

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 IN AND FOR THE COUNTY OF SANTA CLARA
 BEFORE THE GRAND JURY
 DEPARTMENT 17

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_____)
 THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
 PLAINTIFF,)
)
 vs.) NO. 212793
)
 RONI HAYON, ADALINDA REYNA MENDOZA,)
 WAYNE ALLEN, IDO OR, MAOZ KADESH, ADII)
 THERESE KARTER, NOAM, ISRAELI, AND)
 ELAZAR NISANOV,)
)
 DEFENDANTS.)
 _____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

HELD ON FEBRUARY 13, 2013

A P P E A R A N C E S:
 FOR THE PEOPLE: MARTHA DONOHOE, ESQ.
 DEPUTY DISTRICT ATTORNEY

ASHLEY PARROTT, CSR NO. 13157
 OFFICIAL COURT REPORTER

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1 WEDNESDAY, FEBRUARY 13, 2013; SAN JOSE, CALIFORNIA

2 P R O C E E D I N G S

3 -o0o-

4 MS. DONOHOE: Good afternoon. Welcome back. Today I
5 have with me Deputy District Attorney Katie Pozos. Our
6 first witness is named Stevie Tausan. She is a former
7 employee. So we will get started.

8 (Witness sworn.)

9 TESTIMONY OF STEVIE TAUSAN

10 EXAMINATION

11 BY MS. DONOHOE:

12 Q Good afternoon, Ms. Tausan. Could you please
13 state your name for the record and spell both your first and
14 last name?

15 A Stevie, S-t-e-v-i-e, Marie Tausan, T-a-u-s-a-n.

16 Q What is your occupation, Ms. Tausan?

17 A Right now I bar tend.

18 Q Back in 2010, where were you working?

19 A ASAP Relocations.

20 Q Can the grand jurors hear the witness? Okay.

21 How did you get a job with ASAP Relocations?

22 A Through a friend that said there was a position
23 available.

24 Q Who was the friend that notified about the
25 position?

26 A My friend Diliana.

27 Q Could you spell Diliana?

28 A D-i-l-i-a-n-a.

1 Q And, when your friend told you about the job, how
2 did you go about finding a job, if there was a position?

3 A I just went into the office and spoke to one of
4 the bosses and got the job.

5 Q Okay. Who was the boss that you spoke to, if you
6 recall?

7 A I'm pretty sure it was Roni. Roni Hayon.

8 Q What was Mr. Hayon's position with the company?

9 A To my knowledge, he was the owner.

10 Q Did he interview you for the position?

11 A Yes.

12 Q Were you hired at that time?

13 A Yes.

14 Q How soon after you were interviewed did you start
15 the job?

16 A Probably the following week.

17 Q What if anything did he explain about the position
18 that he was interviewing you for?

19 A He just said that I would be, kind of, shadowing
20 somebody for the first day or two. They would give me
21 instructions on how to move certain things, like, verbatim,
22 whatever you needed to say, like, rates, however you go
23 about explaining the move to your customers, things like
24 that.

25 Q What was the position that you were hired to do?

26 A Basically, sales. Whatever you classify it as.

27 Q Can you explain to the grand jury what that
28 involved?

1 A It included, basically, like, warm calls. You get
2 like a set of leads. You'd call those people. You put
3 their information into some sort of system that basically
4 related to us. And we would call you, give you rates,
5 explain to you packaging costs, you know, hourly rates,
6 weight rates, things like that.

7 Q So would you put together a quote for the
8 customer?

9 A Yes.

10 Q Where did you get the information to put together
11 the quotes from?

12 A It basically went by either miles or hours.
13 Anything like Northern California within -- I don't know how
14 many miles is considered local. And then if you were
15 travelling out of state, it goes by weight. So, yeah, it
16 pretty much depends.

17 Q Would it be correct to say that a local move you
18 would quote based on the men and hours involved?

19 A Uh-huh.

20 Q If it was an out of state move, you would quote
21 based on the distance and weight?

22 A Distance, weight, and whatever other -- like how
23 much stuff you have, like whether it's glass, if you have to
24 wrap it a certain way, if you have plants, weird things like
25 that.

26 Q All right. Who provided the information that you
27 used to rely upon in talking to customers?

28 A Basically, Linda or Nico.

1 Q Nico?

2 A Yeah. Noam. Nico went by both names.

3 Q You dealt with two people. Linda and then you
4 said the name Nico or Noam.

5 A Yes. They are the same person.

6 Q Nico was a nickname that Noam used?

7 A Yes.

8 Q Did Linda use any other names?

9 A No.

10 Q When you worked at the office, were you working
11 under the name ASAP Relocations?

12 A Yes.

13 Q Did you use any other name when you dealt with
14 customers in terms of the business names?

15 A ABM Van Lines. But, to my knowledge, they were
16 the same.

17 Q You used the name ABM Van Lines, but you believed
18 that it was the same as ASAP Relocations?

19 A Yes.

20 Q When you would talk to a customer, did you say you
21 were ABM Van Lines or did you say the full name of it? What
22 did you say?

23 A ABM Van Lines.

24 Q Are you familiar with the name America's Best
25 Movers?

26 A Yes.

27 Q Is that the full name of ABM Van Lines?

28 A Uh-huh.

1 Q Did you use that name America's Best Movers as
2 well?

3 A Yes.

4 Q And did you ever talk to customers and use the
5 name ASAP Relocations?

6 A Yeah, I mean, if they would call in and I would
7 answer. It was basically the same thing, from what I was
8 told. So we would just take the quote.

9 Q Okay. If someone called you and said they were
10 seeking a quote from ASAP Relocations, you would give them a
11 quote; correct?

12 A Yes.

13 Q Did you work with other staff in a certain area of
14 the office?

15 A Yeah. There's a few rooms toward the back of the
16 office that had cubicles in them. It kind of switched
17 throughout the time. People quit, left, whatever.

18 Q All right. How many people would you say were in
19 the same work area that you were in?

20 A Probably three or four at the moment.

21 Q I'm going to show you Exhibit 88. And tell me if
22 this looks familiar to you in terms of the configuration of
23 the office.

24 A That's how it looked to me. I would pretty
25 much --

26 Q I'm going to stop you. Does that look familiar to
27 you as far as the configuration of the office that you
28 worked at?

1 A Uh-huh. Yes.

2 Q I am going to put it up on the screen for the
3 grand jurors. Showing the witness Exhibit 88. If you will
4 tell me which way to orient this that's most comfortable for
5 you. Is it okay?

6 A Yeah, that's it.

7 Q So does this appear to be a diagram of the place
8 where you worked?

9 A Uh-huh. Yes.

10 Q Was that at 2295 Ringwood in San Jose?

11 A Yes.

12 Q And did the office where you worked have front
13 offices and then also an attached warehouse?

14 A Yes.

15 Q And do you see the letters that appear on that
16 diagram A, B, C, D, E, F, G, H?

17 A Uh-huh.

18 Q Can you tell us approximately which room you were
19 working in?

20 A E.

21 Q Okay. Room E there shows three workstations.
22 Were you in one of those workstations?

23 A I was in the third.

24 Q Number three? E-3?

25 A Uh-huh.

26 Q What period of time did you work? Do you know
27 when you stopped working there?

28 A This was, I mean, probably three years ago. I

1 think. I'm really not even sure. There's been a lot that
2 has happened. My dad passed away a year and a half ago. So
3 I don't really recall much.

4 Q So you believe you stopped working there in 2010?

5 A Yes.

6 Q Were you ever present when a search warrant was
7 served at the business?

8 A I don't think so. No search warrant.

9 Q Okay. So you were working in what you've
10 identified as room E. And who was next door to you in room
11 D, if you know?

12 A I don't know. I didn't really talk to many of the
13 people at work there. I only knew like a few. Everyone
14 kind of kept to themselves.

15 Q Did you know what they were doing in room D?

16 A No.

17 Q How about room F? Do you know who was in room F?

18 A That was pretty much like the dispatch office.

19 The main office.

20 Q Who worked in the dispatch office?

21 A Linda Rey --

22 Q Linda Reyna?

23 A Yeah.

24 Q Was there anyone else working in that dispatch
25 office?

26 A No.

27 Q How about room B?

28 A That was Roni's office.

1 Q And room C?

2 A That was, to my knowledge, ASAP ABM people.

3 Q Okay. Was there another part of the office that
4 was used by someone who was not with ASAP ABM?

5 A I don't know about that. No, I don't know. To
6 me, I just thought everybody worked at the same company.

7 Q Okay. You believed, at the time you worked there,
8 that everybody was working for ASAP or ABM?

9 A Yes.

10 Q Can you tell us whether there was any assistant to
11 Linda Reyna?

12 A There was admin. Her name was Jasmine.

13 Q Where did Jasmine work?

14 A In the front lobby.

15 Q Okay. So you see the front door in the center of
16 that diagram and then above it the word lobby?

17 A Yes.

18 Q And then above that is the letter A.

19 A It would be the one classified as the wood desk.

20 Q Okay. So that's where Jasmine worked?

21 A Uh-huh.

22 Q All right. If you had questions during the course
23 of the time that you were dealing with customers, who would
24 you talk to?

25 A We didn't deal with any of the claims. Basically,
26 that just went straight to dispatch.

27 Q Okay. I'm just talking about the sales side of
28 things. If you had a question when you were on the call

1 with a customer about a move, who would you talk to to get
2 directions?

3 A It was pretty self-explanatory like if you are
4 dealing with how to help them with rates. But if you needed
5 to beat a quote like there was another company offering a
6 lower price and you wanted to offer them a low price to get
7 their business, you'd go to Nico.

8 Q Nico would be the person who could authorize you
9 to charge a lower fee?

10 A Yes.

11 Q All right. How were you trained to do your job?

12 A Basically, just shadowed another employee for a
13 few days. Kind of listened to the way they talked to the
14 customer. There was, basically, like a sheet. You said
15 that it was some sort of script, but it was, basically,
16 however you wanted to talk to the customer.

17 But, yeah, there was, basically, like an example
18 sheet of, hi, my name is so-and-so. I'm with the ABM Van
19 Lines this and that and go through hourly rates, your
20 options for hourly rates, distance rates, weights, things
21 like that.

22 Q How did you estimate or how did you put together a
23 quote?

24 A Basically, by distance, pretty much. I mean, if
25 you are a local move, by hours. If you were on the long
26 distance move and you needed to move out of state, it would
27 go by weight.

28 Q Say I am going to move within California. I am

1 going to move from one town to the next. Tell me how you
2 would give me a quote.

3 A It's been forever. Depending on how big your home
4 was, we would go through dishware, furniture, things like
5 that, I guess. I don't even really remember. It was just,
6 kind of, what you have in your house, estimate the weight of
7 that and then go from there, I guess.

8 Q So, if I were to call up and say I have a
9 one-bedroom apartment I wanted to move, would you solicit
10 information from me about what items I had in my apartment?

11 A Yeah. I mean, like I said, I don't really
12 remember verbatim what I was supposed to say or how I went
13 about it. This was a while ago.

14 Q Uh-huh. Now, did you request inventories from
15 customers about their goods?

16 A It really depends. If you are a local move, it's
17 not necessary. If you are long distance, it's, obviously,
18 necessary because it's kind of an inventory to check off to
19 make sure we have all your stuff to kind of -- I don't
20 know -- for you to check off and make sure that you have
21 everything from point A to point B.

22 Q Now, did you use a computer system when you were
23 giving quotes?

24 A Yes.

25 Q What was the name of the computer system, if you
26 recall?

27 A I don't remember. But, while I was reading your
28 paperwork, it was the Granot system.

1 Q So were you familiar with the name Granot?

2 A Uh-huh.

3 Q Is that spelled G-r-a-n-o-t?

4 A Yes.

5 Q Was that the same system that you'd used in order
6 to give quotes to customers?

7 A Yes. That was the system where we would get our
8 leads from.

9 Q And, in addition to getting your leads, did you
10 input information into the system once you talked to the
11 customer?

12 A Sure. Like a timeline. Talked to so-and-so on
13 this date at this time, left a message, they called back, on
14 this date at this time, went over a quote, and just things
15 like that.

16 Q Did you believe that the information that you were
17 giving out to the customers was accurate?

18 A Yes.

19 Q And did you make attempts to make sure it was
20 accurate?

21 A Yes.

22 Q How did you go about doing that?

23 A Basically, explaining rates, explaining, you know,
24 what you need to do to protect your valuables, any glass or
25 furniture, stuff like that, how to wrap it, how to box it,
26 how to keep it protected so you don't need any of our
27 supplies.

28 Q You would actually go through with a customer

1 while you were on the phone all the steps they needed to
2 take in order to protect their items?

3 A To the best of my ability, yeah.

4 Q And would you recommend that they purchase
5 packaging materials on their own and pre-box their items?

6 A Yes.

7 Q Why did you do that?

8 A Just to keep expenses low. Just so that they are
9 ready to go in less time and to move them and load them.

10 Q Okay. Did you offer any assurances, if they
11 followed the directions on how to pack their items, that
12 their quote would remain at that price that you were giving
13 them?

14 A Yes. To my knowledge, that's what I thought that
15 was happening. And, like I said, I was pretty naive and
16 young when I got this position and wasn't really hip to the
17 moving company get-down, I guess.

18 Q Had you ever worked in the moving industry prior
19 to that?

20 A No.

21 Q While you were working there, at some point, did
22 you have customers complain to you?

23 A No. Any complaints or claims we forwarded to the
24 dispatch office.

25 Q Why was it that you forwarded the complaints or
26 claims to the dispatch office?

27 A Once a move was complete, that was the end of my
28 job. That was my job title, that I was just sales. And

1 that was pretty much it. Any complaints or claims were
2 handled in the dispatch office.

3 Q Who told you, in the course of your training, that
4 you should only focus on the sales and anything after the
5 sale would be handled by the dispatch department?

6 A That was pretty much from the beginning what you
7 were told to do.

8 Q Do you know who you shadowed in order to learn
9 your job?

10 A I don't remember.

11 Q During the time that you were there, were you
12 familiar with the company called Fast Moves?

13 A No.

14 Q Sometime later did you become familiar with the
15 company called Fast Moves?

16 A Yes.

17 Q I'll ask about that in a second.

18 Now, at some point, during the time you were
19 there, were you concerned about the business practices that
20 were used by the business?

21 A I guess it was concerning in the way we had a high
22 volume of claims. But, other than that, I was extremely
23 naive to what was really going on. And, once I had
24 completed a quote, that was it. I wouldn't go out to the
25 field. I wouldn't go out there to oversee exactly what was
26 happening or going on with the move.

27 Q While you were working there, were you aware of
28 the fact that there were many people calling to complain or

1 make claims?

2 A Yeah, kind of. I mean, if you would answer the
3 phone, there was an angry person on the other line and put
4 them on hold for the dispatch office. But it should have
5 been answered by the admin. So --

6 Q In the normal course of things, were you the
7 person answering the phone?

8 A No.

9 Q Who would be answering the phone?

10 A Just Linda or Jasmine.

11 Q So that was their job; correct?

12 A Yes. They were basically like the office aspect
13 of it. We were just sales.

14 Q Under what circumstances would you have to answer
15 the phone?

16 A If it was ringing off the hook and there's like,
17 you know, if Jasmine and Linda were on the phone already
18 occupied with somebody.

19 Q What would you do if the phone was ringing and
20 neither Linda nor Jasmine was answering for some reason?

21 A Pick it up and take a message.

22 Q And who would you pass the message to?

23 A Linda or Jasmine.

24 Q Did a customer sometimes talk to you about being
25 upset about what was happening with their move?

26 A No. I never went that far with them. I just got
27 their name and number.

28 Q All right. Did you ever hear Linda or Jasmine

1 talking to customers about their moves?

2 A No. My office there was walls and things. We
3 weren't really around to hear that part of it.

4 Q Okay. Did you ever hear Linda or Jasmine dealing
5 with angry customers?

6 A No.

7 Q Were you aware --

8 A No. Like I said, my part of the office, the
9 dispatch had a door and its own office and we had our own
10 cubicle area.

11 Q You were not privy to what was going on outside of
12 that room E?

13 A No.

14 Q And I'm referring to the diagram which is
15 Exhibit 88.

16 A Yeah.

17 Q All right. At some point, did you become aware of
18 the fact that there were complaints?

19 A Yeah. I mean, after the fact, pretty much. I
20 just -- I don't know -- kept my nose to the ground and
21 minded my own business.

22 Q Did staff talk to you about complaints at all
23 while you were there?

24 A No, not really. I didn't really befriend many
25 people.

26 Q Were you in contact at all with the people that
27 were actually performing the moves?

28 A No, no. That was completely separate. The actual

1 staff and movers were separate.

2 Q Now, did you know them to be connected with that
3 office place at 2295 Ringwood?

4 A Yeah. I mean, if there was some sort of like
5 overlay or whatever the issue was, they bring the stuff back
6 to the warehouse. Or, if the person needed their stuff to
7 be stored at the warehouse for a few months because they
8 weren't moving or whatever, they were offered a vault -- is
9 what they would call it -- which would have a monthly
10 storage fee.

11 Q Okay. And was the location that the movers went
12 in and out of at Ringwood?

13 A Yes. But it was at the back. It wasn't anywhere
14 close to the front office.

15 Q Referring you again to Exhibit 88, the top of that
16 diagram, see the word warehouse?

17 A Uh-huh.

18 Q Is that the location that the movers went to?

19 A Behind the building. Yes.

20 Q And so did that open to the opposite side from the
21 business office?

22 A Yes. I think there was a door. But I never went
23 back there.

24 Q You didn't go into the warehouse?

25 A Uh-uh.

26 Q Did you ever have occasion to deal directly with
27 the movers that were moving customer goods?

28 A No.

1 Q Do you recall any specific occasion where
2 regulators came into the office?

3 A There was the transportation people that came in.
4 That's the only time.

5 Q You know of one particular occasion that someone
6 from the Department of Transportation had come to the
7 office?

8 A Uh-huh.

9 Q Were you there that day?

10 A I don't really recall. I just remember that we
11 were told there's going to be people coming in just to check
12 out and make sure that we were doing things accordingly.

13 Q All right. Who told you that the Department of
14 Transportation would be making a visit?

15 A I don't even remember. I just remember that they
16 were coming in one of the days.

17 Q Did you learn anything at that time about things
18 that were happening within the office in preparation for the
19 Department of Transportation's arrival?

20 A During the time I worked there, no.

21 Q Sometime later did you learn that things had
22 happened?

23 A Yes.

24 Q Okay. I'll ask you in a moment.

25 I'm going to show you some pictures and see if you
26 recognize any of these people. Showing you Exhibit 2 first,
27 who is this person?

28 A That was my boss Roni.

1 Q Roni Hayon?

2 A Uh-huh.

3 Q So did you believe that he was involved with the
4 management of the staff for the business?

5 A Yes. He was the owner of the company.

6 Q Was there anybody else that was at the same level
7 as him in terms of management of the company?

8 A No.

9 Q So did you see him as the final word on
10 everything?

11 A For the most part, if he was in the office, yes.

12 Q Was he often out of the office?

13 A Yes.

14 Q Who ran the office when he wasn't there?

15 A Nico.

16 Q I'm going to show you next Exhibit 3. Do you
17 recognize this person?

18 A Yeah. That's Linda.

19 Q And you've said before the name Reyna. Linda
20 Reyna?

21 A I thought that was her last name. I don't really
22 remember her last name. Something Spanish.

23 Q Can you tell me what her role was for the company?

24 A She was dispatch.

25 Q Did she have the role of supervising you and your
26 work?

27 A Yes.

28 Q Do you recall specific occasions when she was

1 supervising you and your work?

2 A She's just rude. Just very rude.

3 Q Did you have good dealings with her?

4 A Sometimes. Depended on the day. If there was a
5 lot of issues and claims in the office, obviously, she
6 wasn't very happy because she was the one that mainly dealt
7 with all the issues.

8 Q Did you know her to have bad days because of the
9 complaints that she was dealing with?

10 A I'm sure. I mean, I don't know. She seemed to,
11 kind of, have personal issues as well.

12 Q And did you have bad experiences with her
13 yourself?

14 A Yes.

15 Q Why?

16 A She's just rude. I don't think she really knows
17 how to manage people, let alone her own issues.

18 Q Showing you Exhibit 4, do you recognize this
19 person?

20 A That's Wayne. It's one of our other employees.
21 Another person that I worked with.

22 Q Do you know what his role was with the company?

23 A Sales.

24 Q Was he involved in training you at all?

25 A No.

26 Q Showing you Exhibit 5, do you recognize this
27 person?

28 A No.

1 Q You don't recall ever seeing that person?

2 A No.

3 Q How about -- showing you Exhibit 6 -- do you
4 recognize this person?

5 A No.

6 Q Showing you Exhibit 9, do you recognize this
7 person?

8 A Yeah, that's Nico.

9 Q The person that you've described as Nico or Noam?

10 A Uh-huh.

11 Q You indicated earlier that he was also involved in
12 management of the office?

13 A Yes, if Ronnie wasn't there.

14 Q So, between Nico and Linda, the two of them would
15 be in charge of management if Ronnie was not present?

16 A Uh-huh.

17 Q Was there anybody else who was managing you during
18 the time that you worked there?

19 A No.

20 Q Did Nico give you any training in the course of
21 your work?

22 A No. He would just, like I said, if I needed to
23 beat a competitor's quote price, I would go to him and make
24 sure that it's okay to give a low price.

25 Q Showing you Exhibit 10, do you recognize this man?

26 A Yeah. I thought he was one of Nico and Ronnie's
27 friends.

28 Q And did you ever know his name?

1 A No.

2 Q Did you see him in the business office?

3 A Yes.

4 Q Do you know what kind of role he had with the
5 company?

6 A No.

7 Q Did you see him on a daily basis?

8 A No. No. Not really. I mean, he was randomly
9 around.

10 Q Did you have any idea at all what he was doing for
11 the business?

12 A No.

13 Q Showing you Exhibit 118, do you recognize this
14 person?

15 A No.

16 Q Showing you Exhibit 20, do you recognize this
17 person?

18 A Yeah. We worked together. Her name is Angela.
19 Sales.

20 Q Angela was also a sales person?

21 A Uh-huh.

22 Q Do you know what company name she worked under?

23 A Same as mine.

24 Q Also ABM Van Lines?

25 A Uh-huh.

26 Q Okay. Was she involved in your training?

27 A No. She was hired after myself.

28 Q Okay. Showing you Exhibit 21, do you recognize

1 this person?

2 A Yeah. That's actually one of my friends. Jen.

3 Q So Jen was your friend prior to you working at ABM
4 Van Lines?

5 A No. That's my friend Diliaana's friend.

6 Q Your friend Diliaana was the one who introduced you
7 to the company; correct?

8 A Uh-huh, to Jennifer.

9 Q So you were introduced to Jennifer?

10 A Uh-huh.

11 Q And then, through Jennifer, you came in for the
12 interview?

13 A Yes.

14 Q Was she involved at all in the interview?

15 A No.

16 Q Was she involved at all in your training?

17 A No.

18 Q All right. Did you know her to use any other
19 names while she worked for the company?

20 A No. We didn't work in the same part of the
21 office.

22 Q All right. Do you still stay in touch with
23 Jennifer?

24 A Yes.

25 Q Have you had contact with Jennifer since working
26 for -- since your job for ABM ended?

27 A Yes.

28 Q I'm going to show you Exhibit 119. I'll zoom in.

1 Do you see a business card there for Nico Cohen?

2 A Uh-huh. Yes.

3 Q Did you believe or do you believe that was the
4 person that was supervising you and your work?

5 A Yeah.

6 Q So the person Noam/Nico this would be his business
7 card?

8 A I've never seen that business card. But it has
9 his name on it. So I'm sure it was.

10 Q You believed, just based on the fact that you
11 worked with Nico, that he was with ABM America's Best
12 Movers?

13 A Yes.

14 Q Okay. But he never gave you this business card;
15 correct?

16 A I've never seen that card.

17 Q I'm going to show you the exhibit next in order,
18 Exhibit 120. This is an e-mail dated April 14th of 2010 and
19 an attached document. Did I show this to you earlier?

20 A Oh, this is what you were talking about, like the
21 script that we had to read.

22 Q Yes.

23 A Yes.

24 Q Do you recognize that as the type of information
25 that you were given in order to do your job?

26 A Yeah. This was basically how-to just to help you
27 out.

28 Q Okay. I'm going to show it to the grand jurors.

1 So, referring you to that Exhibit 120, would this be the
2 description of how you would give a quote to a customer for
3 a local move?

4 A Yes.

5 Q And you would give information about how to
6 protect the items that were going to be shipped; correct?

7 A Yes.

8 Q Were you also telling the customers they wouldn't
9 have to pay for blankets or wardrobe boxes?

10 A Yes. Those were included.

11 Q Did you also tell them that they had insurance
12 that was covering their goods?

13 A I don't even really remember how everything went.
14 It was a really long time ago. I just know that blankets
15 and wardrobe boxes were included.

16 Q Okay. Did you tell them about the double drive
17 time for local moves?

18 A Yes.

19 Q And can you explain what that is?

20 A I don't really remember. I think double drive
21 time is just the time it takes to and from your point A to
22 point B. I don't know.

23 Q So that was something that you wanted the
24 customers -- they wanted the customers to specifically be
25 advised that they were going to incur a double charge?

26 A Yes. It was a fee that I explained to them, but I
27 don't really remember how to explain it now.

28 Q All right. Were there any other mandatory fees

1 that you recall having to explain to customers?

2 A Just on, like, glass items or valuables or certain
3 things that you needed to move, TVs, dishware, whatever.
4 Just certain things that are easily breakable.

5 Q Did you ever or did the management ever tell you
6 to tell customers specifically that those items had to be
7 packaged by the movers?

8 A No.

9 Q All right. You could talk to the customers and
10 tell them you've gotta be careful with your fragile items
11 and carefully pack them; correct?

12 A Yes. You would basically tell them to make sure
13 that they were correctly packaged and, if the mover didn't
14 feel good that it was packaged correctly, then they would
15 add whatever protective materials the item might need.

16 Q All right. Now, were you ever discussing with
17 customers things like, say, wooden furniture had to be
18 shrink wrapped?

19 A I don't know specifically what materials were used
20 on the move site. I just know that, if it was some type of
21 furniture, use blankets or whatever. I'm not even really
22 sure how that goes.

23 Q Okay. As far as you knew, based on what you
24 learned, what management told you, you could tell customers
25 that blankets could be used to protect their wooden
26 furniture?

27 A The blankets that were provided.

28 Q Those blankets were free; correct?

1 A They should have been. Yes.

2 Q I'm going to show you Exhibit 121, which is an
3 e-mail dated 10/26/2009. Did I show you a group of e-mails
4 before you testified today?

5 A Yes.

6 Q And was one of them concerning My Space and
7 Facebook?

8 A Yes.

9 Q So, showing you Exhibit 121, do you recall this
10 type of e-mail being sent to you concerning whether anyone
11 was caught using the internet?

12 A Yeah. There were a few occasions where Linda
13 would make her rounds, making sure that you were on task.
14 I've never had a Facebook or My Space. I never really had
15 any issues with that.

16 Q Linda would be the one who was communicating these
17 things about your behavior during the course of your
18 workday?

19 A Sure.

20 Q And she would communicate that to all staff?

21 A Yes.

22 Q Did you ever take note of the fact that there was
23 staff listed for Fast Moves and ASAP?

24 A No. Like I said, I never really paid attention to
25 that.

26 Q Did you know, for instance, Ashley at Fast Moves?

27 A No, I had never knew an Ashley.

28 Q Did you know a Margarita?

1 A No.

2 Q So did you have any idea why the e-mails that
3 would come from Linda would include these other people?

4 A I honestly don't really remember who they were
5 specifically to. I remember receiving e-mails like that,
6 just making sure people were on task. But I don't really
7 remember, you know, whatever. I don't really recall that
8 stuff.

9 Q You just didn't pay attention to who else was
10 getting notified from Linda on how they were to behave
11 during work?

12 A No.

13 Q Okay. I'm going to show you Exhibit 122, which is
14 an e-mail dated August 12th of 2010. Oh, before we go to
15 that, as to Exhibit 121, do you see there that it says from
16 Cassidy at ASAP Relocations, but the e-mail says "Thank you.
17 Linda" at the bottom?

18 A Yeah.

19 Q Do you know why you were getting e-mails from
20 Cassidy at ASAP Relocations but they were signed by Linda or
21 Linda was listed as the person?

22 A I don't really recall that, either.

23 Q Okay. So you didn't --

24 A I never really paid attention to it.

25 Q Did you believe this was actually from Linda?

26 A Yeah. It says her name.

27 Q Was it consistent with what Linda would do during
28 the course of the workday in terms of monitoring your

1 activities and the activities of other people in the office?

2 A Yes.

3 Q So did you have specific occasions where Linda was
4 at your desk and checking on what you were doing with your
5 computer?

6 A Yes.

7 Q Was that something that you found annoying?

8 A Yeah. Kind of rude. She kind of treated
9 everybody like they were five rather than adults.

10 Q And did you have discussions with Linda about
11 that?

12 A Towards the end of the period that I worked there,
13 yes. And we actually had a bit of an issue over it.

14 Q So, showing you Exhibit 122, this is an e-mail
15 dated 8/12/2010. And are you listed as one of the people
16 that is to receive this e-mail?

17 A Yes.

18 Q And was that your e-mail address Stevie at ABM Van
19 Lines?

20 A I guess I'm referring to ASAP just because that's
21 what I remember. I don't remember what my e-mail and stuff
22 was.

23 Q Okay. Do you recall that you had an e-mail
24 address called Stevie at ABM Van Lines, Inc.?

25 A Yeah. To my recollection, it was ASAP. But I
26 guess it's ABM.

27 Q So, just to clarify, it was Stevie at ABM Van
28 Lines --

1 A Yes.

2 Q Let me finish my question.

3 stevie@abmvanlines.com; correct?

4 A Yes.

5 Q Okay. And, again, would this be an example of
6 communications you would receive from management about
7 things such as being on time, taking a lunch at a certain
8 hour?

9 A Yeah.

10 Q And would you routinely get communications about
11 when people were scheduled to be on lunch?

12 A Yeah. I mean, that was delegated throughout the
13 staff on their own, who wanted to go first, who wanted to
14 take a later lunch. Just depends.

15 Q Were you also given directives about not talking
16 back to the management?

17 A No. I never really had an issue with the
18 management for the most part.

19 Q Were you familiar with e-mails such as this one
20 where employees were told that, if they talk back, they were
21 going to get sent home?

22 A Yeah. Linda had quite a mouth on her and she
23 upset a lot of people. So it was kind of to the point where
24 people were fed up with her.

25 Q Would they talk back to her?

26 A Sure. She was really rude.

27 Q What would happen when they spoke back to her?

28 A I guess they were sent home or something.

1 Q Were you yourself ever sent home?

2 A No.

3 Q What was the working environment like?

4 A I pretty much kept to myself. So I just did my
5 job, clocked in and clocked out, went home. I never had any
6 personal issues with anybody for the most part. So I just
7 never really paid any attention.

8 Q Were you paying attention at all to what was
9 happening around you in terms of how other people were
10 handling the situation?

11 A I mean, I guess. Linda was rude and that was
12 pretty much what I saw.

13 Q Did you see her or hear her being rude to
14 customers as well?

15 A No. Like I said, our part of the office, she had
16 a door. Most of the time, it was closed. You couldn't
17 really hear much what was going on in the dispatch office.

18 Q Showing you Exhibit 123. This is entitled lunch
19 schedule. Would this be an example of a lunch schedule that
20 you would receive?

21 A I don't really remember. I mean, I guess. I am
22 sure it was if my name was on it and that's the way it
23 looked. But I don't really remember what was given. I,
24 kind of, pushed all this crap into the back of my memory.

25 Q Did you ever have any understanding when you were
26 working there why the lunch schedules were divided between
27 two sets of employees?

28 A I never really noticed that. I never really asked

1 questions.

2 Q Okay. Under what circumstances did you leave the
3 business?

4 A Well, from the paperwork that I read today, I
5 guess I was fired. But, to my knowledge, I quit.

6 Q Why did you quit?

7 A Because I was annoyed with Linda. I was just fed
8 up with the way she was acting. Her and Nico had a romantic
9 relationship outside of work. So a lot of things were kind
10 of going under the radar. And she's just kind of allowed to
11 do whatever she wants and treat people however.

12 Q Did you believe she was treating people poorly
13 among the staff?

14 A Yeah.

15 Q And were you among those people?

16 A Uh-huh.

17 Q Could you say yes or no please?

18 A Yes.

19 Q Okay. So did you have some sort of argument with
20 her?

21 A Yes.

22 Q Under what circumstances did that argument occur?

23 A Towards the end of my employment there, we just
24 got into an argument about the way that she was talking to
25 people, including myself.

26 Q And what happened when you had that argument with
27 her?

28 A I left.

1 Q So --

2 A I never went back.

3 Q You left and never went back?

4 A Uh-huh.

5 Q Did they owe you any money?

6 A I went back to pick up my last check and that was
7 it.

8 Q How were you paid?

9 A Every two weeks.

10 Q Did you receive a check?

11 A Yes.

12 Q Whose name was on the check?

13 A I don't recall.

14 Q Do you remember the company name on your check?

15 A I don't remember.

16 Q Did you stay in touch with anyone at the business
17 after you were gone?

18 A Jennifer.

19 Q Is that Jennifer Salazares you had mentioned
20 earlier?

21 A Yes.

22 Q When you stayed in touch with her, did she
23 continue to work at the business?

24 A No. She -- I don't know. I know she quit maybe
25 before or after me. I'm not even sure. I don't remember.

26 Q Did you learn things from her as a result of
27 talking to her?

28 A Yes.

1 Q Did those things affect your opinion of the
2 business after you had left?

3 A Yes.

4 Q And did you have occasion in June of 2011 to speak
5 with an investigator from my office Gordie Bowen?

6 A I don't remember that. My dad passed away shortly
7 after that. Pretty much anything before that was just a
8 blur. I guess I made a statement.

9 Q Do you recall being interviewed while you were at
10 a different job and speaking on the telephone to someone?

11 A I don't remember that. But your statement says I
12 did. So I did.

13 Q Did you review the statement -- the report that
14 was written by Investigator Bowen today?

15 A Yes, I did.

16 Q Did it refresh your recollection about things that
17 you may have said about the business?

18 A Yes.

19 Q And can you tell me whether some of those things
20 were based upon things that you learned after you left the
21 business?

22 A Yeah. I mean, they were pretty much everything I
23 learned after I left the business. I had never stuck my
24 nose in any of anybody else's issues until after the fact.
25 I was just basically told it was a pretty shady company.

26 Q Okay. We are going to take a brief break. I'd
27 like you to step outside just for a moment. I have to give
28 the grand jurors an admonishment. Just wait on the bench

1 and I'll bring you back in very shortly. It will be two
2 minutes.

3 A Okay.

4 Q You are still under oath. Don't talk to any
5 witnesses outside please.

6 A Okay.

7 (Witnesses exited the courtroom.)

8 MS. DONOHOE: The reason I interrupted this witness is
9 because I didn't want her to hear what I had to say to you.
10 Part of the indictment includes what's called date of
11 discovery allegation. And there is information about how
12 the business Fast Moves was discovered by the Investigator
13 Bowen.

14 I expect Gordie will also be testifying. He took
15 a statement from Ms. Tausan, and, at that time, she told him
16 about the existence of Fast Moves Van Lines. She's
17 clarified today that that's probably information that she
18 learned after she worked there. Nevertheless, it was
19 significant for the investigation in terms of identifying
20 that there was a second business attached to ASAP and that
21 should be the subject of further investigation.

22 So I just didn't want her to hear the explanation
23 for why we are interested in Fast Moves. And I should
24 clarify that the things that she says that are based on
25 other people's information are not offered for the truth of
26 the matter asserted but it's offered to explain the
27 subsequent conduct of Investigator Bowen and then seeking
28 additional search warrants and gathering additional

1 information.

2 (Witness resumed the stand.)

3 Q (BY MS. DONOHOE) Thank you, Ms. Tausan. You are
4 back on the record on the stand and still under oath. So
5 earlier today did you review an investigative report
6 prepared by Investigator Gordie Bowen?

7 A Yes.

8 Q Did that refresh your recollection about things
9 that you knew about ASAP Relocations?

10 A For the most part, yes.

11 Q Was the information that you reviewed accurate in
12 terms of what you knew about the business?

13 A Yes.

14 Q Was some of that information information that you
15 learned after you stopped working there?

16 A Yes.

17 Q Did you ever explain to Investigator Bowen that
18 some of it was based on what you knew at the time and some
19 of it was based upon what you learned later?

20 A Yeah. It was pretty much after the fact, after I
21 had left ABM Van Lines. I figured out that they were shady
22 people.

23 Q And who did you learn the information from that
24 you conveyed to Investigator Bowen?

25 A Jennifer.

26 Q So Jennifer Salazares?

27 A Yeah. It was pretty much news to her as well.
28 She didn't really understand the depth of the situation on

1 her end. We were both kind of shocked as more and more
2 unfolded with investigators calling and things like that.

3 Q Now, Ms. Tausan, did you learn from Jennifer
4 Salazares about a business called Fast Moves?

5 A Yeah, after.

6 Q What did she or what did you learn about Fast
7 Moves?

8 A That, I guess, it was another company related to
9 the business that I was working for.

10 Q And did you know about Fast Moves while you were
11 there?

12 A No.

13 Q Did you learn about a specific incident relating
14 to the Department of Transportation's visit and Fast Moves?

15 A Not specifically. I knew that the transportation
16 department was coming in to make sure that everything was
17 legally done properly. But I didn't know that it was
18 because Fast Move or something.

19 Q Did you ever convey to Investigator Bowen
20 information about Fast Moves?

21 A I think I said I knew about it after the fact.
22 But I don't think I really -- I'm not sure what depth I went
23 into.

24 Q Did you tell Investigator Bowen anything about an
25 effort to conceal the existence of Fast Moves at the time of
26 the Department of Transportation's visit?

27 A I don't remember what I said.

28 Q Ms. Tausan, I am going to show you a copy of a

1 report. And I'd like this to be an exhibit next in order.
2 Showing you Exhibit 124, which is an investigation report
3 dated March 7, 2011. Is this the report that you reviewed
4 earlier today?

5 A Yes, it is.

6 Q And is that the summary of your conversation with
7 Investigator Bowen?

8 A Looks like it. Yes.

9 Q Was anything in that report inaccurate based on
10 what you knew either while you were at ASAP or afterwards
11 that you learned from Jennifer Salazares?

12 A I mean, I guess. I don't even really remember the
13 conversation I ended up having with Jenny. It was so long
14 ago. I mean, if I said it, then I guess I said it.

15 Q Do you recall telling Investigator Bowen
16 information about records for Fast Moves being moved out of
17 the office on the day of the Department of Transportation
18 audit?

19 A I don't even remember saying that. But, again, if
20 it's in the report, I'm sure I definitely said that. I
21 don't really remember that instance. I just remember that
22 there was the Department of Transportation representative
23 coming in that day.

24 Q Did you or do you recall telling Investigator
25 Bowen that employees were sent home at the time of the
26 Department of Transportation's visit?

27 A I don't remember saying that.

28 Q Do you recall Jennifer Salazares providing that

1 information to you?

2 A No. I don't really remember. I don't really
3 remember those parts of the conversation. Like I said, my
4 dad had passed away shortly after. So I don't really recall
5 anything in the past before --

6 Q Okay. Would it be accurate to say that your
7 father's death was extremely traumatic?

8 A Yes.

9 Q Is he, in fact, a murder victim?

10 A Yes.

11 Q Did that significantly impact your life as well?

12 A Yes.

13 Q And so your lack of recollection of these
14 events -- do you have any doubt that you spoke to
15 Investigator Bowen?

16 A I mean, if my name is on this piece of paper --
17 this is recorded -- then I guess I shouldn't have doubt.
18 But I just don't remember it.

19 Q Okay. Even when you told me earlier today that
20 you recalled some information about employees being sent
21 home, do you know whether that happened or is that based on
22 something that you heard somewhere else?

23 A I just knew that they were not showing up to work
24 that day, I guess.

25 Q Did you learn either directly or through Jennifer
26 Salazares about the movers using a process of overusing tape
27 on a move?

28 A I don't know about overusing tape. I don't

1 remember that. I think that they just, kind of, overcharged
2 people, I guess. I don't know.

3 Q Do you recall --

4 A That's not my part of the deal. I was only sales.

5 Q Do you recall telling Investigator Bowen that, to
6 inflate the cost of a move, the foreman in charge of the job
7 was told by Roni Hayon to use more packing materials?

8 A No, I don't remember that. That's just, like I
9 said, that's not part of my deal. I'm sales.

10 Q Did you learn that from Jennifer Salazares after
11 you had left?

12 A I'm not sure we had talked about it. But I don't
13 remember. I don't really remember our conversation. This
14 was a really long time ago. We both worked there. This
15 was, like I said, in my past.

16 Q So all you can say is, if you conveyed this
17 information to Investigator Bowen on tape, then it was true;
18 correct?

19 A Yeah. I just don't recall this conversation.

20 Q All right. And it was true that you were -- you
21 say it's more accurate to say you left after a verbal
22 altercation with Linda Reyna instead of you being fired;
23 correct?

24 A Yeah. They basically said that I was fired so I
25 wouldn't claim unemployment. I do remember that.

26 Q All right. So did you make an unemployment claim?

27 A I tried. Yes. I was denied.

28 Q You tried and what?

1 A I was denied by unemployment.

2 Q Were you fired or did you leave?

3 A I left.

4 Q All right.

5 A But they said I was fired.

6 Q Who said you were fired?

7 A I don't know. That's just what my claim came back
8 as. I just remember that part. When I filed for
9 unemployment, they denied me because they said there was an
10 altercation with Linda and I was fired.

11 Q Okay. You said earlier that you read paperwork
12 that reminded you of the Granot web system or the computer
13 system. Were you referring to this report?

14 A Yeah.

15 Q And did that refresh your recollection about using
16 the Granot system?

17 A Yes.

18 Q Do you think that the statement that's listed here
19 about you tried to do your best estimating a move until you
20 learned the company was shady -- do you believe that that
21 was an accurate statement?

22 A Yes, very accurate.

23 Q Okay. And so were you trying to give accurate
24 information out to customers?

25 A Yes.

26 Q Do you recall ever telling Investigator Bowen that
27 you heard Linda Reyna hanging up on customers during the
28 middle of a conversation?

1 A I don't remember that.

2 Q If it's in Investigator Bowen's report that you
3 said that, do you think that's something that you, in fact,
4 said?

5 A I'm sure. If this was recorded, I am sure I said
6 that.

7 Q How about do you recall incidents where the
8 receptionist would state there was no one in the office to
9 take their call when, in fact, there was?

10 A I don't really remember this conversation. I
11 mean, I can tell you that the only thing that I really
12 remember is that Granot web system and the verbal
13 altercation with Linda. Anything else in between I'm not
14 even really remembering.

15 Q Do you recall Roni Hayon using another name other
16 than Roni?

17 A No.

18 Q Do you recall making the statement that Roni and
19 Nico would identify themselves on the phone as Tom?

20 A I knew Nico would. I didn't know that Ronnie
21 would.

22 Q You knew Nico used the name Tom?

23 A Uh-huh.

24 Q I showed you earlier today documents relating to a
25 move for Kim Balchios?

26 A Uh-huh.

27 Q I'd like to show you Exhibit 78. Do you recognize
28 the first page of Exhibit 78?

1 A I don't even remember this. I've done so many
2 moves but I just don't remember which one is which.

3 Q Do you recognize the type of form that it's on?

4 A Sure.

5 Q Is that the type of form you would use in your
6 work?

7 A Yes.

8 Q Would it be --

9 A This is actually the printout. This is actually
10 the end result. You would print this out and give it to the
11 dispatch office.

12 Q I am going to put it up on the screen so that the
13 grand jurors can see it as well. Showing you Exhibit 78, is
14 that a form that would be printed out from something that
15 you would see on the screen?

16 A Yes.

17 Q And that's the Granot system you referred to?

18 A Yes.

19 Q And is this a quote that you were involved in
20 giving to a person by the name of Kim Balchios?

21 A I don't remember. But, if my name's on it, then I
22 guess I was.

23 Q Do you see your name where it says Representative
24 Stevie?

25 A Yes.

26 Q So is that where you would commonly expect your
27 name to be?

28 A Uh-huh.

1 Q Now, is that a yes?

2 A Yes.

3 Q When you made a quote to a customer, were you
4 expecting to get some sort of a commission based on the
5 sale?

6 A Yes.

7 Q How was your commission calculated?

8 A I don't know. I don't remember.

9 Q Did you review Investigator Bowen's report and see
10 a figure that was given as to the amount of the commission?

11 A Yeah. It says two percent. But, I mean, I don't
12 really remember.

13 Q Do you believe that you got some percentage based
14 on the sale?

15 A Yes. Commission.

16 Q Was that percentage based on the amount of your
17 initial sale or was it based upon the final move price for
18 the customer?

19 A Pretty sure it was final move.

20 Q And how would you find out what the final move
21 price was?

22 A I don't know. I never really asked. I was just
23 hoping that they would be honest in giving me my percentage.

24 Q Did you get your commission as you expected?

25 A Yes.

26 Q Was it ever much higher than the commission based
27 on the price you quoted over the telephone?

28 A I never kept track of what the final price was or

1 my commission or anything like that. I probably should have
2 but I never did.

3 Q Now, for Ms. Balchios's quote, did you give a
4 quote of \$240?

5 A I guess. I don't remember this move at all.

6 Q All right. And I'd like to show you Exhibit 79,
7 which is a letter dated November 16th of 2009. Did you also
8 review that prior to taking the stand -- at least a portion
9 of it -- today?

10 A Yes. Today, I did.

11 Q And, at the time that you were working at ABM,
12 were you familiar at all with Ms. Balchios's complaint?

13 A No. That was a completely different part of the
14 office that claims were forwarded to or any issues. So that
15 wasn't part of my job title to continue the process of what
16 the issue was.

17 Q So, if a customer said that she had books to have
18 boxed and shipped or she had boxed them already, would you
19 expect that there would be any special packaging that needed
20 to be done for the box of books?

21 A No, not at all.

22 Q Would you expect that the customer would have any
23 excess packaging fees or wrapping fees for a box of books if
24 it was already packed up and taped?

25 A No. Shouldn't.

26 Q Did you review Ms. Balchios's complaint and see
27 that she was charged for various items of packaging for her?

28 A I read the first three pages. I wasn't able to

1 read all of it. It was a pretty long complaint.

2 Q Would you have ever told customers that they had
3 to have their mattress separately wrapped prior to the move?

4 A I don't really remember how you were supposed to
5 wrap certain items or whatever. I just know glassware and
6 TVs -- that's pretty obvious -- need to be wrapped a certain
7 way. Anything else I don't remember.

8 Q Would you have told Ms. Balchios that she was
9 required to have someone wrap her mattress for her?

10 A No. I don't recall that.

11 Q So, as far as your contacts with customers, you
12 wouldn't have been given them any advance notice of required
13 packaging fees; correct?

14 A Yeah. I mean, if you wanted to tell them. I'm
15 not sure how other employees went about their business.
16 But, for the most part, I tried to be as honest as possible.
17 But this seemed to be like the beginning of me working
18 there. So, if I ever made a mistake, I probably wouldn't
19 have even noticed.

20 Q Did the information ever get back to you about
21 customers having to have items such as rocks or wooden
22 furniture had to be wrapped in a blanket and then shrink
23 wrapped?

24 A I know that, if you had wooden furniture, it needs
25 to be protected with blankets which were free. I'm not sure
26 about the shrink wrap. That was, again, part of the initial
27 moving process that I was never part of.

28 Q Nobody in management said to you make sure there

1 are these additional required payments that are going to be
2 due?

3 A No.

4 Q So you would not have ever communicated that to
5 anyone?

6 A No. I don't think so.

7 Q Did anyone ever communicate back to you and said,
8 boy, you really screwed up on this Kim Balchios move?

9 A No.

10 Q So you had no feedback; correct?

11 A No.

12 Q So you had no way of knowing that you were to
13 quote additional fees that would be heard on moving day?

14 A No.

15 Q And the people who would have been responsible for
16 telling you about Ms. Balchios's complaint in training you,
17 who would they be?

18 A I don't know. I mean, if I had any questions, I
19 would go to Nico or Linda. I mean, that's it. No one
20 specific, I guess.

21 Q Do you recall either of them ever coming to you
22 and saying you misquoted this move?

23 A No. I really don't remember. I really just
24 wanted to put this whole situation locked away somewhere. I
25 don't really remember any of this.

26 MS. DONOHOE: Okay. Do the grand jurors have any
27 questions? Yes. Juror number --

28 THE GRAND JUROR: Juror number five.

1 What was the total length of time approximately
2 that she worked at the company?

3 Q (BY MS. DONOHOE) Ms. Tausan, what was the total
4 length of time that you worked with the company
5 approximately?

6 A I don't know. Maybe eight months or something.

7 Q Eight months?

8 A Eight months, I think.

9 Q And would it refresh your recollection -- do you
10 recall whether you worked there approximately from
11 August 2009 through August 2010?

12 A If that's what it says, then I guess it was a
13 year.

14 MS. DONOHOE: Any other questions? Okay.

15 Thank you. I have no further questions. You are
16 free to go.

17 (Witness admonished and excused.)

18 MS. DONOHOE: I'm going to take a brief break to check
19 on our next witness who I haven't talked to yet. If you
20 want to relax for a second.

21 (Recess.)

22 (Witness sworn.)

23 TESTIMONY OF PATRICIA VILLALPANDO

24 EXAMINATION

25 BY MS. DONOHOE:

26 Q Good afternoon, Ms. Villalpando. Could you please
27 state your name for the record and spell both your first
28 name and last name?

1 A My name is Patricia Villalpando. P-a-t-r-i-c-i-a,
2 and the last name is V-i-l-l-a-l-p-a-n-d-o.

3 Q So, Ms. Villalpando, what is your occupation?

4 A Right now I am unemployed.

5 Q And previously where did you work?

6 A I used to work for ASAP Relocations.

7 Q What was your job with ASAP Relocations?

8 A I was a sales representative.

9 Q And do you recall when you began working for ASAP
10 Relocations?

11 A I actually do. It was April 28, 2009. It was the
12 week right after I had my baby.

13 Q So soon after the birth of your child you went to
14 work there?

15 A Yes.

16 Q Did you know other people working there when you
17 started there?

18 A No.

19 Q How did you find the job?

20 A I found it through a posting on Craig's List. I
21 replied to it.

22 Q When you replied to the posting on Craig's List,
23 where did you go?

24 A I went to the office. Oh, actually, I replied
25 through an e-mail. They gave me a call back.

26 Q Were you directed to an office?

27 A Yes.

28 Q Where was the office located?

1 A At 2295 Ringwood Avenue.

2 Q Who did you meet with there at that office?

3 A I met with -- when I walked in, I met with Linda.
4 She gave me the application to fill out and then Roni called
5 me into his office.

6 Q Who interviewed you?

7 A Roni did.

8 Q When you say Roni, do you know Roni's last name?

9 A Hayon.

10 Q What was his position with the company?

11 A He was the owner, from my knowledge.

12 Q All right. What was Linda's role if you know?

13 A I was told she was the office manager, dispatch
14 manager.

15 Q And, in terms of the job that you were
16 interviewing for, what was it?

17 A Sales.

18 Q And did Mr. Hayon describe the job to you?

19 A Yeah. He just basically said that I would be
20 calling customers. We would be getting fresh leads every
21 day. I would call them to try to explain to them the prices
22 for the moves and then try to get customers to go with our
23 company to move and give them the pricing for local moves or
24 long distance moves and keep following with the ones that
25 wouldn't answer the first day and then whichever ones I had
26 to follow up after.

27 Q You would get an initial lead. You call that
28 person. If they didn't respond to you right away, keep

1 calling until you determined whether or not they were going
2 to move with the company?

3 A Yes.

4 Q And who trained you in your job?

5 A I had to sit -- the first two days I sat behind
6 one of the coworkers. His name is Wayne. I would listen to
7 his conversations with the customers. And then the last
8 three days was with Tammy. Basically all I did was sit
9 down, listen to the way they talked to customers and how
10 they would sell a move to the customers.

11 Q How were they on the telephone?

12 A Tammy was great. Wayne not so good.

13 Q Were they pleasant in terms of how they dealt with
14 the customers?

15 A Yeah. Yes, they were.

16 Q Were you given any written information in order to
17 --

18 A I was. I was given the written information the
19 first day.

20 Q Was it some sort of a script that you were to go
21 by?

22 A It was a script that I was supposed to work by.
23 Or I could come up with my own. But I would always go by
24 the script just to introduce myself to the customer and what
25 I was calling them about.

26 Q What company name were you to use in dealing with
27 customers?

28 A ASAP Relocations.

1 Q Are you also familiar with the name America's Best
2 movers?

3 A Yes. When Roni opened up the company, Tammy and I
4 were the first ones to work with that company.

5 Q So, when you first started with the company in, I
6 believe you said 2009, at that time, ABM America's Best
7 Movers didn't exist?

8 A Exactly.

9 Q At some point after you were working there, it was
10 created?

11 A Yes.

12 Q Was there any other company on site other than
13 ASAP when you were first hired?

14 A Fast Move Van Lines.

15 Q Fast Move Van Lines was the other company?

16 A Uh-huh.

17 Q What did you understand that they did?

18 A I understood they only handled long distance
19 moves.

20 Q Who explained that to you?

21 A I believe it was Linda and Jennifer.

22 Q Did ASAP handle long distance moves when you first
23 started working there?

24 A Yes, they did.

25 Q Did they also do the local moves?

26 A Yes.

27 Q What's the difference between a local and a long
28 distance move?

1 A The way that I found out was they explained to me
2 the local moves were moves within California but are within
3 a hundred miles. And then the long distance moves there's
4 two different sorts. There's moves that were within
5 California that are over a hundred miles or the long
6 distance which were state-to-state moves.

7 Q And were you working on both types of moves?

8 A Yes, I was.

9 Q All right. And, when you would follow up on leads
10 with customers, were you able to give quotes to customers?

11 A Yes, I was.

12 Q Where did you get the information in order to give
13 a quote?

14 A I would get the information from the list that I
15 got when I started working there with the price range or
16 price quotes.

17 Q So they give you a price-ranged quotes?

18 A Uh-huh.

19 Q At that time, was there any visit to a customer's
20 home to see what the items that were to be moved?

21 A No. I wasn't trained for doing on-sites.
22 Whenever a customer wanted to do on-site or visual estimate,
23 I was told Tammy was the one. Tammy or Wayne. They could
24 do it.

25 Q To your knowledge, was anyone going out to do
26 visual estimates?

27 A Tammy would go from time to time to do her
28 customers only.

1 Q All right. How about Wayne? Did you ever know
2 him --

3 A Wayne? From two years that I worked there, I
4 think he only went out like three times.

5 Q All right. How would you know what price to
6 quote, say, for a local move?

7 A For a local move, we would just do the hourly
8 rate. I would normally ask them how many bedrooms their
9 house was, and, based on the room size, I would tell them
10 what size crew would be better for them to move. Sometimes,
11 if they had a one-bedroom home or small studio, I would tell
12 them two guys are good but, if you want three, the move
13 would go faster. You can go with three. And then bigger
14 houses I would always add an extra man. But I would always
15 recommend them to go with the bigger size crew to make it
16 faster and at a lower rate for them.

17 Q All right. Say, I were moving a two-bedroom
18 apartment. And what would you say to me as a customer to
19 get information for the move?

20 A Since you would have a two-bedroom home, I would
21 tell you I would recommend a three men. And, normally,
22 three men from what I had on my sheet was, for a three men
23 crew, two bedrooms will take average four to six hours to do
24 the move, including loading and unloading.

25 Q All right. Who would give you the hourly price
26 that you would quote for that four to six hours?

27 A Everything was given to us. Roni Hayon was the
28 one that enforced the hourly rates.

1 Q Do you recall the range of hourly rates that you
2 would give to customers?

3 A Yes. At first, I think it was like three
4 different rates that changed throughout the whole time I was
5 there. At first, the rates were \$69 an hour for two movers
6 if they were leads. If they were call-ins, they would go \$5
7 higher. And then, for three movers, it was \$89. And, for
8 four movers, it was \$105 I believe.

9 Q So, for instance, if I was going to move a
10 two-bedroom apartment, you would tell me six to eight hours
11 if I used four men? Or would it be less?

12 A Four men, I would say between three to five.

13 Q So it could be accomplished faster?

14 A Yeah.

15 Q So you would give me a quote of approximately \$100
16 per hour, three to four hours?

17 A Yeah.

18 Q So I could estimate my move would be 3 to \$400?

19 A And then I would always explain that the foreman
20 would give them a better idea that day once they see all
21 their stuff there. Or we can schedule an in-home visit.
22 They would always say they would wait for the day of the
23 move.

24 Q You actually offered in-home visits to estimate
25 moves?

26 A Yes, I did.

27 Q Do you recall scripts that indicated that in-home
28 estimates weren't accurate?

1 A No, I don't remember.

2 Q Okay.

3 A We never got any scripts about that.

4 Q All right. So, when you were doing your job, at
5 some point, did you come to the conclusion that estimates
6 that you were providing to customers weren't very accurate?

7 A I did after, probably, the first month working
8 there when I would get -- I would answer the phone and I
9 would get some customers. Not all my customers but some
10 customers. And then I tried talking to them, and the first
11 time I got in trouble for it. I was told I don't have to
12 communicate with the customers that have already moved, that
13 that should be directed to dispatch.

14 Q Were you, then, familiar with some customers
15 complaining to the company on move day?

16 A Yes, also.

17 Q And were the people you had given quotes to
18 calling in and complaining about their move?

19 A Yeah. But not about the hourly rate. It was
20 about the additional packing materials, which, after I heard
21 that, that's when I tried to find out about why I wasn't
22 explained that packing materials were extra also.

23 Q Did management also tell you there was going to be
24 packaging that was going to be occurring on moving day?

25 A They said on local moves that the shrink wrap
26 should be free. Then I would hear customers complain about
27 them being charged for it as well.

28 Q That was within a month of your first being

1 employed there?

2 A Yeah.

3 Q Who did you talk to about the fact that the
4 customers were complaining?

5 A I talked to Linda about it when I heard about the
6 customers complaining. And she said, well, you know,
7 there's nothing that you can do; you have to direct them to
8 me and whatever they tell me to do I have to do it.

9 Q All right. So she told you that you should direct
10 all complaints to her?

11 A To dispatch. Linda and then whoever was working
12 with her at that time, assistant.

13 Q Did Linda have more than one assistant over the
14 time you worked there?

15 A She had three different assistants.

16 Q Who were her different assistants?

17 A I don't recall the first one. She was only there
18 for about two weeks because she was going to school
19 full-time. And then the second one was Jessica. And then
20 the last one was Jasmine.

21 Q Approximately how long was Jessica there?

22 A She was probably there for about six months maybe.

23 Q And how about Jasmine?

24 A Jasmine was there for about a year.

25 Q Now, when you learned that you weren't supposed to
26 talk to the customers about the complaints that they should
27 be referred to Linda, did you, in fact, do that?

28 A Yes, I did.

1 Q Did you get in trouble for talking to customers?

2 A Yes.

3 Q And did you get in trouble, prior to the moving
4 date, talking to the customers, or on moving day?

5 A On moving day or after the move date I would get
6 in trouble for talking to them.

7 Q Why was that?

8 A Because the way they explained it to me, one, I
9 didn't have the customer's contract in front of me for me to
10 explain anything to them about the extra charges; and, two,
11 that that was not my job. My job was just to book the jobs.

12 Q All right. Your job was only to book the
13 customer? Who was giving you this information that you
14 should not be talking to the customer on move day?

15 A Linda would give us all the information, but she
16 would always say, per Roni, this needs to be done, or per
17 Nico.

18 Q All right. The direction that you were given was
19 always qualified by this is the direction of Roni and Nico?

20 A Yeah. Well, they would always use, per Nico, this
21 needs to be done or, per Roni, this needs to be done.

22 Q Who is Nico?

23 A Nico, he was like the person in charge when Roni
24 wasn't there. If anybody had, like, questions about
25 pricing, we would go to him. And then Linda would respond
26 to him as well. She would ask him for directions as well.

27 Q So you felt that Nico was higher in the hierarchy
28 than Linda?

1 A Yes.

2 Q When you were working there, did you grow more
3 concerned about what was happening out in the field with the
4 customers?

5 A I did after talking with my husband. When my
6 husband became a foreman there, he would explain to me and I
7 would ask him you guys charge for this and that. That's how
8 I started explaining to the customers about the different
9 pricing and stuff.

10 Q So did you start modifying your representation to
11 customers at the sales based on information you learned from
12 your husband?

13 A Yes, I did.

14 Q And why were you doing that?

15 A To try to get customers to know what exactly they
16 were going to be paying for and have more satisfied
17 customers instead of unsatisfied customers.

18 Q Were you familiar with the fact of many
19 unsatisfied customers being in existence?

20 A Afterwards. After the first month, yeah. I kept
21 hearing more and more because I was sitting in the front of
22 the office.

23 Q Would you hear interactions between Linda or any
24 of the dispatch staff and customers?

25 A Sometimes, yeah, when they get loud. Linda would
26 be yelling over the phone. We would hear it. Everybody in
27 the office would hear it.

28 Q What did you hear Linda doing?

1 A Just tried to get the customer to calm down.
2 Ma'am, ma'am, calm down, ma'am. Nobody would let her talk,
3 so she would have to yell. And, until the end, like, she
4 would say, you know, please just call me back when you calm
5 down or we've already explained stuff to you. And she would
6 hang up.

7 Q All right. Did you believe that customers were
8 getting any relief from talking to Linda?

9 A No.

10 Q Did you make sure that, in dealing with customers,
11 that you were providing as accurate information as you
12 could?

13 A Yes.

14 Q Did you ever talk to management about the fact
15 that you didn't believe they were providing sufficient
16 information to customers about the cost of their move?

17 A I did. I talked to Linda and then I talked to
18 Roni as well. And they said that I needed to do my job,
19 that, if I wanted to explain to the customers, I could, but
20 mostly the job was just to explain the hourly rate, not the
21 packing materials.

22 Q Basically, would you agree that most of the people
23 on the staff were not explaining about packing materials?

24 A Correct.

25 Q Were you paid a check from ASAP?

26 A Yes. I got a payroll check every other week.

27 Q Did you get paid based on the number of jobs or
28 was it a salary that you were paid?

1 A I would get paid a three-percent commission for
2 every booked move that I had.

3 Q Was that three-percent commission based on the
4 price you quoted at the time of the sale or was it based on
5 the final?

6 A Three percent of the final move.

7 Q How would you know what the final move cost was?

8 A I wouldn't.

9 Q So you had no way of checking what was ultimately
10 paid by the customer?

11 A Correct.

12 Q Were you ever concerned whether you were getting
13 accurate commissions?

14 A I was. And I brought it up to Roni. I asked for
15 a list of my jobs that I had booked and the total pricing
16 and if I could get it so I can know the total price. And he
17 never responded back to me.

18 Q So you never got the final price on moves?

19 A No.

20 Q Now, you mentioned that your husband was also
21 working for the business. How long after you started
22 working did he begin there?

23 A Probably a week and a half.

24 Q What was his role for the business?

25 A At first, he was just a helper. And then, as time
26 went by and he learned the stuff, he became a foreman. But
27 he was also a driver for them when he started.

28 Q Now, when he began with the business, was that

1 because you had already started working there?

2 A I had already started working there, and they were
3 looking for drivers. They didn't have drivers. I thought
4 about my husband because he didn't have a job.

5 Q You were the one that recommended that he go work
6 there?

7 A Yes.

8 Q How was he paid?

9 A He also received a payroll check every other week.

10 Q Now, can you tell me about the other people in the
11 office? You said there was another company. What was Fast
12 Moves?

13 A Fast Move? The company?

14 Q Yes.

15 A They were a moving company.

16 Q Did you understand why there was that separate
17 company in the office when you both did long distance moves?

18 A Yeah. The way I was told was that that company
19 didn't belong to Roni, that it belonged to a friend of
20 Roni's. And they were just using his office to work there.

21 Q And who did you know worked for that company?

22 A Jennifer and -- what's her name? Started with an
23 "A." I forgot. And then Margarita.

24 Q Did Margarita also work for ASAP?

25 A At the end, before I got fired, yeah, she worked
26 for ASAP.

27 Q You said you got fired. Why did you get fired?

28 A Roni fired me because, after we got rated, we

1 stopped booking as much. And he thought -- he accused me,
2 actually, of stealing from him. He said that I wasn't
3 booking for his company no more. At that time, my husband
4 no longer worked there. He was working for a different
5 moving company. He accused me of stealing his leads and
6 giving them to my husband.

7 Q What company was your husband working for?

8 A Champions.

9 Q Were you familiar with Champions prior to that
10 time while you were working at ASAP?

11 A I heard about Champions while I was working there.
12 And they were no longer working under Champions. The
13 company my husband was working for was California Movers.
14 But they would use Champions as -- I guess it's a DBA that
15 Champions has. I didn't know that.

16 Q All right. Were you familiar with Champions
17 having worked in the same location as ASAP sometime prior to
18 your being hired?

19 A No.

20 Q At some point, did you learn about that?

21 A I learned about that probably halfway through me
22 working there through Margarita because Margarita used to
23 work for Champions.

24 Q Did she tell you about Champions and ASAP having
25 operated at the same location?

26 A Yes.

27 Q Did she tell you why they were doing that?

28 A From what I heard, Roni and the owner of

1 Champions, they were really good friends and they had their
2 office working together.

3 Q Were you familiar with customer reviews about ASAP
4 or America's Best Movers on the Internet?

5 A Yes, I was.

6 Q Why were you familiar with those reviews?

7 A Because I would hear from customers along the way.
8 The whole time I was working there, they would ask me about
9 reviews on Yelp, if they can find us on Yelp. At first, I
10 didn't know what it was. And then that's how I started
11 learning about it.

12 Q Did the reviews about your company -- Roni's
13 company -- on Yelp and other sites affect your ability to
14 sell jobs?

15 A Yeah, it did.

16 Q Why was that?

17 A Because there was more bad reviews than there was
18 good reviews.

19 Q And were you given any instruction by the
20 management on how to deal with those bad reviews?

21 A No.

22 Q Were you also familiar with reviews on the Better
23 Business Bureau website?

24 A I was. I learned from Wayne about the Better
25 Business Bureau.

26 Q Why did you learn about the Better Business
27 Bureau?

28 A Because a customer had asked me if we were with

1 the BBB.

2 Q Was the company with the BBB?

3 A No.

4 Q What did Wayne tell you about what to say to the
5 customer?

6 A He didn't tell me. He told me to ask Linda or
7 Roni about it.

8 Q Were the reviews that were on the Internet things
9 that affected how you would make sales to customers?

10 A In a way, yes, and, in a way, no. The only reason
11 they would affect is on the pricing -- the total pricing.
12 But I would always explain to them what I learned along the
13 way, you know, about the packing. And I would explain to
14 them the best way possible to package up their belongings
15 and have them have the material on hand instead of
16 purchasing it from the truck.

17 Q All right. You would tell them to have extra
18 packing supplies available on moving day?

19 A Yes.

20 Q And that was specifically to address something
21 that you had learned from your husband?

22 A Correct.

23 Q What was it that you learned from your husband
24 that you were trying warn the customer about?

25 A I learned that, even on local moves, they would
26 have to shrink wrap all the belongings, that they had to use
27 all the packing materials to protect the customer's
28 belongings even though they were going down the street.

1 They didn't want to risk damaging the items and having to
2 pay for insurance and all that. So he would explain to me
3 how they tape the boxes and to tell the customers, you know,
4 if you guys want, you guys can have your material there
5 because you guys could get it cheaper here as opposed to the
6 truck where they would have to pay three, four, five times
7 higher than Home Depot.

8 Q Supplies were available to the customers but were
9 going to cost a whole lot more than they bought them in
10 advance?

11 A Yes.

12 Q Were you ever asked to write good reviews for the
13 business?

14 A Towards the end, I was told that we had to. But I
15 never did.

16 Q Who told staff that they should write good reviews
17 for the business?

18 A We heard it -- actually, I heard it from Tammy.
19 She said that Roni said we should write good reviews to try
20 to get more customers. And we had to give the user names
21 and passwords to her for her to keep track of it.

22 Q Was there any type of compensation for writing
23 good reviews for the business?

24 A No.

25 Q Were those reviews to be written at the business
26 or somewhere else?

27 A No. Somewhere else.

28 Q And did they explain to you why the reviews had to

1 be written somewhere else?

2 A They said because Yelp already knew the IP address
3 to the office and they could flag them down or something.

4 Q They were trying to cope with Yelp filtering the
5 reviews?

6 A Yes.

7 Q Did you know other staff who would write reviews
8 for the business?

9 A No, because I was fired shortly after that.

10 Q At the time this request was made by Roni, you
11 simply didn't do it and then eventually were fired?

12 A Yes.

13 Q But it didn't really relate to the reason why you
14 were fired?

15 A No.

16 Q Now, were you familiar with the Department of
17 Transportation ever coming to the business to do an audit?

18 A Yes. They would come once a year, I believe.

19 Q How did the staff prepare for those audits?

20 A We would just, you know, act like any other day
21 except for the workers with Fast Move Van Lines. They would
22 have to stay home that day.

23 Q Why did Fast Move workers have to stay home?

24 A The way they told me was since Fast Move didn't
25 belong to Roni and the Department of Transportation didn't
26 know that Fast Move was working at the office.

27 Q Who told you this that Department of
28 Transportation didn't know that Roni was working with Fast

1 Moves?

2 A I believe Jennifer did.

3 Q So she was the one that explained what? Why she
4 wasn't coming to work? What was happening?

5 A Well, she was the dispatcher for Fast Move and she
6 would receive directions from Roni most of the time.

7 Q All right. So did you believe, based on what she
8 said, that Roni was seeking to hide the existence of Fast
9 Moves from the Department of Transportation?

10 A At first, I did. But then, afterwards, I just
11 didn't believe -- I just didn't pay much attention to it
12 anymore.

13 Q Did you know anybody else in charge of Fast Moves
14 other than Roni?

15 A No.

16 Q Did you ever see whoever was supposedly the owner
17 of Fast Moves?

18 A No.

19 Q Did you see anybody give direction to the staff
20 that worked for Fast Moves other than Roni?

21 A No.

22 Q Did Linda give directions to the staff that worked
23 for Fast moves?

24 A Actually, no, Linda didn't, because Roni would
25 always get in contact with Fast Move himself.

26 Q Okay. I am going to show you some exhibits. I am
27 going to start with some pictures. Showing you Exhibit 2,
28 do you recognize that person?

1 A Yeah. That's Roni.

2 Q And is this the person that you said was in charge
3 of ASAP and America's Best Movers?

4 A Yes.

5 Q Showing you Exhibit 3, do you know who that person
6 is?

7 A Yeah. That's Linda.

8 Q She was your manager?

9 A Yes.

10 Q She was one of two managers that you had in
11 addition to Roni?

12 A Yes.

13 Q Showing you Exhibit 4, who is this person?

14 A I have no idea. Wait.

15 Q I don't want you to read the name.

16 A Doesn't look familiar. I really couldn't see it
17 well.

18 Q Showing you Exhibit 4, do you recognize that
19 person?

20 A No.

21 Q Showing you Exhibit 5, do you recognize this
22 person?

23 A That's Maoz.

24 Q How is that spelled?

25 A M-a-o-z.

26 Q How do you know Maoz?

27 A Because I worked for him afterwards.

28 Q After you worked for ASAP?

1 A For a few months.

2 Q And what did you do for Maoz?

3 A I was his assistant.

4 Q And what company was that?

5 A For California Movers.

6 Q And what was the DBA or other business name that
7 California Movers used?

8 A They used California Movers, Pro Local Movers.
9 And then they would use the Champions license but then we
10 fixed everything with the PUC to be able to have those
11 DBA's.

12 Q All right. So what do you believe was the
13 licensee on the business that Maoz used?

14 A Now it's California Movers.

15 Q All right. And did he also use the name
16 Champions?

17 A He still has it on the trucks but only on the
18 doors.

19 Q So Champions is one of the names that he uses on
20 his trucks?

21 A Yeah.

22 Q Did you know him to have worked with Roni Hayon,
23 prior to working with him?

24 A I did, but, from what I knew, they were no longer
25 in contact with each other.

26 Q Okay. Is that based on something he told you?

27 A No. What I had heard in the office. And the
28 reason I started working with him was because he owns the

1 company my husband works for. So I tried to see if I could
2 book moves for him.

3 Q All right. So you left working for ASAP America's
4 Best Movers and you then went to where your husband was
5 working which was for Maoz?

6 A Yes.

7 Q And Maoz gave you a job?

8 A Yeah, as his assistant.

9 Q And did anyone at ASAP tell you what their
10 relationship was between Maoz and Roni Hayon?

11 A No. Just that they had worked in the office. Had
12 the two offices or the two companies working in the office
13 when ASAP first started.

14 Q All right. Did you believe, based on what you
15 were told, that Champions had been a company, like Fast
16 Moves, that worked with Roni Hayon?

17 A No. I never actually thought about it.

18 Q Okay. Now, the information that you got, you
19 indicated earlier that was from Margarita; is that correct?

20 A Yeah.

21 Q And you said that Margarita indicated she worked
22 for Champions?

23 A Yeah.

24 Q So she worked for Champions at the same time that
25 she worked for ASAP, or she worked for Champions before?

26 A No. She worked for Champions before. And then, I
27 guess, when Maoz lost his company because I guess he went
28 bankrupt a few years back, that's when she had to stop

1 working for him and started working for Roni.

2 Q Okay. So she worked with Maoz and then she
3 started working with Roni when Maoz went bankrupt?

4 A Yeah.

5 Q I'd like to show you Exhibit Number 6. Do you
6 recognize this person?

7 A No.

8 Q Showing you Exhibit Number 9, do you recognize
9 this person?

10 A I believe that's Nico.

11 Q All right. Is Nico the person you indicated
12 managed you?

13 A Yes.

14 Q And so he was the one, in your opinion, senior to
15 Linda?

16 A Yes.

17 Q Did he manage you the entire time that you were
18 working at ASAP ABM?

19 A No. He actually stopped working there probably
20 four, five months before I stopped working there. He took
21 off back to Israel.

22 Q You know why he took off for Israel?

23 A No. He took off one day and then we just never
24 heard back from him.

25 Q Was that a sudden event that happened?

26 A Yeah.

27 Q Did anybody explain why Nico no longer came to
28 work?

1 A No. Roni just said he went back to Israel; he was
2 no longer coming back.

3 Q Did someone take over his position?

4 A No. Just Roni started coming into the office
5 every day.

6 Q I'd like to show you Exhibit 7. Do you recognize
7 this person?

8 A No.

9 Q Showing you Exhibit 8, do you recognize this
10 person?

11 A No.

12 Q Showing you Exhibit 10, do you recognize this
13 person?

14 A Yeah. That's Eliazar.

15 Q What was Eliazar's role?

16 A He was a foreman.

17 Q Do you know of any specific incidents involving
18 Eliazar?

19 A All of the moves that he did we had complaints
20 from customers. The worst one was when he went to
21 Washington.

22 Q Why was the incident in Washington bad?

23 A Because the customer locked them in the house and
24 wouldn't let them leave.

25 Q Locked Eliazar in the house?

26 A She locked the gates to, like, to the driveway and
27 wouldn't let them leave the house.

28 Q All right. So did Eliazar talk about that

1 incident?

2 A Everybody in the office talked about it.

3 Q Why was that?

4 A Because we thought it was funny.

5 Q So you said that Eliazar had many complaints about
6 his moves; correct?

7 A Yeah.

8 Q Did you ever know, when you were quoting a
9 customer on the phone, who's going to be the person handling
10 that move?

11 A No.

12 Q If you knew that Eliazar was going to be handling
13 the move, was there anything you could have done to prevent
14 there being a problem?

15 A I would always request for him not to be the
16 foreman on my moves.

17 Q Why did you do that?

18 A Because he was really good friends with Nico and
19 Roni, and they would, basically, always set how much they
20 should -- like what the limit for packing should be for a
21 move.

22 Q Set what should be the limit for packing? What do
23 you mean?

24 A What I heard was that the foremen had like a
25 minimum of how much money they should put in packing for
26 every move.

27 Q Now, this minimum that the foreman was going to
28 have to collect, was that anything that was given to sales

1 staff to say this is going to be the cost for the packaging
2 for the move?

3 A No.

4 Q So would it be accurate to say that Roni Hayon and
5 the staff he worked with to handle the moves already had a
6 plan about what they were going to charge at the time of the
7 move?

8 A Not necessarily. He was really greedy. So the
9 foremen get commission off of how much materials they use on
10 the move. So more material he would use the more money he
11 would get.

12 Q You felt that Eliazar was the person in particular
13 that was going to try and run up the cost of the packaging?

14 A Right. He was the only one, actually.

15 Q He was the only one that did that?

16 A From what I know, he's the only one who would
17 really put the prices up there for packing.

18 Q Was he the foreman on a lot of the moves?

19 A When he started working there, yeah, he was.

20 Q Was he responsible for certain types of moves?

21 A No.

22 Q He would do local and long distance?

23 A Correct.

24 Q And did you believe that there was a plan and a
25 practice that the movers were going to charge extra money
26 once they were out on moving day?

27 A Not necessarily a plan. What my husband told me
28 was that, when they knew they were big moves, Nico would

1 tell them you better put in a lot of material in this move
2 or you are not going to get, you know, your whole commission
3 on it.

4 Q When you learned that information, that's what you
5 were trying to make adjustments for when you were dealing
6 with the customers?

7 A Correct.

8 Q Did you try and quote customers a very, very high
9 price, not just based on hours and size of the residence?

10 A I would normally, for local moves, tell them
11 hourly rate for the movers and tell them stock up on
12 materials from Home Depot. You could get boxes as cheap as
13 \$0.67 to \$1.50 as opposed to \$8 for a small box. Then they
14 would mostly -- all of my customers would go to Home Depot
15 and get the materials. If you see that you are running up
16 the bill, tell the movers you will be right back and go get
17 more so you don't have to be paying for it there.

18 Q Now, were you familiar on the circumstances as to
19 how customers would pay?

20 A Yeah. I know that they could pay either cash or
21 credit card.

22 Q And were they allowed to pay with a credit card on
23 local moves?

24 A Yes.

25 Q Were they allowed to pay with a credit card on
26 long distance moves?

27 A For long distance, no. It was just a check.

28 Q Why was it that they couldn't pay credit card?

1 A What I was told from Linda and Roni was they
2 couldn't pay with a credit card because they could always
3 put a stop payment on the credit card.

4 Q Did they explain why they would put a stop payment
5 on the credit card?

6 A I never thought to ask until I figured out that it
7 was because of the pricing on the weight differences.

8 Q All right. And so, when you talked to the
9 customers about how they would pay, what would you tell
10 them?

11 A I would never ask them how they are going to pay.
12 They would ask me what the options they had for paying were,
13 and I would tell them you could pay cash, credit card, money
14 order, or personal check.

15 Q I'm going to show you the next person. This is
16 Exhibit 11. Do you recognize this individual?

17 A No.

18 Q Showing you Exhibit 12, do you recognize this man?

19 A It's a little dark.

20 Q Yeah. Unfortunately. I'll bring it up to you.

21 A Sorry.

22 That's Mario's brother. I think his name is Jose.

23 Q Jose?

24 A Uh-huh.

25 Q Showing you Exhibit 13, do you recognize this man?

26 A No.

27 Q Showing you Exhibit 14, do you recognize this man?

28 A No.

1 Q Did you have much dealings with the moving staff?

2 A Most of the movers were my husband's friends. So
3 I knew most of the ones when I was there working at the
4 time.

5 Q Okay. Who were the people that you knew?

6 A The ones at the time was Mario, the one in charge
7 of warehouse. There was two Mario's. Andres, Augustine.
8 And there's Eliazar. And I don't remember who else.

9 Q Okay. I'd like to show you Exhibit 15. Do you
10 recognize this man?

11 A No.

12 Q How about this photo?

13 A Uh-uh.

14 Q So the witness is saying no.

15 Showing you Exhibit 16, do you recognize this man?

16 A Darin.

17 Q That's Darin?

18 A I think.

19 Q What was Darin's role?

20 A He was the foreman also and a driver.

21 Q Showing you Exhibit 17, do you recognize this man?

22 A Mike.

23 Q Do you know Mike's last name?

24 A No.

25 Q What was his job?

26 A He was also a foreman. But he was mostly sent
27 down to Los Angeles on LA trips.

28 Q All right. Showing you Exhibit 18, do you

1 recognize this man?

2 A No.

3 Q Showing you Exhibit 19, do you recognize this man?

4 A No.

5 Q Showing you Exhibit 118, do you recognize this
6 woman?

7 A Is that Margarita?

8 Q Do you believe that's Margarita?

9 A I believe so. It looks like her. Her big smile.

10 Q Showing you Exhibit 20, do you recognize this
11 woman?

12 A Angie.

13 Q Okay. Do you know Angie's last name?

14 A She's Margarita's daughter.

15 Q What was her role at the company?

16 A Sales and then, afterwards, she was dispatch for
17 Fast Move.

18 Q She worked for sales under which company name?

19 A ABM.

20 Q All right. Just like you, she worked for ABM.

21 And I think you mentioned, when you first started, you
22 worked for ASAP and then you started to work for ABM.

23 A And then went back to ASAP.

24 Q All right. Do you know why ABM was created?

25 A At first, they said they wanted to try to bring
26 more customers in. But then afterwards I figured it out
27 because ASAP had a bad name or bad reputation.

28 Q Did you believe, based on what you learned at the

1 company, that they were trying to avoid the bad reputation
2 of ASAP?

3 A Yes.

4 Q Were they able to do that with ABM?

5 A No. Not with Eliazar.

6 Q So did their reputation for ABM start out okay?

7 A It started out okay. After, probably, two months,
8 it went back. They linked it back to ASAP.

9 Q And you say they linked it.

10 A The customers.

11 Q The customers. Did you know customer reviews
12 linking ASAP and ABM?

13 A Yeah. I read a couple on Yelp.

14 Q How did the company respond when the dots were
15 connected by customers?

16 A They didn't do anything about it.

17 Q Did they ever change their business practices?

18 A I never noticed that they did. I just noticed
19 everything getting worse and worse in the dispatching
20 department.

21 Q Did anything happen in terms of the customers
22 or -- excuse me -- the different businesses and who worked
23 for those businesses on the moving side?

24 A No. I just know that the movers would just
25 arrive -- I mean, eventually, the customers were going to
26 figure out and link everything back to ASAP because movers
27 always arrived on a truck that said ASAP on it.

28 Q Even if the job was sold by America's Best Movers,

1 the trucks are going to say ASAP?

2 A Yeah. And the way we were told to say to the
3 customers is we had just bought the trucks in the auction
4 and we didn't have time to remove the names.

5 Q Telling customers that there wasn't, in fact, a
6 relationship?

7 A At first, they had me saying that because I was
8 working for ABM. But then I wasn't saying that anymore.
9 No, we are the same company. And I would get yelled at by
10 Tammy, but I didn't care.

11 Q You wanted to be honest with the customers and
12 tell them there was, in fact, a relationship between the two
13 companies?

14 A Correct.

15 Q How about for Fast Moves? What kind of trucks
16 were they using?

17 A It was rare when we had Fast Move because they
18 would only do long distance. So, for Fast Move, they would
19 rent Budget trucks.

20 Q So they would rent trucks?

21 A Uh-huh.

22 Q You said you were one of two employees that
23 started with America's Best Movers when that was created.
24 Who was the other employee?

25 A Tammy.

26 Q And was any explanation given as to why you were
27 being switched over to America's Best Movers?

28 A Because Tammy and I were the best at selling the

1 moves.

2 Q All right. And so they wanted you to give the
3 start for that new business name?

4 A Right.

5 Q Showing you Exhibit 21, do you recognize this
6 person?

7 A Yeah. Jennifer or Sally.

8 Q And Jennifer -- what is her last name?

9 A I don't know her last name, but she went by Sally.

10 Q Why did she go by Sally?

11 A I don't know.

12 Q All right. What was her role with the company?

13 A She was a dispatcher for Fast Move.

14 Q Did she work in the same office as you did?

15 A In the same -- well, the whole office. She was in
16 the room next door to mine.

17 Q Did they separate the ABM staff from the Fast
18 Moves staff?

19 A Yes.

20 Q Why?

21 A Well, it wasn't really separated. They had, like,
22 a room divider in between them. But they had everybody
23 separate to have all the ASAP in one room and ABM in another
24 room so the customers wouldn't hear the different names in
25 the background.

26 Q It was part of the effort to keep from the
27 customers knowing that this business was operating under
28 different names?

1 A I believe so.

2 Q Showing you exhibit -- for the record, I'm marking
3 this exhibit which is a certified copy of a DMV soundex as
4 22-A. So, showing you Exhibit 22-A, do you recognize this
5 person?

6 A That's my brother-in-law, Hector.

7 Q Okay. So this is your husband's brother?

8 A Yes.

9 Q Did he also work for ASAP?

10 A Yeah, he did. Like, probably, a couple months
11 before I got fired.

12 Q All right. So he started working there a couple
13 months before you got fired, or he left there?

14 A No. He started working a couple months before I
15 got fired, after my husband stopped working there.

16 Q Oh, okay. I'm going to show you some other
17 pictures. Showing you People's next in order --

18 I'm going to show you some e-mails first. I'm
19 going to show you Exhibit 125 which is an e-mail dated
20 May 21st, 2009, has a Bates number of 050478. Did you
21 review some e-mails prior to coming into the courtroom
22 today?

23 A Yes.

24 Q Is this one of the e-mails that you reviewed?

25 A Yes.

26 Q And was this an e-mail from Linda?

27 A Yes, it was.

28 Q Do you know why Linda would send e-mails that said

1 from Cassidy at ASAP Relocations?

2 A Yeah, because Cassidy was the dispatcher before
3 Linda.

4 Q And why was Linda still using Cassidy's name?

5 A Because they hadn't gone in to -- didn't have
6 anybody go in and change her e-mail to Linda, because most
7 of the customers had the Cassidy at ASAP e-mail.

8 Q So an e-mail from Linda would actually say Cassidy
9 on them?

10 A After the police took all the computers, then I
11 think she went and got her Linda e-mail.

12 Q All right. Now, the list of staff there includes
13 people that are for Fast Move Van Lines. Would Linda send
14 directions to all the staff that was working at 2295
15 Ringwood?

16 A If it was long distance moves, yes.

17 Q Was she conveying information that Roni provided
18 to her?

19 A Yes.

20 Q So would this be an example of Linda telling
21 everyone what rates they can quote?

22 A Yes.

23 Q Did Linda have authority to direct what people did
24 for Fast Moves?

25 A If Roni had asked her to do it, she had to do it.

26 Q All right. So she had power over that staff as
27 well; correct?

28 A Not like power power all the time. Just when Roni

1 wasn't in the office and he didn't have time to call the
2 office.

3 Q She had power while he was away?

4 A Right.

5 Q I'm going to show you Exhibit 126, which is an
6 e-mail dated 8/15/2009. This e-mail is from sales. Do you
7 know who sales was?

8 A Yeah. I think it was info at ASAP e-mail. It was
9 Roni's e-mail.

10 Q So sales would be one of the names that Roni would
11 use when sending e-mails?

12 A Yes.

13 Q And that e-mail, is it addressed to both you and
14 Margarita?

15 A Correct.

16 Q And can you tell me what was the purpose of this
17 e-mail?

18 A That was when he first opened the America's Best
19 Movers company. And they tried to send us the leads that
20 were coming in from the ASAP websites to us so we can have
21 leads as well, because they hadn't bought leads for ABM yet.

22 Q Roni was sharing leads for ASAP with both you and
23 Margarita for Fast Moves?

24 A Yes. But I don't know why they sent Margarita
25 local move leads.

26 Q You don't know why they sent Margarita what?

27 A Local move leads. Those are for a local move.

28 Q Okay. Can you explain -- was this for when ABM

1 first opened?

2 A Yeah, when ABM first opened.

3 Q Fast Moves was already in existence when ABM
4 opened?

5 A Yeah.

6 Q All right. So both you got a lead and Margarita
7 got a lead with two different company names. Were you both
8 then calling these leads?

9 A We would always call probably different times
10 because not everybody had their e-mails do auto retrieve.

11 Q Okay. When you say call at different times, but
12 would you both be calling the same customers?

13 A Yeah.

14 Q Why were you both calling the same customers?

15 A I asked about that, and what I was told was that,
16 if we had three companies, so, if one company didn't book
17 it, then one of the other companies sure had to book the
18 move.

19 Q Was it further effort to try and get the customer
20 to book one of the entities?

21 A Correct. Yes.

22 Q And so were you telling customers at that time
23 that ABM, Fast Moves, and ASAP were all related?

24 A If the customer would ask me, then, yeah, I would.

25 Q How about if they never asked?

26 A I would never say anything.

27 Q Did you sometimes get situations where a customer
28 would get a quote from ASAP and then ask if you could beat

1 it?

2 A I did. I got several of those. And I would
3 always say I cannot beat or match; we are the same company.

4 Q So you would tell them -- how about if they were
5 getting that type of request from a customer?

6 A No. Roni had references with people in the
7 office. So, if it was somebody that he didn't like, he
8 would say, no, you cannot match it. If it was someone he
9 really liked, he said beat it.

10 Q He would be beating the quote of his own
11 company --

12 A Yeah.

13 Q -- in order to get the sell?

14 A Yes.

15 Q Did many customers make that connection between
16 ASAP and ABM?

17 A It was rare when I had customers that made the
18 connection. But there was several.

19 Q Showing you Exhibit 127, which is an e-mail dated
20 October 7th of 2009. Is this an example of an e-mail that
21 you got regarding the use of computers?

22 A Yes.

23 Q And is this from Angela?

24 A Yes.

25 Q What was Angela's role at the time?

26 A She was just a sales employee. She's the one who
27 got caught using the Internet.

28 Q Who would have directed that the computers were

1 not for personal use and that she had to send this e-mail?

2 A Most likely Roni.

3 Q You see there that it says Wayne at Fast Move Van
4 Lines? Did Wayne work for Fast Move Van Lines?

5 A No.

6 Q Was it common to get e-mails where the whole
7 group -- the different company names would be directed to
8 the whole group?

9 A Yeah.

10 Q Showing you Exhibit 128, which is an e-mail dated
11 November 18, 2009, are you able to see that e-mail?

12 A Yes.

13 Q And can you tell me under what circumstances this
14 e-mail was written?

15 A Yes. It was a customer wanted to get references
16 from us to see if he was going to go with our company or
17 not.

18 Q What was the reputation of America's Best Movers
19 at that time?

20 A They hadn't made the connection with ASAP yet.

21 Q Were you communicating with other staff to give
22 references?

23 A Yes, I was. I was told to do that.

24 Q Why were you doing that?

25 A To try to book the move.

26 Q What were the other staff supposed to do?

27 A They were supposed to pretend that they were
28 customers from us.

1 Q Okay. And so they were going to give good reviews
2 to this customer?

3 A Yeah.

4 Q Was it consistent with the company practices of
5 posting positive reviews about the company on the Internet
6 and trying to build a reputation based on employees'
7 recommendations?

8 A No. Those were rare occasions that happened when
9 there was mostly, like, some customers, even though it was a
10 small move, they were very picky. They want to know exactly
11 what company they were using.

12 Q So do you know whether the other employees -- in
13 this case, Marco, Nisha, and Jen -- in fact, talked to that
14 customer?

15 A The customer never called them.

16 Q Okay.

17 A Most of the times -- actually all the time -- that
18 happened the customers never called the references.

19 Q All right. Showing you Exhibit 129, which is an
20 e-mail dated November 30th of 2009, did you review this
21 e-mail from a customer earlier today?

22 A Yes, I did.

23 Q And was the customer reporting a horrible
24 experience that she had had with America's Best Movers?

25 A Yes, she was.

26 Q Was she complaining about the movers who showed up
27 being on drugs?

28 A Yes.

1 Q And was she complaining about the packaging that
2 was happening?

3 A Yes, she was.

4 Q Did she, in fact, cancel her move?

5 A I don't remember. I didn't read the whole e-mail
6 before I came in.

7 Q Okay. What were you trying to do when you sent
8 this e-mail to Jen about that customer's complaint?

9 A I tried to get a -- I wanted to get in contact
10 with this customer to try to explain the situation and,
11 like, excuse, I guess, the company or try to make her feel
12 more better since Linda wasn't making it any better for her.
13 And I was just told to ignore it.

14 Q So who told you to ignore the customer's
15 complaint?

16 A Linda, Jasmine, Jen, Nico, Roni.

17 Q Roni as well? So this would be another example
18 where, simply, once your sale was over with, you were not to
19 be in contact with the customers?

20 A Correct. Everything, all e-mails like that we had
21 to forward to dispatch.

22 Q Showing you Exhibit 130, which is a company
23 contact list. Do you recognize this as one of the lists
24 that was maintained for the office in terms of the important
25 information relating to the people who had worked for the
26 business?

27 A Yeah. We had something similar to that, just like
28 the contact list, the extensions of everybody. But those, I

1 think, those are before I started working there.

2 Q All right. So does this list date back to the
3 time when people that you hadn't worked with are still on
4 the list?

5 A Yeah. There's people that I hadn't worked with
6 that are on that list.

7 Q So did you ever work with Maoz?

8 A No.

9 Q Did you work with Natasha?

10 A No.

11 Q Did you work with Cassidy?

12 A No.

13 Q Crystal?

14 A Nope.

15 Q Michael?

16 A No.

17 Q Ido?

18 A No.

19 Q Ryan?

20 A No.

21 Q Showing you Exhibit 131, a photograph of a
22 workstation, do you recognize that workstation?

23 A Yes. That's mine and Wayne's station.

24 Q So you and Wayne were right next to each other?

25 A Yes.

26 Q Were you in the left or the right workstation?

27 A I was in the left.

28 Q And so was that -- do you know what day this

1 photograph was taken?

2 A Yeah. That's the date the police and the FBI and
3 everybody came into the office.

4 Q Were you working on that day?

5 A Yes, I was.

6 Q Was that a surprising incident to you?

7 A Oh, yes.

8 Q Okay. And so were you asked to step away from
9 your computer during that time?

10 A We were asked to step away from the computer and
11 sit in the warehouse six, seven hours.

12 Q Were you interviewed during that time?

13 A Yes.

14 Q Showing you Exhibit 132, a picture of a computer
15 screen, could you recognize the frame of that screen in
16 terms of what is shown on the screen?

17 A Yeah. That's when we started -- when ASAP started
18 using the Granot system.

19 Q Is that what Granot system looks like when it's up
20 on a computer?

21 A Correct.

22 Q Does it have boxes where you would fill in the
23 customer information?

24 A Well, if we put in the lead, yeah. We would -- it
25 has boxes where you put in the information for the customer.
26 But those -- that's when we are talking to the customer.
27 And the pricing -- we get to put in the pricing for the
28 hourly. If they request anything extra, we add it in there.

1 Q Were you, in fact, working on this particular lead
2 at the time that the investigators came in for the search
3 warrant?

4 A Correct.

5 Q And so that's why it was up on your screen?

6 A Correct.

7 Q And so, on the second page, do you see the user
8 name Patty?

9 A Uh-huh.

10 Q So that's something you would have filled in for
11 that particular transaction?

12 A No. That, actually, is put in automatically,
13 whoever puts it in the system. We log into the system with
14 our name and our password. So whoever puts in the lead, the
15 system automatically puts in the name.

16 Q Who would give the leads out?

17 A Linda.

18 Q And, showing you the third page of Exhibit 132,
19 are these other leads that you had received?

20 A Yes.

21 Q And so those were all the leads that you were
22 working on for that particular day?

23 A Correct.

24 Q Do you recall the date of that search warrant or
25 the month?

26 A It was January 10th or 11th. I don't remember.
27 No. I forgot. It was in January.

28 Q Okay. Was it in -- what year was it?

1 A 2010.

2 Q Okay.

3 A Wait. 2011. Sorry.

4 Q Okay. 2011. All right. I have some other
5 pictures I'd like to show you. And, showing you
6 Exhibit 133, do you recognize this person?

7 A Yes. That's Roni Hayon.

8 Q Did you know him to travel a lot?

9 A Oh, yes.

10 Q Did he talk about where he went?

11 A No.

12 Q Showing you Exhibit 134, a photograph. It appears
13 to be a casino. Do you recognize the people in that
14 photograph?

15 A That's Roni. And then, on the right, I believe
16 that's his sister. And the one in the middle I'm not sure,
17 but I think that's his wife.

18 Q Roni's wife?

19 A I believe so.

20 Q But you are not sure?

21 A I'm not sure.

22 Q Showing you Exhibit 135, do you recognize this
23 vehicle?

24 A Yes.

25 Q What is that a picture of?

26 A It's a BMW.

27 Q Whose BMW was it?

28 A Nico's.

1 Q So Noam Israeli?

2 A Yes.

3 Q Or Noam. Do you know his last name?

4 A Israeli.

5 Q Did you know it before I said it?

6 A Yeah, I did.

7 Q So you believed that's Noam's BMW?

8 A Yes.

9 Q Showing you Exhibit 136, also a picture, side view
10 of a car. Do you recognize this photograph?

11 A Yeah. It's the same BMW.

12 Q That's the same BMW?

13 A Yeah.

14 Q It's just a different view?

15 A Uh-huh.

16 Q What's in the background there?

17 A It's the other building next to where we were.

18 The building next door.

19 Q At Ringwood?

20 A Yes.

21 Q Okay. So this is in the parking lot at Ringwood?

22 A Yes.

23 Q Do you know why the car was being photographed?

24 A I have no idea. Oh, I think that's when he first
25 got the car.

26 Q Showing you Exhibit 137, what is that a picture
27 of?

28 A That's the picture of his car. That's when he

1 first bought the car.

2 Q Okay. So that's the same BMW; correct?

3 A Yes.

4 Q Showing you Exhibit 138, what is that a picture
5 of?

6 A Roni's Hummer.

7 Q Okay. And did Roni have other vehicles other than
8 the Hummer?

9 A Yeah. He had -- I don't recall -- he had one or
10 two other cars.

11 Q Who's in that picture?

12 A That's Roe Shridar.

13 Q Do you know how to spell it?

14 A R-o-e-e.

15 Q Showing you Exhibit 139, do you know whose boat
16 that is?

17 A That is Roni's boat.

18 Q Where was that kept?

19 A In the warehouse.

20 Q Showing you Exhibit 140, do you recognize the
21 person in that picture?

22 A Yeah. That's Noam.

23 Q What's the background?

24 A That's the warehouse.

25 Q And Noam you mentioned is the person that you know
26 as Nico; correct?

27 A Correct.

28 Q Showing you Exhibit 141, do you recognize that

1 person?

2 A Yeah. That's Noam or Nico.

3 Q That's Noam?

4 Showing you Exhibit 142, who is in that picture?

5 A It's Roni and Noam -- Nico.

6 Q Showing you Exhibit 143, tell me who's in this
7 picture.

8 A That's Yadeen Israeli. That's Noam's brother.

9 Q Yadeen Israeli is his name? Did he work for the
10 company?

11 A He worked for the company when he was on vacation
12 here.

13 Q And what was his role at the company?

14 A He was a helper.

15 Q He would help on moving day?

16 A Yeah.

17 Q Showing you Exhibit 144, who is this?

18 A I believe that's Yadeen, if I'm not mistaken.

19 Q Do you know where this picture was taken?

20 A Yes. Right there in the warehouse.

21 Q Do you see a piano there? Do you know whose piano
22 that was?

23 A No, I don't.

24 Q Is that piano something that was there permanently
25 in the warehouse, or was it somebody's belongings?

26 A I don't recall. We just heard it in the warehouse
27 one day.

28 Q How about the boat in the background?

1 A That's the same boat that you showed, that you put
2 up earlier. It's Roni's boat.

3 Q That's where the boat was stored? In the
4 warehouse?

5 A Yes.

6 Q Showing you Exhibit 145, who is this person?

7 A That's Danielle. Roni's sister.

8 Q Did she have a role at the company?

9 A She was just helping him with Yelp reviews.

10 Q When you say she was helping with Yelp reviews --

11 A Help posting Yelp reviews.

12 Q She was posting Yelp reviews?

13 A Uh-huh.

14 Q So her job was to write Yelp reviews for Yelp?

15 A Yes.

16 Q Did she leave the premises in order to post those
17 reviews?

18 A No. He had a wireless device, and so she was
19 there in the office with it.

20 Q So she could actually work in the office, using a
21 wireless device?

22 A Yeah. It was like a separate little router
23 thingy.

24 Q He had done that in order to be able to post
25 reviews without leaving the worksite?

26 A Yeah. To give her something to do while she was
27 there on vacation.

28 Q Okay. So her only job, while she was there, was

1 to write good reviews for the company?

2 A Yeah.

3 Q Did she use the company for any moving services?

4 A No.

5 Q Showing you Exhibit 146, who is in this picture?

6 A That's Roni, and I don't know who the other person
7 is.

8 Q You don't know who the women is in the picture?

9 A No.

10 Q Showing you Exhibit 147, do you recognize this
11 man?

12 A Yeah. He is one of the workers. His name is
13 Mario.

14 Q What was his name?

15 A Mario.

16 Q What was Mario's role at the company?

17 A He was a helper.

18 Q A helper?

19 A Yes.

20 Q You said there were two Mario's?

21 A He's the second Mario.

22 Q What was the first Mario's name? Or how did you
23 distinguish them?

24 A Mario was warehouse Mario. He cleaned the
25 warehouse and maintained the warehouse.

26 Q Do you know Mario's last name, the one who handled
27 the warehouse?

28 A Mario Ocaranza.

1 Q Do you know this Mario's last name?

2 A Perez.

3 Q To your knowledge, did he work on ASAP moves?

4 A He worked on all moves.

5 Q So did he work on the Fast Move moves as well?

6 A That I don't know. I know he did ABM and ASAP.

7 Q Okay. Showing you Exhibit 148, I'm going to show
8 you side B first. Do you recognize the person in that
9 picture?

10 A No, I don't.

11 Q And can you see what he's doing?

12 A I think he's wrapping something.

13 Q All right. And do you believe or can you tell
14 whether this is something happening during a move?

15 A I believe so.

16 Q Why do you believe that?

17 A Because they are wrapping. I see something that's
18 wrapped already in a blanket next to him.

19 Q Was it customary to first wrap blankets and add
20 additional plastic wrapping?

21 A Sometimes I would see that.

22 Q Okay. Showing you the A side of Exhibit 148, is
23 this wrapping that you see consistent with other examples of
24 wrapping that you saw at ASAP?

25 A Right.

26 Q And did you see things in the warehouse that were
27 wrapped in this manner?

28 A Yes.

1 Q And was this one of the things that you were
2 trying to advise your customers about?

3 A Correct.

4 Q Let me --

5 A Sorry.

6 Q The court reporter has to take our statement down.
7 Was that something that you were trying to advise
8 the customers about when you talked to them on the
9 telephone?

10 A Yes, that was.

11 Q And so this is something you would have asked your
12 customers to do, this kind of wrapping, prior to the movers
13 showing up?

14 A If it was a long distance move, I would tell them
15 they could do it because the movers would charge for labor
16 for doing it. But, normally, if it's a local move -- I
17 normally always just book local moves -- I would just tell
18 them to have it on hand, have a lot of shrink wrap and boxes
19 and tape.

20 Q In your opinion, was it really unnecessary to have
21 shrink wrapping done for a local move?

22 A It's the way I see it. My husband's done the
23 moving for every time we moved. So what he does is he puts
24 shrink wrap on it to hold the blankets on it because the
25 tape doesn't always stick.

26 Q Okay. So your husband would shrink wrap no matter
27 what the situation?

28 A Our stuff he did. I don't know about out in the

1 field.

2 Q All right. Were you ever present at ASAP when an
3 auction occurred?

4 A I was once.

5 Q And can you tell us about that situation?

6 A We weren't allowed to go into the warehouse when
7 an auction was taking place. I was in the office, working,
8 on a Saturday. But there were a lot of people there. There
9 were a lot of cars. And they would come out with vaults.
10 What I know that they did was, because I seen it during a
11 couple weeks before the auction, they would go through the
12 vaults and, like, move stuff around. And sometimes they
13 would sell vaults with stuff that wasn't good. And I know
14 Roni used to have movers do that.

15 Q All right. So do you know whose items were being
16 auctioned off?

17 A I know some of the items were from customers that
18 had been there for years, that hadn't paid for anything.

19 Q So how did you find out that their belongings were
20 being auctioned off?

21 A They had everything labelled on the outside of the
22 crates. They would have the customer name on there or the
23 job number. Most of those were from before I started
24 working there, because they had the numbers that were way
25 off when I was there.

26 Q All right. And did the management staff ever
27 explain to you why the auction was taking place?

28 A They said to free up space in the warehouse

1 because they were running out of space.

2 Q All right. You said that, prior to the auction
3 taking place, the vaults would be opened. Can you tell me
4 why they opened the vaults?

5 A Sometimes to see if Roni would see anything that
6 he liked for him to keep for himself.

7 Q So he was going to keep items that were in the
8 vaults?

9 A Yeah.

10 Q And what did they do with the items that were
11 taken out of those vaults?

12 A Mostly he would keep the stuff that was taken out
13 or they would move stuff around. And Margarita told me once
14 they would move stuff around and sometimes sell just garbage
15 to customers. A whole bunch of boxes and stuff.

16 Q When the people came to the auction, were they
17 able to see what was inside the boxes prior to making their
18 purchase?

19 A Margarita is the one that explained the auctions
20 to me. She said they won't even open them. They would just
21 auction them off like that.

22 Q You know, based on what Margarita told you, that
23 Roni seemed to be cherry picking before the auction would
24 take place?

25 A Correct.

26 Q And did he care, you know, that people were
27 potentially buying empty boxes inside of a vault?

28 A I guess not.

1 MS. DONOHOE: All right. I have no further questions.
2 Do the grand jurors have any questions?

3 THE GRAND JUROR: On average, how many sales were
4 placed every week?

5 MS. DONOHOE: You are grand juror number 12.

6 THE GRAND JUROR: 12.

7 Q (BY MS. DONOHOE) How many move sales were made
8 each week approximately?

9 A Sales? Each of us would sell or book moves
10 anywhere between two to -- I, myself, did eight to ten on a
11 day. So there was probably ten of us in the office. And a
12 week you are looking at probably 40, 50.

13 Q So the office total -- does that include ASAP,
14 ABM, and Fast Moves?

15 A Correct.

16 Q 40 to 50 moves booked per week?

17 A Uh-huh.

18 Q Approximately how many staff would you say were
19 working at that site between the office staff, the
20 management, and the movers?

21 A I would say probably 40, including movers. 30,
22 40.

23 Q 30 to 40 people?

24 A Yes.

25 Q All right. Are you currently working for Maoz?

26 A No, not right now.

27 Q So, up until recently, were you working as his
28 assistant?

1 A It's almost been a year. Actually, I quit to
2 spend more time with my son, because I was working from
3 home, but I wasn't spending time with my son. So I quit,
4 probably, almost a year ago.

5 Q All right. So you quit that job with Maoz?

6 A Yes.

7 Q Do you know or have any contact with Roni Hayon
8 today?

9 A Oh, no. Roni -- I haven't had contact with him
10 since he fired me.

11 Q I'd like to clarify with you. When you said each
12 employee sold two to eight to ten per day of moves, did you
13 mean each employee did two to ten or --

14 A It ranged. Sometimes. It depends. Each employee
15 could be doing -- some of them could be selling one or two,
16 and others could be doing five, six. It depends on --
17 everybody had, like, their good days and bad days.

18 Q I see. So some staff more experienced than
19 others --

20 A Yeah. You could say that.

21 Q Was there much turnover at the office?

22 A Excuse me?

23 Q Was there much turnover in staff?

24 A Yeah. There was a lot of sales people coming in
25 and going. They would only stay for a couple months and
26 then get fired or quit.

27 Q Okay. And so the average of the sales staff
28 total, whether they were having good or bad days, the

1 average per week was 40 to 50 per week?

2 A About.

3 Q Was that per person or for the staff total?

4 A No. Staff total.

5 MS. DONOHOE: Any other questions?

6 All right. Thank you. The jury foreperson is
7 going to be giving you an admonishment and then you are free
8 to go.

9 (Witness admonished and excused.)

10 MS. DONOHOE: We are going to take another short break.
11 I have one last short witness. It's actually Alonso,
12 Patty's husband. But I have to get the exhibits organized
13 again.

14 (Recess.)

15 MS. DONOHOE: Our next witness is Alonso Jacobo Reyes.

16 (Witness sworn.)

17 TESTIMONY OF ALONSO JACOBO REYES

18 EXAMINATION

19 BY MS. DONOHOE:

20 Q Mr. Reyes, could you please state your name for
21 the record and spell both your first, middle, and last name?

22 A Spell it backwards?

23 Q No. Spell your first, middle, and last names.

24 A Well, my name is Alonso Jacobo Reyes. First name
25 A-l-o-n-s-o, J-a-c-o-b-o, R-e-y-e-s.

26 Q Mr. Reyes, what is your occupation?

27 A I'm a mover.

28 Q Who do you work for currently?

1 A California Movers.

2 Q California Movers? Who is your employer in terms
3 of the owner of that company?

4 A Maoz Kadesh.

5 Q Are you familiar with the company called ASAP
6 Relocations?

7 A Yes.

8 Q How are you familiar with that company?

9 A I used to work for that company before.

10 Q You used to work there when?

11 A Before.

12 Q Before? All right. Can you tell us during what
13 period of time you worked for ASAP Relocations?

14 A Exactly what time? No. But from 2009 to 2011, I
15 believe.

16 Q 2009 to 2011?

17 A Yeah.

18 Q Was it about two years that you worked there?

19 A Yeah.

20 Q And how did you go about getting hired there?

21 A My wife. She was a sales person there.

22 Q So she told you about a job?

23 A Yeah. She said her company was hiring drivers.

24 Q Drivers?

25 A Yes.

26 Q And is that something that you do as movers?

27 A Yes.

28 Q Do you have a special license?

1 A No. Class C.

2 Q It's just a regular driver's license?

3 A Yes.

4 Q How did you go about getting hired by ASAP
5 Relocations?

6 A About what?

7 Q How did go about getting hired?

8 A Well, I went through Nico. Nico is the manager
9 there. He was at the time.

10 Q Right. So you made contact with Nico?

11 A Yeah.

12 Q Did he interview you?

13 A Yeah. He showed me the trucks, the warehouse.
14 And he told me my hourly rate.

15 Q All right.

16 A I started working the next day.

17 Q So he gave you a tour of the business and told you
18 you would start the next day?

19 A Yeah, basically.

20 Q Was that location at Ringwood Drive in San Jose?

21 A Yes.

22 Q Or Ringwood Avenue?

23 A Yeah.

24 Q And how were you trained to do the move?

25 A Well, at first, I was a driver. So I was driving
26 and taking orders from the foreman.

27 Q Okay. Who was the foreman that you worked with?

28 A Most of the time, it was -- what's his name -- it

1 was different guys.

2 Q Different names?

3 A Yeah.

4 Q Do you remember who you went out with on your
5 first day?

6 A My first day I went out with Leon.

7 Q Leon?

8 A Yeah.

9 Q What were you to do at the beginning when you were
10 working on these moves?

11 A At the beginning, I would just -- I didn't know
12 how to move -- so, really, just stand around and see what
13 they did before. And training was, basically, listening to
14 whatever the foreman had to tell me.

15 Q You would follow the directions of whoever was the
16 foreman on the job?

17 A Yes.

18 Q What would the foreman direct you to do at the
19 beginning?

20 A Get the stuff that we needed from the truck and
21 just start working, like taking all the boxes to the truck.
22 Most of it was take the TVs and the more valuable items.

23 Q More what?

24 A More valuable items. Like the TVs, plasma TVs,
25 dressers, the expensive stuff.

26 Q So you were told to put the most expensive stuff
27 on the truck first?

28 A Yes.

1 Q Did you know why you were asked to put the most
2 expensive stuff --

3 A At first, no. But then, again, with time I was
4 working there, I figured out. Okay. The customer doesn't
5 want to pay? Okay. We got your stuff. So making, like,
6 obligate the customer to pay you.

7 Q Would the loading start before the customer was
8 finished signing the paperwork?

9 A Yes. As soon as we hit the house, the foreman
10 will be talking to the customers and we had to start
11 carrying stuff out to the truck.

12 Q So who was the person who first told you to get
13 the most expensive items and put them on the truck?

14 A This one was -- what's his name? I forgot this
15 guy's name. But let me just try to remember.

16 Q All right. Was he someone that you worked with
17 on --

18 A Most of the day. Like, most of the time I used to
19 go to work with that guy.

20 Q Somebody you worked with regularly?

21 A Yeah.

22 Q Did he only have a role as a mover, not as
23 management or other places in the company?

24 A No. He was just a foreman there.

25 Q Just a foreman?

26 A Well, he will present himself as a manager of the
27 company, but that was his role.

28 Q Okay. Now, was he someone that was an American?

1 A No. Israeli.

2 Q He was an Israeli?

3 A Yeah.

4 Q So you said, at some point, you learned that the
5 reason that the most expensive items were put on the truck
6 first was so the customer would be forced to go through with
7 the move?

8 A Yeah.

9 Q Is that what you believed?

10 A Yeah. That's what I seen the way they would do
11 it.

12 Q What would the foreman be doing while you were --

13 A Opening the contract. And, once the contract was
14 opened, we will do the move.

15 Q Okay.

16 A At the end when we were at the destination, that's
17 where the problems were at.

18 Q When you were at the destination, that's when
19 there would be problems?

20 A Yeah.

21 Q What kind of problems would occur?

22 A The prices of the materials and the hours. Why so
23 long, the hours. We will work all day, and customers would
24 not be happy because of the hours.

25 Q I see. In your opinion, were customers being
26 surprised with additional cost on delivery?

27 A Yeah. Actually, that was the most problem.

28 Q That was the biggest problem?

1 A Yeah.

2 Q And what did you see the foreman doing when the
3 customers were complaining about the additional cost on
4 delivery?

5 A Well, the foreman will come to me at first as a
6 driver and say drive off, let's go. But I couldn't take off
7 most of the time.

8 Q So the foreman would instruct you to drive off
9 with the belongings?

10 A Yes.

11 Q Did you ever do that?

12 A No.

13 Q What would happen when you wouldn't do that?

14 A They will be pissed at me because I wouldn't take
15 off.

16 Q Do they ever do anything as a result of you
17 refusing to take off?

18 A They gave me days off -- a couple days off.

19 Q Okay. Who would order the days off?

20 A Well, I'm assuming it's from Roni.

21 Q So you believed that the foreman spoke to Roni?

22 A Afterwards, yes.

23 Q Okay. I'm sorry to keep -- we are both being --
24 having our words written down by the court reporter. So I
25 have to finish saying what I am saying before you answer so
26 that she can take both our statements down.

27 A Oh.

28 Q Sorry. If you can wait until I finish my sentence

1 and then start your answer --

2 A Okay.

3 Q -- it would help her.

4 All right. So, when you were doing the moves and
5 the foreman was dealing with the customer, did the foreman
6 direct you to do anything else other than loading the most
7 expensive items on the truck?

8 A The foreman will be just trying to open the
9 contract -- a blank contract -- with the customer.

10 Q Did the foreman, in your opinion, try to get
11 customers to sign the contract in blank?

12 A Yes.

13 Q And did the foreman ever explain why he was doing
14 that?

15 A At first, they wouldn't explain. But then, again,
16 with time, it got better.

17 Q With time it got better in terms of explaining?

18 A Them explaining because there was so much problems
19 at the beginning.

20 Q Why was it that the foreman was trying to get the
21 customers to sign a blank contract?

22 A So the foreman could overcharge the customer as
23 much as they can.

24 Q How would they overcharge the customer?

25 A On the materials.

26 Q And what are the materials that you are referring
27 to?

28 A The boxes that we use that we haven't had. They

1 are expensive.

2 Q So you had expensive boxes you used?

3 A They are not expensive. They are \$0.99 at Home
4 Depot.

5 Q How much would the customers be charged?

6 A They will be charged \$7 or \$8 for 3.0 cubic feet.

7 Q I'm sorry. Your voice dropped down. You were
8 charging \$7 or \$8?

9 A For a 3.0 cubic feet box.

10 Q Were the boxes called Dish Pack?

11 A Those are the \$35 boxes.

12 Q Why were they \$35?

13 A Because they are supposedly thicker and better.

14 Q Were the Dish Pack boxes used for things other
15 than dishes?

16 A Yes.

17 Q What were they used for?

18 A Crating for pianos, any heavy item.

19 Q How would they be used for crating a thing such as
20 a piano?

21 A Cut it open and protect one side of the piano.

22 Q So the boxes were cut apart to use as a crating
23 material?

24 A Yeah.

25 Q Was it ever explained to the customers that Dish
26 Pack boxes were going to be cut and used for crating other
27 items?

28 A What I noticed, at first, no. They weren't

1 explaining. They would just do it.

2 Q Was there a way to crate things without using
3 expensive Dish Pack boxes?

4 A Yes.

5 Q How would you do that?

6 A Me, I would use a different box or use the
7 customer's boxes or just blanket itself is good enough.

8 Q Does the customer have items there for you to use
9 that you could use for packaging?

10 A Half of the customers, no, they wouldn't have.

11 Q The other half had packaging there?

12 A Yeah. Sometimes.

13 Q Were customers allowed to use their own packaging?

14 A No, they were not allowed.

15 Q Who would tell them they couldn't use their own
16 packaging?

17 A The foreman.

18 Q Did the foreman explain why they couldn't use
19 their own packaging?

20 A The foreman had to say that, no, you cannot use
21 your packaging material because we have our own.

22 Q And --

23 A And, if you use yours, then it will not cover it.

24 Q Who would not cover it?

25 A The company. The insurance.

26 Q All right. How did customers react when the
27 foreman was telling --

28 A They would get crazy and call the company.

1 Q Did they get, in your experience, did the
2 customers get any relief when they called the company?

3 A No.

4 Q What would happen when the customers call the
5 company?

6 A I don't know exactly. But they would hang up and
7 be all pissed and say, okay, whatever, just do what you
8 gotta do.

9 Q Now, who was in charge of collecting payment from
10 the customer?

11 A Foreman.

12 Q And what types of payment would be accepted for a
13 move?

14 A Cash or credit card. No personal checks at all.

15 Q Why not any personal checks?

16 A I don't know. They never told me why not.

17 Q All right. Did you see the foreman collecting a
18 lot of cash?

19 A Yes, a lot of cash.

20 Q How much of the business was in cash in your
21 opinion?

22 A Well, when they overcharge, it will be up to
23 \$3,000. Three to thirty-five.

24 Q For a move?

25 A For a move.

26 Q Okay. Would you estimate that approximately half
27 of the business was cash payments?

28 A Yeah.

1 Q About that?

2 Do you know what happened with the cash?

3 A No.

4 Q Who would get the cash at the end of the day?

5 A Either Nico or Roni.

6 Q If Roni was not around, who received it?

7 A Nico.

8 Q If Roni was around, who got it?

9 A Roni.

10 Q Were you given specific directions about who to

11 turn the cash over to?

12 A When I was a foreman there, it was either Roni or

13 Nico. Other than that, Linda.

14 Q Linda could receive cash also?

15 A Yeah.

16 Q How about if you received credit card payments?

17 A We will take the credit card slip to Linda or Roni

18 or Nico. One of the three.

19 Q One of those three?

20 A Yeah.

21 Q Did you also receive money orders?

22 A On trips, yeah.

23 Q If you were doing a longer distance move, would

24 you get money orders?

25 A Yes.

26 Q And what did you do with money orders?

27 A Same. Give it to Linda or Nico.

28 Q All right. Now, you said, at some point, you

1 moved up to being a driver. Is that correct?

2 A Yeah. No. Foreman.

3 Q You started out as --

4 A As a driver and then foreman.

5 Q How long after you started working for ASAP did
6 you start --

7 A Like six months. It was like six months. I was a
8 driver there then tried to throw me as a foreman. I
9 refused.

10 Q They promoted you to a foreman?

11 A Yes.

12 Q Were you a foreman at some point on some jobs?

13 A After I was a foreman, it was like six, seven
14 months that I was the foreman.

15 Q All right. What were you told to do during the
16 time that you were a foreman?

17 A Overcharge the customers as much as I can.

18 Q Why were you told to overcharge the customers?

19 A I don't know why. But that was the --

20 Q Were you getting any type of --

21 A A commission. Yes.

22 Q Okay. So you were getting a commission?

23 A Yes.

24 Q On those jobs?

25 A Yes.

26 Q Did anybody else on the crew get a commission
27 other than the foreman?

28 A No. Just the foreman.

1 Q Were you paid an hourly salary?
2 A Hourly salary plus commission.
3 Q How much was your commission?
4 A 15 percent of whatever was charged.
5 Q 15?
6 A On the material.
7 Q 15 percent of the material?
8 A Yeah.
9 Q In your opinion, were the foremen very motivated
10 to run up the cost for the materials?
11 A No, not me.
12 Q How about the other foremen?
13 A There were other foremen.
14 Q They were motivated to run up the cost?
15 A Oh, yeah.
16 Q Did you ever discuss with Roni the fact that you
17 didn't agree with running up the materials?
18 A Every day. Every day that I worked there.
19 Q Every day you spoke to him about that?
20 A I spoke to him. I would tell him I don't like it.
21 Q Who told you to overcharge the customers?
22 A Nico.
23 Q Did Roni ever discuss it with you?
24 A Yes. Also Roni. Whenever I talked to Roni.
25 Q Did he explain why he wanted to do that?
26 A No, he never explained why.
27 Q How did you react to the fact that you were told
28 to go and do this?

1 A It wasn't good.

2 Q You were what?

3 A It wasn't good.

4 Q It was not good?

5 A No.

6 Q And did you remain as a foreman?

7 A Well, if I wanted a job, then yes. I had to be a
8 foreman and I had to do whatever.

9 Q You had to do that every day?

10 A Yeah.

11 Q Were there times when you didn't charge enough for
12 the packaging?

13 A Whenever I didn't charge enough, I would get laid
14 off for three, four days at a time. Or I will not be a
15 foreman. They will send me as a driver.

16 Q They would send you as a driver?

17 A Yeah.

18 Q If you didn't get enough in packaging money from
19 the customer, they would tell you you couldn't be the
20 foreman for three or four days?

21 A They wouldn't tell me, but they would just put me
22 as a driver.

23 Q Did they ever not have you come in at all?

24 A Yes. There was a period of time that I wasn't
25 coming in at all.

26 Q Did you think that this was to discipline you for
27 not collecting enough from customers?

28 A Exactly. That's what --

1 Q Did you see specific instances when you or the
2 foreman that you were working with tried to get additional
3 cash from the customer?

4 A Me, never. I never tried it. It's not good.
5 They didn't like it. Yes. There were other foremen they
6 will charge extra just for handling the piano. They will
7 try to charge extra for that.

8 Q Now, I'm talking about trying to get cash instead
9 of, say, a money order or other form of payment. Did you
10 ever see instances where the foreman wanted specifically
11 cash instead of some other --

12 A Yes. There was a couple.

13 Q Why did the foreman want the cash?

14 A They knew there was gonna be a problem with
15 payment afterwards.

16 Q They wanted cash because they didn't want any
17 trouble with the payment?

18 A Yes.

19 Q Did Nico or Roni ever give you directions about
20 getting cash?

21 A Just get cash. Yes. There was a couple of times.

22 Q Now, if you had to go on a job that was out of the
23 area, did you have people that go with you?

24 A When it was out of town?

25 Q Yes.

26 A Trip. Yeah.

27 Q Did you take all the moving stuff you needed in
28 order to handle the job?

1 A They would load the truck with moving materials.

2 Q Would you have all the staff that you would need
3 to do the delivery with you?

4 A Sometimes, no. It just depends.

5 Q How would you get the staff that you needed to do
6 the delivery?

7 A I will go to Home Depot and get some guys there.

8 Q How did you pay for the guys that you got at Home
9 Depot?

10 A They will get paid cash.

11 Q And who gave you permission to use cash?

12 A Roni.

13 Q So Roni told you that you can pay cash for those
14 people at Home Depot?

15 A Yes.

16 Q So would those people just be anybody that
17 happened to be there?

18 A Yes. Just anybody.

19 Q So you didn't actually know anything about them?

20 A Exactly.

21 Q Now, were you working for ASAP only at that time?

22 A At that time, yes.

23 Q Did you also do jobs for America's Best Movers?

24 A Yes, also.

25 Q Was there any difference between ASAP and
26 America's Best Movers, in your opinion?

27 A That was the same people working there.

28 Q Okay. How about are you familiar with the name

1 Fast Moves?

2 A That will be the long distance move.

3 Q Fast Moves was a long distance company?

4 A Yes.

5 Q Was that also based at Ringwood?

6 A Yes, same office.

7 Q Same office? Was it the same movers?

8 A Yeah. Same movers. Same guys.

9 Q All right. So did you actually go out on Fast
10 Moves jobs?

11 A Yes. A couple of times. Like me handling the
12 job? No. Me driving and helping out.

13 Q So sometimes you were the driver on a Fast Moves
14 job?

15 A Yeah.

16 Q Were you driving an ASAP truck or a different
17 truck?

18 A ASAP truck.

19 Q All right. How about were you familiar with Fast
20 Moves ever renting trucks?

21 A Fast Move renting trucks? No. I'm not aware of
22 that.

23 Q Did you have to drive rental trucks for any of the
24 companies?

25 A Yes.

26 Q Under what circumstances would you drive a rental
27 truck?

28 A The times I drove the trucks were when there was a

1 lot of jobs and they didn't have enough trucks to go do the
2 jobs.

3 Q I see. All right. When you went out on a Fast
4 Moves job, were you --

5 A They didn't have a truck.

6 Q Fast Moves did not have a truck?

7 A No. They all had ASAP trucks at the office.

8 Q Did you notice anything different when you went
9 out on a Fast Moves job?

10 A I had to take off my shirt. If I had on an ASAP
11 shirt, take it off and just wear my other shirt or turn the
12 ASAP shirt around.

13 Q You would cover the fact that you were wearing an
14 ASAP shirt?

15 A Yeah.

16 Q Were you asked to wear a specific shirt for Fast
17 Moves?

18 A Yes.

19 Q Can you describe it?

20 A It was just a different shirt that has Fast Moves
21 on it. And that will be it.

22 Q Who told you you needed to change shirts when you
23 were working for Fast Moves?

24 A My first time I went out to a job, it was Eliazar.
25 There you go. That's the name.

26 Q What was the name?

27 A Eliazar.

28 Q Did he go by Eli?

1 A There you go.

2 Q So he told you about changing your shirt?

3 A Yes.

4 Q Did they have multiple shirts for all their
5 workers?

6 A Yes.

7 Q So would everybody change the shirt if they were
8 going out on a Fast Moves job?

9 A Yes.

10 Q The people that you worked with that were the
11 movers -- well, first of all, did you get a payroll check?

12 A Yes.

13 Q And who was paying your payroll check?

14 A Roni, I'm assuming.

15 Q And under what company name would he pay payroll?

16 A I think it was ASAP.

17 Q Would he pay you payroll under ASAP even if you
18 were working on a Fast Moves --

19 A Fast Move truck. Yeah.

20 Q Didn't matter what job you were working on? You
21 were paid from ASAP?

22 A Yeah.

23 Q Did they collect payroll taxes from your checks?

24 A Yes.

25 Q Were there other people that were working with you
26 who did not get payroll checks?

27 A There were a couple guys.

28 Q How were those people paid?

1 A Cash.

2 Q And why didn't they get payroll checks?

3 A I don't know.

4 Q Do you remember their names? Even just their
5 first names?

6 A There's Leon, Mario. A couple guys.

7 Q And did you see them get paid cash?

8 A A couple times.

9 Q Who paid them?

10 A Roni or Nico.

11 Q And where did the cash come from that was used to
12 pay them?

13 A I'm assuming from the office. I don't know.

14 Q All right. Now, did you know other people working
15 as movers who were getting paid not with payroll checks?

16 A There were a couple others. Augustine, Andreas.
17 A couple other guys.

18 Q Okay. Did you have any other family members that
19 came to work for the business?

20 A Hector, my brother.

21 Q How long after you had started working for the
22 business did your brother come to work?

23 A That was when I quit. When my brother came, I
24 quit.

25 Q Okay. Around the same time that your brother
26 started, you quit?

27 A Yeah.

28 Q Why did you quit?

1 A Because I didn't like working with my brother.

2 Q I see. Did you tell your brother the type of
3 business this was?

4 A Yeah.

5 Q And did you think it was a good idea for him to go
6 and work there?

7 A I don't know. I just quit when he started working
8 there. He told me I need a job. Oh, I said, over here,
9 since I was already going to quit anyway. As soon as he
10 came in, I quit.

11 Q Where did you go to work?

12 A I started working with California Movers.

13 Q So that is Maoz?

14 A Yeah, that would be Maoz.

15 Q Okay. Did you know of a relationship between Maoz
16 and Roni?

17 A I used to hear stories that they were good friends
18 and so on and so forth, but I never seen them talk to each
19 other.

20 Q Okay. So more recently they haven't been in
21 contact?

22 A I don't know if they have or not.

23 Q Okay. All right. I'm going to show you some
24 exhibits. First of all, I'm going to show you Exhibit 149,
25 which is the attachment to an e-mail dated 4/17/2009. And
26 this is an orange Fast Moves logo. Page 2. Do you
27 recognize that logo?

28 A Yeah.

1 Q And is that the logo for?

2 A For the shirts.

3 Q That was the logo for the T-shirts?

4 A Yeah. And the boxes.

5 Q What did you say? Free boxes?

6 A No. For the boxes. They had boxes with that
7 logo.

8 Q Say that again about the boxes?

9 A Like, the box would have that logo on it.

10 Q Oh, so you actually had boxes that were made that
11 said Fast Moves on them?

12 A Yes.

13 Q So the same logo was on the boxes?

14 A Yes.

15 Q So you would use those boxes for Fast Moves?

16 A Yes.

17 Q If you were on an ASAP move, did you have ASAP
18 boxes?

19 A Yeah.

20 Q And, if you happened to be out on two moves, ASAP
21 and Fast Moves both, did you have both kinds of boxes?

22 A No. Never like that. It was either ASAP or Fast
23 Move.

24 Q Did you sometimes use ASAP boxes on Fast Moves
25 moves?

26 A No.

27 Q Okay. All right. I am going to show you
28 Exhibit 150, which is also an e-mail dated June 9th of 2010.

1 This is the third page. Do you see a picture of a T-shirt
2 and a logo that just says moving services?

3 A Yes.

4 Q Did you ever get a T-shirt that looked like that?

5 A Yes. I got three of them. Three or four.

6 Q Is this the back? The fourth page. Is that the
7 back of the T-shirt?

8 A Yes.

9 Q Do you know why they switched to having a T-shirt
10 that said moving services?

11 A I believe -- so, when we go to a Fast Move job,
12 they wouldn't see the ASAP sign.

13 Q I see. Could you wear this type of shirt no
14 matter which job you were on?

15 A Yeah.

16 Q So you wouldn't have to change the shirt that way;
17 correct?

18 A Sometimes. Depending on the foreman.

19 Q So some foremen would make you change your shirt?

20 A Yeah, some foremen would make you change.

21 Q Okay. And I am going to show you Exhibit 151,
22 which is a T-shirt sign-up. Is this the log to pick up your
23 T-shirt?

24 A Yes.

25 Q And do you see your name there the third line
26 down?

27 A Yes.

28 Q That's hard to see.

1 A I recognize because of my signature.

2 Q And above that is Eliazar also listed?

3 A Yes.

4 Q And then are there multiple other staff that were
5 picking up their T-shirts?

6 A Yes.

7 Q I'm going to read you this list. Are these all
8 people that you know? David?

9 A David.

10 Q Did you know a mover named David?

11 A There's two David's.

12 Q Okay. Do you know the different last names of
13 David's?

14 A No. I know one is Russian; the other one is
15 black.

16 Q How about Leon?

17 A That would be Eliazar. Oh, no. I know who.

18 Q Was he working for ASAP?

19 A ASAP.

20 Q And did he also work for Fast Moves?

21 A Yes.

22 Q How about Andres?

23 A Yes, I know him.

24 Q Did he work for ASAP?

25 A Yes.

26 Q Did he work for Fast Moves?

27 A Yes. We all did.

28 Q You all did. Didn't matter?

1 A Yeah. Didn't matter. Depending on the crew that
2 was going to a Fast Move job, it will be certain guys.

3 Q So were all these people on the payroll of ASAP?

4 A I don't know that. I can't say if -- they were
5 all paid cash sometimes.

6 Q Did you ever get paid cash?

7 A No.

8 Q Were you subject to a court withholding order?
9 Like, did you have child support that was being collected
10 from your pay?

11 A Yes.

12 Q And so was that being collected from your payroll
13 check?

14 A Yes.

15 Q Did Roni ever offer to help you avoid making child
16 support payments by paying you cash?

17 A No, he never did.

18 Q Did you know of other people being paid cash so
19 they could avoid child support orders?

20 A No. I don't know.

21 Q So he never discussed that with you?

22 A No.

23 Q Did you work with a Ricardo?

24 A Yeah. Short guy.

25 Q Rafael?

26 A Yes.

27 Q Sammy?

28 A Samuel? Yeah.

1 Q Gabriel?

2 A Yeah.

3 Q Hector?

4 A My brother. Yeah.

5 Q Jose?

6 A No. I don't recognize the name.

7 Q Freddie?

8 A Freddie. Yeah.

9 Q Jorge?

10 A Yeah.

11 Q Jesus?

12 A Yes.

13 Q Danny?

14 A Danny. Yeah.

15 Q Almog?

16 A No.

17 Q A-l-m-o-g? No?

18 A No.

19 Q Peleg?

20 A Oh, they are brothers.

21 Q Were they from out of the country?

22 A Yeah. Israel.

23 Q And did some of the movers come in from other

24 countries?

25 A Yes. Either Russia or Israel.

26 Q Okay. Do you know why they were coming in?

27 A No. Needed to work I believe.

28 Q Did they work long when they became?

1 A Only like three months. Then they would take off.

2 Q They would just come in, work for a little while,
3 and then go on their way?

4 A Yeah.

5 Q I'm going to show you Exhibit 152. Do you
6 recognize the pink binder 2010 trip details?

7 A I don't recognize the binder.

8 Q Okay. I'm going to show you the first page of
9 that, which is Bates number 6782, where it says ASAP
10 Relocations trip. Do you see where it says foremen Darin
11 and Alonso?

12 A Yeah.

13 Q Would this be for one of your trips?

14 A Yes.

15 Q And can you tell us what this document was for?

16 A Just to keep records of what was spent on the trip
17 using the company's money.

18 Q Using the company's money?

19 A Yeah.

20 Q Who would fill out this form?

21 A When we came back, we will come back and either
22 Nico or Roni would be filling out that paperwork.

23 Q When you got back from the trip, you would have to
24 meet up with Nico or Roni and this form would be filled out?

25 A Yes.

26 Q Would it keep track of who worked on every job?

27 A Not who worked. Most likely who delivered it.

28 Q Who did the delivery?

1 A Yeah.

2 Q And did you see Roni or Nico make notations about
3 where cash went?

4 A Yeah.

5 Q So where it says here, cash out, gas, motel.

6 A Yeah.

7 Q Those are things that they would note down?

8 A Yeah.

9 Q And so then they would expect a certain amount of
10 cash from you. \$840.

11 A Yes.

12 Q That's the cash that you are turning into the
13 company?

14 A Yes.

15 Q All right. What about on the left here where it
16 says M-I-L Darin and Alonso?

17 A Yes. That will be like money we took from the --

18 Q That's money you took from the sale?

19 A Yeah. No. Like, say, we had something to spend
20 on. We will take it out but then again we will pay it back.

21 Q I see.

22 A Small loans, basically.

23 Q In this instance, each of you, Darin and Alonso,
24 you took \$150 each?

25 A Yeah.

26 Q But you were expected to pay that money back?

27 A Yes.

28 Q Who would you pay the money back to?

1 A They will deduct it from the hours or --

2 Q They would just --

3 A From the payroll, basically.

4 Q They would deduct it from your payroll?

5 A Yes.

6 Q Okay. This second page, 833, is this another
7 example of where you were working with the foreman named
8 Mike?

9 A Yeah.

10 Q And were you a helper? Driver?

11 A I was a driver there.

12 Q And, in this instance, would there be records
13 about having paid for various motels?

14 A Yes.

15 Q And you would use the cash to pay for the motel
16 fees?

17 A Yes.

18 Q And then Nico or Roni would determine how much
19 cash was being delivered back?

20 A Yes.

21 Q Were you expected to refund any of the cash that
22 was used for motels?

23 A For motels, no, never.

24 Q But the notations here where it says 238 to Mike
25 and 238 to Alonso, was that money you were expected to
26 reimburse?

27 A No. Right there will be our miles. Like, we
28 drove together. Like, they are splitting it half and half.

1 Q That's the amount of miles you drove?

2 A Yeah.

3 Q What's this notation M-I-L that says out 69,220?

4 A I don't know that one.

5 Q Is that the mileage for the truck?

6 A Yes.

7 Q And then back 70,809?

8 A Yeah.

9 Q I'm going to show you Exhibit 152. It has Bates
10 number 16325. Is this an example of a trip that you did
11 where you were the foreman?

12 A Yeah.

13 Q And who was your helper on that trip?

14 A I can't really read. I'm blind, actually.

15 Q Is that your brother's name? Hector?

16 A Yes. That was the first trip we took. Afterwards
17 I decided to quit.

18 Q That's when you decided to quit? All right. The
19 hours. Does this keep track of how many --

20 A How many hours on the deliveries.

21 Q That's, for each job, how much hours you spent?

22 A Yeah.

23 Q That's information Roni and Nico wanted to know?

24 A Yes. Like the hours and --

25 Q And then you would keep track of what you got for
26 each job?

27 A Yes.

28 Q Now, the jobs where it starts with 54 or 85 or 33,

1 what's the difference between those numbers? Do you know?

2 A I don't know. Honestly, I don't know. I think
3 it's the job number.

4 Q So did the job numbers differ between ASAP and
5 Fast Moves and America's Best Movers?

6 A Honestly, I didn't know. That was the office
7 deal. I went out, did the job, came back, and turned it in.

8 Q Okay. Attached to that, do you see -- and this is
9 Bates 6316.

10 A Yes.

11 Q Do you see that driver's daily log? What is that?

12 A When we go on trips, we will fill out this log.

13 Q Were you required to do that?

14 A By California? Yeah.

15 Q As a driver, that's one of the things you have to
16 do in order to drive a move?

17 A Yeah.

18 Q Did you fill this out for Fast Moves jobs?

19 A Yes.

20 Q So would this be an example where you were driving
21 for Fast Moves delivery?

22 A Yes.

23 Q And so both you and your brother were involved in
24 driving for that job?

25 A Yes. Delivery, in this case.

26 Q On that delivery --

27 A Yeah. Every time there's a log like that, it's
28 because I did a delivery.

1 Q You did a delivery?

2 A Yes.

3 Q Those logs are only for delivery, not for pickup?

4 A Only delivery.

5 Q Okay. Did the -- would you have filled out one of
6 these for each step along the way --

7 A Yes.

8 Q -- on that job? So, if you had multiple
9 deliveries on June 17th, would you have filled out a
10 driver's log?

11 A Supposedly. We have to by California state law.
12 But most of it is just like we would drive like straight
13 through. That's so the California Highway Patrol they
14 wouldn't stop us and make us rest or anything like that.

15 Q So they would not make you stop and rest?

16 A Yeah.

17 Q Did you fill this out while you were driving, or
18 did you fill it out --

19 A I filled it out once I got home.

20 Q Once you got back?

21 A Yeah.

22 Q For that same trip that went from June 17th to
23 June 23rd of 2010, would this be an example of a driver's
24 log that you filled out that pertained to ASAP?

25 A Yes.

26 Q So were you making deliveries for both Fast Moves
27 and ASAP during that same trip?

28 A Yeah.

1 Q Okay. I'd like to show you Exhibit 152 -- I'm
2 sorry -- 153. Do you see a handwritten ledger?

3 A Oh, that one, I have no idea.

4 Q Could you repeat that please?

5 A I have no idea what it is.

6 Q You do not know what that is?

7 A No.

8 Q Okay. And did you know Roni Hayon to keep a
9 ledger relating to the work that was done?

10 A I would see him write, but that paper I never
11 seen.

12 Q So this is not something that you were ever
13 familiar with while you were working there; correct?

14 A Yeah.

15 Q Do you see your name Alonso on it?

16 A Yes.

17 Q Okay. And would it be customary for Roni to keep
18 track of who would have been helping on a trip? So, if you
19 had to hire additional people, would he keep track of that?

20 A No, he wouldn't keep track of that.

21 Q Would you tell him if you had to hire people for a
22 trip?

23 A Yeah. He would know.

24 Q He would not know?

25 A No. He would.

26 Q He would know?

27 A Yeah.

28 Q So did you ever tell him so he could make notes

1 about the fact that you had hired people?

2 A Yes.

3 Q So does any of this ledger sheet look familiar to
4 you in terms of information that you were expected to
5 provide to Roni?

6 A Honestly, I don't know how that paper works. I
7 never --

8 Q All right. I'd like to show you Exhibit 148. Do
9 you recognize this person?

10 A No.

11 Q No? Would this be an example of a mover engaging
12 in shrink wrapping?

13 A Yes.

14 Q And is this the type of wrapping that was done on
15 the job?

16 A On the long distance, yes.

17 Q Okay. Did they ever do this type of wrapping for
18 local moves?

19 A For local moves, only if it's a mattress or a sofa
20 or something.

21 Q Just one second and I'll be finished.

22 Showing you Exhibit 10, do you recognize that
23 person?

24 A Yeah.

25 Q Who's that?

26 A Eliazar.

27 Q Is he the person that was so much of the problem
28 in terms of overcharging the customers?

1 A He was the main one.

2 Q Did you have him on any of the moves?

3 A Most of them.

4 MS. DONOHOE: I have no further questions. Do the
5 grand jurors have any questions?

6 All right. The foreperson is going to give you an
7 admonishment and then you are free to go.

8 (Witness admonished and excused.)

9 MS. DONOHOE: Okay. That's it for today. I'm sorry to
10 keep you so late. I wanted to finish that witness.
11 Tomorrow we actually have a few trailing victims and then we
12 have another former office staff in the afternoon. That
13 should take some time. So another full day for tomorrow.
14 Thank you.

15 (Grand jury admonished by the
16 foreperson.)

17 (Adjourned.)

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STATE OF CALIFORNIA)
) ss
COUNTY OF SANTA CLARA)

I, ASHLEY PARROTT, do hereby certify that
foregoing is a full, true and correct transcript of the
proceedings had in the within-entitled action on FEBRUARY
13, 2013.

That, I reported the same in stenotype being the
qualified and acting official court reporter of the Superior
Court of the State of California, in and for the County of
Santa Clara, appointed to said court, and thereafter had the
same transcribed into typewriting as herein appears.

I further certify that I have complied with CCP
Section 237(a)(2), in that all personal juror identifying
information has been redacted, if applicable.

Ashley Parrott, CSR No. 13157