you know, late September  
4 when plaintiff first learned about standing. In fact,  
5 plaintiff testified it was August or September. Indeed,  
6 they knew that at least in July.

7 It appears that no effort was made to get the  
8 documents that they now claim that they so urgently need  
9 and which counsel just remade his motion.

10 We had our Rule 26 conference. At that point --  
11 and well prior to 9-28, and at that point, of course,  
12 discovery was open. Answer had been filed, and at that  
13 point, counsel could have done what they needed to do and  
14 also gotten the information necessary for standing.

15 It also has come up in the pleadings -- and I'd  
16 like to reemphasize here -- that I said myself -- actually  
17 sent an email to counsel for plaintiff in April, because  
18 the Patent Office's records showed that GTI owned the  
19 patents, and Mr. Ranieri was the plaintiff.

20 I got back from Mr. Ranieri's counsel the  
21 documents -- the Unanimous Consent and the assignment that  
22 are at the end of counsel's exhibits today. And, again,  
23 they should have known at that point that standing was an  
24 issue, we were challenging standing, and that they needed  
25 to look into standing.

1           But they made no effort to do so until both  
2 after the hearing -- the Rule 16 hearing, up until the  
3 October 12th date on which the Court ordered them to  
4 provide all their -- their evidence relating to standing.  
5 And indeed they could have asked before October 12th Your  
6 Honor for the ability to take discovery. But they actually  
7 had the ability to take discovery at that point, because  
8 the stay didn't issue until the 29th of October. That was  
9 two weeks later.

10           So the process argument, Your Honor, we believe  
11 goes -- goes nowhere.

12           So what we have, you know, instead is written  
13 evidence from Mr. Rubens that Natalie, Danzig, Delaney own  
14 GTI. Mr. Ranieri sat on the stand over there and  
15 repeatedly referred to his property. Now, he may think of  
16 it that way. However, the way the documents show the  
17 property moved was, the patent application was assigned to  
18 GTI. That's the record that's in the patent office. And  
19 at that point, the patent -- even if he was the inventor,  
20 and as much moral feeling he had, you know, that it was his  
21 baby, that patent -- and at that point it was an  
22 application, but any patent that issued off that  
23 application was owned by GTI. And the documents show that  
24 GTI was opened by Danzig, Delaney and Natalie, not by  
25 Ranieri.

1           The only way that -- and, frankly, the only way  
2 we get there is -- we don't have this Natalie trust  
3 agreement. That doesn't even sound like it transfers the  
4 shares to Mr. Natalie (sic). It's hard to really know  
5 what --

6           THE COURT: Mr. Raniere.

7           MR. LEWIS: Mr. Raniere, I'm sorry -- says that  
8 that is supposed to transfer.

9           So I think we really have no evidence that  
10 Mr. Raniere owns any majority, certainly, share of GTI.  
11 His declaration does not say that he owns that 75 percent  
12 from Natalie. And this was as recently as January of this  
13 year -- I think it was the 16th when he signed his  
14 declaration where, again, he says that the Rubens  
15 documents, he's told, will show that he owns Natalie's  
16 share. As it turned out that was wrong, and he did not own  
17 Natalie's share.

18           So, Your Honor, after checking my notes, which I  
19 left over there, I did cover all of the topics I wanted to  
20 cover. And I just want to say --

21           THE COURT: Go get them. I remember as a  
22 lawyer, the worst thing was when you left your notes and  
23 you thought you had covered it all, and then there's some  
24 glaring error. So go get them. I don't want that on my  
25 conscience.

1 MR. LEWIS: I did get them. And I did cover  
2 everything.

3 And I just want to say that the written record  
4 of GTI is clear. Mr. Ranieri has been all over the place  
5 with his declarations and his testimony, which -- there has  
6 been testimony even inconsistent today. You know, the  
7 burden is on them to show standing, and they just haven't  
8 done it.

9 Thank you, Your Honor.

10 THE COURT: All right.

11 MR. KENNERLY: If I may, Your Honor, very  
12 briefly.

13 This is a serious matter. You may recall at the  
14 Rule 16 conference, I believe plaintiff stated that they  
15 were seeking in excess of \$10 million and certainly a lot  
16 of money has been spent defending the case and in  
17 particular on this standing issue.

18 What we have about standing is -- the whole of  
19 it is Mr. Ranieri's testimony that he has it. And that's  
20 what it boils down to. And it's actually worse than that,  
21 because every single piece of documentary evidence says  
22 otherwise.

23 So we have his testimony and only his testimony  
24 allegedly supporting standing. All the documents show that  
25 he does not have standing. I think there's absolutely no

1 basis that he can show to -- to demonstrate standing and,  
2 therefore, we would request that the case be dismissed.

3 Thank you.

4 THE COURT: All right. Thank you.

5 All right. Mr. Crockett.

6 MR. CROCKETT: Thank you very much for one final  
7 statement, Your Honor.

8 Microsoft's counsel said something that was just  
9 basically wrong about what Mr. Ranieri said in his  
10 declaration. And there's only been one declaration.  
11 There's not been multiple declarations.

12 Mr. Lewis said that Mr. Ranieri said that the  
13 Rubens documents would show that he owned Ranieri's --  
14 Natalie's share. That's not what he said.

15 He said, "I have been told that Washington  
16 attorney Alan Rubens has corporate formation documents  
17 showing the shareholder interest of Natalie, Danzig and  
18 Delaney, where 75 percent, 12.5 percent, 12.5 percent, and  
19 that they had executed a shareholders' agreement whereby  
20 Natalie would transfer me her shares."

21 That's quite a bit different than what Mr. Lewis  
22 said. And indeed those documents in the Rubens documents  
23 refreshed Mr. Ranieri's recollection to the point where he  
24 would testify today and was willing to execute an affidavit  
25 for today saying that once he saw those documents, he could

1 see that he -- that the beneficial shareholdings were held  
2 by -- in these percentages by Ms. Natalie and that  
3 25 percent were held by the other two, and that based upon  
4 his recollection then of seeing all of these documents, he  
5 had a clear understanding of what went on.

6 His testimony stands unrefuted that he executed  
7 the transfer knowing he had at least 75 percent controlling  
8 interest in the corporation. Natalie executed a document  
9 in February saying that she was going to transfer those  
10 shares. He testified that he had --

11 THE COURT: What document?

12 MR. CROCKETT: That's the document that's --  
13 pardon me, Your Honor -- that we have designated as Exhibit  
14 1 in our plaintiff's duplicate exhibits to be offered  
15 during Raniere's examination.

16 THE COURT: Okay. I'm going to ask you what you  
17 mean. I asked your client whether Recital B required  
18 Ms. Natalie to transfer the stock to him, and he said no.

19 MR. CROCKETT: That's exactly correct. What  
20 this document does is gives her the ability to do it  
21 without --

22 THE COURT: Why do I care if she had the ability  
23 to do it? What I care about is if she did do it.

24 MR. CROCKETT: I'll get to that, Your Honor.

25 But this document is one of two documents that lead to the



1 transfer of shares. This document is part of the  
2 documentary -- the documentary history that tells the  
3 story. This is the first document that the parties  
4 created. It wasn't the bylaws, the articles. It wasn't  
5 something else.

6 This document was created several days before  
7 the corporation was actually formed. When they sat down to  
8 think about what was important, what should we really think  
9 about that was important, they executed a document that  
10 says that she had the right to transfer her shares to  
11 Mr. Ranieri without any further corporate authorization.

12 Now, in the standing question -- I'm just  
13 focusing on the standing question. The standing question,  
14 first of all, again, I don't think any of this should be  
15 relevant, because they don't have standing to challenge  
16 this. But in the standing question, the question is why --  
17 what evidence is there for the assumption or the fact or  
18 the argument that Mr. Ranieri had any interest in this  
19 corporation? What evidence at all?

20 Well, there's this very important, very first  
21 document in the scheme of things. Why would these  
22 shareholders be thinking of this, dreaming of this, and  
23 asking for Mr. Ranieri's signature on the document?

24 Well, his answer, unrebutted, was that he  
25 controlled the corporation. It was his corporation to

1 control. His testimony was "I own this corporation; I  
2 controlled it; I approved these documents, and the reason  
3 why is under the advice of my lawyer, it was inappropriate  
4 to have my name associated with this company because it  
5 would make it difficult to market."

6 That's a legitimate explanation to hold shares  
7 beneficially. And I've not heard one thing from Microsoft  
8 or AT&T talking about the concept of beneficial ownership.  
9 Beneficial ownership is not new; it's not confusing. It's  
10 common. It's commonly done. And in this case, the  
11 beneficial ownership has some evidence in these documents,  
12 because Mr. Ranieri is approving documents that he  
13 otherwise had no interest in approving.

14 You don't have some third party come in and  
15 approve shareholder agreements. There's got to be a reason  
16 for it. And what is that reason? And the reason was more  
17 than adequately explained and that was he controlled it;  
18 this was all for his benefit; he couldn't hold it in his  
19 name.

20 Now, I would admit that if we had a standard set  
21 of corporate documents that didn't mention Mr. Ranieri,  
22 didn't mention his call on profits, didn't require his  
23 approval of documents, it just had a set of documents  
24 showing the shareholding interest, Natalie, Danzig and  
25 Delaney, and there was no mention of Delaney -- of Ranieri,

1 I would admit that that would be a different set of  
2 circumstances. And that's what we thought we were facing  
3 before we obtained the Rubens documents.

4 And as my declaration in support of this motion  
5 that's contained in the appendix indicates, that when I  
6 interviewed Mr. Rubens about the documents, he admitted  
7 that when he was first consulted about these documents by  
8 prior counsel, he didn't disclose the existence of these  
9 documents bearing Ranieri's signature.

10 My specific question to Rubens is -- apparently  
11 unasked by prior counsel, was: "Do you have any documents  
12 with Mr. Ranieri's name on it?"

13 And he hadn't been asked that question. And I  
14 formed the conclusion that he -- when he was first  
15 interviewed, it was a cold call, and he didn't have his  
16 documents before him. But when I called him, he had his  
17 documents before him.

18 That was the first time that we came to an  
19 understanding that there's something different about this  
20 set of circumstances, about this corporation. This  
21 corporation is so unusual that Mr. Ranieri's name is  
22 plastered -- well, that's an overstatement. But his name  
23 is on these documents, and it looks like he's the most  
24 important person in these documents.

25 So what's lacking here is a document of actual

1 transfer of Natalie's shares. Let's put to one side  
2 Delaney and Danzig, because they're just 25 percent. All  
3 he needs is 75 percent to transfer shares. Under  
4 Washington law, it's got to be more than two-thirds,  
5 according to our brief.

6 So let's -- let's put to one side that issue and  
7 focus solely on the Natalie information. It's unrebutted  
8 that he had a document out there that was a beneficial  
9 shareholding agreement that he just can't lay his hands on.  
10 But you can prove missing documents by testimony.

11 THE COURT: If it's credible.

12 MR. CROCKETT: Well, if it's credible. But I  
13 would urge the Court to -- when assessing Mr. Ranieri's  
14 credibility, I would ask the Court to consider the  
15 following significant factors: Whose patent was this, who  
16 did all the work, who's the guy that can testify to this,  
17 who was the creating genius behind the formation of GTI,  
18 who -- you know, was Natalie an inventor? No, she was his  
19 girlfriend.

20 So in assessing the credibility -- and I fully  
21 realize that that's a very important province for the  
22 Court, especially today -- I would submit that Mr. Ranieri  
23 is not a lawyer, he's a layman, he has a hard time  
24 remembering things that occurred many, many years ago. And  
25 he couldn't lay his hands on the documents; he didn't have

1 the documents. And in assessing his credibility, I'd  
2 invite the Court to recall that his -- the first report to  
3 Mr. Ranieri's lawyers were that Mr. Rubens had nothing.

4           So in making that credibility decision -- I know  
5 that Mr. Ranieri has an incentive to hang onto this case  
6 and prosecute it. That's an important incentive. And  
7 Mr. Ranieri has fully acknowledged that the consent  
8 resolution that he executed wrongly states that he always  
9 had 100 percent interest in the shares. I fully  
10 acknowledge that that's a problem and an issue. But  
11 Mr. Ranieri has forthrightly also said "But I didn't have  
12 the benefit of the Rubens documents, and now I have them  
13 and I can see what happened."

14           I mean, one has to imagine how difficult it  
15 would be for even me to remember a matter I handled 20, 30  
16 years ago. I couldn't -- I couldn't possibly remember it.  
17 The corporations I formed in the distant past, I couldn't  
18 even name their names. I couldn't even remember any  
19 participant in that. And here Mr. Ranieri is struggling to  
20 remember these things.

21           So --

22           THE COURT: Well, if you were preparing a  
23 document for a client who claimed to be the sole  
24 shareholder, don't you think you might ask them to produce  
25 a share or two?

1 I mean, you're asking me to just put aside more  
2 examples than I have time to recount now of things that are  
3 completely illogical about this position. And that's one  
4 of them, that a person claims to be the sole shareholder  
5 and in reality doesn't have a share at all and never had a  
6 share. No one is claiming that Mr. Ranieri ever had a  
7 stock certificate. And Mr. Ranieri knows who the lawyers  
8 are for himself, for Mr. Danzig; Mr. Danzig is still his  
9 pal; nobody contacts Mr. Danzig. Any stock certificates  
10 around? I lost track of the number of lawyers.

11 So I'll let you know when I'm done.

12 MR. CROCKETT: I'm sorry.

13 THE COURT: One of the things that one might do  
14 is contact these lawyers before preparing a document that  
15 is allegedly prompted by a lawyer to get an assignment to  
16 oneself as the sole stockholder, that somebody might say,  
17 "Do you have a stock certificate? Do we need to get a  
18 duplicate stock certificate? Did you check with anybody to  
19 make sure you're the sole stockholder?"

20 It seems odd -- I'm not taking judicial notice  
21 of it, but it seems odd that this gets documented in a way  
22 that now is indisputably inaccurate without anybody  
23 checking.

24 Okay. Now I'm done.

25 MR. CROCKETT: Thank you, Your Honor. Apologize

1 for interrupting.

2           Those are all very good points. But this is a  
3 closely held corporation, and things aren't done according  
4 to Hoyle. They just aren't. And Your Honor probably has a  
5 lot of experience seeing witnesses testify about how things  
6 are done in corporations. Close corporations, they aren't  
7 done according to the rules. People do things sloppily.

8           And Mr. Raniere, the evidence we have is that  
9 they did contact Rubens and he had nothing. So there was  
10 some investigation; he had nothing.

11           But when I was hired, I asked different  
12 questions. And Mr. Rubens was one of the grumpiest guys I  
13 ever met, but I got some information from him, and I got  
14 the documents, with the Court's help.

15           So we have -- we have some diligence that was  
16 able to have been done, and it appears from Rubens' files  
17 that there are stock certificates in there, and it appears  
18 they weren't issued. They're sitting in the file.

19           There's no indication that they were issued.  
20 But according to the Rubens' documents, which you have  
21 before you, there are stock subscription agreements that  
22 the parties signed. And Delaney and Danzig and Natalie  
23 signed their documents subscribing to the stock. But it  
24 doesn't appear the certificates were ever issued.

25           So it's common for -- especially somebody who

1 has an interest in many corporations not to recall the  
2 specifics of things. And those -- and it isn't Mr. Ranieri  
3 lying about it. It's Mr. Ranieri unable to recall, doing  
4 some diligence to get them and unable to get them. And had  
5 we had the process of the Court, again, I -- I can't  
6 predict what would have happened, but we would have liked  
7 to have tried to have gotten some better answer from  
8 Mr. Danzig or Mr. Delaney.

9 THE COURT: What in the world prevented that  
10 from being pursued by you and your client? What in the  
11 world do you claim that the Court did to prevent your  
12 client from acting expeditiously to get these alleged  
13 missing documents that Mr. Danzig, your client is  
14 suggesting, has tucked away somewhere, to the extent they  
15 haven't been flooded or attacked by locusts or whatever  
16 else might mean that they're no longer in existence?

17 I mean, it reach businesses the point, Counsel,  
18 of just being preposterous. I don't have another word for  
19 it. It's -- every time we get to a point where this issue  
20 is supposed to be resolved, your client moves the  
21 goalposts. That's what happens. And it's quite ironic for  
22 you to cite Hoyle, who wrote about the rules of card games,  
23 rules that one is supposed to operate by, is applicable  
24 here. Because as far as I can tell, having tried to  
25 resolve this issue of whether your client has standing for



1 six months now, it's just -- you get to a point where it  
2 appears there's an answer, and then there's Excuse A,  
3 Excuse B, Excuse C. I'm running out of letters of the  
4 alphabet now.

5 MR. CROCKETT: In answer to Your Honor's  
6 question, the things that prevented my client from doing  
7 this were the October 28, 2015, stay prohibiting my client  
8 from taking any discovery. When I was in -- involved in  
9 the case, I immediately asked this Court for a lifting of  
10 the stay and it was denied.

11 The cases that we cite -- I just don't want the  
12 Court to make an error here.

13 THE COURT: Okay. Well, I appreciate -- you've  
14 said that multiple times, and I don't go through my life  
15 worrying about whether the Fifth Circuit is going to  
16 reverse me or the Federal Circuit is going to reverse me.

17 I do my best to make correct decisions. If the  
18 appellate court that grades my papers concludes otherwise,  
19 then so be it. I don't -- your concern for my well-being  
20 is appreciated.

21 MR. CROCKETT: I just want -- I'm here as a  
22 lawyer and an advocate for a client. And I -- you know, I  
23 do my best. I've been called into this matter at the last  
24 minute to try and see what's wrong and what can be fixed.

25 And I've read the file. I've read the

1 transcripts. I've read the pleadings. I've read the  
2 filings in this case. And quite honestly, Your Honor, I  
3 would urge this Court not to slam the door so early in this  
4 case. Yes, some time has gone by. But when you read the  
5 cases in which the courts have slammed the door on  
6 plaintiffs on standing, they involve very egregious  
7 circumstances, not even remotely approaching these  
8 circumstances here.

9 I realize my client had nothing to show the  
10 Court of much significance. If one were to give credit to  
11 the standing that Microsoft and AT&T may have to challenge  
12 intracorporate activities, I realize there wasn't much to  
13 offer the Court when the Court asked for that, demanded it  
14 or ordered it in September. I realize there was nothing.  
15 I realize there was nothing since then until we got the  
16 Rubens documents. And now the Rubens documents point to  
17 what should have been pursued by counsel sometime ago.

18 And you're right, months ago my predecessors or  
19 my co-counsels should have gone into the court in October  
20 and said, "We need the stay lifted; we need to take the  
21 following discovery; we need Danzig, Delaney and Natalie."  
22 That wasn't done. I fully admit that.

23 But I would submit, based upon a reading of the  
24 case about discretion law, that not enough time has gone  
25 by. And given -- given the fact that there has been a stay

1 and the bar of affidavits and all of this other material  
2 that accompanies the hearing today, I just say that this is  
3 not a good case for me to be able to tell my client that,  
4 hey, you've been able to vindicate your invention. His  
5 invention; it's his to pursue.

6 And just one final word on the collateral attack  
7 business. Counsel stated that courts routinely look at the  
8 validity of the assignment and the implied by collateral  
9 inspection. That is plainly untrue. The cases they cite  
10 in their brief are not on -- even remotely on point.

11 THE COURT: All right. Let me -- I'm not  
12 following the argument that you are making.

13 If Mr. Ranieri had nothing whatsoever to do with  
14 this company, he didn't sign the shareholder agreement, he  
15 has not a stick of paper showing that he had anything to do  
16 with it, GTI is dissolved, and all of a sudden Mr. Ranieri  
17 surfaces, says he's the sole stockholder and assigns  
18 everything to himself. Are you telling me that the Court  
19 is just stuck, that nobody can evaluate whether that's true  
20 because he has a document that looks like an assignment?

21 MR. CROCKETT: No, Your Honor.

22 THE COURT: Okay. What are you saying then?

23 MR. CROCKETT: That's a very good question. It  
24 will be difficult for me to articulate, but I think I can.

25 There are title issues and there are

1 intracorporate working issues. One is an important issue  
2 to examine and the other not so important. Whether  
3 meetings were held, whether certificates were issued,  
4 whether a board of directors meeting was properly held,  
5 where a writing was required or not required, and a  
6 transfer was done in spite of a written obligation to --  
7 they're two different things.

8 THE COURT: Okay. Well, is the issue of whether  
9 there was ever a transfer of the shares of -- even one  
10 share of stock in GTI to Mr. Raniere properly before the  
11 Court?

12 MR. CROCKETT: Yes, that is true, Your Honor.

13 THE COURT: Okay.

14 MR. CROCKETT: That is properly before it.

15 THE COURT: Okay.

16 MR. CROCKETT: But if the question turns on  
17 whether it should be in writing or not or whether minutes  
18 were properly handled or not or certificate were issued or  
19 not, that's only intracorporate shareholding issues that --  
20 that nobody has standing to assert except a shareholder.

21 So in this case, if we're dealing with -- and  
22 the reason why the Court's question is so on point and gets  
23 to the heart of the issue, is that it's a title question  
24 that your question -- that Your Honor is asking.

25 And the very case that demonstrates this point

1 is the Advanced case, which they cite in their brief. In  
2 that case, the wrong corporate entity made the assignment.  
3 One corporation buys another, and the parent thinks, "Oh, I  
4 can make the assignment of the patent. I own the patent."  
5 And the Court said, "No, you don't; your subsidiary owns  
6 the patent."

7 THE COURT: The issue of whether a transfer is  
8 supposed to be in writing in my view goes to the  
9 credibility of the testimony. It isn't a question of  
10 framing it the way you did, that the defendants or I should  
11 be looking at whether shareholder meetings were held, that  
12 kind of thing.

13 But because the documents that Mr. Ranieri  
14 contends either -- and I'm still not sure what he's  
15 saying -- either don't exist at all or have been destroyed  
16 in some way, the issue of the fact that the agreement  
17 between the shareholders, which he signed and so he's  
18 charged with knowledge of the contents of that, say that  
19 it's supposed to be in writing. And no writing has been  
20 produced. And in the Court's view, it is perfectly  
21 appropriate for the Court to consider that as an issue  
22 going to the credibility of the testimony.

23 MR. CROCKETT: I would respond to Your Honor  
24 saying that the rule itself requiring a writing is  
25 something that Microsoft and AT&T have no standing to

1 raise, because agreements requiring things to be done in  
2 writing can be abrogated by the parties thereto and is done  
3 all the time.

4 On the other hand, what the Court is saying and  
5 which I agree with, is if Mr. Ranieri claims that the only  
6 basis for the assignment is a -- is a verbal transfer and  
7 you suspect that that verbal transfer never occurred  
8 because there are other writings, why not this, well that  
9 is a credibility issue, and I certainly sign onto that as  
10 something appropriate that the Court should evaluate.

11 But in this case, because we have some  
12 foundational underpinnings for what was happening -- and  
13 that's that shareholder agreement that's Exhibit 1 in our  
14 stack -- because we have some framework there, it's in  
15 writing, it's the parties -- they're agreeing to the fact  
16 that Mr. Ranieri will be able to receive the Natalie shares  
17 without any further corporate authorization --

18 THE COURT: Okay. Well, you keep changing the  
19 phrasing of this, and I keep changing it back. It doesn't  
20 say at that Mr. Ranieri will receive the shares.

21 MR. CROCKETT: True.

22 THE COURT: It says that Ms. Natalie may  
23 transfer the shares to him. That is, as is in common  
24 parlance now, huge. That's a huge difference that she can,  
25 she may, she might, she could, but she doesn't have to.

1 And it doesn't say that she has to. It doesn't say he will  
2 get the shares. It says she may transfer them.

3 So not only do we not have a writing that  
4 effectuates such a transfer, but we don't have a writing  
5 that obligates such a transfer.

6 MR. CROCKETT: And Your Honor has correctly  
7 characterized our Exhibit 1. But why is Exhibit 1 in the  
8 pile in the first place? Why was Mr. Raniere's signature  
9 there and required and on all of the other documents? This  
10 case is unlike any other standard corporate case.

11 THE COURT: I'll give you that. You're going to  
12 win on that argument. So don't argue to the contrary on  
13 that. I'm with you all the way.

14 MR. CROCKETT: I will suggest in closing, Your  
15 Honor, that because the level of proof -- the burden of  
16 proof is low on a standing case, and because we do have  
17 written documentation, we do have testimony, we do have the  
18 likely ability to get more documents with process, this  
19 case instead -- I would suggest to the Court that this  
20 Court defer its ruling for another 60 days and permit the  
21 case to proceed, and if the plaintiffs want -- if the  
22 defendants want to renew it after we've had a chance to do  
23 some discovery -- I realize that the Court has denied our  
24 request, but I'm just suggesting a possible outcome -- that  
25 justice would better be served in this case for the

1 inventor of this process.

2 Thank you, Your Honor.

3 THE COURT: All right. Thank you. I'm going to  
4 take a 10-minute break, and I'll announce my ruling from  
5 the bench in 10 minutes.

6 (Recess.)

7 THE COURT: Before the Court is the Defendants'  
8 Rule 12(b)(1) motion to dismiss for lack of standing.

9 To establish his standing to bring the suit for  
10 patent infringement, the plaintiff, Mr. Ranieri, must  
11 demonstrate that he owns the patents-in-suit.

12 The Court has given Mr. Ranieri multiple  
13 opportunities to establish his ownership interest in the  
14 asserted patents, as established during the hearing today  
15 and as set forth in my order of February 24th, 2016, on  
16 Plaintiff's Emergency Motion for Reconsideration.

17 Despite these repeated opportunities,  
18 Mr. Ranieri has failed to establish that he owns the  
19 patents-in-suit.

20 The abstracts of title recorded in the patent  
21 office indicate that the patents-in-suit are owned by  
22 Global Technologies, Inc., or GTI, a now-dissolved  
23 Washington corporation.

24 Ranieri has produced an unrecorded assignment to  
25 himself dated December 26, 2014, purporting to assign the



1 patents-in-suit from GTI to him, but the Court finds that  
2 this assignment is not effective to transfer ownership of  
3 the patents to Mr. Ranieri.

4 Mr. Ranieri executed the 2014 assignment in his  
5 alleged capacity as president and sole shareholder of GTI.  
6 The effectiveness of this assignment depends on the  
7 validity of two other documents executed by Mr. Ranieri  
8 contemporaneously with the 2014 assignment.

9 First, a Unanimous Consent Resolution of the  
10 sole shareholder of GTI purporting to appoint Mr. Ranieri  
11 as sole director of GTI and, two, a Unanimous Consent  
12 Resolution of the sole director of GTI purporting to elect  
13 Mr. Ranieri as president of GTI and to authorize the  
14 transfer of all rights in the asserted patents to him.

15 The evidence fails to demonstrate that  
16 Mr. Ranieri was the sole shareholder of GTI. In fact, his  
17 testimony undisputed was that he was not, nor does it  
18 establish that he had the authority to elect himself as the  
19 sole director of the corporation.

20 The corporate documents produced by Mr. Alan  
21 Rubens and admitted during the hearing demonstrate that GTI  
22 was initially owned by Toni Natalie, Thomas Delaney and  
23 Steve Danzig. Natalie owned 75 percent of GTI, and Messrs.  
24 Delaney and Danzig each owned 12-and-a-half percent.

25 Mr. Ranieri testified today at the hearing that

1 he parted ways with Mr. Delaney and Mr. Danzig, and as part  
2 of that separation, Messrs. Delaney and Danzig simply  
3 disavowed any interest in GTI and told Mr. Ranieri that he  
4 could have their ownership interest. He still says he has  
5 a relationship with Mr. Danzig.

6 Mr. Ranieri also asserted today that Ms. Natalie  
7 always held her 75 percent interest in trust for  
8 Mr. Ranieri. This trust arrangement allegedly was  
9 documented by a written side letter executed at the same  
10 time as the corporate documents. Mr. Ranieri testified  
11 that he does not have the side letter and does not know  
12 where the letter may be.

13 He similarly testified, although in the Court's  
14 view inconsistently, that Ms. Natalie transferred her  
15 interest to him, but there are no documents that have been  
16 offered to establish that that occurred.

17 Mr. Ranieri testified that Ms. Natalie  
18 transferred any and all interests that she held in trust  
19 for Mr. Ranieri as part of a settlement in a bankruptcy  
20 case in 2000. Mr. Ranieri testified that the settlement  
21 was reduced to writing but that he does not have this  
22 document and doesn't know where it is. He also testified  
23 that the document probably doesn't identify GTI  
24 specifically but that omission is not significant because  
25 of the broad language that he claims was in the agreement.

1           The testimony that was offered today in court  
2 contradicts Mr. Ranieri's earlier representations  
3 significantly. It contradicts the Unanimous Consent  
4 Resolution of the Sole Shareholder of GTI, where he  
5 represented that he was the sole shareholder of all of the  
6 stock in GTI at all times prior to dissolution and at times  
7 subsequent to dissolution. He has previously offered this  
8 Unanimous Consent Resolution in response to the objections  
9 of the defendants and to this Court's orders to produce  
10 evidence that would establish his standing.

11           The testimony offered today is also inconsistent  
12 with Mr. Ranieri's proposed declaration testimony that  
13 Ms. Natalie verbally or orally transferred her shares in  
14 GTI to Mr. Ranieri.

15           I find Mr. Ranieri's testimony to be wholly  
16 incredible, and I further find that his testimony is  
17 untruthful. His untruthful testimony demonstrates a  
18 pattern of obfuscation that has been present since the  
19 inception of the litigation. Every time a defect is  
20 identified in Mr. Ranieri's standing, he responds with a  
21 promise that he can produce evidence that would resolve  
22 that defect, but those promises never bear out.

23           He has repeatedly returned to the Court with  
24 excuses that his memory has been refreshed and he now  
25 remembers additional evidence that would establish his

1 standing. The notion that the Rubens documents provided  
2 the basis for some epiphany that would cause him to  
3 recollection what he now claims to have occurred that is  
4 undocumented is not credible.

5           There is no written document evidencing any  
6 transfer from any of the original owners of GTI to  
7 Mr. Ranieri. There's no credible evidence that Mr. Ranieri  
8 had an interest in GTI that would allow him to transfer the  
9 patents to himself.

10           Over objection, the Court permitted Mr. Ranieri  
11 to testify. In its role as fact-finder, the Court assessed  
12 his testimony and found it not believable.

13           Mr. Ranieri has repeatedly claimed he was --  
14 through his counsel that he was unfairly impeded in  
15 attempting to locate and obtain documents from Mr. Danzig.  
16 The Court made inquiry about that, and there was no  
17 reasonable effort to obtain documents from Mr. Danzig,  
18 which could have occurred formally or informally, formally  
19 during the first month when counsel were free to do  
20 whatever they wanted to establish standing.

21           The Court has no reason to believe and  
22 disbelieves that Mr. Danzig would have any of the documents  
23 that Mr. Ranieri now claims, incredibly, were in existence.

24           The Court finds that because the only missing  
25 documents are those that would establish standing and that

1 Mr. Ranieri's testimony was evasive and incredible, that  
2 the documents do not exist.

3 This is not an improper attack on corporate  
4 formalities. It is an examination of facts to determine if  
5 Mr. Ranieri owns the interest he claims. The Court is  
6 obligated to make that determination to determine whether  
7 Mr. Ranieri has standing. The Court finds as a matter of  
8 fact and law that he does not.

9 Accordingly, the defendants' motions to dismiss  
10 for lack of standing are granted.

11 Mr. Ranieri's claims are dismissed with  
12 prejudice.

13 The Court dismisses the claims with prejudice  
14 because Mr. Ranieri's conduct demonstrates in the Court's  
15 view a clear history of delay and contumacious conduct.

16 The Court identified the standing issue as  
17 problematic at the Rule 16 conference and gave Mr. Ranieri  
18 multiple opportunities to address the Court's concerns.  
19 Mr. Ranieri responded to Court's invitation to prove his  
20 standing, an issue on which he bears the burden, with  
21 documents that contain false representations, including the  
22 Unanimous Consent Resolution of the Sole Shareholder of GTI  
23 and with references to documents that the Court finds do  
24 not exist.

25 The testimony of Mr. Ranieri on all of the

1 issues that related to standing and allegedly having  
2 standing are, in the Court's view, not credible.

3 For these reasons, the Court grants the motions  
4 to dismiss.

5 Are there any other issues that either party  
6 wishes the Court to address in its findings?

7 MR. LEWIS: Nothing, Your Honor. Thank you.

8 THE COURT: Counsel, anything else?

9 MR. CROCKETT: No, Your Honor.

10 THE COURT: Okay. That will be the Court's  
11 order, and the case will be dismissed forthwith.

12 Thank you.

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(Proceedings concluded.)

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CERTIFICATE OF OFFICIAL REPORTER

I, D. Keith Johnson, RDR, CRR, Federal Official  
Realtime Court Reporter, in and for the United States  
District Court for the Northern District of Texas, do  
hereby certify that pursuant to Sections 753, Title 28,  
United States Code, that the foregoing is a true and  
correct transcript of the stenographically reported  
proceedings held in the above-entitled matter and that the  
transcript format is in conformance with the regulations of  
the Judicial Conference of the United States.

Dated this 2nd day of March, 2016.

/s/ D. KEITH JOHNSON  
D. KEITH JOHNSON, RDR, CRR  
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10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX

PROCEEDING	PAGE
INITIAL ARGUMENT BY MR. LEWIS.....	4
INITIAL ARGUMENT BY MR. CROCKETT.....	5
PLAINTIFF'S WITNESS:	
KEITH ALAN RANIERE	
Direct Examination by Mr. Crockett.....	21
Cross-Examination by Mr. Lewis.....	44
Cross-Examination by Mr. Kennerly.....	75
Redirect Examination by Mr. Crockett.....	89
MR. LEWIS' ARGUMENT.....	102
MR. KENNERLY'S ARGUMENT.....	110
MR. CROCKETT'S REBUTTAL ARGUMENT.....	111
COURT'S RULING.....	128
COURT REPORTER'S CERTIFICATE.....	135



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

EXHIBITS

PLAINTIFF'S EXHIBITS

NO.	DESCRIPTION	OFF'D	ADMT'D
1 thru 7	"Plaintiff's Duplicate Exhibits to be offered during Ranieri's Examination March 1, 2016."	20	20

DEFENDANTS' EXHIBITS

NO.	DESCRIPTION	OFF'D	ADMT'D
1	Bankruptcy document, A184	54	54
2	Responses to Interrogatories, A79-87	67	67
3	Responses to Interrogatories, A88-96	71	71
4	Unanimous Consent Resolution	77	77
5	Rubens documents, A6-A78	101	101

Case 3:15-cv-02298-M Document 24-1 Filed 03/07/16 Page 13 of 156  
5/19 6/23 6/25 7/10  
7/12 8/5 8/9 9/6 9/11  
9/14 10/10 11/3 12/1  
12/14 15/15 18/6 18/17  
19/1 19/13 19/19 20/2  
20/6 20/12 20/19 21/2  
22/2 26/9 26/16 27/22  
27/25 28/2 28/24 29/10  
32/14 32/19 33/3 33/8  
33/15 40/20 46/13  
52/19 53/1 54/16 66/23  
67/7 71/4 76/16 76/25  
77/6 89/14 89/22 89/25  
90/20 92/5 94/15 94/20  
98/5 98/18 98/24  
100/25 101/15 101/23  
111/5 112/11 112/18  
112/23 116/11 118/11  
118/24 121/4 121/20  
123/20 123/22 124/11  
124/13 124/15 125/22  
126/20 127/5 127/13  
134/8  
**MR. KENNERLY: [10]**  
74/22 76/12 76/20  
76/22 77/8 77/10 89/10  
100/17 102/3 110/10  
**MR. LEWIS: [47]** 4/6  
5/4 5/13 16/19 16/22  
16/24 17/9 17/13 17/15  
18/2 20/9 20/22 20/24  
29/2 32/11 39/2 52/16  
52/20 53/3 54/12 61/23  
66/9 66/15 66/18 66/22  
66/24 67/10 68/17  
70/20 70/23 72/10 74/9  
74/12 74/16 94/18  
99/17 99/20 100/16  
101/11 101/18 102/13  
102/18 103/15 103/22  
109/6 109/25 134/6  
**THE COURT: [255]**  
**THE WITNESS: [5]**  
36/8 41/20 44/4 80/5  
82/19  
**THE WITNESS: [111]**  
18/12 18/16 23/5 25/3  
25/9 25/11 25/19 25/23  
26/8 26/19 26/25 27/3  
31/8 34/21 35/4 35/10  
35/13 35/15 35/18  
35/20 35/23 36/2 36/5  
36/10 36/15 36/18  
36/25 37/3 37/10 37/17  
38/13 38/17 38/22 41/5  
41/10 41/15 41/17  
41/25 42/9 42/19 42/22  
43/2 43/8 43/13 43/19  
43/23 44/1 44/9 44/13  
44/15 47/6 54/20 54/23  
54/25 55/3 61/18 62/20  
66/12 68/21 68/24 69/4  
70/2 70/6 70/11 76/15  
76/21 81/9 81/12 81/16  
81/21 82/3 82/5 82/8  
82/11 82/14 82/16

82/25 83/3 83/7 83/10  
87/12 92/9 92/14 92/19  
93/15 93/21 93/25 94/2  
94/8 94/24 95/2 95/5  
95/8 95/10 95/13 95/17  
95/25 96/5 96/8 96/12  
96/17 97/4 97/9 97/12  
97/15 97/22 101/7  
**\$**  
**\$10 [1]** 110/15  
**\$10 million [1]** 110/15  
**\$75,000 [4]** 57/13  
57/24 59/5 91/6  
**/**  
**/s [1]** 135/14  
**0**  
**004 [5]** 49/22 50/1  
50/15 59/18 99/2  
**010 [1]** 63/9  
**014 [2]** 29/1 64/1  
**024 [1]** 65/3  
**038 [2]** 45/2 45/5  
**040 [3]** 55/8 55/10 56/2  
**1**  
**10 [4]** 27/18 27/25 28/1  
128/5  
**10-minute [1]** 128/4  
**100 [3]** 14/2 100/7  
117/9  
**100 percent [2]** 7/4  
90/24  
**101 [2]** 137/13 137/13  
**10th [1]** 28/4  
**1100 [2]** 3/22 135/16  
**1101 [1]** 1/20  
**1117 [2]** 3/2 3/5  
**12 [1]** 128/8  
**12-20 [1]** 56/18  
**12-and-a-half [4]** 83/16  
83/17 88/18 129/24  
**12.5 percent [2]**  
111/18 111/18  
**12th [6]** 46/9 48/4  
48/15 48/16 108/3  
108/5  
**14 [2]** 29/1 93/24  
**146 [1]** 20/18  
**14th [1]** 31/19  
**15 [2]** 83/2 97/13  
**1572 [2]** 3/22 135/16  
**1581 [2]** 3/11 3/15  
**16 [7]** 6/4 11/7 106/19  
107/2 108/2 110/14  
133/17  
**16th [1]** 109/13  
**176 [1]** 74/2  
**17th [1]** 29/25  
**1808 [2]** 3/3 3/6  
**18th [1]** 19/7  
**19 [2]** 93/5 93/6  
**1969 [1]** 32/22  
**1995 [7]** 7/18 9/3 19/7  
21/23 28/4 29/25 97/15  
**1996 [5]** 81/12 81/21

82/8 82/25 96/25  
**1997 [5]** 62/3 81/9  
81/10 83/7/16  
**2**  
**2'14 [2]** 48/19 48/23  
**20 [7]** 9/5 48/21 56/18  
97/5 117/15 137/4  
137/4  
**2000 [5]** 13/25 27/9  
43/9 60/20 130/20  
**2001 [3]** 2/2 2/5 2/9  
**2003 [2]** 16/4 85/20  
**2010 [1]** 14/4  
**2014 [16]** 7/3 11/20  
30/22 39/25 40/15 56/8  
56/18 77/23 78/25 82/2  
96/22 97/1 97/4 128/25  
129/4 129/8  
**2015 [10]** 11/24 14/14  
46/4 46/19 48/4 48/11  
48/15 49/19 68/1 121/7  
**2016 [6]** 1/15 4/2 19/24  
128/15 135/12 137/5  
**209 [1]** 1/22  
**20th [2]** 81/12 82/8  
**21 [1]** 136/6  
**214 [7]** 1/23 2/3 2/6  
2/10 3/11 3/15 3/23  
**214.753.2325 [1]**  
135/17  
**2325 [1]** 3/23  
**23504 [1]** 1/19  
**24 [3]** 20/21 29/23 30/2  
**24th [1]** 128/15  
**25 [1]** 20/21  
**25 percent [3]** 92/2  
112/3 116/2  
**26 [5]** 20/21 30/22  
77/23 107/10 128/25  
**26th [4]** 7/3 39/25 46/2  
89/20  
**27 [1]** 20/21  
**28 [3]** 107/11 121/7  
135/6  
**28th [1]** 6/5  
**29th [1]** 108/8  
**2d [1]** 32/21  
**2nd [1]** 135/12  
**3**  
**30 [2]** 6/6 117/15  
**30-day [1]** 6/9  
**320-1808 [2]** 3/3 3/6  
**323 [1]** 1/20  
**3416 [3]** 2/3 2/6 2/10  
**35 [3]** 30/19 39/23 90/2  
**36 [1]** 30/19  
**3600 [3]** 2/2 2/5 2/9  
**37 [1]** 39/23  
**3781 [1]** 135/15  
**39 [1]** 39/23  
**3:15-cv-00540-M [1]**  
1/5  
**3:15-cv-02298-M [1]**  
1/10  
**4**  
**401A [1]** 1/19

**4116 [1]** 1/23  
**414 [1]** 32/21  
**44 [1]** 136/7  
**487-1101 [1]** 1/20  
**4th [6]** 7/18 7/23 9/3  
15/5 19/5 21/23  
**5**  
**50 [1]** 33/1  
**50 percent [1]** 64/12  
**500 [2]** 3/10 3/14  
**54 [3]** 19/8 137/9 137/9  
**59 [1]** 19/4  
**6**  
**60 [1]** 127/20  
**613-1581 [2]** 3/11 3/15  
**650 [2]** 3/3 3/6  
**67 [2]** 137/10 137/10  
**7**  
**71 [2]** 137/11 137/11  
**75 [1]** 136/7  
**75 percent [10]** 7/21  
8/1 83/15 91/24 109/11  
111/18 112/7 116/3  
129/23 130/7  
**75165 [1]** 1/23  
**75201 [3]** 2/2 2/6 2/9  
**75206 [2]** 3/10 3/15  
**75242 [2]** 3/22 135/16  
**753 [1]** 135/6  
**753-2325 [1]** 3/23  
**76 [1]** 96/7  
**77 [2]** 137/12 137/12  
**78 [1]** 96/8  
**8**  
**8150 [2]** 3/9 3/14  
**87 [2]** 67/4 137/10  
**89 [1]** 136/8  
**9**  
**9-28 [1]** 107/11  
**91321 [1]** 1/19  
**94304 [2]** 3/2 3/6  
**96 [1]** 137/11  
**960-4116 [1]** 1/23  
**981-3416 [3]** 2/3 2/6  
2/10  
**A**  
**A184 [6]** 52/23 53/1  
53/9 53/14 54/13 137/9  
**A42 [1]** 19/8  
**A55 [1]** 19/4  
**A6 [5]** 94/15 94/18  
94/20 101/13 137/13  
**A6-A78 [1]** 137/13  
**A73 [3]** 95/10 96/7 96/7  
**A78 [5]** 94/15 94/18  
94/20 101/13 137/13  
**A79 [2]** 67/4 137/10  
**A79-87 [1]** 137/10  
**A85 [3]** 67/6 67/13  
72/13  
**A88 [2]** 71/2 137/11  
**A88-96 [1]** 137/11

**A95 [1]** 71/11  
**A96 [1]** 71/2  
**ability [5]** 108/6 108/7  
112/20 112/22 127/18  
**able [6]** 6/12 41/13  
119/16 123/3 123/4  
126/16  
**about [67]** 10/15 12/5  
12/13 12/19 13/9 14/23  
19/12 24/14 24/24  
28/16 32/7 33/1 33/5  
33/12 34/1 34/2 35/9  
36/4 41/4 43/25 48/16  
48/24 50/14 51/1 52/5  
56/16 62/16 68/4 69/9  
73/21 76/2 76/9 81/6  
81/16 83/2 85/16 89/8  
90/22 92/8 93/12 93/24  
97/7 97/9 101/5 103/4  
103/4 104/7 104/8  
106/18 107/4 110/18  
111/9 112/23 113/8  
113/9 114/8 115/6  
115/7 115/19 115/20  
118/3 119/5 120/3  
120/22 121/15 122/24  
132/16  
**above [2]** 74/2 135/9  
**above-entitled [1]**  
135/9  
**Abraxis [1]** 14/4  
**abrogated [1]** 126/2  
**absolutely [2]** 68/25  
110/25  
**abstracts [1]** 128/20  
**abundant [1]** 34/5  
**abundantly [1]** 34/24  
**accept [1]** 16/11  
**acceptance [1]** 73/21  
**accompanies [1]** 123/2  
**according [5]** 14/1  
116/5 119/3 119/7  
119/20  
**Accordingly [1]** 133/9  
**account [3]** 4/12 64/12  
64/14  
**accountants [1]** 64/11  
**accuracy [1]** 71/17  
**accurate [5]** 29/7 67/19  
94/7 97/19 98/1  
**acknowledge [2]** 85/2  
117/10  
**acknowledged [3]**  
52/11 86/10 117/7  
**acknowledging [1]**  
29/20  
**act [1]** 33/6  
**acting [1]** 120/12  
**action [1]** 33/5  
**activities [1]** 122/12  
**activity [1]** 9/2  
**actual [5]** 15/7 15/7  
79/11 93/17 115/25  
**actually [16]** 24/20  
24/20 31/25 34/20  
41/24 43/4 71/9 82/3  
93/19 95/13 104/11  
105/22 107/16 108/6

<p><b>A</b></p> <p>actually [2] 110/20 137</p> <p>add [1] 83/25</p> <p>additional [6] 17/15 17/16 27/5 40/23 84/24 131/25</p> <p>address [4] 103/24 106/16 133/18 134/6</p> <p>adequately [1] 114/17</p> <p>administratively [3] 81/12 82/8 96/25</p> <p>admit [3] 114/20 115/1 122/22</p> <p>admitted [11] 20/12 21/2 54/1 54/18 67/9 71/3 71/6 77/13 103/2 115/6 129/21</p> <p>ADMT'D [2] 137/3 137/8</p> <p>Advanced [4] 14/13 15/1 104/6 125/1</p> <p>advice [1] 114/3</p> <p>advised [9] 59/24 68/12 68/13 69/12 69/14 69/15 69/17 72/21 99/5</p> <p>advising [1] 36/4</p> <p>advisor [1] 22/16</p> <p>advocate [1] 121/22</p> <p>affairs [1] 84/18</p> <p>affect [1] 84/3</p> <p>affidavit [7] 17/7 53/18 53/20 53/21 53/22 54/25 111/24</p> <p>affidavits [1] 123/1</p> <p>affirming [1] 97/1</p> <p>after [11] 5/11 15/8 16/25 28/20 29/16 32/16 40/7 60/6 108/2 109/18 127/22</p> <p>again [23] 7/6 12/3 15/3 26/22 39/4 50/24 71/15 71/24 77/5 84/6 86/13 86/19 88/9 88/11 89/25 102/14 102/18 102/19 102/21 107/22 109/14 113/14 120/5</p> <p>against [1] 36/20</p> <p>ago [10] 56/9 56/14 73/20 81/7 83/2 93/12 116/24 117/16 122/17 122/18</p> <p>agree [14] 7/20 30/4 30/7 60/5 64/25 68/15 69/24 75/9 76/5 83/20 86/23 89/7 99/7 126/5</p> <p>agreed [4] 27/10 51/4 63/6 98/12</p> <p>agreeing [3] 67/18 68/5 126/15</p> <p>agreement [72] 7/19 7/23 7/23 7/25 8/13 8/20 8/22 14/6 14/9 15/6 19/5 19/7 23/16 24/14 25/18 27/6 28/3 28/6 29/4 29/6 29/24 30/2 41/3 41/7 41/10</p>	<p>41/12 41/25 42/7 43/22 44/1 49/23 51/4 51/14 56/18 59/18 60/6 63/13 63/18 63/20 63/24 64/8 68/4 69/10 69/22 70/1 70/14 71/21 72/24 92/18 93/15 93/24 94/2 96/16 96/18 98/11 102/23 103/3 103/5 103/5 105/23 106/10 109/3 111/19 116/9 123/14 125/16 126/13 130/25</p> <p>agreements [12] 8/13 8/17 24/20 25/2 99/10 101/5 103/1 104/3 104/4 114/15 119/21 126/1</p> <p>agreements are [1] 8/17</p> <p>ahead [8] 19/1 27/15 33/19 37/20 55/5 69/7 83/13 88/11</p> <p>AIDED [1] 3/17</p> <p>Alan [5] 18/13 21/5 111/16 129/20 136/6</p> <p>all [130] 4/4 4/12 4/14 4/25 5/11 6/7 7/20 8/19 9/18 10/1 13/11 16/16 17/2 17/17 19/20 20/5 21/14 23/25 26/5 26/6 29/11 31/3 31/3 31/5 31/22 32/1 32/11 33/23 33/24 33/24 33/24 34/9 34/12 35/12 36/20 37/20 40/2 40/23 41/7 42/11 42/20 42/22 43/15 44/21 46/25 47/1 47/18 48/6 51/3 52/13 53/24 54/18 55/2 57/19 60/24 61/9 63/2 69/7 70/13 71/8 74/21 78/6 78/7 78/8 79/7 79/15 79/16 79/17 80/1 80/2 80/18 81/24 81/25 83/9 83/13 83/21 84/4 85/17 85/17 85/18 86/20 89/9 89/21 94/14 97/1 97/3 98/3 98/7 99/4 100/21 100/25 101/2 101/9 101/10 102/3 102/7 102/11 102/13 103/4 103/25 105/7 108/4 109/19 109/23 110/4 110/10 110/24 111/4 111/5 112/4 113/14 113/19 114/18 116/2 116/16 118/5 119/2 123/1 123/11 123/16 125/15 126/3 127/9 127/13 128/3 129/14 130/18 131/5 131/6 133/25</p> <p>allegation [1] 74/4</p> <p>alleged [8] 10/15 69/9 70/14 83/14 84/2 88/1 120/12 129/5</p> <p>allegedly [7] 38/21</p>	<p>62/4 88/24 110/24 118/15 130/8 134/1 allocated [1] 132/8</p> <p>allow [1] 132/8</p> <p>allowed [2] 105/24 106/9</p> <p>almost [2] 74/19 79/13</p> <p>alone [1] 102/24</p> <p>along [5] 17/17 48/6 79/9 89/10 105/25</p> <p>alphabet [1] 121/4</p> <p>already [4] 5/9 20/1 36/25 77/1</p> <p>also [23] 20/13 22/22 22/24 25/14 27/16 27/20 28/6 28/6 29/20 38/25 60/10 60/14 60/17 62/8 64/22 71/20 106/16 107/14 107/15 117/11 130/6 130/22 131/11</p> <p>although [1] 130/13</p> <p>ALTO [2] 3/2 3/6</p> <p>always [3] 100/7 117/8 130/7</p> <p>am [4] 37/11 58/15 64/19 103/20</p> <p>amend [1] 90/9</p> <p>Among [1] 92/18</p> <p>analogous [1] 104/24</p> <p>analysis [1] 4/21</p> <p>anger [1] 38/24</p> <p>announce [1] 128/4</p> <p>another [9] 17/22 63/8 70/22 85/25 104/14 105/1 120/18 125/3 127/20</p> <p>answer [8] 25/7 87/12 100/20 107/12 113/24 120/7 121/2 121/5</p> <p>answering [1] 88/9</p> <p>answers [5] 68/20 72/4 72/10 106/21 106/22</p> <p>anticipated [1] 63/15</p> <p>any [97] 4/14 6/12 6/12 6/16 7/9 9/1 10/3 10/7 10/8 10/16 11/5 11/18 15/19 16/2 16/3 17/15 18/23 20/9 20/22 24/19 26/5 27/10 27/10 29/19 32/10 33/25 34/6 42/3 43/21 44/6 44/6 44/11 45/22 46/19 47/11 47/14 47/16 47/21 49/4 49/7 52/2 54/15 57/10 57/19 58/22 58/22 60/23 62/9 62/9 62/10 64/6 64/19 65/10 66/1 67/7 67/21 69/9 71/4 75/10 75/25 76/4 76/6 76/20 77/6 78/21 83/22 86/24 87/3 87/7 88/17 88/25 96/1 98/3 98/5 101/5 101/15 101/22 102/22 102/23 106/15 108/22 109/10 113/11 113/14 113/18 115/11 117/18 118/9 121/8 126/17 127/10 130/3</p>	<p>130/18 132/5 132/6 132/22 134/5</p> <p>anyone [2] 150/8 118/22</p> <p>anymore [2] 43/23 45/14</p> <p>anyone [1] 66/11</p> <p>anything [23] 10/13 10/13 24/4 28/12 32/11 32/17 36/1 38/13 43/6 43/23 44/20 47/17 47/18 56/3 56/11 88/21 89/19 91/18 97/7 97/9 102/22 123/15 134/8</p> <p>apologize [3] 15/17 52/24 118/25</p> <p>apparently [5] 27/20 31/13 33/12 65/21 115/10</p> <p>appeal [1] 19/9</p> <p>appear [4] 23/15 50/20 51/3 119/24</p> <p>APPEARANCES [1] 1/16</p> <p>appears [10] 23/10 28/6 28/9 30/11 52/22 99/13 107/7 119/16 119/17 121/2</p> <p>appellate [3] 11/3 19/12 121/18</p> <p>appendix [5] 19/4 19/8 19/13 20/16 115/5</p> <p>applicable [1] 120/23</p> <p>application [3] 108/17 108/22 108/23</p> <p>applied [1] 64/11</p> <p>appoint [1] 129/10</p> <p>appreciate [2] 5/21 121/13</p> <p>appreciated [1] 121/20</p> <p>approach [7] 18/9 52/17 53/6 66/17 69/25 70/21 76/13</p> <p>approaches [1] 15/21</p> <p>approaching [1] 122/7</p> <p>appropriate [2] 125/21 126/10</p> <p>appropriately [2] 81/3 81/4</p> <p>approval [1] 114/23</p> <p>approve [3] 30/14 75/7 114/15</p> <p>approved [4] 63/21 75/15 93/14 114/2</p> <p>approving [3] 7/25 114/12 114/13</p> <p>April [1] 107/17</p> <p>are [112] 4/13 5/11 5/12 6/21 8/17 9/10 12/19 15/22 15/24 18/22 19/3 19/10 20/8 20/11 20/15 20/15 20/20 22/1 22/8 22/12 22/15 24/20 25/2 25/21 25/22 26/13 27/22 28/24 29/16 30/6 30/8 32/24 33/1 33/20 34/20 35/12 35/15 37/5 37/7 37/8 39/16 39/22 41/9</p>	<p>45/7 50/19 52/2 54/22 57/25 58/1 58/9 58/14 59/50 59/11</p> <p>59/15 60/8 61/14 61/16 61/21 62/19 62/20 63/24 64/25 65/11 67/13 68/4 68/23 69/2 70/2 70/6 70/25 71/8 72/15 76/2 76/5 77/1 77/9 78/19 80/12 81/21 86/24 92/24 92/25 93/13 94/10 94/14 94/17 95/1 97/20 101/14 103/2 107/22 118/2 118/8 119/2 119/6 119/17 119/21 123/10 123/12 123/18 123/22 123/25 123/25 126/8 128/21 130/15 132/25 133/10 133/11 134/2 134/5</p> <p>aren't [3] 119/3 119/4 119/6</p> <p>argue [2] 74/18 127/12</p> <p>arguing [1] 11/20</p> <p>argument [14] 5/3 5/4 5/19 10/16 11/15 13/14 106/16 106/17 108/10 113/18 123/12 127/12 136/3 136/4</p> <p>ARGUMENT..... .....102 [1] 136/9</p> <p>ARGUMENT..... .....110 [1] 136/10</p> <p>ARGUMENT..... .....111 [1] 136/11</p> <p>arguments [1] 4/23</p> <p>Arlen [2] 82/20 97/10</p> <p>ARNETT [2] 3/8 3/13</p> <p>around [3] 62/6 62/8 118/10</p> <p>arrangement [3] 24/14 99/16 130/8</p> <p>articles [1] 113/4</p> <p>articulate [1] 123/24</p> <p>as [103] 8/19 11/14 16/10 16/10 18/25 20/20 21/6 23/15 26/2 26/11 29/3 31/15 31/15 32/15 32/17 32/18 33/4 45/23 46/17 46/21 46/21 48/5 48/6 50/8 50/8 52/21 54/13 59/11 61/22 62/22 62/22 63/20 63/24 64/10 65/10 73/6 73/8 73/18 73/25 74/6 74/6 74/14 75/10 75/24 75/25 76/4 76/6 76/7 76/7 78/21 79/20 79/21 80/18 80/23 80/25 84/2 84/14 91/6 92/2 96/15 96/24 97/12 97/19 99/9 100/24 101/12 102/4 102/9 102/14 103/1 103/5 103/25 105/19 106/7 106/9 106/11</p>
---	--	--	--	--

<p><b>A</b></p> <p>as [27] 106/23  108/20 109/12 109/12  109/16 109/21 112/13  115/4 118/16 120/24  120/24 121/21 125/21  126/9 126/23 128/14  128/15 129/5 129/11  129/13 129/18 130/1  130/10 130/19 132/11  133/7 133/16</p> <p><b>aside [1]</b> 118/1</p> <p><b>ask [20]</b> 7/6 7/7 16/16  28/15 30/16 51/19  58/13 63/17 63/22 81/5  88/8 88/11 88/16 89/3  89/4 89/25 98/7 112/16  116/14 117/24</p> <p><b>asked [12]</b> 59/7 73/14  73/15 87/11 88/10  88/19 108/5 112/17  115/13 119/11 121/9  122/13</p> <p><b>asking [8]</b> 17/12 17/21  26/19 38/14 101/5  113/23 118/1 124/24</p> <p><b>assert [1]</b> 124/20</p> <p><b>asserted [5]</b> 33/10  40/18 128/14 129/14  130/6</p> <p><b>assessed [1]</b> 132/11</p> <p><b>assessing [3]</b> 116/13  116/20 117/1</p> <p><b>asset [1]</b> 14/6</p> <p><b>assets [2]</b> 104/17  105/21</p> <p><b>assign [8]</b> 12/21 12/21  14/7 14/8 60/1 60/11  104/20 128/25</p> <p><b>assigned [3]</b> 14/18  105/6 108/17</p> <p><b>assignee [1]</b> 13/12</p> <p><b>assigning [2]</b> 56/3  104/17</p> <p><b>assignment [35]</b> 6/15  7/3 12/19 13/6 13/7  13/13 13/18 13/22 14/1  14/2 14/3 14/5 14/7  14/10 14/24 15/2 16/13  39/19 40/11 103/22  104/2 104/3 105/14  107/21 118/15 123/8  123/20 125/2 125/4  126/6 128/24 129/2  129/4 129/6 129/8</p> <p><b>assignments [2]</b>  105/12 105/13</p> <p><b>assignor [3]</b> 14/18  104/13 104/15</p> <p><b>assigns [3]</b> 9/6 55/18  123/17</p> <p><b>assist [1]</b> 88/13</p> <p><b>associated [3]</b> 23/19  42/3 114/4</p> <p><b>ASSOCIATES [1]</b> 1/18</p> <p><b>assume [3]</b> 74/18  81/19 84/13</p> <p><b>assumed [6]</b> 31/23</p>	<p>79/11 80/4 80/5 84/9  93/18</p> <p><b>assuming [2]</b> 24/14  24/14</p> <p><b>assumption [3]</b> 32/3  80/15 113/17</p> <p><b>at [177]</b></p> <p><b>attack [7]</b> 13/17 13/23  14/17 14/22 104/10  123/6 133/3</p> <p><b>attacked [1]</b> 120/15</p> <p><b>attempt [4]</b> 45/22 49/4  49/7 88/1</p> <p><b>attempted [1]</b> 23/20</p> <p><b>attempting [2]</b> 90/13  132/15</p> <p><b>attend [1]</b> 62/13</p> <p><b>attested [2]</b> 13/2 79/14</p> <p><b>attorney [30]</b> 31/22  35/23 36/8 36/10 41/18  41/19 45/11 45/11  45/13 45/18 46/15  48/22 55/7 59/8 65/18  65/20 65/21 73/2 82/17  82/18 82/22 84/8 84/8  88/5 97/10 97/18 97/24  97/25 98/1 111/16</p> <p><b>attorney's [3]</b> 45/15  45/19 45/21</p> <p><b>attorney-client [1]</b>  46/15</p> <p><b>attorneys [23]</b> 23/18  30/25 31/1 35/19 36/6  42/2 42/12 46/11 46/12  46/18 47/3 47/9 47/12  47/23 48/3 48/8 56/10  57/20 58/16 58/19  58/23 65/23 80/22</p> <p><b>August [2]</b> 49/17 107/5</p> <p><b>AUSTIN [3]</b> 2/1 2/5 2/8</p> <p><b>authenticate [2]</b> 9/16  9/17</p> <p><b>authenticated [1]</b>  18/23</p> <p><b>authentication [1]</b>  16/19</p> <p><b>authorities [1]</b> 13/9</p> <p><b>authority [9]</b> 6/16  11/21 12/24 13/18  14/23 98/14 98/18  98/20 129/18</p> <p><b>authorization [4]</b> 8/25  103/3 113/11 126/17</p> <p><b>authorize [1]</b> 129/13</p> <p><b>authorized [1]</b> 12/10</p> <p><b>authorizing [2]</b> 9/4  15/6</p> <p><b>automatically [1]</b>  104/16</p> <p><b>AVENUE [6]</b> 1/19 2/2  2/5 2/9 3/2 3/5</p> <p><b>AVT [2]</b> 104/7 105/13</p> <p><b>Awaken [1]</b> 23/7</p> <p><b>aware [8]</b> 61/14 65/15  68/3 68/9 70/5 78/19  80/21 100/5</p> <p><b>away [1]</b> 120/14</p>	<p><b>back [13]</b> 13/12 34/14  45/2 45/5 50/3 55/7  71/15 71/15 71/15  104/6 107/20 126/19</p> <p><b>background [3]</b> 24/9  105/11 105/12</p> <p><b>bank [1]</b> 58/22</p> <p><b>bankruptcy [22]</b> 25/14  26/2 26/14 27/8 47/20  47/25 48/1 48/7 52/7  52/15 53/15 53/16  60/21 61/4 61/12 61/17  76/3 105/17 105/17  106/4 130/19 137/9</p> <p><b>bar [1]</b> 123/1</p> <p><b>BARBARA [2]</b> 1/14  3/20</p> <p><b>Barnett [4]</b> 70/10 72/18  72/25 74/19</p> <p><b>Barnett's [1]</b> 73/3</p> <p><b>Barry [2]</b> 70/8 70/10</p> <p><b>base [2]</b> 64/13 64/19</p> <p><b>based [5]</b> 59/13 84/14  104/14 112/3 122/23</p> <p><b>basically [3]</b> 6/13  18/19 111/9</p> <p><b>basis [4]</b> 16/22 111/1  126/6 132/2</p> <p><b>be [85]</b> 4/10 4/15 4/18  4/19 8/5 8/7 8/9 8/12  8/14 8/16 8/21 8/22  9/10 11/20 12/20 12/25  13/1 13/2 15/5 17/24  18/19 19/23 23/18 24/6  25/5 25/24 27/3 28/20  29/20 32/10 33/12  33/16 36/20 42/13  42/14 48/19 53/22 64/9  76/14 77/11 92/18  93/25 95/23 96/4 96/17  97/7 99/8 101/10  101/17 101/22 101/25  102/3 102/11 103/11  105/24 106/9 106/25  111/2 112/14 113/14  113/22 114/15 115/1  116/4 117/15 117/23  118/4 120/20 121/19  121/24 123/3 123/24  124/17 125/8 125/11  125/19 126/1 126/2  126/16 127/25 130/12  131/15 134/10 134/11  137/4</p> <p><b>bear [5]</b> 21/25 34/5  40/2 71/9 131/22</p> <p><b>bearing [1]</b> 115/9</p> <p><b>bears [2]</b> 27/20 133/20</p> <p><b>became [2]</b> 22/17 34/5</p> <p><b>because [63]</b> 4/10 5/7  7/7 9/17 9/22 11/22  11/25 14/6 16/3 17/18  18/24 22/17 23/11  23/17 27/24 28/11 29/4  29/18 31/21 31/25 34/4  34/25 39/6 41/21 42/1  42/4 42/5 43/9 57/25  59/7 63/1 71/24 74/20  79/12 80/14 84/1 84/7</p>	<p>92/22 93/18 95/16  96/10 97/22 97/23  97/23 97/23 97/23  110/21 113/15 114/4  114/12 116/2 120/24  123/20 125/13 126/1  126/8 126/11 126/14  127/15 127/16 130/24  132/24 133/14</p> <p><b>been [46]</b> 6/11 10/2  10/13 13/18 16/8 21/6  25/25 27/13 31/19  31/24 38/3 38/5 41/13  45/1 48/5 48/21 59/7  72/25 73/25 76/9 76/18  81/25 83/20 83/22  85/23 86/20 97/12  107/12 110/4 110/6  110/16 111/10 111/11  111/15 115/13 119/16  120/15 121/23 122/17  122/25 123/4 125/15  125/19 130/15 131/18  131/24</p> <p><b>before [37]</b> 1/14 7/17  7/17 13/13 25/1 26/7  30/12 37/3 38/22 39/19  39/22 43/9 60/20 60/22  61/12 68/24 69/3 70/8  70/9 70/10 77/15 77/25  81/19 82/11 91/1 92/10  92/23 108/5 113/6  115/3 115/16 115/17  118/14 119/21 124/10  124/14 128/7</p> <p><b>beginning [2]</b> 11/15  95/10</p> <p><b>begins [4]</b> 27/17 29/23  30/19 50/15</p> <p><b>behind [1]</b> 116/17</p> <p><b>being [11]</b> 5/21 11/2  15/13 23/20 23/20  29/15 76/3 77/5 120/10  120/18 121/19</p> <p><b>belief [1]</b> 59/15</p> <p><b>believable [1]</b> 132/12</p> <p><b>believe [49]</b> 24/19  24/20 25/6 25/10 25/14  27/4 34/11 34/22 35/6  41/6 44/12 45/17 48/23  50/13 51/6 51/13 52/2  52/16 53/17 53/20  53/25 54/10 54/12 55/1  57/12 57/21 61/1 64/3  64/21 66/5 69/11 74/6  75/12 82/18 85/2 85/6  86/2 87/2 87/10 87/21  88/5 88/19 92/1 92/22  94/19 99/12 108/10  110/14 132/21</p> <p><b>believed [6]</b> 42/4 78/3  78/18 79/8 85/7 97/24</p> <p><b>below [2]</b> 73/6 73/8</p> <p><b>bench [1]</b> 128/5</p> <p><b>beneficial [7]</b> 100/10  102/22 112/1 114/8  114/9 114/11 116/8</p> <p><b>beneficially [1]</b> 114/7</p> <p><b>benefit [3]</b> 90/17</p>	<p>114/18 117/12</p> <p><b>Bennett [1]</b> 70/8  70/14</p> <p><b>best [6]</b> 44/17 53/23  88/16 88/20 121/17  121/23</p> <p><b>better [3]</b> 106/11 120/7  127/25</p> <p><b>between [21]</b> 8/15 9/20  19/5 32/24 41/3 41/10  41/25 42/7 49/23 56/13  59/18 63/13 63/14  87/14 88/23 94/15  94/18 96/16 98/11  99/17 125/17</p> <p><b>beyond [1]</b> 12/4</p> <p><b>big [1]</b> 38/16</p> <p><b>binder [2]</b> 90/3 99/2</p> <p><b>biology [1]</b> 24/10</p> <p><b>Bioscience [1]</b> 14/4</p> <p><b>bit [5]</b> 6/3 27/24 32/9  34/5 111/21</p> <p><b>Blank [1]</b> 72/18</p> <p><b>blanket [1]</b> 61/9</p> <p><b>board [3]</b> 62/9 62/12  124/4</p> <p><b>bob [1]</b> 1/20</p> <p><b>bobcrockettlaw.com [1]</b> 1/20</p> <p><b>Boggs [2]</b> 36/11 42/2</p> <p><b>boils [1]</b> 110/20</p> <p><b>bonuses [3]</b> 64/6 64/14  64/19</p> <p><b>books [3]</b> 4/18 4/19  13/1</p> <p><b>bore [1]</b> 9/3</p> <p><b>both [7]</b> 4/8 5/13 6/5  106/6 106/21 106/22  108/1</p> <p><b>bothered [1]</b> 76/15</p> <p><b>bottom [9]</b> 21/20 28/25  45/1 53/1 53/11 67/6  72/15 77/21 95/16</p> <p><b>break [3]</b> 19/18 66/9  128/4</p> <p><b>brief [11]</b> 6/1 6/13  13/10 13/16 14/15  16/10 103/17 104/8  116/5 123/10 125/1</p> <p><b>briefly [6]</b> 22/15 23/21  23/21 24/8 89/15  110/12</p> <p><b>briefs [1]</b> 15/20</p> <p><b>bring [3]</b> 14/23 104/6  128/9</p> <p><b>broad [1]</b> 130/25</p> <p><b>brought [3]</b> 22/22  104/16 107/2</p> <p><b>bunch [4]</b> 51/21 73/14  73/15 94/12</p> <p><b>burden [7]</b> 17/19 103/8  103/16 103/18 110/7  127/15 133/20</p> <p><b>business [7]</b> 22/16  22/18 35/22 51/8 63/2  79/7 123/7</p> <p><b>businesses [2]</b> 22/25  120/17</p> <p><b>but [125]</b> 4/8 4/23 5/18</p>
<p><b>B</b></p>	<p><b>baby [1]</b> 108/21</p>			

**B**  
but [122] 6/11 6/19  
Case 3:15-cv-02298-M Document 24  
9/18 9/19 9/21 10/2  
10/4 10/7 10/24 12/23  
14/14 15/18 15/25  
16/10 18/22 20/15 21/1  
21/15 24/3 26/11 27/12  
27/13 29/7 29/20 30/6  
31/16 31/17 33/18  
33/19 33/20 34/3 37/4  
37/11 37/19 38/24  
38/25 39/12 42/12  
42/25 43/7 47/20 47/21  
47/22 48/16 48/21 49/5  
50/9 51/14 52/4 52/23  
52/24 56/12 57/22 58/1  
60/22 61/2 61/21 61/22  
63/3 63/21 65/21 66/5  
68/8 68/15 71/23 72/12  
73/4 73/18 81/2 82/12  
82/23 83/12 84/11  
84/17 88/19 89/24  
91/25 93/17 93/20  
94/10 94/13 95/19  
95/20 100/13 101/24  
103/5 103/20 105/2  
106/14 108/1 108/6  
108/22 112/25 113/16  
115/16 115/22 116/10  
116/12 117/10 117/11  
118/21 119/2 119/11  
119/13 119/20 119/23  
120/6 122/4 122/23  
123/24 124/16 125/13  
126/11 126/25 127/4  
127/7 127/24 129/1  
130/15 130/21 130/24  
131/22  
butress [1] 6/12  
butressing [1] 6/10  
Buyline [3] 23/8 55/4  
63/2  
buys [2] 105/1 125/3  
bylaws [2] 4/17 113/4

**C**  
calculated [1] 29/16  
calculation [1] 64/9  
CALIFORNIA [5] 1/19  
3/2 3/2 3/5 3/6  
call [4] 18/7 29/21  
114/22 115/15  
called [6] 23/7 23/8  
36/17 74/19 115/16  
121/23  
came [9] 11/6 23/25  
24/24 33/5 42/24 65/15  
76/2 91/18 115/18  
can [44] 8/16 8/21 9/12  
13/2 19/17 19/18 20/3  
21/13 23/2 23/9 23/14  
23/21 24/24 27/16  
29/14 31/18 32/17 34/7  
36/24 51/11 53/2 55/6  
61/22 68/17 76/11 79/6  
84/7 87/18 88/25 93/4  
98/7 103/15 111/1  
116/10 116/16 117/13

120/24 121/24 123/19  
123/24 125/4 126/2  
126/24  
can't [12] 9/10 12/20  
12/21 12/22 21/13 30/9  
91/25 95/16 95/23  
105/5 116/9 120/5  
capacity [1] 129/5  
caps [1] 99/4  
card [1] 120/22  
care [5] 22/25 23/7  
84/18 112/22 112/23  
carry [1] 10/16  
Carson [1] 14/15  
CARTER [3] 3/8 3/8  
3/13  
carterscholer.com [2]  
3/11 3/16  
case [57] 4/10 8/23  
10/25 11/13 13/25  
14/13 14/15 14/16  
14/16 14/18 14/21  
15/12 15/19 15/19  
15/19 15/20 15/25 16/1  
17/19 38/4 45/24 46/2  
49/7 49/11 66/3 84/23  
85/5 85/25 98/23 104/7  
104/7 104/12 104/24  
105/13 106/25 110/16  
111/2 114/10 117/5  
121/9 122/2 122/4  
122/24 123/3 124/21  
124/25 125/1 125/2  
126/11 127/10 127/10  
127/16 127/19 127/21  
127/25 130/20 134/11  
cases [16] 13/20 13/21  
14/8 14/12 14/25  
103/17 103/20 103/21  
103/25 104/3 104/4  
104/5 106/22 121/11  
122/5 123/9  
cases that [1] 13/21  
cash [2] 58/20 102/17  
Casualty [1] 32/21  
cause [3] 42/4 90/23  
132/2  
caused [8] 90/9 91/3  
92/9 92/12 92/17 93/13  
94/6 96/22  
CBI [1] 55/2  
CENTRAL [2] 3/9 3/14  
certain [3] 48/14 80/9  
80/12  
certainly [7] 27/14  
76/22 103/8 105/21  
109/10 110/15 126/9  
certificate [6] 66/7  
118/7 118/17 118/18  
124/18 135/1  
CERTIFICATE.....  
.....135 [1] 136/13  
certificates [16] 13/2  
80/11 92/16 93/18  
93/25 94/10 95/2 95/17  
95/24 96/5 96/11 96/17  
118/9 119/17 119/24  
124/3  
certified [1] 20/14

certify [1] 135/6  
chain [1] 104/13  
Chainage [5] 7/16  
13/13 103/22 113/15  
122/11  
challenging [1] 107/24  
chance [3] 17/17 74/20  
127/22  
change [2] 91/4 92/9  
changed [1] 89/19  
changing [2] 126/18  
126/19  
characterized [1]  
127/7  
charge [1] 63/2  
charged [1] 125/18  
check [4] 58/16 94/21  
105/4 118/18  
checking [2] 109/18  
118/23  
chose [2] 6/16 6/17  
CHRIS [2] 3/1 74/23  
chriskennerly [1] 3/3  
circuit [10] 10/18 10/19  
13/24 14/4 19/11 19/11  
32/22 105/10 121/15  
121/16  
circumstance [2]  
85/13 85/14  
circumstances [4]  
115/2 115/20 122/7  
122/8  
citation [1] 33/20  
cite [12] 13/11 13/11  
13/19 13/21 13/24 14/3  
14/25 32/20 120/22  
121/11 123/9 125/1  
cited [8] 12/24 13/9  
14/24 15/20 103/17  
103/19 104/1 104/7  
cites [1] 103/21  
claim [11] 6/13 26/24  
41/4 43/1 43/17 43/22  
61/5 70/1 101/5 107/8  
120/11  
claimed [4] 104/13  
104/15 117/23 132/13  
claiming [5] 37/7 37/12  
81/20 83/6 118/6  
claims [8] 118/4 126/5  
130/25 132/3 132/23  
133/5 133/11 133/13  
clarify [1] 74/17  
CLARITA [1] 1/19  
clause [5] 28/17 28/18  
78/4 85/6 85/9  
clear [9] 10/25 34/24  
74/14 103/12 103/17  
105/15 110/4 112/5  
133/15  
clearly [1] 34/16  
clerk [1] 18/20  
client [18] 6/9 10/16  
10/19 10/23 11/5 46/15  
112/17 117/23 120/10  
120/12 120/13 120/20  
120/25 121/6 121/7  
121/22 122/9 123/3  
Close [1] 119/6

closely [1] 119/3  
closing [1] 127/14  
Page 142 of 156 Page 142 of 156  
co-counsels [1]  
122/19  
Code [1] 135/7  
cold [1] 115/15  
collaborated [1] 45/12  
collateral [6] 13/23  
14/17 14/22 104/9  
123/6 123/8  
collaterally [1] 13/17  
colleagues [1] 17/1  
come [10] 18/8 19/12  
24/5 31/25 34/1 74/22  
105/5 107/1 107/15  
114/14  
coming [1] 47/6  
commenced [1] 39/20  
COMMERCE [2] 3/22  
135/16  
common [3] 114/10  
119/25 126/23  
commonly [1] 114/10  
Communications [7]  
27/13 49/24 60/15 61/6  
65/7 106/1 106/6  
companies [1] 23/8  
company [18] 8/9 23/4  
23/5 31/5 35/6 43/6  
78/9 79/17 80/12 81/2  
81/11 82/7 82/10 82/24  
91/15 96/25 114/4  
123/14  
compelling [1] 13/5  
complain [1] 12/5  
complete [2] 28/12  
105/20  
completely [4] 6/18  
15/24 81/23 118/3  
complied [1] 10/21  
comply [2] 11/5 48/13  
computed [1] 28/20  
computer [4] 3/17  
22/20 24/2 24/6  
COMPUTER-AIDED [1]  
3/17  
conceding [1] 9/9  
concept [1] 114/8  
concern [3] 6/2 30/15  
121/19  
concerns [1] 133/18  
conclude [1] 89/20  
concluded [1] 134/16  
concludes [1] 121/18  
conclusion [2] 106/12  
115/14  
conduct [2] 133/14  
133/15  
confer [1] 76/25  
conference [6] 6/4  
11/7 107/10 110/14  
133/17 135/11  
conferring [1] 16/25  
confirm [1] 29/6  
confirmed [1] 7/21  
Confirming [1] 29/24  
conformance [1]  
135/10

confused [1] 81/6  
confusing [1] 114/9  
conscience [1] 109/25  
conscious [4] 75/3  
75/14 78/20 80/22  
consent [19] 30/20  
39/17 39/17 45/7 76/8  
77/18 90/1 92/13 94/7  
99/9 100/6 107/21  
117/7 129/9 129/11  
131/3 131/8 133/22  
137/12  
Consents [2] 96/23  
97/19  
consequently [1] 39/6  
consider [5] 10/22  
10/23 102/8 116/14  
125/21  
consideration [3]  
55/18 55/22 56/3  
considered [1] 10/17  
considering [1] 16/18  
constituted [1] 81/3  
consulted [2] 57/3  
115/7  
Consumers [3] 23/8  
55/4 63/1  
consummate [1] 14/9  
contact [7] 46/12 48/13  
48/18 48/24 49/7  
118/14 119/9  
contacted [1] 48/17  
contacts [1] 118/9  
contain [1] 133/21  
contained [1] 115/5  
contemplate [1] 70/20  
contemplations [1]  
80/12  
contemporaneously  
[2] 15/9 129/8  
contends [2] 13/16  
125/14  
content [2] 36/5 69/1  
contents [1] 125/18  
context [2] 85/24 85/25  
Continental [1] 32/21  
contingencies [1]  
36/20  
CONTINUED [1] 98/9  
continuing [5] 57/13  
57/24 59/6 59/7 65/4  
contract [1] 51/14  
contradicts [4] 86/13  
86/19 131/2 131/3  
contrary [2] 13/14  
127/12  
contravening [1] 12/17  
control [10] 28/12  
29/18 29/20 34/14  
36/21 50/8 68/5 91/19  
100/2 114/1  
controlled [6] 7/2  
50/22 51/5 113/25  
114/2 114/17  
controlling [3] 7/16  
16/6 112/7  
controls [1] 105/2  
controversial [1] 42/1  
controversy [1] 23/17

<p><b>C</b></p> <p><b>contumacious [1]</b> 133/15</p> <p><b>convenience [1]</b> 8/14</p> <p><b>cooperation [2]</b> 38/3 39/13</p> <p><b>copies [6]</b> 18/20 19/21 20/14 20/14 76/20 90/14</p> <p><b>copy [6]</b> 52/20 52/23 52/25 53/3 66/20 76/17</p> <p><b>corner [1]</b> 54/20</p> <p><b>CORP [1]</b> 1/11</p> <p><b>corporate [40]</b> 9/2 10/2 12/23 13/1 13/17 15/4 31/23 32/23 35/17 37/24 51/9 51/15 65/22 75/4 75/10 75/25 76/6 78/21 79/5 79/21 81/4 81/25 98/14 98/18 98/19 104/4 104/13 104/18 104/25 105/2 105/13 111/16 113/11 114/21 125/2 126/17 127/10 129/20 130/10 133/3</p> <p><b>corporate's [1]</b> 104/16</p> <p><b>corporation [39]</b> 1/6 4/9 4/18 8/2 9/1 14/22 16/6 22/21 28/13 28/22 29/18 32/2 34/1 51/7 56/16 58/4 64/10 64/12 81/22 84/18 91/12 104/14 104/16 104/17 104/19 104/20 105/1 112/8 113/7 113/19 113/25 113/25 114/1 115/20 115/21 119/3 125/3 128/23 129/19</p> <p><b>corporations [22]</b> 14/17 22/17 26/5 27/11 52/13 57/22 58/8 59/10 60/2 60/11 60/23 61/6 61/8 80/8 91/9 106/1 106/8 106/11 117/17 119/6 119/6 120/1</p> <p><b>correct [58]</b> 8/10 9/7 9/9 10/6 10/7 10/8 17/10 28/7 28/18 39/12 39/15 39/20 40/2 43/3 43/24 44/10 52/5 52/6 57/17 57/24 60/12 60/13 63/14 64/5 64/20 65/2 65/8 65/12 65/24 66/6 67/22 69/14 74/3 75/5 77/19 78/15 78/22 79/23 79/24 79/25 80/18 80/24 81/1 83/18 84/4 85/19 85/19 87/16 90/18 91/13 91/25 92/4 92/5 94/22 99/13 112/19 121/17 135/8</p> <p><b>correctly [1]</b> 127/6</p> <p><b>correlate [1]</b> 74/7</p> <p><b>cost [2]</b> 56/25 58/14</p> <p><b>could [26]</b> 6/10 11/25 14/11 16/10 18/2 22/14 23/13 24/6 24/8 44/25</p>	<p>46/21 54/13 59/21 65/3 67/5 69/20 72/21 94/21 94/23</p> <p>108/5 111/25 126/25 130/4 132/18</p> <p><b>couldn't [9]</b> 9/17 23/4 24/4 114/18 116/25 117/16 117/16 117/17 117/18</p> <p><b>counsel [37]</b> 5/8 5/11 18/21 37/21 45/1 49/22 66/12 66/22 68/13 68/24 69/4 69/12 70/2 70/5 71/24 73/5 76/19 76/20 76/25 89/9 101/23 102/13 104/8 106/17 107/9 107/13 107/17 107/20 111/8 115/8 115/11 120/17 122/17 123/7 132/14 132/19 134/8</p> <p><b>counsel's [2]</b> 69/25 107/22</p> <p><b>counsels [2]</b> 70/3 122/19</p> <p><b>countersigned [1]</b> 7/24</p> <p><b>couple [5]</b> 13/9 16/16 17/1 30/5 62/23</p> <p><b>course [3]</b> 10/6 105/4 107/11</p> <p><b>court [81]</b> 1/1 3/20 3/21 4/3 6/4 6/7 10/20 11/6 11/11 11/25 12/24 14/1 14/5 14/21 15/3 16/9 16/11 16/18 18/10 19/13 19/16 19/22 20/19 24/8 26/8 26/14 29/11 32/20 32/25 53/15 61/20 73/15 102/8 104/18 106/24 107/1 108/3 116/13 116/14 116/22 117/2 120/5 120/11 121/9 121/12 121/18 122/3 122/10 122/13 122/13 122/19 123/18 124/11 125/5 125/21 126/4 126/10 127/19 127/20 127/23 128/7 128/12 129/1 131/1 131/23 132/10 132/11 132/16 132/21 132/24 133/5 133/7 133/13 133/16 133/23 134/3 134/6 135/4 135/5 135/15 136/13</p> <p><b>Court's [13]</b> 48/14 104/6 119/14 124/22 125/20 130/13 131/9 133/14 133/18 133/19 134/2 134/10 136/12</p> <p><b>courts [4]</b> 15/1 105/12 122/5 123/7</p> <p><b>cover [3]</b> 109/19 109/20 110/1</p> <p><b>covered [1]</b> 109/23</p> <p><b>created [6]</b> 31/1 75/19 88/6 102/21 113/4</p>	<p>113/6</p> <p><b>creating [2]</b> 55/25</p> <p><b>Filed 03/07/16</b></p> <p><b>credibility [7]</b> 116/14 116/20 117/1 117/4 125/9 125/22 126/9</p> <p><b>credible [5]</b> 116/11 116/12 132/4 132/7 134/2</p> <p><b>credit [1]</b> 122/10</p> <p><b>creditors [1]</b> 54/3</p> <p><b>CROCKETT [9]</b> 1/18 1/18 5/17 5/21 74/19 111/5 136/4 136/6 136/8</p> <p><b>CROCKETT'S [1]</b> 136/11</p> <p><b>cross [15]</b> 17/9 17/23 18/4 27/13 44/22 44/23 49/24 60/15 61/6 65/7 74/25 106/1 106/6 136/7 136/7</p> <p><b>cross-examination [7]</b> 17/23 18/4 44/22 44/23 74/25 136/7 136/7</p> <p><b>cross-examine [1]</b> 17/9</p> <p><b>CRR [3]</b> 3/19 135/3 135/14</p> <p><b>CRSS [4]</b> 84/15 85/1 86/13 86/19</p> <p><b>CSR [1]</b> 135/15</p> <p><b>custody [1]</b> 37/24</p> <p><b>cv [2]</b> 1/5 1/10</p> <hr/> <p><b>D</b></p> <p><b>DALLAS [9]</b> 1/2 1/15 2/2 2/6 2/9 3/10 3/15 3/22 135/16</p> <p><b>dan [1]</b> 1/24</p> <p><b>DANIEL [1]</b> 1/21</p> <p><b>Danzig [81]</b> 6/10 7/18 9/23 9/24 10/1 22/11 22/14 22/16 23/12 25/25 30/5 31/1 31/22 32/4 32/7 33/13 34/2 34/3 34/3 35/21 36/6 36/19 37/5 37/25 39/10 40/13 41/21 42/12 42/21 43/4 43/7 43/18 44/12 45/12 48/13 48/17 48/18 49/1 49/2 57/7 62/21 63/14 75/21 79/7 80/15 82/18 83/16 84/8 86/7 86/8 86/11 87/4 87/14 87/22 88/12 88/23 92/3 93/2 97/24 97/25 102/1 108/13 108/24 111/17 114/24 116/2 118/8 118/8 118/9 119/22 120/8 120/13 122/21 129/23 129/24 130/1 130/2 130/5 132/15 132/17 132/22</p> <p><b>Danzig's [11]</b> 9/25 31/1 35/19 35/23 41/18 41/19 45/11 45/13 62/4 82/17 97/23</p>	<p><b>date [4]</b> 30/2 60/21 79/20 108/3</p> <p><b>dated 02 of 15622</b></p> <p>28/4 29/25 30/22 77/23 128/25 135/12</p> <p><b>daughter [1]</b> 104/16</p> <p><b>DAVID [1]</b> 2/8</p> <p><b>day [4]</b> 6/9 46/6 82/5 135/12</p> <p><b>days [7]</b> 6/6 7/17 50/17 50/18 51/1 113/6 127/20</p> <p><b>ddezern [1]</b> 2/10</p> <p><b>deal [5]</b> 12/23 13/22 36/13 36/18 91/7</p> <p><b>dealing [1]</b> 124/21</p> <p><b>dealings [2]</b> 29/19 63/3</p> <p><b>dealt [2]</b> 51/8 106/25</p> <p><b>debtor [1]</b> 53/25</p> <p><b>December [15]</b> 7/3 11/20 30/22 31/19 39/25 40/15 56/8 67/24 77/23 78/25 82/2 89/20 96/22 97/3 128/25</p> <p><b>December 14th [1]</b> 31/19</p> <p><b>December 26 [2]</b> 77/23 128/25</p> <p><b>December 26th [2]</b> 39/25 89/20</p> <p><b>decide [2]</b> 39/9 80/9</p> <p><b>decided [4]</b> 13/25 14/5 15/1 24/5</p> <p><b>decision [9]</b> 15/21 17/20 75/3 75/7 75/13 75/14 78/20 80/22 117/4</p> <p><b>decisions [1]</b> 121/17</p> <p><b>declaration [30]</b> 6/15 16/1 16/2 16/5 16/5 16/7 17/3 17/7 52/14 57/12 59/13 59/14 73/20 74/1 85/20 86/1 86/3 86/10 86/19 89/20 89/22 89/23 105/20 106/12 109/11 109/14 111/10 111/10 115/4 131/12</p> <p><b>declarations [6]</b> 4/12 15/22 15/24 16/3 110/5 111/11</p> <p><b>declared [2]</b> 26/2 27/9</p> <p><b>deemed [2]</b> 4/19 18/23</p> <p><b>defect [2]</b> 131/19 131/22</p> <p><b>Defendant [4]</b> 1/7 1/12 2/1 3/1</p> <p><b>defendant's [8]</b> 4/5 19/8 54/15 67/10 67/17 71/6 71/15 72/12</p> <p><b>defendants [9]</b> 4/6 4/8 13/10 13/10 16/21 17/25 125/10 127/22 131/9</p> <p><b>defendants' [6]</b> 19/4 72/6 77/13 128/7 133/9 137/7</p> <p><b>defending [1]</b> 110/16</p> <p><b>defense [5]</b> 5/11 15/20</p>	<p>94/16 102/13 106/23</p> <p><b>defer [1]</b> 127/20</p> <p>28/4 29/25 30/22 77/23</p> <p><b>degrees [1]</b> 24/10</p> <p><b>Delaney [50]</b> 6/10 7/18 22/11 22/14 22/19 22/20 26/1 30/5 30/9 32/5 32/7 32/8 33/13 40/13 43/25 44/3 44/9 48/24 49/4 49/8 57/7 62/7 63/14 75/21 83/17 84/12 86/7 86/8 86/10 87/8 87/15 89/3 89/4 89/6 92/3 93/1 102/1 108/13 108/24 111/18 114/25 114/25 116/2 119/22 120/8 122/21 129/22 129/24 130/1 130/2</p> <p><b>delay [1]</b> 133/15</p> <p><b>delivered [2]</b> 79/8 81/3</p> <p><b>delivery [1]</b> 79/11</p> <p><b>demand [1]</b> 122/13</p> <p><b>demonstrate [7]</b> 84/22 88/1 88/14 111/1 128/11 129/15 129/21</p> <p><b>demonstrated [1]</b> 8/11</p> <p><b>demonstrates [5]</b> 25/18 87/19 124/25 131/17 133/14</p> <p><b>denied [4]</b> 17/4 102/2 121/10 127/23</p> <p><b>department [1]</b> 22/21</p> <p><b>depends [1]</b> 129/6</p> <p><b>depose [2]</b> 6/16 6/17</p> <p><b>deposed [1]</b> 6/10</p> <p><b>deposition [2]</b> 17/17 101/25</p> <p><b>deprived [1]</b> 11/2</p> <p><b>described [1]</b> 40/11</p> <p><b>DESCRIPTION [2]</b> 137/3 137/8</p> <p><b>deserve [1]</b> 5/25</p> <p><b>designated [1]</b> 112/13</p> <p><b>Despite [1]</b> 128/17</p> <p><b>destroyed [2]</b> 25/25 125/15</p> <p><b>determination [1]</b> 133/6</p> <p><b>determine [3]</b> 98/22 133/4 133/6</p> <p><b>determined [1]</b> 64/10</p> <p><b>determining [1]</b> 104/10</p> <p><b>develop [2]</b> 22/22 33/19</p> <p><b>DEZERN [1]</b> 2/8</p> <p><b>did [119]</b> 11/22 12/12 12/14 12/16 16/10 17/17 24/13 24/22 32/4 32/10 35/4 35/8 37/2 37/5 38/6 39/19 40/15 43/4 43/5 43/7 43/7 43/11 43/12 44/4 44/15 44/19 46/12 46/18 47/1 47/3 47/4 47/14 47/15 47/16 47/18 48/1 48/7 48/13 48/18 48/24 49/1 49/1 49/2 49/4 49/7 49/10 52/8 52/16 54/7</p>
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<p><b>D</b></p> <p>did [79] 55/1 56/2 56/17 57/10 57/23 58/11 58/16 58/19 58/22 59/13 60/20 60/25 62/9 62/13 62/24 63/25 64/3 64/6 66/22 67/24 68/10 68/11 69/3 69/5 69/5 69/21 69/24 70/15 75/7 77/25 79/3 79/21 81/22 84/3 84/12 84/13 85/17 86/15 88/12 88/16 89/3 89/4 91/3 91/14 91/20 92/11 93/22 95/23 96/15 97/11 97/17 97/17 98/11 98/17 99/23 99/25 100/4 100/13 100/21 104/9 109/16 109/19 110/1 110/1 112/23 116/16 118/18 119/9 120/11 125/10 didn't [47] 7/7 7/7 8/1 11/19 12/1 32/11 33/25 34/5 36/1 39/14 44/6 44/6 46/25 47/1 51/19 56/11 58/3 62/11 63/22 68/23 80/14 80/19 80/19 81/13 81/24 82/11 83/6 83/12 84/19 89/21 93/14 93/16 96/11 96/18 96/19 102/20 104/21 104/22 108/8 114/21 114/22 114/22 115/8 115/15 116/25 117/11 123/14 died [1] 44/18 difference [2] 17/9 126/24 different [11] 17/8 17/12 18/3 33/17 93/13 105/2 111/21 115/1 115/19 119/11 124/7 differently [2] 84/17 84/25 difficult [3] 114/5 117/14 123/24 diligence [2] 119/15 120/4 DIRECT [2] 21/7 136/6 directed [3] 32/1 57/4 57/4 direction [1] 50/10 directly [9] 26/5 42/13 46/25 47/1 47/3 47/5 56/11 62/14 62/19 director [5] 39/18 40/8 129/11 129/12 129/19 directors [1] 124/4 disagree [2] 103/23 104/8 disagrees [2] 10/18 10/19 disappointed [1] 32/9 disavowed [1] 130/3 disbelieves [1] 132/22 disclose [1] 115/8 discovery [10] 6/12</p>	<p>10/4 10/9 45/23 107/12 108/6 108/7 121/8 discretion [1] 122/24 discuss [2] 14/15 36/24 discussions [1] 84/11 dismiss [8] 1/13 4/5 20/17 53/9 67/3 128/8 133/9 134/4 dismissed [4] 4/10 111/2 133/11 134/11 dismisses [1] 133/13 dispute [2] 49/11 76/5 disregarding [1] 100/19 dissolution [13] 31/3 31/3 31/4 78/7 78/7 78/8 79/15 79/15 79/16 80/2 85/18 131/6 131/7 dissolved [8] 56/16 81/12 82/8 82/11 82/24 96/25 123/16 128/22 distant [1] 117/17 distribute [1] 80/10 distributed [2] 80/4 80/6 distributions [1] 28/21 DISTRICT [8] 1/1 1/1 1/14 3/21 3/21 14/14 135/5 135/5 divested [3] 34/1 83/8 84/12 DIVISION [1] 1/2 dlewis [1] 2/7 do [116] 5/1 6/16 7/4 8/3 8/25 9/1 9/18 10/8 10/13 10/24 11/16 11/18 11/19 11/21 14/17 15/7 16/21 17/1 17/14 18/6 18/15 19/16 19/20 21/9 22/8 22/11 24/4 24/7 26/1 26/24 30/1 30/22 30/24 31/6 32/11 34/17 35/4 36/2 36/23 38/12 38/20 43/6 43/17 43/23 46/1 46/7 47/11 49/2 49/12 51/10 52/2 52/14 54/5 55/17 55/20 56/25 58/7 59/24 60/3 60/20 61/21 64/16 64/23 64/25 66/1 66/7 67/17 68/20 71/20 73/18 73/19 74/14 75/17 76/8 77/15 78/4 78/10 80/7 85/20 86/3 88/16 88/20 91/12 95/4 95/12 95/12 97/6 100/10 101/4 101/6 103/24 107/13 108/1 112/20 112/22 112/23 112/23 115/11 118/13 118/17 118/17 119/7 120/11 121/17 121/23 123/13 123/15 127/3 127/16 127/17 127/17 127/22 132/19 133/2 133/23 135/5 document [135] 9/21</p>	<p>9/22 9/23 12/4 13/12 19/6 19/22 20/17 20/18 20/18 20/27/16 21/19 21/22 22/1 22/3 22/9 25/14 26/1 26/7 26/14 27/17 27/20 28/7 28/25 29/23 30/12 30/20 30/24 31/2 31/10 31/17 31/21 32/1 34/9 34/10 34/13 34/21 34/23 35/3 35/10 37/13 37/16 37/16 37/19 37/19 38/21 41/14 41/24 42/16 42/17 43/1 43/18 44/2 44/9 44/12 45/10 47/25 48/7 50/4 50/11 50/15 50/16 50/19 50/21 51/13 51/15 51/17 51/18 51/23 52/18 53/14 53/14 61/1 61/2 61/17 63/5 63/8 63/13 65/13 65/15 67/21 68/16 71/15 77/25 78/2 78/16 78/20 78/24 79/10 81/15 82/12 82/13 82/14 83/12 85/10 85/12 85/13 85/19 86/25 87/4 87/8 88/6 91/23 92/3 92/17 92/21 93/9 93/20 94/12 95/23 99/13 99/23 99/25 106/23 112/8 112/11 112/12 112/20 112/25 113/1 113/3 113/6 113/9 113/21 113/23 115/25 116/8 117/23 118/14 123/20 130/22 130/23 132/5 137/9 documentary [4] 13/5 110/21 113/2 113/2 documentation [1] 127/17 documented [3] 13/1 118/21 130/9 documenting [1] 15/8 documents [164] does [18] 14/16 14/16 21/25 24/18 30/18 32/25 38/1 38/12 45/18 74/7 109/11 110/25 112/20 129/17 130/11 130/11 130/21 133/8 doesn't [25] 4/22 9/8 9/21 19/16 38/7 38/18 39/6 72/9 73/10 83/25 95/23 97/14 103/7 103/14 105/9 105/18 109/3 118/5 119/24 126/19 126/25 127/1 127/1 130/22 130/23 doing [3] 11/16 120/3 121/6 dollars [1] 54/3 don't [107] 5/7 8/12 10/25 11/9 12/25 12/25 13/1 15/9 15/14 17/13 19/16 20/13 20/25 23/15 27/12 30/2 33/3</p>	<p>34/18 34/22 35/25 37/1 37/6 37/18 38/23 42/11 44/16 45/14 45/17 45/18 45/20 46/5 46/10 46/23 46/24 47/17 47/22 48/16 48/19 49/3 51/6 51/6 51/18 52/4 52/4 52/25 55/24 56/6 56/7 56/9 56/12 56/19 56/20 56/21 57/21 57/25 58/5 58/25 59/1 60/21 63/9 65/20 66/11 67/23 68/19 69/18 69/24 70/7 70/17 70/19 72/4 72/9 73/4 73/18 74/6 76/5 76/14 81/4 82/22 87/10 88/8 88/9 88/15 88/19 92/20 98/21 98/23 100/12 102/25 103/21 109/2 109/24 113/14 113/15 114/14 117/24 120/18 121/11 121/14 121/19 125/5 125/15 127/4 127/12 done [25] 6/19 10/12 35/6 43/6 46/10 75/23 77/5 82/1 84/24 91/18 97/7 103/10 107/13 110/8 114/10 118/11 118/24 119/3 119/6 119/7 119/16 122/22 124/6 126/1 126/2 door [2] 122/3 122/5 double [1] 94/21 doubt [1] 61/11 DOUG [1] 2/4 Douglas [1] 4/7 down [4] 4/22 101/21 110/20 113/7 downstream [1] 104/22 draft [1] 98/1 drafted [1] 97/20 dreaming [1] 113/22 due [2] 14/3 52/24 DuJack [1] 72/19 duly [1] 21/6 duplicate [7] 19/23 90/3 92/24 99/1 112/14 118/18 137/4 duplicative [1] 77/14 during [9] 19/18 19/23 66/12 84/11 112/15 128/14 129/21 132/19 137/4</p>	<p>83/23 effective [1] 129/2 effectiveness [1] 129/6 effectuates [1] 127/4 effort [7] 39/13 44/11 76/4 88/13 107/7 108/1 132/17 efforts [3] 32/10 38/3 44/5 egregious [1] 122/6 either [11] 7/7 15/14 19/11 44/9 63/5 83/25 96/19 104/22 125/14 125/15 134/5 elect [2] 129/12 129/18 else [7] 5/2 69/23 70/15 70/18 113/5 120/16 134/8 else's [1] 24/2 email [1] 107/17 Emergency [1] 128/16 employed [1] 64/11 employees [5] 29/17 64/13 64/22 86/4 86/6 employment [1] 104/3 encourage [1] 16/11 end [4] 32/19 34/16 97/1 107/22 ended [1] 35/7 endorsement [1] 93/25 ends [1] 4/21 enough [4] 13/7 15/11 15/18 122/24 ensure [1] 29/19 enter [1] 54/13 entered [1] 101/12 entire [1] 94/20 entities [1] 80/16 entitled [5] 19/22 29/24 30/20 41/24 135/9 entity [4] 9/25 10/1 55/2 125/2 epiphany [2] 96/10 132/2 error [3] 16/12 109/24 121/12 especially [3] 106/12 116/22 119/25 essence [1] 87/18 essentially [2] 32/9 75/3 establish [12] 11/17 37/10 37/17 128/9 128/13 128/18 129/18 130/16 131/10 131/25 132/20 132/25 established [3] 13/15 13/19 128/14 eureka [1] 92/12 evaluate [2] 123/19 126/10 evasive [1] 133/1 even [25] 4/12 7/17 8/20 13/5 15/4 15/21 33/25 38/24 45/20 59/10 65/23 69/19 77/4 81/20 87/19 105/7 108/19 109/3 110/6 117/15 117/18 117/18</p>
---	--	---	---	--

<p><b>E</b></p> <p>even [3] 122/7 123/10 124/9</p> <p>event [1] 76/4</p> <p>ever [17] 16/2 24/22 27/11 40/13 40/15 40/18 45/20 49/4 51/18 62/9 62/9 66/7 100/22 118/6 119/13 119/24 124/9</p> <p>every [6] 8/19 13/21 14/25 110/21 120/19 131/19</p> <p>everything [9] 5/2 11/7 30/14 34/17 35/1 41/4 75/23 110/2 123/18</p> <p>evidence [27] 4/11 4/14 7/9 7/12 11/25 25/2 26/24 41/12 88/17 101/22 102/10 102/20 102/21 106/14 108/4 108/13 109/9 110/21 113/17 113/19 114/11 119/8 129/15 131/10 131/21 131/25 132/7</p> <p>evidenced [1] 97/18</p> <p>evidences [1] 6/23</p> <p>evidencing [5] 86/25 87/4 87/8 88/25 132/5</p> <p>exact [1] 60/11</p> <p>exactly [6] 50/7 56/5 60/21 96/21 105/11 112/19</p> <p>Exam [19] 21/19 27/18 29/1 29/23 45/2 45/4 49/22 50/1 50/15 55/8 55/10 56/2 59/18 63/9 63/18 64/1 65/3 93/4 99/2</p> <p>Exam-14 [1] 29/1</p> <p>examination [17] 17/23 18/4 19/24 21/7 32/19 44/22 44/23 74/25 89/17 98/9 112/15 133/4 136/6 136/7 136/7 136/8 137/5</p> <p>examine [4] 17/9 20/2 28/15 124/2</p> <p>examples [1] 118/2</p> <p>except [5] 14/25 50/21 51/3 105/8 124/20</p> <p>exception [2] 16/4 33/7</p> <p>exceptions [2] 33/2 33/21</p> <p>excess [1] 110/15</p> <p>exchanges [1] 32/23</p> <p>excluding [1] 75/24</p> <p>excuse [8] 42/17 90/20 93/23 95/7 96/7 121/2 121/3 121/3</p> <p>excuses [1] 131/24</p> <p>execute [3] 13/18 14/23 111/24</p> <p>executed [17] 7/3 7/19 8/22 13/13 31/11 39/16 39/24 40/4 40/7 111/19 112/6 112/8 113/9</p>	<p>117/8 129/4 129/7 130/9</p> <p>exercised [1] 13/18</p> <p>exhibit [47] 19/15 20/21 22/4 22/4 22/7 23/10 27/17 27/23 28/9 28/15 29/22 30/16 52/22 53/9 54/14 66/21 66/23 67/2 67/18 68/16 70/22 70/25 71/1 71/6 71/9 71/15 72/6 72/8 72/12 72/12 77/8 77/11 77/15 90/2 92/22 99/1 99/2 99/24 99/25 100/5 101/13 101/20 106/3 112/13 126/13 127/7 127/7</p> <p>Exhibit 2 [2] 67/18 72/12</p> <p>exhibits [12] 19/23 20/6 39/16 77/2 90/4 92/25 107/22 112/14 137/1 137/2 137/4 137/7</p> <p>exist [7] 95/23 102/25 103/1 103/7 125/15 133/2 133/24</p> <p>existed [2] 9/2 49/14</p> <p>existence [4] 100/5 115/8 120/16 132/23</p> <p>exists [1] 88/19</p> <p>expect [1] 102/25</p> <p>expeditiously [1] 120/12</p> <p>experience [2] 22/18 119/5</p> <p>explain [6] 23/14 24/24 29/14 31/18 34/7 79/6</p> <p>explained [1] 114/17</p> <p>explanation [3] 7/2 11/19 114/6</p> <p>exposure [1] 23/17</p> <p>expresses [1] 38/24</p> <p>EXPRESSWAY [2] 3/9 3/14</p> <p>extensions [1] 43/10</p> <p>extent [1] 120/14</p> <p>extra [1] 53/4</p>	<p>fair [1] 87/23</p> <p>false [6] 78/14 78/17 78/18 83/8 85/16 133/21</p> <p>familiar [1] 103/20</p> <p>family [5] 38/8 38/9 38/9 38/16 38/17</p> <p>famous [1] 102/16</p> <p>far [3] 31/15 76/7 120/24</p> <p>faster [1] 77/4</p> <p>fear [1] 38/24</p> <p>fearful [1] 38/7</p> <p>February [10] 7/18 7/23 9/3 15/5 19/5 19/7 21/23 28/4 112/9 128/15</p> <p>February 10th [1] 28/4</p> <p>February 18th [1] 19/7</p> <p>February 24th [1] 128/15</p> <p>February 4th [6] 7/18 7/23 9/3 15/5 19/5 21/23</p> <p>fed [2] 13/24 44/5</p> <p>FEDERAL [7] 3/20 14/4 19/11 105/10 121/16 135/3 135/15</p> <p>feel [1] 68/18</p> <p>feeling [1] 108/20</p> <p>felt [1] 23/18</p> <p>few [5] 4/23 40/18 40/23 61/22 74/13</p> <p>Fifth [3] 19/11 32/22 121/15</p> <p>fight [1] 13/12</p> <p>figure [1] 94/4</p> <p>file [3] 106/4 119/18 121/25</p> <p>filed [9] 10/25 16/1 16/3 16/3 16/4 16/8 106/21 106/22 107/12</p> <p>files [5] 50/21 103/1 103/2 103/6 119/16</p> <p>filing [1] 81/25</p> <p>filings [1] 122/2</p> <p>final [3] 102/4 111/6 123/6</p> <p>find [10] 33/1 34/25 47/16 47/18 76/11 88/16 88/21 96/14 131/15 131/16</p> <p>finder [1] 132/11</p> <p>finding [1] 33/21</p> <p>findings [1] 134/6</p> <p>finds [4] 129/1 132/24 133/7 133/23</p> <p>fine [2] 5/16 29/6</p> <p>fingertips [1] 68/20</p> <p>finish [4] 86/16 86/17 93/23 95/7</p> <p>firm [4] 1/22 45/16 54/23 61/21</p> <p>first [33] 4/25 6/6 11/17 13/10 17/2 21/12 21/18 22/3 27/4 34/9 34/10 35/6 41/7 46/19 48/18 49/10 49/15 59/22 70/8 70/9 103/25 106/18</p>	<p>107/4 113/3 113/14 113/20 115/7 115/14 129/9 132/19</p> <p>five [2] 22/13 66/9</p> <p>five-minute [1] 66/9</p> <p>fixed [2] 21/14 121/24</p> <p>flood [2] 25/25 44/17</p> <p>flooded [1] 120/15</p> <p>focus [2] 5/23 116/7</p> <p>focusing [1] 113/13</p> <p>following [4] 19/2 116/15 122/21 123/12</p> <p>follows [1] 21/6</p> <p>foreclosure [2] 103/20 103/21</p> <p>foregoing [2] 60/1 135/7</p> <p>forgot [1] 106/13</p> <p>formal [1] 94/9</p> <p>formalities [1] 133/4 132/18</p> <p>formally [2] 132/18 132/18</p> <p>format [1] 135/10</p> <p>formation [2] 111/16 116/17</p> <p>formed [7] 7/17 7/18 65/21 81/23 113/7 115/14 117/17</p> <p>former [1] 9/24</p> <p>forth [2] 43/22 128/15</p> <p>forthrightly [1] 117/11</p> <p>forthwith [1] 134/11</p> <p>forward [7] 17/19 17/21 18/8 40/13 40/16 43/15 103/7</p> <p>found [5] 29/11 47/19 48/6 48/6 132/12</p> <p>foundation [1] 29/5</p> <p>foundational [2] 75/19 126/12</p> <p>four [1] 22/8</p> <p>fourth [2] 52/25 78/4</p> <p>framework [1] 126/14</p> <p>framing [1] 125/10</p> <p>frankly [2] 106/15 109/1</p> <p>free [2] 68/18 132/19</p> <p>friend [4] 44/17 48/21 87/23 88/23</p> <p>friendship [1] 34/4</p> <p>front [4] 18/10 20/9 21/10 72/11</p> <p>fruit [1] 34/6</p> <p>fruition [1] 31/25</p> <p>full [2] 18/11 23/13</p> <p>fully [4] 116/20 117/7 117/9 122/22</p> <p>fun [3] 18/1 18/3 18/4</p> <p>functions [1] 24/7</p> <p>fund [1] 43/10</p> <p>fundamentally [1] 17/24</p> <p>furnish [1] 76/19</p> <p>furnished [1] 11/25</p> <p>further [10] 9/1 16/19 40/22 89/11 92/6 98/19 101/1 113/11 126/17 131/16</p>	<p>furthermore [1] 12/8</p> <p>future [8] 8/21 12/22 12/22 60/5 99/9 99/11 103/4</p>
<p><b>G</b></p> <p>games [1] 120/22</p> <p>gave [8] 11/18 30/12 41/7 45/1 52/10 61/9 86/4 133/17</p> <p>genius [1] 116/17</p> <p>gentleman [1] 45/23</p> <p>get [31] 6/10 10/9 10/10 11/9 11/9 11/16 17/9 19/10 24/4 44/11 45/22 46/12 59/16 64/19 101/12 105/4 107/7 109/2 109/21 109/24 110/1 112/24 118/15 118/17 120/4 120/4 120/12 120/19 121/1 127/2 127/18</p> <p>gets [2] 118/21 124/22</p> <p>GILBERT [1] 1/22</p> <p>gilbert.com [1] 1/24</p> <p>girlfriend [2] 22/24 116/19</p> <p>girlfriend/partner [1] 22/24</p> <p>give [7] 38/21 53/2 68/5 69/20 76/11 122/10 127/11</p> <p>given [4] 99/24 122/25 122/25 128/12</p> <p>gives [1] 112/20</p> <p>giving [1] 33/19</p> <p>glaring [1] 109/24</p> <p>Global [13] 7/16 19/5 24/15 27/14 30/21 31/11 49/23 55/14 55/17 56/1 65/6 77/19 128/22</p> <p>go [21] 4/23 14/11 19/1 27/15 33/19 37/20 38/25 43/10 43/15 43/22 44/19 55/5 61/22 69/7 72/6 77/6 83/13 88/11 109/21 109/24 121/14</p> <p>goalposts [1] 120/21</p> <p>goes [4] 55/19 108/11 108/11 125/8</p> <p>going [27] 4/23 5/2 5/9 5/12 10/16 18/6 20/1 31/23 32/13 39/3 39/7 39/9 74/14 76/11 80/9 84/16 93/25 96/15 97/6 102/9 112/9 112/16 121/15 121/16 125/22 127/11 128/3</p> <p>going-ons [1] 31/23</p> <p>gone [4] 106/11 122/4 122/19 122/24</p> <p>good [7] 4/7 55/18 55/22 87/23 119/2 123/3 123/23</p> <p>Gordon [1] 54/22</p> <p>got [15] 6/14 6/15 15/21 15/22 21/17</p>				



<p><b>G</b></p> <p><b>got</b> [19] 74/21 74/21 94/10 106/10 107/20 114/15 116/4 119/13 119/13 122/15</p> <p><b>gotten</b> [2] 107/14 120/7</p> <p><b>governance</b> [1] 90/15</p> <p><b>grades</b> [1] 121/18</p> <p><b>grant</b> [1] 20/1</p> <p><b>granted</b> [1] 133/10</p> <p><b>grants</b> [1] 134/3</p> <p><b>Great</b> [1] 50/2</p> <p><b>ground</b> [1] 89/10</p> <p><b>group</b> [5] 23/7 23/12 32/18 63/3 81/23</p> <p><b>grumpiest</b> [1] 119/12</p> <p><b>GTI</b> [72] 4/16 4/17 7/2 7/21 7/22 17/22 40/5 40/8 40/14 40/16 50/5 51/21 52/11 56/3 56/16 56/23 57/8 57/10 62/2 62/10 64/4 64/6 65/18 65/20 65/21 66/7 67/22 75/11 76/6 78/21 79/4 79/12 80/3 84/4 87/20 94/13 97/2 100/22 105/18 105/19 105/21 105/24 106/13 106/14 107/18 108/14 108/18 108/23 108/24 109/10 110/4 116/17 123/16 124/10 128/22 129/1 129/5 129/10 129/11 129/12 129/13 129/16 129/21 129/23 130/3 130/23 131/4 131/6 131/14 132/6 132/8 133/22</p> <p><b>GTI's</b> [2] 65/23 90/14</p> <p><b>guess</b> [5] 45/1 59/12 74/9 83/24 102/15</p> <p><b>gus</b> [3] 1/21 1/22 1/24</p> <p><b>gus-gilbert.com</b> [1] 1/24</p> <p><b>guy</b> [1] 116/16</p> <p><b>guys</b> [1] 119/12</p>	<p>93/12 93/14 93/18 93/18 94/12 95/24 96/1 100/2 100/4 100/7 100/7 100/13 101/6 102/22 104/12 106/8 106/22 107/10 107/12 108/7 108/20 109/23 111/19 112/5 112/7 112/10 112/22 113/10 113/18 114/13 114/20 114/23 115/16 116/8 117/3 117/9 118/5 118/6 119/9 119/10 120/4 120/5 122/9 123/13 123/15 127/22 129/18 132/8</p> <p><b>hadn't</b> [6] 17/20 92/10 94/11 94/13 100/3 115/13</p> <p><b>half</b> [4] 83/16 83/17 88/18 129/24</p> <p><b>HAMADA</b> [2] 3/9 3/13</p> <p><b>hand</b> [6] 18/11 18/20 19/18 94/23 102/20 126/4</p> <p><b>handed</b> [5] 19/22 53/8 66/20 70/24 91/1</p> <p><b>handled</b> [7] 22/18 31/22 32/2 56/10 58/1 117/15 124/18</p> <p><b>handling</b> [1] 91/19</p> <p><b>handlings</b> [1] 79/8</p> <p><b>hands</b> [3] 33/14 116/9 116/25</p> <p><b>handwriting</b> [1] 54/19</p> <p><b>hang</b> [1] 117/5</p> <p><b>happen</b> [3] 36/24 39/14 96/15</p> <p><b>happened</b> [15] 8/23 24/25 28/13 36/25 38/15 79/12 81/8 83/6 83/6 96/21 96/23 102/14 102/18 117/13 120/6</p> <p><b>happening</b> [2] 97/3 126/12</p> <p><b>happens</b> [3] 58/10 104/25 120/21</p> <p><b>hard</b> [2] 109/4 116/23</p> <p><b>HARTMANN</b> [1] 2/1</p> <p><b>has</b> [68] 6/11 8/4 8/9 10/1 10/2 10/19 10/20 11/5 13/18 16/1 26/1 29/11 38/8 38/9 38/16 40/13 44/12 51/10 53/25 59/24 71/9 73/15 74/13 76/18 89/19 90/9 99/5 103/9 103/13 103/13 105/11 107/15 110/4 110/5 110/16 110/19 111/16 114/11 116/23 117/5 117/7 117/11 117/14 119/4 120/1 120/14 120/25 122/4 122/24 122/25 123/15 123/20 124/20 125/19 127/1 127/6 127/23 128/12 128/18</p>	<p>128/24 130/4 131/7 131/18 131/23 131/24 154/10 157/15 157/16 <b>hasn't</b> [3] 10/12 103/10 103/17</p> <p><b>HASTINGS</b> [3] 3/1 3/5 74/24</p> <p><b>have</b> [184]</p> <p><b>haven't</b> [8] 14/24 41/13 67/23 68/17 71/23 74/20 110/7 120/15</p> <p><b>having</b> [5] 11/1 21/6 38/25 120/24 134/1</p> <p><b>he</b> [188]</p> <p><b>he's</b> [21] 6/14 6/15 9/16 16/2 16/3 16/8 17/16 33/4 38/7 38/9 38/9 38/16 38/25 47/5 103/19 109/15 115/23 116/23 123/17 125/14 125/17</p> <p><b>head</b> [3] 22/20 55/24 69/24</p> <p><b>hear</b> [8] 4/5 5/10 5/11 5/17 11/18 23/4 32/13 102/13</p> <p><b>heard</b> [6] 5/10 5/21 10/17 45/20 62/16 114/7</p> <p><b>hearing</b> [12] 1/13 46/1 46/5 106/19 106/20 107/2 108/2 108/2 123/2 128/14 129/21 129/25</p> <p><b>hearsay</b> [10] 32/12 32/17 32/18 32/24 33/2 33/7 33/20 39/4 39/7 102/5</p> <p><b>heart</b> [1] 124/23</p> <p><b>held</b> [23] 14/1 14/5 24/17 25/8 25/24 27/6 42/14 43/1 50/5 50/9 90/24 91/9 95/22 100/14 112/1 112/3 119/3 124/3 124/4 125/11 130/7 130/18 135/9</p> <p><b>help</b> [4] 22/22 88/1 88/20 119/14</p> <p><b>helped</b> [1] 99/15</p> <p><b>helpful</b> [2] 33/1 33/22</p> <p><b>her</b> [28] 7/14 8/4 9/1 9/4 24/22 26/3 34/7 34/21 41/4 42/18 50/22 51/5 52/11 60/1 68/5 68/6 83/15 91/20 101/6 105/21 106/4 106/4 111/20 112/20 113/10 130/7 130/14 131/13</p> <p><b>here</b> [37] 4/4 6/3 9/15 9/16 9/18 12/23 14/21 15/16 16/8 16/12 16/15 19/14 19/17 25/21 29/15 53/24 61/2 67/21 69/11 74/22 76/12 86/24 87/3 87/7 89/8 89/10 96/24 102/21 103/8 105/2 107/16 115/25 117/19 120/24</p>	<p>121/12 121/21 122/8 <b>hereby</b> [1] 135/6 <b>hey</b> [1] 123/4 <b>high</b> [2] 73/25 74/4 <b>highlighted</b> [1] 6/1 <b>him</b> [35] 4/15 7/14 8/1 8/4 8/9 8/24 8/24 11/18 12/7 12/8 17/9 17/21 17/21 20/2 38/20 47/6 48/17 66/4 70/9 74/19 88/16 88/20 89/3 105/19 112/18 115/16 115/16 115/17 119/13 126/23 129/1 129/14 130/15 132/2 132/8</p> <p><b>himself</b> [10] 4/16 9/6 9/21 34/1 84/12 118/8 123/18 128/25 129/18 132/9</p> <p><b>hired</b> [1] 119/11</p> <p><b>his</b> [82] 5/3 6/12 11/8 17/17 17/17 17/19 22/17 30/9 31/22 38/3 39/13 43/5 43/7 43/12 44/17 44/19 48/21 48/22 59/12 73/1 73/4 79/10 83/16 83/17 84/8 88/5 88/16 88/17 88/20 88/22 88/24 89/23 97/25 102/23 102/24 103/8 104/9 104/10 105/8 106/18 107/9 108/15 108/20 109/11 109/13 110/5 110/5 110/23 110/23 111/9 112/4 112/6 113/24 113/25 114/1 114/18 114/18 114/22 114/22 115/15 115/16 115/22 116/9 116/18 116/25 117/1 117/2 118/8 123/4 123/5 128/9 128/13 129/4 129/16 131/10 131/16 131/17 131/24 131/25 132/12 132/14 133/19</p> <p><b>history</b> [2] 113/2 133/15</p> <p><b>hold</b> [8] 34/18 55/10 63/15 89/21 91/20 91/20 114/6 114/18</p> <p><b>holding</b> [8] 14/12 24/15 25/3 25/18 26/15 26/25 42/18 95/25</p> <p><b>holds</b> [2] 32/22 41/15</p> <p><b>HON</b> [1] 3/20</p> <p><b>honestly</b> [8] 37/11 38/23 47/10 48/5 48/9 48/19 57/25 122/2</p> <p><b>Honor</b> [104] 4/7 5/6 5/14 5/20 6/2 6/24 7/11 8/10 9/12 10/4 11/4 12/3 12/18 13/8 13/21 14/20 15/11 15/25 16/14 16/20 16/23 16/25 17/10 18/7 18/18 19/3 20/4 20/10 20/23 25/4 25/20 26/9 26/11</p>	<p>26/17 29/3 32/12 32/15 32/21 33/16 34/22 37/1 37/2 37/23 40/21 42/8 46/15 52/17 52/20 52/22 53/2 53/6 54/13 54/17 61/25 66/10 66/16 66/17 67/8 70/21 70/24 71/5 74/10 74/17 74/23 76/13 76/17 77/1 77/7 77/12 89/11 90/21 92/7 93/8 94/19 94/22 98/6 99/18 101/1 101/12 101/19 101/24 102/4 102/14 103/6 108/6 108/10 109/18 110/9 110/11 111/7 112/13 112/24 118/25 119/4 122/2 123/21 124/12 124/24 125/23 127/6 127/15 128/2 134/7 134/9</p> <p><b>Honor's</b> [1] 121/5</p> <p><b>HONORABLE</b> [1] 1/14</p> <p><b>how</b> [23] 24/24 24/24 28/14 32/2 32/4 34/7 35/4 38/20 41/4 43/12 46/22 47/4 57/5 57/25 58/5 59/8 75/24 97/11 105/2 106/18 107/1 117/14 119/5</p> <p><b>however</b> [3] 8/11 78/20 108/16</p> <p><b>Hoyle</b> [2] 119/4 120/22</p> <p><b>huge</b> [2] 126/24 126/24</p> <p><b>huh</b> [11] 31/7 53/10 78/23 83/1 83/4 84/5 94/1 94/3 95/3 96/9 98/13</p> <p><b>hundred</b> [4] 54/3 84/2 87/15 89/21</p> <p><b>hyperbole</b> [1] 15/16</p> <hr/> <p><b>I</b></p> <p><b>I don't understand</b> [6] 34/18 37/6 58/5 81/4 98/21 98/23</p> <p><b>I should</b> [1] 97/24</p> <p><b>I'd</b> [12] 5/23 12/20 18/20 21/12 21/18 71/3 79/9 95/19 102/5 106/16 107/15 117/1</p> <p><b>I'll</b> [20] 5/3 5/4 5/10 5/17 5/18 7/6 10/7 10/22 10/23 18/19 19/20 69/11 73/13 86/16 90/21 102/13 112/24 118/11 127/11 128/4</p> <p><b>I'm</b> [99] 4/23 5/12 6/5 14/20 15/3 17/12 18/6 19/10 22/1 22/7 23/3 25/20 26/9 26/19 26/21 27/7 27/22 28/23 28/23 29/12 30/6 30/19 32/13 33/21 34/25 37/11 37/14 39/3 39/5 39/7 39/9 39/21 41/11 42/20 43/6 45/3 45/4 47/7 47/10 48/9 49/17 50/1</p>
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<p><b>I</b></p> <p>Im [57] 58/1 50/7 50/16 50/24 51/10</p> <p>51/20 56/5 57/22 58/5 58/6 58/9 58/13 61/10 61/16 61/19 63/23 64/9 68/25 70/5 71/10 72/11 73/7 74/11 74/13 74/14 76/11 76/15 76/23 81/6 85/25 86/15 86/16 87/13 89/6 89/23 94/4 95/9 96/14 98/17 99/20 100/19 101/3 101/4 109/7 112/16 113/12 118/11 118/12 118/20 118/24 121/3 121/21 123/11 125/14 127/13 127/24 128/3</p> <p><b>I've [23]</b> 5/10 10/17 10/17 12/24 19/22 33/18 45/20 48/5 48/21 53/8 59/7 70/24 73/14 74/21 74/21 76/10 99/24 114/7 121/23 121/25 121/25 122/1 122/1</p> <p><b>i.e [1]</b> 84/3</p> <p><b>idea [10]</b> 22/22 23/11 23/13 23/19 23/20 23/22 23/24 75/20 81/23 105/2</p> <p><b>ideas [1]</b> 42/4</p> <p><b>identified [3]</b> 73/25 131/20 133/16</p> <p><b>identify [2]</b> 72/21 130/23</p> <p><b>if [94]</b> 4/12 5/1 5/7 5/23 8/1 8/22 9/9 10/18 12/2 12/12 12/18 12/19 14/21 16/22 17/12 18/25 19/9 19/9 21/20 29/5 29/6 33/2 33/19 36/24 37/18 42/7 42/10 43/7 43/16 45/20 46/5 47/11 50/16 51/18 55/6 58/9 58/13 58/13 59/21 61/10 61/19 64/1 65/3 65/20 65/23 67/5 68/17 69/8 69/11 69/20 70/21 71/11 72/6 72/13 72/25 76/2 76/11 76/14 77/3 77/4 80/8 81/2 81/22 81/24 82/23 83/20 84/24 86/15 92/20 94/21 97/6 98/8 99/7 100/12 100/23 104/10 106/8 108/19 110/11 112/22 112/23 114/20 116/11 116/12 117/22 121/17 122/10 123/13 124/16 124/21 126/5 127/21 127/21 133/4</p> <p><b>ignoring [1]</b> 39/5</p> <p><b>illogical [1]</b> 118/3</p> <p><b>imagine [1]</b> 117/14</p> <p><b>immediately [1]</b> 121/9</p> <p><b>impeded [1]</b> 132/14</p> <p><b>implied [1]</b> 123/8</p>	<p><b>important [10]</b> 14/12 89/7 113/8 113/9 117/6 124/1 124/2</p> <p><b>improper [1]</b> 133/3</p> <p><b>in [395]</b></p> <p><b>in the [1]</b> 42/9</p> <p><b>inaccurate [1]</b> 118/22</p> <p><b>inadequate [1]</b> 6/2</p> <p><b>inappropriate [1]</b> 114/3</p> <p><b>Inc [10]</b> 19/6 24/16 30/21 31/12 49/24 49/24 49/25 55/18 77/19 128/22</p> <p><b>incentive [2]</b> 117/5 117/6</p> <p><b>inception [1]</b> 131/19</p> <p><b>include [11]</b> 27/12 69/12 69/14 69/15 69/17 69/21 70/15 71/21 71/25 72/22 106/13</p> <p><b>included [1]</b> 72/2</p> <p><b>including [5]</b> 22/13 28/13 66/11 91/1 133/21</p> <p><b>inconsistent [8]</b> 4/13 15/22 15/25 16/2 16/7 16/8 110/6 131/11</p> <p><b>inconsistently [1]</b> 130/14</p> <p><b>incorporated [3]</b> 10/1 51/7 55/4</p> <p><b>incorporator [1]</b> 9/25</p> <p><b>incredible [2]</b> 131/16 133/1</p> <p><b>incredibly [1]</b> 132/23</p> <p><b>indeed [6]</b> 34/14 106/8 107/3 107/5 108/5 111/22</p> <p><b>index [3]</b> 20/9 22/3 136/1</p> <p><b>indicate [1]</b> 128/21</p> <p><b>indicates [1]</b> 115/5</p> <p><b>indication [1]</b> 119/19</p> <p><b>indisputably [1]</b> 118/22</p> <p><b>individuals [3]</b> 64/15 73/24 73/25</p> <p><b>individuals that [1]</b> 73/24</p> <p><b>informal [1]</b> 79/13</p> <p><b>informally [1]</b> 132/18</p> <p><b>information [13]</b> 13/8 46/12 48/15 67/19 68/15 69/9 71/25 72/2 72/22 97/18 107/14 116/7 119/13</p> <p><b>infringement [1]</b> 128/10</p> <p><b>INITIAL [2]</b> 136/3 136/4</p> <p><b>initially [2]</b> 80/9 129/22</p> <p><b>Innovative [6]</b> 49/24 60/18 61/7 65/7 106/2 106/7</p> <p><b>inquiry [1]</b> 132/16</p> <p><b>inspection [1]</b> 123/9</p> <p><b>instance [1]</b> 84/22</p>	<p><b>instead [3]</b> 6/19 108/12 127/19</p> <p><b>inside [3]</b> 07/16</p> <p><b>institution [1]</b> 24/11</p> <p><b>instructed [3]</b> 23/12 36/19 41/22</p> <p><b>intend [1]</b> 19/9</p> <p><b>intended [2]</b> 12/13 33/14</p> <p><b>intending [1]</b> 12/9</p> <p><b>intentionally [1]</b> 54/1</p> <p><b>inter [1]</b> 8/13</p> <p><b>inter-shareholder [1]</b> 8/13</p> <p><b>interchanges [1]</b> 48/17</p> <p><b>interest [37]</b> 7/16 7/22 16/6 26/3 27/10 33/24 40/16 40/19 41/22 43/14 60/23 60/24 61/5 61/10 83/9 83/15 83/16 83/17 86/25 91/14 97/3 100/14 100/21 111/17 112/8 113/18 114/13 114/24 117/9 120/1 128/13 130/3 130/4 130/7 130/15 132/8 133/5</p> <p><b>interests [8]</b> 26/5 60/1 61/3 62/22 62/25 63/6 87/20 130/18</p> <p><b>interrogatories [8]</b> 67/1 67/4 71/1 71/18 71/20 72/3 137/10 137/11</p> <p><b>interrogatory [9]</b> 11/8 68/11 68/20 69/21 70/16 72/10 72/22 90/10 90/12</p> <p><b>interrupting [1]</b> 119/1</p> <p><b>interviewed [2]</b> 115/6 115/15</p> <p><b>into [14]</b> 23/25 55/8 59/5 64/12 64/14 73/21 84/16 104/17 104/17 106/3 106/3 107/25 121/23 122/19</p> <p><b>intracorporate [3]</b> 122/12 124/1 124/19</p> <p><b>introduce [1]</b> 17/2</p> <p><b>invention [5]</b> 75/19 76/1 84/25 123/4 123/5</p> <p><b>inventor [4]</b> 40/10 108/19 116/18 128/1</p> <p><b>invest [1]</b> 57/23</p> <p><b>invested [4]</b> 57/13 59/4 59/5 59/8</p> <p><b>investigate [2]</b> 59/14 105/5</p> <p><b>investigation [1]</b> 119/10</p> <p><b>investments [1]</b> 59/10</p> <p><b>invitation [2]</b> 16/11 133/19</p> <p><b>invite [1]</b> 117/2</p> <p><b>involve [4]</b> 14/16 14/17 104/9 122/6</p> <p><b>involved [8]</b> 22/25 23/5 23/6 32/10 42/9 51/7 97/12 121/8</p>	<p><b>IQ [4]</b> 73/25 74/2 74/5 74/7</p> <p><b>irrelevant [1]</b> 39/7</p> <p><b>is [277]</b></p> <p><b>isn't [8]</b> 10/8 12/13 15/9 43/21 54/11 103/6 120/2 125/9</p> <p><b>issue [28]</b> 6/5 12/12 12/14 15/1 17/11 17/12 38/22 48/22 49/7 49/12 49/16 106/19 107/24 108/8 110/17 116/6 117/10 120/19 120/25 124/1 124/8 124/23 125/7 125/16 125/21 126/9 133/16 133/20</p> <p><b>issued [11]</b> 11/6 45/22 95/13 96/12 96/17 108/22 119/18 119/19 119/24 124/3 124/18</p> <p><b>issues [8]</b> 6/7 105/14 106/24 123/25 124/1 124/19 134/1 134/5</p> <p><b>it [249]</b></p> <p><b>it's [74]</b> 4/20 6/13 8/16 10/4 10/6 10/12 13/19 15/13 15/14 16/2 17/11 17/11 20/3 28/3 29/24 30/25 33/4 33/6 33/6 33/20 36/24 45/2 45/4 45/7 45/14 50/4 53/1 53/20 54/11 57/21 59/15 61/19 62/1 63/15 66/23 67/2 67/3 67/4 69/11 71/1 71/2 72/12 73/24 77/4 77/4 80/8 85/8 85/14 89/24 95/19 102/14 103/12 104/19 105/21 107/1 109/4 110/20 114/9 114/9 114/10 116/4 116/7 116/11 116/12 119/25 120/3 120/19 120/21 121/1 123/5 124/23 125/19 126/14 126/15</p> <p><b>items [1]</b> 54/1</p> <p><b>its [5]</b> 16/13 64/13 127/20 132/11 134/6</p> <p><b>itself [2]</b> 23/24 125/24</p>	<p>23/21 23/24 25/1 25/7 26/18 28/10 29/4 32/15 39/13 40/25 43/22 51/1 56/8 61/16 66/20 68/25 70/24 71/2 74/17 74/20 76/15 77/2 77/4 77/6 82/24 84/19 87/12 91/9 94/21 96/3 97/20 97/21 101/2 101/13 102/4 103/4 107/9 109/20 110/3 110/7 111/8 113/12 114/23 116/2 116/9 118/1 119/4 120/18 121/1 121/11 121/21 123/2 123/6 123/19 127/24</p> <p><b>justice [1]</b> 127/25</p> <hr/> <p><b>K</b></p> <p><b>keep [4]</b> 58/3 58/10 126/18 126/19</p> <p><b>keeping [1]</b> 75/4</p> <p><b>keith [17]</b> 1/3 1/8 3/19 3/23 7/20 7/24 7/25 18/13 21/5 29/17 39/19 60/2 64/13 135/3 135/14 135/14 136/6</p> <p><b>KENNERLY [3]</b> 3/1 74/24 136/7</p> <p><b>KENNERLY'S [1]</b> 136/10</p> <p><b>kept [1]</b> 11/15</p> <p><b>key [5]</b> 84/21 85/4 85/15 86/4 86/6</p> <p><b>kind [3]</b> 8/18 73/17 125/12</p> <p><b>knew [10]</b> 78/24 79/4 79/20 80/17 80/25 82/10 83/5 83/8 84/14 107/6</p> <p><b>know [78]</b> 8/19 17/23 22/11 30/24 33/3 35/25 37/1 37/18 38/23 42/11 42/20 43/2 45/14 45/20 45/25 46/5 46/5 46/10 46/23 47/11 48/16 48/19 49/2 49/3 50/7 51/6 51/18 52/2 52/4 52/4 52/5 55/11 55/24 56/12 56/19 56/20 56/21 57/25 58/25 59/1 60/21 63/11 65/20 67/23 69/24 70/7 70/17 70/19 72/4 73/4 73/10 73/12 73/18 76/7 80/14 80/19 81/13 81/22 81/24 82/21 82/22 86/15 92/20 96/11 100/12 105/11 105/16 107/3 108/12 108/20 109/4 110/6 116/18 117/4 118/11 121/22 130/11 130/22</p> <p><b>knowing [2]</b> 78/16 112/7</p> <p><b>knowingly [1]</b> 53/25</p> <p><b>knowledge [2]</b> 53/23 125/18</p>
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<p><b>K</b>  <b>known [2]</b> 84/13  Case 3:15-cv-02298-M  10/7/23  <b>knows [1]</b> 118/7</p>	<p>130/11 130/12  <b>letters [1]</b> 121/3  <b>level [1]</b> 127/15  <b>LEWIS [6]</b> 2/4 4/8  111/12 111/21 136/3  136/7  <b>LEWIS' [1]</b> 136/9  <b>liabilities [1]</b> 76/2  <b>liability [2]</b> 33/25 44/7  <b>licensee [1]</b> 14/2  <b>life [1]</b> 121/14  <b>lifted [2]</b> 101/25 122/20  <b>lifting [1]</b> 121/9  <b>light [1]</b> 17/12  <b>like [24]</b> 5/23 14/14  15/13 18/1 18/20 21/12  21/18 29/9 38/8 42/11  44/20 47/20 68/17 71/3  73/12 73/24 76/3 102/5  105/10 106/16 107/16  109/3 115/23 123/20  <b>like-minded [1]</b> 73/24  <b>liked [1]</b> 120/6  <b>likely [5]</b> 9/23 37/23  71/23 107/1 127/18  <b>limitations [1]</b> 97/5  <b>limited [1]</b> 24/5  <b>LINDSAY [1]</b> 3/4  <b>lindsaywhite [1]</b> 3/7  <b>line [3]</b> 23/1 24/4  102/16  <b>lines [1]</b> 79/9  <b>list [5]</b> 65/6 79/21  80/22 105/18 105/21  <b>listed [6]</b> 63/20 63/24  65/10 75/10 76/5 80/18  <b>listen [3]</b> 26/22 69/2  96/3  <b>listing [1]</b> 75/25  <b>lists [2]</b> 64/22 106/6  <b>litany [1]</b> 44/18  <b>litigation [2]</b> 39/20  131/19  <b>little [6]</b> 6/3 15/16  27/24 76/23 81/7 105/1  <b>live [1]</b> 17/8  <b>LLP [5]</b> 2/1 2/5 2/8 3/1  3/5  <b>locate [3]</b> 90/14 91/25  132/15  <b>located [2]</b> 9/11 95/23  <b>locusts [1]</b> 120/15  <b>long [4]</b> 38/20 44/18  67/23 97/11  <b>longer [2]</b> 63/15  120/16  <b>look [25]</b> 6/13 19/13  21/12 21/19 21/20  27/16 31/14 47/14  49/21 49/22 59/17  59/21 64/1 65/3 68/23  69/3 69/5 69/6 69/8  93/4 95/19 99/7 104/1  107/25 123/7  <b>looked [7]</b> 61/14 61/20  104/18 104/25 105/11  105/12 105/13  <b>looking [6]</b> 68/21</p>	<p>104/2 104/3 104/4  105/16 125/11  <b>looks [2]</b> 103/16  123/20  <b>loss [1]</b> 54/2  <b>lost [2]</b> 28/23 118/10  <b>lot [18]</b> 5/5 5/8 5/18  14/13 33/21 37/5 38/7  38/8 38/8 38/18 38/24  55/25 55/25 69/14  69/15 96/20 110/15  119/5  <b>love [1]</b> 19/10  <b>low [1]</b> 127/16  <b>lying [1]</b> 120/3  <b>LYNN [3]</b> 1/14 3/20  46/7  <b>LYONS [1]</b> 1/19</p>	<p>110/11 110/13 122/11  126/22 126/25 127/2  <b>May 20th [2]</b> 81/12  82/8  <b>May I [1]</b> 76/13  <b>maybe [5]</b> 4/21 7/6  49/18 62/3 77/14  <b>me [74]</b> 6/22 8/6 9/9  10/17 10/18 10/19  16/16 20/4 21/15 22/14  23/9 23/12 23/14 24/17  26/22 27/11 27/11 28/9  28/10 28/15 29/14  29/22 30/4 30/7 30/12  30/16 31/18 33/2 33/20  34/17 36/20 41/3 41/7  41/22 42/17 42/21  43/14 50/2 55/11 58/14  59/17 61/9 63/11 63/17  64/25 69/8 69/20 73/11  81/19 83/20 86/17  86/23 88/20 90/20  92/21 93/17 93/23  93/23 94/10 95/7 95/7  96/7 97/20 103/14  111/20 112/13 117/15  118/1 121/16 121/16  123/3 123/11 123/18  123/24  <b>mean [20]</b> 9/8 12/20  24/18 42/6 43/5 49/12  59/15 60/6 62/18 72/25  75/17 80/7 84/25 95/4  95/24 112/17 117/14  118/1 120/16 120/17  <b>meaning [4]</b> 60/8 60/10  99/23 99/25  <b>means [2]</b> 50/8 58/22  <b>meant [1]</b> 26/20  <b>MECHANICAL [1]</b> 3/17  <b>mechanizations [1]</b>  80/13  <b>media [2]</b> 23/17 42/2  <b>meeting [1]</b> 124/4  <b>meetings [5]</b> 62/10  62/12 80/11 124/3  125/11  <b>Mega [2]</b> 73/21 73/23  <b>memory [8]</b> 68/9 68/10  73/16 73/17 73/18 74/7  91/5 131/24  <b>mention [4]</b> 67/21  114/21 114/22 114/25  <b>mentioned [6]</b> 30/8  52/7 56/14 56/22 61/4  85/23  <b>merit [1]</b> 5/25  <b>Messrs [1]</b> 129/23  <b>Messrs. [1]</b> 130/2  <b>Messrs. Delaney [1]</b>  130/2  <b>met [2]</b> 66/4 119/13  <b>metaphysical [1]</b> 62/20  <b>method [1]</b> 24/1  <b>mhartmann [1]</b> 2/3  <b>MICHELLE [1]</b> 2/1  <b>MICROSOFT [12]</b> 1/6  2/1 4/9 8/17 11/13 12/5</p>	<p>72/5 72/10 106/22  114/7 122/11 125/25  <b>might [15]</b> 5/23 12/2  12/18 25/24 25/25 27/3  27/13 33/25 64/19  72/25 117/24 118/13  118/16 120/16 126/25  <b>million [1]</b> 110/15  <b>mind ed [1]</b> 73/24  <b>mine [7]</b> 22/13 22/16  23/11 24/19 26/6 43/15  54/21  <b>minute [7]</b> 6/21 56/14  61/16 66/9 93/12  121/24 128/4  <b>minutes [2]</b> 124/17  128/5  <b>miscited [1]</b> 14/12  <b>misrepresented [1]</b>  14/12  <b>missing [22]</b> 37/8 37/9  37/12 37/12 37/16  37/19 42/16 42/16  43/18 51/12 51/16  51/24 52/2 58/6 61/17  61/19 61/23 63/8  105/22 116/10 120/13  132/24  <b>misstated [2]</b> 29/4 54/1  <b>misunderstood [1]</b>  22/6  <b>misused [1]</b> 14/15  <b>MOCKLER [2]</b> 3/9 3/13  <b>modems [1]</b> 24/3  <b>moment [8]</b> 16/23  21/13 33/18 34/10  56/12 60/11 61/2 92/12  <b>money [7]</b> 55/25 56/1  57/19 58/23 59/8 91/6  110/16  <b>monies [12]</b> 29/16  29/19 57/25 58/7 58/8  58/9 58/9 58/10 58/14  59/15 59/16 79/13  <b>monies that [1]</b> 58/14  <b>month [2]</b> 11/17  132/19  <b>months [3]</b> 83/2 121/1  122/18  <b>moral [1]</b> 108/20  <b>more [20]</b> 11/9 11/9  13/5 13/7 15/11 15/14  34/5 42/16 43/14 44/6  57/3 57/13 57/23 59/5  73/6 73/8 114/16 116/4  118/1 127/18  <b>morning [1]</b> 4/7  <b>most [4]</b> 9/23 18/1  22/18 115/23  <b>motion [18]</b> 17/4 17/5  17/5 17/5 20/17 52/23  53/9 66/21 66/23 67/2  70/25 71/2 103/12  106/4 107/9 115/4  128/8 128/16  <b>motions [4]</b> 1/13 4/5  133/9 134/3</p>
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<p><b>M</b></p> <p>move [2] 73/9 89/8  Case 3:15-cv-02298-M Document 24 Filed 03/07/16 Page 14 of 14</p> <p>moved [1] 108/17</p> <p><b>moves [1]</b> 120/20</p> <p><b>moving [1]</b> 15/23</p> <p><b>MR [21]</b> 1/18 1/21 2/4  2/8 3/1 3/8 3/12 13/4  15/22 99/11 111/12  111/21 136/3 136/4  136/6 136/7 136/7  136/8 136/9 136/10  136/11</p> <p><b>Mr. [234]</b></p> <p><b>Mr. Alan [1]</b> 129/20</p> <p><b>Mr. Barnett [2]</b> 72/18  72/25</p> <p><b>Mr. Barnett's [1]</b> 73/3</p> <p><b>Mr. Bennett [1]</b> 70/8</p> <p><b>Mr. Blank [1]</b> 72/18</p> <p><b>Mr. Crockett [3]</b> 5/17  74/19 111/5</p> <p><b>Mr. Danzig [30]</b> 9/23  9/24 10/1 22/11 25/25  33/13 34/2 34/3 34/3  39/10 43/4 43/7 44/12  48/13 48/18 49/2 83/16  87/4 93/2 102/1 118/8  118/8 118/9 120/8  120/13 130/1 130/5  132/15 132/17 132/22</p> <p><b>Mr. Danzig's [4]</b> 9/25  35/23 45/13 62/4</p> <p><b>Mr. Delaney [19]</b> 22/11  26/1 33/13 43/25 44/3  44/9 48/24 49/4 49/8  62/7 83/17 87/8 89/3  89/4 89/6 93/1 102/1  120/8 130/1</p> <p><b>Mr. DuJack [1]</b> 72/19</p> <p><b>Mr. Natalie [2]</b> 67/22  109/4</p> <p><b>Mr. Olsen [1]</b> 97/12</p> <p><b>Mr. Ranieri [115]</b> 4/15  4/20 4/25 5/3 5/10 5/22  6/11 6/23 7/10 7/13  7/16 9/5 9/15 9/18 9/19  10/2 11/16 11/21 12/15  16/1 16/15 16/22 17/3  18/8 18/9 21/9 21/14  23/9 24/13 26/16 27/16  28/5 29/14 37/22 44/25  51/19 53/8 54/20 55/6  55/23 58/16 59/3 62/1  67/5 67/13 71/11 73/14  86/23 89/19 99/11  101/21 102/23 103/13  103/16 105/16 105/24  106/9 106/14 107/19  108/14 109/6 109/7  109/10 110/4 111/9  111/12 113/11 113/18  114/12 114/21 116/22  117/5 117/7 117/11  117/19 118/6 118/7  119/8 120/2 120/3  123/13 123/16 124/10  125/13 126/5 126/16  126/20 128/10 128/12</p>	<p>128/18 129/3 129/4  129/7 129/10 129/13  129/16 129/17 129/20  130/6 130/8 130/10  130/17 130/19 130/20  131/14 132/7 132/7  132/10 132/13 132/23  133/5 133/7 133/17  133/19 133/25</p> <p><b>Mr. Ranieri's [24]</b> 5/3  5/8 6/14 7/1 12/5 15/24  67/3 106/12 107/20  110/19 111/23 113/23  115/12 115/21 116/13  117/3 127/8 131/2  131/12 131/15 131/20  133/1 133/11 133/14</p> <p><b>Mr. Rubens [19]</b> 9/17  10/1 45/13 45/14 51/6  51/10 51/18 65/15  65/18 66/1 92/9 93/12  94/5 103/2 106/10  108/13 115/6 117/3  119/12</p> <p><b>Mr. Rubens' [9]</b> 35/13  45/16 50/21 51/3 51/17  52/3 90/8 103/1 103/6</p> <p><b>Mr. Valenti [1]</b> 72/19</p> <p><b>MS [3]</b> 2/1 3/4 60/14</p> <p><b>Ms. [43]</b> 24/14 24/22  26/15 26/25 34/7 36/14  41/3 41/4 41/6 42/17  50/5 50/11 50/22 51/4  52/1 52/7 53/15 53/24  62/2 68/5 69/9 70/15  71/21 72/23 83/15  86/25 93/1 95/22 98/12  101/7 102/22 103/5  103/6 105/25 106/6  106/13 112/2 112/18  126/22 130/6 130/14  130/17 131/13</p> <p><b>Ms. Natalie [39]</b> 24/14  24/22 26/15 26/25 34/7  36/14 41/3 41/4 41/6  42/17 50/5 50/11 50/22  51/4 52/1 53/24 68/5  70/15 71/21 72/23  83/15 86/25 93/1 95/22  98/12 101/7 102/22  103/5 103/6 105/25  106/6 106/13 112/2  112/18 126/22 130/6  130/14 130/17 131/13</p> <p><b>Ms. Natalie's [4]</b> 52/7  53/15 62/2 69/9</p> <p><b>much [9]</b> 16/12 50/8  59/8 59/9 101/11  108/20 111/6 122/10  122/12</p> <p><b>multiple [4]</b> 111/11  121/14 128/12 133/18</p> <p><b>multitude [1]</b> 54/1</p> <p><b>must [1]</b> 128/10</p> <p><b>my [90]</b> 6/9 6/15 7/6  9/2 10/4 11/1 11/5  11/19 16/9 16/25 19/21  22/17 22/20 22/24  23/11 23/19 23/20 25/7</p>	<p>26/23 28/11 30/25  30/25 34/11 35/22  36/10 37/12 37/22  42/3 42/3 42/12 45/11  46/10 47/13 50/9 50/10  53/23 55/24 56/10  56/11 57/21 58/2 59/8  59/15 61/24 62/22 63/2  68/9 68/19 69/2 69/24  73/2 75/16 80/8 80/15  82/17 84/8 84/25 85/1  91/5 91/19 91/19 95/7  96/3 97/10 97/25 98/8  100/2 100/23 100/24  109/18 109/24 114/3  114/4 115/4 115/10  121/6 121/7 121/14  121/17 121/18 121/19  121/23 122/9 122/18  122/19 123/3 125/8  128/4 128/15</p> <p><b>myself [3]</b> 63/19 105/6  107/16</p> <p><b>N</b></p> <p><b>name [25]</b> 18/12 23/3  23/5 23/19 28/6 28/21  30/10 30/11 42/3 45/15  45/19 45/21 55/3 70/7  73/4 75/4 78/21 82/19  82/21 114/4 114/19  115/12 115/21 115/22  117/18</p> <p><b>named [2]</b> 27/13 81/8</p> <p><b>names [3]</b> 30/7 47/19  117/18</p> <p><b>naming [1]</b> 75/5</p> <p><b>Natalie [90]</b> 7/14 7/14  7/18 9/20 12/6 12/10  22/12 22/15 22/23  22/24 24/14 24/22 26/2  26/10 26/15 26/25 27/8  30/5 32/6 34/7 36/14  40/13 41/3 41/4 41/6  42/17 48/7 50/5 50/11  50/22 51/4 51/14 52/1  52/14 53/24 57/7 59/24  60/14 62/22 63/14  67/22 68/5 70/1 70/15  71/21 72/23 75/22  83/15 84/12 86/6 86/25  87/14 91/20 93/1 95/18  95/22 98/12 99/5  100/13 100/22 101/7  102/22 103/5 103/6  105/25 106/6 106/13  108/13 108/24 109/2  109/4 109/12 111/17  111/20 112/2 112/8  112/18 114/24 116/7  116/18 119/22 122/21  126/16 126/22 129/22  129/23 130/6 130/14  130/17 131/13</p> <p><b>Natalie's [11]</b> 7/20 48/2  52/7 53/15 62/2 69/9  105/17 109/15 109/17  111/14 116/1</p> <p><b>nature [2]</b> 28/21 52/24</p>	<p><b>necessarily [1]</b> 32/24</p> <p><b>necessary [5]</b> 4/15  4/15 4/15 4/15 4/15</p> <p><b>need [8]</b> 11/1 11/9 49/9  107/8 118/17 122/20  122/20 122/21</p> <p><b>needed [7]</b> 13/12 49/13  84/24 98/2 100/23  107/13 107/24</p> <p><b>needing [1]</b> 106/25</p> <p><b>needs [3]</b> 9/22 53/22  116/3</p> <p><b>negotiations [1]</b> 75/21</p> <p><b>neither [1]</b> 88/24</p> <p><b>net [3]</b> 29/15 64/9  64/18</p> <p><b>Network [1]</b> 106/7</p> <p><b>never [16]</b> 31/24 57/19  66/4 79/9 79/12 79/12  80/4 80/6 80/16 81/2  90/25 92/23 93/19  118/5 126/7 131/22</p> <p><b>nevermind [1]</b> 61/15</p> <p><b>new [8]</b> 5/23 14/14  16/4 23/19 23/22 42/3  102/20 114/9</p> <p><b>next [3]</b> 34/13 43/11  61/24</p> <p><b>no [106]</b> 1/5 1/10 1/19  4/11 4/14 7/24 12/16  13/22 15/9 15/20 16/20  17/23 18/24 20/10  20/23 26/9 26/17 31/8  33/16 35/14 36/3 40/17  40/20 40/21 41/11  42/10 43/14 43/20 44/2  45/14 45/20 45/22  46/25 47/17 49/9 49/9  54/17 57/3 57/11 57/25  58/18 58/21 60/23 61/3  61/8 61/14 62/11 63/3  63/5 63/25 64/7 66/4  66/5 66/8 67/8 67/21  69/5 71/5 74/8 74/10  75/9 75/20 77/7 78/13  78/18 79/3 86/7 87/18  88/3 88/8 92/6 97/16  97/23 100/9 100/13  101/1 101/8 101/24  102/21 103/16 104/19  105/14 107/7 108/1  109/9 110/25 112/18  114/13 114/25 116/18  118/6 119/19 120/16  123/21 125/5 125/19  125/25 130/15 132/5  132/7 132/16 132/21  134/9 135/15 137/3  137/8</p> <p><b>nobody [3]</b> 118/9  123/19 124/20</p> <p><b>none [4]</b> 25/20 80/17  83/21 101/16</p> <p><b>nonetheless [2]</b> 4/24  78/16</p> <p><b>nor [1]</b> 129/17</p> <p><b>normal [1]</b> 62/11</p> <p><b>Normally [1]</b> 52/23</p> <p><b>NORTHERN [3]</b> 1/1</p>	<p>3/21 135/5  not [193]  noted [1] 108/14  28/18 102/4  <b>noted [1]</b> 102/7  <b>notes [2]</b> 109/18  109/22  <b>nothing [14]</b> 11/15  34/16 47/21 51/10  70/18 89/11 117/3  119/9 119/10 122/9  122/14 122/15 123/13  134/7  <b>notice [3]</b> 33/3 106/19  118/20  <b>notion [1]</b> 132/1  <b>November [1]</b> 68/1  <b>now [51]</b> 10/14 12/18  17/4 17/21 19/18 27/20  28/24 30/16 34/12  34/12 35/1 38/22 46/1  49/21 51/12 52/7 55/13  56/14 56/22 57/12 61/4  61/23 63/13 63/17 64/3  64/8 67/21 68/4 68/17  81/6 85/5 85/20 90/17  95/12 102/13 107/8  108/15 113/12 114/20  117/12 118/2 118/22  118/24 121/1 121/4  122/16 126/24 128/22  131/24 132/3 132/23</p> <p><b>now-dissolved [1]</b>  128/22</p> <p><b>nowhere [1]</b> 108/11</p> <p><b>number [10]</b> 7/14 7/15  10/7 12/5 13/20 24/7  50/17 50/20 83/14  118/10</p> <p><b>numbers [2]</b> 71/9 77/8</p> <p><b>O</b></p> <p><b>oath [2]</b> 18/15 67/18</p> <p><b>obfuscation [1]</b> 131/18</p> <p><b>object [7]</b> 16/21 17/1  17/1 17/6 17/13 29/3  39/3</p> <p><b>objection [22]</b> 16/18  18/24 20/9 20/22 29/9  32/14 32/17 39/8 46/14  46/14 46/17 54/15 67/7  71/4 77/3 77/6 99/21  100/17 100/18 101/15  102/5 132/10</p> <p><b>objections [2]</b> 17/15  131/8</p> <p><b>obligated [1]</b> 133/6</p> <p><b>obligates [1]</b> 127/5</p> <p><b>obligation [1]</b> 124/6</p> <p><b>obligations [1]</b> 38/8</p> <p><b>obtain [8]</b> 9/22 32/4  38/3 39/13 90/14 99/9  132/15 132/17</p> <p><b>obtained [2]</b> 28/20  115/3</p> <p><b>obtaining [1]</b> 28/19</p> <p><b>obviously [2]</b> 103/23  105/1</p> <p><b>occur [1]</b> 12/10</p>
---	--	--	---	--

**O**  
occurred [5] 116/24  
Case 3:15-cv-02298-DM Document 24-1 Filed 03/07/16 Page 149 of 256  
126/7 130/16 132/3  
132/18  
occurs [1] 33/6  
October [13] 6/7 10/3  
11/24 46/9 46/19 48/4  
48/15 48/16 108/3  
108/5 108/8 121/7  
122/19  
October 12th [6] 46/9  
48/4 48/15 48/16 108/3  
108/5  
October 28 [1] 121/7  
odd [2] 118/20 118/21  
off [4] 55/24 58/15  
69/24 108/22  
OFF'D [2] 137/3 137/8  
offer [8] 18/25 19/1  
19/2 19/3 19/6 20/13  
20/21 122/13  
offered [10] 19/23  
26/11 33/9 33/11  
112/14 130/16 131/1  
131/7 131/11 137/4  
offering [1] 20/6  
office [4] 35/13 57/2  
108/18 128/21  
Office's [1] 107/18  
offices [1] 35/17  
official [7] 3/20 80/13  
80/14 80/16 135/1  
135/3 135/15  
officially [1] 31/24  
Oh [5] 30/3 53/4 54/21  
105/7 125/3  
okay [127] 5/16 9/14  
16/21 17/15 19/9 19/15  
20/5 20/24 21/2 21/17  
21/21 25/16 25/22 26/7  
26/18 27/1 27/15 28/2  
28/11 28/23 29/2 30/3  
36/1 36/12 36/23 37/7  
37/14 37/20 38/16 39/2  
39/11 41/6 41/9 41/14  
41/17 41/23 42/6 42/15  
42/24 43/4 43/17 43/25  
44/8 44/15 44/21 48/13  
50/19 54/9 57/23 61/14  
62/17 63/8 65/18 66/13  
66/15 67/12 68/3 68/8  
69/7 70/14 72/17 74/16  
75/9 75/13 76/8 76/11  
77/3 77/6 77/8 77/11  
77/13 78/4 78/19 80/1  
81/5 81/11 81/13 82/2  
82/19 82/23 83/13  
83/25 84/10 86/6 86/8  
86/18 87/10 87/11 88/4  
88/16 88/21 88/23 89/2  
89/25 92/24 93/3 93/4  
93/7 93/9 93/11 93/20  
94/14 94/17 94/23 95/1  
95/12 95/15 95/21 96/3  
97/8 97/11 97/14 97/17  
98/3 98/21 101/17  
101/21 105/7 112/16  
118/24 121/13 123/22

124/8 124/13 124/15  
126/18 134/10  
old [1] Document 24-1  
Olsen [4] 82/20 82/20  
97/10 97/12  
omission [1] 130/24  
on [123] 1/13 4/4 4/18  
4/19 5/23 6/4 7/3 7/18  
9/13 10/23 13/1 13/20  
13/25 14/5 14/11 14/11  
14/13 14/17 14/22 15/1  
16/13 16/22 17/19  
17/21 17/23 18/23  
19/17 19/19 20/8 22/8  
22/22 23/10 23/15 24/2  
24/4 28/6 28/9 29/21  
30/6 30/8 30/11 31/18  
32/18 33/2 34/18 37/23  
39/3 39/7 39/24 41/24  
45/7 46/2 47/19 48/9  
48/11 50/9 53/11 54/2  
55/10 55/19 59/13  
59/21 63/5 63/15 65/4  
67/13 67/15 70/20  
72/11 73/4 73/9 81/12  
82/8 82/23 84/14 84/22  
85/4 85/10 85/12 89/6  
93/25 95/15 95/17  
95/19 95/20 97/6 99/13  
102/17 103/16 104/9  
104/14 105/11 108/3  
108/14 109/24 110/7  
110/17 112/5 113/13  
113/23 114/22 115/12  
115/23 116/7 116/9  
116/25 122/5 122/6  
123/6 123/10 123/10  
124/16 124/22 126/4  
127/9 127/12 127/12  
127/16 128/15 129/6  
133/3 133/20 133/25  
once [3] 82/12 102/19  
111/25  
one [65] 6/1 7/15 10/8  
11/4 13/20 13/21 14/24  
14/25 16/1 16/4 17/16  
19/21 22/17 22/25  
25/24 30/6 34/10 35/24  
37/9 37/9 37/12 39/9  
42/16 43/21 51/13 52/5  
52/10 52/21 53/4 57/21  
59/1 65/23 70/9 70/9  
70/10 77/2 81/18 83/25  
84/21 85/4 87/19 89/21  
95/18 98/16 99/15  
104/25 105/22 111/6  
111/10 112/25 114/7  
116/1 116/6 117/14  
118/3 118/6 118/13  
118/13 119/12 120/23  
122/10 123/6 124/1  
124/9 125/3  
ones [5] 35/16 39/22  
39/24 103/25 105/22  
oneself [1] 118/16  
only [24] 11/6 13/11  
16/1 20/3 20/3 29/20  
32/10 37/9 37/16 37/19  
50/19 51/16 52/5 65/21

77/3 82/21 109/1 109/1  
110/23 111/10 124/19  
Filed 03/07/16 Page 149 of 256  
ons [1] 31/23  
onto [2] 117/5 126/9  
Oops [1] 102/17  
open [1] 107/12  
opened [1] 108/24  
opening [1] 4/3  
operate [1] 120/23  
operated [1] 50/9  
operating [2] 57/4  
64/10  
operations [1] 8/2  
operative [2] 8/4 8/6  
opportunities [4]  
10/20 128/13 128/17  
133/18  
opposing [4] 66/22  
68/24 69/4 76/20  
Opposition [1] 20/17  
optimistic [1] 19/25  
or [78] 5/25 7/7 9/10  
10/13 15/8 15/14 17/7  
17/13 19/11 19/16 24/4  
24/14 25/25 27/1 28/21  
29/19 31/3 31/8 33/13  
33/14 33/14 37/9 40/13  
42/10 44/7 44/20 45/22  
48/6 49/12 58/9 58/22  
59/1 59/25 60/1 62/15  
62/20 72/21 75/21  
75/21 80/11 80/14 81/3  
83/22 84/2 88/13 90/3  
90/9 91/18 94/8 95/23  
100/4 102/22 102/23  
102/23 103/14 106/15  
107/5 113/17 113/17  
114/8 117/25 120/8  
120/15 120/15 121/16  
122/14 122/18 124/5  
124/17 124/17 124/18  
124/18 124/18 125/10  
125/15 128/22 131/13  
132/18  
oral [1] 8/22  
orally [1] 131/13  
order [9] 4/6 5/15 11/5  
11/6 48/13 48/14 75/15  
128/15 134/11  
ordered [3] 46/7 108/3  
122/14  
orders [2] 10/20 131/9  
ordinary [2] 60/8 60/10  
organization [2]  
104/25 105/14  
origin [1] 23/23  
original [2] 99/16  
132/6  
originally [1] 25/5  
other [52] 4/20 10/24  
15/19 16/2 16/3 19/13  
22/25 24/3 25/13 25/22  
26/1 33/6 36/14 37/8  
51/8 52/2 56/15 56/22  
58/22 59/1 59/25 61/8  
61/22 70/3 72/2 74/1  
82/22 91/9 94/17 94/18  
95/24 96/16 98/3 98/5

100/14 101/5 101/22  
102/9 102/23 104/4  
Filed 03/07/16 Page 149 of 256  
112/3 123/1 124/2  
126/4 126/8 127/9  
127/10 129/7 134/5  
others [2] 35/25 65/24  
otherwise [5] 4/13  
60/1 110/22 114/13  
121/18  
our [28] 6/1 6/2 13/4  
14/8 14/15 35/17 47/3  
52/22 53/2 53/9 61/3  
66/23 66/25 70/25 71/1  
74/20 79/10 103/17  
104/8 106/3 106/21  
106/23 107/10 112/14  
116/5 126/13 127/7  
127/23  
out [20] 11/14 12/18  
14/13 23/20 34/25  
56/11 58/7 59/16 64/18  
74/14 75/4 81/24 91/1  
94/4 96/14 104/23  
109/16 116/8 121/3  
131/22  
outcome [1] 127/24  
over [14] 28/12 29/18  
34/4 43/11 50/8 50/17  
51/1 54/3 56/8 102/12  
108/14 109/19 110/4  
132/10  
overcome [1] 8/22  
overruled [2] 77/4  
102/8  
overstatement [1]  
115/22  
owed [2] 58/9 58/14  
own [12] 4/22 62/11  
85/17 104/13 104/21  
104/22 105/8 105/9  
108/13 109/16 114/1  
125/4  
owned [16] 37/10  
37/17 58/4 62/2 62/4  
62/4 75/19 104/11  
106/14 107/18 108/23  
111/13 128/21 129/22  
129/23 129/24  
owner [5] 4/19 14/2  
62/10 81/21 100/10  
owners [1] 132/6  
ownership [23] 29/24  
34/15 46/8 46/13 46/20  
48/24 49/6 49/10 52/11  
52/13 75/16 75/17 76/1  
84/2 85/16 88/18 88/24  
114/8 114/9 114/11  
128/13 129/2 130/4  
owns [14] 4/11 17/22  
58/4 58/8 103/9 105/3  
105/19 109/10 109/11  
109/15 125/5 128/11  
128/18 133/5

**P**

P's [1] 81/24  
packet [8] 44/25 45/5  
49/21 55/7 55/9 63/10

99/24 100/5  
page [18] 28/1 28/15  
Page 18 of 256  
45/2 45/8  
50/1 55/8 59/22 63/9  
63/17 63/25 67/5 67/13  
72/13 90/2 95/20 136/2  
Page 24 [1] 29/23  
Page 35 [1] 90/2  
Page 5 [2] 28/15 63/17  
pages [4] 19/4 29/12  
39/23 93/1  
pages that [1] 29/12  
paid [5] 29/16 57/19  
58/9 64/13 64/14  
pal [1] 118/9  
PALO [2] 3/2 3/6  
paper [2] 105/6 123/15  
papers [6] 10/15 15/23  
15/23 36/14 47/19  
121/18  
Paragraph [3] 93/24  
101/4 101/6  
pardon [2] 8/6 112/13  
parent [2] 104/20  
125/3  
parlance [1] 126/24  
part [10] 23/7 31/21  
45/23 46/19 79/14  
81/19 106/4 113/1  
130/1 130/19  
parted [1] 130/1  
partially [1] 85/12  
participant [1] 117/19  
particular [5] 15/20  
35/5 37/22 61/2 110/17  
parties [8] 8/17 12/9  
41/2 99/17 113/3  
119/22 126/2 126/15  
partner [1] 22/24  
party [4] 10/3 19/13  
114/14 134/5  
pass [1] 25/1  
passed [1] 101/13  
past [2] 40/18 117/17  
patent [42] 9/6 12/19  
12/22 13/7 13/12 13/15  
13/19 14/19 40/19  
43/10 57/1 57/14 57/16  
57/20 57/20 57/24  
58/15 59/6 59/7 59/8  
82/17 97/6 97/10  
103/25 104/11 104/14  
104/21 105/3 105/6  
105/9 107/18 108/17  
108/18 108/19 108/21  
108/22 116/15 125/4  
125/4 125/6 128/10  
128/20  
patent-in-suit [1]  
104/14  
patents [32] 4/11 4/16  
4/22 12/21 12/22 14/8  
17/23 40/11 46/9 46/13  
46/20 48/25 49/6 49/11  
55/14 55/25 56/4 57/1  
58/12 58/17 58/20  
58/24 103/10 107/19  
128/11 128/14 128/19  
128/21 129/1 129/3

<p><b>P</b></p> <p>patents-in-suit [20] 4/11 4/22 46/9 46/13 46/20 48/25 49/6 49/11 55/14 56/4 57/1 58/12 58/17 58/20 58/24 103/10 128/11 128/19 128/21 129/1</p> <p>pattern [1] 131/18</p> <p>Patton [2] 36/11 42/2</p> <p>PAUL [3] 3/1 3/5 74/24</p> <p>paulhastings.com [2] 3/3 3/7</p> <p>Pause [2] 16/24 21/16</p> <p>pay [2] 58/11 58/19</p> <p>paying [1] 58/15</p> <p>payments [1] 28/21</p> <p>pedigreed [1] 49/14</p> <p>penalties [1] 18/16</p> <p>pending [1] 46/17</p> <p>people [7] 4/20 24/5 58/10 91/1 102/9 104/21 119/7</p> <p>percent [29] 7/4 7/21 8/1 14/2 64/12 83/15 83/16 83/17 84/2 87/15 87/19 88/18 89/21 90/24 91/24 92/2 100/7 109/11 111/18 111/18 111/18 112/3 112/7 116/2 116/3 117/9 129/23 129/24 130/7</p> <p>percentage [1] 80/10</p> <p>percentages [1] 112/2</p> <p>perfectly [1] 125/20</p> <p>perhaps [3] 6/9 17/22 106/13</p> <p>period [2] 6/9 51/1</p> <p>perjury [1] 18/16</p> <p>permit [1] 127/20</p> <p>permitted [3] 10/8 10/13 132/10</p> <p>permitting [2] 9/1 14/22</p> <p>person [11] 4/19 9/23 18/2 35/21 37/23 42/25 70/8 82/21 84/17 115/24 118/4</p> <p>personal [1] 106/5</p> <p>personally [4] 57/19 58/4 58/11 58/15</p> <p>persons [2] 30/7 32/24</p> <p>petition [1] 54/2</p> <p>photocopying [1] 95/16</p> <p>phrase [1] 16/9</p> <p>phrasing [1] 126/19</p> <p>physics [1] 24/10</p> <p>piece [2] 105/5 110/21</p> <p>pile [1] 127/8</p> <p>place [3] 42/25 110/4 127/8</p> <p>placed [1] 21/9</p> <p>places [1] 61/22</p> <p>plainly [1] 123/9</p> <p>plaintiff [14] 1/4 1/9</p>	<p>1/18 4/11 17/2 102/19 104/10 105/5 107/4 110/14 128/10</p> <p>plaintiff's [13] 4/12 19/23 20/11 66/25 70/25 90/2 90/3 101/23 112/14 128/16 136/5 137/2 137/4</p> <p>plaintiffs [2] 122/6 127/21</p> <p>plan [1] 5/14</p> <p>plastered [1] 115/22</p> <p>play [1] 24/15</p> <p>pleadings [2] 107/15 122/1</p> <p>please [8] 18/11 31/8 68/18 76/21 88/11 93/23 94/24 98/24</p> <p>plenty [1] 10/20</p> <p>PLLC [2] 3/9 3/13</p> <p>plowing [1] 89/10</p> <p>pocket [1] 56/11</p> <p>point [38] 8/16 9/13 10/24 11/4 12/18 13/20 27/13 31/16 42/2 49/24 57/10 60/15 61/6 62/6 62/8 65/7 75/20 80/20 105/11 106/1 106/6 106/15 106/15 107/10 107/11 107/13 107/23 108/7 108/19 108/21 111/23 120/17 120/19 121/1 122/16 123/10 124/22 124/25</p> <p>point it [1] 108/21</p> <p>pointed [1] 11/14</p> <p>points [3] 13/9 73/16 119/2</p> <p>Polytechnic [1] 24/12</p> <p>position [8] 10/4 35/2 37/15 41/1 42/15 60/17 103/13 118/3</p> <p>positive [1] 57/22</p> <p>possession [1] 9/21</p> <p>possible [2] 105/21 127/24</p> <p>possibly [1] 117/16</p> <p>potentially [2] 61/22 73/25</p> <p>power [1] 7/4</p> <p>predecessors [1] 122/18</p> <p>predict [1] 120/6</p> <p>prefer [1] 4/6</p> <p>pregnant [1] 15/13</p> <p>prejudice [2] 133/12 133/13</p> <p>preparation [4] 17/24 18/5 36/2 45/23</p> <p>prepared [16] 20/1 30/24 31/21 31/25 35/18 41/17 41/20 42/18 42/25 48/22 54/25 79/21 80/15 82/16 84/8 84/17</p> <p>preparing [3] 56/25 117/22 118/14</p> <p>preposterous [1]</p>	<p>120/18</p> <p>present [1] 131/18</p> <p>presented [9] 7/26 76/18 101/22</p> <p>presently [1] 20/14</p> <p>president [5] 22/17 42/10 63/1 129/5 129/13</p> <p>presumably [2] 20/6 42/25</p> <p>pretty [1] 10/25</p> <p>prevent [1] 120/11</p> <p>prevented [3] 10/2 120/9 121/6</p> <p>previous [1] 31/16</p> <p>previously [2] 11/12 131/7</p> <p>price [1] 28/16</p> <p>primary [1] 40/10</p> <p>Primatech [1] 13/24</p> <p>principal [1] 40/10</p> <p>prior [14] 30/12 31/3 48/4 78/6 78/20 79/15 80/1 84/4 85/17 85/18 107/11 115/8 115/11 131/6</p> <p>privilege [1] 46/15</p> <p>probably [3] 63/7 119/4 130/23</p> <p>problem [1] 117/10</p> <p>problematic [1] 133/17</p> <p>problems [2] 42/4 44/18</p> <p>proceed [4] 15/18 21/3 66/15 127/21</p> <p>PROCEEDING [1] 136/2</p> <p>proceedings [6] 3/17 6/8 16/24 21/16 134/16 135/9</p> <p>process [9] 6/2 23/24 34/15 90/13 106/16 108/10 120/5 127/18 128/1</p> <p>produce [8] 41/13 86/24 87/3 87/7 88/25 117/24 131/9 131/21</p> <p>produced [12] 3/17 11/7 11/11 11/13 25/13 66/2 79/10 94/5 106/5 125/20 128/24 129/20</p> <p>product [3] 57/5 75/16 75/18</p> <p>production [5] 51/12 51/17 52/3 94/20 95/5</p> <p>profit [3] 28/20 44/7 64/10</p> <p>profits [9] 28/13 28/19 28/20 28/22 29/15 29/19 64/9 64/18 114/22</p> <p>prohibiting [1] 121/7</p> <p>promise [3] 14/7 14/8 131/21</p> <p>promise-to-assign [1] 14/8</p> <p>promises [3] 12/20 12/21 131/22</p> <p>prompted [2] 97/4</p>	<p>118/15</p> <p>pronounce [1] 30/9 102/21 127/15 127/16</p> <p>properly [4] 124/4 124/10 124/14 124/18</p> <p>property [12] 23/11 26/3 26/4 28/11 28/14 33/24 91/19 100/2 100/24 106/5 108/15 108/17</p> <p>proposed [1] 131/12</p> <p>prosecute [1] 117/6</p> <p>prosecuted [3] 58/17 58/19 58/23</p> <p>prosecuting [3] 57/1 57/20 58/14</p> <p>prosecution [2] 57/16 58/11</p> <p>protect [12] 23/12 36/20 41/22 41/22 75/3 75/15 75/16 75/17 75/23 76/1 76/3 100/24</p> <p>protected [1] 25/5</p> <p>prove [4] 85/5 103/13 116/10 133/19</p> <p>provide [15] 46/8 46/18 46/25 47/1 47/2 47/3 48/7 48/14 56/3 56/17 58/22 68/10 87/19 97/17 108/4</p> <p>provided [16] 47/8 47/11 47/21 47/23 48/3 48/9 49/22 55/7 55/24 55/25 56/14 56/22 67/19 94/19 99/9 132/1</p> <p>provides [1] 99/8</p> <p>providing [4] 48/5 50/22 58/23 105/20</p> <p>province [1] 116/21</p> <p>proxy [1] 100/23</p> <p>public [1] 42/8</p> <p>purchase [10] 14/6 19/7 25/17 28/3 28/5 28/16 99/10 103/2 104/14 104/15</p> <p>purport [1] 55/13</p> <p>purported [1] 14/7</p> <p>purporting [3] 128/25 129/10 129/12</p> <p>purposes [1] 64/8</p> <p>pursuant [1] 135/6</p> <p>pursue [1] 123/5</p> <p>pursued [2] 120/10 122/17</p> <p>pursuit [1] 34/5</p> <p>put [21] 10/22 17/19 17/21 17/21 19/15 19/17 19/19 23/25 42/12 44/6 69/9 73/20 77/4 103/7 105/19 106/3 106/23 106/25 116/1 116/6 118/1</p> <p>putting [1] 33/2</p>	<p>26/23 29/4 46/17 61/24 69/2 73/13 81/5 84/19 87/16 87/12 88/8 88/9 88/12 95/8 96/3 98/22 98/23 113/12 113/13 113/13 113/16 113/16 115/10 115/13 121/6 123/23 124/16 124/22 124/23 124/24 125/9</p> <p>questions [15] 5/18 16/17 40/22 40/24 73/15 73/15 74/10 74/14 92/6 98/4 98/5 98/7 98/8 101/1 119/12</p> <p>quick [1] 69/8</p> <p>quite [5] 17/8 103/20 111/21 120/21 122/2</p> <p>quote [7] 36/17 53/25 55/17 59/4 59/5 99/8 106/18</p> <p>quoting [1] 64/9</p> <p><b>R</b></p> <p>raise [2] 18/11 126/1</p> <p>raised [5] 5/24 6/6 8/16 49/12 49/15</p> <p>RANIERE [155]</p> <p>Raniere's [31] 5/3 5/8 6/14 7/1 12/5 13/4 15/24 19/24 20/16 67/3 106/12 107/20 110/19 111/13 111/23 112/15 113/23 115/9 115/12 115/21 116/13 117/3 127/8 131/2 131/12 131/15 131/20 133/1 133/11 133/14 137/4</p> <p>RDR [3] 3/19 135/3 135/14</p> <p>reach [1] 120/17</p> <p>reached [1] 60/22</p> <p>read [17] 29/7 37/2 37/4 67/23 67/24 68/17 68/17 70/19 71/23 77/25 101/4 101/6 121/25 121/25 122/1 122/1 122/4</p> <p>reading [2] 82/24 122/23</p> <p>ready [1] 16/15</p> <p>reaffirmed [1] 100/2</p> <p>reality [1] 118/5</p> <p>realize [6] 116/21 122/9 122/12 122/14 122/15 127/23</p> <p>realized [1] 102/19</p> <p>really [5] 4/21 80/16 109/4 109/9 113/8</p> <p>Realtime [1] 135/4</p> <p>reason [15] 17/6 30/11 30/12 33/5 36/13 41/23 66/1 66/5 106/14 114/2 114/15 114/16 114/16 124/22 132/21</p> <p>reasonable [2] 11/19 132/17</p> <p>reasons [5] 10/7 17/2 42/11 52/10 134/3</p>
--	--	--	--	--

<p><b>R</b></p> <p><b>REBUTAL [1]</b> 136/11  Case 3:15-cv-02298-Regulations Document 24  recall [17] 9/17 46/1  46/7 51/16 52/14 56/6  56/7 56/9 76/8 80/21  85/21 86/3 91/12  110/13 117/2 120/1  120/3  <b>recalled [1]</b> 100/4  <b>recalls [1]</b> 9/19  <b>receive [6]</b> 57/10 64/3  64/6 66/7 126/16  126/20  <b>received [4]</b> 61/5 61/8  79/12 106/18  <b>recently [3]</b> 49/5 84/2  109/12  <b>recess [3]</b> 66/12 66/14  128/6  <b>recital [2]</b> 99/8 112/17  <b>Recitals [1]</b> 59/21  <b>recites [1]</b> 82/7  <b>reciting [1]</b> 102/9  <b>recognize [1]</b> 8/3  <b>recollection [8]</b> 34/11  91/4 92/9 93/13 94/7  111/23 112/4 132/3  <b>recollections [2]</b> 32/22  32/23  <b>reconsider [3]</b> 17/4  17/5 17/6  <b>Reconsideration [1]</b>  128/16  <b>record [20]</b> 4/13 7/9  9/13 11/2 11/3 16/12  17/18 20/15 20/16  20/19 26/12 27/1 27/2  66/20 67/2 71/9 71/10  103/12 108/18 110/3  <b>recorded [1]</b> 128/20  <b>records [2]</b> 10/2  107/18  <b>recount [1]</b> 118/2  <b>Redirect [4]</b> 89/14  89/17 98/9 136/8  <b>reduced [1]</b> 130/21  <b>reemphasize [1]</b>  107/16  <b>refer [2]</b> 47/6 56/25  <b>reference [2]</b> 28/19  29/15  <b>referenced [1]</b> 47/25  <b>references [1]</b> 133/23  <b>referred [1]</b> 108/15  <b>referring [11]</b> 22/2 22/7  25/8 25/17 29/12 41/10  41/11 57/16 70/2 70/6  95/1  <b>refers [1]</b> 106/7  <b>reflecting [1]</b> 43/18  <b>reflects [1]</b> 92/3  <b>reframe [1]</b> 5/8  <b>refresh [2]</b> 91/4 91/5  <b>refreshed [2]</b> 111/23  131/24  <b>refuse [1]</b> 88/13  <b>regard [1]</b> 49/6  <b>regarding [2]</b> 44/12</p>	<p>68/5  <b>regularly [1]</b> 64/11  <b>Regulations [1]</b> 24  <b>reject [1]</b> 10/18  <b>relate [1]</b> 48/1  <b>related [2]</b> 94/12 134/1  <b>relates [1]</b> 58/5  <b>relating [12]</b> 31/17  46/8 46/13 46/19 51/21  60/23 67/22 72/23  90/14 105/14 106/24  108/4  <b>relationship [2]</b> 8/19  130/5  <b>relationships [2]</b> 8/21  99/16  <b>relevant [2]</b> 14/7  113/15  <b>relying [4]</b> 84/22 85/4  85/10 85/12  <b>remade [1]</b> 107/9  <b>remaining [1]</b> 92/2  <b>remember [15]</b> 45/18  46/24 73/19 83/12  84/16 93/14 93/16  93/22 96/18 96/19  109/21 117/15 117/16  117/18 117/20  <b>remembered [4]</b> 11/21  11/24 94/11 100/3  <b>remembering [1]</b>  116/24  <b>remembers [1]</b> 131/25  <b>remote [1]</b> 76/3  <b>remotely [3]</b> 15/21  122/7 123/10  <b>renew [3]</b> 90/9 102/5  127/22  <b>Rensselaer [1]</b> 24/12  <b>repeat [1]</b> 11/1  <b>repeated [1]</b> 128/17  <b>repeatedly [4]</b> 15/23  108/15 131/23 132/13  <b>rephrase [3]</b> 46/16  98/24 99/22  <b>reply [4]</b> 5/24 5/24  13/14 15/23  <b>report [1]</b> 117/2  <b>reported [2]</b> 3/17 135/8  <b>reporter [6]</b> 3/20 18/11  19/16 135/1 135/4  135/15  <b>REPORTER'S [1]</b>  136/13  <b>represent [5]</b> 24/21  25/23 62/22 62/25 63/6  <b>representation [1]</b>  29/8  <b>representations [2]</b>  131/2 133/21  <b>represented [3]</b> 13/2  42/11 131/5  <b>representing [1]</b> 4/8  <b>represents [4]</b> 25/14  25/21 41/15 85/13  <b>request [5]</b> 18/8 20/2  101/24 111/2 127/24  <b>requested [1]</b> 41/8  <b>require [7]</b> 4/17 15/4</p>	<p>15/10 19/12 101/6  105/25 114/22  <b>required [1]</b> 167  124/5 124/5 127/9  <b>requires [2]</b> 13/6 104/2  <b>requiring [4]</b> 8/13  48/14 125/24 126/1  <b>reserved [1]</b> 32/14  <b>reside [1]</b> 38/1  <b>resides [1]</b> 9/24  <b>Resist [1]</b> 74/12  <b>resolution [15]</b> 30/21  39/17 39/18 45/7 76/8  77/18 90/1 100/6 117/8  129/9 129/12 131/4  131/8 133/22 137/12  <b>resolve [2]</b> 120/25  131/21  <b>resolved [1]</b> 120/20  <b>resolves [1]</b> 38/21  <b>respect [11]</b> 27/11 32/1  32/6 35/5 41/2 48/22  63/3 72/4 74/18 89/2  99/10  <b>respectfully [1]</b> 16/10  <b>respond [3]</b> 12/2  103/15 125/23  <b>responded [1]</b> 133/19  <b>responds [1]</b> 131/20  <b>response [7]</b> 5/25 71/1  71/17 71/20 72/2 72/7  131/8  <b>responses [11]</b> 11/8  66/25 67/3 68/11 69/21  70/16 72/23 90/10  90/13 137/10 137/11  <b>responsible [1]</b> 71/8  <b>responsive [2]</b> 5/2  98/8  <b>result [4]</b> 38/6 54/2  76/4 96/15  <b>rethink [1]</b> 90/23  <b>returned [1]</b> 131/23  <b>reveal [1]</b> 42/8  <b>reverse [2]</b> 121/16  121/16  <b>revisit [1]</b> 6/3  <b>right [70]</b> 4/4 13/16  16/13 16/16 18/11  19/14 20/5 20/7 29/11  33/23 37/20 40/23 41/7  44/21 45/1 45/13 47/7  51/11 53/12 53/16  53/22 53/24 54/9 54/18  54/19 55/2 55/15 56/23  59/2 61/22 62/6 62/8  64/4 65/13 65/16 65/19  68/1 68/16 69/7 70/13  71/22 78/14 79/5 79/19  82/15 83/13 85/10 89/9  95/20 96/1 98/3 98/7  100/25 101/2 101/9  101/10 102/3 102/7  102/11 102/13 103/19  103/22 104/19 110/10  111/4 111/5 113/10  122/18 123/11 128/3  <b>rights [3]</b> 9/6 23/13  129/14</p>	<p><b>ROBERT [2]</b> 1/18 5/21  <b>role [2]</b> 24/14 132/11  <b>Room [1]</b> 21/256  <b>ROOM [2]</b> 3/22 135/16  <b>ROSS [3]</b> 2/2 2/5 2/9  <b>routinely [2]</b> 104/1  123/7  <b>royalties [2]</b> 58/1 58/2  <b>Rubens [49]</b> 7/15 9/16  9/17 10/1 10/9 10/10  12/9 16/19 18/19 19/3  25/13 27/5 35/24 45/13  45/14 51/6 51/10 51/12  51/18 65/15 65/18 66/1  80/20 92/9 93/12 94/5  94/14 94/17 99/15  101/14 103/2 106/10  108/13 109/14 111/13  111/16 111/22 115/3  115/6 115/10 117/3  117/12 119/9 119/12  122/16 122/16 129/21  132/1 137/13  <b>Rubens' [13]</b> 35/13  45/16 50/21 51/3 51/17  52/3 90/8 90/17 90/22  103/1 103/6 119/16  119/20  <b>rule [14]</b> 6/4 11/7 32/18  33/2 33/7 33/20 106/19  107/2 107/10 108/2  110/14 125/24 128/8  133/17  <b>Rule 12 [1]</b> 128/8  <b>Rule 16 [7]</b> 6/4 11/7  106/19 107/2 108/2  110/14 133/17  <b>Rule 26 [1]</b> 107/10  <b>rules [3]</b> 119/7 120/22  120/23  <b>ruling [2]</b> 127/20 128/4  <b>RULING.....</b>  .....<b>128 [1]</b>  136/12  <b>running [1]</b> 121/3</p> <p><b>S</b></p> <p><b>said [51]</b> 5/9 10/14  11/8 12/15 16/5 22/5  23/4 23/5 25/8 26/19  27/25 32/9 34/19 35/1  42/2 43/22 44/16 45/4  53/24 59/8 60/22 62/23  62/24 64/3 64/15 71/2  73/9 74/19 84/16 92/13  95/21 97/22 100/7  102/6 104/9 104/19  105/10 105/14 107/16  111/8 111/9 111/12  111/12 111/14 111/15  111/22 112/18 117/11  121/14 122/20 125/5  <b>salary [4]</b> 57/10 64/4  64/13 64/19  <b>same [15]</b> 17/11 22/21  24/6 30/11 34/3 37/9  42/24 42/25 45/2 50/14  59/11 72/4 89/2 103/4  130/9</p>	<p><b>SANTA [1]</b> 1/19  <b>sat [2]</b> 108/14 113/7  <b>Saul [1]</b> 103/18  <b>Saul [1]</b> 30/9  <b>save [1]</b> 5/15  <b>saw [9]</b> 49/9 82/14  90/8 92/15 92/15 93/12  94/9 96/4 111/25  <b>say [40]</b> 5/2 8/2 8/4 8/7  10/15 13/10 13/19  15/24 25/16 26/20 31/8  39/12 40/14 40/16 43/5  44/4 44/15 50/24 53/22  62/18 69/11 72/9 86/14  90/13 93/12 98/17  100/24 101/4 102/9  103/21 105/7 109/11  109/20 110/3 118/16  123/2 125/18 126/20  127/1 127/1  <b>say-so [1]</b> 8/2  <b>saying [27]</b> 6/15 9/10  13/11 25/2 26/13 34/20  34/25 39/1 57/8 58/3  61/10 61/12 61/17  62/19 62/20 68/23 69/3  81/6 93/14 97/21  105/17 111/25 112/9  123/22 125/15 125/24  126/4  <b>says [31]</b> 8/21 12/24  13/14 26/14 29/1 29/5  29/6 31/2 55/17 59/24  63/5 64/8 64/18 65/13  72/11 79/14 81/15  82/24 93/21 99/4 105/6  105/8 105/20 109/7  109/14 110/21 113/10  123/17 126/22 127/2  130/4  <b>schedule [1]</b> 106/5  <b>scheduling [1]</b> 106/24  <b>scheme [1]</b> 113/21  <b>Schmeiser [1]</b> 82/20  <b>SCHOLER [2]</b> 3/8 3/13  <b>Science [4]</b> 49/25  60/18 61/7 65/7  <b>searching [1]</b> 88/22  <b>seated [3]</b> 101/10  102/3 102/11  <b>second [5]</b> 20/16 25/1  27/8 77/2 90/3  <b>Sections [1]</b> 135/6  <b>see [30]</b> 19/25 21/14  22/8 30/2 30/22 31/6  52/20 54/5 55/17 55/20  59/24 60/3 64/16 64/23  66/24 73/11 73/18  76/17 76/21 77/15 78/4  78/10 91/3 92/11 92/21  98/11 99/4 112/1  117/13 121/24  <b>seeing [2]</b> 112/4 119/5  <b>seeking [1]</b> 110/15  <b>seem [2]</b> 11/20 96/4  118/20 118/21  <b>seen [4]</b> 76/10 90/25  92/10 92/23</p>
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<p><b>S</b></p> <p><b>self</b> [1] 105/8</p> <p><b>self-serving</b> [1] 105/8</p> <p><b>sell</b> [1] 59/25</p> <p><b>sense</b> [3] 5/5 7/24 100/12</p> <p><b>sent</b> [3] 68/24 69/3 107/17</p> <p><b>sentence</b> [1] 57/6</p> <p><b>separate</b> [1] 58/7</p> <p><b>separated</b> [1] 34/16</p> <p><b>separately</b> [1] 64/22</p> <p><b>separating</b> [1] 61/3</p> <p><b>separation</b> [1] 130/2</p> <p><b>September</b> [9] 6/4 11/23 11/23 46/2 46/2 49/18 107/3 107/5 122/14</p> <p><b>September 26th</b> [1] 46/2</p> <p><b>sequence</b> [2] 20/8 96/24</p> <p><b>series</b> [1] 50/17</p> <p><b>serious</b> [1] 110/13</p> <p><b>served</b> [1] 127/25</p> <p><b>services</b> [4] 56/15 56/23 57/8 106/2</p> <p><b>serving</b> [1] 105/8</p> <p><b>set</b> [6] 95/5 114/20 114/23 115/1 115/20 128/15</p> <p><b>settlement</b> [7] 26/4 27/9 60/22 61/4 61/18 130/19 130/20</p> <p><b>settlements</b> [1] 47/20</p> <p><b>several</b> [3] 26/6 61/8 113/6</p> <p><b>shall</b> [1] 64/9</p> <p><b>share</b> [15] 4/14 4/17 40/14 87/20 91/2 92/15 93/18 109/10 109/16 109/17 111/14 117/25 118/5 118/6 124/10</p> <p><b>shareholder</b> [53] 8/13 23/15 23/15 31/4 31/11 31/15 31/17 31/20 39/18 40/5 41/24 42/13 63/20 63/24 64/13 65/1 65/10 75/5 75/11 75/13 75/24 76/1 76/6 77/19 78/8 78/21 79/4 79/17 79/22 79/24 80/2 80/18 80/23 81/1 83/21 84/4 86/21 91/12 97/2 111/17 114/15 117/24 118/4 123/14 124/20 125/11 126/13 129/5 129/10 129/16 131/4 131/5 133/22</p> <p><b>shareholders</b> [21] 8/15 19/5 29/17 30/21 41/3 41/10 41/25 42/7 49/23 59/19 59/25 64/22 65/6 81/8 92/18 96/16 96/17 96/19 98/11 113/22 125/17</p> <p><b>shareholders'</b> [4] 7/19 7/25 93/15 111/19</p>	<p><b>shareholders/employee</b> [2] 29/17 64/22</p> <p><b>shareholding</b> [1] 114/24 116/9 124/19</p> <p><b>shareholdings</b> [1] 112/1</p> <p><b>shares</b> [78] 7/4 7/10 7/14 7/21 8/1 8/8 8/25 9/4 12/7 14/23 24/15 24/22 25/3 25/9 25/19 26/15 26/25 32/4 34/8 34/15 34/21 35/3 41/5 41/8 41/15 42/18 43/1 43/5 43/8 43/12 50/5 50/9 50/22 51/5 62/2 62/5 67/22 68/6 79/8 79/12 80/4 80/6 80/10 81/3 86/4 86/11 86/15 87/15 89/21 90/24 91/1 91/20 91/24 92/15 92/18 98/12 100/8 100/11 100/14 100/22 103/3 105/24 105/25 109/4 111/20 112/10 113/1 113/10 114/6 116/1 116/3 117/9 124/9 126/16 126/20 126/23 127/2 131/13</p> <p><b>she</b> [68] 7/21 7/21 8/24 8/24 8/25 9/3 12/7 12/12 12/13 12/14 12/15 23/5 23/6 24/15 24/17 25/2 25/8 26/3 26/4 27/6 27/10 27/10 27/11 34/10 34/11 34/13 34/16 34/20 35/1 35/2 35/4 35/7 41/15 43/1 50/5 50/9 51/4 52/11 59/25 60/17 60/20 60/22 60/23 60/25 61/8 61/9 95/24 95/25 100/14 100/23 100/23 105/18 105/20 106/7 106/8 112/9 112/22 112/23 113/10 116/18 126/24 126/25 126/25 126/25 126/25 127/1 127/2 130/18</p> <p><b>she's</b> [1] 25/18</p> <p><b>should</b> [14] 4/10 4/22 43/15 76/19 97/24 102/17 107/23 113/8 113/14 122/17 122/19 124/17 125/10 126/10</p> <p><b>shouldn't</b> [1] 42/3</p> <p><b>show</b> [16] 7/15 12/9 37/13 64/25 66/22 103/9 103/14 104/1 108/16 108/23 109/15 110/7 110/24 111/1 111/13 122/9</p> <p><b>showed</b> [3] 42/7 42/17 107/18</p> <p><b>showing</b> [3] 111/17 114/24 123/15</p> <p><b>shows</b> [2] 43/1 105/18</p> <p><b>sic</b> [2] 70/9 109/4</p> <p><b>side</b> [11] 27/5 36/13 36/17 49/12 51/13 61/2</p>	<p>95/20 116/1 116/6 130/9 130/11</p> <p><b>sidley</b> [8] 07/16 2/8</p> <p><b>sidley.com</b> [3] 2/3 2/7 2/10</p> <p><b>Siegle</b> [1] 54/23</p> <p><b>sign</b> [6] 49/13 53/21 62/24 96/22 123/14 126/9</p> <p><b>signature</b> [19] 23/10 27/21 28/6 28/9 40/2 53/11 67/15 71/13 72/15 73/1 73/3 77/21 93/1 95/15 95/17 99/13 113/23 115/9 127/8</p> <p><b>signatures</b> [4] 9/18 22/8 22/13 30/4</p> <p><b>signed</b> [59] 24/2 25/5 25/12 25/13 27/5 27/6 34/9 34/10 34/13 34/13 34/20 35/6 35/12 35/15 35/16 35/16 37/8 41/7 50/4 50/11 50/14 50/14 50/16 50/18 50/20 50/21 50/25 51/9 51/21 53/18 59/13 60/6 67/17 71/16 77/25 78/16 78/24 81/18 82/3 83/3 83/11 84/7 84/19 85/7 85/20 86/1 91/3 92/19 92/20 92/25 93/9 93/21 94/12 100/6 103/1 109/13 119/22 119/23 125/17</p> <p><b>significance</b> [2] 47/17 122/10</p> <p><b>significant</b> [2] 116/15 130/24</p> <p><b>significantly</b> [1] 131/3</p> <p><b>signing</b> [2] 52/14 56/12</p> <p><b>similarly</b> [1] 130/13</p> <p><b>simply</b> [1] 130/2</p> <p><b>since</b> [10] 6/11 10/3 10/3 33/1 62/2 62/5 89/19 98/22 122/15 131/18</p> <p><b>single</b> [3] 13/20 13/21 110/21</p> <p><b>sir</b> [4] 75/2 77/16 83/14 88/12</p> <p><b>sit</b> [1] 4/22</p> <p><b>sitting</b> [4] 86/24 87/3 87/7 119/18</p> <p><b>situation</b> [1] 104/12</p> <p><b>six</b> [1] 121/1</p> <p><b>skin</b> [2] 22/25 23/7</p> <p><b>slam</b> [1] 122/3</p> <p><b>slammed</b> [1] 122/5</p> <p><b>sloppily</b> [1] 119/7</p> <p><b>so</b> [140]</p> <p><b>society</b> [3] 73/21 73/23 73/24</p> <p><b>sole</b> [32] 31/4 31/11 31/15 31/17 31/19 39/18 39/18 40/5 40/8 77/19 78/8 79/16 80/2 83/21 84/4 86/20 97/2 97/21 117/23 118/4</p>	<p>118/16 118/19 123/17 129/5 129/10 129/11 131/4 131/5 133/22</p> <p><b>solely</b> [1] 116/7</p> <p><b>some</b> [37] 8/2 18/18 24/13 36/13 38/5 47/19 60/2 60/5 61/10 62/20 65/20 72/16 73/16 73/20 74/18 76/3 80/11 86/4 91/14 92/10 95/22 104/3 104/4 109/23 114/11 114/14 119/10 119/13 119/15 120/4 120/7 122/4 125/16 126/11 126/14 127/23 132/2</p> <p><b>somebody</b> [3] 45/16 118/16 119/25</p> <p><b>somehow</b> [1] 84/1</p> <p><b>someone</b> [4] 22/21 24/2 80/9 94/23</p> <p><b>something</b> [17] 9/13 23/6 33/3 33/15 36/21 36/24 56/17 58/6 62/24 80/16 92/13 95/24 111/8 113/5 115/19 125/25 126/10</p> <p><b>sometime</b> [3] 43/9 60/6 122/17</p> <p><b>sometimes</b> [3] 38/24 69/19 104/2</p> <p><b>somewhere</b> [1] 120/14</p> <p><b>soon</b> [1] 97/7</p> <p><b>sorry</b> [37] 6/6 22/1 23/3 25/20 26/9 26/21 27/22 28/23 30/6 30/19 39/21 42/20 45/3 45/4 47/7 50/1 50/24 51/20 58/6 58/13 59/4 59/4 61/16 63/23 72/11 73/7 76/23 85/25 86/15 86/16 87/13 89/23 95/9 98/17 99/20 109/7 118/12</p> <p><b>sort</b> [6] 6/12 24/13 29/19 49/13 56/10 80/11</p> <p><b>sought</b> [1] 17/2</p> <p><b>sound</b> [1] 109/3</p> <p><b>sounds</b> [2] 18/1 29/9</p> <p><b>Southern</b> [1] 14/14</p> <p><b>speak</b> [2] 20/25 27/24</p> <p><b>speaking</b> [3] 5/11 5/12 89/6</p> <p><b>speaks</b> [1] 28/16</p> <p><b>specific</b> [1] 115/10</p> <p><b>specifically</b> [3] 4/8 93/17 130/24</p> <p><b>specifics</b> [4] 69/20 94/11 100/3 120/2</p> <p><b>spend</b> [5] 5/7 11/1 18/23 38/7 38/18</p> <p><b>spent</b> [3] 14/13 91/6 110/16</p> <p><b>spite</b> [1] 124/6</p> <p><b>Spokane</b> [1] 9/24</p> <p><b>spontaneous</b> [1] 52/24</p> <p><b>spouses</b> [3] 30/6 30/6</p>	<p>63/16</p> <p><b>stack</b> [8] 27/17 28/1 28/17 39/22</p> <p>39/24 92/25 126/14</p> <p><b>stand</b> [5] 10/23 18/10 76/14 105/7 108/14</p> <p><b>standard</b> [2] 114/20 127/10</p> <p><b>standing</b> [61] 6/6 8/18 11/17 12/4 13/13 15/11 15/15 15/18 17/5 17/19 39/1 84/23 85/5 88/1 88/14 97/25 102/20 103/8 103/9 103/14 104/23 105/15 106/19 106/23 106/25 107/4 107/14 107/23 107/24 107/25 108/4 110/7 110/17 110/18 110/24 110/25 111/1 113/12 113/13 113/13 113/15 113/16 120/25 122/6 122/11 124/20 125/25 127/16 128/8 128/9 131/10 131/20 132/1 132/20 132/25 133/7 133/10 133/16 133/20 134/1 134/2</p> <p><b>stands</b> [1] 112/6</p> <p><b>start</b> [3] 5/19 30/18 39/22</p> <p><b>started</b> [2] 43/10 106/17</p> <p><b>starting</b> [2] 59/17 94/22</p> <p><b>starts</b> [2] 21/19 102/17</p> <p><b>state</b> [5] 8/19 17/18 18/11 20/15 38/2</p> <p><b>stated</b> [6] 26/5 27/6 86/20 91/11 110/14 123/7</p> <p><b>statement</b> [12] 33/1 61/9 78/17 78/25 79/1 79/14 80/1 84/14 85/15 85/15 90/23 111/7</p> <p><b>statements</b> [3] 5/24 71/17 97/18</p> <p><b>states</b> [9] 1/1 1/14 3/21 32/21 78/6 117/8 135/4 135/7 135/11</p> <p><b>stating</b> [2] 71/10 86/3</p> <p><b>status</b> [2] 46/1 46/5</p> <p><b>statute</b> [1] 97/5</p> <p><b>stay</b> [8] 6/5 6/7 101/25 108/8 121/7 121/10 122/20 122/25</p> <p><b>stenographically</b> [1] 135/8</p> <p><b>STENOGRAPHY</b> [1] 3/17</p> <p><b>step</b> [3] 40/15 50/3 101/21</p> <p><b>stepped</b> [1] 40/13</p> <p><b>Steve</b> [31] 22/16 23/12 30/25 31/1 31/22 35/19 35/21 36/6 36/19 37/5 37/25 41/21 42/12 42/21 45/11 45/11 48/17 49/1 57/7 62/21</p>
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<p><b>S</b></p> <p>Steve [11] 75/21 79/7  Case 3:15-cv-02229-8-M Document 24-3 Filed 03/02/18 Page 153 of 156 PageID 719  80/15 82/17 82/18 84/8  86/7 97/23 97/24 97/25  129/23  <b>stick [1]</b> 123/15  <b>sticker [2]</b> 19/16 19/19  <b>stickers [1]</b> 19/17  <b>still [4]</b> 54/11 118/8  125/14 130/4  <b>stock [39]</b> 19/7 25/17  28/3 28/5 29/24 31/5  33/13 33/25 36/21  37/10 37/17 66/7 78/8  79/17 80/2 81/21 85/17  93/25 94/10 95/2 95/17  95/22 95/24 96/5 96/11  96/16 99/10 101/7  103/2 112/18 118/7  118/9 118/17 118/18  119/17 119/21 119/23  124/10 131/6  <b>stockholder [5]</b> 42/8  97/21 118/16 118/19  123/17  <b>stocks [1]</b> 31/24  <b>storage [1]</b> 44/19  <b>story [1]</b> 113/3  <b>STREET [3]</b> 1/22 3/22  135/16  <b>stretching [1]</b> 76/15  <b>striking [1]</b> 93/17  <b>string [1]</b> 103/19  <b>struggling [1]</b> 117/19  <b>stuck [1]</b> 123/19  <b>stuff [1]</b> 81/25  <b>subject [1]</b> 18/16  <b>submit [5]</b> 13/8 15/10  16/14 116/22 122/23  <b>submitted [1]</b> 53/15  <b>Subparagraph [1]</b> 99/4  <b>subpoena [5]</b> 9/22  45/22 66/2 88/2 88/14  <b>subscribing [1]</b> 119/23  <b>subscription [1]</b>  119/21  <b>subsequent [5]</b> 14/8  31/4 78/7 79/16 131/7  <b>subsidiary [2]</b> 104/19  125/5  <b>substance [1]</b> 47/21  <b>subtracted [4]</b> 58/1  58/15 59/16 64/18  <b>successful [1]</b> 19/10  <b>such [4]</b> 74/4 88/25  127/4 127/5  <b>sudden [3]</b> 94/6 97/1  123/16  <b>suggest [2]</b> 127/14  127/19  <b>suggesting [2]</b> 120/14  127/24  <b>suit [22]</b> 4/11 4/22 46/9  46/13 46/20 48/25 49/6  49/11 55/14 56/4 57/1  58/12 58/17 58/20  58/24 103/10 104/14  128/9 128/11 128/19</p>	<p>128/21 129/1  <b>SUITE [5]</b> 2/2 2/5 2/9  3/10 3/11 3/12 3/13  <b>Summarize [1]</b> 23/21  <b>Supplemental [1]</b>  20/16  <b>support [3]</b> 13/6  102/20 115/4  <b>supported [1]</b> 105/23  <b>supporting [1]</b> 110/24  <b>supposed [11]</b> 21/14  28/12 62/21 71/21  72/23 102/20 109/8  120/20 120/23 125/8  125/19  <b>supposedly [2]</b> 52/11  98/1  <b>sure [24]</b> 19/10 27/7  28/10 37/11 37/15  40/25 47/10 48/10 49/3  49/17 50/7 50/16 51/10  56/5 61/19 68/25 69/18  71/8 74/20 81/2 101/2  103/12 118/19 125/14  <b>surfaces [1]</b> 123/17  <b>suspect [2]</b> 52/4 126/7  <b>sustain [1]</b> 46/16  <b>Sustained [3]</b> 29/10  99/22 100/19  <b>swore [1]</b> 54/7  <b>sworn [4]</b> 18/14 21/6  85/20 86/1</p> <hr/> <p><b>T</b></p> <p><b>T's [4]</b> 71/1 71/17  71/20 72/3  <b>take [24]</b> 10/7 17/17  21/12 21/13 21/19  38/20 49/21 49/22 50/2  55/6 56/11 59/17 59/21  65/3 66/9 69/8 97/14  101/25 104/9 105/24  108/6 108/7 122/20  128/4  <b>taken [1]</b> 6/20  <b>taking [4]</b> 64/12 64/14  118/20 121/8  <b>talk [5]</b> 24/3 32/7 35/9  49/4 66/11  <b>talked [3]</b> 76/9 104/7  104/8  <b>talking [7]</b> 12/19 56/16  73/21 81/16 93/11  103/4 114/8  <b>talks [2]</b> 93/24 106/17  <b>team [1]</b> 22/22  <b>Tech [2]</b> 55/14 65/6  <b>technicality [1]</b> 79/11  <b>Technologies [10]</b>  19/6 24/16 27/14 30/21  31/12 49/23 55/17 56/1  77/19 128/22  <b>Technology [1]</b> 7/17  <b>teleconference [1]</b>  24/6  <b>teleconferencing [1]</b>  24/1  <b>tell [13]</b> 9/12 14/20  15/3 22/14 23/9 24/8</p>	<p>28/9 41/3 69/8 84/7  95/16 120/24 123/3  <b>teiling [1]</b> 62/16  97/20 123/18  <b>tells [1]</b> 113/2  <b>temptation [1]</b> 74/12  <b>ten [1]</b> 43/11  <b>term [2]</b> 74/6 104/10  <b>terms [1]</b> 89/6  <b>terribly [1]</b> 33/21  <b>tested [1]</b> 74/6  <b>testified [19]</b> 7/13 21/6  51/1 57/12 59/4 74/1  75/2 78/19 80/21 81/7  87/22 107/5 112/10  129/25 130/10 130/13  130/17 130/20 130/22  <b>testified that [1]</b> 59/4  <b>testify [6]</b> 9/15 51/11  111/24 116/16 119/5  132/11  <b>testifying [4]</b> 16/22  33/4 68/4 96/4  <b>testimony [59]</b> 6/11  6/14 6/18 6/22 7/1 12/6  12/8 12/16 12/16 13/3  13/4 13/5 17/3 17/8  32/16 33/19 36/12 39/6  50/2 50/4 50/6 50/23  50/25 51/5 51/23 52/12  60/14 62/1 69/13 73/3  81/9 87/25 91/23 102/5  102/24 102/24 105/8  105/8 110/5 110/6  110/19 110/23 110/23  112/6 114/1 116/10  125/9 125/22 127/17  129/17 131/1 131/11  131/12 131/15 131/16  131/17 132/12 133/1  133/25  <b>TEXAS [14]</b> 1/1 1/15  1/23 2/2 2/6 2/9 3/10  3/15 3/21 3/22 8/19  135/5 135/15 135/16  <b>than [17]</b> 10/24 13/7  15/11 42/16 57/13  57/23 59/5 63/15 94/18  95/24 96/16 100/14  110/20 111/21 114/17  116/4 118/2  <b>thank [28]</b> 5/20 18/7  21/17 40/21 44/21 53/4  61/25 66/10 66/16  66/19 74/23 76/16  89/12 89/13 94/25  101/9 101/10 102/3  102/11 110/9 111/3  111/4 111/6 118/25  128/2 128/3 134/7  134/12  <b>that [867]</b>  <b>that we're [1]</b> 89/8  <b>that's [80]</b> 4/19 5/16  5/24 8/10 8/23 9/7 9/13  10/6 12/22 15/19 15/25  17/10 19/4 19/6 19/7  19/20 20/7 26/18 26/19  26/20 28/18 29/6 34/24</p>	<p>37/9 37/14 37/18 39/9  39/15 41/12 41/14  71/13 72/25 73/3 75/12  76/9 77/3 80/24 82/5  82/21 85/12 85/16  85/23 86/2 87/2 87/21  88/15 102/16 103/17  104/19 104/24 106/1  106/20 107/1 108/18  108/18 110/19 111/14  111/21 112/12 112/12  112/19 114/6 115/2  115/5 115/22 116/21  117/6 117/10 118/3  120/21 123/19 123/23  124/19 126/13 126/13  126/24  <b>That's correct [1]</b> 9/7  <b>their [12]</b> 13/10 13/16  33/14 69/1 83/9 108/4  108/4 117/18 119/23  123/10 125/1 130/4  <b>them [57]</b> 12/13 12/14  12/14 13/20 14/25 19/1  19/14 24/17 26/11  35/24 37/4 42/22 46/25  47/1 47/2 47/3 47/6  47/9 47/20 47/21 47/23  48/6 48/6 50/8 50/9  50/9 56/13 57/1 57/3  57/6 62/13 62/16 66/2  69/3 69/5 69/6 70/19  73/18 74/14 80/10  84/14 92/10 95/25 96/1  100/15 102/25 108/3  109/21 109/24 110/1  110/7 117/12 117/24  118/4 120/4 120/4  127/2  <b>then [25]</b> 5/4 5/7 6/6  9/5 10/19 19/14 22/24  28/10 35/1 35/7 47/8  50/19 54/9 55/19 57/4  73/1 90/18 96/11  103/14 109/23 112/4  121/2 121/19 122/15  123/22  <b>there [100]</b> 4/10 7/9 9/9  9/20 11/15 11/22 14/21  15/17 16/18 22/8 24/20  25/4 26/4 26/6 26/13  27/5 27/9 33/1 33/20  34/9 34/12 36/13 36/14  37/5 37/8 37/12 37/22  38/3 38/5 43/21 44/1  44/2 44/8 46/1 46/5  50/11 50/19 51/8 52/2  55/11 58/9 59/5 59/22  60/25 61/1 61/10 61/11  61/21 62/15 62/16  62/20 63/11 65/6 65/23  67/7 67/15 69/9 70/3  70/4 72/15 73/1 76/2  80/12 80/15 85/16  87/18 90/25 90/25  92/11 92/24 94/17  95/15 95/17 102/12  103/2 108/14 109/2</p>	<p>109/19 110/5 113/17  114/25 116/8 119/9  119/17 119/21  122/12 122/14 122/15  122/25 123/25 123/25  124/9 126/8 126/14  127/9 130/15 132/5  132/16 134/5  <b>there's [36]</b> 4/14 8/22  12/16 13/22 15/20  16/12 18/24 24/19  28/19 29/15 43/17  51/23 63/5 65/6 67/21  70/18 72/15 72/18  72/18 73/6 73/8 91/23  92/2 94/11 102/21  109/23 110/25 111/10  111/11 113/20 114/15  115/19 119/19 121/2  121/2 132/7  <b>therefore [5]</b> 38/17  57/23 104/21 105/18  111/2  <b>thereto [1]</b> 126/2  <b>these [45]</b> 25/13 25/16  25/22 35/6 35/12 36/2  36/5 37/2 40/4 40/7  42/21 48/23 49/13  55/25 61/6 68/10 73/17  77/1 83/5 84/11 84/11  84/13 91/20 95/13  95/17 96/5 96/11 96/22  97/21 105/4 112/2  112/4 113/21 114/2  114/11 115/7 115/8  115/23 115/24 117/20  118/14 120/12 122/7  128/17 134/3  <b>they [74]</b> 6/16 6/17  7/19 8/7 8/14 8/17  12/25 13/1 13/2 13/11  13/11 13/16 13/19  13/19 13/21 13/24 14/3  14/13 14/24 14/24  14/25 20/8 20/15 24/3  24/19 27/3 35/15 38/6  39/22 40/15 40/18  42/14 42/24 44/16  45/12 47/22 50/8 55/1  57/3 61/21 62/11 68/24  69/3 83/8 87/15 94/13  104/22 106/4 106/18  107/6 107/8 107/8  107/13 107/23 107/24  108/1 108/5 108/6  110/7 110/14 111/19  113/7 113/9 113/15  119/4 119/6 119/9  119/18 119/19 120/14  122/6 123/9 125/1  132/20  <b>they're [10]</b> 17/21  26/11 39/23 39/24  94/16 116/2 119/18  120/16 124/7 126/15  <b>they've [5]</b> 4/23 6/19  6/19 14/11 14/15  <b>thing [8]</b> 6/1 20/3 34/3  56/10 75/20 109/22</p>
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<p><b>T</b></p> <p>thing [21] 114/7  Case 5:15-cv-02298-MJ Document 24  125/12</p> <p>things [25] 14/18 37/5  38/8 47/20 58/1 69/18  69/18 73/19 73/19 79/9  83/25 86/1 94/12  113/21 116/24 117/20  118/2 118/13 119/3  119/5 119/7 120/2  121/6 124/7 126/1</p> <p>think [57] 5/5 9/8 10/14  10/14 11/1 11/2 25/23  25/24 27/9 27/12 27/13  32/18 33/11 35/19  38/21 41/18 47/5 47/17  47/19 47/22 48/9 49/1  49/17 49/20 51/7 56/22  57/21 61/21 62/11 66/1  71/2 72/10 73/9 85/12  85/13 87/22 88/9 88/15  89/10 95/12 95/19  96/15 99/3 101/17  102/17 105/15 106/11  107/1 108/15 109/9  109/13 110/25 113/8  113/8 113/14 117/24  123/24</p> <p>thinking [1] 113/22</p> <p>thinks [2] 17/22 125/3</p> <p>third [3] 8/16 10/3  114/14</p> <p>third-party [1] 10/3</p> <p>thirds [1] 116/4</p> <p>this [197]</p> <p>THOMAS [3] 2/8 22/20  129/22</p> <p>those [42] 8/17 9/4  11/1 18/25 20/20 20/21  20/22 32/18 34/15 40/2  48/3 50/18 51/11 54/22  58/10 59/10 59/15 60/8  60/8 60/10 65/11 67/7  68/24 79/9 79/12 83/21  83/25 84/3 86/6 92/23  94/23 101/14 103/21  106/8 106/10 111/22  111/25 112/9 119/2  120/2 131/22 132/25</p> <p>though [5] 8/20 15/4  59/10 85/1 105/7</p> <p>thought [6] 22/5 27/25  31/16 31/18 109/23  115/2</p> <p>thousand [1] 54/3</p> <p>three [7] 4/20 39/23  62/23 65/11 73/6 73/8  81/8</p> <p>threw [1] 104/22</p> <p>through [18] 4/23 19/4  19/13 20/6 20/11 20/21  38/25 44/19 46/10 57/1  57/21 67/4 71/2 94/20  101/13 105/19 121/14  132/14</p> <p>throughout [1] 34/15</p> <p>thru [1] 137/4</p> <p>time [58] 5/8 5/10 5/15</p>	<p>6/11 7/2 11/1 11/18  14/13 17/18 17/20  24/19 27/4 31/2 31/10  31/16 36/9 37/9 38/8  38/19 39/7 40/4 42/12  44/6 56/2 56/17 60/2  60/5 62/10 67/23 68/3  73/1 74/18 75/9 78/3  78/18 78/24 80/19  80/25 81/14 83/11 85/7  96/2 96/19 100/6 103/5  115/18 116/23 118/2  120/19 122/4 122/24  126/3 130/10 131/19</p> <p>timeline [1] 6/3</p> <p>times [18] 31/3 31/4  62/24 78/6 78/7 79/15  79/16 80/1 83/21 84/4  84/11 85/18 86/20  89/21 91/11 121/14  131/6 131/6</p> <p>title [6] 100/15 104/13  123/25 124/23 128/20  135/6</p> <p>to in [1] 44/25</p> <p>to put [1] 23/25</p> <p>today [22] 5/21 10/23  19/10 37/23 76/9 85/23  86/24 87/3 87/7 89/8  101/22 107/22 110/6  111/24 111/25 116/22  123/2 128/14 129/25  130/6 131/1 131/11</p> <p>together [2] 42/13  87/15</p> <p>told [10] 8/24 12/7  43/14 71/24 74/11  74/13 97/6 109/15  111/15 130/3</p> <p>Tom [6] 30/9 32/8 57/7  75/21 84/12 86/7</p> <p>Toni [20] 7/14 22/12  22/24 26/2 27/8 30/5  32/6 48/2 51/14 57/7  59/24 62/22 75/21  84/12 91/20 95/18 99/5  100/13 100/21 129/22</p> <p>too [5] 16/12 25/15  61/11 61/17 94/11</p> <p>took [4] 59/12 84/17  104/22 105/19</p> <p>top [4] 55/24 69/24  71/13 73/4</p> <p>topics [1] 109/19</p> <p>TORKELSON [1] 3/12</p> <p>total [1] 22/13</p> <p>toward [1] 45/2</p> <p>towards [2] 45/5 53/11</p> <p>track [3] 58/3 58/10  118/10</p> <p>transcript [4] 1/13 3/17  135/8 135/10</p> <p>TRANSCRIPTION [1]  3/17</p> <p>transcripts [1] 122/1</p> <p>transfer [64] 6/23 7/10  7/20 8/1 8/4 8/8 9/4  9/20 10/5 11/22 12/4</p>	<p>12/10 12/10 12/13  12/14 12/14 15/1 15/6  15/12 23/6 7/16  43/5 43/7 43/12 43/18  44/13 55/14 60/1 86/25  87/4 87/8 87/19 88/17  88/25 91/24 92/3 98/12  99/11 101/7 103/3  105/25 109/8 111/20  112/7 112/9 112/18  113/1 113/10 116/1  116/3 124/6 124/9  125/7 126/6 126/7  126/23 127/2 127/4  127/5 129/2 129/14  132/6 132/8</p> <p>transferred [27] 4/16  7/14 8/24 12/6 12/7  14/23 27/10 31/24  33/13 33/24 34/7 34/14  34/17 35/1 35/2 41/4  56/13 60/15 60/17  60/24 61/11 88/24  102/22 106/9 130/14  130/18 131/13</p> <p>transferring [2] 34/21  97/2</p> <p>transfers [16] 4/14  4/17 8/12 9/6 12/25  15/4 32/23 58/22 81/8  83/5 83/15 83/22 84/1  84/3 84/13 109/3</p> <p>transpired [1] 93/19</p> <p>tried [4] 88/5 104/20  120/7 120/24</p> <p>trouble [1] 12/20</p> <p>true [29] 10/11 10/12  32/3 53/22 54/9 54/11  75/12 78/2 78/12 78/18  81/19 84/9 84/13 85/6  85/7 85/13 85/18 86/2  87/2 87/21 88/15 89/2  90/12 92/1 92/13  123/19 124/12 126/21  135/7</p> <p>trust [22] 24/17 25/3  25/9 25/19 26/15 26/25  27/7 37/5 41/15 42/14  42/16 42/18 43/2 50/5  50/7 79/7 95/22 102/23  109/2 130/7 130/8  130/18</p> <p>trusted [1] 87/23</p> <p>truth [2] 33/9 33/12</p> <p>truthful [1] 94/8</p> <p>try [7] 26/22 83/12  84/22 85/5 86/16 88/16  121/24</p> <p>trying [7] 5/8 14/20  15/3 34/25 37/15 94/4  96/14</p> <p>tucked [1] 120/14</p> <p>TUESDAY [1] 1/15</p> <p>turn [9] 29/22 30/16  44/25 63/9 63/17 67/5  71/11 72/13 99/1</p> <p>turned [1] 109/16</p> <p>turns [1] 124/16</p> <p>two [17] 7/15 12/5</p>	<p>18/20 24/20 30/12 70/3  104/21 106/1 106/10  116/4 117/25 124/7  129/7 129/11</p> <p>two-thirds [1] 116/4</p> <p>txnd.uscourts.gov [1]  3/23</p> <p>type [1] 105/4</p> <p>typical [1] 73/17</p> <hr/> <p><b>U</b></p> <p>Uh [11] 31/7 53/10  78/23 83/1 83/4 84/5  94/1 94/3 95/3 96/9  98/13</p> <p>Uh-huh [11] 31/7 53/10  78/23 83/1 83/4 84/5  94/1 94/3 95/3 96/9  98/13</p> <p>ultimately [1] 50/10</p> <p>unable [7] 86/24 87/3  87/7 88/7 88/21 120/3  120/4</p> <p>Unanimous [19] 30/20  39/17 39/17 45/7 76/8  77/18 90/1 92/13 94/7  96/22 97/19 100/6  107/21 129/9 129/11  131/3 131/8 133/22  137/12</p> <p>unanticipated [1] 94/6</p> <p>unasked [1] 115/11</p> <p>under [15] 8/11 12/3  12/19 14/8 15/10 18/15  55/3 59/21 66/2 67/18  72/18 91/19 106/9  114/3 116/3</p> <p>underneath [1] 59/14</p> <p>underpinnings [1]  126/12</p> <p>understand [21] 7/8  18/15 34/18 37/6 37/15  40/25 53/21 58/5 67/17  69/19 81/4 81/17 90/18  91/14 96/24 98/21  98/23 99/16 100/10  100/12 100/13</p> <p>understanding [10]  8/15 8/18 30/25 38/15  47/13 80/8 91/17 101/3  112/5 115/19</p> <p>understood [4] 47/8  71/16 75/22 75/22</p> <p>undertake [1] 6/12</p> <p>undisputed [1] 129/17</p> <p>undocumented [1]  132/4</p> <p>unequivocally [1]  10/18</p> <p>unfair [1] 17/24</p> <p>unfairly [1] 132/14</p> <p>unfairness [1] 10/15</p> <p>unfortunately [1]  41/12</p> <p>UNITED [7] 1/1 1/14  3/21 32/21 135/4 135/7  135/11</p> <p>unless [1] 11/2</p>	<p>unlike [3] 13/6 15/19  127/10</p> <p>unnecessary [1] 84/1</p> <p>unprepared [1] 76/24</p> <p>unquote [1] 99/10</p> <p>unrebutted [8] 6/14  6/18 6/22 12/6 12/8  12/16 113/24 116/7</p> <p>unrecorded [1] 128/24</p> <p>unrefuted [1] 112/6</p> <p>until [6] 82/12 96/11  108/1 108/2 108/8  122/15</p> <p>untrue [6] 84/15 85/2  85/8 85/9 85/11 123/9</p> <p>untruthful [2] 131/17  131/17</p> <p>unusual [1] 115/21</p> <p>unwilling [2] 87/25  88/13</p> <p>up [14] 23/25 24/5  27/24 40/14 44/5 53/2  74/22 76/14 83/25  94/23 101/13 107/2  107/15 108/2</p> <p>upon [6] 31/3 78/7  79/15 94/2 112/3  122/23</p> <p>upper [1] 54/19</p> <p>urge [3] 16/9 116/13  122/3</p> <p>urgently [1] 107/8</p> <p>us [9] 13/11 13/11  17/23 32/8 38/21 38/22  46/8 81/23 97/14</p> <p>use [2] 10/3 16/9</p> <p>used [6] 23/25 28/14  47/22 57/5 74/6 88/5</p> <p>using [2] 18/19 47/5</p> <hr/> <p><b>V</b></p> <p>Valenti [1] 72/19</p> <p>valid [2] 13/13 16/13</p> <p>validity [4] 103/22  104/1 123/8 129/7</p> <p>valuable [2] 55/18  55/22</p> <p>various [3] 73/16 86/1  93/1</p> <p>venture [1] 35/7</p> <p>verbal [4] 12/20 33/6  126/6 126/7</p> <p>verbally [2] 35/7  131/13</p> <p>verifying [1] 71/16</p> <p>version [1] 17/22</p> <p>versus [1] 32/21</p> <p>very [24] 11/14 19/25  23/21 24/4 24/8 33/1  38/7 38/9 44/18 55/8  70/9 95/19 101/10  104/24 105/15 110/11  111/6 113/20 113/20  116/21 119/2 122/6  123/23 124/25</p> <p>Video [2] 14/13 104/7</p> <p>view [9] 9/2 9/19 11/19  25/18 125/8 125/20  130/14 133/15 134/2</p>
--	---	--	--	--

<p><b>V</b></p> <p>views [1] 18/3  vigilant [1] 38/25  vindicate [1] 123/4  visible [1] 95/19  vote [1] 100/24  voting [1] 100/23</p>	<p>115/2 115/3 115/18  118/17 119/8 119/15  120/19 121/11 122/15  122/20 122/20 122/21  126/11 126/14 127/3  127/4 127/16 127/17  127/17</p>	<p>122/10 124/3 124/3  124/18 124/18 125/11  weren't [2] 41/24  119/18  what [159]  what's [3] 45/1 115/25  121/24  whatever [5] 4/6 11/16  106/13 120/15 132/20  whatsoever [2] 100/14  123/13  when [68] 6/13 24/2  25/4 25/8 25/12 25/16  32/8 32/16 34/10 34/16  35/3 35/6 35/7 39/16  42/19 43/4 43/5 43/7  48/7 48/18 49/10 49/15  53/18 53/21 55/11  60/25 61/2 61/5 62/2  62/5 62/10 62/18 63/11  66/2 67/17 71/16 73/1  75/20 79/9 79/20 82/3  82/14 83/12 84/7 84/11  84/12 93/12 95/1 95/21  96/4 104/20 104/25  106/23 107/4 109/13  109/22 113/7 115/5  115/7 115/14 115/16  116/13 118/11 119/11  121/8 122/4 122/13  132/19</p>	<p>110/5 119/20 122/5  125/1 125/17 126/5  while [3] 57/3 81/7  105/10  WHITE [1] 3/4  who [38] 5/11 9/24  22/11 22/14 22/21  30/24 35/18 35/20  35/21 35/23 36/4 36/10  41/17 42/21 45/10 47/1  47/8 54/25 57/6 58/8  58/10 58/17 58/23  82/16 82/19 84/17  88/23 97/8 97/8 104/22  105/3 116/15 116/17  116/18 117/23 118/7  119/25 120/22  who's [1] 116/16  whole [3] 75/20 84/18  110/18  wholly [1] 131/15  whom [1] 42/19  whose [4] 30/7 47/25  82/21 116/15  why [21] 11/19 17/22  23/9 23/14 28/9 29/15  31/18 36/23 41/19  42/12 63/9 69/19 89/5  112/22 113/16 113/21  114/3 124/22 126/8  127/7 127/8  why he [2] 11/19 17/22  will [19] 4/5 5/17 8/21  19/10 32/18 54/2 77/11  99/8 100/23 101/17  102/8 109/15 123/24  126/16 126/20 127/1  127/14 134/10 134/11  willing [1] 111/24  win [1] 127/12  wise [1] 23/18  wish [2] 59/25 98/8  wishes [1] 134/6  withdraw [2] 73/13  90/21  withhold [1] 66/2  within [3] 6/9 50/18  80/11  without [14] 9/1 16/19  18/5 64/12 64/14 88/2  88/14 98/14 98/18  98/19 112/21 113/11  118/22 126/17  witness [13] 6/17 18/4  18/14 18/19 29/5 29/10  66/17 66/20 70/25  94/24 98/4 101/14  136/5  witness's [1] 102/9  witnessed [1] 79/9  witnesses [1] 119/5  word [4] 59/12 106/18  120/18 123/6  words [3] 33/6 60/8  60/10  work [2] 32/1 116/16  worked [1] 97/25  working [2] 32/8 124/1</p>	<p>world [2] 120/9 120/11  worrying [1] 121/15  worse [1] 110/20  worst [1] 109/22  would [90] 4/15 7/19  11/17 13/8 14/24 15/10  16/9 16/14 17/6 17/24  23/18 24/3 24/15 27/12  29/20 29/21 30/4 30/7  33/16 37/10 37/13  37/16 37/23 38/20  41/19 42/4 42/8 42/13  42/14 48/19 48/20  52/23 59/16 60/5 60/5  62/24 64/1 64/25 66/1  66/5 70/19 71/11 73/12  75/9 75/24 76/2 76/5  83/20 83/22 83/22  84/16 84/24 86/23  88/17 96/17 98/23 99/7  100/24 102/6 102/25  105/24 106/9 106/11  111/2 111/13 111/20  111/24 113/21 114/5  114/20 115/1 115/1  116/13 116/14 116/22  117/15 120/6 120/6  122/3 122/23 125/23  127/19 127/25 131/10  131/21 131/25 132/2  132/8 132/22 132/25  wouldn't [3] 9/17  18/23 60/10  write [2] 19/18 58/16  writing [32] 4/18 8/5  8/7 8/9 8/12 8/14 8/21  9/2 9/3 9/10 9/10 12/25  15/5 15/5 15/7 60/25  61/1 87/18 88/17 88/19  88/25 124/5 124/17  125/8 125/19 125/19  125/24 126/2 126/15  127/3 127/4 130/21  writings [1] 126/8  written [24] 4/13 4/14  6/23 8/25 9/20 10/5  12/3 13/7 14/9 34/21  35/3 35/9 44/8 47/19  86/24 87/4 87/8 102/21  108/12 110/3 124/6  127/17 130/9 132/5  wrong [6] 14/18  106/20 109/16 111/9  121/24 125/2  wrongly [1] 117/8  wrote [2] 45/10 120/22</p>
<p><b>W</b></p> <p>wait [3] 5/12 38/12  68/19  walked [1] 44/17  want [29] 6/3 10/22  18/25 20/25 32/10  32/11 33/25 38/7 38/18  40/25 43/6 43/23 44/6  44/6 44/19 52/1 81/5  90/9 101/2 103/11  103/24 104/6 109/20  109/24 110/3 121/11  121/21 127/21 127/22  wanted [7] 10/9 11/16  33/14 34/16 43/16  109/19 132/20  wants [2] 29/5 29/7  was [290]  wash [1] 33/14  Washington [12] 8/11  8/20 12/3 12/23 15/10  20/15 36/11 38/2 44/17  111/15 116/4 128/23  wasn't [10] 9/10 10/8  44/8 69/18 85/1 92/13  113/4 113/4 122/12  122/22  waste [2] 5/9 39/7  Watts [1] 82/21  WAXAHACHIE [1] 1/23  way [21] 5/1 11/12  14/17 14/22 15/11  15/14 19/17 24/5 24/7  59/1 62/11 62/20 63/19  108/16 108/16 109/1  109/1 118/21 125/10  125/16 127/13  ways [1] 130/1  we [97] 8/11 8/19  10/15 12/19 13/5 13/7  14/15 15/5 15/7 15/9  15/11 15/18 16/12 17/1  17/1 17/4 17/6 17/14  17/17 17/20 18/3 19/16  24/5 25/4 25/12 26/11  27/4 34/9 34/16 35/6  48/6 49/15 53/2 54/13  61/2 61/19 61/20 61/20  61/22 74/20 77/9 84/11  97/6 101/12 101/24  101/25 102/25 103/4  103/17 103/23 103/25  104/7 104/12 105/4  105/7 105/16 106/3  106/10 106/21 106/23  106/25 107/10 107/24  108/10 108/12 109/2  109/2 109/9 110/18  110/23 111/2 112/13  113/8 114/20 115/2</p>	<p>we'll [2] 5/7 74/18  we're [11] 4/4 12/23  42/15 42/16 63/8 76/23  81/16 89/8 89/10  101/17 124/21  we've [5] 6/1 15/21  15/22 94/19 127/22  weeks [1] 108/9  weight [2] 10/17  102/10  well [73] 5/1 6/21 7/7  8/3 11/4 11/14 12/2  12/12 13/15 13/19 17/7  23/14 23/17 25/22  26/13 26/18 26/22 29/3  30/10 31/14 32/4 32/6  32/8 32/25 33/11 34/24  35/24 36/4 36/23 37/2  37/14 39/5 43/12 48/21  51/13 52/21 54/3 56/10  62/22 69/20 69/22 72/9  73/6 73/6 73/8 74/14  76/4 80/17 80/21 81/11  81/15 82/14 83/8 85/15  88/7 89/7 92/17 96/21  97/17 103/11 106/11  106/20 107/11 113/20  113/24 115/22 116/12  117/22 121/13 121/19  124/8 126/8 126/18  well-being [1] 121/19  well-established [1]  13/15  went [5] 61/20 61/20  70/20 81/23 112/5  were [102] 11/12 11/12  12/9 14/21 19/25 24/4  24/19 25/8 26/6 26/6  28/20 31/11 31/19  31/20 35/16 37/8 39/3  40/4 40/7 40/8 40/10  42/9 42/10 42/25 47/11  47/22 50/9 51/8 51/9  51/12 57/3 61/3 62/9  62/10 62/15 62/15  62/19 62/19 65/23  67/18 68/3 68/13 68/24  69/3 69/12 69/15 69/17  70/3 70/4 71/16 75/9  79/4 79/8 79/21 79/24  80/2 80/4 80/6 80/21  80/25 81/3 81/20 84/1  84/3 86/6 90/19 90/25  91/1 91/11 93/11 93/17  94/5 94/5 94/13 95/13  96/12 97/6 97/21 97/22  99/17 100/4 100/4  103/4 106/24 107/24  110/15 112/1 112/3  115/2 117/3 117/22  119/19 119/24 121/7</p>	<p>whenever [1] 41/8  where [30] 25/22 26/4  27/7 27/10 28/16 28/23  30/18 34/10 34/13 35/3  35/15 36/14 38/1 42/19  43/2 59/24 62/24 98/11  99/4 100/7 104/12  109/14 111/18 111/23  120/19 121/1 124/5  130/12 130/22 131/4  whereas [4] 31/2 78/4  78/6 79/1  whereby [1] 111/19  wherein [4] 50/5 51/4  55/13 105/23  Wherever [1] 27/3  whether [16] 10/23  12/13 12/14 112/17  120/25 121/15 123/19  124/2 124/3 124/4  124/8 124/17 124/17  125/7 125/11 133/6  which [60] 4/13 4/15  6/5 7/19 10/20 12/24  13/6 13/17 13/24 13/25  14/6 14/15 17/4 17/24  19/3 20/13 23/7 27/12  27/17 27/17 29/23  32/22 33/12 39/16  39/21 43/10 50/20  51/11 51/13 59/18  63/25 70/2 70/5 70/25  71/2 71/3 72/6 72/21  75/14 85/1 85/15 86/13  86/20 90/2 90/2 92/22  99/24 103/20 104/10  107/9 108/3 109/18</p>	<p>110/5 119/20 122/5  125/1 125/17 126/5  while [3] 57/3 81/7  105/10  WHITE [1] 3/4  who [38] 5/11 9/24  22/11 22/14 22/21  30/24 35/18 35/20  35/21 35/23 36/4 36/10  41/17 42/21 45/10 47/1  47/8 54/25 57/6 58/8  58/10 58/17 58/23  82/16 82/19 84/17  88/23 97/8 97/8 104/22  105/3 116/15 116/17  116/18 117/23 118/7  119/25 120/22  who's [1] 116/16  whole [3] 75/20 84/18  110/18  wholly [1] 131/15  whom [1] 42/19  whose [4] 30/7 47/25  82/21 116/15  why [21] 11/19 17/22  23/9 23/14 28/9 29/15  31/18 36/23 41/19  42/12 63/9 69/19 89/5  112/22 113/16 113/21  114/3 124/22 126/8  127/7 127/8  why he [2] 11/19 17/22  will [19] 4/5 5/17 8/21  19/10 32/18 54/2 77/11  99/8 100/23 101/17  102/8 109/15 123/24  126/16 126/20 127/1  127/14 134/10 134/11  willing [1] 111/24  win [1] 127/12  wise [1] 23/18  wish [2] 59/25 98/8  wishes [1] 134/6  withdraw [2] 73/13  90/21  withhold [1] 66/2  within [3] 6/9 50/18  80/11  without [14] 9/1 16/19  18/5 64/12 64/14 88/2  88/14 98/14 98/18  98/19 112/21 113/11  118/22 126/17  witness [13] 6/17 18/4  18/14 18/19 29/5 29/10  66/17 66/20 70/25  94/24 98/4 101/14  136/5  witness's [1] 102/9  witnessed [1] 79/9  witnesses [1] 119/5  word [4] 59/12 106/18  120/18 123/6  words [3] 33/6 60/8  60/10  work [2] 32/1 116/16  worked [1] 97/25  working [2] 32/8 124/1</p>	<p><b>Y</b></p> <p>y'all [2] 4/6 76/14  yeah [8] 39/5 49/20  58/9 73/12 80/4 83/24  85/17 86/9  year [4] 10/3 46/3 56/8  109/13  years [11] 9/5 26/2  34/4 40/18 43/11 48/21  73/20 97/6 97/13  116/24 117/16  yes [188]</p>

**Y**

**yet** [3] 11/18 11/23  
74/20  
**York** [2] 14/14 16/4  
**you** [622]  
**you the** [1] 40/7  
**you'll** [2] 21/22 28/18  
**you're** [40] 5/2 9/9 9/9  
11/2 18/15 20/5 23/14  
25/17 33/2 33/19 34/25  
45/3 55/11 56/16 57/8  
57/16 58/3 61/12 63/11  
63/20 65/10 65/15  
68/21 81/6 81/20 82/24  
83/6 84/21 85/4 85/10  
87/3 87/7 88/9 90/13  
97/1 97/2 118/1 118/19  
122/18 127/11  
**you've** [12] 5/9 10/24  
36/17 57/19 62/2 62/4  
62/23 73/16 83/14  
91/11 121/13 123/4  
**you-all** [3] 19/20 23/25  
71/8  
**your** [233]  
**yours** [2] 87/23 91/6  
**yourself** [7] 30/5 37/17  
55/14 87/1 87/5 87/9  
87/20