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1 THURSDAY, FEBRUARY 14, 2013; SAN JOSE, CALIFORNIA

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

3 -o0o-

4 MS. DONOHOE: Good morning. Happy Valentine's Day.
5 Not a very romantic way to spend the day. But we have, this
6 morning, two victim witnesses. And then I expect three
7 former employees. So we are going to get started right
8 away. Our first witness is Deedee Urbano.

9 We received evidence from a witness who is going
10 to come later in the proceeding. But he brought us a CD
11 pursuant to a subpoena. So we wanted to have that on the
12 record. We are going to take custody of that CD.

13 MS. ALLEN: The company is All Spectrum Insurance.

14 (Witness sworn.)

15 TESTIMONY OF DEEDEE URBANO

16 EXAMINATION

17 BY MS. DONOHOE:

18 Q Good morning, Ms. Urbano. Could you please state
19 your name for the record and spell both your first and last
20 name?

21 A Deedee spelled D-e-e-d-e-e. Last name is Urbano
22 U-r-b-a-n-o.

23 Q Ms. Urbano, what is your occupation?

24 A I work for a software company as a sales
25 representative, technical representative, and trainer.

26 Q Where do you currently live? What state?

27 A Idaho.

28 Q Idaho?

1 A Yes.

2 Q And where did you live in 2010?

3 A In Napa, California.

4 Q Were you scheduling a move in August of 2010?

5 A Yes.

6 Q Were you the person who was involved in
7 researching moving companies or finding a mover?

8 A Well, it started with my husband. And then he had
9 to go to Idaho for a job. And then he handed it off to me.
10 Yes.

11 Q Eventually, did you find a mover that you
12 selected?

13 A Yes.

14 Q How did you find that mover?

15 A Online. On the Internet.

16 Q You found them on the Internet?

17 A Uh-huh.

18 Q And did you use some sort of a form, or did you
19 find them on Craig's List, if you recall?

20 A Actually, my husband found them initially, and I
21 don't know.

22 Q Okay. Did you eventually have contact with
23 someone from the moving company to arrange the move?

24 A Yes.

25 Q Do you recall the name of the company that you had
26 contact with?

27 A Fast Move Van Lines I think is what they were
28 called.

1 Q Do you know the name of the representative that
2 you dealt with?

3 A The initial person that gave me the estimate was
4 Margarita.

5 Q When you talked to Margarita -- first of all, did
6 you talk to Margarita?

7 A Yes, I did.

8 Q Did you give her information about your move?

9 A Yes.

10 Q What did you tell her about your move?

11 A Well, of course, I told her where we were moving.
12 She asked for an entire inventory of my household.

13 Q Did you provide that information?

14 A I did.

15 Q Did she offer to do a visual estimate of your
16 house?

17 A No.

18 Q Did you ask her to do that at all?

19 A No.

20 Q Was she able to give you an estimate based on
21 inventory that you provided?

22 A Yes.

23 Q And do you recall what the estimate was that she
24 gave you?

25 A I don't remember exactly. It was \$3,644 I think.

26 Q All right.

27 A Three thousand six hundred something.

28 Q Do you think it was roughly in the range of three

1 thousand six hundred and some dollars?

2 A Yes.

3 Q And, based on what she provided to you as a quote,
4 did you decide to go with that company?

5 A Yes, I did.

6 Q Did she tell you anything about how to prepare for
7 your move?

8 A Well, she told me to purchase my own packing tape
9 and shrink wrap -- plastic wrap -- because they would charge
10 me more for the materials off the truck.

11 Q Did you follow her directions?

12 A I did. As well as I bought boxes.

13 Q And so do you know approximately how much you
14 spent on buying materials before the move?

15 A I don't recall offhand.

16 Q Okay. Did you pack any items before the moving
17 day?

18 A I packed all of my boxes beforehand. Everything
19 loose was packed in boxes.

20 Q How about using the shrink wrap and tape? Did you
21 use shrink wrap and tape?

22 A Well, I used a lot of tape just on my boxes, but I
23 don't think I shrink wrapped anything. I was going to give
24 them the shrink wrap to do it.

25 Q I see. Now, on moving day, do you recall the date
26 of your move?

27 A August 11th, I believe.

28 Q Okay. I'll show you document in a second. Can

1 you tell us what happened on the day that you were to move?

2 A Well, the truck came early in the morning. My
3 husband was up in Idaho already but had decided to drive
4 overnight to be with me. When the truck got there, he
5 hadn't arrived yet. The foreman Eli sat down with me with a
6 bunch of paperwork and asked me to sign at the bottom and
7 initial the lines along the edges.

8 Q Was the paperwork filled in?

9 A Nothing was filled in on this paperwork. It was
10 for tape, packaging, boxes, and so forth. There's lines for
11 initials along the edges of both sides, and he asked me to
12 sign it and initial every line. I said I'm not going to
13 sign that. It's blank. And he said we cannot even start
14 the work.

15 Now, of course, at this point, I have to be out of
16 the house. The new owner is moving in on Monday. This is
17 Saturday. So, right about that time, my husband happened to
18 walk in the door. I had told him what happened. He is
19 making me sign this paperwork and there's nothing on it. He
20 and I just -- we are, kind of, over a barrel now. So I
21 signed it and initialled it.

22 Q Do you know what the other movers -- were there
23 other movers with Eli when you were having this situation?

24 A Yes. I think there were two other guys with him.

25 Q Do you know what they were doing?

26 A I think they had already started loading my boxes.

27 Q Okay. So, even though you hadn't yet signed the
28 paperwork and initialled blank spots, they were loading your

1 things?

2 A Uh-huh.

3 Q And Eli had told you you wouldn't be moving unless
4 you signed the blank documents?

5 A That's right.

6 Q After you had signed the blank documents, did you
7 have to make any payments at that point?

8 A I had to give him the half of the initial
9 estimated cost, and I gave him \$1,900.

10 Q What form of payment did you make?

11 A I think it was cash.

12 Q So you had \$1,900 in cash that you handed over to
13 Eli?

14 A Uh-huh.

15 Q How did he react when you gave him the cash?

16 A He took it. There was no specific reaction.

17 Q All right. Did he then commence working?

18 A He did.

19 Q So did anything else come up during the time that
20 the movers were packing and loading the truck?

21 A Well, as they started, they loaded up all the
22 boxes. And the first thing that I noticed was they were
23 re-taping all my boxes which I had thoroughly taped to begin
24 with. Because I hold my, you know, stuff dear, I taped
25 those boxes thoroughly. They wrapped all the boxes with
26 their own tape.

27 I did tell them I purchased shrink wrap and tape.
28 And, when I went to give it to them to use, he said, oh, no,

1 we are going to use our own. It's professional, which is
2 hilarious because it's exactly the same thing. They
3 outright rejected my materials.

4 Q Did you believe at that time you were going to
5 have to pay extra money because they were using their own
6 shrink wrap and tape?

7 A Yeah, we knew we would.

8 Q Did you discuss that with Eli?

9 A I did.

10 Q And how did he respond?

11 A Well, we told them -- first of all, a lot of
12 stuff -- they were shrink wrapping my cat's scratch post.
13 So that it couldn't be scratched? They shrink wrapped that.
14 I said, don't do that, it's not necessary. They shrink
15 wrapped our patio chairs. I mean every single thing in the
16 house. They boxed a lot of the very small furniture. They
17 used their own boxes. And, of course, we are seeing money
18 go out the window because we knew this was going to cost us.

19 We explained and explained about it, and they
20 literally just brushed us aside. At one point, they took --
21 we had a king size memory foam mattress. Very expensive. I
22 had also bought mattress bags for every one of my mattresses
23 which they had rejected. They took my king size mattress
24 and folded it in half and shrink wrapped the whole thing.
25 My husband said, if that damages that mattress, you are
26 paying for it.

27 Q I'm going to stop you. How did they react when
28 your husband said, if you damage it by shrink wrapping it in

1 half like that -- what did they say?

2 A Well, the two guys that were actually doing it
3 didn't talk much at all. I don't think they spoke English
4 very much. Eli, literally, pushed my husband out of the way
5 and said it's going like that, and he waived them out of the
6 door.

7 Q He physically touched your husband in order to get
8 him out of the way?

9 A Yes.

10 Q Did you have any things that were left behind
11 during the course of your move?

12 A Yes. After the truck left -- well, I'll preface
13 this with -- what they do is every box, every piece of
14 furniture, every single thing is marked with a little blue
15 number tag that goes with the inventory list that they keep.
16 So everything that they moved was marked.

17 After they left, we noticed that both of my patio
18 tables were still there. The chairs were gone, but the
19 tables were there, as well as a fireplace piece out of, sort
20 of, a fire pit table that had been taken off and taped up
21 and marked with a tag.

22 Both of the tables were marked and this piece was
23 marked. The table itself was gone, but they left that and
24 two tables and the laundry rack that I had built -- one by
25 two -- to hold up laundry baskets. They marked that and
26 left that as well.

27 Q All right. Did they collect any additional money
28 from you prior to taking off with your things?

1 A No. Eli, about halfway through the move, came to
2 me and said the additional cost for the materials was going
3 to be \$1,200 and he wanted cash right now. And I said I am
4 not paying you anything more than the half of what the
5 initial cost was, number one. Number two, it's Saturday
6 afternoon. Where in the world am I going to get \$1,200 cash
7 right now? He demanded it again. I said, I'm not going to
8 give it to you, period. I'm not going to give it to you.

9 Q How did he react when you said you couldn't give
10 him the \$1,200?

11 A He told me it will probably delay my delivery.

12 Q Did you have occasion to call the office while the
13 move was taking place, or did your husband?

14 A My husband actually did call the office. Probably
15 just within an hour or two of when they started wrapping
16 everything and taping everything, because we knew this was
17 going to get out of hand. So he called the office, and he
18 spoke to -- I think the first person he spoke to was
19 Margarita -- and he said this is getting out of hand.

20 Q I'm going to stop you right there.

21 A Sure.

22 Q Again, this witness is going to be testifying
23 about things that her husband said and did. It's not
24 offered for the truth of the matter asserted but it's
25 offered to explain this witness's subsequent contacts with
26 the company and what information she was relying upon when
27 she spoke with the company.

28 Can you go ahead and tell us what your husband

1 told you about the contacts with the office?

2 A Sure. Well, Margarita said that there was nothing
3 she could do about it at that point. So my husband asked to
4 speak to a manager and -- oh, no, not with Margarita. I,
5 honestly, don't remember how that conversation ended. Gosh.
6 This was two and a half years ago.

7 Then, later on, after Eli had asked me for the
8 additional \$1,200, my husband called the office. This time,
9 he spoke to somebody named Sally. He explained what was
10 going on and our complaint and asked to speak to a manager.
11 And Sally said managers don't speak to the customers. He
12 demanded to speak to a manager. She said, I'll leave him a
13 message but I can't guarantee he is going to call you back.
14 And he said, fine, have him call me. And so that
15 conversation ended.

16 And, again, like I said, he, basically, explained
17 about the fact they were wrapping everything with their own
18 shrink wrap. They rejected our material and the cost was
19 going through the roof, and Eli was asking for extra cash.

20 Q Did you wind up getting a final estimate from Eli
21 about what the total cost of your move was going to be on
22 moving day?

23 A Yes. He said it was additional \$2,400.

24 Q So that was on top of the three thousand six
25 hundred something?

26 A Yes.

27 Q All right. How did you react when you heard it
28 was going to be another \$2,500?

1 A Well, to say the least, we were shocked. We were
2 really in the hole just to get a moving truck to begin with.
3 Thirty six hundred was more than what we could really
4 afford, to start with. And now it was darn near doubled.
5 By the time we got the final bill, it was almost exactly
6 double the original estimated cost. So I was in tears. I
7 was just -- it was horrible. It was horrible.

8 Q Now, what did you do after the truck had left and
9 you realized you still had property that was at the house?

10 A Well, again, we called the office. This time when
11 we called the office -- I gotta think about that -- I think
12 it was Sally. It was Sally that my husband talked to. And
13 she said that -- oh, no, I beg your pardon.

14 I called her that time. I told her, you know,
15 things were left behind and that the truck needed to come
16 back and get them. She said, well, there's no way that she
17 could get ahold of anybody on the truck. She didn't have a
18 direct number. And I didn't have a direct number.

19 And I said, well, they can't leave the stuff here.
20 The new owner is going to be moving in on Monday. She said,
21 I can have them come back but it's going to cost you
22 something like \$150 or \$300 or something. So an additional
23 cost for them to come back and get the stuff they left.

24 Q What did you decide to do when you found out it
25 was going to cost extra money?

26 A I just said, never mind, we will deal with it.
27 And so, at that point, the next morning, we had a 15-hour
28 drive to get up to Idaho. So we just left it there. When

1 we got up to Idaho, I called my brother and asked him if he
2 would go with his truck and pick up our belongs and hold on
3 to them until we take another trip to California with our
4 truck.

5 Q Okay. You continued on to Idaho. How long did it
6 take for you to get your belongings?

7 A Over 30 days.

8 Q Was that what you expected, that it would take
9 over 30 days?

10 A No. We expected everything to be delivered on
11 Monday.

12 Q Why did you believe it was going to be delivered
13 on Monday when you just had it picked up on Saturday?

14 A We were told it would.

15 Q Who told you that?

16 A I think that was the original arrangement with
17 Margarita.

18 Q All right. Now, once the movers had left and you
19 were on your way to Idaho, did you get any more calls from
20 the company about payment?

21 A I can't remember exactly. But we must have
22 because what we did get was the final estimate. Oh, no. I
23 think we called them on Monday, because, like I said, by the
24 end of the day Saturday, the last call that my husband
25 attempted to make, at that time, he got some gentleman on
26 the phone with a thick Hispanic accent. We could barely
27 understand him. He said there's nobody there and to call
28 back on Monday. On Monday, after we got to Idaho, my

1 husband called the office, and we were given the total
2 estimate of over \$7,200 to have our stuff delivered.

3 Q So --

4 A At which point --

5 Q The estimate went from three thousand six hundred
6 and something up to over \$7,000?

7 A Right. That's right.

8 Q Do you recall who conveyed that information from
9 the company?

10 A That would be Leslie. She's the one that my
11 husband contacted on Monday. She called herself the
12 manager -- I'm sorry, Lindsay -- called herself the manager
13 and told Ray what the final cost would be. And, again, he,
14 you know, complained about what happened on Saturday,
15 explained about the fact they had left our belongings
16 behind. Lindsay said she knew nothing about that, that it
17 would cost us money to go back and pack stuff up.

18 Q She reaffirmed what Sally had said about it would
19 cost more?

20 A Yes.

21 Q Did you end up getting those items by Fast Moves
22 delivering them?

23 A No. Actually, we really didn't have much of a
24 choice. I mean, we had to have them deliver it.

25 Q No. I'm talking about the items that were left
26 behind.

27 A Oh, yeah. We did. Eventually. Gosh. A few
28 months later, we ended up driving back down to California

1 and picking them up.

2 Q Did Lindsay or Sally tell you how you were to pay
3 the additional money once they quoted the figure of over
4 \$7,000?

5 A Well, they were asking us to send them a cashier's
6 check before they would even consider delivering the items.

7 Q And did you talk to them about why they needed a
8 cashier's check?

9 A No.

10 Q Did you provide a cashier's check?

11 A No, I did not.

12 Q Why not?

13 A Because we couldn't afford it. We didn't have
14 that kind of money. And, by then, I was in touch with an
15 attorney, and he was trying to negotiate with the company.
16 So he was making phone calls to the company. There was
17 negotiations going back and forth between us and them and
18 the attorney.

19 Q Were you able to get any relief by using the
20 assistance of an attorney --

21 A No.

22 Q -- in dealing with the company?

23 A No.

24 Q Did the fact that you hadn't paid the additional
25 money -- let me withdraw that.

26 Was the money expected on the day of delivery, or
27 did they expect additional money before delivery day?

28 A Well, initially, they asked for more money before

1 the delivery date. By the time we finished up with the
2 whole thing and we agreed, through advice of the attorney,
3 to pay the whole thing, it would be paid in cash on
4 delivery.

5 Q Did you make that arrangement with someone with
6 the company?

7 A Yes. Well, like I said, between me and my
8 attorney and them. And I don't remember if I talked to them
9 directly. I did, at one point, get a call from somebody
10 else who said her name was Rebecca or something. But she
11 sounded exactly like Lindsay. I knew exactly what Lindsay's
12 voice sounded like.

13 I said, you sound seriously like Lindsay. And she
14 got angry. This is not Lindsay. Okay. At any rate, at
15 that point, she offered me some kind of discount on that
16 ridiculous price which was still a ridiculous price. I
17 said, no, you need to be speaking to my lawyer. So I didn't
18 complete the negotiation with her. Eventually, my attorney
19 did.

20 Q All right. Did you ever have contact with any
21 male from Fast Moves other than the person that you said had
22 a Spanish accent?

23 A No. No. I never spoke to anybody.

24 Q Did you speak with any managers other than Lindsay
25 and Sally?

26 A No, I did not.

27 Q Did you ask for a higher level manager to speak
28 with?

1 A I don't think I ever did. No.

2 Q All right. Now, what happened on the day of
3 delivery?

4 A Well, to preface this, we did receive from the
5 company a weight slip for the weight of the truck -- the
6 weight of the belongings -- which the estimate on there was
7 9,920 pounds.

8 And, when we finally decided to pay the ridiculous
9 price and get our things delivered, my husband demanded that
10 the truck meet him at the commercial scale which is just
11 about six miles away from our house. It's right at the
12 freeway exit. Meet him there, deliver the items, and he
13 would follow him back to the scale, weigh it again, and get
14 the second certificate of weight.

15 With that, the weight ended up being 9,220 pounds.
16 I think it was exactly 700 pounds less than what the
17 original weight scale thing was.

18 Q All right. So they gave you a weight ticket that
19 said your items weighed 700 pounds more than they actually
20 weighed?

21 A Yes.

22 Q Did you discuss that with the company?

23 A I sent Lindsay a letter reiterating all of my
24 complaints about every step along this entire process,
25 telling her about the weight issue.

26 Q Right.

27 A And they sent me back a check and a letter
28 apologizing for the misunderstanding or something idiotic.

1 They sent me a check. For 700 pounds, it should have been
2 \$0.48 per pound which would have been two hundred and --
3 almost \$300. They sent me a check for \$68. And, in the
4 letter, they explained this is the total for the 700 pounds
5 difference less all of the discounts we've given you up to
6 this point.

7 Q They took away the discount they quoted at the
8 time of the sale?

9 A Yes. It's stated very clearly in their letter.
10 Yes.

11 Q All right. Did you get any relief by making
12 complaints to other agencies?

13 A No.

14 Q Did you get all the boxes that they had taken from
15 your house?

16 A Yes. I believe we got every box. Yes.

17 Q Did you follow up by doing any reviews of their
18 company?

19 A I did file -- what do you call it -- I put a
20 complaint on Yelp which is a website where you can, you
21 know, rate companies.

22 Q Why did you do that?

23 A I was so angry. I was so angry, and I just
24 felt -- I just so wanted them to never do this to anybody
25 else again. And, unfortunately, like I said, I hadn't done
26 a whole lot of research about this company beforehand. I
27 didn't do my due diligence. I should have. I wished to God
28 I had. If I had, I would have seen many, many, many other

1 complaints about exactly what happened to me. And so I just
2 wanted to add one more to warn people don't ever use this
3 company.

4 Q I'm going to show you some documents. If you will
5 tell me whether you recognize these as documents relating to
6 your move. Showing you Exhibit 154, which has a Bates
7 number of 058340 at the bottom. Do you recognize that
8 packet of documents as relating to your move?

9 A Yes. This is the original estimate.

10 Q Okay. If you will take a look and see if you can
11 recognize it, then I'm going to show it up on the screen.

12 A Okay.

13 Q I'm going to show you the next document which is
14 Exhibit 155. Do you recognize this document? Oh, I'm
15 sorry. It has a Bates number of 058305 on the first page.
16 Can you tell me whether you recognize Exhibit 155 as
17 documents relating to your move?

18 A Yes.

19 Q And, showing you Exhibit 156, which is a letter
20 dated August 27th of 2010 to Lindsay, can you tell me
21 whether you recognize that document?

22 A Yes. This is the letter that I wrote to Lindsay.

23 Q Showing you Exhibit 64, which is Yelp reviews, and
24 I am going to refer you to the fourth page. Do you
25 recognize the review that is there?

26 A Yes. This is the review that I wrote.

27 Q Okay. I am going to put these up on the screen so
28 the grand jurors can see it as well. And I'll ask you some

1 questions. Showing you Exhibit 154, is this the initial
2 quote that you received? Can you see it?

3 A Yes.

4 Q The quote that you received on August 11th of
5 2010?

6 A Yes.

7 Q Was this coming from Margarita?

8 A Yes.

9 Q Referring you to the second page of that document,
10 does it include the amount that margarita quoted to you
11 would be the price for your move?

12 A Yes, it does.

13 Q And that was \$3,633?

14 A That's right.

15 Q Referring you to the next page -- it is Page 3 of
16 Exhibit 154 -- do you recognize that document as something
17 that you received on moving day?

18 A Yes, I do. And I'm sorry. I did misquote the
19 move day. The estimate was on August 11th. The move day is
20 8/21.

21 Q So August 21st was your move day?

22 A Yes.

23 Q All right. Referring to that document, on the
24 right-hand side, do you see the initials down the right
25 outside of the columns?

26 A Yes.

27 Q Are those your initials?

28 A Yes, they are.

1 Q Are these among the initials that you were asked
2 to make before the document was filled out?

3 A Yes, they were.

4 Q So that was what Eli asked you to do on moving
5 day?

6 A Yes.

7 Q Showing you Exhibit 155, is this a better copy of
8 that same document that was the third page of Exhibit 154?

9 A Yes.

10 Q Okay. So this isn't the copy that you received;
11 correct?

12 A No.

13 Q And does it reflect your \$1,900 in cash that you
14 had paid at the time that Eli came initially?

15 A Yes, it does.

16 Q So the bottom right box?

17 A Yes.

18 Q Bottom of the page has \$1,900. Does that reflect
19 what you had paid?

20 A Yes.

21 Q Did you get a copy of that at the time?

22 A Oh, yes, I did. Yes, I did. They gave me --

23 Q Showing you the third page of Exhibit 155, do you
24 recognize these weight tickets?

25 A Yes, I do.

26 Q So there's two of them on that page. Did you get
27 copies of these?

28 A Yes. My husband.

1 Q And are these the tickets that you said were not
2 accurate?

3 A No. These are the tickets -- both of those --
4 before and after from the Frying J at our house on the day
5 of the delivery. Those are the ones that my husband picked
6 up, met with the truck, came back with the truck after
7 delivery.

8 Q These are the tickets that your husband was
9 involved in making sure that you got --

10 A Yes.

11 Q Did you provide those to the company as well?

12 A Yes.

13 Q Showing you the page of Exhibit 155 that ends in
14 058308. Is this a weight ticket that you received from the
15 company?

16 A Yes. We received that prior to delivery.

17 Q Is this the weight ticket that was overweight
18 where it indicated that your weight was over 9,920 pounds?

19 A Yes.

20 Q Showing you the page of Exhibit 155 that ends in
21 58316, do you recognize this document?

22 A Yes, I do.

23 Q Can you tell us what that is?

24 A That's the inventory or the materials that they
25 used off of their truck and charged us for.

26 Q So this is the amount that you were quoted? Was
27 it \$2,307 that you were asked to pay based on the materials
28 they used?

1 A Yes. By the end of the day. That was it.

2 Q Do you know what they used dish/china boxes for?

3 A I don't remember specifically. It might have been
4 for a lamp or something that I didn't think needed to be
5 boxed up. They also used boxes -- I don't know exactly --
6 but they also used boxes -- they cut up boxes and boxed up
7 small furniture just using pieces of boxes. Then they
8 strapped with tape and wrapped in plastic or whatever.

9 Q Were you charged for each box that they cut up?

10 A I was.

11 Q Showing you the next page which ends in 58317, did
12 you receive this document during the move?

13 A Yes, I did.

14 Q Who gave you that document?

15 A Eli.

16 Q What did he say this document was for?

17 A It was a new estimate of what he thought the
18 weight of all my household belongings would be.

19 Q And did he tell you that this is the amount that
20 you might have to pay?

21 A Yes.

22 Q Showing you the page that ends with 058321 of
23 Exhibit 155, do you recognize this letter?

24 A Yes, I do.

25 Q Can you tell us what this letter was for?

26 A That letter accompanied the check that they sent
27 me for \$86.60 for the overage of 700 pounds.

28 Q And is this the letter where they told you they

1 were taking the discount that they had previously given you?

2 A Yes, it is.

3 Q That was their explanation for why the check was
4 only for \$68?

5 A Yes, it was.

6 Q This letter is not signed. Did you get a signed
7 copy?

8 A I don't remember. I can look. I have the
9 original.

10 Q Okay. You want to take a look?

11 A (Complying.) No, my copy is not signed.

12 Q Did you ever deal with somebody named Ido Or?

13 A I never spoke to him. No.

14 Q Did you ever have any -- other than receiving an
15 unsigned letter -- did you have any other contact with Ido
16 Or?

17 A I don't think so. I knew the name because, after
18 doing some research about the company, I found his name
19 somewhere. I don't remember where exactly.

20 Q Okay. And did you ever connect this company with
21 any other company based on the research that you did?

22 A No. We were looking -- the truck that came had
23 the name ASAP on it. My husband actually took a photograph
24 of it. And so we did, kind of, do a little bit of research
25 afterwards about what the connection between Fast Move and
26 ASAP was.

27 Q Were you able to learn of any connection?

28 A Not really. I mean, there was nothing, you know,

1 in our research. There was nothing clear that showed a
2 connection between the two.

3 Q Did anyone or did you ask anyone on the moving day
4 or on the delivery day why the truck said ASAP on it?

5 A No, I don't think we did.

6 Q Showing you the page ending in 58322 of
7 Exhibit 155, is this the check that you received?

8 A Yes, it is.

9 Q I'm going to show you Exhibit 156. Do you
10 recognize this letter?

11 A Yes, I do.

12 Q Can you tell me what this letter is for?

13 A This was the letter that I sent with -- basically,
14 I sent them the balance, the total balance of what we had
15 paid in cash. The original estimated amount minus the
16 amount that we paid in cash. I sent them a check with this
17 letter explaining to her all of our complaints, every single
18 thing that happened during this time and told her, you now,
19 you have no reason to continue to hold my household items.

20 Q So you write a very extensive letter to Lindsay to
21 explain everything that had gone wrong during the course of
22 the move?

23 A Yes, I did.

24 Q And did you want her to know all of the problems?

25 A Yes. Absolutely.

26 Q Is your letter six pages of single-space type?

27 A Yes.

28 Q Did you also copy Michael Finney and Barry Miller

1 at Seven on Your Side?

2 A Yes.

3 Q Did you, in fact, send that to them?

4 A Yes.

5 Q Did any of this have any impact on dealings with
6 Lindsay at Fast Move?

7 A No.

8 Q There's some notations on this letter. On the
9 first page has written we checked to see if this was a DBA
10 of ASAP and it is not. Is that your handwriting?

11 A No, it is not.

12 Q Do you know who wrote that?

13 A I do not.

14 Q Did you send copies of your document to some other
15 agency other than Seven on Your Side? Did you have dealings
16 with any other agency?

17 A Yes. I sent this to the DA's office of Alameda
18 County. The gentleman's name was Matt -- I can't remember
19 his last name.

20 Q Okay. So you sent your complaints as well to
21 another DA's office; correct?

22 A I did.

23 Q And how did you decide which DA's office to send
24 your complaint to?

25 A The gentleman from Seven on Your Side said that he
26 had heard, at some point, that they had some kind of case
27 going against this company. And he, sort of, I think, he
28 gave me the name and the contact information to get ahold of

1 him.

2 Q Okay. Again, this is an example of what somebody
3 else told Ms. Urbano, which is not offered for the truth but
4 just to explain why she did what she did later on.

5 I'd like to show you Exhibit 64. And this is the
6 fourth page of Exhibit 64, which has Bates of Yelp at
7 058958. And, showing you that page, do you recognize that
8 review?

9 A I do.

10 Q Can you tell me what that is?

11 A That is something that I posted. It was a
12 complaint about the company, warning people not to use them
13 and telling them what happened to us.

14 Q All right. At that time, do you see the date of
15 September 4th of 2010?

16 A I do.

17 Q Is that when you posted your complaint?

18 A Yes, it is.

19 Q Had you received your belongings by that time?

20 A What was the delivery date? I don't remember if I
21 did this before or after the delivery date. Yeah. That was
22 prior to receiving our items.

23 Q Did you tell Lindsay that you were going to do
24 that?

25 A No, I did not.

26 Q Did you ever communicate with the company that you
27 were going to review their company practices?

28 A I probably -- I don't remember exactly -- I

1 probably told them that I would complain to as many people
2 as would listen.

3 Q Did any of that have an impact on how that company
4 handled your move?

5 A No.

6 Q I'd like to show you Exhibit 10. Do you recognize
7 this person?

8 A That looks very much like Eli.

9 Q Was Eli only involved in the pickup side of the
10 move, or was he also involved in the delivery side?

11 A He only picked up. There were two other gentlemen
12 delivering.

13 Q Were there any problems with the people
14 delivering?

15 A None. They were very nice, very polite.

16 MS. DONOHOE: All right. I have no further questions.
17 Do the grand jurors have any questions?

18 All right. The foreperson is going to read you an
19 admonishment and then you are free to go.

20 (Witness admonished and excused.)

21 MS. DONOHOE: Thank you, Ms. Urbano. Have a good trip
22 back to Idaho.

23 (Witness sworn.)

24 TESTIMONY OF LESLIE LEAVITT

25 EXAMINATION

26 BY MS. DONOHOE:

27 Q Good morning, Ms. Leavitt. Could you please state
28 your name and spell both your first and last name?

1 A Leslie Leavitt. L-e-s-l-i-e L-e-a-v-i-t-t.

2 Q What is your occupation, Ms. Leavitt?

3 A I'm an independent contractor. I'm a title
4 analyst.

5 Q A title analyst?

6 A Yes.

7 Q Can you tell me what city you live in?

8 A Clayton.

9 Q California?

10 A Yes.

11 Q Drawing your attention to July of 2008, did you
12 become familiar with a situation involving your mother and
13 the move?

14 A Yes.

15 Q How did you become aware of that situation?

16 A My mother called me and said that she had located
17 a moving company and, when they picked up her stuff and
18 delivered it to my sister's house where she was moving to,
19 they doubled their fee on her.

20 Q Okay. Now, were you in contact with your mother
21 about her move prior to moving day?

22 A Not in -- not really. No.

23 Q And I want to ask you about your mother. Does
24 your mother or did your mother, at that time, have certain
25 problem that affected her memory?

26 A Yes.

27 Q Can you tell us about that, please?

28 A In 1993, she was diagnosed with a brain tumor and

1 had treatment. She had radiation. And it affected parts of
2 her short-term memory.

3 Q And, as a result, does she need assistance in
4 order to take care of some of her affairs?

5 A She needs to have -- either my sister or I help
6 her with her finances. She can do day-to-day. Anything
7 that requires -- I don't even know. Day-to-day living, no.
8 But anything extra, yes.

9 Q All right. Would making the arrangements for a
10 move be something that she could, in fact, do?

11 A She could do. Yes. With just the understanding
12 that it was from point A to point B and these are the
13 charges.

14 Q All right. So did she take care of the initial
15 arrangements relating to her move?

16 A Yes.

17 Q At some point during the course of the move, were
18 you contacted by your mother?

19 A Yes.

20 Q What did she say about what was happening?

21 And I am going to caution the grand jurors, again,
22 this is just to explain the subsequent conduct of
23 Ms. Leavitt and what information she was acting upon when
24 she made contact with the company.

25 So can you explain what your mother told you?

26 A She called me when she got to my sister's house
27 that the moving company had not shown up yet. I said, well,
28 you have to wait. She called me later, a few hours later,

1 and she was very upset. She was being told that, in order
2 for them to unload her stuff, she had to pay additional
3 moneys which she did not have.

4 Q When she told you they were demanding additional
5 money that she didn't have, had she told you how much she
6 was expected to pay originally?

7 A They quoted her just a little under \$400. And
8 that was just for the move. And then there was some other
9 charges for the moving men, and she had agreed to that.
10 Just a few hundred dollars extra. And the price that they
11 were giving her at the end was well over \$2,000. More than
12 she expected.

13 Q How far was she moving?

14 A She was moving from San Ramon California to Santa
15 Rosa California.

16 Q You said she was moving into your sister's house?

17 A Yes.

18 Q Did she have a lot of property to move?

19 A No.

20 Q Approximately how much did she have?

21 A It's a one-bedroom one-bath. I don't know if it
22 helps, but I have a two-horse trailer and all of her
23 belongings fit in there.

24 Q Now, when you heard from your mother that they
25 were demanding extra money to deliver her goods, was she
26 already at your sister's house?

27 A Yes.

28 Q And did they deliver her goods?

1 A No.

2 Q Why not?

3 A Because she didn't pay the extra money.

4 Q Did she have any money to pay at that point?

5 A That day, she paid, I think it was about a
6 thousand dollars. And there was still \$1,100 balance. And
7 they told her she had to contact their warehouse in order to
8 make arrangements.

9 Q Did they take her goods away?

10 A Yes.

11 Q Did you know, when you were speaking to her, that
12 her property had gone somewhere else?

13 A At the end of the move, yes. But not until they
14 had already left. Then she called me back.

15 Q When you found out that her belongings had gone
16 somewhere else, what did you do?

17 A I don't really remember what I did that exact
18 moment. I do know that I believe it was the next day. I
19 tried to call them and I couldn't get anyone on the phone to
20 explain, at which point my husband had talked to my mom and
21 then suggested to her that she file a complaint with the BBB
22 and the PUC.

23 Q And did your mother follow through and do that?

24 A Yes.

25 Q When you were trying to reach someone at the
26 company, which company were you calling?

27 A ASAP Relocations.

28 Q All right. And did you know at that point where

1 you mother's belongings were?

2 A I was told it was there at their facility in their
3 warehouse.

4 Q Did you make any arrangements or discuss with your
5 mother what to do now that they had her belongings at their
6 facility in their warehouse?

7 A My husband and I said we would help pay to get her
8 stuff out of storage. They wanted to charge her an
9 additional fee to bring it back to Santa Rosa which we could
10 not afford. So, in which case, we made arrangements for
11 myself and my child to go up and pick up her stuff from the
12 storage facility or the warehouse. Excuse me.

13 Q Who did you make those arrangements with?

14 A I do remember I spoke with a woman. I don't
15 remember her name.

16 Q Where were you to go in order to get your mother's
17 belongings?

18 A To San Jose.

19 Q And how did you make arrangements to pick up your
20 mother's belongings?

21 A I sent in a letter. I faxed it over to their
22 office, saying what days I will be available and the times.

23 Q And were you able to make those arrangements so
24 that you could pick up her things?

25 A Yes.

26 Q Did you have to make a payment at that point?

27 A Yes.

28 Q Was the payment made in advance of going to their

1 location or when you went to their location?

2 A When I got there.

3 Q Do you recall who you dealt with once you got to
4 the location?

5 A I do not.

6 Q What did you do in order to have the ability to
7 bring your mother's things back to where she was living?

8 A I don't quite understand the question.

9 Q You mentioned earlier you had a horse trailer.

10 A Yes. I drove there with my horse trailer. I
11 unloaded their crate and put it in the horse trailer. They
12 had a gentleman help -- two gentlemen help -- with the
13 heavier stuff.

14 Q All right. So you were, then, able to get your
15 mother's things back?

16 A Yes.

17 Q How did you pay for picking up the items that you
18 took from the San Jose location?

19 A Credit card.

20 Q Credit card?

21 A Yes.

22 Q And they were willing to accept your credit card?

23 A Yes.

24 Q Did they tell you that you had to pay extra fees
25 to use a credit card or anything like that?

26 A I don't remember that.

27 Q Okay. I am going to show you documents,
28 Exhibit 157, which has Bates of CPUC 0499 on the first page,

1 and Exhibit 158, which has Bates of CPUC 0469 on the first
2 page. Showing you Exhibit 157, do you recognize that as
3 documents relating to your mother's move?

4 A Yes.

5 Q And did you have access to those documents after
6 the move?

7 A Not until we filed the complaint.

8 Q You filed the complaint with whom?

9 A My mother filed it with their claims department.

10 Q Okay. I am going to show you Exhibit 158 and ask
11 if you recognize that batch of documents as relating to your
12 mother's move.

13 A This, no.

14 Q So 158 you never saw?

15 A No.

16 Q I am going to show you Exhibit 157 on the screen.
17 Do you see your mother's name Susan Collins on that
18 document?

19 A Yes.

20 Q Is the move date of July 31st, 2008 accurate?

21 A Yes.

22 Q And does it confirm the information that your
23 mother provided to you about the quote that she was given
24 for the move that it was three hours, one small bedroom,
25 coupon valued, \$75 an hour?

26 A Yes.

27 Q Do you know whether -- did your mother ever tell
28 you the amount of \$225 as an initial quote that she

1 received?

2 A She actually quoted me about a \$300 quote. A
3 little under \$400. Not that 225.

4 Q Okay. Showing you the third page which ends in
5 501, do you recognize your mother's handwriting on that
6 document?

7 A Yes.

8 Q Is that her signature?

9 A Yes.

10 Q And did you ever have information about her
11 receiving \$3,000 to do the move with one truck and tow men?

12 A No.

13 Q Did she ever tell you anything about that?

14 A No.

15 Q Showing you the next page which ends in Bates
16 number 502, do you recognize this letter?

17 A Yes.

18 Q And this letter is dated August 13th of 2008. Can
19 you tell us why you wrote this letter?

20 A We were making attempts to go down and get my
21 mother's items. And I couldn't get them to confirm a date
22 or time. So my husband had suggested that I gave them my
23 days and times and stick to it and then follow up with
24 contesting their storage fees because it was going to be --
25 we were pushing a month.

26 Q They were charging you storage fees and yet they
27 would not give you a date to pick up the items?

28 A Yes.

1 Q Did you discuss that with anyone, that you needed
2 to pick them up and they were charging you on a daily basis?

3 A I don't remember, again, who I had spoke with, but
4 I know I had said to someone on the phone you are charging
5 us storage yet we cannot set a date to pick up our stuff.

6 Q The person that you directed your letter to, do
7 you know who she is?

8 A At the time, I was told that she was their
9 manager. I didn't ever speak with her directly. I was just
10 given her name, that she was their manager.

11 Q All right. After you sent this letter, were you
12 able to get a date and time for the pickup?

13 A Yes.

14 Q Showing you the next page of Exhibit 157, which
15 ends in Bates number 503, do you recognize your mother's
16 signature on this document?

17 A Yes.

18 Q And is this a letter that your mother wrote?

19 A Yes.

20 Q And did she give you a copy of this at any point?

21 A Yes.

22 Q This letter says attention Linda Cassidy. Do you
23 happen to know how she got that name?

24 A I do not know how she got Linda's last name. No.

25 Q Was this your mother's attempt to document what
26 happened and also to arrange for payment?

27 A Yes.

28 Q Showing you the next page of Exhibit 157, which

1 ends in Bates number 504, do you recognize the credit card
2 receipts that are shown there?

3 A Yes.

4 Q There are two receipts. One is for 1,050, I
5 believe; and the other is for 1,145?

6 A Yes.

7 Q Why were there two different receipts?

8 A The one for 1,050 is the amount my mom paid at the
9 end of the day of her moving day. The other one is the one
10 that I paid when I picked up her stuff.

11 Q Okay. That's the one that has your signature on
12 the bottom?

13 A Yes.

14 Q So the first receipt on that has a Visa sale.
15 That is your mother's card?

16 A Yes.

17 Q The second receipt that has a Master Card sale,
18 that's your card?

19 A Yes.

20 Q Did you get any money back from the company?

21 A No.

22 Q Do you know if your mother got any money back?

23 A I did not know she got any money back.

24 MS. DONOHOE: All right. I have no further questions.
25 Do the grand jurors have any questions?

26 All right. The foreperson is going to read you an
27 admonishment and then you are free to go.

28 (Witness admonished and excused.)

1 MS. DONOHOE: We are going to take a break. How about
2 15 minutes? I have some witnesses here that I haven't
3 talked to yet. Three witnesses. I hope to finish this
4 morning. So we could do 15 minutes.

5 (Recess.)

6 MS. DONOHOE: My next witness is Jessica Vera.
7 Ms. Vera, if you could please step forward.

8 Excuse me. I'm sorry. You have to wait outside.

9 (Pause in the proceedings.)

10 MS. DONOHOE: Sorry about that.

11 (Witness sworn.)

12 TESTIMONY OF JESSICA VERA

13 EXAMINATION

14 BY MS. DONOHOE:

15 Q Could you please state your name for the record
16 and spell both your first and last name?

17 A Sure. Jessica Vera. J-e-s-s-i-c-a, last name
18 V-e-r-a.

19 Q What is your occupation?

20 A Mom and sales associate.

21 Q And are you currently employed?

22 A No.

23 Q What city do you live in?

24 A Sunnyvale, California.

25 Q You previously worked for a company in San Jose?

26 A Yes.

27 Q What company did you work for?

28 A ASAP Relocations.

1 Q What was your position with ASAP Relocations?

2 A Sales associate.

3 Q And during what period did you work there?

4 A From April 2010 to January 2011.

5 Q How did you get the job with ASAP Relocations?

6 A My dad and my brother and another family member of
7 mine worked there.

8 Q So you had multiple family members working at ASAP
9 Relocations?

10 A Yes.

11 Q Did you interview with anyone in order to get a
12 job there?

13 A Yeah, with Roni Hayon.

14 Q So he hired you?

15 A Yes.

16 Q Who trained you in your job?

17 A Tammy.

18 Q How did she train you in your job?

19 A I pretty much just sat beside her for the first
20 week, and I was supposed to pick up on whatever she was
21 doing.

22 Q Did you receive any kind of script to use during
23 your job?

24 A Yes.

25 Q Who provided the script?

26 A I believe Linda gave me the copy. Linda Reyna.
27 She was my supervisor.

28 Q All right. Do you know where Linda sat in

1 relation to where your station was?

2 A Yes. She sat to the left of my desk. I was
3 sitting right in front.

4 Q So you were close to where Linda sat?

5 A Yeah.

6 Q During the time that you worked there, were you
7 involved in making price quotes for customers for their
8 moves?

9 A What do you mean?

10 Q Did you quote pricing to customers about how much
11 it would cost for their move?

12 A Yeah, basically.

13 Q That was your job?

14 A Yes.

15 Q What information would you rely on when you gave
16 price quotes?

17 A I was to get an approximate weight, and depending
18 on a local move or a long distance move, but it was,
19 basically, all based on weight. So that's where the numbers
20 would come from.

21 Q Where did you get your weight figures from?

22 A There was a list in the computer already with, I
23 guess, like a guesstimate of weight like a sofa or a piano
24 baby grand. Basically, just a list of household items.

25 Q So would you obtain inventory from the customer
26 about what they had?

27 A Yeah, an inventory list from them.

28 Q Based on that inventory, would you come up with

1 what the weight of the items would be?

2 A Yeah.

3 Q Was there any visits to customers homes in order
4 to determine what their weight was for that move?

5 A No. I was told that, if the customer asked for
6 like an on-site, to, kind of, arrange it and then they would
7 work it out from there. But I don't believe that there was
8 an on-site ever done.

9 Q So you are not familiar with any on-site ever
10 occurring?

11 A No.

12 Q During the time that you worked there, did you
13 become concerned about the representations that you were
14 making to customers based on what you knew?

15 A Yeah.

16 Q Why?

17 A Because, to me, even when we booked the moves, the
18 information wasn't really accurate to me. And, without an
19 on-site, it just didn't make sense how you would get a price
20 on a move based on a computer-set weight which you don't
21 know. How would you know what they weigh? Because you had
22 never seen the customer, for one. And, after the moves were
23 done, there was always a complaint. There's always
24 something missing, and nothing was really done about it.

25 Q Were you able to talk to the customers when they
26 had a complaint?

27 A No.

28 Q Why not?

1 A Well, I was told to direct the call or forward all
2 calls to Linda so she can deal with it because she was
3 supposed to deal with insurance claims and whatnot.

4 Q Did you regularly hear her dealing with customer
5 complaints?

6 A Yeah. I would hear her arguing. But I don't
7 believe there was anything -- I don't think she was dealing
8 with the complaints. She was like complaining with them or
9 at them. And I don't believe nothing was ever resolved.

10 Q Did you hear her doing that every day that you
11 worked?

12 A Almost. Yeah.

13 Q And how did she treat the customers?

14 A I don't think she treated them fairly. She was
15 really rude and obnoxious at times. I don't believe she did
16 her job well at all. Most of the complaints were about
17 things missing and her attitude with customers -- almost all
18 the complaints that we had coming in.

19 Q Her attitude was what?

20 A Her attitude towards the customers. That's what
21 the most of the complaints were. Missing items and the
22 supervisors, the way that she treated the customers.

23 Q Did you ever hear her discussing complaints where
24 people complained about being overcharged?

25 A Yeah.

26 Q How did she handle those complaints?

27 A She would get upset and then she would go talk to
28 Roni about it, and they would shut the door and discuss it

1 amongst themselves. We never got to hear the other side of
2 it. But, when she was arguing and it was really loud, we
3 could hear her going back and forth with the customer,
4 saying that it's not her responsibility. Just things like
5 that. That was one of the things we would always hear.
6 It's not my responsibility. How do I know your weight? How
7 do I know the weight of your items?

8 Q She would pass things off?

9 A Yeah. Everything was in a roundabout circle.
10 Nothing ever got resolved.

11 Q What was the work environment like given the fact
12 that you were listening to these complaints and her
13 response?

14 A It was pretty hostile. I think almost everybody
15 has argued with that woman since they started working there.
16 It was really uncomfortable.

17 Q Did you receive payroll checks while you were
18 there?

19 A Yeah.

20 Q What name was on the payroll checks?

21 A ASAP Relocations.

22 Q Did you know of other companies operating at the
23 same location?

24 A I was told that -- there were three different
25 sections where we would sit. I sat in the front. And there
26 were three cubicles in one room and then two in another
27 room. And then another two in a separate room off to the
28 left, that was behind Roni's office.

1 One was, I believe, Fast Move. One was ABM Van
2 Lines. And then there was ASAP Relocations. So I was ABM
3 Van Lines and there were two other workers who were supposed
4 to be representing ASAP and another two who were
5 representing Fast Move.

6 Q Did anyone explain to you why there were three
7 different company names?

8 A No, not at all. It was really confusing.

9 Q Who managed the staff for Fast Move?

10 A I believe Linda.

11 Q And how about who managed the staff for ABM?

12 A Linda.

13 Q Who managed the staff for ASAP?

14 A Linda.

15 Q Who had the ultimate control over all of the
16 staff?

17 A Roni when he was there. But I believe Linda was
18 the one pretty much in charge of the office.

19 Q Was Roni frequently absent?

20 A Yeah.

21 Q How did your employment end?

22 A I had some personal issues. Actually, I had a
23 custody case in family court. So I was, you know, I was at
24 court a lot. So I was told that, because of my absences,
25 basically, I had one more chance, and, if it kept occurring,
26 then I can either quit or get fired. So I was actually
27 released once and then they rehired me, and I guess they let
28 me go again.

1 Q Did your family members continue to work there
2 once you were released from work?

3 A Actually, my brother, I believe, quit before I
4 did. And my dad still worked there. I believe my cousin
5 wasn't working there, either. So it was just me and my dad
6 working there.

7 Q I'm going to show you a diagram and just go over
8 the place where you sat in the office. I'm going to show
9 you Exhibit 88 and ask if you recognize the layout of this
10 diagram that says Ringwood office and warehouse. Does that
11 look familiar?

12 A Yeah.

13 Q You've described for us that you worked in the
14 front area. Can you look at the letters on that diagram and
15 tell us what area you worked in?

16 A A.

17 Q So you worked in the lobby front area?

18 A Yeah.

19 Q And there's two desks noted there. A glass desk
20 and a wood desk. Were you sitting at one of those desks?

21 A The wood desk.

22 Q Who sat next to you at the glass desk?

23 A Tammy was at the glass desk.

24 Q Can you tell us which one of the offices Linda
25 would have been in?

26 A I believe at the FC3.

27 Q So FC3 here?

28 A Uh-huh.

1 Q And room F is this room. Would that have been
2 Linda's office?

3 A Yeah.

4 Q Was there anyone else with her?

5 A No.

6 Q How about Roni Hayon? Where was his office?

7 A B.

8 Q So this room here B which appears to have one
9 desk?

10 A Yeah.

11 Q Was there any other person in that office with
12 him?

13 A No.

14 Q How about who was in room E? Excuse me. Let me
15 withdraw that. Which business was in room E?

16 A ABM.

17 Q And how about which business was in room D?

18 A That was Fast Move.

19 Q And who was in room C?

20 A ASAP.

21 Q ASAP? Okay. So that's how the different offices
22 were broken up. Did you ever have occasion to go into the
23 warehouse?

24 A Yeah. The refrigerator was in there and stuff,
25 but I never actually walked around the warehouse.

26 Q Were you aware of the business storing any
27 documents relating to the business in the warehouse?

28 A No.

1 Q And do you know what room J was?

2 A (Pause.)

3 Q Upper right?

4 A Yeah. That's where the refrigerator was. There
5 were some file cabinets in there, but I never got around to
6 look at them.

7 MS. DONOHOE: All right. I have no further questions.
8 Do the grand jurors have any questions?

9 All right. Jessica, the foreperson is going to
10 read you an admonishment and then you are free to go.

11 (Witness admonished and excused.)

12 MS. DONOHOE: My next witness is Noel vera.

13 (Witness sworn.)

14 TESTIMONY OF NOEL VERA

15 EXAMINATION

16 BY MS. DONOHOE:

17 Q Could you please state your name for the record
18 and spell both your first and last name?

19 A My name is Noel Vera. N-e-o-l first name. Last
20 name V-e-r-a.

21 Q Thank you. Mr. Vera, what is your occupation?

22 A I'm a driver.

23 Q You are a driver?

24 A Yes.

25 Q What type of driving do you do?

26 A I drive tractor trailers. I drive trucks for a
27 moving company.

28 Q Do you have a special license?

1 A Yes. I got a Class A.

2 Q What is a Class A license?

3 A Class A commercial driver. Move bigger trucks.

4 Q You can move bigger trucks?

5 A Yes.

6 Q And, Mr. Vera, I'm sorry, would you mind if I got
7 you a piece of paper so you can get your gum out? I think
8 it would help.

9 A Okay.

10 Q So you have a Class A license, and you can drive
11 bigger trucks because of that?

12 A Yes.

13 Q So is it required to have a Class A license in
14 order to drive a moving truck?

15 A Yes.

16 Q Certain trucks can you drive without having a
17 Class A license?

18 A You could drive a 25 footer with the regular
19 license. But you gotta have Class A to go through a weigh
20 station.

21 Q Whenever you need to go to a weigh station, you
22 would need to be a driver with a Class A license?

23 A Yes.

24 Q As a result, do you get paid more as a mover?

25 A Yes.

26 Q Drawing your attention to 2009, did you become
27 aware of a job that was available in San Jose?

28 A Yes.

1 Q How did you become aware of that job?

2 A I was going to the child support office, and Jesse
3 Rodriguez he told me about ASAP Relocations hiring drivers.

4 Q You met Jesse Rodriguez at the child support
5 office?

6 A Yes.

7 Q Did he work there or did he work somewhere else?

8 A He worked there.

9 Q At child support or ASAP?

10 A ASAP Relocations.

11 Q Did he tell you anything about the job before he
12 told you you should go there?

13 A No. He told me they were hiring drivers. They
14 needed drivers. And I needed a job. I went in and applied.
15 And, without even filling out an application, the guy hired
16 me.

17 Q Who did you interview with?

18 A I interviewed with Roni.

19 Q Roni?

20 A Yes.

21 Q So you just showed up one day, met with Roni, and
22 he hired you on the spot?

23 A When I talked to him, we had a verbal conversation
24 in his office. And he told me when can you start? I said I
25 will start tomorrow. He said, okay, be here tomorrow at
26 seven o'clock in the morning. I asked, do I need to fill
27 out an application, you know, check my background and
28 license everything? He said, no, the only thing I need is a

1 copy of your social security and your driver's license.

2 Q So you never filled out an employment application?

3 A No.

4 Q Did that concern you at all that he was going to
5 hire you without filling out any application?

6 A At the moment, I came from Florida and needed a
7 job real quick. I took it. After that, I was asking him
8 when do I fill out an application? Because I'm like what
9 kind of company I'm working for? He said we are a
10 corporation. Corporation? Okay. At the moment, I started
11 working.

12 Q I am going to stop you a second. So you talked to
13 him about wanting to fill out an application, and it was a
14 corporation he told you; correct?

15 A Correct.

16 Q Did he offer that as an explanation why you
17 didn't --

18 A He gave me no application whatsoever. You got a
19 job. And, during the time, you will be working with us.
20 I'll talk to you more about it. Yes, he told me you are
21 going to fill out an application, which I never did.

22 Q Did you understand which company you were going to
23 work for?

24 A I was working for ASAP Relocations.

25 Q Did he tell you how he would pay you?

26 A I told him, listen, Roni, I need to pay child
27 support because I got child support payment. He goes, don't
28 worry about it. I'm going to help you with that. I'll give

1 you a check saying that you worked 20, 30 hours, and I'll
2 give you the rest in cash.

3 Q Did he explain to you why he was going to give you
4 a check that showed you worked 20 to 30 hours and then pay
5 you the rest in cash?

6 A He told me, I'll pay you in cash. You make more
7 for you. I'll give you a check for 20 or 30 hours. And, at
8 the moment when he told me that, I tell him, what's going on
9 here? You know. In order for me to have a license, I have
10 to pay child support.

11 Q Did he indicate how you could go through and do
12 this and get some payment in cash in addition to your check?

13 A Yes, he did. He told me, listen, if I send you
14 for a long trip and you are going to be gone for three days,
15 I'll give you mileage in cash and the hours I pay you on the
16 check, which I saw my check that he had the deduction of the
17 child support and then, a month later, I received a letter
18 saying that they are not getting the payment from child
19 support.

20 Q You saw a deduction in your check that he gave
21 you, that you believed was a deduction for child support?

22 A Yes.

23 Q Did that amount get paid over for your child
24 support?

25 A It never did.

26 Q It never did?

27 A That was the reason they suspended my license.
28 They took my license.

1 Q They suspended your license as a result?

2 A Yes.

3 Q Did you talk to Roni about that?

4 A He told me, there's an error in their office
5 because I'm taking the money out. I said, how do you take
6 the money out? You garnished my check. Child support is
7 garnishing my check. But I got this letter showing me they
8 never received any payment.

9 Q Did that ever get cleared up?

10 A I had to go to court four times to get that
11 cleared.

12 Q And was money, in fact, then paid over for your
13 child support?

14 A Yes. I had to pay out of my own pocket, money I
15 was making from my other job.

16 Q Now, how much per hour were you to be paid by
17 Roni?

18 A He was paying me \$16 an hour.

19 Q Did you have any set days that you would come to
20 work? How would you know when to come to work?

21 A He gave us the schedule. When I started, he gave
22 the schedule on the day we were supposed to be.

23 Q He would give you a schedule in advance of the day
24 you were scheduled to work?

25 A Yes.

26 Q Did he communicate the schedule, or someone else
27 from the office?

28 A He communicated to the foreman that was in charge

1 of the job. And the foreman later --

2 Q The foreman would give you a call when you had to
3 come?

4 A Yes.

5 Q How frequently did you work once you started?

6 A I worked every day. Six days a week.

7 Q Six days a week?

8 A Yes.

9 Q And so then you were getting a paycheck that had
10 20 to 30 hours of pay on it?

11 A Yes.

12 Q And how much cash were you bringing home?

13 A The cash he was giving me, he was giving me \$900
14 in cash and a \$240 check.

15 Q So he gave you \$900 in cash and a check for \$240.
16 That would be an example of payment for what? A week? Or
17 two weeks?

18 A For a week.

19 Q So he paid weekly?

20 A Yes.

21 Q Did you have any discussions with him after you
22 were hired and this happened for a while about how he was
23 paying you?

24 A I had discussed with him, after the third year, at
25 the end of the third year that I was working with him, that
26 I was having a problem because child support is giving me
27 more letters. And I told him I didn't want cash anymore.

28 Q So you didn't want the cash any longer?

1 A I didn't want the cash. I wanted him to pay me a
2 check. I wanted to make sure he paid child support -- my
3 deduction for the child support.

4 Q How did Roni Hayon respond when you told him you
5 wanted checks for your pay?

6 A He started giving me days off.

7 Q And why was he giving you days off?

8 A The reason he said was because he didn't have any
9 work. But he had five trucks moving on the road. When he
10 told me the company was going slow, I used to go around the
11 company to see and to talk to him. And I say the trucks are
12 gone. These guys are working. So I started thinking what's
13 going on? When I went to the office and talked to him, he
14 said we have a problem, you know. I am going to be hiring
15 other drivers. That's when I started noticing something's
16 going on here.

17 Q So was it your impression that because you were no
18 longer willing to take the payment in cash --

19 A Exactly.

20 Q -- that he did not want to use you as a driver any
21 longer?

22 A Exactly.

23 Q Did you work with certain foremen while you were
24 there?

25 A I worked with three different foremen.

26 Q Who were the foremen that you worked with?

27 A I worked with Mr. Mike Waters, Mr. Hector Reyes,
28 and I worked with Mario.

1 Q Who was the first foreman, if you recall, that you
2 went out on a job with?

3 A Mike Waters.

4 Q Did he show you the ropes for the company?

5 A He showed me the paperwork. He told me how much
6 time we were going to be driving, how many jobs we are going
7 to do. Like an example, we went to Phoenix, Arizona, to
8 take two jobs, taking two jobs to finish in Arizona, and, on
9 the way back, pick up in Los Angeles three jobs coming to
10 San Jose. The paperwork from Phoenix, Arizona and the
11 pickup in Los Angeles, there were two different companies.

12 Q All right. So, when you saw two different
13 companies for that Phoenix-LA-San Jose job, what were the
14 different company names?

15 A The job to Phoenix, Arizona, we were doing it for
16 ASAP Relocations. When we finished delivering in Phoenix,
17 Arizona, on the way back, he told me let's change shirts. I
18 said, change shirts? What's going on here? Now he was
19 giving me an orange shirt with the name Fast Move. I'm
20 like, what's going on? He goes, don't worry about it,
21 everything's going to be all right. Everything's taken care
22 of. I said, hey, I'm a driver. I'm trying to make a living
23 for my children and me. So I went for it. But, when we
24 went to do the pickup in Los Angeles, there was a chaos with
25 the customer. The chaos with the customer in Los Angeles
26 with a credit card.

27 Q All right. What was the problem with the credit
28 card?

1 A The pickup in Los Angeles, the customer wanted to
2 use a credit card, and Mr. Mike Waters told the customer,
3 right now the machine is down, so it would be better for you
4 to pay cash. And I was really confused. We got credit card
5 in Arizona. One of the jobs. The credit card went through.
6 And the second one we got cash. Now we are coming back with
7 Fast Move and pick up all the cash on the jobs in Los
8 Angeles. What's really going on here?

9 Q So you didn't understand what was going on?

10 A I didn't understand what was going on.

11 Q Did Mike Waters get cash from that customer?

12 A All the time I witnessed that. I did most of the
13 jobs with Mike Waters. Especially long haul.

14 Q I'm going to stop you there. You would go on long
15 haul jobs with Mike Waters?

16 A Yes.

17 Q What's a long haul job?

18 A Long haul is when you move from Albuquerque, New
19 Mexico; Glendale, Arizona; Mesa, Arizona; Saint Louis,
20 Missouri.

21 Q Out-of-state moves? Long distance?

22 A Yes.

23 Q Would you have to stay at motels across the
24 country when you went --

25 A You know where we slept? We slept in the truck
26 because Roni didn't want to pay for the hotel.

27 Q Did you get paid by Roni for the hours that you
28 were out on the road?

1 A I got paid for the hours we worked. And he paid
2 me for the mileage going one way. He never paid for the
3 mileage doing the other job back.

4 Q Was that routine that he only paid you for one
5 direction?

6 A When I started, it was different. Class A drivers
7 are professional drivers.

8 Q And he needed Class A drivers to go to weigh
9 stations?

10 A Yes. Every time they do long haul, we never used
11 the truck for ASAP Relocations unless we were going to Los
12 Angeles. If we are going far, he rent the trucks.

13 Q Why did you rent trucks?

14 A He rented trucks because they were more adequate
15 to go through a weigh station and pass the Department of
16 Transportation standards.

17 Q So were the trucks for ASAP not in good condition?

18 A They were not in good condition.

19 Q Mechanically?

20 A They were no good.

21 Q So, if they represented on their website that
22 their trucks are cleaned and maintained and serviced every
23 day, was that not true?

24 A That wasn't true. What he did, he probably put a
25 logo on a white truck which was in good condition. Of
26 course, the customer's gonna go, wow, these people are
27 professional, nice truck, nice crew.

28 Q Those weren't real?

1 A That wasn't real. When we go to three jobs here
2 in the city of Santa Clara, which we did the move everything
3 here in Santa Clara, the customer called the police.

4 Q And so were you there when the customer had called
5 the police?

6 A I was right there. The foreman in charge was Mike
7 Waters.

8 Q Why did the customer call the police?

9 A Because the price they were charging the customer
10 was like, wow, \$4,000 from Palo Alto to Santa Clara.

11 Q So the customer was being charged far more than
12 the customer expected?

13 A Yes.

14 Q What happened when the police came?

15 A Well, the time the police came, it was me, Mike
16 Waters, Mario, and Leon. I saw Mario and Leon take off when
17 they saw that the lady was going to call the police. Every
18 time they call the police, they disappear.

19 Q Do you know why Mario and Leon disappeared?

20 A The reason, they were not a citizen.

21 Q They were afraid of getting picked up?

22 A Getting picked up and sent back to Mexico.

23 Q Did you know of other staff that were working as
24 moving helpers who were not documented workers?

25 A Not to my recollection. But I think about four of
26 them did not have social security or driver's license.

27 Q Were there workers that would be there on a
28 regular basis that you knew didn't appear to have any

1 documentation?

2 A Every time I worked there, they were there.

3 Q So they were regulars?

4 A They were there at seven o'clock in the morning
5 every day.

6 Q Do you know how they were paid?

7 A They were paid cash.

8 Q So do you have any estimate of how many workers
9 Roni Hayon was paying under the table?

10 A Including my children? Because I had my children
11 working there with me.

12 Q Yes.

13 A About nine.

14 Q At least nine that you knew of?

15 A Uh-huh.

16 Q Okay. When Roni Hayon paid you cash, where would
17 he get the money from?

18 A The money from the different customers. He used
19 to charge cash. What he did, he told us, I'll pay you on
20 Friday on payday. He never paid us right there and then.
21 Every time Friday came, he wanted to switch it up. I'll
22 give you half check but you have to wait until six o'clock
23 in the afternoon.

24 Q Why would he wait until six o'clock in the
25 afternoon?

26 A If you are going to pay your check that's going to
27 bounce, the bank is closed. By the time you try to cash
28 your check on Monday, he will put a little money in the

1 account that he had for those checks. There's a time when
2 one of the checks he paid me bounced.

3 Q Were you always concerned that the check you were
4 receiving might not clear the bank?

5 A Yes.

6 Q What would you do to deal with that?

7 A I went back to the office and talked to Roni. And
8 I said, listen, I got bills. Bills don't wait. I got
9 children. I got rent. You take this check and give me my
10 money. I don't know how you're gonna do it, but I need to
11 get paid.

12 Q Did Roni ever cash the checks for you?

13 A He cashed checks.

14 Q How did you go about doing that?

15 A We sign it over to him, and he gave us cash.

16 Q Did he have a cash box?

17 A Excuse me?

18 Q Where did he --

19 A All the time he had cash back in the office. The
20 cash that we picked up from the customers during the week
21 Monday through Friday. We are doing four jobs a day.

22 Q Did you see how much cash he had in his cash box?

23 A Well, to tell you the truth, we did the long trip,
24 me and Mike Waters, to Arizona. On the job, we got cash
25 from Arizona to Los Angeles. Mike Waters picked up \$23,000.

26 Q \$23,000? Did you see Mike Waters turn over
27 \$23,000 to Roni Hayon?

28 A I was right there in the office.

1 Q How did Roni Hayon respond?

2 A Roni told Mike Waters, oh, beautiful job. From
3 now on, long hauls, make sure you bring me cash. And Mike
4 Waters said, how are we gonna do it? He said, we will tell
5 them the machine is down.

6 Q He instructed Mike Waters to tell customers that
7 the machine was down?

8 A Not only he instructed Mike Waters, he instructed
9 Hector Reyes, too, and Mario.

10 Q Did he give any instructions about how to handle
11 customers moves in terms of how to make the bill go up
12 higher?

13 A He instructed Mike Waters, Hector Reyes, and Mario
14 how to talk to the customer every time they want to pay with
15 a credit card. That's another thing I didn't understand.
16 Credit card you charge five percent. They charge 10 to
17 15 percent.

18 Q So he told his foremen to tell the customers that
19 they would have to pay 10 to 15 percent extra to use a
20 credit card?

21 A Yes. He is showing the customer like the customer
22 pay cash.

23 Q So it was a way to make the customer pay cash?

24 A Yes.

25 Q Did that work?

26 A Oh, yeah.

27 Q All right.

28 A Yes. I seen it work more than 20 times. I seen

1 that.

2 Q How many jobs, approximately, do you think you did
3 for Roni Hayon where you did pickups and deliveries?

4 A The three years I worked for Roni, I did more than
5 3,000 jobs.

6 Q 3,000 jobs?

7 A Yes.

8 Q That would be both pickups and deliveries? So not
9 a roundtrip, but 3,000 total for pickups and deliveries?

10 A Yes.

11 Q All right. During that time, did you learn
12 anything about how they would make the price of the moves go
13 up?

14 A I seen the way he instructed Mike Waters. So he
15 instructed Mike Waters to charge the customer for boxes,
16 plastic wrap, tape. Sell a roll of tape for 13 bucks to a
17 customer.

18 Q Did you actually see situations where Mike Waters
19 would sell tape to the customer for \$13?

20 A I saw him fill out the paperwork for all the
21 material he used to push into the customer.

22 Q When you say push into the customer, what are you
23 talking about?

24 A Like, I'm going to use this lady as an example.
25 The lady calls us to do a move. Whoever calls the lady on
26 the phone, they tell her the job is going to be \$580. The
27 lady is going to go for that. \$580 you are going to move
28 two bedrooms? Hell yeah, come over here. But the lady

1 don't know Mike Waters is going to push the material or
2 boxes, tape, plastic wrap, even the blankets that you have
3 to wrap their furniture.

4 Q They charged for blankets as well?

5 A They did.

6 Q Didn't they advertise that the blankets were free?

7 A They advertise blankets free, five wardrobes free.
8 They used to even charge for the wardrobes.

9 Q For the wardrobe boxes?

10 A Yes.

11 Q So how much money could they increase the move by
12 by charging for those materials?

13 A If the lady is paying \$580, by the time we wrap
14 everything in her home, we put it in the truck, when we
15 finish, we tell the customer, listen, everything is done
16 already. The destination where it's going, when we go to
17 the destination, before we take anything out of the truck,
18 Mike Waters come to the customer, show her now a different
19 price, from \$580 come to \$3,400.

20 Q So from \$580 to \$3,400? How would that customer
21 react?

22 A We had encountered six different customers which,
23 like I said, they called authority. They called the police
24 because they don't got that kind of cash. So Mike Waters
25 tell the customer, listen, this is what you are going to pay
26 now because we had to use boxes, tape, plastic. We had to
27 wrap your furniture real good so they don't get damaged. We
28 had to wrap your furniture with blankets. He even charged

1 for the blankets, too.

2 I started seeing something is going on with this
3 company. Almost three years that I was working there,
4 that's when I did my last three jobs. And, when I got into
5 the office, I told Roni, listen, I don't want to work for
6 you no more. I need my last check. You don't want to work
7 for me anymore? I'll give you the last check. He started
8 cutting my hours and days.

9 Q Did he give you your last check?

10 A He never did.

11 Q How much money do you think he owes you?

12 A The three years, Roni owes me almost \$10,000.

13 Q Now, when you were on the truck with the foreman
14 and having these bad experiences, did you get any
15 instructions about how to deal with a customer who didn't
16 want to pay?

17 A No. What they told me was stay in the truck, load
18 up the truck and unload. And the only thing you have to do
19 is just drive and help to wrap the furniture and everything.
20 Never talk to the customer. The foreman will talk to the
21 customer and handle the paperwork. So I followed the
22 instruction they would tell me.

23 Q Were you ever asked -- did anyone ever tell you
24 that you should leave a location because the customer wasn't
25 paying?

26 A Four times. Especially the customer in Santa
27 Clara.

28 Q Okay. That's the customer you mentioned before

1 that had moved from Palo Alto to Santa Clara?

2 A Yes.

3 Q The price went up dramatically?

4 A From \$780 to \$3,200.

5 Q And --

6 A They were charging her for drive time from Palo
7 Alto to Santa Clara -- I think it's only half a mile -- they
8 were charging her two-hour driving time. That was absurd.

9 Q When the customer wouldn't pay, what happened?

10 A When the customer didn't pay, the first thing the
11 foreman did, which was Mike Waters, call Roni. Roni
12 instructed Mike Waters, if she don't pay, leave the stuff in
13 the truck, bring it to the warehouse. Now she has to pay
14 more for her stuff being in the warehouse.

15 Q Did the two of you -- Mike and yourself -- follow
16 Roni's instructions?

17 A Yes, we did.

18 Q And took it back to the storage?

19 A On that time, we didn't take nothing to the
20 storage because the lady called the police. And then her
21 husband came, and her husband paid.

22 Q So Mike eventually collected the money that he
23 wanted? So the goods were unloaded --

24 A Yes.

25 Q -- at the new house?

26 A Yes.

27 Q Now, when you were dealing with this, did you know
28 of any other situations where the foreman had trouble and

1 police were called as a result?

2 A I was working -- one time I worked with a
3 different foreman. Like I said, three different, Mike
4 Waters, Hector Reyes, and Mario. There were two incidents
5 with Hector in which the police was called.

6 Q And why was police called in the first of those
7 two incidents?

8 A Same thing. They see a price different than what
9 they gave to the customer over the phone.

10 Q Did you ever have to take a customer's goods back
11 to the warehouse because the customer couldn't pay?

12 A Yes.

13 Q What happened once you got the goods back to the
14 warehouse?

15 A When we got back to the warehouse, Roni said put
16 it in a wooden crate, put in her name with a number, and
17 leave it there. Until the person comes to the office and
18 pay, nothing's coming out of the warehouse.

19 Q Okay. Did you ever have to interact with the
20 customers during these situations?

21 A There was a time we moved a lady. I don't recall.
22 But we moved a lady. She started crying, and I felt bad
23 about that. And she told me, why are they doing this to me?
24 I said, ma'am, I'm sorry. I'm a driver. The one in charge
25 is the foreman. What you could do is you could call Better
26 Business Bureau.

27 Q Everything is what?

28 A I told her the only thing you can do is call

1 somebody from higher power with more authority to see what
2 you could do about it.

3 Q You told her to call somebody from higher power?

4 A Yes.

5 Q When you said that, did you mean call the office?

6 A Call the office or get a lawyer.

7 Q I see. And, during the time that you were seeing
8 customers dealing with the foreman and being charged extra
9 money, did you know customers were calling the ASAP office?

10 A They were calling back and forth the ASAP office.
11 There were two incidents. We were doing this move. I think
12 it was Mountain View, California. The customer called 14
13 times ASAP Relocations talking to Linda.

14 Q And was the customer able to get any relief by
15 talking to Linda?

16 A Linda talked to the customer. One time she told
17 her to call her back which she never answered the phone. So
18 forcing the customer to pay either cash or credit card that
19 goes through.

20 Q In your office at ASAP, whoever was answering the
21 phone about customer complaints would back up what the
22 foreman was doing about collecting extra money?

23 A I saw that many times.

24 Q Did you ever see the foreman being told, no, you
25 gotta charge the customer less?

26 A I saw Roni instruct in front of us every time he
27 came out. He's telling us, when you get paid today, you get
28 paid cash. If they don't pay cash, nothing comes out of the

1 truck. No credit card.

2 And one time we were charging credit card for
3 about a month. I'd say, out of 25 customers, 16 of them
4 paid cash and the rest of them paid credit card, because
5 they were forced to pay 15 percent.

6 Q They had to pay 15 percent over the cost of the
7 bill in order to use their credit card?

8 A Yes.

9 Q And, in your opinion, did they do that because
10 they just preferred to use a credit card or was it because
11 they didn't have any money?

12 A They didn't have no money at the time. When they
13 called the office to Roni, they didn't have no money. The
14 customer didn't have money to pay cash. That's when Roni
15 instructed the foreman tell her they have to pay 15 percent.
16 And --

17 Q 50 or 15?

18 A 15.

19 Q Okay.

20 A I thought something's wrong with this company,
21 because I worked for a moving company in New York City which
22 everything that was paid by credit card is five percent, and
23 other companies I worked as a mover.

24 Q This company did not operate like your prior
25 moving company?

26 A Never.

27 Q I want to show you some documents. First, I want
28 to show you Exhibit 159, which is described as a Santa Clara

1 County Department of Child Support document with a header of
2 6/10/2011. Showing you that document, can you see that from
3 where you are?

4 A Yes.

5 Q And do you recognize your name on that document?

6 A Yes, ma'am.

7 Q Do you recognize that document as a child support
8 order that you had?

9 A Yes.

10 Q And would this have been something that Roni Hayon
11 was aware of in terms of you working for him?

12 A Yeah. He was aware because I got that letter to
13 him personally for him to read when they sent me the second
14 letter because they said we are going to suspend your
15 license.

16 Q This is something where you wanted him to act upon
17 the letter and pay over the child support?

18 A Yes.

19 Q I'm going to show you Exhibit 160. And this is --
20 I am going to bring it to you and see if you recognize it.

21 A Yes, I recognize it.

22 Q All right. So this is a document entitled Santa
23 Clara County earnings withholding order. And it has a Bates
24 number 5163 on the first page. Do you recognize that
25 withholding order?

26 A Yes, ma'am.

27 Q Was this specifically notifying ASAP that money
28 had to be withheld from your check?

1 A Yes. They were withholding money out of my check.
2 That's when Roni told me, I'll take care of everything for
3 you.

4 Q Roni assured you that everything had been taken
5 care of?

6 A He assured me everything had been taken care of.

7 Q Did his assurance only extend to the amount of
8 money in your check, not the amount of money that he was
9 paying cash?

10 A That's it. Whatever he paid me in the check.

11 Q So the cash you got was without any support being
12 collected from it; correct?

13 A Correct.

14 Q And you mentioned that you had received different
15 T-shirts. I'd like to show you Exhibit 149, second page.
16 Do you recognize this logo?

17 A That's the T-shirt I had to change when we went to
18 Arizona. We are coming back from Arizona to Los Angeles.
19 That's the T-shirt I had to change.

20 Q Were there many occasions where you were expected
21 to change T-shirts between jobs?

22 A We had three different T-shirts. We had ASAP
23 Relocations T-shirts. We had Fast Move T-shirts. And we
24 had America's Best Movers T-shirts.

25 Q So, on some occasions, you had to change your
26 T-shirts three times?

27 A Yes.

28 Q I'm going to show you a sign-up sheet.

1 Exhibit 151. Do you recall ever having to sign for an ASAP
2 Relocations T-shirt?

3 A I recall that. But he never needed me to sign for
4 those. I don't know why he never -- my person -- to sign
5 for that paper especially when he was giving those five
6 T-shirts for three different companies. So that's total of
7 15 T-shirts.

8 Q So you got as many as 15 T-shirts, and you never
9 had to sign for them?

10 A I had five for ASAP Relocations, five for Fast
11 Move, and five for America's Best Movers. That's 15
12 T-shirts.

13 Q Where would you keep those T-shirts?

14 A I used to keep them in my bag because we were
15 doing three or four jobs a day. Right now I put them in the
16 garbage. A couple of ASAP T-shirts I use to wash my car.

17 Q I'd like to show you another diagram of a T-shirt.
18 This is Exhibit 150. Do you recognize that T-shirt?

19 A Yes. That's one of the ASAP Relocations. It says
20 moving services but, in the back, it says ASAP Relocations.

21 Q Okay. This is the back. And this is a diagram.
22 So do you know -- did you ever get a shirt that didn't have
23 any company at all?

24 A I had about two of those T-shirts.

25 Q Where it just said moving services?

26 A That's it. An 800 number in the back.

27 Q Do you know why they used the T-shirt without any
28 identifier at all?

1 A The reason -- I asked one of the foremen, what's
2 going on? You know. This is a different T-shirt out of the
3 15 we had. We got three different logos with three
4 different companies and now he is giving me two or three
5 shirts with a one eight hundred number. I don't see no ASAP
6 Relocations. I don't see no America's Best Movers. I don't
7 see Fast Move. What's going on? He goes, oh, well, that's
8 because we are helping a different company on this one.

9 Q I see.

10 A Now we are going to be wearing 20 T-shirts. Wow.

11 Q So this was going to be even some other company
12 that you were involved in doing a load for?

13 A Yes, ma'am.

14 Q Okay. I am going to show you Exhibit 153, which
15 is a handwritten ledger sheet. Did I show you this earlier
16 today?

17 A Yes.

18 Q And do you recognize what this document is?

19 A The document is the day you work, the hours you
20 drive, and how much the foreman has the customer pay.

21 Q How much the customer was paying?

22 A Yes.

23 Q So where it says on here things like Leon, Alonso,
24 who were those people?

25 A Leon was one of the foremen. Alonso used to work
26 there, which Alonso quit because he seen what was going on.
27 And another person -- I forgot his name -- he warned me
28 because he told me they got rated one time by --

1 Q Someone else warned you about the business?

2 A Yeah. That was on my last three years. And
3 that's when I started seeing they got three different
4 T-shirts, this guy's telling me it got rated, I gotta go.

5 Q That was part of the consideration when you left
6 the company?

7 A Yes.

8 Q All right. The notation here about H E L and
9 Alonso, Sammy. It has Max. Do you know who those notations
10 are?

11 A I don't recall that. I don't recall those
12 notations. But I know, when he says 55, 25, six and a half,
13 three and a half, that's the hours you work. But they
14 change the hours, like six and a half, they used to put nine
15 and a half.

16 Q You are referring to under the hour column where
17 it says six and a half? And, to the left of that, it says
18 55. What does the six and a half mean?

19 A Six and a half is the hours you work. Six and a
20 half hours. Used to bump it up to nine hours.

21 Q When you said they bumped it up, did they bump it
22 up for what your pay was going to be?

23 A Uh-huh.

24 Q So you got paid for nine and a half hours?

25 A Yes.

26 Q Why would they bump up your pay?

27 A Because the job was made to finish in nine hours.
28 But we finish in six and a half. So Roni used to tell us,

1 you guys finish the job faster because I got two more jobs
2 on the same day. I'll pay you for the full time. So, of
3 course, we are going to move fast. We are going to do the
4 jobs quick.

5 Q It was a way to get you to handle jobs faster?

6 A He was working us faster. But he wanted to get
7 money from the customer even quicker.

8 Q I see. When you say he, do you mean Roni?

9 A Yes.

10 Q How about where it says 55? What is that?

11 A 55? I don't recall that. I don't recall that.
12 The foreman used to write those numbers.

13 Q The foreman wrote the numbers?

14 A Yes.

15 Q So, in the column where it says cash, what would
16 that refer to?

17 A That means the customer had to pay cash there
18 while we are going to take stuff back to the warehouse until
19 he paid the full amount.

20 Q All right. The numbers like in the first -- the
21 second column, below Leon, there's number 328963. What
22 would that refer to?

23 A That was the job number.

24 Q That was the job number?

25 A Yes.

26 Q Were the numbers different between the different
27 companies?

28 A Oh, yes.

1 Q How were they different?

2 A This one got numbers. The other one had letters
3 and at the end has three numbers.

4 Q Okay. I'm going to show you Exhibit 152. Do you
5 recall a pink binder called the 2010 trip details binder?

6 A Yes. That binder was always in Roni's office.

7 Q Okay. I'm going to show you page number 6782 of
8 that binder. Do you see a page that says ASAP Relocations
9 trip?

10 A Yes.

11 Q What was that document for?

12 A That document was for the hours we worked. You
13 see where it says job?

14 Q Yes. The second column it says job and --

15 A It got only five numbers. The other one got six,
16 seven numbers. So now ASAP Relocations trip, now you are
17 doing a job for Fast Move.

18 Q So you believed this would have been a job for
19 Fast Moves?

20 A Yes.

21 Q Okay. Even though it says ASAP Relocations trip?

22 A Yes, even though it says ASAP Relocations.

23 Q What was the purpose of this type of document?

24 A To pay the helper and driver cash. In those kind
25 of jobs for Fast Move, he never gave me a check. He gave me
26 cash.

27 Q I see. Did you ever have to hire somebody to help
28 you with your job?

1 A The way it worked, if we got a job, let's say we
2 got three jobs that needed four men. Me and the foreman
3 show up. We find out the other guys never showed up. We
4 gotta go to Home Depot and pick up two guys.

5 Q Did you have T-shirts to give to those guys?

6 A Oh, yes.

7 Q You had T-shirts in your truck?

8 A The foreman hooked them up with the T-shirt like
9 they were working for the company.

10 Q Did you know anything about these people you were
11 picking up?

12 A I had never seen them before. You pick them up at
13 Home Depot.

14 Q Did you have to pay those people?

15 A The foreman paid cash at the end of the day.

16 Q The foreman would pay them cash?

17 A Yes.

18 Q How much did the foreman pay to the people that
19 you picked up at Home Depot?

20 A We did four jobs and picked up two guys in Home
21 Depot. Roni paid the helper \$14. He used to pay them \$8.

22 Q So Roni would be paying the helper who is paid
23 from his staff \$14 and then that person would pay \$8 to the
24 person he picked up from Home Depot?

25 A Yes, ma'am.

26 Q So would the helper get to keep his \$14 and then
27 had another \$8 to pay the Home Depot person?

28 A Uh-huh.

1 Q And how did you account for the money that was
2 used to buy assistance at Home Depot?

3 A From the money that the customer paid, because
4 Roni already set it up. Like, can I see this right here?
5 There's a job. The customer paid \$1,430. So Roni set it up
6 because the customer was going to pay at least \$2,700. And
7 out of the \$2,700, he will pay the people from Home Depot \$8
8 an hour.

9 Q He would pay those Home Depot people \$8 an hour?

10 A Yes.

11 Q Did the foreman have to account for all the money
12 when you came back to the office?

13 A One thing I saw about the foreman, he kept
14 separate paper besides this one, logging all the money he
15 paid. And then he show Roni the quote what he paid the
16 people he picked up on the street.

17 Q Was that something that you believed the foreman
18 did on his own or was that because Roni expected him to do
19 it?

20 A I think him and Roni -- the people he had -- the
21 foremen he had working for him -- there were three different
22 foremen Roni entrusted. Every time they keep a different
23 log or paper to show him how much money was paid for those
24 people he picked up on the street.

25 Q Were there different logs based on the company?
26 Or what were they based on?

27 A On their own.

28 Q On what?

1 A On their own. On their own behalf.

2 Q On their own?

3 A On their own behalf.

4 Q On their own behalf?

5 A Yes.

6 Q I see. Okay. I'm going to show you Exhibit 93,
7 which is an employment application. Did you know someone by
8 the name of Mario Perez?

9 A Yes.

10 Q How did you know Mario?

11 A Mario was one of the foremen.

12 Q Did he have any family members working at ASAP?

13 A He had two brothers. One of them is Leon. The
14 other one's name was Jose.

15 Q Do you know Leon's last name?

16 A The same last name he got.

17 Q So Leon Perez?

18 A Yes.

19 Q And Jose Perez?

20 A Jose Perez.

21 Q Okay. Did you know -- do you see the name Linda
22 Reyna there on Page 4376?

23 A Yes.

24 Q And do you recognize her signature?

25 A Yes.

26 Q How do you recognize her signature?

27 A Because that's the signature she used to write on
28 the paper that she used to give orders to go do the job.

1 Q So you recognize it from seeing her writing on
2 documents you would get as part of a move?

3 A Yes, ma'am.

4 Q Did you know her to hire employees?

5 A Between her and Roni used to hire the employees,
6 especially girls that are going to be working in the office
7 on the phone.

8 Q All right. Who would be the person that would
9 hire the people in the office?

10 A Between her and Roni.

11 Q Okay. So both. All right. Did you ever see any
12 Fast Moves employment contracts?

13 A Yes.

14 Q How did you see a Fast Moves employment contract?

15 A Because we did three different jobs for ASAP
16 Relocations and two jobs for Fast Move. I got to see them
17 right there. Especially Mike Waters was using them.

18 Q Mike Waters was using Fast Moves?

19 A Yes.

20 Q All right. But did you ever sign a Fast Moves
21 employment contract?

22 A Never did.

23 Q Never had any employment contract at all?

24 A Nope.

25 Q Did you know that Mario was a Fast Moves employee?

26 A Yes.

27 Q How did you know that?

28 A Because every time we did Fast Move, every time I

1 came from a long trip, the job for Fast Move, it was me,
2 Mario, Jose, his brother, Leon.

3 Q They were always along on Fast Moves trip?

4 A Yes.

5 Q Showing you Page 383 of Exhibit 93, do you
6 recognize this person?

7 A Yes. That's Mario.

8 Q That's Mario?

9 A Yes.

10 Q Showing you Exhibit 22-A, do you recognize this
11 person?

12 A That's a third foreman for Roni. His name is
13 Hector Reyes.

14 Q Did you know him to have any family members at the
15 office?

16 A He had a brother working there before, which he
17 quit.

18 Q So was his brother before your time?

19 A Yes.

20 Q I see. Now, did you know anything about whether
21 Hector had an arrangement for child support?

22 A I think he did. And he was receiving conversation
23 for unemployment.

24 Q Unemployment?

25 A Plus Roni was paying him under the table so they
26 didn't recognize.

27 Q During the time that you were working with Hector,
28 you knew him to be receiving unemployment?

1 A Oh, yeah.

2 Q Roni accommodated him by paying him cash as well?

3 A Yes.

4 Q And that was so he could continue to collect his
5 unemployment?

6 A Yes.

7 Q Do you know what job he was collecting
8 unemployment?

9 A No. I'm not aware of that.

10 Q Okay.

11 A But something about Hector Reyes. He was pushing
12 a lot of material on customers.

13 Q Did you know him to do that?

14 A Hector Reyes got some background on him.

15 Q He was the bad one?

16 A He got background.

17 Q When you say he has a background, what do you
18 mean?

19 A Pushing material on customers and charging
20 15 percent on credit card. He's really good at this.

21 Q He was good at getting extra money out of
22 customers?

23 A That's the guy. Excuse me. Look at the picture.
24 See that guy right there. You see that guy in person, you'd
25 be afraid. That guy got full tattoos.

26 Q Was he intimidating to the customer?

27 A He was professional about it, because Roni
28 instructed him how to be professional. Either the

1 15 percent on the credit card or cash. Now, Roni told him,
2 they don't pay cash, you tell the customer nothing's coming
3 down out of the truck unless you pay cash.

4 Q I see. Did he follow Roni's instructions?

5 A All the time.

6 Q Were you with him when he followed Roni's
7 instructions?

8 A Oh, yes. I did a couple of long haul jobs with
9 him. Especially Ukiah. I went to Ukiah with him four or
10 five times. I went to Rica. I think I and him or Mike
11 Waters went to Mesa, Arizona.

12 Q When you are on long trips, did you get to learn
13 about how they were able to get extra money from the
14 customers?

15 A Every time we did the long trip, I seen either him
16 or Mike Waters go in the office. Roni got the truck ready.
17 Make sure the blankets and everything's on the truck, tape
18 and everything. I don't know what they were talking about,
19 but I noticed when they were with the customer how different
20 all their get-down was with the credit card or the cash.

21 Q I see. I'm showing you Exhibit 3. Do you
22 recognize this person?

23 A That's Linda.

24 Q And what was her role with the company?

25 A She was the main girl in the office either talking
26 to customers or giving me orders. I recognize her signature
27 because the paper she used to give for the job had her
28 signature at the bottom.

1 Q Showing you Exhibit 6, do you recognize this
2 person?

3 A No, I don't.

4 Q Showing you Exhibit 17, do you recognize this
5 person?

6 A Mr. Mike Waters.

7 Q So that's the foreman that you were with in Santa
8 Clara?

9 A Most of the time I was with him, doing long haul
10 jobs. Roni already had like three, four jobs for us to do
11 same day we came, driving two or three days. I told Roni,
12 I'm going home. I'm tired. I've been driving three days.

13 Q Roni would expect you to keep working even though
14 you just came back from a long trip?

15 A Yes.

16 Q Showing you Exhibit 148, side A, is this an
17 example of the wrapping that was done to customers goods?

18 A You see how the wrapping is in there? You see one
19 blanket and you see a lot of plastic. They wrapped that
20 two, three times around. They used plastic to charge the
21 customer even more money.

22 Q And did they charge by the foot for the plastic?

23 A Yes.

24 Q So those items there, what do you think those are?

25 A A small dresser at the bottom. A small dresser on
26 the right side. And on the top I don't know. Mike Waters
27 was the one that wrapped that one. He was the one that
28 wrapped that item like that.

1 Q I see. You can't tell what that item is?

2 A No.

3 Q So would they put a blanket around the item and
4 then encase it in plastic?

5 A Yes, encase it in plastic.

6 Can I say one more thing?

7 Q Do you have something you want to bring up?

8 A Yes. Every time we got to move the customer, on
9 the mattress, we got mattress covers. But they used to use
10 first plastic to wrap the mattress and then use the mattress
11 cover. They charged customer twice for the cover and the
12 plastic.

13 Q All right. So they would shrink wrap it and then
14 they would put a mattress cover on the outside?

15 A Yes.

16 Q Did anybody explain why that was done?

17 A Every time either Mike Waters or Hector told them
18 we don't want your mattress to get dirty or anything because
19 the truck is dirty. How can you call a professional company
20 and they got a clean truck and your mattress is going to get
21 dirty especially when you put it in a plastic mattress cover
22 and plus the --

23 Q Did you know of goods being unpacked after they
24 had left the customer's house before delivering?

25 A There was a couple times when a couple items were
26 broken. They were broken and the customer asked for
27 explanation and to call the company, which they told them,
28 don't worry about it. We got insurance. And the company

1 will send somebody to come and fix your stuff. Who? There
2 was nobody.

3 Q Did anybody ever go to fix a customer's thing?

4 A Never.

5 Q Did you know if the staff at ASAP was going
6 through the belongings of customers?

7 A Yes.

8 Q Why did they go through customers' belongings?

9 A I see a lot of theft in there. Especially guys
10 that he hired from the street plus a couple guys that worked
11 for the company. There were customers complaining about
12 their X-Box missing, a \$6,000 bike missing.

13 Q And do you know what happened to the bike?

14 A They were left behind in the company.

15 Q I see.

16 A They weren't left behind. Somebody moved it out
17 of the belongings because they wanted to keep it.

18 Q There was theft going on in the warehouse?

19 A Yes.

20 Q And was there any effort to control the theft in
21 the warehouse?

22 A That time the bicycle that cost \$6,000 was
23 missing, the customer came personally to the office. She
24 didn't come by herself. She came with authority.

25 Q Was she able to get her bicycle back?

26 A Five minutes her bicycle appeared real quick.

27 Q So she had been told that her bicycle was gone,
28 but, in fact, it was in the warehouse?

1 A Yes. She told Roni, I remember the movers moved
2 it, which was Jesse Rodriguez, Mike Waters, and there was a
3 colored guy. I don't recall his name, the one that did the
4 job. But a \$6,000 bike, you know. I seen you wrapping my
5 bike really nice and everything, and, all of a sudden, when
6 I say come deliver, my bike is not here. Wait a minute. We
7 are not talking about a TV. We are talking about a \$6,000
8 bike. She came with authority, and that bike appeared in
9 five minutes. Real quick. Hey, that was quick.

10 Q All right. Did you know about auctions happening
11 at the business as well?

12 A Every time the customer didn't pay for their
13 stuff, even though they took it back to the warehouse, Roni
14 gave them time to come pick up the stuff and told them,
15 after this length of time passes, we'll sell your stuff.
16 Yeah, he did.

17 Q So then he would auction off the belongings that
18 customers didn't pay?

19 A Yes.

20 Q Were you ever present when an auction occurred?

21 A I didn't have no time. I seen it a couple times,
22 but I was driving for six days a week. I was tired. Every
23 time I had my kid. I had my kids working in the company
24 too.

25 Q You didn't stay around for the auctions?

26 A No.

27 Q Did you ever see a customer get the price that
28 they were quoted over the telephone?

1 A Oh, yes.

2 Q You did? They would actually get the price of
3 their initial quote from the sales person? That's what they
4 paid when the move occurred?

5 A Well, the price they gave, like I said, the price
6 they gave the customer through the phone, it was different
7 when you send a crew of movers to their house. And it was
8 devastating for a couple customers. Like I said -- I used
9 this lady as an example -- somebody tells you over the
10 phone. You call the company ASAP. You talk to Linda. How
11 are you doing? Professional. Everything is going to be
12 wrapped. Nothing's going to be damaged. Your move is going
13 to be \$480. And she would quote on the phone including
14 blankets which are free and five wardrobes. Yeah, that's
15 what Linda was telling you through the phone. But, when the
16 crew goes to their house, the price changed.

17 Q So, in your experience, the customers didn't get
18 the price that was quoted over the telephone?

19 A Never.

20 Q Never. Okay.

21 A Never.

22 Q Do you know who Wayne is?

23 A Oh, yes.

24 Q Who's Wayne?

25 A Wayne was one of the guys -- which I don't know if
26 that's his real name -- one of the main guys, too, that was
27 a sales person in the office. Roni's right hand.

28 Q So did you have any dealings with Wayne?

1 A Every time I seen Wayne in the office, you guys
2 did a good week. That was good.

3 Q He was encouraging you to get a lot of money from
4 customers?

5 A Oh, yeah. Wayne was the one that was talking to
6 the customer on the phone.

7 Q He was doing sales?

8 A He was doing sales. So does Linda. So does
9 Tommy. My daughter was working there, Jessica.

10 Q Your daughter Jessica?

11 A Yes. And my son Carlos was working in the office.
12 So seeing my son looking at what was going on, he started
13 pulling my son to work with us on the field.

14 Q Your son worked in sales and then he started
15 working as a mover helper?

16 A Yes.

17 Q Why did you believe Roni switched him to being a
18 mover?

19 A Because, when they told me what happened that got
20 hit by the fence, I spoke to my kids and told my kids,
21 listen, we gotta move, we gotta get out of here.

22 Q All right. You didn't want to have anything to do
23 with the business at that point?

24 A At that point, I didn't want nothing to do with
25 them.

26 Q Were you aware of Fast Moves closing?

27 A I wasn't aware. What I started to notice with
28 each job with Fast Move, I didn't see Mike work anymore. He

1 started working jobs for ASAP Relocations. And I questioned
2 him, what happened with Fast Move? You were doing a lot of
3 work. I don't think Roni want to use it anymore.

4 Q Roni stopped using Fast Moves?

5 A Yes.

6 Q Do you know when that happened?

7 A I don't recall. I don't recall.

8 Q So would you say it was in 2011? 2010?

9 A I'd say like in the middle 2010.

10 Q Did you ever get any checks from Fast Moves?

11 A Never did. I got cash.

12 MS. DONOHOE: All right. I have no further questions.
13 Do the grand jurors have any questions?

14 All right. The foreperson is going to read you an
15 admonishment and then you are free to go.

16 (Witness admonished and excused.)

17 MS. DONOHOE: Okay. We will not be able to get to our
18 next witness this morning. So we are going to come back.
19 How about 1:15? Okay. See you then.

20 (Grand jury admonished by the
21 foreperson.)

22 (Recess.)

23 (Witness sworn.)

24 TESTIMONY OF JENNIFER SALAZARES

25 EXAMINATION

26 BY MS. DONOHOE:

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

1 last name?

2 A So my name is Jennifer Salazares. That's
3 J-e-n-n-i-f-e-r S-a-l-a-z-a-r-e-s.

4 Q What is your occupation, Ms. Salazares?

5 A Currently?

6 Q Yes.

7 A Right now I'm a reservation agent for an airline.

8 Q All right. Back in the time period between 2006
9 and 2011, where were you working?

10 A ASAP, Fast Move, I guess.

11 Q What was the location?

12 A It was at Ringwood Avenue. Started at Queens.

13 Q At Queens Lane?

14 A Uh-huh.

15 Q Was that also in San Jose?

16 A Yes.

17 Q When you first were employed at ASAP Relocations,
18 how did you find the job?

19 A Through a Craig's List ad.

20 Q Did you know anyone that was working there when
21 you started?

22 A Not at all.

23 Q Who interviewed you?

24 A Roni Hayon.

25 Q What position did you interview for?

26 A For sales. I didn't even really remember applying
27 for the job. I was sending out so many applications. So I
28 just went to the interview because they called.

1 Q Had you had any prior experience at that time in
2 the moving business?

3 A Not at all.

4 Q And, when you went there, how did Roni Hayon
5 describe your job?

6 A He said that it would be calling customers and
7 informing them of our moving service and seeing if they
8 would like to use it for their move.

9 Q When you went there and started to work,
10 approximately how many people worked there?

11 A About, I'd say, when I started, three, like, in
12 the sales.

13 Q In the sales office?

14 A Uh-huh. All together maybe five.

15 Q And who were the three people that you knew in
16 sales?

17 A Natasha. And there was Ryan there at the
18 beginning I believe. Either him or Ido. Oh, no, that's the
19 same person. I'm talking about there was a guy named David
20 there, but I don't know if he was there when I first started
21 or if he came back later. He was like an on-again-off-again
22 employee.

23 Q Was he in sales?

24 A He was in sales.

25 Q Okay. Was Roni Hayon working daily in the
26 business at that time?

27 A Yeah, he would go mostly every day.

28 Q Did he work in the office or in the moving area?

1 A No. He was just in his office most of the day. I
2 didn't see him do any tough stuff or anything.

3 Q Were there any other sales people that you could
4 think of now at that time?

5 A Natasha for sure. I don't exactly remember if
6 anyone else was there when I started.

7 Q Was there a dispatch manager at that time?

8 A There was a dispatch which was Tomer upstairs.

9 Q And Tomer -- did he have any role in supervising
10 you?

11 A No.

12 Q So what was his role as a dispatch manager?

13 A I wasn't up there, but, from what I know now, I
14 would say he was one that scheduled the trucks and the
15 movers.

16 Q Okay. You are basing that on what you understand
17 the dispatch manager does from your subsequent experience?

18 A Well, from what I saw the dispatchers do after,
19 because, later, we are on the same floor as them.

20 Q This was at the Queens Lane office when you were
21 on two floors?

22 A Uh-huh.

23 Q Were there any other business located at the
24 Queens Lane office?

25 A Maoz started a moving company, and they had a
26 separate room in the back. They had two people.

27 Q Do you recall the name of that moving company?

28 A Champions Movers.

1 Q Did you have sales staff working in the building
2 that were working for Champions?

3 A I believe so.

4 Q And do you know who those people were?

5 A I don't know exactly. I mean, one of them was
6 Margarita. I don't remember the other girl's name. There
7 was another girl too.

8 Q All right. When you began working there, how did
9 you learn how to do your job?

10 A Natasha trained me.

11 Q Did she give you any materials?

12 A Yeah. She gave me a printout with the script,
13 basically, how to explain everything to the customer and the
14 price list and a bunch of little things like that that would
15 help.

16 Q Help you deal with the customers?

17 A Just like tell us how to explain the prices,
18 explain the packing, like packing material list. Basically,
19 all our costs and the script.

20 Q How did you put together quotes for customers?

21 A There's a computer program, and so we would
22 just -- the lead would come into it already -- so we would
23 actually just call the person up. And it would already
24 have, like, pre filled in. It had the templates already.
25 So pretty much send them templates.

26 Q When you worked at Queens Lane, were you using
27 that program?

28 A Uh-huh.

1 Q At the time that you were dealing with customers,
2 did anybody ever ask for a visual estimate of their job?

3 A Yeah.

4 Q And were visual estimates done?

5 A Sometimes they were done; sometimes they weren't.

6 Q Who would do visual estimates?

7 A Roni. Sometimes, I think, he would send someone
8 else. Or Tomer.

9 Q So Roni or Tomer?

10 A I think mostly Tomer. I don't think Roni did
11 much, actually.

12 Q Tomer would go out to do the visual estimates?

13 A Uh-huh.

14 Q At some point, did the frequency of visual
15 estimates change?

16 A I'd say when we were at Ringwood and there was a
17 lot more staff, you know, they increased. But there was
18 also more people working there like in dispatch. Nico would
19 go do estimates at that time.

20 Q There was somebody doing visual estimates?

21 A Uh-huh.

22 Q Do you, based on your experience, believe the
23 number of visual estimates increased or decreases when the
24 staff went up?

25 A It increased.

26 Q So you knew the people were still going out and
27 doing visual estimates?

28 A Uh-huh.

1 Q And when you say uh-huh --

2 A When I say increase --

3 Q Can you say yes or no?

4 A Yes. Sorry. But, when I say increase, it still
5 wasn't happening a lot. It would only be -- it was like do
6 or die -- if the person would not move with us unless they
7 had one. So it wasn't frequent.

8 Q All right. So most of the estimating was done by
9 telephone?

10 A Uh-huh.

11 Q Now, when you say uh-huh, you mean yes?

12 A Yes. Sorry.

13 Q The court reporter has to take down what you say.

14 A Okay.

15 Q And who supervised you initially?

16 A Initially, it would just be Roni in the office.
17 Natasha would be with me. Sometimes he will leave and come
18 back, but basically Roni. There were cameras, though. So
19 they could see us whether they were there or not.

20 Q You say there were cameras on the workforce?

21 A In our offices, yeah.

22 Q So Roni could watch what the staff was doing?

23 A Yes.

24 Q And did anybody else have the ability to watch
25 what the staff was doing?

26 A Not that I know of.

27 Q All right. Did you have other supervisors other
28 than Roni at that time?

1 A At that time, no.

2 Q Do you recall ever indicating that Maoz Kadesh was
3 your supervisor?

4 A I would say, when Roni wasn't there, Maoz would
5 watch over things. That's only if Roni wasn't there. It
6 wasn't like he was a permanent manager. Maoz was rarely
7 there.

8 Q Do you recall ever stating that Tomer Mesika was
9 your manager?

10 A If Roni wasn't there, everyone would automatically
11 assume the lead.

12 Q Who would be the people that would assume the lead
13 when Roni wasn't there?

14 A Roni and any of his Israeli friends. That would
15 be Maoz or Tomer. Those were the only ones there at the
16 time.

17 Q Okay. This is at Queens Lane?

18 A At Queens Lane.

19 Q Now, what was the facility like at Queens Lane?

20 A Pretty discussing. By the time we left, there was
21 like some sort of rodent problem. And I think they tried to
22 treat it wrong and then it turned into like an odor
23 situation. And it was just really unsanitary. We moved
24 shortly after that because we would complain about this work
25 situation. And they didn't really care.

26 Q Did they have customers' belongings in storage at
27 that location?

28 A Yes, they did.

1 Q And was it climate controlled?

2 A It was a big warehouse. I don't know. I never
3 went in the back. I don't know if there's a way to control
4 the climate.

5 Q So you never went in the back?

6 A No.

7 Q Did you, at some point, move to another location?

8 A Yes.

9 Q Do you know approximately what year that was?

10 A Not really. I'm guessing 2009, maybe.

11 Q And was that a much better location?

12 A Yes.

13 Q And had the size of your staff increased by that
14 time?

15 A Yes.

16 Q How so?

17 A There was about five people working at that time.

18 Q And, when you say five people, do you mean --

19 A In sales.

20 Q -- business office?

21 A In sales only. I think, also, by the time we
22 moved, Cassidy had joined us, too, in dispatch.

23 Q Cassidy was a dispatch manager?

24 A She was Tomer's assistant at first. And then
25 Tomer left. So she was the dispatcher.

26 Q So Tomer had Cassidy as an assistant, and, when
27 Tomer left, she was promoted to be the dispatch manager?

28 A Uh-huh.

1 Q Did she remain the dispatch manager for some
2 period of time?

3 A Yeah, for a period of time. And then she also got
4 an assistant which was Linda.

5 Q So can you tell me what Linda's last name is?

6 A Reyna, I think.

7 Q Linda Reyna came in as the assistant to Cassidy?

8 A Uh-huh. Yes.

9 Q And they worked together?

10 A Yes.

11 Q Did Cassidy train Linda?

12 A Yes.

13 Q At some point, did Cassidy leave?

14 A Yes.

15 Q What happened when Cassidy left?

16 A I believe she moved to Texas.

17 Q Right. But what happened at the office?

18 A Oh, so Linda ended up being -- well, she wasn't
19 actually promoted. Nico was working as a foreman. And, all
20 of a sudden, he became a dispatcher. And him and Linda were
21 like co-dispatchers because Linda didn't have enough
22 experience to do it on her own.

23 Q There was some period of time when Nico and Linda
24 were both dispatch managers?

25 A Yes.

26 Q Did they have the responsibility of also
27 supervising the sales staff?

28 A Yes.

1 Q Who were the other employees that were working in
2 sales by the time you moved to Ringwood?

3 A There was a lot of people that came and went.
4 People that I can actually remember because they were there
5 for a while would be Natasha was there for a while. Tammy
6 was there for a while. Wayne. David came on and off. And
7 Margarita ended up coming to Fast Move. And that's all I
8 can remember. But I'm sure there's more. I know there's
9 more.

10 Q Okay. During the time that you were working at
11 ASAP, once you had moved to Ringwood, did another company
12 start up in business at that location?

13 A Yeah. They started -- they referred to it as a
14 DBA -- it was ABM Van Lines.

15 Q Who started up that DBA?

16 A I'm guessing Roni. But I don't know. I wasn't
17 there when they filed the paperwork or anything.

18 Q Who told you about the existence of ABM Van Lines?

19 A Roni. Either Roni or Linda or Nico. Somebody
20 from there.

21 Q Did either Roni or any of the management staff
22 explain to you why ABM Van Lines was created?

23 A They didn't really explain. They just said it's
24 going to help since our other name was so trashed on the
25 Internet.

26 Q So, as a sales person, were you dealing with the
27 bad reviews that were available on the Internet to potential
28 customers?

1 A Yeah. Customers would comment on them and say why
2 do you have so many complaints? And we were told that the
3 amount of complaints registered online only actually
4 accounted for one percent of our business. And that's what
5 we would tell our customers.

6 Q That's what management told you to say in response
7 to customers saying why do you have so many complaints?

8 A Yes.

9 Q And did you have any specific information about
10 there were only one percent of customers complaining?

11 A No. They didn't give me any figures or anything.
12 No.

13 Q In your experience, while working there, did you
14 believe there was a higher volume of complaints?

15 A I think it was higher. I don't think it was as
16 outrageous as it seemed. I don't know. I left and it
17 seemed like it got a lot worse. I mean, it did seem higher
18 than one percent, definitely.

19 Q Okay. Now, was there any other company you were
20 also working with at either Queens Lane or Ringwood, other
21 than Champions that you mentioned and ABM?

22 A They started Fast Move Van Lines, and they offered
23 me one whole dollar to go over there and answer the phones
24 and deal with any customer or any issues. Basically, you
25 know, just, basically, be the phone voice for Fast Move.

26 Q Who told you first about Fast Move Van Lines?

27 A Roni.

28 Q And what did he say Fast Move Van Lines was?

1 A He said it was Ido's company and that he was going
2 to help him out. So I would be helping over there as well.

3 Q Who was Ido?

4 A Ido was one of the sales people that used to work
5 at Queens mostly. I think he worked for a little bit at the
6 Ringwood address as well. But he would always leave off to
7 Israel and come back. Like, I think, when he wanted a job,
8 it was there for him. When he didn't, he was gone. But I
9 never saw him the whole time that I was working for Fast
10 Move, which was pretty frustrating.

11 Q Now, so while you were at Queens Lane, Ido was
12 also working at Queens Lane?

13 A Yeah. Queens Lane. I don't know if it was when I
14 started or if he came in the middle. I'm not sure exactly.
15 But he was there. Yes.

16 Q What was his role at the company at that time?

17 A He was sales, but he didn't have any roles like we
18 did. Like, he came in as he pleased. He went to lunch with
19 Roni, gone for hours at a time without telling. He did what
20 he wanted.

21 Q He wasn't a usual sales person?

22 A No.

23 Q Did he use any other name while he was there at
24 ASAP?

25 A Ryan.

26 Q Did he explain why he was using the name Ryan?

27 A He said people frequently just didn't get his name
28 and it was frustrating. So it's easier for customers to

1 deal with Ryan.

2 Q Did you know other people within the company to
3 use other names than their given names?

4 A A lot of times, if there was somebody new, because
5 a lot of people came and went, they would just use the same
6 name as whatever was left, you know, already set up in the
7 system. If there was an e-mail already set up for, like, I
8 don't know, Maya or whatever, somebody would use that
9 because it was set up.

10 Q You mentioned the name Maya. Who was Maya?

11 A I was told that that was Roni's sister. But I
12 never met her.

13 Q Okay. But did you know the name Maya to be
14 associated with an e-mail account at ASAP?

15 A I think that sometimes the dispatch e-mails would
16 come from Maya.

17 Q You would actually get e-mails from Maya --
18 someone identifying themselves as Maya?

19 A I don't know if I got many. I'm sure I got one or
20 two. I was like who's Maya?

21 Q When you got those e-mails, did you figure out who
22 was Maya?

23 A Yeah. The e-mail would say who it was.

24 Q So it would say Maya in the e-mail line and at the
25 bottom would have somebody's name signing the e-mail?

26 A Yeah.

27 Q That told you who the real person was --

28 A Exactly.

1 Q -- that was communicating?

2 A Uh-huh.

3 Q Is that right?

4 A Yes.

5 Q And, when Ido was working with you, did he have
6 more experience than you in sales?

7 A Yeah, he had been doing it for a while.

8 Q Did he continue to work as an ASAP salesman after
9 Fast Moves was started?

10 A No. He rarely worked at all.

11 Q So you didn't see him much at all?

12 A Uh-uh.

13 Q He wasn't --

14 A No.

15 Q He wasn't in the office?

16 A No, he was not.

17 Q You said he was often out with Roni?

18 A Uh-huh.

19 Q Are you saying yes?

20 A Sorry. Yes.

21 Q Did anybody explain to you why Fast Moves was
22 going to be operating in the same office as ASAP?

23 A No.

24 Q Did Fast Moves start while you were at Queens Lane
25 or at Ringwood?

26 A As far as I know, Ringwood.

27 Q Was it before or after the start of ABM or
28 America's Best Movers?

1 A I'm not sure. I feel like they happened probably
2 around the same time. Not too far, you know, from each
3 other.

4 Q How were you paid when you worked for ASAP?

5 A I was always paid through ASAP checks.

6 Q Did you have payroll taxes deducted from your
7 checks?

8 A Yes.

9 Q Did you get checks weekly or biweekly?

10 A I think it was biweekly.

11 Q Okay. Now, you mentioned, at some point, that
12 they told you about Fast Moves and that Roni said he was
13 helping Ido Or out?

14 A Uh-huh.

15 Q Are you saying yes?

16 A Yes. Sorry.

17 Q Did you have some role with Fast Moves?

18 A Yeah. I did sales for Fast Moves and talked to
19 the customers when I would give them their breakdowns after
20 moves and deal with anyone if they had complaints or --

21 I mean, I would be the -- I don't know how to
22 say -- messenger, I guess. I would try to e-mail Ido to
23 figure out what I should do because I wasn't actually
24 allowed to make any decisions. I just had to talk to the
25 customers.

26 Q Now, did you do sales for Fast Moves?

27 A Yes.

28 Q And were you also a dispatch manager for Fast

1 Moves?

2 A As much as I can be. There's only two of us or
3 three of us.

4 Q So there's only two or three people working for
5 Fast Moves?

6 A In the sales. I didn't deal with any of the other
7 things. Just sales.

8 Q All right. Who were the other people that were
9 working in Fast Moves?

10 A Margarita worked there for a while. Crystal
11 worked there before me. And I don't remember the other
12 people's names. But there were a few other people that came
13 and went.

14 Q When you were working for Fast Moves, you said you
15 got a pay raise; is that correct?

16 A Yeah, one whole dollar.

17 Q Did that happen right at the beginning when you
18 started working for Fast Moves?

19 A Yes.

20 Q Did you get a paycheck from Fast Moves?

21 A Nope. I always got a paycheck from ASAP.

22 Q Was it explained to you why you were working for
23 Fast Moves but being paid by ASAP?

24 A It was never explained to me.

25 Q Did you know anybody else that was working for
26 Fast Moves but being paid by ASAP?

27 A I didn't know. But I didn't see anyone else's
28 paychecks. But I just assumed that everyone was in the same

1 situation I was.

2 Q All right. Who gave you your paychecks?

3 A We got them from Linda, I believe. It depends.
4 Before Linda was there, Roni or whomever. I believe Roni
5 mostly gave them to us. But, if he wasn't there, Linda,
6 Nico, whoever.

7 Q Prior to Linda and Nico giving payroll checks when
8 Roni wasn't around, did the other managers have
9 responsibility for distributing paychecks?

10 A Tomer might have given checks, too. Most of them
11 we got it from Roni. He would call us and we would grab it
12 from him.

13 Q Did Maoz give checks as well?

14 A Maybe if Roni was out one day. Yeah. Sure.
15 Probably.

16 Q When you were working for Fast Moves, did the
17 other employees that were working in that area also have the
18 responsibility of dealing with customers in addition to
19 making sales?

20 A No. I was the only one that had to do that.

21 Q So you had a role that was a hybrid between doing
22 sales and dispatch or complaint manager?

23 A Yes.

24 Q And, when you dealt with the customers, did they,
25 in fact, complain to you?

26 A Yes, they did.

27 Q Did you get regular complaints?

28 A Not regular but often I would say.

1 Q Who would you go to about those complaints?

2 A I would try to either call Ido or e-mail Ido.
3 Usually, he wouldn't be helpful. So I would go to Roni to
4 have him figure out or talk to Ido and get back to me and
5 let me know. And so, basically, after a while, because Ido
6 was being very uncooperative, I would go straight to Roni
7 because I felt that Roni could get an answer out of him and
8 I couldn't.

9 Q Did you, in fact, get results when you contacted
10 Roni?

11 A I mean, sometimes. He would definitely give me an
12 answer to say to the customer, whether it was one that they
13 were going to be happy about or not. It was up to, you
14 know, their discretion.

15 Q He would give you an answer -- might not be the
16 answer the customer would want to hear -- but he'd give you
17 an answer?

18 A Uh-huh.

19 Q Did you ever talk to Ido about why he was
20 nonresponsive about the Fast Moves business?

21 A Because he wasn't there, it was hard to talk to
22 him. It's hard to talk to someone that's not there and
23 doesn't respond to your e-mails or calls.

24 Q Did you ever talk to Roni about the fact that Ido
25 was not responding?

26 A I expressed to Roni on numerous occasions that I
27 was frustrated, that I don't understand why it was his
28 company but I had to talk to everybody and I had to, you

1 know, do all these things that I felt that one dollar didn't
2 compensate for.

3 Q Did Roni explain to you why Ido was not
4 responsive?

5 A No.

6 Q Did he offer any suggestions?

7 A No.

8 Q Who controlled the money for Fast Moves?

9 A I'm assuming Roni did because Nico was -- or Ido
10 was always out of town. But I was told Ido did.

11 Q Who told you Ido controlled the money?

12 A Roni.

13 Q If you needed a customer to be compensated or
14 something to be paid, who did you go to to get the item
15 paid?

16 A I would tell Roni about it.

17 Q Would the items get paid?

18 A Uh-huh.

19 Q Was Ido in the office to sign checks?

20 A Very rarely.

21 Q Where was the checkbook for Fast Moves?

22 A I have no idea.

23 Q Now, were you familiar with the website for Fast
24 Move Van Lines?

25 A Yeah. There was an issue with it once.

26 Q Is that how you became familiar with it?

27 A Yeah. I mean, I knew we had a website the entire
28 time but actually became more familiar with it when there

1 was an issue.

2 Q What type of issue was it?

3 A I believe either maybe the Better Business Bureau
4 was complaining because it sounded like we did local moves
5 but didn't actually provide any information. It just had a
6 bullet point that said local moves. They wanted us to
7 remove that.

8 Q Did Fast Move Van Lines handle local moves?

9 A No.

10 Q Fast Move Van Lines got a job that was a local
11 job, what would happen?

12 A They never did. We didn't get any leads that were
13 local leads.

14 Q You simply did not do local moves?

15 A Exactly.

16 Q What was the address for Fast Move Van Lines?

17 A I believe they had a Balentine address.

18 Q Where was Balentine?

19 A In Newark.

20 Q Was that really where Fast Move was located?

21 A I always worked at Ringwood.

22 Q Do you know of anybody in the company working at
23 the Balentine address?

24 A Not that I knew of. I was told it was a virtual
25 office.

26 Q Who told you there was a virtual office at
27 Balentine?

28 A Roni and Ido.

1 Q Did they explain why there was a virtual office on
2 Balentine?

3 A No.

4 Q They did not explain it?

5 A Uh-uh.

6 Q Did that concern you that they were using a
7 virtual office?

8 A I definitely was. I thought it was strange. But,
9 I mean, I don't own the business. I don't know how to run a
10 business. I don't know. I assumed that's what you are
11 doing. Okay.

12 Q Did you know that customers believed that the
13 office was on Balentine in Newark?

14 A Yeah, because the moving envelopes had the
15 Balentine address on it.

16 Q Did customers believe that their goods were going
17 to be stored at Balentine in Newark?

18 A I'm not sure. I think we had a separate storage
19 facility.

20 Q At some point, were you aware that Ido left Fast
21 Moves?

22 A At one point, I tried to contact him for help, and
23 he sent me an e-mail saying, I'm tired of this. I was like,
24 what do you mean? It's your company. You cannot be tired
25 of answering questions for your company.

26 Q Did Ido ever communicate to you that he was not
27 the owner -- the real owner of the company?

28 A He said not to ask him anymore but to ask Roni

1 stuff.

2 Q During the time that you were working for Fast
3 Moves, were you also working for ASAP?

4 A I still had an e-mail and I still had like older
5 customers on my old ASAP thing. But I didn't contact them.
6 It was only if they called or if a repeat customer called
7 that I had moved before. They actually had a pleasant move
8 and they would call back and ask for me.

9 Q All right. So you were still doing some business
10 under ASAP but primarily you were under Fast Moves?

11 A Yeah.

12 Q Even though you were doing most of your work for
13 Fast Moves, you never got a paycheck from Fast Moves?

14 A No.

15 Q During the time that you were working for Fast
16 Moves, did you use the same name that you used when you
17 worked for ASAP?

18 A No. I used Sally.

19 Q Why did you use Sally?

20 A They thought it would be confusing for customers.
21 Maybe they thought, like, oh, Jennifer over here sounds
22 exactly like Jennifer I just talked to. Because, at first,
23 I was working at ASAP, and the customers were, you know --
24 they bought the leads from the same place. So --

25 Q So both Fast Moves and ASAP would be calling on
26 the same customer leads?

27 A Well, it wouldn't be the same one. They purchased
28 different ones from the same place. Yeah, it would be the

1 same people.

2 Q They didn't want customers to hear the same voice
3 for both companies?

4 A Yeah. They thought it would be confusing.

5 Q They wanted you to use a different name for Fast
6 Moves so they wouldn't associate you with ASAP?

7 A Yeah.

8 Q Were you concerned about that, that they asked you
9 to use a fake name?

10 A Not really. I was, kind of, happy because, when I
11 would work for ASAP, they had really upset one of my
12 customers and my name was blasted all over the Internet when
13 I have no control over what the movers did and the results.
14 I couldn't explain how they charged. I was, kind of,
15 relieved that my name would not be used all over the
16 Internet.

17 Q You preferred that you had an alias?

18 A I wasn't upset about it.

19 Q Okay. So you were simply not upset about it?

20 A Yeah.

21 Q Did you have a last name that you used when you
22 used the name Sally?

23 A At one point, somebody asked for it, and Roni said
24 just tell him you are Sally Green.

25 Q Did you adopt that name Sally Green?

26 A Yeah.

27 Q Did you use any other names while you were working
28 for Fast Moves?

1 A No.

2 Q During the time that you were in sales, were you
3 familiar with the procedure in terms of talking with
4 customers after their move was contracted for and it was on
5 moving day?

6 A On moving day?

7 Q Yes.

8 A On moving day, we wouldn't really call them. They
9 might call if there was any issue or anything and I would
10 talk to them.

11 Q Was that true for you while you were working for
12 ASAP? Were you permitted to talk to the customers --

13 A No.

14 Q -- who were complaining on moving day?

15 A No. That would go directly to dispatch.

16 Q Did that change once you were working in the
17 dispatch role for Fast Moves?

18 A Well, it was the same for the other sales people.
19 They would just direct them to me. They wouldn't speak to
20 them.

21 Q For Fast Moves, you can do both sales and deal
22 with complaints; correct?

23 A Yes.

24 Q But you were also handling the complaints for the
25 other staff in sales who were working under Fast Moves?

26 A Yes.

27 Q They would not deal with those complaints. You
28 would handle all the complaints.

1 A Yeah.

2 Q And, if you couldn't deal with a complaint, you
3 would usually go to Roni because Ido wasn't around.

4 A Yes.

5 Q Who handled the scheduling of trucks for Fast
6 Moves?

7 A They, in the other dispatch office, would -- they
8 had a calendar with all the moves on it -- they would just
9 write them on there.

10 Q When you say they, who are they?

11 A Linda or Nico.

12 Q So Linda and Nico would handle scheduling of the
13 trucks?

14 A Yes.

15 Q Who arranged for the movers that would work to
16 move the goods?

17 A I'm guessing Linda or Nico. But I don't know.
18 I've never had to do that.

19 Q You never did that for Fast Moves?

20 A No.

21 Q Okay. Were you familiar with customers' goods
22 being auctioned?

23 A Yeah. Yes, I was.

24 Q How did you become familiar with that?

25 A Well, I had seen it before when I was working for
26 ASAP. But I knew better the process after Fast Move. They
27 would mail three letters throughout after a certain period
28 of time. And, if they didn't respond or pay their bill,

1 they would auction off their goods.

2 Q And who did you understand had goods that were
3 auctioned off? Under what circumstances would they be
4 auctioned off?

5 A People who didn't pay their storage bills or rest
6 of the bill.

7 Q Did you know customers who were asked to pay
8 additional money on move day whose goods ended up in the
9 storage because they couldn't pay?

10 A Can you repeat that again? Sorry. My coughing is
11 really bad right now.

12 Q Yes. Were you familiar with customers who, on
13 moving day, couldn't come up with additional money beyond
14 the quoted price and so their goods ended up in storage at
15 ASAP?

16 A Yes.

17 Q And were some of those customers' goods auctioned
18 off?

19 A More than likely. The only time somebody would
20 have to pay for their entire move would be a local move.
21 And I didn't do dispatch for those. So I don't really know
22 about that way. Because a long distance move they would pay
23 50 percent based on their estimate at pickup, and they would
24 only have to pay remaining balance at destination.

25 Q Okay. I am going to show you some pictures.

26 A Okay.

27 Q Who is that person?

28 A That is Roni.

1 Q I'm showing you Exhibit 2. So he was your boss;
2 correct?

3 A Yes, he was.

4 Q And did you consider him as able to direct you in
5 your work as to Fast Moves as well?

6 A Yes.

7 Q So, if he told you to do something as to Fast
8 Moves, you would do it?

9 A If he told me to do anything over there, I would
10 do it. He was in charge.

11 Q If I do told you to do something different than
12 Roni, who would you obey?

13 A Roni.

14 Q Showing you Exhibit 3, who is this?

15 A Looks like Linda.

16 Q What was her role with ASAP?

17 A She was dispatcher assistant then dispatcher.

18 Q Did she have --

19 A Also sales -- manage sales staff, if you could
20 call it that.

21 Q Did she have any other roles other than sales
22 dispatch manager?

23 A She would also write down our time at one time
24 when they got rid of time clock.

25 Q Did she issue checks for various purposes at ASAP
26 or Fast Moves?

27 A I think the only person that could write checks
28 was Roni.

1 Q Did she deal with regulators that came in?

2 A What do you mean regulators?

3 Q Say, Department of Transportation.

4 A Yeah. Mostly Roni would deal with, like, the
5 Department of Transportation. But Linda would deal with
6 things like that too, though.

7 Q Showing you Exhibit 4, do you recognize this
8 person?

9 A Not really.

10 Q Showing you Exhibit 5, do you recognize this
11 person?

12 A Yeah, that's Maoz.

13 Q You said, when you started, Maoz was a dispatch
14 manager. Oh, no, he worked for --

15 A I guess you could say he was a manager. But he
16 didn't really do anything. He babysat when Roni wasn't
17 there.

18 Q Did he have any role in terms of paying the staff?

19 A No.

20 Q I'd like to show you -- I'm going to mark this as
21 exhibit next in order. Showing you Exhibit 161, do you
22 recognize Maoz's handwriting on that document?

23 A I can't say that I would recognize his handwriting
24 today. I mean, it's been too long.

25 Q All right. For the record, that item is number
26 Skiff 040899.

27 Showing you Exhibit 162, which is an ASAP
28 Relocations check with the Bates number of WFB 026859. Do

1 you see your name on that check?

2 A Yeah.

3 Q Does your signature appear on the back side of
4 that check?

5 A Yeah.

6 Q Do you know who issued this check to you?

7 A I don't remember. I'm guessing Roni.

8 Q Were you familiar with Roni's handwriting?

9 A His signature was something like that. Like a
10 squiggly "R" and it didn't look like Hayon was in there.

11 Q Did you know other people who had authority to
12 sign Roni's name?

13 A No.

14 Q You said that Maoz ran Champions?

15 A Yes.

16 Q When you left Queens Lane, did he also come from
17 Queens Lane to Ringwood?

18 A Yeah. I think he was briefly at Ringwood for
19 maybe a couple months.

20 Q Was there any difference in the way Maoz operated
21 Champions from the way you operated --

22 A I didn't work at Champions. They were in a
23 separate room than the rest of us sales people. And they
24 only talked to -- they only, you know, followed whatever
25 Maoz told them. We didn't work together.

26 Q Okay. And, at some point, when you were handling
27 Fast Moves, were you in a separate room from ASAP?

28 A Somewhat. But there's a double room and there was

1 a halfway and then there would be, at one point, when there
2 was a lot of ASAP ABM whatever people. There would be at
3 least one in that room still with us.

4 Q Okay. So you would have at least one staff member
5 from ASAP in the room for Fast Moves?

6 A At one point, we had one. But they had three
7 people at Fast Move. It was just the three that went for
8 Fast Move.

9 Q I'm going to show you Exhibit 163, which is a
10 photograph. This is dated August 21st of 2007. Do you
11 recognize yourself in that picture?

12 A Yes.

13 Q Do you know where you are at that point?

14 A Yeah. I was sitting at my desk pretending I was
15 on the phone, but I wasn't on the phone with a customer.

16 Q Do you recall someone named Katrina at Champions
17 Movers?

18 A Yeah.

19 Q Did she take your photograph?

20 A Yeah.

21 Q So she sent you the photograph of you at the
22 office?

23 A I guess so.

24 Q Do you believe she was in the same room with you
25 at that time?

26 A Yeah, at that time. We had a barbecue that day.

27 Q Okay. She would have been one of the Champions
28 Movers --

1 A Yeah.

2 Q -- that was at the office with you?

3 A Yeah.

4 Q Was that at Ringwood?

5 A Yeah, that was at Ringwood.

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

8 A It might be Ido. It's not a very good picture of
9 him.

10 Q Okay. Showing you Exhibit 7, do you recognize
11 this person?

12 A I believe that's Roni's wife.

13 Q Okay. Do you know her name?

14 A I forgot it. I don't remember.

15 Q Showing you Exhibit 8, do you recognize this man?

16 A Yeah. That's Tomer.

17 Q And you said he was one of the dispatch managers?

18 A When he was there, there was a lot less
19 complaints.

20 Q So you felt he was a better dispatch manager than
21 others?

22 A Definitely.

23 Q Do you know why he left the company?

24 A I don't know why.

25 Q Showing you Exhibit 9, do you recognize this man?

26 A That is Nico.

27 Q You said he was a dispatch manager as well?

28 A Uh-huh. Yes.

1 Q Was he the dispatch manager after Tomer?

2 A No. Cassidy was. He was a foreman.

3 Q He was a foreman?

4 A Yes.

5 Q Okay. And, at some point, he took over as
6 dispatch manager along with Linda as his assistant?

7 A After Cassidy left.

8 Q After Cassidy left? Okay. Do you know where
9 Cassidy went?

10 A Cassidy moved to Texas.

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

13 A That is Eliazar.

14 Q What was his role?

15 A He was a foreman.

16 Q Did all the foremen regularly come into the
17 office, or would they be working somewhere else?

18 A They would come in at the beginning or end of the
19 day. They would leave, most of the time, before we got
20 there. But sometimes they would be late and we would see
21 them.

22 Q Was Eliazar one of the foremen you saw more
23 frequently in the office?

24 A Yes, because he was Israeli.

25 Q Were the Israeli foremen different than
26 non-Israeli foremen?

27 A I think they could do a lot more. They had more
28 privileges than the others.

1 Q So they had more privileges than the other
2 foremen?

3 A I think so.

4 Q Showing you Exhibit 17, do you recognize this
5 person?

6 A Yes.

7 Q Who's that?

8 A Mike.

9 Q What was his role?

10 A He was a foreman.

11 Q Did you see him in the office also?

12 A Yeah. He would come in from time to time.

13 Q Would he be in the category of Israeli or
14 non-Israeli?

15 A Non-Israeli.

16 Q He didn't come in as often as Eliazar?

17 A No.

18 Q I'd like to show you Exhibit 88. Do you recognize
19 the diagram?

20 A Yep. That is Ringwood.

21 Q So that's the Ringwood office?

22 A Uh-huh.

23 Q Can you tell us, by reference to the letters, what
24 area you were working in?

25 A I actually moved everywhere because they really
26 liked to micromanage me. If anyone talked to me, they would
27 just move me from everybody. So I started in E.

28 Q You started in E?

1 A Yeah. I might have been in C for a little bit,
2 too. Eventually, they moved me to A so they can watch me
3 and nobody could really talk to me without them seeing.

4 Q When you say they, who are you referring to?

5 A Roni and Linda and whoever in charge, making sure
6 nobody talked to me.

7 Q Why were they so concerned about people talking to
8 you?

9 A They were just micromanaging. They were really,
10 really, really strict. Like, they didn't want you to even
11 take a breath if it wasn't work-related.

12 Q And, when you were working in the various
13 different rooms, was there a change in which company you
14 were working for as you moved between rooms?

15 A Not until -- I haven't even said it -- I ended up
16 at D.

17 Q Ultimately, you ended up at D?

18 A Yeah, when Fast Move was operating.

19 Q That was, sometime after you moved to Ringwood,
20 Fast Move started up. And you had already worked in the A
21 area and then you moved to D?

22 A Uh-huh.

23 Q How many other people worked with you in that
24 room?

25 A In D?

26 Q Yes.

27 A At most, two.

28 Q Who were those people?

1 A Margarita and other people that came and went. I
2 don't remember all their names.

3 Q I'd like to show you Exhibit 164, which is a
4 photograph of -- it appears to be a party in the storage
5 room. Are you able to see that?

6 A Yeah.

7 Q Do you recognize the person far right that has a
8 number one next to him?

9 A Yeah. He was a long distance driver. His name is
10 Alex.

11 Q Alex? How about number two? Do you recognize
12 him?

13 A He was a mover but -- a foreman -- but I don't
14 remember his name.

15 Q Do you distinguish between which business they
16 worked for? Fast Moves or ASAP?

17 A I think it was ASAP. But, I mean, I never had to
18 deal with any of the movers personally. So I don't really
19 know who worked for what.

20 Q You don't know which foremen or movers worked on
21 particular jobs?

22 A Not really. The only time I knew that was if a
23 customer called and said, hey, you know, this person's here
24 and they are causing me issues.

25 Q When you got those kinds of calls, did you
26 recognize the names that they were mentioning?

27 A If it was the ones that would come in often, yeah.
28 But, if it was, you know, sometimes I wouldn't.

1 Q All right. Let's say you got a call and it's a
2 customer complaining about Eliazar. Would you have known
3 who Eliazar was?

4 A Yeah, because Eliazar would come in to have lunch
5 with Roni or hang out.

6 Q Did Eliazar work for Fast Moves and ASAP jobs?

7 A I can't say for sure, but I think so. I didn't do
8 the dispatch for ASAP. I know, definitely, he was doing
9 some foreman work for Fast Move.

10 Q Who was the person number three?

11 A Is that me?

12 Q Is that you?

13 A Yeah.

14 Q All right. Do you recognize number four?

15 A That is Patty.

16 Q How about number five?

17 A Five is Eliazar.

18 Q And who is the woman number six?

19 A Margarita.

20 Q The room where they are, what is that room?

21 A That was the back of the warehouse.

22 Q I'd like to show you Exhibit 165. Do you
23 recognize the people in this picture?

24 A Only a few of them. The first one is Eliazar.

25 Q The first one to the left is Eliazar?

26 A Yeah. The one with the biggest face in there. I
27 could see Roni's nose, and I could see his wife.

28 Q Which one is his wife?

1 A His wife is the one all the way to the right.

2 Q Showing you Exhibit 134, do you recognize these
3 people?

4 A I think that's Roni and his wife. And I'm
5 guessing the other one looks like his little sister.

6 Q So Roni's little sister?

7 A Yeah.

8 Q Showing you Exhibit 146, do you recognize the
9 people in that picture?

10 A Just Roni.

11 Q So you don't know the other women?

12 A No.

13 Q Showing you Exhibit 145, do you recognize who that
14 is?

15 A Yeah. That's his little sister.

16 Q Did his little sister work for the office?

17 A At one period, he went to Israel for an extended
18 amount of time. So she watched over things for him.

19 Q She was his eyes and ears while he was in Israel?

20 A Yes.

21 Q Did she do anything else other than watch over the
22 staff?

23 A No. That's all I know that she did.

24 Q Showing you Exhibit 166, a photograph of a BMW.
25 Do you recognize this vehicle?

26 A Not really.

27 Q Do you recognize the person next to it?

28 A Looks like his little sister.

1 Q Showing you Exhibit 148, do you recognize this
2 man?

3 A Yes. That's Alex. He was a mover and then
4 foreman.

5 Q He started out as a mover and became a foreman?

6 A Yes.

7 Q How long did he work for the company?

8 A For a long time. I think almost as long as I did
9 or he came back afterwards. He was, kind of, on and off at
10 one point. Like, he went and then he came back. I'd say he
11 worked there for like over four years.

12 Q All right. So very long time.

13 I'd like to go over some of the office procedures
14 with you.

15 A Okay.

16 Q I'd like to show you Exhibit 167, which is an
17 e-mail dated March 12th of 2008. Do you recall getting
18 e-mails that were directed to both ASAP and Fast Move Van
19 Lines?

20 A Yes.

21 Q Without breaks?

22 A Yes.

23 Q Who had the ability to send you directions like
24 that?

25 A It would be whoever Roni entitled on this day. It
26 was Natasha. After a while, it was Maoz. More than always
27 Linda.

28 Q Okay. So, if Roni said that one of the dispatch

1 managers was in charge, then they were in charge of the
2 entire business, including Fast Moves?

3 A Yes.

4 Q Showing you Exhibit 168, an e-mail dated
5 April 21st, 2008. Do you recall getting e-mails telling you
6 that you could not deal with customers after the point of
7 the move taken place?

8 A Yes.

9 Q Did anyone explain why that should be the case?

10 A Because they wanted us to be continually making
11 phone call out and not spending any time with issues we
12 couldn't do anything about. They wanted us to be constantly
13 selling, not worry about anything else.

14 Q Showing you Exhibit 169, an e-mail dated May 7th
15 of 2008. Do you recall receiving e-mails from Cassidy and
16 Linda directing that you only take messages for dispatch?

17 A Yeah.

18 Q Do you know why they would do such a thing?

19 A I would -- I'm not like exactly sure, but I think
20 it would be on days before the Department of Transportation
21 was going to do an audit or something because they were
22 trying to get all the people at work organized.

23 Q On those days, they weren't going to be bothered
24 by customer complaints?

25 A It appears that way.

26 Q So your answer is yes?

27 A Yes.

28 Q Showing you Exhibit 170, an e-mail dated

1 October 22nd of 2009. Do you recall sending out an e-mail
2 from Sally at Fast Moves to the other staff directing that
3 staff should not talk back to you, Linda, or Jasmine?

4 A Yeah, at one point, because people would just do
5 whatever they wanted when Roni wasn't there especially. And
6 they would get -- it wasn't that they were talking because
7 they talked back. It was because they would get verbally
8 angry with us and we were just doing what Roni told us to
9 do.

10 Q So you had to remind the staff that, when you told
11 them something, it was coming from Roni?

12 A Yeah.

13 Q How come you didn't say it was coming from Ido?

14 A I don't know. Because, after a while, I guess,
15 Roni was the one that I went to. So --

16 Q By October of 2009, had you seen Ido for quite
17 some time?

18 A I can't really remember specifics because he was
19 in and out randomly. It was way too long ago.

20 Q At some point, did he not come back at all?

21 A Yeah. At some point, after we were at Ringwood
22 for a while, I didn't see him at all. Like, I think the
23 last one or, even, two years.

24 Q Showing you Exhibit 128, do you recall receiving
25 an e-mail from Patty where she's letting you know that a
26 customer may call you for reference?

27 A Uh-huh. I guess.

28 Q Did staff do that amongst each other? Use each

1 other's name to have customer reference?

2 A They encouraged that.

3 Q Who encouraged it?

4 A Our dispatches.

5 Q Why did they encourage it?

6 A Because they want people to move with us.

7 Q The idea would be, if the customer called you, you
8 were going to say you were Sally and that you had moved from
9 Los Gatos to Lake Elsinore, California?

10 A Uh-huh.

11 Q You would say you had a good move?

12 A Yeah. I actually never had anyone call me.

13 Q Did you ever tell Patty, no, I won't do that for
14 you?

15 A After, I mean, after a certain point, I said I
16 just didn't feel comfortable with a lot of things they were
17 trying to ask me to do.

18 Q Showing you Exhibit 171, which is a two-page list
19 of contact information. Do you recognize the names there
20 that are shown on that list? Natasha, Jennifer, Vanessa,
21 Crystal, Tomer, Roni, Cassidy, Ryan, and Angela?

22 A Yeah.

23 Q Were those all people that you worked with at
24 ASAP?

25 A Yes.

26 Q And does it also have the birth dates for
27 Margarita, Maoz, Natasha, Roni, Vanessa, Crystal, Cassidy,
28 Jennifer, Maya, Angela, Katrina, Tomer, and Yoni?

1 A Yeah. But I don't remember Maya or Yoni at all,
2 like, being there or celebrating their birthday.

3 Q Do you believe they were prior to you arriving?

4 A I'm guessing so, because the list was always
5 updated when it changed.

6 Q So the fact that there were extension numbers for
7 certain people and not for others, would that suggest to you
8 that the only people working at that time were those that
9 had phone extensions?

10 A Yeah.

11 Q And did you know Maoz to work for ASAP?

12 A No, not by that point.

13 Q Not by that point.

14 I'd like to show you Exhibit 119. Do you see a
15 business card for Nico Cohen?

16 A Yeah.

17 Q Who is Nico Cohen?

18 A I'm guessing that's the other -- the only Nico
19 that I know.

20 Q So that's Noam?

21 A Yeah.

22 Q What last name did Noam go by?

23 A Noam Israeli.

24 Q Noam Israeli?

25 A Yeah.

26 Q Did you ever know him to use any other name other
27 than Noam Israeli and Nico?

28 A No.

1 Q Did you know anyone at America's Best Movers named
2 Nico Cohen?

3 A No.

4 Q He's the only Nico that you knew of?

5 A Yes.

6 Q I'd like to show you Exhibit 172, booked jobs
7 list.

8 A Uh-huh.

9 Q Do you recognize that type of document?

10 A Yes.

11 Q And do you know who Brandy was?

12 A Yes. She worked for Fast Move. She was one of
13 the people I couldn't remember earlier.

14 Q She was one of the people you worked with at Fast
15 Moves?

16 A Uh-huh.

17 Q Would this be a history of jobs from October
18 of 2006 to November of 2008?

19 A Yes. Jobs that she booked. Yes.

20 Q And does it also show booked jobs for Crystal?

21 A Uh-huh.

22 Q And Margarita?

23 A Uh-huh.

24 Q And jobs for Patty?

25 A I don't remember Patty. Oh, yeah, there was that
26 Patty girl. Okay. Yeah.

27 Q And Russ?

28 A Yes.

1 Q And then Sally?

2 A Uh-huh.

3 Q That would have been you?

4 A Uh-huh.

5 Q Were you familiar with someone named Sam?

6 A Yeah. I don't think that was his real name,
7 though. I think that's on the computer, but I don't
8 remember his real name.

9 Q That was somebody else who was using --

10 A An e-mail that was already set up. Yeah.

11 Q I'd like to show you Exhibit 173. I'm going to
12 call this a script with Bates number ASAP-3-SW-9-D-1 ending
13 in 057983. Is this something that you recognize as
14 information that would be given out to staff when talking
15 with customers?

16 A Yeah.

17 Q And so it would be to help the staff person to
18 discuss things with the customer?

19 A To explain all the charges to the customer, yes.

20 Q And this would be an example of the extra charges
21 that the customer would be advised of?

22 A Yeah, these were -- yeah, other than for weight or
23 hourly labor.

24 Q Showing you the second page of Exhibit 173 with
25 Bates number ending in 57984. Do you see there information
26 that says shipments will be stored in our facility in
27 Newark, California?

28 A I see. Yeah.

1 Q Would the sales people give that type of
2 information out to customers?

3 A I imagine so. Yes.

4 Q Did you know of any storage in Newark, California?

5 A Not that I know of. But I didn't do any of
6 storing or anything.

7 Q Did you go to the location in Newark where the
8 office was supposedly located?

9 A I went there one time. Or twice.

10 Q Did you see any storage?

11 A No. But it was a large building. I didn't go
12 through all of it. I just went through one level of it.

13 Q Did you know of any opportunity to have goods
14 stored at any place other than Ringwood?

15 A Not that I know of.

16 Q I'm going to move to the next page. I'm going to
17 show you that same Exhibit Number 173. And this is page
18 number 57987. Do you see there that there were 21 business
19 days to deliver the shipment; however, realistically, the
20 shipment will be there in a week or so?

21 A A week or so? I think it was amended. I would
22 always tell them a week or so of your first available date
23 for delivery.

24 Q All right. So, if the customer said I want my
25 goods delivered in two days, it would be within a week or so
26 of that request?

27 A Yeah. There was no long distance move that we
28 would do within two days. Long distance moves had a certain

1 amount of days, and I would tell them for sure it's going to
2 be at least this long, you know.

3 Q So did you tell them it was going to be 21
4 business days before --

5 A Up to 21 business days from the first date that
6 you -- I was always very, you know, explain it to a tee
7 because I am the one that dealt with the people who were
8 angry -- as of, you know, the first date that you provide.
9 Because sometimes a customer would get the impression that
10 it was from the date it was picked up. So I would always
11 make sure to specify it that it was from the first date they
12 are ready to receive their goods.

13 Q Why would this type of information be out there
14 for sales staff to use with customers?

15 A Because that's how long it could take to get their
16 items. So they should know.

17 Q Why would the sales staff be told they could say
18 realistically it could be a week or so?

19 A That's what they were told. That's what we were
20 told to say.

21 Q Did you --

22 A It would only really take 21 business days. If
23 there was an extraordinary circumstance or if it was a place
24 that was not regularly -- there are certain states people
25 just don't move to very often. So those would normally take
26 longer. But if there was any weather issues --

27 Q Would a state like Texas be one of the --

28 A Texas is one of the number one places people move

1 to.

2 Q There shouldn't be any problem getting your goods
3 in Texas in 21 days?

4 A There shouldn't.

5 Q Does your script also reference, if we do any
6 packing for you, if we provide with any packing materials,
7 other than blankets, such as boxes, bubble wrap, shrink
8 wrap, that would be extra?

9 A Uh-huh.

10 Q Did you tell customers that they could buy their
11 own shrink wrap, bubble wrap, and boxes?

12 A I would always ask that, if they wanted to save
13 money, they should box up everything in advance.

14 Q Did you ever tell them that the movers were going
15 to come out and require them to use the mover's boxes and
16 bubble wrap and tape?

17 A No, because I was told they can use their own
18 boxes if they were in good condition.

19 Q Did you have to deal with customers who were upset
20 that the movers came out and required them to deal with the
21 bubble wrap and tape and boxes that were on the truck?

22 A If they were having the movers do any of the work,
23 I think, sometimes, I did have some issues with them using
24 the other people's packing materials.

25 Q Did you deal with customers who were upset that
26 they had pre-boxed and wrapped their items and yet the
27 movers were requiring them to pay for packing materials?

28 A Yes.

1 Q And do you know why that happened?

2 A I was told that it was because they weren't
3 properly packaged.

4 Q Who told you that?

5 A Dispatch. Roni.

6 Q So Roni or --

7 A Whoever. I always went to Roni for everything.
8 So Roni would give me the answers. Yes.

9 Q What if you were dealing with the customer and you
10 were the dispatch manager and the customer was telling you
11 my things were already boxed and taped and wrapped and the
12 movers are here re-wrapping them? What happened?

13 A I would go to Roni and say this person's upset
14 because they are saying things are being rewrapped. And he
15 would, you know, he would either tell me what to say to the
16 customer or he would talk to whoever the foreman was and
17 they would deal with it that way.

18 Q Did you know customers that would continue to have
19 problems after that happens?

20 A There was a lot of problems with the way -- a lot
21 of customers didn't like the way that -- like the packing
22 material problems -- a lot of customers complained that they
23 felt they were using a lot of packing materials on their
24 goods.

25 Q Showing you the last page of Exhibit 173, does the
26 script indicate that the only things -- the only thing that
27 isn't included in the price if we provide you with any
28 packing materials, other than blankets and wardrobe boxes,

1 such as boxes and things like that --

2 A Yes. That's what it says.

3 Q Could a customer say I don't want to use any boxes
4 or packing materials or tape from the company?

5 A Yes, if they had everything packed up. But they
6 wouldn't load their items unless -- if they had, for
7 example, like a glass lamp and they hadn't put it in a box,
8 they were going to box it because they are not going to load
9 it onto the truck just like that because it will more than
10 likely get damaged.

11 Q What if it was a box of books that was already
12 pre-boxed and taped? Is that something that would need to
13 be re-taped?

14 A Not from my knowledge. No.

15 Q I'd like to show you Exhibit 174, another script.
16 This one is entitled miscellaneous. And it has Bates ending
17 in 49716. Do you see a statement there that we do not do
18 visual estimates because our experience has shown that the
19 best way to estimate the weight of your belongings is with a
20 detailed list of items to be shipped?

21 A Yeah, I do see that. But they did still do some
22 visual estimates.

23 Q Did your script also include that this was an
24 industry standard and it eliminate not just human error but
25 possibly dishonest intent of individual estimator as well?

26 A It says that. Yeah.

27 Q Is that something that was given out to staff to
28 inform customers?

1 A Yeah. The whole miscellaneous thing looks like
2 something I've seen before.

3 Q Does that miscellaneous also include, no, we do
4 not subcontract; our trucks and our employees are our own?

5 A Yes.

6 Q Was that true?

7 A It was true for local moves. For long distance
8 moves, they did work with, I believe, some subcontractors.

9 Q And did Fast Moves have any trucks?

10 A I don't know. I didn't deal with any trucks.

11 Q Were you familiar with somebody renting trucks for
12 Fast Moves?

13 A Yeah. I know that we would have to rent trucks.

14 Q Who was in charge of renting the trucks?

15 A Linda or Nico or Roni.

16 Q So would the statement our trucks and employees
17 are our own be inaccurate?

18 A Yes. But I think this was like a paper that was
19 made for ASAP. And I don't know if anyone from Fast Move
20 got it. But not everything applied by the time, you know.

21 Q Did ASAP also rent trucks?

22 A When they didn't have enough trucks and they had
23 scheduled a lot of moves for one day, yes.

24 Q So wouldn't it be inaccurate as well for ASAP?

25 A I guess, yes, for those days.

26 Q Did ASAP hire workers off the street?

27 A I wouldn't know anything about that.

28 Q Do you recall the statements in the script that

1 said we handle 10 to 20 relocations per day on average,
2 managing to satisfy over 99 percent of all of our customers?

3 A Yeah. That was old from ASAP, too. I'm not sure
4 why they were trying to use it for Fast Move.

5 Q Does the script also include we have our trucks go
6 through regularly scheduled maintenance to assure they are
7 always in top mechanical condition?

8 A That wasn't part of the regular script. Nothing
9 on this script is part of the regular script. This is just
10 random things that might occur, I guess.

11 Q So things that could come up with a customer?

12 A Yeah. Or things you can use to, you know --

13 Q Did it also represent our employees are also our
14 own; we do not hire day laborers?

15 A Uh-huh.

16 Q Do you know why they would say such things?

17 A Because a lot of companies did do that.

18 Q Hire day laborers?

19 A The moving industry, after working there for the
20 time I did, I lost all faith. I will never hire a mover.
21 That's just how I feel.

22 Q You see the second page of Exhibit 174 where it
23 says, when you book your move with Fast Move Van Lines, you
24 can be certain no hidden fees or charges will spring up to
25 surprise you on your moving day?

26 A That's true.

27 Q Is that true?

28 A Uh-huh. They always had all the information about

1 the charges before, whether they thought they were going to
2 apply to them or not. We always sent a detailed
3 description. There was an e-mail with every single possible
4 charge on there with the exception of some delivery charges
5 which it's actually signed on the day of the move. But they
6 always got all the paperwork whether they read it or not. I
7 mean, I can't -- I don't know if every customer read
8 everything. I really highly doubt that they did.

9 Q Are you saying, at the time when the customer is
10 on the phone with a sales person and gets a quote, isn't
11 this the information the sales person is telling them in
12 association with that quote?

13 A Yeah. But we are also mailing an e-mail that has
14 all the quote that we've given them and all the information.
15 And we, also, would say, like I said before, packing
16 materials were extra. And, you know, all those potential
17 additional fees, we would ask them questions to make sure
18 they didn't apply, or at least I did.

19 Q But then didn't you have the experience as a
20 dispatch manager dealing with customer complaints that there
21 were, in fact, suddenly charges that were cropping up on
22 moving day that the customer had no idea about?

23 A Yeah. But they also had them already and they had
24 signed them on moving day, too. Not only had they received
25 it in an e-mail before, but they also got it on moving day
26 another paper.

27 Q You are saying, on moving day, they got it. But
28 this is something that you are making a representation up

1 front before moving day that they are not going to have some
2 hidden charge, that, when you give them a quote over the
3 telephone, you are giving them an accurate quote?

4 A Yeah. But I did go through all the charges with
5 them. So I'm speaking for myself. I'm not speaking for
6 what's on that paper. I know what I did, because I'm the
7 one that had to deal with the customer afterwards. So I
8 know I went over every possible charge.

9 Q So you had the experience. You had worked in the
10 moving industry. This is a script that's being given out to
11 employees that come into the company, maybe work a short
12 time. So is it quite possible that they are making
13 representations and that they are not going over all the
14 possible charges that are going to come up during the
15 customer's move?

16 A That's not what they were trained to do. That
17 paper in particular, not many people got it. It, kind of,
18 went out of style real quick. And the only one we got was
19 the long distance move that said -- I don't know -- I think
20 you had it up a little while ago. It had the whole actual
21 speech down. That was what they would give.

22 Q You are saying this wasn't used that much?

23 A Yeah. I'm sure I received one when I first worked
24 there, but I don't think that everybody who worked there got
25 that.

26 Q Do you recall under this miscellaneous question
27 and answer where it says we prefer using our own tape
28 because it is pressure sensitive and stretches when other

1 tapes would break?

2 A Yes. What I would tell customers when I dealt
3 with them personally would be, if you want to provide your
4 own tape, make sure it's the kind that stretches when you
5 apply pressure and doesn't break. So, if they wanted to
6 provide their own, make sure so it wouldn't be an issue.
7 But, like I said, I think I explained things a lot more
8 clearer than probably other people.

9 Q All right. Under the section that says regarding
10 packing materials, be advised that blankets, free use of
11 which we will provide, are good for protecting most of your
12 typical wooden or metal items.

13 A Yes.

14 Q Is that accurate?

15 A Yes, from what I knew.

16 Q Did you receive complaints from customers who were
17 saying my wooden and metal items are being wrapped at this
18 very second after I was told I could use moving blankets?

19 A Only if it had glass on it. People would be like,
20 oh, this is wooden. But it was like a mirror. I was like,
21 it's still a mirror. It needs to be -- anything glass or
22 fragile would need to be in a box to be properly protected.
23 That's what everybody -- that's what they were taught to
24 say. I guess I didn't hear everyone's call.

25 Q You didn't deal with customers who were
26 complaining about wooden furniture or things such as a cat
27 scratch post that was being boxed and wrapped?

28 A I did hear from people that said they were

1 wrapping things that they didn't feel needed to be wrapped.
2 And all I could do at that point is to go to Roni and ask
3 him, you know, say what's going on here and have him,
4 hopefully, deal with it -- and the dispatch -- so the person
5 would be happy and I wouldn't get yelled at any further.

6 Q You would go to Roni. But did you know whether
7 Roni took care of the matter?

8 A Well, if the person continued to explain to me, I
9 usually know that he hadn't done anything about it. I'd
10 have to keep on going back and try to find a middle ground.

11 Q I'd like to show you Exhibit 175, document
12 entitled 2010 Fast Move Van Lines change specials. Do you
13 recognize that document?

14 A Yes.

15 Q Is that something that you used in the course of
16 your work?

17 A Yeah. Because we had a tariff that we had to
18 follow -- our pricing was called tariff, like, how we could
19 charge customers -- if we did anything different than the
20 tariff, we would have to write in this log.

21 Q Would this be an example of various employees who
22 were working for Fast Moves writing the changes in the log?

23 A Yeah.

24 Q Who was reading this log?

25 A I think it was only if, like, we got audited by
26 the, you know, the Department of Transportation or
27 something.

28 Q Was Jordan a person that worked at Fast Moves?

1 A Yes.

2 Q Did you work at Fast Moves beyond 2010?

3 A I don't even remember the last -- what year I
4 stopped working there in general for the company. It was
5 just too long ago. I had like four jobs since then.

6 Q I'm going to refer you to a page of Exhibit 175
7 that ends in 9356. Do you see -- let me back up -- do you
8 see that says 2010?

9 A Yes.

10 Q And then the last page has the date 1/20 and the
11 sales person named Sally.

12 A Uh-huh.

13 Q Do you know whether you worked through the
14 beginning of 2011?

15 A I don't know. I don't even remember, like I said,
16 when we agreed to part ways. I don't remember the year
17 exactly. I think it was 2011. Not sure.

18 Q I'd like to show you some documents relating to
19 the website. I think we are going to take a break before we
20 move on to the website.

21 A All right.

22 MS. DONOHOE: We will take a 15-minute break.

23 (Recess.)

24 MS. DONOHOE: We are going to interrupt this witness
25 and put on a different witness so we can get her out of
26 here. And that witness is Darlene Rainville.

27 (Witness sworn.)

28 TESTIMONY OF DARLENE RAINVILLE

EXAMINATION

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BY MS. DONOHOE:

Q Could you please state your name for the record and spell both your first and your last name?

A Darlene Rainville. It's D-a-r-l-e-n-e. Rainville R-a-i-n-v, as in Victor, i-l-l-e.

Q Are you retired?

A Yes.

Q Where were you working prior to your retirement?

A State Compensation Insurance Fund.

Q How long did you work for state Compensation Insurance Fund?

A Approximately 21 years.

Q What was your role at state Compensation Insurance Fund?

A My last role was auditor.

Q What does an auditor do?

A They go out to employers place of business, and they go through payroll records, check registers, state quarterly tax forms. Basically, we were allowed to ask for anything that -- we could ask for the personal check registers because we were just looking for wages for people and making sure that certain people were classified in the right classification for their jobs.

Q And did you happen to handle an audit at a business called ASAP Relocations?

A Yes, I did.

Q Was that at 2295 Ringwood Avenue in San Jose?

1 A Yes.

2 Q And did you go there to confirm whether or not the
3 payroll that had been reported to state Compensation
4 Insurance Fund was accurate?

5 A Yes, I did.

6 Q Did you request, prior to going there, that they
7 supply certain records for you to conduct your audit?

8 A Yes. Prior to the appointment, they were sent a
9 letter stating all the documentation that we could possibly
10 ask for.

11 Q How long were you at that location to conduct your
12 audit?

13 A At the actual location, I believe I was there two,
14 two and a half hours.

15 Q I'd like to show you the audit report. And this
16 is Exhibit Number 176. I'd ask that you take a look at it
17 and tell me whether or not you could identify it as the
18 audit that you performed.

19 A Yes, it is.

20 Q Was that based on the records that you reviewed at
21 2295 Ringwood Avenue in San Jose?

22 A Yes.

23 Q I'm going to put the audit up on the screen for
24 the jurors to see. Are you able to see it from there? Is
25 that too far?

26 A I can see it.

27 Q Okay. Can you tell us when you conducted your
28 audit?

1 A When?

2 Q Yes.

3 A March 12th, 2008.

4 Q And that's when you were located at the business
5 to do the audit?

6 A Yes.

7 Q Who did you meet with at that time?

8 A Roni.

9 Q What was his role with the company?

10 A He was the owner.

11 Q When you met with him, did he give you a place to
12 work for you to perform your audit?

13 A Yes.

14 Q And did you have all the records that you needed
15 to perform your audit?

16 A No, not there at the location. Or he would not
17 provide all of them to me.

18 Q What were the things he would not provide to you?

19 A His personal check register, cash disbursement. I
20 think those were the only two that I had asked for that he
21 didn't provide me with.

22 Q Did he give you the paychecks, payroll records for
23 his business?

24 A Part of them.

25 Q Not the complete set?

26 A No.

27 Q Did you ask him why you couldn't have the complete
28 set?

1 A He said that he couldn't locate them. And, at
2 that time, I told him that paychecks the payroll company has
3 either sent them to him or he could request copies of them.
4 And that was the state quarterly tax records.

5 Q Were you trying to use those records to determine
6 whether he had accurately reported his payroll for purposes
7 of workers' compensation insurance?

8 A Yes.

9 Q Were you ever able to get those records from him?

10 A No.

11 Q Sometime during your audit, did you determine that
12 there was payroll that had not been reported to the State
13 Compensation Insurance Fund?

14 A Yes, I did.

15 Q How did you find that payroll?

16 A As I was going through the weekly payroll
17 journals, there's totals, and it showed 1099 totals. And,
18 when I asked him to provide the 1099 information to me, he
19 said he had no employees listed as -- I think those would be
20 like independent contractors.

21 Q So, when you say 1099 payroll, what is 1099
22 payroll?

23 A That's if you are an independent contractor or if
24 he hired somebody and he has not taken the taxes out. It's
25 up to them to pay their own taxes at the end of the year.

26 Q And so you saw indications in his payroll journal
27 that he had such workers that were working for him?

28 A Yes.

1 Q And would you be required to collect information
2 about their workers' compensation insurance?

3 A Yes, I would.

4 Q So is that something you would also get from him
5 if he had such independent contractors?

6 A Yes.

7 Q Did he give you any information about independent
8 contractors and their workers' compensation insurance?

9 A No, he did not.

10 Q What was his attitude during the time that you
11 were handling this audit?

12 A Arrogant.

13 Q Was he cooperative?

14 A No.

15 Q Did you continue to work despite the fact that you
16 didn't have all the records that you needed?

17 A Yes.

18 Q Was part of your audit to go through a checklist
19 of things?

20 A Yes.

21 Q And I am going to refer you to Page 2 of the audit
22 where -- and this is Bates page ending in 185 -- was one of
23 the questions you asked are any employees performing more
24 than one duty?

25 A Yes.

26 Q And what was his response?

27 A He told me no.

28 Q Did you ask him, are there any miscellaneous

1 employees?

2 A Yes.

3 Q What is miscellaneous employee?

4 A Miscellaneous employee could be a day worker or if
5 you hired somebody and let's say, two or three days later,
6 you decide that, you know, you are not going to keep them.
7 Instead of taking the time to have the payroll put through a
8 payroll service, he would just pay them out of his check
9 register or cash disbursements.

10 Q Did he say that there were any cash disbursements
11 or payments from his check register?

12 A No.

13 Q When you say his personal check register, are you
14 talking about his personal individual account or a business
15 account?

16 A We can ask for the personal individual check
17 register and the business check register.

18 Q Did you ask for either of those?

19 A I asked for both.

20 Q Did you get either?

21 A Neither one.

22 Q Did you ask him, is there any multiple enterprise
23 payroll?

24 A Yes, I did.

25 Q And how did he respond to that?

26 A He said no.

27 Q What is multiple enterprise payroll?

28 A If they owned more than one company and they may

1 be working together but operate -- he's the owner of it, but
2 they are operating separately. And then, if he would borrow
3 some employees from the other company to work at the
4 current -- at the company I was auditing, that would be the
5 multiple enterprise interaction with the employees.

6 Q If he had said, yes, what would you have done?

7 A Then I would have asked for the documentation for
8 the other company because, since he's legally part owner in
9 that, that would be included in the payroll audit.

10 Q What if he were using the staff of another company
11 that had a different person identified as the president?

12 A Then, if he had nothing on the paperwork stating
13 his name, those would be considered either his employees or
14 miscellaneous employees.

15 Q So, even if another person were identified as the
16 president of that corporation, if they were operating at the
17 same location and using the same staff, would he have to
18 disclose that staff during your audit?

19 A Uh-huh.

20 Q And did he?

21 A No.

22 Q Did he ever tell you about Fast Move Van Lines
23 being operated at the same location?

24 A No.

25 Q Did you have any idea that there was a group of
26 movers that were being paid under a different account?

27 A No.

28 Q Did you ask him if there was automobile allowance

1 or reimbursement?

2 A Yes.

3 Q How did he respond to that?

4 A He said no.

5 Q Did you ask him about the 1099 wages?

6 A Yes.

7 Q And did he --

8 A He said, no, he did not have any employees.

9 Q Your notation here says he said yes. Can you
10 explain that?

11 A He said yes on the 1099 employees?

12 Q There's a note. It says any contract work done by
13 others 1099's issued.

14 A Oh, the yes is where I put yes after discovering
15 the 1099 wages. Go through the payroll journal.

16 Q You discovered that. That's why you answered yes?

17 A Yes.

18 Q And then the question, was audit reviewed with
19 insured or their representative?

20 A It was as much as he would let me. I was trying
21 to review the audit with him.

22 Q Did you discuss with him that he had to report
23 people that were independent contractors?

24 A He was told that the 1099 wages that were
25 discovered will be picked up in the audit unless he could
26 give me business license and proof of workers' compensation
27 insurance for them.

28 Q Did he provide that?

1 A He didn't provide anything.

2 Q As a result, did you pick up a lot of additional
3 compensation that had been paid out to 1099 staff?

4 A Yes, I did.

5 Q And do you know approximately how much that was?

6 A I think it was close to about \$70,000.

7 Q What was the impact on him that you had found
8 those additional payments to people that were categorized as
9 independent contractors?

10 A He was not happy.

11 Q And did it affect his insurance premiums?

12 A Yes, it did.

13 Q How did it affect them?

14 A I'm not sure because I don't know how they
15 calculated the dollar amount from the \$70,000 that I picked
16 up in extra wages.

17 Q You found \$70,000 in extra wages?

18 A Approximately, yes.

19 Q And that was for an audit period of October 1st of
20 2006 to October 1st, 2007?

21 A Uh-huh.

22 Q Is your answer yes?

23 A Yes.

24 Q And, as a result of that, did he have to make
25 payments to make up for the premiums that he had not fully
26 paid?

27 A I think that, after it left the district level and
28 went up to our home office, I believe that they tried to

1 work out a payment plan with him because he couldn't pay the
2 whole thing -- the whole bill at once.

3 Q I see.

4 A So there was, usually, there was a payment plan at
5 that time that they would work with the employers on.

6 Q I am going to show you a page of Exhibit 176. It
7 ends in Bates number 18189. Do you recognize this list?

8 A Yes. I would list every employee out. Very time
9 consuming. But, if I had any link that there wasn't
10 something right going on, then I would list every employee
11 out. He probably had two classifications. That would be
12 the warehouse workers and loaders and maybe office workers.
13 On those types of audits, I wouldn't have listed the people
14 out individually.

15 Q But you did this because you were concerned about
16 the fact that he wasn't giving you full information?

17 A Right.

18 Q Was among his employees at that time a person by
19 the name of Maoz Kadesh?

20 A I don't know unless it's on that list.

21 Q I'll bring it up. It's hard to read because it's
22 so small.

23 A You know what? I mean, I must have seen the name
24 on his payroll journals or it wouldn't be here.

25 Q Okay. And then is this final page of Exhibit 176
26 an additional list of people that were working that you
27 found on his staff?

28 A Right. Yes.

1 Q Other than the one day that you spent with him at
2 his office, did you spend any additional time out at
3 Ringwood?

4 A No.

5 Q And did you include in your audit the names of the
6 employees or the names of the staff that were identified as
7 1099 contractors?

8 A Yes, I did.

9 Q Did they include Romero Sanchez?

10 A Oh, I mean, that was a long time ago. I'm just
11 going by -- I wrote the names down per the information I had
12 seen on the records that he gave me.

13 Q Okay. And did you include that in your audit
14 notes?

15 A The --

16 Q The names of the people?

17 A I think that was with a dispute that he wrote in.
18 And those were the names that I changed, apparently, from
19 the moving class to the outside sales because he said that
20 they were outside sales people, and he gave me a brief
21 description of their job duties. So I did take them out of
22 the one classification which was a higher rate and put them
23 into the lower rate that would be considered outside sales.

24 Q All right. So he described those people as not
25 engaged in moving but instead engaged in sales?

26 A Yes.

27 MS. DONOHOE: Thank you. I have no further questions.
28 Do the grand jurors have any questions?

1 You are free to go.

2 (Witness admonished and excused.)

3 (Witness resumed the stand.)

4 TESTIMONY OF JENNIFER SALAZARES

5 EXAMINATION

6 BY MS. DONOHOE:

7 Q You are still under oath.

8 A Okay.

9 Q I am going to mark -- the next topic I'd like to
10 go over is website for Fast Moves.

11 A Okay.

12 Q I'm going to mark as Exhibit 177 an e-mail string
13 that has the date October 29 of 2007 and Bates number of
14 51325. Do you recall previously being interviewed and being
15 shown an e-mail string about creating the website for Fast
16 Moves?

17 A Not really. But I'm sure they did.

18 Q Were you, at any time, asked to write letters as
19 reviews for any of the companies that you were working for?

20 A They did try to ask us to do that, but I wasn't
21 going to do anything on my own time with no money.

22 Q So they asked you to do that outside the office?

23 A Yeah.

24 Q Did you know the people that are referenced in
25 this e-mail? Natasha is writing to Ryan at ASAP.

26 A Yeah.

27 Q Did you know Crystal?

28 A Yes.

1 Q Who was Crystal?

2 A Crystal worked at ASAP and Fast Move for a little
3 bit.

4 Q She worked for Fast Moves?

5 A Uh-huh.

6 Q How about Angela?

7 A Angela worked at ASAP or ABM or whatever.

8 Q Do you know what Angela's last name was?

9 A I don't remember.

10 Q Okay. And, referring you to the next page of
11 Exhibit 177, do you see a message there from Ido that says,
12 Hi, girls. I would like you to write two letters about your
13 experience with Fast Move Van Lines. It's a new company we
14 are going to run here.

15 A Uh-huh.

16 Q Do you recall Ido writing about starting Fast
17 Moves?

18 A I didn't remember until you showed it to me, but
19 it looks like he did.

20 Q Did you find it unusual that he would ask staff to
21 write the reviews that were going to be published on their
22 website?

23 A Yes.

24 Q Did you, in fact, write any reviews?

25 A I don't remember if I did or not, to be honest.

26 Q Referring you to the next exhibit which is number
27 178, an e-mail dated October 29, 2007. Does this appear to
28 be a review that was written by Angela and sent to Ryan?

1 A Yeah.

2 Q Is it signed by the name of Patty Lee?

3 A Yes.

4 Q Does it reference Crystal as the person that was
5 helping in the sales department?

6 A That's what the first line says.

7 Q Did you know whether this letter actually made it
8 to the Fast Moves website?

9 A I don't know.

10 Q Showing you Exhibit 179, which is another e-mail
11 dated October 29 of 2007 and has Bates number ending in
12 051336. Does this appear to be another reference letter for
13 Fast Move Van Lines written by Angela and sent to Ryan?

14 A Looks like it.

15 Q Does she sign as though it's Melissa writing that
16 review?

17 A Yeah.

18 Q Does that mean anything to you?

19 A I just think it's funny because she puts
20 "sincerely."

21 Q I'd like to show you Exhibit 61. I'm referring
22 you to page number 64096 of the document. Does this appear
23 to be a copy of the Fast Moves website?

24 A Yeah, it looks like it.

25 Q Does it appear that the letters from Patty Lee and
26 Melissa made it onto the website?

27 A Looks like they did.

28 Q Were you concerned all the about it -- the fact

1 that the company was using these kinds of practices?

2 A I was concerned with a lot of stuff they did. I
3 would always say how I didn't think it was right. They just
4 didn't care.

5 Q The website -- and I'm again referring to
6 Exhibit 61 and this would be the page ending in 64093 -- did
7 the website include information about the fact that it was
8 headquartered in Newark, California, and it's a family-run
9 business?

10 A Yes.

11 Q Was it a family-run business?

12 A It seemed like it. They were all very close.

13 Q Who were close?

14 A Roni and Ido.

15 Q So Roni and Ido were close? Did you know them to
16 be relatives?

17 A No. But I just felt like there was in-crowd who
18 knew more -- or they seemed to -- and be able to do more
19 than others.

20 Q I see. Did it also represent that their
21 associates were highly skilled and professional and our
22 trucks are well-equipped and radio dispatched?

23 A Uh-huh.

24 Q Was any of that true?

25 A Most of the movers were there for a long time. I
26 mean, there were guys that were there for a long time. I
27 don't know about the trucks because I didn't, you know, I
28 didn't deal with any of that stuff.

1 Q Didn't Fast Moves rent trucks?

2 A Yeah.

3 Q So they didn't have trucks; correct?

4 A Yes. That's true.

5 Q Did the first page -- I'll withdraw that question.

6 I'd like to show you the next exhibit,

7 Exhibit 180. Showing you Exhibit 180, which is an e-mail
8 dated July 3rd of 2008 and has Bates number 49782. Can you
9 see that e-mail?

10 A Uh-huh.

11 Q Do you know who Eliran Dayon is?

12 A He was the guy that would have me e-mail about any
13 website problems.

14 Q Was he in the United States?

15 A I believe he was in Israel.

16 Q Would this be an example where you were e-mailing
17 him about a problem with the website?

18 A Yes. It looks like he is e-mailing me.

19 Q So would you deal with issues relating to the
20 website?

21 A At one point, yeah, I did. If we got a call
22 from -- like, that day, we got a call from California Moving
23 and Storage Association, and it was the same thing the BBB
24 had. They had the logo on there. I think it's a copy of
25 the website from other moving companies. Probably modelled
26 it after the other ones.

27 Q So Fast Moves was using California Moving and
28 Storage Association logo without permission?

1 A Yeah. And they told us that, hey, you are not a
2 member. Or we, actually, couldn't even be a member because
3 we didn't do local moves. And they were only for local
4 movers of California.

5 Q Like the BBB, they wanted their information off
6 your website?

7 A Uh-huh.

8 Q You mentioned that earlier; correct?

9 A Yes.

10 Q And so, in this instance, the person who would try
11 and do that for you as your website designer was unable to
12 because there had been a change in the password and user
13 name?

14 A Uh-huh.

15 Q And did he indicate that only Roni was the person
16 who had the ability to change the password and user name?

17 A Yeah.

18 Q Did you understand as well that Roni was the one
19 who had control over the website?

20 A I mean, yeah, because, after I asked, you know,
21 I'm sure this got dealt with somehow. And I'm sure I went
22 to Roni and somehow, magically, after talking to him, it was
23 dealt with. So --

24 Q All right. Thank you.

25 I'd like to show you the next exhibit, Exhibit
26 Number 181, which is a list that appears to be from Craig's
27 List, with Bates number 49451. Did you have any
28 responsibility for posting Craig's List listings for Fast

1 Moves?

2 A Yes.

3 Q Would this be an example of Craig's List lines
4 that were added?

5 A Yeah. Those are like the titles of that.

6 Q So those are the titles?

7 A Yeah.

8 Q Showing you the next page ending in 49452, would
9 this be examples of the supporting ad that would go with the
10 title?

11 A Yes.

12 Q And so were you placing many different ads on
13 Craig's List to attract customers?

14 A Yeah. I guess, Linda did it a bunch for ASAP and
15 whatnot. So they decided if I started doing that too. They
16 threw another job my way and asked me to start doing Fast
17 Move.

18 Q Who asked you to start doing that?

19 A Roni.

20 Q Would this be an example where a Craig's List ad
21 was posted that said customer satisfaction is our main
22 concern of our employees at Fast Moving Van Lines?

23 A Uh-huh. I think, literally, those statements were
24 all taken from the website.

25 Q So you took information that was already posted on
26 the website in order to make a Craig's List ad?

27 A Yeah.

28 Q And did anyone direct you in how to do that?

1 A That's what they did on the other one. So that's
2 what I did.

3 Q So you were following what Linda had done as to
4 the ASAP ads?

5 A Uh-huh.

6 Q Yes?

7 A Yes. Sorry.

8 Q I'd like to show you some documents relating to
9 Better Business Bureau.

10 A Okay.

11 Q This is going to be marked as Exhibit 182. It has
12 Bates number ending in 052288. Showing you this e-mail, do
13 you see an e-mail dated November 7, 2007, from Natasha to
14 Wayne, Jennifer, Angela, and Crystal?

15 A Uh-huh.

16 Q And what was Natasha telling you about at that
17 time?

18 A (Pause.) It was in regards to BBB complaints and
19 what to state to the customers regarding them.

20 Q Was dealing with the Better Business Bureau
21 complaints something that you routinely had to do when
22 customers called in?

23 A I didn't have to do that at all for ASAP. I only
24 had to do that when I came to Fast Move.

25 Q If you were talking to a customer on the phone,
26 would you have to deal with issues relating to the Better
27 Business Bureau ratings for Fast Moves and ASAP?

28 A Can you repeat that?

1 Q Yes. I'll rephrase my question. I know you said
2 that you dealt with the Better Business Bureau complaint
3 issues when you spoke with customers as to Fast Moves.

4 A Okay. I meant I actually dealt with the Better
5 Business Bureau and their complaints when I was with Fast
6 Moves. But, in terms of people asking about it, everybody
7 did that.

8 Q So, when customers would call in, would they talk
9 to the various sales staff and say, I saw your rating on
10 Better Business Bureau and it's terrible?

11 A Yes.

12 Q And were you being trained in how to handle that?

13 A Yes.

14 Q And so was this e-mail one strategy for how to
15 handle the things that customers said about the Better
16 Business Bureau rating?

17 A Yes.

18 Q And was Wayne the person who was involved in
19 creating the response for customers who knew about the
20 Better Business Bureau rating?

21 A I believe Natasha was the original one. I wasn't
22 aware of Wayne editing it at all or providing any input.
23 But it appears as though he did.

24 Q Was the information true about the Queens Lane
25 branch had been closed and that the manager had been
26 removed?

27 A I mean, technically, I guess, yes, because Tomer
28 left and he was the manager at Queens Lane and Queens Lane

1 was closed. But we were in a different office. It wasn't
2 because -- it wasn't a branch. You understand?

3 Q So did Tomer leave because he was fired?

4 A No, I don't think so. I think Tomer wanted to go
5 back to Israel and start his life and get married and have
6 kids.

7 Q Did you say earlier that actually things were
8 better in terms of less customer complaints when Tomer was
9 the manager?

10 A Yes.

11 Q So do you believe that this was an accurate
12 description of the explanation on the move to Ringwood and
13 that there would be less complaints?

14 A There was still a lot of complaints. There was
15 still a lot of registered complaints. But I feel like the
16 explanation for it was true when they were at Queens and
17 then I think it got less true after Ringwood came into play.

18 Q All right. I'd like to show you Exhibit
19 Number 183, which is on the Better Business Bureau
20 letterhead and dated January 23rd of 2009. Do you see the
21 letter there from Better Business Bureau to Sally Green?

22 A Yes.

23 Q At Fast Moving Van Lines on Balentine?

24 A Yes.

25 Q Would you get mail that was addressed to you in
26 that way?

27 A Yeah. They would give me mail that was addressed
28 to Sally Green.

1 Q The mail that came in to Balentine, how do you get
2 that?

3 A Either Nico or Roni would hand it to me to file.
4 Or, if there was, like, a BBB issue, to call them or do
5 whatever he wanted.

6 Q You were working at Ringwood when you received it;
7 correct?

8 A Yes.

9 Q Do you know how the mail came from Balentine?

10 A One of them went and got it, I assume.

11 Q So either Roni or Nico would go and get it?

12 A Uh-huh.

13 Q In this, they were asking -- the Better Business
14 Bureau was asking for a business profile?

15 A Uh-huh.

16 Q Are you familiar with what the business profile
17 was?

18 A It was just like the actual name of the business
19 and like their licensing information. Just general
20 information.

21 Q I am going to show you the next page which is
22 Bates number 58266 of Exhibit 183. Do you see Fast Moving
23 Van Lines and their address of Balentine on this document?

24 A Yes.

25 Q Does it also identify Ms. Sally Green as the owner
26 and president?

27 A Yeah. It says president. It does not say owner.

28 Q In the box, it says owner/president Ms. Sally

1 Green, president.

2 A Yes.

3 Q Were you the president?

4 A No. They told me to tell them that Sally Green
5 was the president when they had the paperwork filled out.

6 Q Who told you to tell the Better Business Bureau
7 that Sally Green was the president?

8 A Roni.

9 Q Roni told you to do that?

10 A Yes.

11 Q Did you, in fact, do that?

12 A Yes, I did.

13 Q Why?

14 A Because he told me to do it. And he said it
15 wasn't important. So I didn't make a big deal. It wasn't a
16 big deal. I did express to him that I was not comfortable
17 with it, either.

18 Q At that time when this letter was requested in
19 January of 2009, was Ido still at the business?

20 A Like I said, I don't remember when he left. He
21 was barely there. I just know that he was rarely there.
22 When he did, he rarely worked.

23 Q Okay. Showing you Exhibit 184, the Better
24 Business Bureau correspondence dated January 30th of 2009.
25 Is this the type of information you would receive from the
26 Better Business Bureau about customer complaints?

27 A Yeah.

28 Q And would you have to work on resolving these

1 complaints?

2 A Yes. Well, the Better Business Bureau is a pretty
3 funny little company, because they are a company. They are
4 not a nonprofit. They are not doing things to help
5 consumers as they appear to be. They really just want you
6 to respond and they don't really care if anything gets
7 resolved. That's what I learned from dealing with Better
8 Business Bureau. So I have no faith in Better Business
9 Bureau.

10 Q So would you have to respond to the complaints
11 that they sent to you?

12 A Yes, because, if you didn't, they would lower your
13 score.

14 Q Did they lower the score for Fast Moving Van
15 Lines?

16 A I believe they did, lots of times. I was confused
17 because there would be other companies that were accredited
18 which I found out later because they asked us if we wanted
19 to be accredited. To get accredited, you pay a fee and then
20 you are accredited. So, basically, companies that were
21 accredited had paid their fee to the Better Business Bureau,
22 having better ratings than us. So I would often say, Hey,
23 how come you lowered our score? But this company has, you
24 know, worse stats than us and have a better score?

25 Q Was Roni willing to pay the fees to get
26 accredited?

27 A I think that he wanted to at one point. But we
28 didn't have enough -- we got too many complaints in one

1 amount of time. They wouldn't allow us to.

2 Q So he wasn't able to get accredited?

3 A I think he tried twice. But I don't think he
4 succeeded at all.

5 Q I'd like to show you another page of Exhibit 184.
6 This ends in Bates number 58269. This is a Better Business
7 Bureau complaint dated February 11th of 2009. This has Ido
8 Or as a contact for Fast Moves?

9 A Uh-huh.

10 Q Why did that change from Sally Green in January to
11 Ido Or in February?

12 A Because I was extremely uncomfortable with the
13 situation. I didn't like it. I did not like it. I didn't
14 like it from the beginning. I actually complained enough to
15 the point where they listened and changed it.

16 Q Who is they?

17 A Roni and Ido.

18 Q Do you believe that Ido was involved at all at
19 that point in changing it to his name?

20 A No. Probably I, actually, was the one who did it.

21 Q So you changed the name?

22 A Yeah. Well, I think they always had his name as
23 the owner. But that's president. They had it under my
24 name. It's not the same thing.

25 Q So you were, then, no longer identified as
26 president?

27 A I don't know. I think they might have still. I
28 don't really know what their website stated.

1 Q Showing you Exhibit 185, would this be an example,
2 on July 9th of 2009, where you sent an e-mail to Kim Sharp
3 at Better Business Bureau about their rating system?

4 A Yeah.

5 Q And were you, then, at that time, trying to get
6 the ratings adjusted for Fast Moving Van Lines?

7 A Well, I wanted to, at least, be fair like the
8 other companies.

9 Q And was this, again, you were the one doing the
10 contact?

11 A This was done at the encouragement of Roni.

12 Q So Roni wanted you --

13 A Yeah. He said, There's a lot of other companies
14 that have better ratings than us. Why is that? Can you
15 find examples and send them to them and ask them why they
16 have better ratings when they have more complaints?

17 Q You were acting at Roni's request?

18 A Everything I did was at Roni's request.

19 Q Everything at Roni's request?

20 Were you aware of Roni using the Better Business
21 Bureau logo when you weren't a member?

22 A No.

23 Q I'd like to show you some e-mail correspondence
24 regarding Yelp. Were Yelp reviews an issue for the staff
25 that were working for ASAP, America's Best Movers, and Fast
26 Moves?

27 A Yeah. There was a lot of Yelp complaints, too.

28 Q Why was it an issue?

1 A It wasn't only Yelp complaints. It was because we
2 had Yelp complaints and, when we had a good move, we would
3 try to ask our customers to write a Yelp review. And the
4 way Yelp works is, if you are an avid Yelp user, then your
5 reviews won't get filtered. But, if you just -- like the
6 company asked you because you had a good experience, if you
7 wouldn't mind doing it, you log in one time to do that, your
8 review would get filtered and it would not show up.

9 Q So would you agree that the only reviews or most
10 of the reviews that were showing up for Yelp were negative
11 reviews for all the companies?

12 A I mean, I think there were some positive ones too.
13 But I just noticed that a lot of positive ones dropped off
14 and not the negative ones, which was confusing.

15 Q Aid I'd like to show you Exhibit 186, an e-mail
16 dated October 13, 2009, with an FTK number of 76684. Do you
17 see an e-mail there from Wayne to sales at ASAP and to
18 Cassidy at ASAP?

19 A Yeah.

20 Q Who was sales at ASAP?

21 A I think that was Roni.

22 Q Did he ever use his name Roni at ASAP, or did he
23 just use always use --

24 A He had an e-mail Roni at ASAP Relocations.

25 Q He did? How about Cassidy at ASAP? Who was that?

26 A It could be actual Cassidy or it could be Linda.
27 Because -- I told you -- they didn't like to, you know, pay
28 the IT guy to change things, and so they would just reuse

1 e-mails like that.

2 Q So it could be any number of people using a
3 specific e-mail address?

4 A Yes.

5 Q So is this an example of Wayne alerting the
6 management to bad Yelp review for the new company America's
7 Best Movers?

8 A Looks like it.

9 Q And is that something that the company was
10 concerned about -- bad reviews?

11 A Of course. Yeah.

12 Q Do you know whether the name America's Best Movers
13 had been adopted to avoid the bad reviews of ASAP?

14 A I don't know for sure. But, I mean, I'm assuming
15 that's why they came up with the whole DBA. Other companies
16 had DBA's like that.

17 Q Other companies that had bad reviews would do the
18 same thing?

19 A If you go to look up other companies, for example,
20 to compare pricing, you would see that they have their name
21 and then it said DBA. It's doing business as. And they can
22 have a number of those names. You just have to file. You
23 can do that.

24 Q All right. Showing you Exhibit 187, this is an
25 e-mail dated February 10th of 2010 where Nico is reporting
26 that someone has done a bad Yelp review of ASAP, ABM.

27 A Looks like it. Yeah.

28 Q Why would he be reporting this to Roni or sales at

1 ASAP?

2 A I don't know. I mean, just to let him know that,
3 obviously. It looks like they thought somebody that wasn't
4 a customer posted that against them.

5 Q Did you know of reviews being posted by people
6 that weren't customers?

7 A Not that I know of. But it wouldn't surprise me.

8 Q Did Roni have reviews posted against
9 competitors -- bad reviews?

10 A I don't think so. Not that I know of.

11 Q Showing you Exhibit 188. Is this an e-mail where
12 you were seeking -- it's an e-mail dated November 3rd of
13 2009 -- is this an e-mail where you were seeking to get Yelp
14 to change how they were posting reviews about your -- about
15 Fast Moves?

16 A Yes.

17 Q And were you asking them to remove information
18 that was negative on their site?

19 A I would. When somebody was extremely derogatory
20 and wasn't talking about the actual services performed and
21 is just talking about, for example, a sales person who has
22 very little control over the situation and just basically
23 doing like complete character assassination on them, I would
24 ask Yelp to remove it.

25 Q Did you think it was unfair that the customer
26 would believe that the sales person had some control over --

27 A I just feel like they should address it to the
28 company as a whole and not make it completely on a sales

1 person.

2 Q Did you know that customers routinely tried to
3 address it with the company first before they would post
4 something on Yelp or Better Business Bureau?

5 A No. There was no rhyme or reason to it. Some
6 people would never even complain and then they would write a
7 Yelp review.

8 Q The next subject I'd like to review with you is
9 Champions Movers. Exhibit Number 189. This is an e-mail
10 dated September 5th of 2006. Were you working at ASAP in
11 September of 2006?

12 A I think I started in '06. But I think it was
13 October that I began there.

14 Q And, when you started in October of 2006, was
15 Champions already working at Queens Lane?

16 A Not yet.

17 Q Is this an e-mail to sales at ASAP?

18 A It was before. Yeah. I see that.

19 Q All right. Would this sales at ASAP be Roni?

20 A Yes. That's Roni's e-mail. Like I said, he also
21 had one that was Roni at ASAP Relocations.

22 Q And do you know why somebody would be
23 communicating with Roni about how the logos should be done
24 for Champions Movers?

25 A No.

26 Q Showing you Exhibit 190. This e-mail is dated
27 February 9th of 2007 and appears to be from Patricia
28 Birkholdz to info at ASAP Relocations. Do you know whose

1 e-mail was info at ASAP Relocations?

2 A At one point, it was Cassidy. It was Linda. It
3 was Roni. I think it depends on where they were because the
4 computers got moved around, you know, when we went to
5 Ringwood. And I think, at that point, they still paid the
6 IT guy a little bit. So some e-mails got around; some
7 e-mails just ended up being used by a lot of people.

8 Q Do you believe that Roni was involved in the
9 creation of Champions?

10 A I believe that he helped him out for sure.

11 Q Would this be an example of where Roni's involved
12 in setting up a Yellow Pages ad for Champions?

13 A I guess.

14 Q Did you think that his involvement in creating
15 Champions was same as his involvement in creating Fast
16 Moves?

17 A No. It seemed different.

18 Q How was it different?

19 A Maoz was there, and Maoz was the owner of
20 Champions. Different than Fast Move where Ido was never
21 there.

22 Q Do you recall ever seeing this Yellow Pages
23 advertisement for Champions Movers?

24 A No.

25 Q And, for the record, that's the last page of
26 Exhibit 190.

27 Showing you Exhibit 191, did you ever see the
28 Champions Movers website?

1 A I'm sure I saw it at one point.

2 Q And would you have seen it because of people at
3 the office that you were working with also were working with
4 Champions?

5 A Because, at one point, we shared an office. So
6 I'm sure I looked at the website just out of curiosity.

7 Q Was the content much like the content of the
8 website for ASAP?

9 A I don't really remember. No. I'd imagine it
10 would be something like along the same lines.

11 Q Does this appear to be the website that you
12 observed?

13 A Yeah. It looks like the same old thing.

14 Q Referring you to the second page of Exhibit 191,
15 does this indicate that Champions was headquartered in
16 Fremont, California?

17 A Yeah.

18 Q Misspelled Fremont.

19 A Yeah.

20 Q Was Champions headquartered in Fremont?

21 A Never that I knew of.

22 Q Was it located at the same location as ASAP?

23 A In the beginning, yes. And they had their own
24 office.

25 Q Where did you understand their own office was?

26 A It was -- I don't remember the address or
27 anything, but it was -- I actually needed to be trained on
28 software. I was on a different software and Champions used

1 it. Maybe five- to ten-minute drive. It was in San Jose.

2 Q All right.

3 A It was a separate building.

4 Q And this was after you had moved to the Ringwood
5 office?

6 A Yes.

7 Q Was it after Fast Moves had started?

8 A Yes, because I was being trained for Fast Move.

9 Q Showing you Exhibit 192, is this an e-mail from
10 Margarita to you regarding a birthday celebration for Tomer?

11 A Yeah.

12 Q Was Margarita a Champions Movers employee?

13 A Yes.

14 Q Would this be at a time when you were all working
15 together?

16 A Yes. 2007. I think we were at Ringwood.

17 Q You were at Ringwood?

18 A Queens, I think. It might have been at Ringwood.

19 Q So you believe, at that time, you were at Queens
20 Lane in November of 2007?

21 A I mean, I don't really remember, like I said, the
22 dates specifically. It was a long time ago.

23 Q All right.

24 A But I'm thinking, because it's Tomer and Champions
25 was there. But it could be Ringwood.

26 Q I'm referring you to Exhibit 193, an e-mail dated
27 November 15th of 2007. Is this an e-mail from Natasha to
28 you and other staff at ASAP?

1 A Uh-huh.

2 Q Were you advised to continue entering Champions
3 leads as Google leads and to record in the log that's
4 Champions leads?

5 A I guess so.

6 Q What's the difference between how leads were
7 treated?

8 A Some you had to input and some they came to the
9 program already.

10 Q Were some leads charged different prices depending
11 on where they came from?

12 A The only leads that were charged different rates
13 were from the Yellow Pages.

14 Q All right. So they had a lower or higher rate?

15 A I think, for Yellow Pages, it was higher.

16 Q So can you explain why Natasha would have been
17 telling you to enter Champions leads in a certain way?

18 A I don't know. I mean, I don't know why she would
19 tell us. But, obviously, that's what she told us. I'm sure
20 she was instructed to do that by management -- by Roni.

21 Q Were Champions leads -- that information -- also
22 coming to the ASAP staff?

23 A I guess, at that point, yes.

24 Q So you were sharing the leads that were coming in
25 under the different business names?

26 A It looks like it.

27 Q Was that so you could sign up those customers?

28 A I guess it was so that they all have more

1 opportunities to contact that customer.

2 Q And to get the sale?

3 A Yeah. But they were separate companies. So I
4 don't know how that would benefit them at all.

5 Q Okay. Thank you. Are you familiar with the
6 company called Quick Quotes for Moving?

7 A Yeah. Not really. But I know that Roni's wife
8 briefly was in the office doing whatever Quick Quotes is.

9 Q And did you have an understanding of what that
10 company was to do?

11 A I think it was just a lead source. So they saw
12 that you can make money, like, they were paying other people
13 for leads. They thought maybe we could get our own leads
14 and sell to other companies.

15 Q When that company started, you said that Adii --
16 Or what was the name of Roni's wife?

17 A I didn't remember until you said it. But Adii.

18 Q Did she go by Adii or did she go by a different
19 name?

20 A I think I only called her Adii. We had very
21 little interaction. So --

22 Q When Adii was at the office, she was there working
23 on Quick Quotes for Moving?

24 A Yeah. Or just has her name on it.

25 Q Do you recall approximately what period of time
26 she was there?

27 A No.

28 Q What year?

1 A There's no way I could remember that.

2 Q I'd like to show you an exhibit dated May 22nd of
3 2008. And this will be Exhibit Number 194. So you've
4 previously identified sales at ASAP Relocations as an e-mail
5 address for Roni; is that correct?

6 A Uh-huh.

7 Q And info at Quick Quotes for Moving, do you know
8 whose e-mail address that was?

9 A I would assume it was Adii's, but I don't know.

10 Q And do you know why Adii would be asking Roni to
11 send her leads?

12 A No, I don't know.

13 Q Does it appear that -- lower down on the e-mail
14 where it says May 18, 2008 at 8:01 -- that there's leads
15 that are being provided to Quick Quotes for Moving?

16 A It looks like he is giving her one. Yeah.

17 Q Is that the same type of lead information that
18 would be distributed to staff at the ASAP office?

19 A I don't know if it looked exactly that way. But
20 it has all the information that it would have.

21 Q So the layout is a little different. Do you know
22 whether that could be possibly because of the fact that it's
23 a document that has been exported into a different form?

24 A Possibly. I mean, he could have edited it when he
25 sent it to her.

26 Q I'd like to show you Exhibit 195. Is this an
27 e-mail dated June 3rd of 2008 from info at Quick Quotes to
28 sales at ASAP Relocations?

1 A Yeah. It looks like it.

2 Q Does it indicate that old leads had been sent?

3 A I mean, that's what it says.

4 Q Can you tell us what old leads are?

5 A I'm assuming leads that they had already received.
6 But I don't know. I didn't handle anything but new leads
7 that we got.

8 Q Did the staff at ASAP and Fast Moves have issues
9 with leads that would be considered bad leads because they
10 were already used by somebody or --

11 A No. There would be bad leads as in they didn't
12 have any contact information or the contact information was
13 bad. So, for example, I had only a phone number but the
14 phone number was out of service. Sometimes people -- I
15 assume -- people would fill out the form, thinking they are
16 going to get an instant quote, and they would put in false
17 information, their name, and e-mail. So we get those as bad
18 leads.

19 Q I see. Sometimes you get leads that had already
20 been used by somebody else?

21 A Not that I know of.

22 Q Do you know what the reference to old leads could
23 be?

24 A No.

25 Q Does it appear from this e-mail that Adii was
26 involved in trying to make sales for Quick Quotes for
27 Moving?

28 A I don't know. I mean, she's just telling him not

1 to use them, which I don't even understand why he would be
2 using any leads. Or I don't even understand why she would
3 be asking about anything like that. It doesn't make any
4 sense to me.

5 Q Okay. Showing you Exhibit 196, is this another
6 e-mail dated June 6th of 2008 from info at Quick Quotes to
7 sales at ASAP Relocations?

8 A It appears to be one. Yes.

9 Q And sales at ASAP Relocations refers to Roni, in
10 your opinion?

11 A Yes.

12 Q Do you know what the statement means? All leads
13 sent today are duplicates?

14 A Seems pretty self-explanatory.

15 Q What would a duplicate lead be?

16 A Same lead twice.

17 Q Did you sometimes get duplicate leads?

18 A Yeah. Sometimes people would sign up on various
19 different websites and there would be leads on the same
20 customer, but they just signed up on different websites.

21 Q If you got a duplicate lead, did you report that
22 to somebody?

23 A I think --

24 No. I don't think there was anything they could
25 do about that. It would only cause a problem when another
26 sales person got the other duplicate lead because then there
27 would be two people calling the same person and that would
28 be a waste of time, not to mention a problem if one of them

1 happened to reserve and the other didn't because we would
2 get commission.

3 Q Would all of the sales people get anxious to get
4 leads?

5 A Yeah. The more leads you got the more chance you
6 have to make a sale.

7 Q So would people buy for getting leads?

8 A No. They were distributed every morning and
9 throughout the day.

10 Q All right. I'd like to show you Exhibit 197,
11 which is a letter dated June 2nd of 2009. Do you recognize
12 the Fast Move logo on there?

13 A Yes.

14 Q Is that letterhead what you would use in the
15 course of your work?

16 A Yes.

17 Q And is this a letter that would routinely be sent
18 to customers who were facing an auction of their goods?

19 A Yes. This is one of the three letters I mentioned
20 earlier.

21 Q Would those goods be auctioned from the location
22 at ASAP on Ringwood?

23 A I believe so.

24 Q Showing you Exhibit 198, which is a letter dated
25 August 20th of 2009, is this also an auction?

26 A It looks like the same exact letter to a different
27 person.

28 Q Is the next page of that a lien for auction?

1 A Yes.

2 Q Is that the second letter that would go out when
3 it pertained to an auction?

4 A Yes.

5 Q And then, showing you the third letter, is this a
6 third letter that would be sent?

7 A I believe so.

8 Q And you would notify them it was a final notice?

9 A Uh-huh.

10 Q So the next step would be the auction?

11 A Uh-huh.

12 MS. DONOHOE: All right. It's now 4:15 p.m. I think
13 people are tired. I still have a batch of things to go over
14 with this witness. I think we should break at this time and
15 we will come back. We will schedule with you sometime next
16 week.

17 THE WITNESS: That sucks.

18 THE COURT: We will work with your schedule.

19 THE WITNESS: My work is not going to be very happy
20 about it.

21 MS. DONOHOE: Thank you. The foreperson is going to
22 give you an admonishment. You are still under subpoena. So
23 we will be in touch with you to contact you for
24 rescheduling.

25 THE WITNESS: Okay.

26 (Witness admonished by the foreperson.)

27 MS. DONOHOE: Next week, I don't have my schedule in
28 front of me, but I think it's mostly going to be some

1 additional witnesses that are employees and then regulators.
2 We will be moving more towards the issues related to the
3 premium fraud and the tax fraud and, possibly, a regulator
4 from the Department of Transportation. So we will see you
5 next Tuesday. Tuesday, Wednesday, and Thursday. If you
6 could be here next Tuesday at nine o'clock.

7 Yes. Juror number three.

8 THE GRAND JUROR: I don't know if you are allowed to
9 ask this, but can you give us a hint? Where is this leading
10 to? The last couple of questions. The business practices
11 or --

12 MS. DONOHOE: The questions of this witness?

13 THE GRAND JUROR: Yes.

14 MS. DONOHOE: Well, it will be explained in closing
15 statement. The exhibits that I am putting in are, in part,
16 to prove up the overt acts. That's why I'm seeking
17 information from this witness to authenticate items and to
18 prove up the overt acts.

19 THE GRAND JUROR: Okay.

20 THE GRAND JUROR: I think I'm eight. Juror number
21 eight. Jessica wasn't on the witness list. Are there a
22 bunch other witnesses that aren't on the list?

23 MS. DONOHOE: Jessica was not. But there are not other
24 bunch of witnesses. In fact, we had multiple witnesses that
25 showed up this morning, sort of, voluntarily. So I sent a
26 number of them away.

27 THE GRAND JUROR: Just gauging the progress.

28 MS. DONOHOE: We are getting there. Any other

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questions? Okay. Hope you have a nice weekend.

(Grand jury admonished by the
foreperson.)

(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 14, 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