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1 THURSDAY, FEBRUARY 7, 2013; SAN JOSE, CALIFORNIA

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

3 -o0o-

4 MS. DONOHOE: Good morning, ladies and gentlemen.  
5 Today, my friend and colleague, supervising deputy district  
6 attorney Yen Dang is going to help. She will also be  
7 examining some of the witnesses. So we'll get started with  
8 the first witness who is another victim Andrea Miller.

9 (Witness sworn.)

10 TESTIMONY OF ANDREA MILLER

11 EXAMINATION

12 BY MS. DONOHOE:

13 Q Good morning, Ms. Miller. Could you please state  
14 your name for the record and spell both your first and last  
15 name?

16 A Andrea Miller. A-n-d-r-e-a M-i-l-l-e-r.

17 Q Ms. Miller, can you tell us where you live  
18 currently? What city?

19 A Los Angeles.

20 Q Back in July 2010, where were you living?

21 A July of 2010, I was living in Portland, Oregon.

22 Q And were you moving to another location in  
23 California?

24 A I was. I was moving to Willits, California.

25 Q When you were looking for a moving company, can  
26 you tell us how you went about doing that?

27 A Craig's List.

28 Q And did you get quotes from multiple companies?

1           A     I did.

2           Q     And did you follow up on those quotes?

3           A     I did.

4           Q     Can you tell me one of the companies that you  
5 followed up with?

6           A     ASAP Relocations.

7           Q     And did you make contact with a sales person from  
8 ASAP Relocations?

9           A     I did. I believe he contacted me via e-mail after  
10 I had sent them an e-mail, letting them know where I was  
11 moving and wants to get a quote from them.

12          Q     What is the name of the person who contacted you?

13          A     Wayne Allen.

14          Q     Did you discuss with Wayne Allen the move that you  
15 were going to have happen?

16          A     I did.

17          Q     What did you tell him about your move?

18          A     I let him know that I was moving to Northern  
19 California and that I was very concerned about the price  
20 because I was going to be unemployed there. I was moving in  
21 with friends that I was going to live with indefinitely.

22          Q     All right. And did you ask him for a definite  
23 charge for your move?

24          A     I did.

25          Q     Did you go over with him any fees that you would  
26 have to pay in addition to the quote he was giving?

27          A     I did, because I was so concerned with hidden  
28 charges and the fact that my bedroom at the time where I was

1 moving to was upstairs and I wanted to make sure they were  
2 going to bring my things upstairs. And the rest was going  
3 to be moved into a barn. I was moving to 27 acres up in the  
4 mountains.

5 Q Now, when you discussed this with Wayne Allen, did  
6 he indicate whether or not he could give you a definite  
7 quote for your move?

8 A He did.

9 Q And what was the quote that he gave you?

10 A \$1,070.

11 Q Did you discuss with him quotes that you had  
12 gotten from other companies?

13 A I did.

14 Q What did you tell him about those other quotes?

15 A I had quotes of fourteen hundred, fifteen hundred,  
16 twelve fifty, all in that range.

17 Q And what did he say about those other quotes?

18 A He said, Oh, no, I guarantee this will be it.  
19 There will be no hidden fees. Going by the amount of stuff  
20 you have that's going to be packed in the truck and then the  
21 number of boxes that you are estimating, this is going to be  
22 the price.

23 Q Were your items prepacked on the day of your move?

24 A Everything was prepacked that I had thought needed  
25 to be packed. But, when they got there, they said, no, even  
26 chairs needed to be in boxes. So they forced me to pay for  
27 huge boxes for the chairs and things that you normally  
28 wouldn't put in a box.

1 Q Did you expect to get any free packing or means to  
2 move your goods as part of the transaction?

3 A He did say that, if they got there and there were  
4 odds and ends, you know, maybe, to double up or whatever,  
5 that they would help me.

6 Q Now, between the time that you got your quote from  
7 Wayne Allen and the day of your move, did something happen  
8 to you?

9 A Yes. I spoke to Wayne Allen on the 23rd of June,  
10 2010, and, on the 24th, I had a heart attack.

11 Q And when was the date of your move?

12 A The date of my move was scheduled for July 19th.

13 Q Did the fact that you had a heart attack on  
14 June 24th affect that you had to move on July 19th?

15 A Well, it wasn't good timing. But, yes, I still  
16 needed to move. And it still went forward and I did call  
17 Wayne when I got out of the hospital and I told him what  
18 happened.

19 Q So you told Wayne that you had had a heart attack?

20 A I did.

21 Q Had you had surgery as a result of that heart  
22 attack?

23 A A stent placement.

24 Q So did he understand your situation?

25 A He did. He did, because we e-mailed back and  
26 forth. And he was very, you know, God bless you, that sort  
27 of thing, and very sensitive. And I was feeling a little  
28 nervous and paranoid and weak and, you know, emotionally not

1 so well as well as physically, of course. He was very kind  
2 on the phone and assured me that everything would go  
3 smoothly.

4 Q And what happened on moving day?

5 A On moving day, two men showed up in a plain truck  
6 that they had probably rented locally from Budget or Ryder  
7 or one of those large companies. And they were supposed to  
8 show up by 9:00 but they got to the apartment where I was  
9 living at 12:30.

10 Q So you said you were expecting them by 9:00?

11 A By 9:00.

12 Q Did you have an estimate on how long your move was  
13 going to take on that day?

14 A I don't know that we discussed that. It was just  
15 going to be them loading the truck and them taking off.

16 Q Why were you expecting some other kind of truck  
17 instead of a rental truck?

18 A Well, because I thought I was going with a moving  
19 company. I didn't realize that they were picking up other  
20 people's things too and my stuff was going to be put in  
21 storage. I thought the truck was going to say ASAP  
22 Relocations.

23 Q And did you believe your belongings were going to  
24 go right from where you were living in Oregon to your new  
25 location in California?

26 A You know, I knew that that was not going to happen  
27 the same day. They had told me it could be as little as  
28 three days or as much as seven days.

1 Q And was that the maximum amount of time that you  
2 expected to wait for your belongings?

3 A That's what they told me verbally.

4 Q Now, do you recall the name of the person who  
5 first contacted you on moving day about your move?

6 A (Pause.)

7 Q The driver or the foreman?

8 A I don't remember their names.

9 Q Okay. Did one or both of them talk to you about  
10 the move before it started?

11 A No. No. They got there. They apologized for  
12 being late. And we just all sort of started shuffling  
13 because it was getting late. And I was being driven by my  
14 friend that I was living with down to Southern Oregon to  
15 spend the night there. And then my son was going to be  
16 taking me to Willits. It was a little bit rushed because we  
17 thought we would have been onto road at 1:00 or 2:00 or 3:00  
18 at the latest. But it turned out they showed up as late as  
19 they did.

20 Q Now, were you asked to sign any paperwork on the  
21 day of the move?

22 A Yes.

23 Q Who asked you to sign the paperwork?

24 A The person driving the truck.

25 Q That person, at that time, did he tell you that  
26 there would be any fees that you had to pay?

27 A When he got there, he said that he had to shrink  
28 wrap my box spring on my queen size bed. I had already had

1 my mattress put in a mattress case, like a plastic, but I  
2 didn't buy one for the box spring. And he said, No, no.  
3 You are charged \$25. We have to shrink wrap and we shrink  
4 wrap it in another location. And he also told me that I  
5 needed to put all these other things in boxes. So,  
6 basically, the price went up \$300 that day.

7 Q All right. Had you paid any money prior to move  
8 day?

9 A I did. I gave them a \$200 deposit.

10 Q Was that by cash, check, or credit card?

11 A That was credit card over the phone with Wayne  
12 Allen.

13 Q And so then you were asked to pay an additional  
14 three hundred some dollars on moving day?

15 A Yes.

16 Q How were you to pay that money?

17 A It was actually \$300 plus another portion of a  
18 deposit. And it was a check for \$633.

19 Q Now, what did you believe those \$633 was for?

20 A The extra boxes and tape and another portion of  
21 the deposit towards the \$1,070 that I was quoted, with the  
22 balance due on moving day.

23 Q So, during the course of the move, what did you  
24 calculate your price was up to on moving day?

25 A About \$1,500.

26 Q And did that surprise you?

27 A Yes.

28 Q Did you, at any time, try to contact anyone at the

1 company about the fact that you were being charged  
2 additional fees?

3 A Yes.

4 Q Who did you try to contact?

5 A Wayne.

6 Q Were you able to reach Wayne?

7 A Never spoke again.

8 Q Did you reach anybody within the company on moving  
9 day?

10 A Yes.

11 Q Who did you reach?

12 A A girl named Jasmin.

13 Q What if anything did you tell Jasmin about what  
14 was happening on moving day?

15 A I told her that I had been told by Wayne there  
16 would be no hidden charges, but already the price was up  
17 over \$300.

18 Q And how did she respond to you?

19 A She said we always charge for those things and you  
20 should have known that everything, including an ironing  
21 board, should be in a box.

22 Q So were you able to get anywhere with Jasmin?

23 A No. She was very rude.

24 Q Were you able to talk to anybody else within the  
25 company on moving day?

26 A No.

27 Q And when you got that response from Jasmin, was  
28 there anything that you could do about your situation in

1 terms of stopping the move or paying less?

2 A No.

3 Q Why not?

4 A There was nothing else I could do. I mean, I was  
5 packed and leaving and expected. And I was kind of stuck.

6 Q Would you have paid over that money but for the  
7 fact that you had to be out and on your way?

8 A No.

9 Q Now, you continued on after they finished packing  
10 up your stuff, and you went on to another spot in Oregon and  
11 then on to Willits?

12 A Yes.

13 Q Then how long were you in Willits before you  
14 received your household belongings?

15 A I believe I called the office after I was in  
16 Willits about four days or five days just to check and see  
17 if there was a date that they could give me. And, at that  
18 time, I spoke with Jasmin again, and Jasmin told me that  
19 they have up to 21 days.

20 Q Had you heard that before that it would be up to  
21 21 days before you would receive your belongings?

22 A No.

23 Q What had Wayne told you about receiving your  
24 belongings?

25 A Up to seven days.

26 Q And did you discuss with Jasmin that Wayne had  
27 told you up to seven days?

28 A Yes. And, again, she was extremely rude and said

1 we legally have up to 21 days.

2 Q So were you able to get any satisfaction from your  
3 conversation with Jasmin?

4 A No.

5 Q And how long did it ultimately take for you to get  
6 your belongings?

7 A Well, the very next day Jasmin called me and said  
8 they will be there that night.

9 Q All right. What did she tell you about getting  
10 delivery of your goods?

11 A She said that they would come between 9:00 and  
12 11:00 p.m.

13 Q And was there any money that was due based on your  
14 conversation with her?

15 A Just the last bit of the balance as far as I  
16 remember.

17 Q Okay. And did you discuss with her about the plan  
18 to have the movers arrive between 9:00 and 11:00 p.m.?

19 A I did.

20 Q Why?

21 A Because the home that I was staying in was up a  
22 dirt windy road with cliffs. It was a two-mile dirt road  
23 and very dark and not an easy drive. And I told her coming  
24 between 9:00 and 11:00 is out of the question. They won't  
25 be able to see. It will be dangerous. They cannot arrive  
26 after dark.

27 Q Were you able to dissuade her from having the  
28 movers arrive between 9:00 and 11:00 p.m.?

1 A No.

2 Q So what happened that next day?

3 A I got a call from her or another lady named Linda  
4 that said that they would be in the area and that my  
5 belongings would be dropped off sometime between 6:30 and  
6 8:30.

7 Q So were you happy to hear that they were going to  
8 come before dark?

9 A Yes. It definitely eased my mind.

10 Q And did you wait for them to arrive between 6:30  
11 and 8:30?

12 A Yes.

13 Q What happened?

14 A We got phone calls. I was living with a couple.  
15 They are both RN's working in the ER. And we got phone  
16 calls saying that they would be there by 8:30, that they  
17 were in the area. And the next phone calls we got were at  
18 9:30, saying that they were lost.

19 Q Did your friends make any attempt to try and find  
20 the truck?

21 A Yes. My friend came home from work early. She  
22 got home at about 9:30 or 10:00. And the driver of the  
23 truck, he said his name was Al. He kept calling and saying,  
24 I'm on the road. I can't find you. This is crazy. You  
25 have to give me another couple hundred dollars for this.  
26 And it has to be dropped off tonight, on and on. I can't  
27 find you. I can't find you. So she got in her car. She  
28 drove down the road. Never found him.

1 Q Did they arrive that night?

2 A No.

3 Q Did you have further contact with anybody from the  
4 company the next day?

5 A Yes. The next morning, I called the company. The  
6 company said he was on the road. Every hour that he does  
7 not, you know, you are going to be charged extra now for  
8 this because he couldn't find you. Blaming it on me.

9 Q All right. Did you discuss --

10 Well, first of all, who told you that you were  
11 going to be paying for the time that Al was lost on the  
12 road?

13 A Jasmin.

14 Q Did you discuss with Jasmin what you had told  
15 Wayne previously about the location that they would be  
16 delivering to?

17 A Yes.

18 Q And what did you tell Jasmin?

19 A I told Jasmin that, you know, this needed to be  
20 set up for daytime delivery and that it's only one road in  
21 from the highway. So there was no way that Al was on that  
22 road because my friend drove up and down the road twice to  
23 try to find him.

24 Q And did the truck eventually arrive at the  
25 residence in Willits?

26 A It did. In the early afternoon, my friend drove  
27 down to the main street to look for them and found them the  
28 equivalent of about three blocks away from Shaffer Ranch

1 Road, which was the road to take. They were nowhere near  
2 the road when she found them. Al admitted that he had never  
3 been on the road the night before.

4 Q Okay. So did your friend then come back up to the  
5 house with the movers?

6 A She did. And we had such a bad feeling about  
7 everything that had taken place. She had him back down the  
8 driveway. It was kind of a sloped driveway. Again, all  
9 dirt. She had him back down so the back of the truck would  
10 be facing the house, and she left her car sideways on the  
11 dirt road so that he couldn't take off.

12 Q Okay. Now, with Al there and the truck in the  
13 back of the driveway, did they start to unload the truck?

14 A No. Al jumped out of the truck. And he had two  
15 helpers with him that didn't speak any English. They were  
16 actually very sweet guys. They got out of the truck. Al  
17 got out of the truck and held his hand out and said give me  
18 the rest of the money right now, cash.

19 Q And, when he said he wanted cash, had you ever  
20 been told you were going to have to give cash to the driver?

21 A I was told that the balance could be cash or a  
22 money order.

23 Q And what were you prepared to give to Al, the  
24 driver?

25 A You know, I cannot remember exactly what the  
26 balance due was. But, whatever that balance due was, it was  
27 very little. But my friend -- just to back up -- she had to  
28 go down to an ATM which is about four miles to downtown to

1 get this extra \$200 he demanded for bringing everything the  
2 next day.

3 Q I am going to back you up.

4 A Okay.

5 Q Some of the things you've told us about your  
6 friend. You told us a few things. That she went down to  
7 get the driver, and she told you that; correct?

8 A Yes.

9 Q Did you see where she went?

10 A No, no. I stayed at the house.

11 Q Okay. And I'd like to, again, admonish the grand  
12 jurors that this is another instance of the friend is not  
13 going to be testifying. So, whatever the friend told  
14 Ms. Miller is significant to explain her subsequent conduct  
15 and discussions that she had with the office or with the  
16 driver. But you can't accept it for the truth that the  
17 friend said that she went somewhere or did something. We  
18 just accept that Ms. Miller relied on the information that  
19 the friend conveyed and conveyed that information to others.

20 So she tells you that she had been down with the  
21 driver. The driver comes back. And how did it happen that  
22 your friend had to go to the ATM?

23 A It was demanded over the phone by Jasmin that we  
24 had to give them \$200 more in cash.

25 Q All right. Did you have \$200 more to give him?

26 A No. I borrowed all of this money from this  
27 friend. The whole move.

28 Q So your friend, prior to the movers arriving, went

1 down to get the cash to give to Al?

2 A Yes. You know what? She did not. She went to  
3 get the cash but didn't do that until we called the  
4 sheriffs. I'm sorry.

5 Q Okay. So was that after Al had already arrived?

6 A Al had arrived. The men got out of the truck. He  
7 demanded money. We didn't have the money that he demanded.  
8 Then he got in the truck, leaving his helpers standing in  
9 the driveway near the house, and started to take off to  
10 leave. He got up to the top of the hill and saw that he was  
11 blocked in by my friend's car.

12 Q And what did Al do at that point?

13 A He went kind of crazy.

14 Q And, when you say kind of crazy, what did he do?

15 A Yelling, screaming, How dare you. You have to let  
16 me out of here.

17 Q Were your belongings still on the truck?

18 A Yes.

19 Q Now, you mentioned that you also called the  
20 sheriff's office. When did that happen?

21 A We called the sheriff's office at that time when  
22 he drove up the hill and saw that her car was blocking him  
23 that he couldn't leave the premises.

24 Q All right. Were you concerned about how he was  
25 behaving?

26 A Very much so.

27 Q Did you fear for your safety?

28 A Very much so.

1           Q     Were you able to get assistance from the sheriff's  
2 office?

3           A     We were. The sheriff came. And, when the sheriff  
4 came, he said that there was not a whole lot he could do  
5 other than observe, that this was a civil matter.

6                     My friend got in her car and drove down to the ATM  
7 which is about three or four miles away, got more cash -- we  
8 just wanted to get this over with -- and came back up. But  
9 it took a while. And Al was on the phone with his office,  
10 yelling and screaming. The office kept calling the house  
11 phone in a threatening manner, telling me every hour we hold  
12 him there is going to be another hundred dollars.

13          Q     Now, did you talk to somebody within the office  
14 that was calling into the house in Willits?

15          A     Yes.

16          Q     Who was it that you were talking to?

17          A     I spoke to both Linda and Jasmin that day but kept  
18 asking to speak to Wayne Allen.

19          Q     Were you ever able to reach Wayne?

20          A     No, he wouldn't get on the phone.

21          Q     How much did they ultimately want to collect from  
22 you?

23          A     They wanted additional \$200 right then for  
24 delivering a day late.

25          Q     And how much was the total that you were expected  
26 to pay?

27          A     The total all together that day?

28          Q     For the entire move?

1           A     For the entire move, it got bumped up to -- it  
2 turned out to be about \$1,900.

3           Q     And your original quote was in the range of less  
4 than \$1,200?

5           A     \$1,070.

6           Q     And, once you had the cash to give to Al, what  
7 happened?

8           A     My friend came back with the cash and the sheriff  
9 stood by and we forced -- we basically told Al, Here's the  
10 cash. It's in our hand. Open the truck. We wanted to make  
11 sure my stuff is in there.

12          Q     So you didn't turn over the cash until you could  
13 see that your belongings were there?

14          A     Yes.

15          Q     And were they?

16          A     Yes.

17          Q     Did they unload your belongings once you delivered  
18 the cash?

19          A     They did. But in such a way that Al was pretty  
20 much throwing the boxes down on the ground.

21          Q     Did they move anything into the house?

22          A     Al told the helpers that nothing was to go in the  
23 house; everything was to stay in the front of the house.

24          Q     And did they take anything upstairs?

25          A     Nothing.

26          Q     Did you note anything about the condition of your  
27 property?

28          A     Yes. There were boxes that were smashed. The box

1 spring that was supposed to be shrink wrapped was filthy and  
2 not covered with anything. It was black grease on all the  
3 edges.

4 Q So had you paid for the additional fees for shrink  
5 wrapping?

6 A Yes.

7 Q And did you discuss any of that with Al?

8 A Yes.

9 Q And what did Al say?

10 A He didn't -- I don't know what -- he probably said  
11 nothing. He was just livid that we were wasting so much of  
12 his time.

13 Q Now, would you ever have dealt with this company  
14 if you knew that the price was going to go from less than  
15 \$1,200 up to \$1,900?

16 A Never.

17 Q Would you have dealt with the company if you knew  
18 they weren't going to move your things into the inside of  
19 the house?

20 A Absolutely not. And these movers didn't know that  
21 a man -- my friend's husband -- also lived there. They  
22 could have thought that it was just myself and my friend.  
23 They left all this heavy furniture, including a queen size  
24 bed and bed frame, and boxes sitting outside, you know. I  
25 mean, it was a really bad situation. Two women alone in a  
26 remote area.

27 Q Did you tell Al that you had recently had surgery?

28 A Yes.

1 Q Did that take make any difference?

2 A No, no.

3 Q All right. I'd like to show you Exhibit 95, which  
4 is a packet, and this has a Bates number on it of  
5 ASAP-SW-4-J-1-064159. I am going to ask you to take a look  
6 at this Exhibit 95 and see if you recognize this as  
7 documents related to your move.

8 A (Complying.)

9 Yes, I do.

10 Q Okay. I'm going to put it up on the screen.  
11 Showing you Exhibit 95, that first page, do you see your  
12 handwriting on the face of that document?

13 A I do.

14 Q Do you know when you would have signed that  
15 document?

16 A When he came into the apartment to assess what I  
17 had and to start loading the truck.

18 Q So this was on moving day -- the initial moving  
19 day from Oregon?

20 A Yes.

21 Q All right. And did you get a copy of any of these  
22 documents in the process of your move?

23 A I did. I did. I didn't get all of these, but I  
24 got a few signature pages.

25 Q All right. And I am going to show you the third  
26 page of Exhibit 95. Do you see information there regarding  
27 the quote that was given to you by Wayne Allen? Let me see  
28 if I have the right document. Hold on a second. Do you see

1 information there about your quote from Wayne Allen?

2 A Yes.

3 Q And does it show that you made your order on  
4 June 23rd of 2010?

5 A Yes.

6 Q Is that accurate?

7 A Yes.

8 Q And was the move date the date indicated there of  
9 July 19th of 2010?

10 A Yes.

11 Q And did he initially give you a quote of a  
12 thousand dollars?

13 A I guess he did.

14 Q But were there additional fees that he told you it  
15 would cost?

16 A No.

17 Q I'm going to show you the fourth page of that  
18 document. Do you see the estimate summary of a thousand  
19 dollars and \$70 for other services?

20 A Yes. I think the \$70 was gas. Something  
21 according to the weight.

22 Q All right. And is your signature on that document  
23 for July 1st of 2010?

24 A Yes. And that had to be faxed to him. And I was  
25 still so much in recovery, not feeling well. But I went to  
26 a grocery store near where I was living and faxed it three  
27 times in one day. I had to go back because, every time I  
28 faxed it, he would call me later and say it wasn't clear.

1 Q Now, I'm going to show you Bates number 4163 of  
2 Exhibit 95. Did you ever see a document like this?

3 A No.

4 Q Did they give you any weight ticket?

5 A No.

6 Q Did they tell you anything about what your load  
7 weighed?

8 A Yeah. They told me they weighed more than what  
9 they had thought.

10 Q And was that a reason why -- one of the reasons  
11 why the price went up?

12 A Yes.

13 Q I'm going to show you page number ending in 4164  
14 of Exhibit 95 and ask you if you recognize your handwriting  
15 on that document.

16 A Yes.

17 Q Was this document filled out on moving day,  
18 July 19th of 2010?

19 A Yes.

20 Q Does it summarize at the bottom some of the extra  
21 fees that you had to pay?

22 A Yes.

23 Q So \$633 by check. Was that paid on moving day or  
24 in advance?

25 A On moving day.

26 Q And there's a notation of CC June 23rd, 2010, and  
27 \$200. Can you tell us what that was for?

28 A That was the credit card deposit.

1 Q And then do you know what the balance due was?  
2 \$733.90?

3 A Right.

4 Q Do you know what that was for?

5 A I guess that was for the -- you know, I'm not  
6 sure. I mean, it must have been -- can I look at my copy  
7 here? I am having trouble seeing.

8 Q Yes.

9 A Okay. Well, it's the balance from the \$1,567, I  
10 guess.

11 Q I'll withdraw my question, Ms. Miller.

12 The total amount that you had to pay on moving  
13 day, can you tell us what that amount was?

14 A On moving day 07/19 you mean?

15 Q Yes.

16 A I gave them \$633.28.

17 Q And I'm going to show you Bates page ending in  
18 4171 of Exhibit 95. Is this a copy of your check?

19 A Yes.

20 Q Showing you Bates number 4172, is this a copy of  
21 the credit card receipt that you prepared for the deposit?

22 A Yes.

23 Q And that's for \$200.

24 A Correct.

25 Q Can you tell me why it has America's Best Movers  
26 on that document?

27 A They had two names.

28 Q Did they ever explain to you about the fact that

1 they had two names?

2 A No.

3 Q Was America's Best Movers on the document when you  
4 signed it?

5 A Yes.

6 Q Did you ever ask for any explanation?

7 A Yeah. They said that ASAP Relocations was another  
8 company name that they had. It was a subsidiary of  
9 America's Best Movers. America's Best Movers was their main  
10 company name.

11 Q Okay. I'd like to show you a page that ends with  
12 4174 of Exhibit 95. And was this the quote that Wayne Allen  
13 gave you for all your belongings?

14 A Yes.

15 Q I am going to show you Bates page ending in 4180  
16 of Exhibit 95. Do you recognize this document?

17 A Yes.

18 Q Do you know when that was presented to you?

19 A Probably the day that it came, that the items were  
20 delivered.

21 Q So, referring you to the pickup date of July 19th  
22 of 2010, which appears on the upper right, does that refresh  
23 your recollection as to when that document may have been  
24 presented to you?

25 A No. I don't recall seeing a document of \$1,900  
26 the day of my move at all.

27 Q All right. Is the handwriting where it says  
28 shipper's name Andrea Miller, is that your handwriting?

1 A It is.

2 Q Were you asked to sign a batch of documents on  
3 moving day?

4 A I was.

5 Q Do you know all of what you signed?

6 A I hope so. I mean, it's two and a half years ago.  
7 So --

8 Q Did you get copies of all the documents that you  
9 signed?

10 A I believe so.

11 Q So was anything explained to you about a new  
12 estimate of 3,000 pounds and total estimated charges of  
13 \$1,900?

14 A No. They couldn't have weighed it. Nothing was  
15 weighed at that point. So --

16 Q After this transaction, did you try and get your  
17 money back after you had taken delivery of your goods?

18 A I had contacted the office several times. I was  
19 very distraught and I had contacted the office and asked for  
20 my money back. I said, How could you do this to somebody  
21 that you knew was sick, that had borrowed the money? I sent  
22 Wayne e-mails, asking him how these people sleep at night.  
23 I was very upset about it.

24 Q Did you ever ask to speak to the owner?

25 A I did.

26 Q Were you ever able to talk to the owner?

27 A Never. And I never spoke with Wayne again,  
28 either.

1           Q     In your moving experience between the date of  
2 pickup and the date of delivery, was there any other issue  
3 that happened at the time of the move in terms of things  
4 that were taken out of the home that you moved from?

5           A     Yes. The man that I was living with was also  
6 moving. And he had noticed, as he was packing, that his  
7 golden diamond ring was gone that he had kept in a small box  
8 next to his bedside table. He, also, a couple days after  
9 that, noticed that one of his guns was gone from his gun  
10 case.

11          Q     Now, did you ever discuss with the ASAP office  
12 about these missing items?

13          A     Yes. I called. And this was all after the move  
14 had all taken place. I called and talked to them and left  
15 messages for them.

16          Q     Why did you wait until after the move had taken  
17 place?

18          A     Because my friend didn't notice those things were  
19 gone yet.

20          Q     Okay. Can you tell us under what circumstances he  
21 noticed the things were gone?

22          A     He was packing and moving.

23          Q     All right. Were you able to get any recourse from  
24 the company about the missing items?

25          A     Never.

26          Q     Did you tell the company that you would follow up  
27 on your complaint?

28          A     Yes.

1 Q What did you say you would do?

2 A I told them I was going to be calling Better  
3 Business Bureau.

4 Q Did you follow up and do that?

5 A I did.

6 Q Did you make complaints anywhere else?

7 A Well, I wrote a lot of reviews on Yelp.

8 Q I'd like to show you Exhibit 63 and the second  
9 page of that exhibit. Is that one of the reviews that you  
10 wrote on Yelp?

11 A That looks like the very last review in 2011 after  
12 these guys were arrested.

13 Q And why is it that you wrote reviews for such a  
14 long period of time?

15 A Well, because I would go on Yelp and see other  
16 reviews people had written even after this incident had  
17 happened to me. And I was waiting to see something happen.  
18 I was waiting to see these guys get caught.

19 Q Did you make any other observations about the Yelp  
20 review?

21 A Only that they had somebody on the inside writing  
22 terrific reviews about them. That was very obvious.

23 Q You believe they had one of their employees or  
24 someone they knew writing good reviews?

25 A Oh, definitely. They were one liners: This is  
26 the greatest company. Don't call anybody but them. And all  
27 of the other reviews were horrendous.

28 Q Did you tell the company you were going to do

1 that -- make complaints to various entities and let people  
2 know that they had done such a poor job?

3 A No, not that I remember.

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

6 Ms. Miller, the foreperson is going to read you an  
7 admonishment and then you are free to go.

8 (Witness admonished and excused.)

9 MS. DONOHOE: Our next witness is actually going to be  
10 handled by Ms. Dang. She's out with her now. So I'll be  
11 back in a second.

12 (Pause in the proceedings.)

13 (Witness sworn.)

14 TESTIMONY OF GWEN ALICE CAPLAN

15 EXAMINATION

16 BY MS. DANG:

17 Q Good morning.

18 A Good morning.

19 Q My name is Yen Dang. I'm a deputy district  
20 attorney. I'll be asking you questions this morning. Can  
21 you please state your full-time and spell it for the record?

22 A Uh-huh. Gwen Alice Caplan C-a-p-l-a-n.

23 Q And, Ms. Caplan, did you move your household goods  
24 sometime in the year 2012?

25 A I did.

26 Q And where were you moving from?

27 A I was moving from San Rafael.

28 Q California?

1 A California.

2 Q Where were you moving to?

3 A Glendale, Arizona.

4 Q Did you go through some kind of process to find a  
5 moving company to move you from San Rafael to Glendale,  
6 Arizona?

7 A I went through a very fast but very intense  
8 process. I Googled. I Yelped. I wanted to get not only  
9 the best price but I wanted to get a mover that I could  
10 trust.

11 Q And what time of year did you move?

12 A In August.

13 Q Okay. When did you start looking for a moving  
14 company.

15 A In August.

16 Q In August. Not July?

17 A Well, actually, now that I think about it, it was  
18 closer to July.

19 Q And did you find a moving company?

20 A I did.

21 Q How did you find a moving company?

22 A I found them via Yelp.

23 Q What was the name of the moving company?

24 A Encore Moving.

25 Q Did you do a Yelp search on Encore Moving Company?

26 A Yes. Actually, I Googled moving companies and  
27 then I found them on Google. And then I Yelped them to see  
28 if they had any bad feedback.

1 Q So you found a lot of moving companies and you  
2 narrowed it down based on the reviews on Yelp?

3 A Not just that but on the quotes. I was gathering  
4 quotes as was my husband who was separated from me. We  
5 don't live together but he was helping me from New Jersey.  
6 And then later he flew out to help with the move.

7 Q And do you remember some of the names that you had  
8 found?

9 A Yeah. Actually, it's kind of interesting because  
10 one of the names that I found was America's Best Movers and  
11 I Yelped them and I saw pages and pages and pages of  
12 horrific feedback. I said to myself it's a good thing I  
13 used Yelp. I am not going to use these people.

14 Q You ended up deciding to go with Encore people?

15 A They had one piece of feedback. It was usual to  
16 good.

17 Q Okay. So did you contact Encore Moving or did  
18 they contact you?

19 A I contacted Encore Moving to get a price quote.

20 Q And how did you contact them?

21 A I contacted them -- I think the initial contact  
22 was via e-mail.

23 Q And --

24 A Then I spoke with Claire who contacted me via  
25 phone. Claire is the phone representative.

26 Q Was Claire female?

27 A Yes.

28 Q She contacted you after you sent in an e-mail

1 inquiry? What did Claire say to you?

2 A She went over the list of goods to be moved and  
3 she narrowed down a price quote. And she was -- I don't  
4 know if you need to know this -- but she seemed very helpful  
5 and I decided I was going to have to trust someone. So I  
6 trusted her.

7 Q When you said you went over a list of goods, did  
8 you provide Claire a written list of goods or just verbally?

9 A Verbally.

10 Q And what's the approximate size of your household  
11 belongings that you were moving to Arizona?

12 A It wasn't extensive, but it wasn't small, either.  
13 Three bedrooms, a dining room, a living room.

14 Q So, after you described to Claire your household  
15 belongings, did she give you a price for the move?

16 A She did. We discussed a little bit extra for my  
17 antique china closet, and she said they would take great  
18 pains to take care of it. And she said that, if the move  
19 came in under 5,000 pounds, it's \$1,900. But the original  
20 quote was for over two because she didn't think that we were  
21 coming in under.

22 Q So did she ever offer to go to your house to do a  
23 visual inspection of your goods prior to giving you a price  
24 quote?

25 A No.

26 Q Did you ask for one?

27 A No, I didn't know to ask for one.

28 Q Okay. So she just estimated the weight of your

1 goods based on what you told her over the phone?

2 A Correct.

3 Q And she determined that it was going to be over  
4 5,000 pounds?

5 A (Nodding.)

6 Q And you said that she gave you a quote of over  
7 \$2,000. Do you recall the exact amount?

8 A It was -- gosh -- I have it in my purse. Two  
9 thousand something.

10 Q Okay. We will get to that.

11 A I'm sorry.

12 Q You said you also discussed some additional  
13 charges for your china cabinet?

14 A Yes, because that had to be boxed separately. And  
15 I think they were going to charge me additional \$200 for  
16 that.

17 Q Okay. So the over \$2,000 included this extra  
18 charges?

19 A Correct.

20 Q And you said that, based on your discussion with  
21 Claire, she seemed very helpful and the lack of negative  
22 review on Yelp was some of the reasons why you went with  
23 Encore Moving?

24 A Uh-huh.

25 Q Any other reasons?

26 A The other thing that I want to point out is that I  
27 decided to pack and move my computer in the car rather than  
28 give the movers my computer. I don't know. Call it a

1 feeling. But I just decided that I was going to pack the  
2 computer myself because I can't be without it. So they  
3 didn't have that extra expense of packing and moving the  
4 computers. I took care of that.

5 Q That happened on the day of the move?

6 A The day of the move, my computer was packed  
7 separately and I put that into my car.

8 Q So, when you discussed the price with Claire, this  
9 over \$2,000, did you get something in writing from her to  
10 confirm that?

11 A Yes. It was e-mailed to me. That's all it was.  
12 It was an e-mailed quote.

13 Q Okay. And --

14 A With a list of, you know, what was broken down and  
15 why. That seemed okay. And the day that the movers  
16 arrived, everything was just so jumbled at that point.

17 Q Okay. When she e-mailed you the quote, did you  
18 look at it to confirm that it was pretty much everything you  
19 had discussed with Claire? And were you required to pay a  
20 deposit in advance?

21 A Yes, I was.

22 Q How much?

23 A \$1,230, I think.

24 Q And how did you pay that?

25 A It was, I believe, on my mom's card.

26 Q Credit card?

27 A Yes. It was either that or we did a deposit.  
28 That, I'm a little sketchy about because it was a little

1 while ago. But, yes, my mom was helping me with it.

2 Q So, after you received the quote from Claire and  
3 made a deposit, I assume you went forward with the move?

4 A Right.

5 Q Do you recall the date of the pickup of your  
6 goods?

7 A Oh, that, I'm really sketchy on.

8 Q Okay. Did you receive a copy of your estimate in  
9 the mail that you brought with you today?

10 A Yes.

11 Q Do you want to use that to refresh your  
12 recollection?

13 A Sure.

14 I see the notes that I made. I even made --

15 Q Let me put this up then. I have here Exhibit 96.  
16 Bates ASAP-DA-Mediation 058679 through 58682. And there's  
17 additional four pages which are the exact same documents but  
18 in color and with no Bates. So I am going to put Exhibit 96  
19 up. Ms. Caplan, if I can ask you to look on the screen over  
20 here. Can you see that? It says Claire at the top?

21 A Yes.

22 Q Okay.

23 A July 23rd.

24 Q Do you recall that was the date when you were  
25 getting the estimate from Claire?

26 A That's correct.

27 Q And then this document says nonbinding moving  
28 estimate. Do you understand what that means?

1 A A bit.

2 Q Okay. Did you have any discussion with Claire  
3 that it was a nonbinding estimate?

4 A No. No, I did not.

5 Q Okay.

6 A She said that, from what she was saying, it wasn't  
7 going to be as expensive. And I just --

8 Q It wasn't going to be as expensive. You said the  
9 quote was over \$2,000.

10 A Right. The total estimate was \$2,449.

11 Q Okay. Well, let me show you Exhibit 96 on the  
12 screen where it says \$2,140.

13 A Uh-huh.

14 Q Was that the original estimate?

15 A I think that was the original.

16 Q Okay. Where did you get the \$2,449?

17 A What we finally ended up probably with the china  
18 closet. But I must have told Patty that when everything was  
19 still fresh in my mind.

20 Q You referred to a name of Patty. Do you know who  
21 Patty is?

22 A Patty McCray.

23 Q Is that the DA's mediation unit?

24 A She is in charge of consumer protection.

25 Q At the district attorney's office?

26 A Yes.

27 Q Okay.

28 A I contacted her when I started to become

1 frightened that I wasn't going to get anything back.

2 Q Okay.

3 A It was a horrendous time. Understand that I was  
4 trying to juggle going to a job interview. I was all by  
5 myself. I'm a single mom for the most part. I had two kids  
6 I had to make sure everything was, you know, getting them  
7 settled in school and all of that. So the move pretty much  
8 took over my life and I didn't have -- if things seemed  
9 sketchy, it's because it's so much the nightmare that I --

10 Q So this was happening in the summertime when you  
11 are trying to move and start a new job and get your kids in  
12 the new school?

13 A I had to go to my job interview in shorts because  
14 I didn't have any clothing. I had the clothing that I  
15 packed with me in my car. The clothing I had packed with me  
16 in my car, something made me decide that I was going to pack  
17 things for the kids and myself because I just had a gut  
18 feeling. And we spent nearly a month with nothing.

19 And because I gave the movers even more money --  
20 when I gave them my address and told them to deliver, they  
21 said, Well, we are waiting for a truck. And I spent three  
22 and a half weeks sleeping on the floor on a blow-up mattress  
23 and trying to get settled in with my job, getting kids  
24 settled in with school.

25 We had no furniture. We had nothing. And I  
26 couldn't even afford it with all the money that I eventually  
27 paid out because they asked for more money. I couldn't  
28 afford to buy anymore.

1 Q Sorry. I am going to go back.

2 A Sorry.

3 Q It's okay. I am going to go back to Exhibit 96.  
4 And Encore Moving do you see the address listed on this  
5 document?

6 A Not without my glasses. But sort of.

7 Q Do you know what city they were in?

8 A Yes. San Jose.

9 Q Okay. And then, after you got this document, you  
10 spoke to Claire and scheduled a date for the pickup of your  
11 goods?

12 A Correct.

13 Q And, on this document Exhibit 96, it says the day  
14 of the move. Was that the date?

15 A Yes.

16 Q What was the date?

17 A It was August 17th.

18 Q 2012?

19 A Correct.

20 Q So how many times did you talk to Claire prior to  
21 the date of the move?

22 A Maybe three?

23 Q Okay. And, during that time, did you talk to her  
24 about how important the price was or how concerned you were  
25 about sticking to that price?

26 A Yes. Yes. She said she couldn't guarantee but,  
27 if it was under 5,000 pounds, I should be okay.

28 Q You should be around \$2,400.

1                   So, besides this, did you get anything in the  
2 mail? Any books about rights and responsibilities?

3                   A     No.

4                   Q     Did you get anything else? A contract or  
5 anything?

6                   A     No.

7                   Q     So, on the day of the move, what happened?

8                   A     The movers showed up and scoped out and started  
9 packing things -- not packing -- moving things in the truck.

10                  Q     Let me stop you there. When you say movers showed  
11 up, how many people showed up?

12                  A     Three, I believe.

13                  Q     Okay. And do you remember their names?

14                  A     No, I do not.

15                  Q     Did you deal with one person in particular?

16                  A     Yes. I don't remember his name. He was a large  
17 man.

18                  Q     Okay. Did he speak English?

19                  A     Yes, he spoke English.

20                  Q     All right. And so was he the driver or the  
21 foreman?

22                  A     I don't know if he was the driver, but he was the  
23 foreman, I think.

24                  Q     Okay.

25                  A     Because he's the one with the paperwork.

26                  Q     So, when they got there, did they show up in an  
27 Encore Moving truck?

28                  A     The truck was parked down the street and I was

1       trying to herd the kids in one direction and grab my stuff.  
2       I didn't see the truck clearly.

3             Q       Okay. When the movers showed up, you  
4       predominantly dealt with this foreman? What happened when  
5       he showed up?

6             A       He started spreading his things out on the  
7       countertop and checking things off. And I was pointing to  
8       what was going to be moved.

9             Q       Okay. When you said he spread these things out on  
10      the countertop, are you talking about paperwork?

11            A       Yes. I believe he put some things down but he  
12      didn't really go near anything.

13            Q       Did he have you sign any documents?

14            A       Not until the truck was packed.

15            Q       So, when he first got there, he didn't have you  
16      sign any documents?

17            A       No.

18            Q       When he first got there, did he walk through the  
19      house with you?

20            A       I'm trying to think if he did. I think he did.

21            Q       Okay. And, when he walked through the house, did  
22      he tell you that the price was going to go up past the  
23      \$2,449?

24            A       No.

25            Q       Would that have been important for you to know?

26            A       Yes.

27            Q       Why?

28            A       Well, I was prepared to spend a certain amount and

1 I knew that I was going to come in at a decent amount. And  
2 I didn't have a lot. I really didn't. I had family photos.  
3 I had a couch. I didn't have enough that would have  
4 warranted a huge amount. But they tacked the money on not  
5 because of my goods, not because of the weight. They tacked  
6 it on because they said they used extra packing tape and  
7 plastic.

8 Q So were you told by Claire that they were going to  
9 have to wrap your goods and plastic?

10 A No. In fact, I was walking -- I remember this so  
11 vividly -- I was walking through the living room. And I had  
12 taken a lot of pains to pack carefully. And he suggested,  
13 Would it be okay if we just put some of the smaller boxes  
14 into a bigger box so that it will be easier to move? And I  
15 said, sure, okay. And then they charged me for that. They  
16 charged me for the extra boxes. They said that because they  
17 had to use packing material on the mattresses, which they  
18 knew they had to move anyway. So why would they charge me  
19 extra for that? It should have been in the quote.

20 Q So, when he mentioned that these things needed to  
21 be wrapped, did you request that or did he tell you that you  
22 had to have that done?

23 A Neither. He just wrapped them.

24 Q So you never requested any extra wrapping?

25 A No.

26 Q Okay. And, when he is telling you that they have  
27 to be wrapped, did he tell you how much was going to cost  
28 extra?

1           A     No.  In fact, they left things behind.

2           Q     So you had said you decided to, instead of having  
3 them take your computer, you were going to put it in your  
4 car.  So did you make that clear to him that there were  
5 things that were part of the original quote that's not going  
6 to be moved?

7           A     Yes, I did.

8           Q     What did he say when you said that?

9           A     Nothing.

10          Q     Okay.  And then you said they left things behind?

11          A     Yeah.

12          Q     What did they leave behind?

13          A     I asked them to make sure that this -- I couldn't  
14 fit -- a neighbor that we had had given my son this big ship  
15 lamp, like a schooner, and my son was very attached to it.  
16 Somehow it got moved out of a box because it was big and  
17 they couldn't close it.  They said, Well, leave it on the  
18 mantel and we will take it with us.

19          Q     And it was left behind?

20          A     It was left behind.  I couldn't fit it into the  
21 car.  Otherwise, I would have taken it.  But we were packed  
22 full.

23          Q     So, after the foreman set the documents on the  
24 counter, did they proceed immediately to wrap up and load  
25 your goods?

26          A     Yeah.  They didn't -- I didn't see any documents  
27 and I didn't sign any documents.  And I wasn't asked to sign  
28 any documents until the truck was loaded.

1 Q And how long did that take?

2 A Oh, hours. Hours and hours. It took nearly a  
3 good part of the day.

4 Q Okay. And, at no time during that hours and hours  
5 of loading the truck, the foreman ever stopped to tell you  
6 that you were going to have to pay more?

7 A No.

8 Q Okay. And so what happened after the goods were  
9 loaded in the truck?

10 A He called me into the kitchen and we had the  
11 paperwork spread out.

12 Q And then what happened next?

13 A He was asking me to sign documents. At one point,  
14 he said there was something with the amount of \$5,000. And  
15 he said, Oh, it's not going to be that much. It's just the  
16 worst case scenario.

17 Q And did you question that?

18 A I did. But everything that I had was in the truck  
19 at this point. Everything. Except for the things that were  
20 in my car. And I really felt under pressure and I signed.

21 Q So was that the first time you saw a \$5,000  
22 amount?

23 A Yes.

24 Q When your goods were already in the truck?

25 A Correct.

26 Q And did you question how it came up to \$5,000?

27 A Yes. He said that's only if it goes overweight.

28 Q So that was just a not-to-exceed amount. Okay.

1 And you believed him?

2 A (Nodding.)

3 Q Did you try to call anyone at Encore Moving to  
4 question that price?

5 A No, I did not. Like I said, everything was so  
6 hectic that day. Since he was representing Encore --

7 And he even questioned me on the \$1,230 deposit  
8 now that I think about it. And he said, Well, Claire did  
9 that. I don't know anything about that. But it didn't seem  
10 to me that he and Claire were on the same page regarding the  
11 money. But I told him that, you know, he had a different  
12 set of numbers. He had a different set of numbers on his  
13 worksheet than what Claire was talking to me about. And we  
14 did talk about the discrepancy and I told him I couldn't  
15 afford to pay more.

16 Q You couldn't afford to pay more than \$2,449 or the  
17 five --

18 A I couldn't pay more than the original quote.

19 Q What did he say when you said that?

20 A He said it's not going to be that much. This is  
21 just the worst case scenario or something like that.

22 Q Okay. Do you recall how many documents you signed  
23 on the day of the move?

24 A No, I don't. I really do not.

25 Q Was it more than one page?

26 A Yes, it was more than one page.

27 Q Were you given copies of any of those documents  
28 that you signed on the day of the pickup?

1           A     Yes.

2           Q     Do you have them?

3           A     I do.  I don't have them with me, but I do have  
4 them.

5           Q     Okay.  Somewhere at home?

6           A     I do.

7           Q     Okay.  And, on the day of the pickup, were you  
8 asked to pay any more money besides the \$1,230?

9           A     Not the day of the pickup.  No.

10          Q     So you signed the documents.  Why did you sign it?  
11 Why did you sign the paperwork when you saw that there was a  
12 possible increase in price?

13          A     I actually made notes on the paperwork.

14          Q     What kind of notes?

15          A     Well, I noted that my computer wasn't taken.  I  
16 noted that -- I think I have that at home -- but I did make  
17 notes on it saying that, you know, it was the estimate and  
18 not --

19          Q     Did you feel like you had a choice?

20          A     I didn't, really.  I didn't.  And I know this is  
21 silly.  I am going to speak plainly.  We all know that we  
22 are not supposed to sign things just off the bat, that we  
23 are supposed to read them carefully.  But, when your life is  
24 turning upside down and you got a million people expecting  
25 you to do things and you got boxes going in and out and you  
26 got kids that you are minding and, all of a sudden, there  
27 are all these documents in front of you and everything you  
28 own is in a truck and you just want to get it over with but

1 now you are doubting but you feel under pressure because  
2 they have just moved everything into the truck -- it's taken  
3 them all day -- yes, I felt that I had to sign. I felt that  
4 I didn't have a choice. And then I have already made this  
5 decision. I might as well follow through. And so yes. And  
6 it was just a stupid thing. I shouldn't have signed. I  
7 should have made them unload the truck. But I didn't.

8 Q Okay. So, once they loaded your goods and the  
9 truck was locked, did they leave?

10 A Yes.

11 Q And was the plan that you were going to drive out  
12 to Arizona and then, at some point, they were going to  
13 deliver your goods?

14 A Correct. I hadn't signed the lease yet on the new  
15 apartment. And so I told them. They offered, I believe,  
16 two months free storage. And I said, Well, I won't need  
17 that, but I don't have an exact address yet.

18 As soon as I got out to Arizona -- I was pretty  
19 much following it out; I left the very next day -- and I  
20 signed the lease on the new apartment, I had told Claire  
21 what I was going to be doing. So I called up and I said, I  
22 have my new address. Can you deliver?

23 Q And how shortly after the pickup of your goods on  
24 August 17th did you have this conversation with Claire about  
25 the delivery?

26 A I think it was about three days.

27 Q So you initiated the contact and not the other way  
28 around?

1           A     Correct.

2           Q     What did Claire say when you called her to give  
3 her the delivery address?

4           A     That's actually interesting because she didn't  
5 really want to talk to me anymore.

6           Q     How did you get that feeling?

7           A     Well, she said, Oh, you don't want to talk to me.  
8 You want to talk to Linda.

9           Q     Did you ask her why?

10          A     Yeah. She said Linda is handling this now. So I  
11 spoke with Linda. Linda called back. Okay. Now, my  
12 husband -- again, separated -- my husband's telephone number  
13 was on the contact. So Linda called my husband. We were in  
14 Glendale at that point. And she said that we would need to  
15 come up with more money in order to get the delivery.

16          Q     Okay. So was that call from Linda to your  
17 husband?

18          A     Correct.

19          Q     Before you tried contacting Jasmin or after you  
20 contacted -- I mean contacted Claire?

21          A     I notified Encore that we had an address. Linda  
22 was going to call back. And Linda did call back to say that  
23 they needed more money.

24          Q     So then did you return Linda's call or did your  
25 husband call?

26          A     He spoke with her.

27          Q     And what did Linda say to your husband?

28          A     Linda told my husband and later me because I

1 called back. I was furious that she wanted more money  
2 because the original estimate had changed because they  
3 needed more money. And I said, What do you mean you need  
4 more money? And she said, Well, they used a certain amount  
5 in packing materials and so we had to charge you that. And  
6 I said, Packing materials? And she said, Yes, plastic wrap,  
7 tape. They went through a lot of rolls of tape.

8 Q Let me stop you.

9 I want to admonish the jurors that the statements  
10 that Linda made to the husband is not being offered for the  
11 truth but to explain Ms. Caplan's response and subsequent  
12 contact with Linda.

13 Okay. So, when you had heard from your husband  
14 that the price had gone up, did you contact Linda to follow  
15 up?

16 A Immediately.

17 Q Okay. And so. When you called Linda and she told  
18 you it had gone up, what was her explanation as to why it  
19 had gone up?

20 A That they had used packing material and that they  
21 had to charge me for it.

22 Q And what was your response when she said that?

23 A I believe I said you have to be kidding me. I  
24 said, What could they possibly have used that cost nearly a  
25 thousand dollars? More than a thousand dollars, actually.

26 Q So her explanation for the increase of more than a  
27 thousand dollars was all packing materials?

28 A Yes. According to what they had told me, I had

1           come in underweight. I was well under the 5,000-pound  
2           limit. But they tacked on packing.

3           Q       So did you ask her about why so much especially  
4           when your weight was under?

5           A       She said, That's what they told me. That's what  
6           they used. They marked it all down. And that was when it  
7           got really interesting.

8           Q       What do you mean by that?

9           A       Well, we were told that this changed the deposit.  
10          No longer did we have a 50-percent deposit. Didn't matter  
11          that they have all of my worldly goods. They wanted more  
12          money to be deposited before they would even consider  
13          delivering.

14          Q       How much did they want?

15          A       \$530 additional deposited.

16          Q       So that would put your total at that point to  
17          \$1,706 deposit. So what did you say when you heard that you  
18          had to pay another \$530?

19          A       Well, I told her I really didn't have it. And she  
20          said you have to pay it. What was I going to do? I needed  
21          my things. I couldn't say no. You cannot say no when  
22          someone has your entire life in a truck. You cannot. At  
23          that point, you cannot say no. I was really fearful that I  
24          wouldn't see my things again. So I paid it.

25          Q       And how did you pay it?

26          A       There were only two choices that they gave to me.  
27          One was a postal money order. Had to be postal. And the  
28          other was -- which is what they preferred -- they wanted me

1 to take money out of my account and then put it into a  
2 specific bank account. They gave us the number too. Now, I  
3 said I'll just transfer it from one account to the other.  
4 That way I will have a record. No, I couldn't do that. I  
5 had to take it out of the account and then put it into their  
6 account. So I went down to the bank and I took the money  
7 out. But, as a precaution, I had the bank photocopy the  
8 check that I was -- after I had taken out the amount and  
9 then e-mail it to me and then I made the deposit.

10 Q So you wrote a check out to cash?

11 A Yeah. The way the bank did it, they took that  
12 money out and they were going to deposit it in. So we have  
13 that e-mail.

14 Q Okay. And did you have any further contact with  
15 Claire once your goods were picked up?

16 A Not really. No.

17 Q So who did you deal with?

18 A Linda.

19 Q Linda only?

20 A Correct.

21 Q So, after you paid the \$530, what happened next?

22 A They said that they were waiting for a truck.

23 Q So did they give you a timeline as to when the  
24 truck was going to be available?

25 A Sometime in the next three weeks.

26 Q What was your response when you found that out?

27 A I was a little bit upset.

28 Q What did you do?

1           A     I asked them to try and get my stuff back to me.

2           Q     Did you do anything to reach out to anyone else  
3 during the time while you were waiting for the truck?

4           A     Yes.

5           Q     What did you do?

6           A     As it became clear that something wasn't right --  
7 and, again, I looked through the paperwork that I originally  
8 had from when they picked up my goods. And I flipped  
9 through. Some of them said Encore. Some of them were  
10 scratched out with Encore written over it. And some of them  
11 had America's Best Movers, and some of them had ASAP  
12 Relocations. And that's when I started Googling. And  
13 that's when I found the other stories and the other negative  
14 feedback. And I also contacted Nadeen at DOT.

15          Q     That's the Department of Transportation?

16          A     Yes.

17          Q     Why did you call someone at the Department of  
18 Transportation?

19          A     Well, as I said, I Googled. And I was following  
20 advice from other people who had been through this. So one  
21 of the things that I did was I contacted Nadeen. And she  
22 gave me Patty McCray.

23          Q     From the district attorney's consumer protection  
24 unit?

25          A     Correct.

26          Q     And then so you were contacting these people to  
27 get assistance to get your goods?

28          A     (Nodding.)

1 Q Okay. Were you able to get your goods?

2 A Eventually.

3 Q And do you know when the delivery happened?

4 A It was about three and a half weeks after the  
5 initial -- maybe a month. At one point, they actually  
6 scheduled a delivery date but never showed up.

7 Q How many occasions when they scheduled something  
8 and it didn't go?

9 A Specifically it was one time.

10 Q Okay.

11 A But there were a lot of promises. Oh, there's a  
12 truck coming in next week. Oh, we will have a truck next  
13 week.

14 Q Who were you talking to?

15 A Linda.

16 Q Linda is promising you?

17 A Correct.

18 Q And how many times would you estimate that you had  
19 talked to her on the phone to schedule your move or dealing  
20 with payment?

21 A Many, many times. At least, I want to say, I,  
22 myself, called at least 10 or 15 times. Sometimes I would  
23 call her every other day to see if I could get my things  
24 back. We were living in an empty apartment by then and had  
25 nothing.

26 The thing that really scared me and I was really  
27 afraid that, if I made them really mad, I wouldn't get my  
28 things back at all. I contacted the San Rafael Police

1 Department to see if they could do anything about it because  
2 that's where I had lived and that's where they had picked it  
3 up. So I figured it was their jurisdiction.

4 A really, really nice officer there told me that  
5 she would try but she wanted to be gentle about it because  
6 she didn't want them to be angry with me and do anything to  
7 my things. And it was after the San Rafael Police  
8 Department contacted them that I finally got my first  
9 delivery date, the one that they didn't show up for, and  
10 then the second one.

11 Q So what happened when the first delivery date was  
12 supposed to happen and didn't? What did you do?

13 A I called.

14 Q You called Linda?

15 A I called Encore. I called all the numbers that I  
16 had for them and no one answered and the voicemail was full.

17 Q So, when you called about the first delivery date,  
18 you said no one answered. At some point you must have  
19 gotten through to them.

20 A I didn't get through to them until I guess it was  
21 another day or two. The day that they had scheduled the  
22 delivery, no one showed up, and I couldn't get ahold of  
23 anyone. I called all the numbers that I had. And I  
24 couldn't leave a message because there was no way to leave a  
25 message.

26 Q Do you know what date they actually delivered your  
27 goods?

28 A You know, you would think that I would have that

1 blazoned in my memory, but I don't. It had to have been --

2 Q Did you send an e-mail to Patty McCray?

3 A Yes, I did.

4 Q With the copy of the check?

5 A I did.

6 Q Was that when the delivery was supposed to happen?

7 A Yes.

8 Q So you had originally told her, on September 22nd,  
9 2012, that your goods were supposed to be delivered  
10 tomorrow, meaning September 23rd. Does that refresh your  
11 memory?

12 A Yes. Correct.

13 Q Okay. So it was over a month after the pickup of  
14 your goods?

15 A Correct.

16 Q And, prior to delivery of your goods, late  
17 September 2012, were you required to pay any additional  
18 money or have additional moneys available?

19 A After the deposit of \$530?

20 Q Yes.

21 A No.

22 Q Were you told you were going to have to pay  
23 additional money?

24 A Yes.

25 Q On delivery?

26 A Yes, because that was the other half of the  
27 additional money that they tacked on. They split it up to  
28 \$530 which acted as a deposit. And then I was going to --

1 they tacked on additional, you know, on the end.

2 Q Okay. So how much were you told to have available  
3 on the date of delivery? Did they send you a text with the  
4 amount?

5 A Yeah. It was seventeen -- if I could refer to my  
6 text.

7 Q Sure.

8 A They contacted my husband to give him the amount  
9 and he texted me with the amount and so I saved it.

10 Q Were you supposed to have that money in cashiers  
11 check, money order, or cash?

12 A Yes. I was told two different things. I was told  
13 that it should only be cash. And then, when the drivers  
14 personally contacted me, I was told that it couldn't be  
15 cash. So it was rather confusing. One moment. \$1748.27.

16 Q So, when they gave you the conflicting  
17 information -- cash or no cash -- how did you end up paying?

18 A I ended up paying in cashiers check.

19 Q And what happened when the movers showed up to  
20 deliver your goods?

21 A They knew nothing about any of it. They were  
22 contracted. They had come in, I think, from another run in  
23 Florida or something. They just contract out. So they knew  
24 nothing about it.

25 When they started -- and this was the real  
26 heartbreak -- I was really glad to see that my things were  
27 back. I didn't think that was going to happen. So it was a  
28 relief until they opened up the truck and I saw the state of

1 what was my life.

2 Mattresses that were just stained with I don't  
3 know what. Just covered in dirt. The TV with bird  
4 droppings on it. Things with gouges taken out of it. My  
5 dresser literally has gouges taken out of it. It's like  
6 they dumped it on the parking lot somewhere and just left it  
7 sitting there until they shoved it into a truck, because I  
8 can't explain how anything could be that damaged.

9 Q Did you ask the driver why your goods were  
10 damaged?

11 A Yes, I did. He said, I don't know. They just  
12 told me what to put in the truck.

13 Q And you were saying it was contracted. You had  
14 some kind of -- you understood it to be not Encore Moving  
15 that delivered your goods?

16 A No. According to the driver, they were hired by  
17 Encore. So they didn't have anything to do with them. They  
18 weren't the same company, but they were hired to do this as  
19 a separate entity.

20 Q So did you pay the \$748 at the beginning or at the  
21 end of unloading?

22 A I believe at the beginning.

23 Q Was there any incidents or anything during the  
24 delivery of your goods?

25 A No, nothing that sticks to my mind.

26 Q Did you do anything, after your goods were  
27 delivered, with Encore Moving about the damages to your  
28 goods?

1           A     You know, I've asked myself why I didn't. And,  
2 honestly, I really didn't think that I was going to be able  
3 to get anything from them. I was so thankful to get my  
4 things back. And I'm still trying to sort through things.  
5 I actually got other people's things. I got someone else's  
6 bed skirt, someone else's table cloth. I don't know how  
7 these things were packed. But, between trying to work and  
8 taking care of my kids, I don't have a lot of time. And I  
9 really didn't think I was going to get blood from a stone.

10          Q     Were you missing any items?

11          A     Yes.

12          Q     And you didn't contact Encore Moving about the  
13 missing items?

14          A     No, I did not.

15          Q     So you were originally quoted \$2,449 but ended up  
16 paying over \$3,500?

17          A     Yeah.

18          Q     Had you known that at the outset, would you have  
19 gone with Encore Moving?

20          A     No.

21          Q     Why not?

22          A     If I had known all of this, I would have never  
23 gone to Encore Moving. I would have seen the feedback and I  
24 would have never used them. If I had to do it all over  
25 again, I'd go with a really, really large company, and I  
26 would make sure that they come to my home and give me an  
27 estimate after a visual.

28           MS. DANG: Okay. Thank you. I have no further

1 questions. Do any of the members of the grand jury have any  
2 questions for this witness?

3 Thank you, Ms. Caplan. The foreperson is going to  
4 give you an admonishment.

5 (Witness admonished and excused.)

6 MS. DONOHOE: Our next witness will take until the  
7 lunch hour. So do you want to take a break?

8 (Recess.)

9 (Witness sworn.)

10 TESTIMONY OF ALEXANDER KREM

11 EXAMINATION

12 BY MS. DONOHOE:

13 Q Good morning, Mr. Krem. Could you please state  
14 your name for the record and spell both your first and last  
15 name?

16 A Alexander Krem. A-l-e-x-a-n-d-e-r K-r-e-m.

17 Q What is your occupation, Mr. Krem?

18 A Well, I usually say that I was a banker. But  
19 that's no longer a nice thing to say. So I say I'm a  
20 lawyer, former banker, and entrepreneur.

21 Q Okay. Where do you currently live?

22 A I currently live in San Miguel de Allende, Mexico.

23 Q Are you temporarily in the U.S.?

24 A Yes, I am. I have business in Washington. So I'm  
25 doing work there with National Science Foundation.

26 Q Drawing your attention to 2008, were you involved  
27 in a move?

28 A Was I ever? Yes.

1 Q Did you go about looking for a moving company?

2 A Yes, I did. I went online and I went to the  
3 Yellow Pages. And I interviewed, by telephone, probably  
4 ten, maybe more, firms, and I selected one called Fast Move.  
5 I learned later that their name is Fast Moving Van Lines.

6 Q At that time, where were you living?

7 A Well, my mother was dieing. I was living with  
8 her. My goods were coming from New Zealand where my wife,  
9 children, and I had lived for 25 years. And we were moving  
10 to Mexico. We had our goods shipped to California because  
11 my mother's house was going to be free and we weren't sure  
12 what we were going to do next. All New Zealand house goods  
13 were in my mother's garage in Berkeley and I wanted to take  
14 them to Mexico, but I didn't know how to do it.

15 Q I'm going to stop you there. You were planning to  
16 move from Berkeley. By that time, you knew you were going  
17 to Mexico?

18 A Yes. But we wanted our goods moved to Texas.

19 Q So the goods that you had at Berkeley, were they  
20 already packaged?

21 A They were all packaged. I knew the weight. They  
22 were in boxes. They had been sealed by the previous moving  
23 company in New Zealand.

24 Q You hadn't unpacked when you were in Berkeley?

25 A That's correct.

26 Q When you contacted the company Fast Move -- or can  
27 you tell me again the name you knew them by?

28 A Fast Move.

1 Q When you contacted Fast Move, who did you talk to?

2 A I talked to a very charming young woman -- she  
3 sounded youthful -- by the name of Margarita. I don't know  
4 her last name. I never got that.

5 Q When you talked to Margarita, can you tell us what  
6 you told her about your move?

7 A I told her I had goods. I knew pretty much how  
8 much they weighed because I had the bill of lading from the  
9 other moving company, that they were already packed in  
10 boxes.

11 The challenge was they had to be -- this was in  
12 early October of 2008 -- they had to be to Texas by the 27th  
13 of October because a friend of mine from Mexico had moved  
14 all of her things from Minnesota and had a container and she  
15 was willing to put my things in her container so that, after  
16 it was consolidated, it could all move through customs and  
17 into Mexico, which, from my perspective, is a huge benefit  
18 because, otherwise, I have to go through customs and all  
19 that at the Mexican border.

20 I explained to Margarita that it had to be there  
21 by that time. And she said, Oh, well, I'm not sure we can  
22 do it. I said, Okay. I understand that. She called me  
23 back the next day to say, Oh, we found a truck. It's going.  
24 We can get your things guaranteed by the 27th of October. I  
25 said, That's terrific. We got a deal.

26 Q I'm going to stop you. That was in early October.  
27 You had the contact with Margarita and she called you back  
28 the next day and said you could have a guaranteed delivery

1 date by October 27th of 2008?

2 A Yes.

3 Q And that's what you needed in order to consolidate  
4 your goods with your friend's goods?

5 A Yes. She was very accommodating. If the things  
6 arrived two days earlier, they could put it in their storage  
7 for two or three days. If it was a day or two late, that's  
8 okay. There's going to be free storage in their facility in  
9 Texas until such time which we could consolidate. Very  
10 accommodating.

11 Q When you say she, are you talking about --

12 A Margarita. This is the only name I know at the  
13 company at this time.

14 Q So she represented to you that they actually had  
15 someplace to store your goods in Texas?

16 A Yes.

17 Q And did you believe her when she told you that?

18 A Of course, yeah. It sounded credible to me.

19 Q What type of price did she quote for these  
20 services?

21 A Well, first, very aggressive sales person. She  
22 said I'm gonna beat any other prices. Please, no matter  
23 whom else you talk to, come back to me, give me the price.  
24 We can beat any price.

25 I think there's an e-mail from her in your files  
26 that indicates that. She said that twice in writing. And,  
27 you know, I was looking for a fast move and I was also  
28 looking for an inexpensive move. It all resonated with me.

1 It was perfect, in fact.

2 Q Did you finally decide to select Fast Move as your  
3 moving company?

4 A Yes. She was one of three companies. And, after  
5 a little to'ing and from'ing, I selected Fast Moves.

6 Q A little --

7 A To'ing and from'ing.

8 Q To and from?

9 A I called this company. I called that company. I  
10 didn't make a decision immediately. What I didn't do is I  
11 didn't go online to see if it was a real company. That was  
12 my mistake.

13 Q When you gave the information to Margarita, did  
14 you give her a number of boxes or an exact weight?

15 A I don't remember that. I would have had with me  
16 the bill of lading from New Zealand and I would have given  
17 her that information because, by this time, my mother had  
18 died. I had a couple of pieces of furniture extra. That  
19 was a table and four chairs.

20 Q Did you have additional stops in your move apart  
21 from the pickup from the house in Berkeley?

22 A No.

23 Q And did you arrange for a moving day?

24 A Yes. Moving day was agreed. I was not in the  
25 area at the time and, since the goods were at my mother's  
26 and my brother lives in Berkeley as well, he agreed to go  
27 over there and meet the moving truck and supervise the  
28 loading.

1 Q Was there some amount of money that you were to  
2 pay before the move was to start?

3 A Yes. Based on the original estimate, that was  
4 \$700. My brother had a personal check for \$700. He was  
5 there when the truck arrived. There's more to be said about  
6 that, but, to answer your question, \$700.

7 Q You understood that your brother was going to  
8 provide a \$700 check to the movers in order to start your  
9 move?

10 A Yes.

11 Q And, as you said, you were not present; correct?

12 A Yes. I was not.

13 Q Did your brother convey information to you about  
14 moving day?

15 A Yes. I knew about --

16 Q I am going to stop you before you tell me anything  
17 about what he said. But just answer the question. Did he  
18 convey information about move day?

19 A Well, I think I actually conveyed it to him.  
20 Margarita would have told me the moving day and I would have  
21 called my brother and said, This is the day. Can you be  
22 there? And he said yes.

23 Q Did you give him any other instructions?

24 A No. I said to my brother, Look, I'm sorry to drag  
25 you in on this. Just sign anything. Do anything. Just  
26 make it happen.

27 Q All right. And do you recall the date of your  
28 move?

1           A     Yes, I do. It was the -- I've got it written  
2 here -- it was the 16th of October of 2008.

3           Q     All right. Did you receive information on moving  
4 day from your brother, on October 16th?

5           A     Yes, I did.

6           Q     And how did he contact you?

7           A     He telephoned me. I was in Washington at the  
8 time. He was a little agitated. He said --

9           Q     I'm going to stop you before you tell me. When  
10 your brother conveyed information to you, did you rely upon  
11 that information?

12          A     Yes.

13          Q     And did you take subsequent actions based on the  
14 information he provided?

15          A     There was nothing to do. It was just a thank you.  
16 I thanked him because everything was going okay. Everything  
17 was just fine.

18          Q     Okay. You understood that everything was fine on  
19 moving day?

20          A     He was disturbed a bit but I brushed it off.  
21 Tommy, don't worry. Let's just make this happen.

22          Q     So then did you believe your move had then  
23 commenced?

24          A     Oh, no doubt. Absolutely.

25          Q     At some point, did a problem crop up?

26          A     Well, the next day, my brother called me and said,  
27 I've just gotten a call from your moving company. He used  
28 the word "your." They want more money. And I said, What's

1 that about? And he said, They claimed it weighs more than  
2 the estimate and they require more money to complete the  
3 move.

4 Q I'm going to stop you. Your brother told you  
5 those things. And did you reply upon the statements that he  
6 made?

7 A Yes.

8 Q Did you have some follow-up with the company based  
9 on what your brother told you?

10 A No.

11 Q Okay. All right. Did you start making some plans  
12 based on what your brother told you?

13 A Oh, absolutely. I talked to --

14 Q I'm going to stop you. I have to give the jurors  
15 an admonishment.

16 Again, here's an example. Mr. Krem's brother Tom  
17 Krem is not going to be a witness in this case.  
18 Nevertheless, he gave information to Mr. Alex Krem that  
19 Mr. Krem relied upon, and he took subsequent action based  
20 upon that information. So it's being offered to explain his  
21 subsequent conduct.

22 So can you please tell us what your brother told  
23 you that you, then, acted upon?

24 A Well, you've asked me not to tell you what made  
25 him worry. They arrived in an unmarked rental truck with  
26 two people who did not speak English and told him to sign  
27 odd paperwork, which he did. The next day, they required  
28 him to pay by cash or cashiers check whereas, the day

1 before, they accepted personal check. That seemed odd.

2 But my motivation was to simply get things going  
3 because there wasn't much time. I was determined to avoid  
4 any delays because they only had between the 16th of October  
5 and the 27th of October to get my goods to Texas. I wasn't  
6 worried. But I didn't want to cause any problem to cause  
7 any delays. So my instructions to my brother was just make  
8 things happen quickly please. And he did.

9 Q And you directed him to pay additional money to  
10 the movers?

11 A Yes.

12 Q Did you have any idea how he accomplished that?  
13 Your brother?

14 A Yeah. He went to the bank and he got a bank  
15 check -- a cashiers check -- for \$534 and had that when  
16 someone came by to collect it.

17 Q He told you all of that later?

18 A Yes.

19 Q All right. And did you have subsequent contact  
20 with your brother or with the moving company about the  
21 status of your goods?

22 A Only on about the 27th or 28th of October. The  
23 day the goods were to have arrived in Texas. Until then, I  
24 thought everything was going swimmingly. I was concerned  
25 about a few odd things that I mentioned, but I had no reason  
26 to believe the goods weren't going to be delivered to Texas.  
27 They should have called me, I thought, 24 hours -- the deal  
28 was they would call me 24 hours before the goods arrived to

1 tell me that so I can organize my side of things. By the  
2 27th, 28th, they hadn't called, and I called to say, what  
3 gives? It's time.

4 Q When you called the office, who did you speak to?

5 A I spoke first to Margarita. She was the only  
6 person I knew there.

7 Q And what happened when you talked to Margarita?

8 A Oh, she was very apologetic. Couldn't explain  
9 exactly why the goods had not yet left San Jose.

10 Q Was that a surprise to you?

11 A Oh, a terrible surprise. I just couldn't believe  
12 it. How can this possibly be?

13 Q Did you ever expect that your belongings were  
14 going to be in San Jose?

15 A No, no. Not at all. Because I had this friend in  
16 Texas waiting for my things to arrive. So, when Margarita  
17 told me that a truck would be coming tomorrow and that the  
18 goods would be delivered within three days, I believed her.  
19 I called my friend and said, Can you hold your container for  
20 another three or four days because my goods will be to you?

21 The next day, I called Margarita again, and she  
22 apologized again that the shipment hadn't left but that it  
23 would leave tomorrow. I called my friend again and said  
24 another day. Okay. The third day, I called Margarita and  
25 she says, We don't have a truck leaving today as I thought.  
26 We will have one leaving tomorrow. And I, then, called my  
27 friend up and she said, Look, I'm sorry. I can't wait any  
28 longer. I'm paying for this container. We have everything

1 organized. Please excuse me. I can't wait.

2 So I called back and got a little testy. I  
3 probably got --

4 Q I'm going to stop you there. So at what point in  
5 October was it that you finally had that conversation with  
6 your friend where she said, I'm sorry, we cannot wait any  
7 longer?

8 A Well, that would have been the same day I gave  
9 them my cancelation. And that was the 6th of November.

10 Q The 6th of November?

11 A Yes.

12 Q So you had been promised delivery by the 28th?

13 A The 27th of October.

14 Q And you were making daily calls between the 27th  
15 and November 6th?

16 A Yes.

17 Q And each time you were speaking with Margarita?

18 A Well, no. I think, at some point, I began  
19 speaking to Sally before the cancelation. By the time the  
20 cancelation letter was sent, Margarita had passed me onto  
21 Sally who was described as the manager.

22 Q All right. So Margarita told you that Sally would  
23 be the person that you needed to talk to?

24 A Yes.

25 Q Or had you asked for a manager?

26 A I can't remember exactly which happened first.  
27 I've said to her, Look, I need to speak to someone with  
28 authority. You've told me several times a truck will be

1 here the next day. There hasn't been a truck. Who can I  
2 speak to at your company? We need to sort this out. It's  
3 getting serious now.

4 Q Sally that you spoke to, did you know her last  
5 name?

6 A She told me her last name was Green.

7 Q How did she describe her role with the company?

8 A She described herself as a manager.

9 Q And did you talk to her about receiving the  
10 delivery?

11 A Yes, I did. And she apologized. She was quite  
12 polite, quite professional, and told me that this was not  
13 within her authority, that she could only convey to her  
14 manager. She might have said owner. But she used manager  
15 for a while and then owner. She had to report to somebody  
16 else -- a male -- who wasn't in the office.

17 For three or four days, I would call once -- even  
18 twice -- a day and she would say, I'll tell him. He will  
19 call you back within 24 hours. And I didn't get a call back  
20 for some time and became a little more concerned all the  
21 while.

22 Q All right. Now, is this between sometime in late  
23 October and November 6th when you cancelled?

24 A A little before. But there was no progress  
25 before. It was after I cancelled that I began to -- I  
26 demanded my goods back. I said, Look, you haven't moved  
27 them. I don't think you will ever move them. I need them.  
28 I want to come and get them. Where are they? I demanded to

1 know where they were. She wouldn't tell me.

2 Q Sally would not tell you where your goods were?

3 A Yes.

4 Q Did you ask to speak with her manager?

5 A Yes.

6 Q Were you ever given a name of the person that  
7 managed Sally?

8 A Not by her. Eventually, I got a call back from a  
9 male with a foreign accent who identified himself as -- oh,  
10 gosh. It was not the name he gave me, eventually. It was  
11 Adam. I think the name I was given was Adam. This is Adam  
12 and I'm the manager.

13 Q All right. You spoke to the manager. And what  
14 did you talk about?

15 A Getting my goods back.

16 Q Did you, during that conversation, learn where  
17 your goods were?

18 A No. He was pretty vague about that. But he said  
19 they had not left the area of San Jose. I don't know if he  
20 used the name San Jose. But the goods were here. And I  
21 would have to pay to -- I still owed money.

22 Q You owed money beyond the additional amount that  
23 your brother had paid?

24 A Yes. If I may, the original estimate was based on  
25 2,000 pounds, and it was for \$1,200. That was when they  
26 took the things. The next day, their estimate was doubled  
27 from \$1,200 to \$2,500. That was why the extra money was  
28 needed.

1                   Now, I'm speaking to Adam, who turned out later to  
2 identify himself as Mr. Or. The actual weight wasn't what  
3 they had said before. It had now gone up to 3,700 pounds,  
4 and an additional sum of \$480 was needed to get my goods  
5 back.

6                   Q     So he wanted to collect additional sum for you to  
7 pick up your goods?

8                   A     Yes.

9                   Q     And did you agree to pay that additional sum?

10                  A     I did. I was very unhappy, but my objective was  
11 to get my goods back.

12                  Q     All right. How were you to pay the money and get  
13 your goods back?

14                  A     I was to come with cash or cashiers check, and I  
15 would be given an address.

16                  Q     And did you go about making those arrangements to  
17 get the cash or cashiers check?

18                  A     Yes, I did.

19                  Q     What did you do?

20                  A     I went to the bank. I got some money. I went to  
21 Penske. I got a big ten-ton box truck. I called him when I  
22 got to San Jose. He gave me an address. I met him at the  
23 address.

24                  Q     What was the address you went to, if you recall?

25                  A     I'm sorry. I don't know that.

26                  Q     Okay. Could you describe the building?

27                  A     Well, it was a common warehouse facility which was  
28 developed with buildings with roll-up garage doors and

1 asphalt and no markings on any of the garage doors. It was  
2 a large storage space, like a storage space you'd have if  
3 you had a house full of stuff to store for a while.

4 Q I'm going to show you Exhibit 87 and ask if this  
5 location looks familiar.

6 A That looks very familiar. Yes, ma'am.

7 Q So does that appear to be the location that you  
8 drove the truck to?

9 A Yes. Quite likely. That one or one identical to  
10 it.

11 Q You said that was in San Jose?

12 A Yes.

13 Q I'll show you the other side of Exhibit 87. Does  
14 that look familiar?

15 A I'm sorry. I can't make that out. I don't know  
16 what that is. Nice looking bushes but --

17 Q Okay. Once you got to the location in San Jose,  
18 what happened?

19 A I was met by a very polite, charming, deferential  
20 young man who banged on the door of the roll-up door. And a  
21 fellow was in there. There was a pallet that was shrink  
22 wrapped that was identified as my goods. And I said, Okay.  
23 Well, let's get it in the truck. And neither he nor his  
24 helper would help me. So I had some men help me.

25 We loaded the goods on the truck. The irony of  
26 ironies was my mother's table was wrapped in padding and I  
27 said, Can I have that? And they said, No, no. You have to  
28 pay for that. So I said, You are going to charge me three

1 times the original estimate. You haven't moved my goods.  
2 Now you want the \$25 for padding blankets? And he said yes.  
3 And I didn't take it. I thought I'd leave the blanket with  
4 them.

5 Q You had to unwrap that and return his blanket?

6 A Yes.

7 Q The person that met you, how did he identify  
8 himself?

9 A Well, he identified himself as Ido Or. And, once  
10 the goods were loaded and paid for, I chatted with him for a  
11 while because I had wanted to keep him there so the police  
12 could come and identify him because he did not identify  
13 himself. And he had a car that was a new one with no  
14 registration on it. I couldn't even get a license plate.

15 I wanted to find out who these people were. So I  
16 called the San Jose Police. The police came. I filed a  
17 report. They talked to me for a while. They talked to him  
18 for a while. And I was told by Officer Murray that I could  
19 get information on the incident report.

20 But, during the time I was speaking to him, I  
21 learned a lot about his background. He and I had common  
22 friends in Israel. I had hoped that that sort of discussion  
23 would have helped smooth things over. In the end, it  
24 didn't. Things went from bad to worse, eventually.

25 Q All right. Now, when he said his name was Ido Or,  
26 did you have any way of verifying who he was?

27 A That's why I wanted the police to come.

28 Q And can you describe that person?

1           A     Not very well. That was years ago. His manner  
2 was mild. He was not heavy-set. He was not dark-haired. I  
3 would have described him looking a bit like you. Medium  
4 brown hair, medium build. Not a brutish brutal man.

5           Q     How tall was he approximately?

6           A     I would say he was 5'10" to 6 feet. I don't know.  
7 My memory doesn't remember a big man.

8           Q     Now, I showed you a picture earlier. I'm showing  
9 you Exhibit 6. Can you see that picture?

10          A     That could be him.

11          Q     But you are not certain?

12          A     I'm not certain. It's not a flattering picture.  
13 But it could be him. I don't know.

14          Q     Okay. So you had really no way of knowing who Ido  
15 Or was, and, at this point, you cannot identify Ido Or;  
16 correct?

17          A     I cannot be sure that that is a photograph of Ido  
18 Or.

19          Q     Thank you. All right. Now, so you paid how much  
20 to get your goods back?

21          A     In total? Well, to get my goods back, I made a  
22 final payment of \$436. Plus the two earlier payments of my  
23 brother.

24          Q     So rough numbers?

25          A     Total was \$1,680.

26          Q     \$1,680?

27          A     Against an original estimate of \$1,250.

28          Q     And your goods went less than a hundred miles?

1           A     Well, yes. Well, from my perspective, they went a  
2 hundred miles out of my way because it was worse than not  
3 moving at all. If they were at my mother's garage, I  
4 wouldn't have to pay for the truck and the help. And,  
5 incidentally, I didn't discover that at the time but I  
6 discovered later, when we finally got our goods, that some  
7 portion of our goods never got there.

8           Q     So you were missing items what had been taken from  
9 Berkeley?

10          A     Yes.

11          Q     Do you know what it was that you are missing?

12          A     Well, my good luck, my wife's bad luck. Most of  
13 her clothes were missing. She reminds me of that often. I  
14 would say that, of our dining room stuff -- plates, dishes,  
15 silver -- about half of that was missing.

16          Q     Did you talk to the person who identified himself  
17 as Ido Or about the fact that they were charging you all  
18 this money when they had breached their contract?

19          A     Oh, yeah. Extensively.

20          Q     What was his reaction to that?

21          A     Bad luck. It was, basically, you know, we have  
22 incurred expenses. We have to recoup. We are a business.  
23 We have to get our money back.

24                   By the time, I was beginning to be familiar with  
25 the game. So I used terms like ransom and hostage. He  
26 denied all that, but we did discuss it.

27          Q     Did you feel your goods were held hostage until  
28 you paid additional money?

1           A     Absolutely.  There's no doubt.  That was made very  
2 clear to me by him.

3           Q     Was there any way for you to get your goods back  
4 without paying?

5           A     I did not feel so.  If I could have done it with  
6 dynamite and crowbar, I would have.  I didn't know where my  
7 goods were.  They were very, very systematic that I had no  
8 recourse.  I paid the money or I didn't get my goods back.  
9 That was very, very clear.

10          Q     Is that the only reason you paid the money?

11          A     Of course.

12          Q     And what happened once you had gotten your goods  
13 back?  What did you do?

14          A     Well, okay.  What I did on the way to get the  
15 goods, I weighed the truck.  And, when I filled it up, I  
16 weighed the truck again.  So I am able to say here  
17 categorically their way bills were false.  Or else they lost  
18 a thousand pounds of my goods.  I don't think they lost that  
19 much.  There's only 2,000 to start.  They couldn't have lost  
20 1,000.  Their weigh bill indicated a weight of 3,700 pounds.  
21 My weigh bill estimated a weight about a thousand pounds  
22 less.

23          Q     All right.  So you were already engaged on that  
24 day, when you went to pick up your goods, you were engaged  
25 in documenting that they had defrauded you?

26          A     Absolutely.  I knew that, by the time I spoke to  
27 Ido Or the first time on the phone -- Adam, originally --  
28 that I was a victim of a sting and the only way I could get

1 my goods back was by playing the game, which is one of the  
2 reasons why I wanted San Jose Police involved to document  
3 all that.

4 Q You had your unloaded truck weighed and then you  
5 had your filled truck weighed?

6 A Yes.

7 Q And you went about documenting exactly how much  
8 your goods weighed?

9 A Yes. I've given you my weigh bill before and  
10 after. It's one bill with two weights. And I have given  
11 you their two weigh bills, one of which, incidentally, was  
12 not for Fast Move at all. It was for ASAP. It was weighed  
13 in Dixon, California, which is almost to Sacramento.

14 Oh, and, by the way, when I picked up my goods,  
15 I do had me sign documents -- receipts that I received  
16 documents -- that my brother should have been given when the  
17 goods were picked up. So I do was doing a little bit of  
18 last-minute housekeeping by giving to me documents that I  
19 should have had long ago. That's how I saw the weigh bills.  
20 Those were never asked for by me -- my fault -- or given to  
21 me by them.

22 Q Okay. So you found out from your brother that he  
23 didn't have paperwork from the day of the pickup?

24 A He had his tissue copy of the bill of lading.  
25 Nothing more.

26 Q Did he have information for your move? Any  
27 booklets?

28 A No.

1 Q Any explanatory information?

2 A No. As I learned later, the federal law requires  
3 they do three or four other things that they never did give  
4 me.

5 Q Once you had the goods in hand, you had weighed  
6 them. And what was your next step to follow up on your  
7 transaction?

8 A Well, the next step, from my perspective, was to  
9 take the goods out of the truck that I was renting on a  
10 daily basis. I got a storage in San Pablo, returned the  
11 truck. Then I wrote a letter to Sally and Ido saying, Look,  
12 this has been most unsatisfactory. I would like to submit a  
13 formal complaint.

14 I had gone onto the Department of Transportation  
15 website, learned that there was a formal procedure to file  
16 complaints, and that requires a letter to the moving company  
17 first. So I wrote them a letter. And I don't remember  
18 whether they gave me a response or not. But then I went to  
19 the Department of Transportation. I also went to the  
20 Internet consumer fraud group. It turned out to be  
21 connected to FBI. And they handed it over to the police.

22 Q I'm going to stop you there.

23 A Yes.

24 Q You started doing all the steps that you could to  
25 document your complaint and to make it formal against this  
26 particular company; correct?

27 A Yes. Because I thought, especially since Ido and  
28 I had such a nice meeting, that he would realize I was a

1 friend and he should stop hurting me and let's just finish  
2 this, you know. And so I was surprised that each step he  
3 continued to lie and to dodge the bullet and to obfuscate  
4 and procrastinate. And there are other words I could use.  
5 They weren't playing fair still.

6 Q All right. What was the result of your contacting  
7 the FBI, the Department of Transportation, the company Fast  
8 Moves? Did you get any recourse from that?

9 A Well, the FBI turned me over to the Hayward  
10 Police. I had a lovely exchange of letters and phone calls  
11 with the detective there who, in the end, told me what was  
12 on his calendar for the day. Two murders, three rapes,  
13 several pistol whips. And how did I want to place the  
14 furniture fraud on his calendar? And I said, Okay. I get  
15 it. I get it. Thank you. And I'm sorry to trouble you.

16 And I, then, went to the Alameda County District  
17 Attorney because their office was in Alameda County. And I  
18 began to harass a fellow who was a good friend of a good  
19 friend of mine there. And, on the third or fourth  
20 harassment, he introduced me to new good people. Thank  
21 goodness. I thank Tony Douglas for that.

22 In all this, I was doing everything I could. I  
23 was looking for people online who had been defrauded because  
24 I knew now it wasn't just a badly-run company. It was a  
25 formal criminal racketeering operation. I also went to the  
26 association of moving companies. And it took about eight or  
27 so exchanges with them, with me becoming less and less  
28 polite each time before they finally agreed to remove Fast

1 Moving from their membership.

2 Q All right. So you determined that Fast Moves was  
3 a member of that organization American Moving and Storage  
4 Association?

5 A Yes.

6 Q All right. And, ultimately, the result of your  
7 complaints to them was to have Fast Moves removed from their  
8 membership?

9 A Yes. But I have to say they were not at all  
10 supportive of the consumer. I had to suggest that they were  
11 more in league with the fraudsters than they were with the  
12 general public. When I mentioned that, they began to pay  
13 more attention.

14 Q In terms of your efforts to follow up and get any  
15 money back from the company, were you able to get any money  
16 back just from these complaints to Alameda County, the  
17 Hayward Police Department, FBI, the Department of  
18 Transportation, the American Moving and Storage Association?  
19 Were you getting any money back?

20 A No. I was writing several letters to Fast Moves,  
21 saying, Look, this is getting silly. It's taking a lot of  
22 time. Pay out. Pay up. Stop this. And nothing from them.  
23 So I did go to small claims.

24 I want to go back to Department of Transportation.  
25 So these good people can hear it and that is they did  
26 investigate 13 cases. They found violations of federal law  
27 in all 13 cases.

28 Q All right. And I have to caution the jurors

1 again. We will have testimony from -- I expect -- from a  
2 Department of Transportation representative. So this  
3 information is not something that you can consider as  
4 truthful although it may be something that Mr. Krem relied  
5 upon in terms of his settlement of the company and the steps  
6 that he took later on.

7 And so you did continue to take steps to  
8 investigate this company; correct?

9 A Well, no. I think, by this time, I knew where we  
10 stood. And I went to small claims court. Given up on my  
11 investigation. Once I knew you people here were listening,  
12 I passed it onto you.

13 Q Now, at that time, when you were, then, in touch  
14 with our office, at that point, did you know the  
15 relationship of Fast Moves with any other company?

16 A Well, yes. I began to suspect as a consequence of  
17 two things. One is one of those weigh bills to ASAP. And I  
18 had no idea who they were. And, as I began to investigate  
19 Fast Moves, I began to see people online complaining about  
20 Fast Moves or about ASAP. And some other people had  
21 triangulated and realized that those were related companies.  
22 Once I saw that they were related companies and I drilled  
23 down further, I, then, had the pleasure of meeting Roni  
24 Hayon.

25 Q Okay. I'm going to stop you there. At the time  
26 that you contracted with them, you said you believed they  
27 were in Newark, California; correct?

28 A Yes.

1           Q     And part of the reason you selected them was  
2 because they were in the same county as where your goods  
3 were being moved from?

4           A     Yes, probably. And they said that Better Business  
5 Bureau had given them a good rating. That was okay with me  
6 too.

7           Q     So you were looking at the Better Business Bureau  
8 rating for the Oakland area?

9           A     Yes.

10          Q     And did you ever have occasion to check into any  
11 other name other than Fast Moves on the Better Business  
12 Bureau in Oakland?

13          A     No. And, at that time, I didn't know that there  
14 was such a thing as moving racketeering. That came up later  
15 in my research.

16          Q     I'm going to stop you there. And so you filed a  
17 small claims action; correct?

18          A     Yes.

19          Q     And what happened when you filed the small claims  
20 action?

21          A     It was heard in Berkeley. Okay. Here's an  
22 adventure story. Yeah? Two ladies are sitting there. I'm  
23 sitting over here. And there's a fellow in the back that,  
24 if I were making a Hollywood movie, this guy would be the  
25 thug. Leather jacket, sloped brow, heavy-set,  
26 angry-looking. So out of place in the courtroom that the  
27 judge actually said, Why are you here? And his answer was  
28 in a very heavy accent. I said, Oh, another Israeli. And

1 he said yeah. And, when the trial ended -- I presented my  
2 trial and the ladies were lying through their teeth, bless  
3 their hearts -- when the thing ended, I attempted to get a  
4 picture of this guy. I knew he wasn't there as their  
5 driver.

6 Q I'm going to stop you. Did you have a camera with  
7 you?

8 A I had a phone.

9 Q So you were using the phone?

10 A Yes.

11 Q And why was it that you were trying to take a  
12 picture of the man in the courtroom?

13 A I wanted to know who he was.

14 Q At that point, did he look like Ido Or to you?

15 A No, this was not Ido Or.

16 Q And so you didn't know who he was?

17 A I had no idea who he was. But I could tell by his  
18 manner he was not related by blood to either of the girls  
19 and he wasn't there as a helper. He was somebody.

20 Q And so what happened when you attempted to take a  
21 picture of that man in the courtroom?

22 A Well, I enjoyed his response. He quickly turns  
23 his back to me. He had to walk out of his row like a crab  
24 to get out the door without me seeing his face. So I left  
25 all my paperwork there and I went out of court. I walked  
26 down the hall as quickly as I could to get ahead of him.

27 I don't take photos on my phone. So I'm not as  
28 quick as my children would have been. As I was struggling

1 to figure out how to make the phone work, he rushed me. He  
2 grabbed and twisted my arm and tried to get the phone out of  
3 my hand.

4 Q When that happened, how did you react?

5 A I was a little surprised. This is a hallway in  
6 front of the courtroom. The bailiff came and separated us  
7 and made me stand in the corner until this fellow and the  
8 two ladies left.

9 Q Did he actually take your phone or --

10 A No. I held on to it. But the bailiff, he was a  
11 sweet old guy. He must have been 90 years old. This is not  
12 what he wanted. He made me -- he told me I was not allowed  
13 to take pictures. If I had any, I would have to delete  
14 them. I looked. I did not have a picture. I had a picture  
15 of some feet. I deleted. The bailiff made me show my phone  
16 to the two girls to confirm that there was no photo of him  
17 on it.

18 Q Was the man with the two women?

19 A Yes. They left together, drove off together.

20 Q Did you happen to see the vehicle that they left  
21 in?

22 A Yes, I did.

23 Q And did you happen to follow that vehicle?

24 A How did you know this? Yes, I did. I tried to.  
25 But this guy had parked illegally in front of the  
26 courthouse. I parked up the street in the parking lot. And  
27 I had to go back in the courtroom and get my things. So, by  
28 the time I got on the freeway -- this was 880 South 4:00 in

1 the afternoon, 5:00 in the afternoon -- it was hopeless. I  
2 drove in a daze all the way to San Jose, wondering why I was  
3 doing this. And then I said, I know what I will do. I'll  
4 pull into their office on Balentine. And there was the car.

5 Q What kind of car was it?

6 A It was a late model Mercedes 550 SEL. Nice car.

7 Q Now, did you see them around the car at all?

8 A No. But I did wait for an hour, hoping that I  
9 would.

10 Q They never came out?

11 A No.

12 Q At that point, were you able to identify who that  
13 man was in the courtroom?

14 A No, I was not. But --

15 Q Did you follow up on what happened in the  
16 courtroom?

17 A Yes, I did. I went back and I filed a complaint  
18 with the Alameda County deputy sheriff. All this -- and I  
19 had the license number of the car -- all this, simply, like  
20 the photograph, I just wanted to know who these guys were.

21 Q What happened when you made your complaint to the  
22 Alameda County Sheriff?

23 A Well, it took about four phone calls. Berkeley  
24 Police said it was deputy sheriff's jurisdiction, and the  
25 deputy sheriff said it was Berkeley Police jurisdiction.  
26 And it was all passing back and forth until I finally found  
27 somebody that agreed to take a report. And I asked to see  
28 it, but I never did. The first time I ever saw the report

1 was in the material that you sent me the other day.

2 Q All right. Did they, in fact, take a report from  
3 you about what had happened?

4 A Yes.

5 Q And, at some point, did you learn the identity of  
6 the man in the courtroom?

7 A Yes, I did.

8 Q How did you learn the identity of the man in the  
9 courtroom?

10 A I can't remember. I tried to track it through the  
11 license plate. Somebody told me, and I can't remember  
12 whether it was the sheriff's office or the Alameda County  
13 District Attorney's Office or where it was. But I did get  
14 the name of the fellow. And I went online and I found  
15 photographs, including him waterskiing in the Sacramento  
16 Delta. He is overweight. So I had no doubt that this was  
17 the poker-playing, glamorous Roni Hayon.

18 Q All right. And I'm going to show you a  
19 photograph. Showing you Exhibit 2, is this the man that you  
20 saw in the courtroom?

21 A Yes. He put on about 50 pounds since I saw him.

22 Q And, for the record, this is Exhibit 2, a soundex  
23 DMV document for Roni Hayon.

24 So, once you had identified him, did you make some  
25 further effort to identify his connection to Fast Moves?

26 A By this time, I already knew it. That is, I had  
27 satisfied myself that this was all one thing. It was too  
28 much of a coincidence that other people would put the names

1 together, that he would be in the courtroom for a small  
2 claims hearing on Fast Move. If he wasn't connected with  
3 Fast Move, I had no doubt that there was some connection  
4 between Fast Move and this man.

5 Q We are going to break for lunch, but I just wanted  
6 to find out, did your small claims action, actually, the  
7 hearing take place years after your transaction?

8 A Well, there were two. First of all, I had one in  
9 Berkeley I told you about with the scuffle in the hallway.  
10 And then they appealed it. And I'm 100 percent sure I won.  
11 Small judgment. I was disappointed because I had asked for  
12 much more.

13 They appealed it. And I'm sure they appealed it  
14 because they knew I was out of town. I was living in  
15 Mexico. I am not going to come back to Berkeley for a  
16 thousand dollars. So they appealed, and that took place  
17 here in San Jose. And a wonderful lady heard that and asked  
18 terrific questions of the two ladies. There was another man  
19 sitting in the back that was not Roni Hayon. I did not  
20 recognize him.

21 If you look at the Department of Transportation  
22 report that I have, there are other Israelis named by name.  
23 But, at that appeal, the judge awarded me the full amount of  
24 my claim, which was \$7,400.

25 Q So you ultimately got a judgment of \$7,400?

26 A Yes.

27 Q All right. We are going to stop there. Mr. Krem,  
28 I am going to ask you to come back at 1:30 to complete your

1 testimony.

2 A Okay.

3 MS. DONOHOE: The foreperson is going to read you an  
4 admonishment right now.

5 (Witness admonished.)

6 MS. DONOHOE: We will break until 1:30 p.m.

7 (Grand jurors admonished by the  
8 foreperson.)

9 (Recess.)

10 Q (BY MS. DONOHOE) If you'd please resume the stand.  
11 You are still under oath.

12 A Okay.

13 Q When we left off, you had completed your testimony  
14 about the small claims action where you had actually, at  
15 some point, followed Mr. Hayon on the freeway and got to the  
16 Balentine Drive address; correct?

17 A Yes.

18 Q At that time, you still believed that Fast Moves  
19 was located there in Newark, California?

20 A Yes.

21 Q And what time do you think that was? Was that in  
22 2010 or sometime earlier than that?

23 A Well, that was on February the 8th of 2008, which  
24 is when the small claims court occurred. At that time, I  
25 didn't know that this thug in the Mercedes that attacked me  
26 in the hallway was Roni Hayon. I just knew it was some  
27 guy -- I could tell by his demeanor that he was not a driver  
28 or the messenger boy. But, later, when I started digging

1 and I had the license number, I discovered it was Roni. I  
2 didn't know it at the time.

3 Q Then did you have subsequent small claims court  
4 proceedings in San Jose?

5 A Yes. When we broke for lunch, I was starting on  
6 this. I took Fast Moves to small claims court in Berkeley.  
7 And I eventually heard that I won a small judgment. And I  
8 was disappointed because it wasn't what I thought I  
9 deserved. It was all the cash money I had put in but  
10 nothing for my time, nothing for my trouble, nothing for the  
11 cost of the rental truck or the storage space or all the  
12 other expenses I incurred. And then some time later Fast  
13 Moves appealed. And that --

14 Q I'm going to stop you there. Were you in any way  
15 involved in the filing of a new action or new appeal?

16 A No.

17 Q Okay. And that action, was that filed in Alameda  
18 County or in Santa Clara County?

19 A Santa Clara County.

20 Q And did you end up going to court in Santa Clara  
21 County?

22 A Yes.

23 Q Who did you see at court on behalf of Fast Moves?

24 A There were two ladies. One of them was same as  
25 before. And the first one, it was Margarita, who hardly  
26 spoke at all, and a woman who described herself as a  
27 Salazar, but not Sally Salazar. It was another first name.  
28 Since I had never met either of them, I assumed that's who

1 they were.

2 When I went to the hearing -- the second hearing  
3 here in San Jose -- there were two women. One of them,  
4 Sally what's-her-name, was the same. The other one was  
5 somebody else. And in the court but not up at the bench was  
6 an adult man who didn't identify himself.

7 Q Why did you believe that he was with the two  
8 women?

9 A He came in with them and he left with them.

10 Q All right. Did you have occasion to speak to any  
11 of them, apart from during the proceeding?

12 A No. I made an attempt to get close to them as  
13 they left because I wanted to figure out who this guy was.  
14 This was not an empty courtroom. It was full. One after  
15 another. So it went very quickly. And I didn't have a  
16 chance to contact him.

17 Q Okay. In that proceeding, you did, in fact,  
18 recover or were awarded a judgment?

19 A I was awarded judgment in the full amount. To me,  
20 the judge was terrific. She was asking questions of the two  
21 ladies and their answers were palpably nonsense. Who hired  
22 you? I don't know. I don't remember. Who pays you? Oh, I  
23 don't remember. Who signs the checks? I don't remember.  
24 Who do you work for? I don't have a boss. So I think the  
25 reason that my award was full was the judge quickly got the  
26 fact that they were not telling the truth.

27 Q So is that just your opinion about what happened?

28 A Well, what happened was that her answers --

1           It was my opinion that the answers to the judge's  
2 logical questions were nonsense, to say: I don't remember  
3 who hired me; I don't report to anybody; I work from my  
4 home; I don't know who signs my checks; I don't know the  
5 name on the check. It is my opinion that was dishonest.

6           Q     Okay. Now, were you ever able to collect on your  
7 judgment?

8           A     Yes. That was quite a drama. I've never had a  
9 judgment. I didn't know how to collect. But I found a  
10 company here on the peninsula or up on the peninsula. I had  
11 taken my brother's check -- the first check -- and could see  
12 that it had been paid into Washington mutual. And so I went  
13 to my friends in the banking circle and said, Can you find  
14 out where this all went? And, to my disappointment, they  
15 couldn't. So I didn't know what I was going to do.

16           But I found this company, again, online that said,  
17 No problem. Send us a copy of the check, and we will see  
18 what we can do. They were terrific. They somehow found out  
19 this account this money was paid into. They ceased the  
20 account three times. Once I got some nice sum of money  
21 back. I had them do it again. I got a smaller sum of money  
22 back. I did it again. I got a smaller sum of money back.  
23 Then I thought, if they were smart enough, they would have  
24 closed the account. So I didn't bother to do it a fourth  
25 time.

26           Q     Before we get to the point where you are getting  
27 money ceased from their accounts, how long did you first try  
28 to collect money directly from the business after you got

1 your judgment?

2 A Well, I wrote them a letter. Let's see. It was  
3 after the first -- after one of the two settlements, either  
4 the first one or the second. I don't remember which. I  
5 wrote them: Look, I got a judgment against you, but we both  
6 know it's going to take me some time to collect on those  
7 judgments. Why don't you give me less? It must have been  
8 after the second one. I got a judgment for \$7,500. If you  
9 give me \$6,000, I'll just go away.

10 Q What kind of response did you get from the  
11 business?

12 A None.

13 Q Did you deal with any particular person when you  
14 made that request?

15 A This would have been to Sally.

16 Q Sally was the person you dealt with?

17 A Yes. And Sally continued to dodge the authority.  
18 I discovered later she was registered as a president and I  
19 confronted her with that, and she was embarrassed. I said,  
20 I got a judgment. This is going to cost us all. Let's get  
21 a settlement here.

22 Q She was on the books as the president of the  
23 company and you confronted her about that?

24 A Yes.

25 Q How did she respond about that?

26 A She basically said she had no authority and she  
27 would have to speak to somebody else.

28 Q Now, can you tell me when you stopped dealing with

1 the company directly to try and secure your money back?

2 A I would say that -- I could give you definite  
3 answers if I looked at my file. But I don't remember. I  
4 would say that --

5 Q If you told me the year --

6 A I would say it would have been early '09.

7 Q Early in '09?

8 A Yeah.

9 Q Okay. I'm going to show you a series of  
10 documents. And the first document is Exhibit 97. You've  
11 had a chance to review these documents prior to testifying  
12 in court today; correct?

13 A Yes. That's correct.

14 Q And, if you need me to bring something up closer,  
15 let me know. But I am going to put it up on the screen and  
16 ask you if you recognize it.

17 A Yes. That's an e-mail that I sent to Sally. And  
18 you could see that it's from a G-mail account to Margarita.

19 Q I'm going to stop you there. I am going to put up  
20 on the screen Exhibit 97, which has Bates number ending in  
21 0553 on the first page. You recognize that e-mail as  
22 something that you had sent to Margarita?

23 A And Sally. Both.

24 Q And to Sally. Can you tell us why you sent this  
25 e-mail?

26 A Well, this was at a time that I was -- I had given  
27 up -- this was after their repeated promise of truck  
28 tomorrow had failed. This was when I finally gave up on

1       them moving. I hadn't yet discovered they were about to  
2       hold them as hostage and extort extra money out of me. I  
3       had enough of them. I wanted my goods back. This was  
4       notice to them that I don't want to hear there's a truck  
5       coming tomorrow. We are done. It's finished.

6               Q     All right. This e-mail string includes your  
7       earlier quote from Margarita?

8               A     Yes.

9               Q     And that would be on the third page of Exhibit 97.  
10      Do you see your initial estimated quote? And I'll zoom in.

11              A     That was the figure that was \$1,252 that they told  
12      me that it would be. And that was for 2,000 pounds. If you  
13      look at the first line of the quote, it was 2,000 pounds.

14              Q     So you are referring to the left-hand column --

15              A     Yes.

16              Q     -- where it says estimated value 2,000 pounds?

17              A     Yes.

18              Q     And did you believe, based on what you already  
19      knew about your goods, that they were going to weigh less  
20      than 2,000 pounds?

21              A     No. I thought they would be about 2,000 pounds.  
22      That seemed reasonable to me.

23              Q     Okay. I'm going to show you next Exhibit  
24      Number 98, which has a Bates stamp number ending in 3680 on  
25      the first page. And it's dated 12/23/08. Do you recognize  
26      this fax sheet?

27              A     I'm sorry. The name Escobar is not a name that I  
28      know.

1 Q All right. I'll refer you to the next page and  
2 I'll zoom out a little. Do you see a letter addressed  
3 regarding Alex Krem?

4 A Oh, yes. I'm guessing that would have been sent  
5 to the association of movers.

6 Q All right. And did they copy you on  
7 correspondence that they received from Fast Moves?

8 A Yes, they did, in reply to my complaints.

9 Q I'm going to show you another page of that packet  
10 which is Exhibit 98. And this has Bates ending in 683. Do  
11 you recognize your handwriting?

12 A I do, indeed.

13 Q Is that your complaint to the American Moving and  
14 Storage Association?

15 A Yes. That's Page 1 of it. There were 11 pages.  
16 But that was the coversheet to my complaint.

17 Q All right. So that was in November of 2008;  
18 correct?

19 A Yes.

20 Q I'd like to show you Exhibit 99, which is on the  
21 letterhead of American Moving and Storage Association. Do  
22 you see that you are CC'd on a copy of that letter?

23 A Yes. I recognize that letter from Denise Douglas.

24 Q And did you regularly receive correspondence where  
25 you were -- let me withdraw that.

26 Were you regularly copied on correspondence from  
27 the American Moving and Storage Association to Ido Or?

28 A Well, I guess so. That is to say there were two

1 letters responding to my complaints for which they copied me  
2 on their conclusion. Whether there were others, I don't  
3 know. There were other correspondence between myself and  
4 Ms. Douglas and, eventually, her boss on the subject,  
5 because I was not satisfied that they were doing a good job.

6 Q Okay. And you mentioned Ms. Douglas. I'm  
7 referring you to the second page of Exhibit 99. Is this an  
8 example of a letter that you received from Denise Douglas at  
9 American Moving and Storage Association?

10 A Yes. That looks like the response to my first  
11 one. I complained once. That was the response. I  
12 complained the second time because Ido Or's letter of  
13 defense was completely nonsense. It didn't address any of  
14 the significant issues. So I wrote to her again, saying,  
15 Wait a minute. I read his letter. He ignores one, two,  
16 three, four. I listed nine violations of federal law.

17 Q I'm going to stop you right there. I'm going to  
18 show you the top page but then I'll show you later the  
19 document within Exhibit 100. So do you recognize this as a  
20 March 2009 letter from the American Moving and Storage  
21 Association to yourself?

22 A Yes.

23 Q And, referring you to Exhibit 100, Bates page  
24 ending in 3749. Do you see a letter addressed to American  
25 Moving and Storage Association, Denise Douglas, from  
26 February 2009?

27 A Yes. This is the one where I responded that the  
28 first answer was nonsense.

1           Q     Is this where you advised them of all the  
2 violations that you believe had occurred?

3           A     Yes.

4           Q     And so this is the many violations that you  
5 specified --

6           A     Yes.

7           Q     -- to American Moving and Storage Association?

8           A     Yes.

9           Q     Was this part of the effort that you described, to  
10 try and get them to take action or exclude --

11          A     Yes. I was surprised that this organization could  
12 be a member of the association because they were, to my  
13 mind, crooks. And their response to my first letter was so  
14 bland and naive. I wrote them back again. Okay. Let me  
15 explain to you why I'm unhappy. And I listed the chapter  
16 and verse of the violations of federal law, violations of  
17 contract, and, basically, business practices that are  
18 considered shark practices and against the law.

19                 And, to my amazement, the moving association came  
20 back and said you are the first person that complained about  
21 these people. So we will ignore it. And her boss had the  
22 nerve to write me a letter saying, based on their quick  
23 responses, we are upgrading them from C-plus to B. They  
24 were upgraded in the association for their quick responses.  
25 And that's when I became even more unhappy.

26          Q     Okay. And, as a result of your letter-writing  
27 campaign to the American Moving and Storage Association, was  
28 Fast Moves ultimately excluded from their organization?

1           A     Yes.  It's only when I sent them a photocopy of  
2 the San Jose newspaper article saying the principles had  
3 been arrested by you guys.  It was only after they had been  
4 arrested that the association decided, oh, maybe these guys  
5 aren't quite so good as they claim.

6                     Thank you for that.

7           Q     Showing you Exhibit 101, do you recognize -- I  
8 described this as Bates number ending in 49504 -- do you  
9 recognize this as part of your moving documents?

10          A     Yes.  That was the bill of lading.  The initials  
11 on the right-hand margin are my brother's.  The signature at  
12 the bottom would be his.

13          Q     This is where your brother Tom Krem is signing to  
14 send your belongings to Texas?

15          A     Yes.

16          Q     Referring you to the third page of Exhibit 101, is  
17 this one of the weigh bills that you described earlier?

18          A     Yes.

19          Q     Did you receive this from the business?

20          A     I received it from the business at the same time  
21 as I received my goods.

22          Q     Okay.  That's how you got it?

23          A     That's how I got it.

24          Q     Did you receive that from the person who  
25 identified himself as Ido Or?

26          A     Yes, I did.

27          Q     And is this the weigh bill that you were concerned  
28 about because it had some reference to Dixon, California?

1           A     Yes.  You can see the customer there is not Fast  
2 Moves, but it's ASAP.

3           Q     And you are referring to the company name towards  
4 the bottom quarter of the document where it says ASAP  
5 Relocations?

6           A     Yes.  ASAP, the company, had gone to a moving  
7 company, a certified automatic truck scale, Cat, in Dixon to  
8 weigh the truck before it got my goods.  You weigh before  
9 and you weigh after.  That's how you tell.  It's like you  
10 have a big meal and you weigh yourself before and after.  
11 Better than calorie-counting.  Anyway, you can see the truck  
12 weight there 20,300 pounds.

13          Q     Was that the first indication you had that ASAP  
14 Relocations was involved in your move?

15          A     Yes, although I was a little slow.  I just thought  
16 that these skunks at Fast Moves had borrowed a bill of  
17 lading from somebody else because they didn't have one.  I  
18 didn't imagine that it was the same company.  I only figured  
19 that out later.  I thought they were a flakey company doing  
20 a real bad job.  So I imagined they didn't even get a bill  
21 of lading.  They went to all their friends and found one  
22 that was about right.  That was my first thought.  It was  
23 only later that I realized it was the same company with  
24 different names.

25          Q     Okay.  I'd like to show you the last page of --  
26 the second to last page of Exhibit 101.  Is this the other  
27 weigh bill that you received?

28          A     Yes.  That's exactly right.  This has Fast Move's

1 name and my name as a customer. Let's see if I can find the  
2 amount on there. The weight amount.

3 Q Do you see --

4 A Yes. 16,600. So this must have been the empty  
5 weight. The other one was 20,000. So, yes, that's the  
6 other one. And I'm not sure -- my eyesight isn't good  
7 enough.

8 One of them says on it that it is not an official  
9 weigh certificate that should be used. So not only are they  
10 different than my own, but it may be the Cat one that says  
11 that this --

12 Q Do you see right here in the middle? Not legal  
13 for trade in the State of California.

14 A This was the time I was beginning to stop thinking  
15 they were just a badly-run flakey company and begin to think  
16 that these guys are very good at what they are doing. These  
17 are racketeers. These are crooks.

18 Q And then, finally, the last page of Exhibit 101,  
19 do you see a letter from Ido Or?

20 A Yes. This was a letter addressed to the moving  
21 association in Washington DC.

22 Q All right. Was this in an effort to discredit the  
23 things that you had told them?

24 A Yes. Yes, it was. And not only is it lies, they  
25 say that they had 21 business days to cancel. I think poor  
26 Mr. Or cannot count, because it was 21 days. But the letter  
27 was an attempt to mislead the moving association because  
28 anyone that had counted from the pickup to the cancelation,

1 you had counted 21 days.

2 Q Okay.

3 A I'm sorry. Another thing, too. It was clear to  
4 me that the only reason they got the business was because  
5 they promised they would deliver the goods by the 27th of  
6 October. That was the deal. And I can provide to you an  
7 e-mail from me to them, confirming that was the deal. And,  
8 when I cancelled, they fell back and said, oh, no, no. They  
9 had 60 or 90 days, and they had never promised the delivery  
10 by October 27th, which was an absolute categorical lie.

11 Q Okay. I'd like to show you Exhibit 102. I would  
12 note that this letter is not dated, but it appears to be on  
13 a Fast Moving Van Lines letterhead. It's addressed to you.  
14 Do you know approximately when this letter -- did you  
15 receive this letter?

16 A I'm sorry. I may have. By this time, I was at a  
17 state of war. So I was not paying much attention. I would  
18 say maybe I did. I can point out to you that, once again,  
19 they lie and they say that you terminated your request  
20 before 21 business days. It's not 21 business days. It's  
21 actually 21 days. So it's all finesse they are trying.

22 Q Showing you Exhibit 103, which has a Bates number  
23 on the first page of 57991. Do you recognize this as the  
24 trial brief from the small claims action -- the defendant's  
25 trial brief?

26 A Yes. This has to do with the appeal.

27 Q Okay.

28 A They engaged a high-priced lawyer who put

1 together -- how many pages is that? 10, 20 pages.  
2 Misleading, you know. I recognize it.

3 Q All right. So this is a document that you were  
4 not involved with. It was the defendant's copy; correct?

5 A Yes. This was the basis on which they appealed  
6 the original small claims judgment.

7 Q All right. And I'd like to show you Exhibit 104.  
8 You indicated that you made an effort to let people know  
9 about this organization; correct?

10 A Yes.

11 Q And was one of the ways that you did that by  
12 putting a review up on the Google reviews?

13 A Maybe. I don't remember doing that.

14 Q Okay. I'll show you and you tell me whether this  
15 is your review from March of 2010.

16 A Oh, yes. That would have been mine. Thank you  
17 for reminding me. I also contacted as many other reviewers  
18 as I could just to see if I could get more information.

19 Q At that time, by March of 2010, had you made that  
20 connection that Fast Moves was associated with ASAP?

21 A Yes, I had done by then.

22 Q I'd like to show you an e-mail. This is  
23 Exhibit 105. It has an FTK number on it of 53659. And can  
24 you tell me whether you recognize this e-mail to Sally,  
25 dated April 14th of 2010?

26 A Yes. That looks like that's my style.

27 Q Were you, at that point, still trying to collect  
28 money from Sally and Margarita?

1           A     Yes. I hadn't figured out how to execute on my  
2 judgment yet. So I was hoping, by being reasonable with  
3 these people, that they would realize it makes more sense to  
4 pay out than continue fighting.

5           Q     And is this the e-mail that you sent where you  
6 were, then, still trying to get them to settle with you and  
7 resolve the matter?

8           A     Yes.

9           Q     Had you, by that time, identified Roni Hayon as  
10 the person who was responsible for Fast Moves?

11          A     Yes.

12          Q     So were you wanting them to forward your  
13 information to Roni?

14          A     Yes.

15          Q     And, finally, did you bring with you to court  
16 today Exhibit 106, a set of three weigh bills?

17          A     Yes, I did. The first two we've seen already.  
18 The third is mine.

19          Q     The first one on top is your weigh bill?

20          A     That's mine. And it's the same company. I went  
21 to them empty. And then I picked up my goods and I went  
22 back to them full. It was the same scale, which is how you  
23 do it. You don't go to two different scales. You go to the  
24 same scale. The difference between the first one and the  
25 second one in full, in my handwriting on the left, is  
26 2,770 pounds. So the goods that I received were  
27 2,770 pounds, which is different. Their estimate was  
28 3,700 pounds. So their two weigh bills were a thousand

1 pounds higher than the actual weight.

2 Q Were they charging you by weight?

3 A Yes.

4 Q So they were overbilling you over 1,000 pounds?

5 A Plus the stuff that they didn't make, plus packing  
6 material that wasn't necessary. And, furthermore, the  
7 amount of the bill of lading was even higher than their  
8 fictitious 3,770. So not only did they cheat me on the  
9 weight but, when they wrote the contract up, they used a  
10 higher number still.

11 Q All right. So, at the end of this entire scenario  
12 going on for a period of a few years, did you recover all  
13 your money?

14 A No.

15 Q How much do you think you are still out?

16 A About \$3,000, \$4,000. Something in that range.

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

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

21 (Witness admonished and excused.)

22 MS. DONOHOE: Our next witness will be examined by  
23 Ms. Dang. I have one other matter to put on the record. At  
24 the lunch break, we had a juror tell us that she knows  
25 Ms. Dang. And that is juror number four. So I wanted to  
26 find out, Juror Number Four, do you think you will be, in  
27 any way, affected in terms of making decisions in this case  
28 by the fact that you know Ms. Dang?

1 THE GRAND JUROR: No.

2 MS. DONOHOE: Okay. I have to find out if you think  
3 that's going to affect your deliberations on this case.

4 THE GRAND JUROR: Excuse me. I also know one of the  
5 witnesses too. David Ocampo.

6 MS. DONOHOE: You know David Ocampo, the paralegal?

7 THE GRAND JUROR: But I haven't talked to him. I don't  
8 remember him.

9 MS. DONOHOE: All right. Do you believe that knowing  
10 two people from the district attorney's office will affect  
11 your ability to sit and act fairly and decide this case?

12 THE GRAND JUROR: No.

13 MS. DONOHOE: Okay. Thank you.

14 (Witness sworn.)

15 TESTIMONY OF JENNIFER NELSON

16 EXAMINATION

17 BY MS. DANG:

18 Q Good afternoon, Ms. Nelson. Please state your  
19 name and spell it for the record.

20 A Jennifer Nelson. J-e-n-n-i-f-e-r N-e-l-s-o-n.

21 Q Ms. Nelson, did you move your household goods or  
22 have it moved sometime in the year 2008?

23 A I did.

24 Q And how did you go about finding --  
25 Did you use a moving company?

26 A I did.

27 Q How did you go about finding a moving company?

28 A I went onto an online site that I got quotes from,

1 the same one that I had purchased my moving supplies with.  
2 And they had an area where I can find moving help.

3 Q So it's like an online aggregator where you type  
4 in your information or something like that?

5 A Correct.

6 Q Right after you entered your information, did you  
7 get e-mails from various moving companies?

8 A I did.

9 Q What type of household goods were you moving? Was  
10 it like a large house? Apartment? Condo?

11 A I rent rooms. So I just had my bedroom stuff, a  
12 few kitchen stuff. And I did have couches that needed to be  
13 moved.

14 Q Where were you moving from and to?

15 A I was moving from a townhouse -- condominium in  
16 San Jose to another one within San Jose. Five minutes away.

17 Q So do you know the approximate miles between the  
18 two?

19 A I don't know the miles. I know it's only about a  
20 five-minute drive. It's that close.

21 Q It's a short distance?

22 A Very short distance. Yes.

23 Q And when you got all these -- was it e-mail quotes  
24 from various businesses?

25 A Correct.

26 Q Did you respond to all of them, or how did you go  
27 about choosing one?

28 A I responded to the one who had storage facilities

1 because the couches that I owned needed to go because I  
2 wasn't going to bring them into the place because the lady  
3 had already had living room furniture. So I needed a place  
4 to store the couches. This particular company I used had  
5 those facilities.

6 Q And what was the name of that company?

7 A ASAP Relocations.

8 Q Okay. And the reason why you chose them -- one of  
9 the reasons -- was because they had a storage facility?

10 A Correct.

11 Q Because you wanted to store -- you said couches?

12 A Yeah. I had two big recliner-type sofas that I  
13 couldn't bring in.

14 Q How much were they going to charge you to store  
15 it?

16 A I don't remember exactly how much. It wasn't that  
17 much. Maybe a hundred dollars a month. I don't remember.  
18 But I didn't commit it to memory because I ended up not  
19 having to use them.

20 Q So, when you decided on this ASAP company, did you  
21 talk to anyone over the phone, or was it all by e-mail?

22 A It was mostly by e-mail.

23 Q Okay. And how many times did you communicate with  
24 someone by e-mail about the quote?

25 A I think we went back and forth two or three times.

26 Q Do you remember who you communicated with?

27 A I believe the gentleman's name was Chuck.

28 Q Do you have a last name?

1 A I did not catch his last name. No.

2 Q And did Chuck give you a quote as to how much it  
3 would cost for you to move your goods within San Jose?

4 A Yeah. I think the final quote that I got was just  
5 under \$400.

6 Q Okay. And, at any time, did Chuck send someone  
7 out to your place to do a visual inspection of your goods?

8 A No.

9 Q And what was to be covered for this under \$400?

10 A Just transportation and hourly and labor. Packing  
11 materials wasn't part of that. I really didn't need them.

12 Q Did you have a discussion with Chuck that you did  
13 not need packing materials?

14 A No, I don't believe so. I just assumed he knew  
15 that everything was packed up. I mean, that's what people  
16 do when they move. They pack their stuff.

17 Q Did you tell him that you had pretty much all your  
18 goods packed up?

19 A Yes.

20 Q Did you ever go on a website to check on ASAP or  
21 did you go to their website at all?

22 A No. I probably should have, but I didn't.  
23 Because I've never used a moving company before. So I went  
24 in completely naive.

25 Q That was the first time you used someone to move  
26 your stuff?

27 A Correct.

28 Q Mainly because you had the couches you had an

1 issue with?

2 A Correct.

3 Q So, when you got the quote, were you required to  
4 put down a deposit or anything?

5 A No.

6 Q So you didn't have to do a deposit?

7 A Not that I remember. I don't remember having to  
8 do a deposit. I might have. But I don't remember doing  
9 that. It was quite a long time ago.

10 Q Do you remember the date of your move?

11 A The date I think it was in June. Yeah. June 2nd.

12 Q Okay. What year was that?

13 A 2008.

14 Q Okay. And then I assume then you scheduled your  
15 move.

16 A Correct.

17 Q You confirmed with them to do the pickup?

18 A Uh-huh.

19 Q Yes?

20 A Yes.

21 Q At any time prior to your move, did you get a  
22 not-to-exceed amount?

23 A Prior? No.

24 Q At any time prior to your move, within three days  
25 before your actual pickup, did you get an important  
26 information about moving booklet from ASAP Relocations?

27 A No.

28 Q So what happened on June 2nd, 2008, when the

1 movers arrived to your house?

2 A I brought them in. I showed where all my  
3 belongings were at, including what was upstairs and down,  
4 what I had in the garage. And they gave me the paperwork  
5 and just sign here, sign here, sign here.

6 Q So how many people showed up at your house?

7 A Two.

8 Q Two people? Did they show up in a big moving  
9 truck?

10 A It wasn't a big one because I didn't have a lot of  
11 stuff. But just a regular size one, I suppose.

12 Q On the date of the pickup, did you deal with one  
13 person in particular, or did you deal with both of them?

14 A No. I just dealt with one individual. The other  
15 one I don't believe spoke English. So I didn't deal with  
16 him.

17 Q How did you know he did not speak English?

18 A The foreman I was talking to was speaking to him  
19 in Spanish.

20 Q Okay. You said the foreman.

21 A I call him the foreman. But, whatever he was, he  
22 was the one that I dealt with.

23 Q Do you know his name?

24 A I didn't catch his name. I'm sure I had his name.  
25 I don't remember what it was.

26 Q So, when he got there, you were saying something  
27 about sign here, sign here.

28 A Yeah, the contract. Kind of like an abbreviated

1 version of the contract when you buy a vehicle. It was that  
2 long. Initial here, sign here. Okay. I just did what they  
3 told me to and signed away. That's it.

4 Q You didn't have a chance to read the document?

5 A No, I didn't.

6 Q Prior to him presenting you this document to you  
7 to sign, did you walk around your place and kind of gauge as  
8 to how much goods you had to be moved?

9 A Well, yeah. I showed him that I had my desk and a  
10 curio and whatever was in my room and books and stuff like  
11 that.

12 Q Did you have any conversation with him about the  
13 couches, whether you wanted them in storage or not anymore?

14 A I told him on that day we were going to go ahead  
15 and move the couches to my new place because the lady who I  
16 was moving in with, she had sold her other couches there.  
17 So we were going to use mine.

18 Q So you didn't put them in storage?

19 A No. Just bring them to my new residence. Yes.

20 Q Anytime prior to him having you sign the  
21 documents, did he tell you that the price was gonna go up  
22 and he had to wrap certain things?

23 A I knew that he said he was going to wrap the curio  
24 because it was exposed. And he wasn't going to wrap the  
25 desk because it was particle board, which was fine. But, if  
26 I would have known how much it was gonna cost me, I would  
27 have said it's all right. Just leave it. It's all right.  
28 I didn't get the option.

1 Q You didn't request that he wrap any of your goods?

2 A No. He just did it.

3 Q He didn't tell you it was going to cost you for  
4 him to do that?

5 A No.

6 Q Would that have been important for you to know?

7 A Yeah, because it was a lot of money. That would  
8 have been important, because I don't make a lot of money.  
9 I'm an admin. At the time, I didn't make a lot. So I only  
10 had limited amount of funds.

11 Q So price was important to you?

12 A Oh, yeah, it was very important.

13 Q So, after he had you sign here, sign here, did  
14 they immediately start loading your goods and packing them  
15 up?

16 A Yeah.

17 Q How much of your goods had already been packed by  
18 you?

19 A 80 percent of the stuff. I only had a TV and a  
20 humidifier and, of course, my furniture.

21 Q And what were you expecting that they used to wrap  
22 those few things?

23 A I wasn't expecting to wrap at all. I thought they  
24 were going to put it on the truck.

25 Q Okay. Because you were going a short distance?

26 A Five minutes away. Yeah.

27 Q Okay. So how long did it take them to wrap and  
28 load your goods in the truck?

1           A     Maybe an hour and a half, two hours. It wasn't  
2 that long. Like I said, I didn't have a lot.

3           Q     Okay. What happened next?

4           A     Then I drove to my location and they followed. Or  
5 we got separated. Anyway, we went to my new place.

6           Q     Once you got to the destination point, what  
7 happened?

8           A     Well, he comes up with the slip while the other  
9 gentleman was opening up the door to the truck, and he hands  
10 me the finalized slip with the actual end amount which came  
11 up to \$961. I was just --

12          Q     Was that the first time you saw that amount?

13          A     It was the first time I saw that amount.

14          Q     What did you do when you saw nine hundred  
15 something dollars?

16          A     I had my stuff on the truck. I paid it. I  
17 couldn't say anything.

18          Q     Did you question why the price was so high?

19          A     No. I was more shocked than anything else. I  
20 mean, I'm not one to be confrontational to begin with. So I  
21 didn't. I guess I didn't see on the slip anywhere how much  
22 these packing materials were going to cost. It might have  
23 been my fault. I don't know. Maybe it was an oversight on  
24 my part.

25          Q     Did he tell you how he wanted you to pay that?

26          A     No. I had my debit card. I used my debit card.

27          Q     They were willing to accept your debit card?

28          A     Yeah. I have the receipt here. They had one of

1 those old fashioned slider things.

2 Q The credit card imprinters?

3 A Yeah.

4 Q They imprinted your card and wrote the amount in  
5 there?

6 A Uh-huh.

7 Q After you did that, they unloaded your goods?

8 A Uh-huh.

9 Q Yes?

10 A Yes.

11 Q And was there any problems with any of your goods?  
12 Was any of it damaged?

13 A No.

14 Q So why did you pay the nine hundred sixty  
15 something dollars when you got a quote for less than \$400?

16 A Because they had my stuff and I knew they weren't  
17 going to give me my stuff unless I paid it. I've seen  
18 enough Dateline shows to know what happen to people who  
19 don't pay movers. So I knew.

20 Q So, after you paid and they unloaded your goods,  
21 did you file a complaint with anyone?

22 A I did. I went through the Better Business Bureau.

23 Q And did anything happen with that complaint?

24 A Yes. California Public Utilities Commission  
25 contacted me, and I filed a complaint with them.

26 Q Okay. So, once they contacted you, you filed a  
27 complaint with them?

28 A Right.

1 Q And did that do anything for you?

2 A I ended up getting a small refund. It was like  
3 two hundred sixty something dollars. I got a refund from  
4 them which I accepted because I was working 24 hours a week  
5 and I was robbing Peter to pay Paul.

6 Q Besides filing a complaint with the Public  
7 Utilities Commission and the Better Business Bureau, did you  
8 contact the business ASAP to complain to them?

9 A No, I didn't.

10 Q Why didn't you?

11 A Because it would have -- I knew it wasn't going to  
12 do any good to contact them. I just went through -- I knew  
13 my money was already gone. So there was really no point of  
14 doing so.

15 I just filed a complaint with the Better Business  
16 Bureau so that somebody else would go in and see that  
17 somebody had problems with it and they would be more tedious  
18 about choosing their moving company than I did, because I  
19 didn't really do any research.

20 Q I have here Exhibit 107. It's Bates ASAP1 dash  
21 CPUC dash 001634 through 1638. Ms. Nelson, let me show you  
22 the first page of Exhibit 107. At the top, it's from Chuck  
23 at ASAP Relocations. Do you recognize that name?

24 A I do.

25 Q And is this the e-mail you got from a Chuck there?

26 A Uh-huh. Yes.

27 Q In this document, it lists several options and  
28 prices. Could you tell us the three different options?

1           A     Option A was for two movers, one truck, \$75 an  
2 hour with the three-hour minimum. And B was for three  
3 movers, one truck, \$90 an hour. And C was for four movers,  
4 one truck, \$110. Now, I didn't have a lot of stuff. I  
5 didn't need more than two people.

6           Q     So you had discussions with Chuck about that you  
7 really only wanted to go with option A?

8           A     Correct.

9           Q     And so the three-hour minimum at \$70 would be  
10 \$210?

11          A     Correct.

12          Q     And, above this option, it says one-time storage  
13 handling fee of \$75 and the first month of storage is free.  
14 Is that what you were going on?

15          A     Correct. That was what I was -- that's why I  
16 chose them because they had a storage facility. I didn't  
17 have to go looking for one. It was just a really convenient  
18 way to get the couches out of my way.

19          Q     I'm going to show the last page of Exhibit 107  
20 with Bates ending in 1638. Do you recognize this form?

21          A     I do.

22          Q     Do you know what it is?

23          A     That's the slip that they had me sign my life away  
24 on with all my initials and stuff. I didn't really get a  
25 chance to get a good look at it, though, at the time of the  
26 move.

27          Q     So, at the bottom, there's a signature. Is that  
28 your signature?

1 A It is.

2 Q And the date is 6/2/08?

3 A Correct.

4 Q And do you recall, at the time when you first  
5 signed and initialled at the beginning, do you recall  
6 whether these numbers on the right-hand side of this  
7 document were filled in or not?

8 A Beginning of the move, no.

9 Q I have here Exhibit 108 with Bates ASAP1 dash CPUC  
10 dash 001626 through 1630. On this document, it has the name  
11 either Nafi or Nati and Jesus. Do you recall whether that  
12 was the name of the foreman that you dealt with?

13 A I'm bad with names I don't remember his name. He  
14 had a European accent. So he wasn't a native speaker.

15 Q Okay. At the bottom -- you testified earlier that  
16 they had used an imprinter -- it shows the total amount you  
17 paid \$961.57.

18 A Correct.

19 Q If you had known at the outset how much it was  
20 gonna cost to move your two-bedroom apartment, would you  
21 have gone with ASAP Relocations?

22 A No.

23 Q Why not?

24 A Because it was too expensive. I thought it was  
25 gonna be \$300 or so to move my stuff. It was naive, but I  
26 thought so. I can't afford that. I was only making maybe  
27 \$15 an hour. So I didn't have a lot to begin with.

28 Q And, on the second page of Exhibit 108, the order

1 for service it has a total that's \$285. That's?

2 A That's what I had thought that I was going to be  
3 paying.

4 Q Okay. Showing you another page on Exhibit 108  
5 with Bates ending in 1629, and it's a document that says  
6 important information regarding your move. Is that your  
7 signature at the bottom?

8 A That is.

9 Q Did you get a copy of this to keep on the date of  
10 the move?

11 A I did not get a copy of that. No.

12 Q And it says please read carefully. Did you have a  
13 chance to read this carefully when you signed it?

14 A No, because I only saw it the day of.

15 Q And the page ending in 1630 of Exhibit 108. It's  
16 another document that says important notice about your move  
17 with a not-to-exceed amount. Is your signature at the  
18 bottom of this document?

19 A It is.

20 Q Okay. And, when you signed this document, did you  
21 get a chance to read it?

22 A No.

23 Q Did you get a copy of it on the date of the move?

24 A No.

25 Q Was there any discussion that there was a  
26 not-to-exceed amount of \$2,000?

27 A Well. He mumbled -- he had a thick European  
28 accent -- something about \$2,000. I waved it off. I didn't

1 know what that meant. I wouldn't have agreed to \$2,000  
2 because I didn't have it.

3 Q But you didn't have a copy to keep?

4 A I did not.

5 Q And I have here Exhibit 109 with Bates ASAP1-CPUC  
6 001648 through 1650. Did you prepare or sign a declaration  
7 stating all the details of your move to give to the Public  
8 Utilities Commission?

9 A I did.

10 Q You did? And is that your signature on the last  
11 page?

12 A It is.

13 Q And you talked about, in your declaration, that  
14 ASAP haphazardly wrapped your TV in cardboard and taped it.  
15 Did you request that they do that?

16 A No.

17 Q Do you know how much you were charged for that?

18 A I don't remember exactly how much I was charged  
19 for that particular item. No. But it was really silly  
20 because all they did was wrap it loosely all over the screen  
21 and taped it all around. I didn't see the point.

22 Q On the materials charges, it says crates, and you  
23 were charged with almost eight point something crates for  
24 \$30 each, totalling \$260. Were any of your goods in a  
25 crate?

26 A No.

27 Q Do you know what a crate is?

28 A I don't even know what a crate is. In my mind,

1 it's the wooden ones.

2 Q Right.

3 A No. I didn't have anything that required that.  
4 No.

5 Q So your goods weren't in crates but mostly wrapped  
6 around with cardboard and plastic wrap?

7 A Plastic wrap and tape.

8 Q And I have here Exhibit 110, CPUC-001671. And the  
9 other one is not Bates stamped but the same check.  
10 Ms. Nelson, is this the check that you got refunded to you  
11 by ASAP Relocations?

12 A Yes.

13 Q That was for \$230?

14 A Yes.

15 Q Did you get that from the PUC or from ASAP  
16 directly?

17 A I don't remember who actually sent it to me  
18 directly. I think the Public Utilities Commission actually  
19 sent it to me because they had sent me an e-mail -- I mean,  
20 a letter -- along with it, saying that was the best we were  
21 gonna be able to do.

22 MS. DANG: I have no further questions. Do any members  
23 of the grand jury have any questions for this witness?

24 Thank you. The foreperson is going to read you an  
25 admonition.

26 (Witness admonished and excused.)

27 (Recess.)

28 MS. DONOHOE: Our next witness is Julianna Hungerford.

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(Witness sworn.)

TESTIMONY OF JULIANNA HUNGERFORD

EXAMINATION

BY MS. DONOHOE:

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

A Julianna Hungerford. J-u-l-i-a-n-n-a  
H-u-n-g-e-r-f-o-r-d.

Q What is your occupation, Ms. Hungerford?

A I'm a business informatics manager.

Q Could you spell informatics?

A I-n-f-o-r-m-a-t-i-c-s.

Q What is informatics?

A Integrating work flows with business operations with system integration.

Q Where do you work?

A Lucille Packard Children's Hospital.

Q Do you know someone by the name of Roni Hayon?

A I do.

Q How do you know him?

A I was married to him.

Q During what period of time were you married to him?

A Two thousand -- I don't remember -- 2002 until 2005, I think.

Q Was it a very brief marriage?

A Very brief. Yeah.

1 Q Can you explain why it was a brief marriage?

2 A There was a lot of reasons. Religious  
3 differences, business ethics. Ultimately, he wanted to move  
4 back to Israel and I didn't want to move back to Israel.

5 Q Were you involved in his business activities at  
6 the very beginning of your relationship?

7 A I helped him set up the business. Filling out the  
8 initial paperwork, the website.

9 Q The initial business that was started, can you  
10 tell us what the name of it was?

11 A ASAP Relocations.

12 Q Did it have a name prior to that?

13 A No.

14 Q Are you familiar with the name Hayon Marketing?

15 A No.

16 Q Prior to being in the moving business, did Roni  
17 Hayon operate a different business?

18 A He had a kiosk in a mall where he sold  
19 aromatherapy pillows and toy airplanes for kids.

20 Q So he was selling toys and beauty products in the  
21 mall?

22 A Yes.

23 Q Was it at a particular mall that he did that?

24 A He was at Vallco Shopping Center in Cupertino and,  
25 I think, Valley Fair.

26 Q So would that be year-round for him or was it a  
27 seasonal business?

28 A It was seasonal.

1 Q Were you involved, in any way, in connection with  
2 that business?

3 A No. He had the products in our apartment for  
4 storage.

5 Q Where was your apartment located?

6 A In San Jose.

7 Q Do you remember the street address?

8 A It was Castlemont Avenue.

9 Q All right. And, at any time, did you have  
10 discussions with him or did he tell you about changing the  
11 business?

12 A He did. He wanted to open a moving company.

13 Q Do you know why he wanted to open a moving  
14 company?

15 A He said he wanted to make a million dollars and  
16 that was a way to become a millionaire.

17 Q Did he have any experience in the moving business  
18 when he told you about his plan to make a million dollars by  
19 running a moving company?

20 A He did. He was a foreman for another moving  
21 company that was owned by Israelis.

22 Q Was Mr. Hayon an Israeli?

23 A He was.

24 Q The company that he worked for as a foreman, do  
25 you know the name of that company?

26 A It was Isaacs Moving Company.

27 Q Isaacs Moving Company? All right. Did he follow  
28 through on his plan to open a moving company?

1 A He did.

2 Q And was that ASAP Relocations?

3 A Yes.

4 Q Were you involved in the creation of that  
5 business?

6 A Yes.

7 Q How were you involved?

8 A Just helping him with the initial paperwork.  
9 English was his second language. So helping him understand,  
10 reading through it.

11 Q Did you fill out forms for him?

12 A I might have.

13 Q Were you a corporate officer of that business?

14 A I don't think so.

15 Q Did you participate, in any way, in the business,  
16 in the day-to-day operations?

17 A No.

18 Q Were you familiar with him renting office space  
19 for the business?

20 A Yes.

21 Q Do you know where the office space was?

22 A On Queens Lane in San Jose.

23 Q Did that location also have a storage area?

24 A It did.

25 Q Did he make representations to the public about  
26 the business that was located on Queens Lane?

27 A He did. His website said it was  
28 climate-controlled. There's pictures on the website. I

1 think they are pictures he had taken off the Internet that  
2 didn't represent his actual storage.

3 Q What did his actual storage look like?

4 A It was just a big warehouse. There was leaks in  
5 the ceiling. Big open space. Dark. It was not  
6 climate-controlled.

7 Q Where there was a representation on the website  
8 that it was climate-controlled, that was not true?

9 A Correct.

10 Q And did you have occasion to go into the warehouse  
11 after people's goods have been moved into there?

12 A I did.

13 Q And what did you notice about the conditions  
14 there?

15 A There's boxes that were stacked throughout the  
16 whole warehouse with a piece of paper that had their address  
17 on it and a date. And there's boxes around -- open boxes --  
18 with people's belongings. And I asked him who they belonged  
19 to and he didn't know. Anything that they didn't know where  
20 it went, they would sell at auction.

21 Q Did you know him to regularly have auctions?

22 A I don't know how regularly he did. But I do know  
23 that he would sell things in auction.

24 Q Did he discuss with you what his plans were over  
25 time in terms of the moving business and how he wanted to  
26 operate that business?

27 A No. When we went through marriage counselling and  
28 just before we got divorced, I asked him where he saw us in

1 five years, and he said living in Israel. He wanted to  
2 continue to have business here and live in Israel.

3 Q I see. Did he discuss with you what he felt he  
4 was doing in terms of his dealings with customers?

5 A He didn't have any. He thought he was being -- it  
6 was fine. He said Americans were stupid. If they would let  
7 him get away with what he was doing, then it was okay. He  
8 didn't have a remorse.

9 Q Did you know who he was referring to when he said  
10 he could get away with what he was doing to Americas and  
11 they would let him?

12 A Just the business practices. He showed me a  
13 letter. He asked me to write a letter back to a customer.  
14 The letter described a person who was helping her  
15 mother-in-law move and she had lost some items. And he  
16 wanted me to write a letter saying it was covered under our  
17 insurance, that they weren't liable, and they signed the  
18 contract. They chose the moving company. It wasn't his  
19 fault.

20 Q Did you have any exposure to people complaining  
21 about being overcharged by his company?

22 A People would complain. I would hear them on the  
23 phone a lot all day long, all night long. Roni talking with  
24 customers and foremen about holding people's belongings  
25 hostage. They wouldn't just deliver. The truck would be in  
26 front of the house until they went to the bank and got a  
27 cashiers check or cash. If they refused to pay, they would  
28 take the belongings back.

1 Q Where would they take the belongings to?

2 A To his warehouse.

3 Q Would they hold them there until the customer  
4 paid?

5 A I think so.

6 Q Did you have discussions with him about these  
7 practices?

8 A I did. A lot.

9 Q And what would you say to him?

10 A That it wasn't right, that he should not hold  
11 people's belongings as hostage. It's not ethical.  
12 Everything he did just wasn't right. The way he was  
13 treating customers, the way he was treating his employees on  
14 the phone. There was no customer service. He didn't want  
15 to hear it. We were arguing constantly. I said, I don't  
16 want to be part of it at all. He shut me out of it. His  
17 sisters were here. His dad came.

18 Q He had people come. And, by that time, were you  
19 living in a house, or were you in some other place in an  
20 apartment?

21 A We lived in a couple different places. I think,  
22 at that time, we were living in Sunnyvale. His sisters were  
23 living there for a while. My brother and his girlfriend  
24 lived there. It was a revolving door. There's always  
25 different people living with us. And we bought a house down  
26 the street in Sunnyvale.

27 Q What was the address of that location?

28 A The one we bought?

1 Q Yes.

2 A 692 East McKinley.

3 Q In regard to the period of time where he shut you  
4 out of the business, did you no longer have any knowledge of  
5 specifically what was going on?

6 A Not specifically. I could hear some phone  
7 conversations when he was talking to customers. But, when  
8 he was talking with his foremen employees, it was in Hebrew  
9 or Spanish.

10 Q Did you speak Hebrew?

11 A No.

12 Q Did you speak Spanish?

13 A No. Just a little bit. Not enough to understand.

14 Q And did you, at some point, decide that you did  
15 not want to stay in the relationship?

16 A Yes.

17 Q And was that partly because of his business  
18 practices?

19 A Yes.

20 Q Were you concerned for your own liability due to  
21 his activities?

22 A I wasn't, because I had completely separate bank  
23 accounts and everything separate. Everything was separated.  
24 I wanted to have nothing to do with his business.

25 Q So you never had any ability to sign on the  
26 company account; is that correct?

27 A Right. No.

28 Q Did you share any joint accounts with Roni Hayon

1 personally?

2 A We may have had a joint savings account but  
3 separate checking accounts.

4 Q Did you have a separate source of income from him?

5 A From him? No.

6 Q Were you in school at the beginning of your  
7 marriage?

8 A Uh-huh. I was in school and working.

9 Q Where did you ultimately work?

10 A The same place I work now. Lucille Packard  
11 Children's Hospital.

12 Q What year did you start working for Lucille  
13 Packard Children's Hospital?

14 A 2001.

15 Q So, during the entire time of your marriage, were  
16 you receiving a separate income through your work at Lucille  
17 Packard Children's Hospital?

18 A I was. I also worked at Wallgreens as a pharmacy  
19 technician for a short period of time.

20 Q Is that the income that you relied upon to take  
21 care of things that you needed?

22 A Right. We split the bills. I paid half the bills  
23 with my income and he paid the other half.

24 Q Now, I'd like to have you identify Exhibit 2. Do  
25 you recognize that as your ex-husband Roni Hayon?

26 A Yes.

27 Q And, showing you Exhibit 5, do you recognize this  
28 person?

- 1 A That's his best friend Maoz Kadesh.
- 2 Q Could you stay that name again please?
- 3 A Maoz Kadesh.
- 4 Q And do you know how Maoz is spelled?
- 5 A M-a-o-z.
- 6 Q Does Maoz go by any other names?
- 7 A Not that I know. Oh, he did. Mike, I think.
- 8 Q He used the name Mike?
- 9 A Uh-huh.
- 10 Q Did you know your ex-husband to use any other  
11 names?
- 12 A No.
- 13 Q What if any role did Maoz have with the moving  
14 business?
- 15 A He worked for Roni and then he started up a moving  
16 company. I don't know if it was a part of Roni's company or  
17 separate, but it was some sort of partnership.
- 18 Q Do you know the name of that company?
- 19 A Champions Movers.
- 20 Q Do you know if they operated together at the  
21 initial site that you were familiar with on Queens Lane?
- 22 A I believe they did.
- 23 Q I'm going to show you Exhibit 8. Do you recognize  
24 this person?
- 25 A That's his other best friend Tomer.
- 26 Q Does Tomer go by any other name?
- 27 A I think he went by Tom or Tommy.
- 28 Q And did he have any role in Roni's business?

1 A He did. He was also a foreman for the business.

2 Q What was the role of a foreman, if you know?

3 A They were the drivers and then helping manage a  
4 person's move.

5 Q Okay. Do you know what specifically they would do  
6 during a move?

7 A I don't.

8 Q Okay. So did you ever have occasion to go out and  
9 see what happened on a move?

10 A No.

11 Q Did you ever see anything other than what was  
12 going on in the business side at Queens Lane?

13 A No.

14 Q I'm going to show you Exhibit 111 which does not  
15 have a Bates number but the top page is an SS-4 document.  
16 And this is a nine-page document. Showing you that top page  
17 with SS-4, do you see the address?

18 A Yes.

19 Q Is that the address you first lived with Roni  
20 Hayon?

21 A We first lived in Santa Clara. This was our  
22 second place we lived.

23 Q Okay. But that was an apartment where you lived  
24 with him?

25 A Right.

26 Q Do you recognize his handwriting on this document?

27 A I do.

28 Q Do you see -- is that his signature next to the

1 words Roni Hayon?

2 A It is.

3 Q Do you see his handwriting on the second page?

4 A Yes.

5 Q Again, does it have the words written Roni Hayon?

6 A Yes.

7 Q Is that in his handwriting?

8 A It is.

9 Q And then, in the center column with the signature,  
10 does it have what appears to be the name Roni?

11 A Yes.

12 Q And is that how he would sign his name?

13 A It is.

14 Q I am going to show you the fourth page of  
15 Exhibit 111. Do you see articles of incorporation with file  
16 stamp of October 22nd, 2002?

17 A Yes.

18 Q Were you married to Roni Hayon at that time?

19 A We were.

20 Q Were you familiar with him starting a corporation  
21 called Hayon Marketing, Inc.?

22 A I didn't know that name.

23 Q You didn't know that name?

24 A No.

25 Q Showing you the next page of Exhibit 111, which is  
26 a document entitled employer's quarterly federal tax return.  
27 Do you see Hayon Marking, Inc. and Castlemont Avenue as the  
28 address?

1 A Yes.

2 Q Did you know Roni Hayon to employ people in his  
3 kiosk and his moving business?

4 A Maoz was one of his employees there. And I think  
5 Tomer may also have been.

6 Q Okay. Did you know them to also work in the kiosk  
7 business?

8 A Yes.

9 Q Before they were in the moving business, they were  
10 also in the sale of beauty products and toys?

11 A Yes. They also worked for Isaac's Moving Company.

12 Q All of them worked for Isaac's Moving Company in  
13 addition to doing the kiosk business?

14 A Right.

15 Q At the bottom, do you recognize Roni Hayon's name  
16 and signature again?

17 A Yes.

18 Q And that is his handwriting?

19 A Yes.

20 Q Now, referring you to the next page of  
21 Exhibit 111, which is a letter entitled Dear Nancy and dated  
22 March 26, 2003, were you married to Roni Hayon in March of  
23 2003?

24 A I was.

25 Q Were you familiar with him wanting to change the  
26 name of Hayon Marketing, Inc. to another name?

27 A I recognize ASAP Relocations as a name. That's  
28 the name I knew as a company.

1           Q     So you recognize the name that he wished to change  
2     it to as ASAP Relocations, Inc.?

3           A     Yes.

4           Q     But you weren't familiar with that Hayon  
5     Marketing, Inc.; correct?

6           A     Correct.

7           Q     Showing you the next page entitled certificate of  
8     amendment of articles of incorporation. Have you ever seen  
9     that document before today?

10          A     No. And that's not my handwriting or signature.

11          Q     And did you give permission for Roni Hayon to put  
12     the name Julianna on that document?

13          A     No.

14          Q     Did you know he had done that?

15          A     No.

16          Q     Were you the secretary of either Hayon Marketing  
17     or ASAP Relocations?

18          A     No.

19          Q     And I'm going to show you the last page of  
20     Exhibit 111. This one is also entitled certificate of  
21     amendment of articles of incorporation. Is this your  
22     signature on the document?

23          A     No.

24          Q     Did you go by the name Julianna Marie Hayon while  
25     you were married to Roni Hayon?

26          A     Yes.

27          Q     Did you work for ASAP Relocations?

28          A     No, I was not an employee there.

1           Q     Now, I'm going to show you Exhibit 112. And this  
2 is a three-page document. The top page is dated 10/15/2004.  
3 Do you see the name Julianna Hayon and the address of  
4 McKinley Avenue?

5           A     Yes.

6           Q     Are you familiar with that document?

7           A     I am.

8           Q     How are you familiar with that document?

9           A     I e-mailed that document to him or his accountant.  
10 I don't remember who.

11          Q     Can you tell us under what circumstances you did  
12 that?

13          A     I didn't want anything to do with his company  
14 because of the business practices. So I wrote that to try  
15 to disassociate myself completely legally, to not be part of  
16 the company.

17          Q     Was there anything in particular that you were  
18 concerned about at the time that you did that?

19          A     Just his business practices. I didn't want to be  
20 a part of it. I didn't want -- legally, I didn't want to be  
21 known as being a part of that company.

22          Q     All right. I'm going to show you the next page.  
23 Is this a signed version of the document?

24          A     Yes.

25          Q     And does that copy have your actual signature on  
26 it?

27          A     Uh-huh.

28          Q     Is your answer yes?

1 A Yes.

2 Q So you wanted to make sure that there's a record  
3 that you were not associated with the business?

4 A Right.

5 Q Now, during the course of the time that you were  
6 married, were you familiar with him handling financial  
7 transactions with Israel?

8 A Yes.

9 Q What were the nature of those transactions?

10 A He would wire money at least once a month to his  
11 family in Israel.

12 Q Were you familiar with the amounts of money he was  
13 wiring to Israel?

14 A I asked him how much. He said about \$10,000 a  
15 month.

16 Q So he was wiring \$10,000 a month to family members  
17 in Israel?

18 A Uh-huh.

19 Q And do you know which family members he was wiring  
20 money to?

21 A It was to his immediate family. His parents were  
22 renovating their house. Paying for two sisters to go to  
23 school -- college.

24 Q Was that Roni's explanation on why he was sending  
25 \$10,000 a month to Israel?

26 A That's what he told me.

27 Q And did he ever ask you to participate in sending  
28 money to his family?

1 A No.

2 Q Were you familiar with him holding large amounts  
3 of cash at any of the places where you lived?

4 A No. He had an envelope in a drawer that had some  
5 cash in it, but it wasn't a significant amount. It was less  
6 than \$500.

7 Q Less than \$500?

8 A Right.

9 Q Do you know where he got the money that he was  
10 sending to Israel?

11 A From his business.

12 Q And do you know in what form he took the money out  
13 of the business in order to send money via wire to Israel?

14 A I don't. I assume it was from his customers.  
15 Just payments that they made.

16 Q Did he ever talk about what he did with the cash  
17 from the business?

18 A No, he didn't.

19 Q You mentioned that you went through marriage  
20 counseling and that he said, in five years, he wanted to be  
21 back living in Israel; correct?

22 A Uh-huh.

23 Q And was that near the end of your marriage?

24 A It was.

25 Q Did you ultimately file for a divorce?

26 A Yes.

27 Q And, in connection with that divorce, were both  
28 you and Roni Hayon required to disclose your assets?

1 A Yes.

2 Q And I am going to show you Exhibit 113, which is a  
3 multipage document. It's a FL-120 form. Showing you the  
4 first page of Exhibit 113, do you recognize whose  
5 handwriting is on that document?

6 A Yes.

7 Q Whose handwriting is that?

8 A It's his handwriting. It looks like my  
9 handwriting for the case number, maybe.

10 Q Could you repeat that please?

11 A It's his handwriting. But, under the case number,  
12 that could be mine.

13 Q All right. Are you referring to the case number?

14 A That could be my handwriting. But the rest is  
15 his.

16 Q All right. Was he required to disclose what  
17 separate property he had?

18 A Yes.

19 Q And, at that time, did you already own a house on  
20 Sweet Avenue in San Jose?

21 A No. We owned the house on East McKinley.

22 Q All right. At that time, he was claiming for  
23 separate property a house on Sweet Avenue. Had you already  
24 separated by this point?

25 A We had.

26 Q And was he living in a house on Sweet Avenue in  
27 San Jose?

28 A He was.

1 Q Had he purchased that house?

2 A He must have.

3 Q And did he want to keep the business as his  
4 separate property?

5 A Yes.

6 Q Were you concerned whether or not the business had  
7 debts at that time?

8 A I don't know if they did or not.

9 Q Did he also want to keep Toyota Tundra, Kawasaki  
10 ski mobile or water ski?

11 A Jet skis. Yeah.

12 Q Did you know him to have over \$170,000 in cash  
13 available during the course of your marriage?

14 A No.

15 Q Did you know him to have any source of income that  
16 would enable him to loan his business over \$150,000?

17 A No. Just his business.

18 Q Showing you the third page of Exhibit 113, is this  
19 your statement of financial assets?

20 A Yes.

21 Q Is that a document you prepared?

22 A I'm sorry. What's the question?

23 Q Is that a document you prepared?

24 A Yes.

25 Q And were you seeking to keep the house on McKinley  
26 in Sunnyvale?

27 A Yes.

28 Q Were you seeking to keep the furniture and some

1 pets?

2 A Yes.

3 Q And were you agreeing that he could keep the  
4 Toyota Tundra?

5 A Right.

6 Q Did you know anything about potential loan by Roni  
7 Hayon to the business that you would be entitled to half the  
8 proceeds back from the business?

9 A I didn't want to have anything to do with his  
10 business. So I didn't know of any profit or anything. I  
11 didn't know of any loans or anything he had in the business.

12 Q Do you believe he would have had the capacity in  
13 the last year of your marriage to make a \$150,000 loan to  
14 the business?

15 A No.

16 Q Showing you the second to the last page of  
17 Exhibit 113, is this your signature on the document?

18 A Yes, it is.

19 Q Showing you the final page. Are these the items  
20 that you sought to have separately confirmed to you and to  
21 Roni Hayon?

22 A Yes.

23 Q And so listed there is ASAP Relocations. You  
24 wanted that confirmed to Roni Hayon; correct?

25 A Correct.

26 Q And the furniture, apartment, you wanted that  
27 confirmed to him?

28 A Yes.

1 Q The 1998 Honda Accord, did you want that confirmed  
2 to him?

3 A Yes.

4 Q Do you know who was using that Honda?

5 A I think his sister was driving that.

6 Q So he was not using that car; correct?

7 A I don't think so. He had his Tundra.

8 Q He was --

9 A He had a Toyota Tundra.

10 Q Okay. And then the World Savings Mortgage, is  
11 that something you were assuming?

12 A Yes. There's two mortgages on the house. I had  
13 one; he had the other.

14 Q So World Savings was one of the mortgages?

15 A I'm sorry?

16 Q World Savings was one of the mortgages on the  
17 McKinley property?

18 A McKinley property.

19 Q Next is Chase auto loan. You wanted it confirmed  
20 to you. Is that for your vehicle?

21 A Yes.

22 Q And a University of San Francisco student loan you  
23 wanted confirmed to you?

24 A Yes.

25 Q That was for your education?

26 A Correct.

27 Q Macy's credit card you wanted confirmed to him?

28 A It was his credit card.

1 Q Toyota auto loan. You wanted that confirmed to  
2 him?

3 A Uh-huh.

4 Q Mercedes auto loan. You wanted that confirmed to  
5 him?

6 A Yes.

7 Q Did you own a Mercedes?

8 A I think he -- I don't know if he owned it or if he  
9 was leasing it. But his friend Maoz was driving it.

10 Q So was he involved in getting a Mercedes for his  
11 friend Maoz?

12 A Yes.

13 Q And that's Maoz Kadesh?

14 A Yes.

15 Q Did you understand why he had helped to get  
16 Mercedes for Maoz Kadesh?

17 A I don't know why he did. It was his friend. I  
18 think he got it through the company as though it's a company  
19 vehicle.

20 Q You believed he was paying for it through the  
21 company?

22 A Yes.

23 Q And, next, Alpha Chi National Master Card. That  
24 was something you wanted confirmed to you?

25 A Yes.

26 Q Finally, ASAP Relocations, Inc. and all that's  
27 associated with the business. You wanted that confirmed to  
28 him?

1 A Right.

2 Q Is that, at the end, how things were divided up?

3 A Yes.

4 Q Now, during the course of your marriage, did you  
5 have a mortgage loan through Green Point Mortgage?

6 A There was two. I couldn't remember. Green Point  
7 Mortgage and World Savings were the two.

8 Q All right. I'm going to show you Exhibit 114.  
9 The top page is an ASAP check number 2328 made out to Green  
10 Point Mortgage. Is that one of the mortgage companies that  
11 you were paying mortgage payments to during the course of  
12 your marriage?

13 A Yes.

14 Q And did you know Roni Hayon to make payments to  
15 the mortgage company through company checks?

16 A I didn't know how he was making the payments.

17 Q So he was just responsible for making the  
18 payments?

19 A Right.

20 Q So do you recognize his handwriting on that check?

21 A I do.

22 Q And do you see his signature?

23 A Yes.

24 Q Showing you the next page which has Bates ending  
25 in 434. Do you see an ASAP Relocations check payable to  
26 Countrywide?

27 A Yes.

28 Q Is that one of the mortgage companies that you

1 were paying mortgage to during the course of your marriage?

2 A Yes.

3 Q And do you recognize that as Roni Hayon's  
4 handwriting?

5 A I do.

6 Q It's also signed by Roni Hayon?

7 A It is.

8 Q Would this be another example of payment that Roni  
9 Hayon was making independently where you had no knowledge of  
10 how he was making the payment?

11 A Right.

12 Q Showing you Exhibit 115, is this an ASAP check  
13 payable to the tax collector in Santa Clara County?

14 A Yes.

15 Q Do you recognize your ex-husband's handwriting on  
16 that check?

17 A I do.

18 Q And do you know how he would pay the property  
19 taxes for the property that you owned?

20 A I don't.

21 Q Was that his responsibility to make property tax  
22 payments?

23 A I think so. Yeah.

24 Q I'm going to show you Exhibit 116. And the top  
25 page is a copy of an official check, and it's dated  
26 October 4th of 2006. And then the next page is an official  
27 check dated October 4th of 2006 payable to Eti Hayoun,  
28 H-a-y-o-u-n. Do you recognize the name Eti Hayoun?

1           A     That was his mom's name.

2           Q     Can you explain why she had a different spelling  
3 for her name than Roni did?

4           A     His sister also spelled it that way.  It's just  
5 how it was pronounced.  Hebrew characters are not the same  
6 as English characters.

7           Q     So he adopted a different spelling for his name?

8           A     Uh-huh.

9           Q     Do you recognize the purchaser ASAP Relocations?

10          A     Yes.

11          Q     Would this be one of the examples of where Roni  
12 Hayon was sending money to Israel?

13          A     Yes.

14          Q     Was his mother in Israel?

15          A     She was.

16          Q     Showing you the next page of Exhibit 116 which is  
17 also dated October 4th of 2006, a check for \$5,000, do you  
18 recognize the name Eli Hayoun, H-a-y-o-u-n?

19          A     His dad.

20          Q     Do you also see that the purchaser is ASAP  
21 Relocations?

22          A     Yes.

23          Q     Do you know if his mother and father had any role  
24 in the business of ASAP Relocations?

25          A     No.  When they came out to visit, his dad used to  
26 go to work with him, but I don't know that he did anything  
27 as part of the business.  They didn't speak English very  
28 well.

1 Q When you were familiar with him making payments to  
2 them in Israel, were they doing anything from Israel?

3 A For the business? No.

4 Q No?

5 A Uh-uh.

6 Q Showing you the next page of Exhibit 116, do you  
7 recognize your ex-husband's handwriting on that withdrawal  
8 slip?

9 A Yes.

10 Q And do you see the words E-l-y and A-h-u?

11 A Yes.

12 Q Is that his handwriting?

13 A I think so.

14 Q Showing you the last page of Exhibit 116, also  
15 dated October 4th of 2006, do you know who Ely Ahu is?

16 A That's also his dad.

17 Q So would that be his father's first name broken  
18 into two words?

19 A Yes.

20 Q And is this also a check where the purchaser is  
21 ASAP Relocations?

22 A Yes.

23 Q Do you believe this would be consistent with his  
24 practice of sending money to Israel?

25 A Yeah. He would go to the bank and wire money. I  
26 don't know how he did it.

27 Q All right. Did he ever discuss with you why he  
28 would break checks up or transfers up into amounts of less

1 than \$10,000?

2 A No.

3 Q Showing you Exhibit 117, a group of checks and a  
4 bank statement. I'm going to show you -- the first page is  
5 dated February 15th of 2006 -- a deposit slip. Are you able  
6 to see that deposit slip?

7 A Yes.

8 Q Is that your ex-husband's handwriting?

9 A The signature looks like his.

10 Q All right. In the upper left?

11 A Yes.

12 Q Where it says customer, and underneath it has two  
13 words?

14 A Yes.

15 Q Is that your ex-husband's signature?

16 A It looks like it.

17 Q The amount \$50,000, does that appear to be his  
18 handwriting?

19 A Yes.

20 Q On February 15th of 2006, were you married any  
21 longer to Roni Hayon?

22 A I don't remember. I think we were legally  
23 divorced in January.

24 Q In January of 2006?

25 A 2006.

26 Q Do you know where he would have acquired \$50,000  
27 to deposit in the bank?

28 A Probably his business.

1 Q And, showing you the third page of Exhibit 117, do  
2 you see a withdrawal slip there?

3 A Yes.

4 Q Do you see a signature of the customer in the  
5 center there?

6 A Yes.

7 Q Do you recognize that handwriting?

8 A I do.

9 Q Whose handwriting is that?

10 A It's Roni's.

11 Q Did you know him to withdraw large amounts from  
12 the ASAP checking account?

13 A No.

14 Q Would a \$150,000 withdrawal surprise you?

15 A Yes. I didn't know how much he had in his  
16 accounts. But that would be surprising.

17 Q Did you know he had that kind of assets when your  
18 divorce was finalized in January of 2006?

19 A No.

20 Q So this was February 15th of 2006. Was that  
21 probably less than six weeks after your divorce?

22 A Right after we were legally divorced.

23 Q And, showing you the next page, also dated  
24 February 15th, 2006, is this a withdrawal slip for \$20,000?

25 A Yes.

26 Q And do you also see your ex-husband's signature on  
27 that document?

28 A Right.

1 Q Showing you the last page of exhibit -- the second  
2 to the last page of Exhibit 117. Is this another withdrawal  
3 slip dated February 15th of 2006?

4 A Yes.

5 Q Is it for \$3,000?

6 A Yes.

7 Q Do you see your ex-husband's signature on that  
8 withdrawal slip?

9 A Yes.

10 Q Would you have ever expected that he could  
11 withdraw \$173,000 from the business less than six weeks  
12 after your divorce was finalized?

13 A No.

14 Q Showing you the last page of Exhibit 117, which is  
15 an account statement for Wells Fargo, account number ending  
16 in 0971, do you see a withdrawal there dated February 16th?

17 A Yes.

18 Q And would that be for a period in 2006?

19 A Yes.

20 Q So do you see the name Elyahu Hayoun?

21 A Yes.

22 Q And a withdrawal of \$25,000?

23 A Yes.

24 Q Who is Elyahu Hayoun?

25 A I think that's his dad.

26 Q Would this be consistent with what he told you  
27 about wiring money to his father in Israel?

28 A He told me it was \$10,000 a month.

1 Q Did you know about Bank Hapoalim?

2 A No.

3 Q Did you know whether your ex-husband had accounts  
4 in Israel?

5 A I'm not sure if he did or not.

6 Q Did he ever ask you to do any bank transactions  
7 for him?

8 A No.

9 Q Did your ex-husband tell you anything about  
10 needing to change or planning to change the name of his  
11 business once it was a moving business?

12 A No. I think I heard it through his friend Maoz  
13 that he was changing the name of the company.

14 Q Did you have contact with Maoz after you were  
15 divorced from Roni Hayon?

16 A I did. About six months after, we went to dinner.

17 Q So that would have been sometime in 2006?

18 A Yes.

19 Q At that point, was Maoz already engaged in  
20 operating under the name Champions Movers?

21 A Yes.

22 Q Was he telling you about Roni possibly changing  
23 the name of ASAP Relocations?

24 A I believe that we had that conversation. Yeah.

25 Q What did Maoz say about why Roni wanted to change  
26 the name?

27 A I don't remember if he said why. I just know that  
28 he would choose a name that would be in the beginning of the

1 phonebook. So it should start with an "A." I don't think  
2 he mentioned why.

3 Q So Maoz indicated that Roni would make sure the  
4 name would start with an "A"?

5 A Roni told me that he chose ASAP Relocations  
6 because it would be listed in the phonebook first by  
7 alphabetical order.

8 Q I see. When Maoz had the discussion with you, did  
9 he mention anything about that plan to adopt a new name that  
10 started with "A"?

11 A He may have. But the conversation was more about  
12 his girlfriend that he was with and moving to Philippines  
13 and that he had his own company Champions Movers.

14 Q Did you know Roni Hayon to own a Hummer?

15 A Yes.

16 Q Can you describe that vehicle?

17 A I don't know if I ever saw it.

18 Q Okay. How did you know he owned a Hummer?

19 A I'm not sure. Probably Maoz. Somebody probably  
20 told me or I saw it online somewhere.

21 Q Did you know someone named Nico Cohen?

22 A Nico? No.

23 Q Did Roni have a cousin in the U.S.?

24 A He did.

25 Q What was his cousin's name?

26 A Ronny Cohen.

27 Q Ronny Cohen. Did you know him to work in the  
28 moving business?

1           A     I think he worked at a moving business, but I  
2 don't think he worked for Roni.

3           Q     Did Roni ever engage in business with Ronny Cohen?

4           A     He had a carpet cleaning business, but I don't  
5 know what their association was.

6           Q     Did Roni participate in the carpet cleaning  
7 business?

8           A     Not that I know of.

9           Q     Do you recall a specific incident where Roni Hayon  
10 was dishonest in your presence?

11          A     About the business?

12          Q     About the business.

13          A     Yes.

14          Q     Can you tell us about that?

15          A     Just listening to him on the phone with customers.  
16 He told me about one of his employees that he paid him under  
17 the table so he didn't have to pay child support. He had  
18 illegal employees.

19          Q     So he was employing people that were not legally  
20 in the country --

21          A     Yes.

22          Q     -- that did not have any permanent residency  
23 status or work card?

24          A     Right.

25          Q     Did he explain how he would pay those people?

26          A     By cash.

27          Q     So did you know of a specific employee that he was  
28 paying by cash or other means so that he could avoid his

1 child support obligations?

2 A His first name is Damon. I don't know what his  
3 last name was.

4 Q How did you know about that situation?

5 A He told me about him.

6 Q Roni told you about it?

7 A Yes.

8 Q Were you present or nearby on some occasion when  
9 he participated in a lie related to Nico Cohen -- excuse me  
10 -- Ronny Cohen?

11 A When Ronny Cohen was arrested. He was in a  
12 motorcycle accident hit-and-run and there was a warrant out  
13 for his arrest and Roni Hayon brought him to the police  
14 station.

15 Q And what happened? Were you there when Roni Hayon  
16 brought Ronny Cohen to the police?

17 A I came later after he had brought him there. His  
18 cousin had fled, locked himself in the car. Then Roni Hayon  
19 was being interviewed.

20 Q What did you understand had happened inside the  
21 police station?

22 A Roni Hayon was arrested for taking the identity of  
23 his cousin.

24 Q So Roni Hayon represented himself as Ronny Cohen  
25 to the police?

26 A That's what he was arrested for.

27 Q Did you have any discussion with him after that  
28 incident?

1           A     He told me it wasn't true, that he wasn't  
2 impersonating his cousin.

3           Q     Did you believe he had impersonated his cousin?

4           A     I don't think so because he gave him his driver's  
5 license and his cousin's driver's license. They look  
6 nothing alike.

7           Q     Have you followed any of these people by looking  
8 at Facebook pages?

9           A     Tomer and I are still friends on Facebook. And  
10 then Maoz is friends with Tomer.

11          Q     So you know a lot about what's happening with them  
12 based on Facebook?

13          A     I just know that Tomer recently got married in  
14 Israel. And I saw that Roni changed his name to R-o-n-n-i  
15 H-a-y-o-u-n and his location is Israel.

16          Q     You believe Roni is using a new name in Israel?

17          A     That's what it is on Facebook.

18          Q     So you don't really know where he is; correct?

19          A     No.

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

22                 Thank you. The foreperson is going to read you an  
23 admonishment and then you are free to go.

24                 (Witness admonished and excused.)

25          MS. DONOHOE: Okay. That concludes our evidence for  
26 today. Next week, we will be having some former employees,  
27 and mostly our focus next week is going to be former  
28 employees. We pretty much completed victims. So we will

1 move on.

2 So next week, as you probably recall, is a short  
3 week. The courts are closed on the 12th due to Lincoln's  
4 birthday. And the 13th in the morning there's an  
5 educational session in this courtroom. So I believe we are  
6 only able to use it in the afternoon. So, if we could get  
7 started at one o'clock, that would be good.

8 And does that pose a problem for anybody at  
9 one o'clock? It's on Wednesday. Is that okay if we start  
10 at 1:00? And then Thursday we have a full day. So just a  
11 day and a half next week. So I hope you all have a good  
12 rest of the week and extensive time off, I hope. And I'll  
13 see you next week.

14 (Grand jury admonished by the  
15 foreperson.)

16 (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 7, 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