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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

-----x

UNIVERSAL AVIONICS SYSTEMS)
CORPORATION,)
))
Plaintiff,)
))
vs.) NO. CV-00588-RC
))
OPTIMA TECHNOLOGY GROUP, INC.,)
OPTIMA TECHNOLOGY CORPORATION,)
ROBERT ADAMS and JED MARGOLIN,)
))
Defendant.)
-----x

VIDEOTAPED TESTIMONY UNDER OATH OF
SUSAN D. SALISBURY, ESQ.
Santa Monica, California
Friday, January 25, 2008

Reported by:
SUSAN A. SULLIVAN, CSR #3522, California,
JOB NO. 15108

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January 25, 2008
10:49 p.m.

VIDEOTAPED TESTIMONY UNDER OATH of SUSAN D SALISBURY, ESQ. taken by Defendants, at the offices of Hicks, Mims, Kaplan & Burns, 2800 28th Street, Santa Monica, California, before Susan A. Sullivan, CSR, RPR, CRR, State of California.

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A P P E A R A N C E S:

HICKS, MIMS, KAPLAN & BURNS
Attorneys for the Defendants
2800 28th Street, Suite 300
Santa Monica, California 90405
BY: CARA R. BURNS, ESQ.

Videographer:
Matthew Smith

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SUSAN D. SALISBURY, ESQ.
THE VIDEOGRAPHER: This is the start of tape labeled Number 1 of the videotaped testimony of Susan Salisbury in the matter of Universal Avionics Systems Corporation v. Optima Technology Group, et al., in the United States District Court, District of Arizona, Case Number CV-0058-RC. This testimony is being taken at the offices of Hicks, Mims, Kaplan & Burns, located at 2800 28th Street, Suite 300, Santa Monica, California, on January 25th, 2008, at approximately 10:49 a.m. My name is Matthew Smith from TSG Reporting, Inc., and I'm the legal video specialist. The court reporter is Susan Sullivan in association with TSG Reporting.

Will counsel please introduce yourself.
MS. BURNS: Cara Burns of the firm Hicks, Mims, Kaplan & Burns on behalf of the defendants.
THE VIDEOGRAPHER: Will the court reporter please swear in the witness.

SUSAN D. SALISBURY, ESQ.,
called as a witness, having been duly sworn by the court reporter, was examined and testified as follows:

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SUSAN D. SALISBURY, ESQ.
EXAMINATION BY
MS. BURNS:
Q Good morning, Ms. Salisbury. My name is Cara Burns and I'm here on behalf of the defendant, Optima Technology Group, in a matter that is pending in the District of Arizona, Federal District Court, Universal Avionics Systems Corporation versus Optima Technology Group, Inc., et al.

Although you are an attorney, I would like to begin by stating that you are about to give sworn testimony and the testimony that you are about to give must be truthful. If you don't understand a question please ask me to rephrase it, otherwise anyone reading the transcript will assume that you understood the question. If you have any change to any answer, I -- to the transcript or if you change your answer at trial I would have the right to read back your sworn testimony and comment or otherwise introduce it into evidence. Do you understand those admonitions?

A I certainly do.
Q Thank you. Let's just do a little bit about your background.

Ms. Salisbury, what law school did you
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1 **SUSAN D. SALISBURY, ESQ.**
 2 **graduate from?**
 3 A University of Southern California.
 4 **Q And what year did you graduate?**
 5 A 1972.
 6 **Q And do you specialize in any type of law?**
 7 A I specialize in employment law. I represent
 8 a lot of community care residential facilities.
 9 These are facilities that provide residential
 10 services for developmentally disabled adults. I also
 11 do business law, breach of contract, business torts
 12 such as trade, libel, that kind of thing, unfair
 13 business practices, and I do personal injury cases
 14 and a little bit of family law.
 15 **Q Okay. And are you primarily a litigator?**
 16 A Primarily.
 17 **Q And where is your office?**
 18 A My office is in Palmdale, California at
 19 38434 Ninth Street East.
 20 **Q Thank you.**
 21 **And are you admitted to practice law in**
 22 **California?**
 23 A Yes, I am.
 24 **Q Are you admitted anywhere else?**
 25 A I am not admitted in any other state court,
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1 **SUSAN D. SALISBURY, ESQ.**
 2 **defended?**
 3 A Probably five or 600.
 4 **Q And are there any career highlights or legal**
 5 **highlights that you would like to mention?**
 6 A Well, I worked for the EEOC. I started out
 7 as a labor lawyer working for Levy & Vanbourg which
 8 was at that time a big Los Angeles labor firm, went
 9 to work for EEOC, I was a special assistant to Tony
 10 Gallegos for a year and a half and actually
 11 personally know Clarence Thomas, not well, haven't
 12 seen him since. And then I worked for CIGNA
 13 Corporation doing, initially doing employment defense
 14 for nine years, came back to my California roots and
 15 did insurance defense for INA which was at that time
 16 a subsidiary of CIGNA. And then I took an early
 17 retirement and opened my own office which I have been
 18 doing ever since.
 19 **Q When did you open your own office?**
 20 A 1998.
 21 **Q And what is your current hourly rate?**
 22 A \$250 an hour.
 23 **Q Ms. Salisbury, are you familiar with Reza**
 24 **Zandian, also known as Gholam Reza Zandian?**
 25 A Yes.
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1 **SUSAN D. SALISBURY, ESQ.**
 2 I'm admitted in a large number of federal courts. Do
 3 you want me to go through the whole list?
 4 **Q If you can.**
 5 A United States Supreme Court, although I've
 6 never appeared there except as a tourist, the
 7 Northern, Central and Southern and Eastern Districts
 8 of California, the Third, Fifth, Sixth and Ninth
 9 Circuit Courts of Appeal, the District of
 10 Connecticut, Eastern District of Pennsylvania,
 11 Eastern District of Michigan, as I recall. I don't
 12 remember if that was pro hoc vici or if I was
 13 actually admitted, but I think I was admitted.
 14 The -- I said Connecticut, I have been admitted, and
 15 then I've made appearances in a number of other
 16 courts --
 17 **Q Thank you.**
 18 A -- all over the country.
 19 **Q Have you ever been suspended or disciplined?**
 20 A Never.
 21 **Q And when were you admitted to practice in**
 22 **the State of California?**
 23 A December 14th, 1972.
 24 **Q And over the course of your career**
 25 **approximately how many depositions have you taken or**
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1 **SUSAN D. SALISBURY, ESQ.**
 2 **Q And is he also known as Reza Jazi or J. Reza**
 3 **Jazi?**
 4 A Apparently, yes.
 5 **Q Okay. And how are you familiar with him?**
 6 A He was involved with my client, Lazo
 7 Trucking.
 8 **Q And when you say with your client, what do**
 9 **you mean? Did they do business together?**
 10 A They, yes, unfortunately for them. Mr.
 11 Zandian -- well, this of course all hearsay but as
 12 related to me by my client, none of which is
 13 confidential because, of course, we presented it in a
 14 lawsuit that eventually happened, but basically their
 15 biggest customer is Evergreen which is a Chinese-
 16 owned shipping company.
 17 **Q And let's just to make it clear, you are not**
 18 **waiving attorney-client privilege --**
 19 A No.
 20 **Q -- you were simply stating facts and issues**
 21 **that came up in a lawsuit and let me actually cut you**
 22 **off there and I apologize but when you say a lawsuit,**
 23 **what lawsuit are you referring to?**
 24 A Zandian versus Lazo Trucking.
 25 **Q Okay. And where was that case pending?**
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1 SUSAN D. SALISBURY, ESQ.

2 A In Los Angeles Superior Court.

3 **Q And approximately when was it pending?**

4 A 2004.

5 And what happened was that they were asked
6 to pick up some containers for somebody who was
7 supposedly having difficulty getting shipping done.

8 **Q By they you mean --**

9 A They, Lazo.

10 So Lazo is a small company and they did --
11 they agreed to get in touch with Mr. Zandian as a
12 favor to Evergreen.

13 **Q And Evergreen is, I apologize?**

14 A And Evergreen is a big -- they had these
15 containers in the port and they wanted to get the
16 cargo out of the containers and get their containers
17 back.

18 **Q Evergreen wanted to --**

19 A Evergreen.

20 **Q -- get their containers back.**

21 A And so in any event, so Lazo agreed to pick
22 up the containers. Originally it was supposed to be
23 13, one of the containers was so defective they
24 couldn't so it was 12. And they sent their rates,
25 they had first sent their rates to Mr. Zandian and he

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1 SUSAN D. SALISBURY, ESQ.

2 said yes, your rates are fine.

3 **Q And, again, they being --**

4 A Being Lazo.

5 **Q Sent their rates to Mr. Zandian.**

6 A Correct. He said your rates are fine.

7 They went and picked up the containers and
8 had them in their yard, which is in Long Beach close
9 to the port. And then ensued what really was a
10 terrible nightmare for my clients which is that
11 they're trying to get, and to understand why it is
12 such a terrible nightmare you need to know something
13 about the trucking business, there's something called
14 demurrage and I just was looking at these documents,
15 forgotten that the rate of demurrage was \$44 a day.

16 **Q And by these documents, I apologize, let me
17 interrupt here and kind of break this down, these
18 documents you are referring to, you brought your
19 file?**

20 A I brought part of the file.

21 **Q Part of the file, excuse me.**

22 A Right.

23 And in that industry if you -- the person
24 who is responsible for demurrage is the trucker and
25 what that means is that the trucker has five days

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1 SUSAN D. SALISBURY, ESQ.

2 usually from the date they pick up the container from
3 the port to return it empty to the port. After that
4 demurrage charges apply and in this case it was \$44 a
5 day per container, so there's a huge incentive for
6 everybody to get that container empty and to get it
7 back to the port. Now my client tells all of their
8 customers you are going to pay the demurrage if it is
9 your fault, we don't get the container back in time,
10 because demurrage charges, as you can see, add up
11 very, very quickly. So they got, they went and
12 picked up the containers and Mr. -- they said, "Where
13 do you want this stuff delivered to?"

14 **Q They being your client asked Mr. Zandian.**

15 A Right, right.

16 I asked Mr. Zandian, "Where do you want
17 these containers delivered to?" And he said,
18 "Las Vegas."

19 And Toni Baca of Lazo Trucking, and it is a
20 very small company, basically told Mr. Zandian we
21 needed an address and because they had looked at what
22 the cargo was it was obviously very heavy and they,
23 Lazo understood that it would require a crane to
24 remove the contents of the containers, get them off
25 the containers so that they could return them.

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1 SUSAN D. SALISBURY, ESQ.

2 In any event, among the things that happened
3 was that Mr. Zandian gave Lazo the name of a
4 warehouse and crane company in Las Vegas. Toni
5 called that company, it was called Jake's Crane, and
6 was told that Jake's Crane had no agreement with Mr.
7 Zandian to accept any cargo. And I did end up, by
8 the way, taking the deposition of Harvey Matthis at
9 Jake's Crane and although Jake's Crane did sign a
10 contract with Mr. Zandian, Mr. Zandian never paid
11 them.

12 Now at this point demurrage charges are
13 beginning to apply because it has been more than five
14 days to just get an address in Las Vegas and
15 initially, according to my clients, Mr. Zandian told
16 Lazo just take these containers out into the desert
17 and I will tell you while they're on their way to
18 Las Vegas.

19 And my client replied to them that we don't
20 send 12 drivers with containers out into the desert
21 without an address and, in fact, we are not going to
22 send them all at once because we're not going to pay
23 waiting charges.

24 By that time they had accrued considerable
25 demurrage charges and they wanted to be paid up

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1 SUSAN D. SALISBURY, ESQ.
2 front. By this time Lazo was beginning to be very
3 suspicious of Mr. Zandian and they wanted to be paid
4 in advance. So Mr. Zandian negotiates, and by this
5 time the standard initial price which he had agreed
6 to up front would have come to something like I
7 believe \$14,000. He negotiated a price of 10,000
8 with Gracy.

9 Q And Gracy being?

10 A Gracy Lazo, who was the person who made
11 those decisions for the company.

12 And then sent a fax copy of a check,
13 cashier's check for \$9,000, even though the price he
14 had negotiated with Gracy was 10,000. And then sent
15 a letter or had someone on his behalf send a letter
16 saying he is driving across the desert to deliver
17 this check. Now you and I might think, well, golly,
18 wouldn't it be a lot cheaper to just send it FedEx
19 but this is the way Mr. Zandian operates.

20 So that check never arrived ever. And at
21 this point Toni Baca and Gracy Lazo who are, by the
22 way, sisters are telling Mr. Zandian that these
23 containers are going nowhere so we're sending no
24 drivers out into the desert until we have a check.

25 The check never arrived and then Mr. Zandian's
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1 SUSAN D. SALISBURY, ESQ.
2 selling it there. She told them that it was
3 hopeless; that that printing press was so old and in
4 such bad condition that there was no point to it, it
5 was just junk.

6 And so Gracy and Toni found some basically
7 scrap metal yards who unloaded the containers and
8 paid them money and so that -- and that actually is a
9 savings because they didn't have to pay anybody to
10 unload them and then paid them I think it was around
11 total between the two scrap metal yards around
12 \$8,000 for the cargo. And I did -- they did take
13 photographs and I gave you copies of those
14 photographs and it is just basically junk.

15 In the meantime, Lazo had been contacted by
16 something from the FBI, the Federal Bureau of
17 Investigation, and interestingly when I took Mr.
18 Matthis' deposition in Las Vegas he told me he also
19 had been contacted by the agent from the Federal
20 Bureau of Investigation and at that point Lazo
21 learned that Mr. Zandian had been in trouble with
22 Customs and Immigration because he had tried to
23 export items to Iran which were -- he was forbidden
24 to export, some kind of computers. And then Gracy
25 and Toni had been questioned by the Federal Bureau of

1 SUSAN D. SALISBURY, ESQ.
2 telephone was disconnected and when Lazo tried to
3 contact him at the address that he had given him in
4 Las Vegas which was care of Image Line Graphics, the
5 letter came back as undeliverable. So they are
6 still; they, Lazo, are still incurring demurrage
7 charges at \$44 per container per day which is six or
8 \$700 per day and can't reach Mr. Zandian. They're
9 trying to E-mail him and the E-mails are bouncing
10 back, they're calling Evergreen and asking Evergreen
11 do you know where Mr. Zandian is because we've got
12 all this stuff and we can't get rid of it and the
13 demurrage charges are piling up.

14 I believe that they waited almost a month
15 without being able, without hearing from Mr. Zandian,
16 without being able to locate Mr. Zandian, and at that
17 point Gracy and Toni decided they had to get rid of
18 this cargo so they could get the containers back to
19 the port. And so they, Gracy and Toni, called in.
20 First they had been told that it was a printing press
21 of sorts so they tried to -- they called some people
22 in who knew something about printing presses and were
23 told it was useless equipment. They even called in
24 someone who specializes in taking out-of-date
25 equipment from the United States to Mexico and

1 SUSAN D. SALISBURY, ESQ.
2 Investigation in regard to the cargo because the FBI
3 had some suspicion of Mr. Zandian as to whether he
4 was using the cargos of what were basically junk
5 metal to hide something more valuable that was not
6 allowed to be imported and, of course, Gracy said we
7 don't open the containers, we just ship them. We
8 knew what was in there but we don't, other than that,
9 we don't really get into it, we're not in the
10 business of inspecting cargo.

11 So they -- as soon as they, within weeks, I
12 mean, less than a month after they had disposed, Lazo
13 had disposed of the cargo at a junkyard, two
14 junkyards, Mr. Zandian got in touch with them all of
15 a sudden, resurfaced, and wanted his cargo and
16 claimed it was very valuable and that Lazo had
17 destroyed his income and cost him all sorts of
18 losses.

19 And then in September of 2004 apparently, I
20 looked at some documents, I think it was in September
21 of 2004 that my client first heard from Mr. Zandian's
22 lawyer claiming that the cargo was for \$700,000 and
23 then thereafter the lawsuit was filed. And he was
24 initially represented by Marc Bresler, and I remember
25 Mr. Bresler at one point saying to me that his client

1 SUSAN D. SALISBURY, ESQ.
 2 had paid for the cargo to be shipped and he said to
 3 me, "As proof of that fact," he says, "I have a Xerox
 4 copy of a cashier's check." And I responded to him
 5 that my clients also had a certified copy of a, a
 6 Xerox copy of a certified check but, unfortunately,
 7 the bank requires the original if you want the funds
 8 deposited to your account and they never received the
 9 original. They kept getting these phone calls that
 10 Mr. Zandian is coming across the desert with a \$9,000
 11 check, but the \$9,000 check never arrived. And Mr.
 12 Bresler insisted to me that my clients had received
 13 the check.

14 I, after the lawsuit started I commenced
 15 discovery with, written discovery with form
 16 interrogatories and responses and requests for
 17 production of documents and then Mr. Bresler withdrew
 18 from the case and Mr. Zandian was not able to find
 19 new counsel for another -- again, this happened a
 20 while ago and I litigated a lot of cases so I don't
 21 remember all the details but I think it was like four
 22 or five months, enough to lull an experienced
 23 litigator like me to think that the case was not
 24 going to go to trial because Mr. Zandian didn't have
 25 an attorney.

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1 SUSAN D. SALISBURY, ESQ.
 2 And then Mr. Zandian obtained an attorney
 3 and so I took the deposition of Bank of America
 4 because Mr. Zandian would not admit that he had not
 5 delivered the check and Bank of America verified that
 6 the check had been deposited to Mr. Zandian's
 7 account, although it is under the other name you
 8 mentioned. I think it is Reza Jazi instead of Reza
 9 Zandian.

10 And I did some research during this time and
 11 found out that Mr. Zandian uses a large, to me a
 12 large number of different names. Apparently Reza is
 13 short for Gholam Reza, and then I think that Jazi is
 14 an extra name also and he uses different variations
 15 of that name. And I also took Mr. Zandian's
 16 deposition and he -- there were several things that
 17 came out in that process. One was that I had asked
 18 Mr. Zandian to produce documents showing that the
 19 value of the equipment, because my clients insisted
 20 that the equipment was really nothing but junk metal
 21 which makes one wonder why you would pay to have
 22 this, you know, 12 containers full of junk metal
 23 transported across the Atlantic and the Pacific. It
 24 is coming through the port of Long Beach and
 25 supposedly was purchased in France.

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1 SUSAN D. SALISBURY, ESQ.
 2 And he produced a document which is appended
 3 to his deposition which is a contract between a
 4 company called EMFACO, E-M-F-A-C-O, and Reza Zandian.
 5 Now I noticed the anomaly that Mr. Zandian's E-mail
 6 address that he used for communicating with my
 7 clients was emfaco@hotmail.com, did a little
 8 research, found out it was a Swiss company. I don't
 9 recall if I was able to determine if he was the
 10 principal in that company from the Swiss corporate
 11 website. They do have a website that's available
 12 which can be accessed in English, I know I looked it
 13 up, but I know at his deposition he admitted, I think
 14 he claimed he was a 49 percent shareholder in EMFACO.

15 So basically -- so then I said, "Well, where
 16 did EMFACO then, since you are a 49 percent
 17 shareholder surely you know where they acquired it,"
 18 and he said oh, yes, he knew where it was but he
 19 couldn't remember and he couldn't remember who he
 20 bought it from and he couldn't remember what he paid
 21 for it.

22 I asked him about the customs documents and
 23 one of those things that you have to do in order to
 24 get anything imported into this country and even if
 25 you are just bringing it in as a passenger on an

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1 SUSAN D. SALISBURY, ESQ.
 2 airplane, you have to fill out a statement as to what
 3 the value of it is. And he had never produced that
 4 document and it has to be produced or else the
 5 equipment, whatever it is, doesn't come into the
 6 country. And he couldn't remember who his freight
 7 expediter was, he couldn't remember who filled out
 8 the documents for bringing the equipment into the
 9 country, he couldn't remember anything.

10 I did find out some of that information
 11 through other means and we were getting ready to take
 12 some depositions on that when we finally ended up
 13 settling the case. But basically everything that Mr.
 14 Zandian said, I came to the conclusion that if he
 15 told the truth it was only if it was to his
 16 advantage. He told pieces of the truth about
 17 different things. And there was an immediate demand
 18 early in the case that Lazo turn this over to their
 19 cargo insurance carrier. And for a number of reasons
 20 Lazo didn't want to do that and one of them was that
 21 they had intentionally got rid of, they didn't
 22 accidentally lose this cargo, they intentionally got
 23 rid of it so that they could return it to -- they
 24 could return the containers to Evergreen. And the
 25 other reason was because their cargo insurance was --

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1 SUSAN D. SALISBURY, ESQ.
2 they already had several claims and their cargo
3 insurance was already very high. And they felt that
4 this was a completely cooked up claim and I had to
5 say that I agreed with them.

6 The case was eventually settled for an
7 amount that was less than it would have cost my
8 clients to try the case, considerably less than the
9 \$700,000 that Mr. Zandian claimed that the property
10 was worth in the beginning. But the technique that
11 Mr. Zandian uses here; for example, he claimed that
12 he had a contract with Stratosphere, which is a
13 casino in Las Vegas, to do their printing and through
14 a company called Image Line Graphics.

15 Well, we tried to take the deposition of the
16 owners of Image Line Graphics but they wouldn't --
17 there was an office and an address and a name on the
18 door but we couldn't get service on Image Line
19 Graphics. The Stratosphere did indeed have a
20 contract, but the cost of litigating a case like that
21 simply gets beyond control when you look at -- if
22 they're willing to settle for what they settled for,
23 it is just cheaper to pay than the settlement.

24 Because at this point you are having to go, it is an
25 out-of-state deposition which adds a lot to the cost,

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1 SUSAN D. SALISBURY, ESQ.
2 they're paying for my travel cost and I don't charge
3 a lot, but I don't really like Las Vegas, I don't
4 know if that's an admission against interests, but I
5 don't like to stay there overnight so I go in and go
6 out. But still it gets to be expensive to -- and he
7 seems to know how to make the claim such that he is
8 going to run up the litigation cost. Because
9 Stratosphere turns over, and I didn't go through all
10 of those documents in reviewing, they turn over
11 roughly, judging just from measuring the height of
12 the documents, a thousand pages of contracts and
13 correspondence with Image Line Graphics. But the tie
14 between Image Line Graphics and Reza Zandian, if you
15 try to look it up on the web, is just not there.

16 And then when I asked Mr., and I just had
17 looked at his deposition again, I asked Mr. Zandian.
18 He had claimed he was going to set this printing
19 press up in Las Vegas and do major huge printing, you
20 know, on a very large level, it was supposed to be a
21 Lithoman or Heidelberg printing press, the kind of
22 thing that you put out the kind of fliers that you
23 would get from Ralphs or somebody like that, you
24 know, hundreds of thousands of pages.

25 And I asked him where it was and he said it
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1 SUSAN D. SALISBURY, ESQ.
2 was on Wadsworth Avenue and what was the address, and
3 he said it didn't have an address because it was
4 empty land. Now, again, why are you bringing in an
5 old machine, at best an old machine that you are
6 supposedly going to set up in a building that you
7 haven't even built yet? It just doesn't make any
8 sense. And so I was certain that there was, that the
9 whole thing was a put up job and there were repeated
10 inquiries about insurance, sending the case to an
11 insurance carrier, and I got the sense that Mr.
12 Zandian had done this before, although I couldn't be
13 sure about that because he uses so many different
14 names.

15 And I did confirm, by the way, when my
16 clients -- first when your client tells you this guy
17 is being investigated by the FBI and Homeland
18 Security you are skeptical and you think maybe your
19 client is imagining things. So I went and looked it
20 up on the web and lo and behold, he was at that point
21 in time, I believe, or at least he was still on a
22 list of people who were banned from exporting
23 products. And the reason -- and there was a
24 newspaper story that I was able to track down that
25 because of his attempting to send computers to Iran.

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1 SUSAN D. SALISBURY, ESQ.
2 And there was a development website that listed his
3 name as a banned exporter along with I don't know how
4 many other people. So he did seem to be kind of a --
5 well, my clients -- my clients were not being
6 paranoid and they were not imagining things.

7 So my experience with Mr. Zandian was
8 extremely negative and I don't say that -- in fact, I
9 still shake my head when I think about it. And the
10 thing that was most incredible to me about all of
11 this after my client basically settled, because they
12 can't afford to fight, if they had been a big
13 corporation like Evergreen and could afford to fight
14 they probably would have. But Mr. Zandian called me
15 and told me that he wanted to do, he thought we could
16 do some business together. I don't remember exactly
17 when that was. My client was making payments on this
18 settlement and beyond my personal distaste for people
19 who use the kind of tactics that Mr. Zandian had
20 used, I thought that I also had a huge raging
21 conflict of interest and I called and wrote to his
22 attorney saying please instruct your client never,
23 ever to contact me again ever. But it was incredible
24 that he would think that that was an okay thing to
25 do. To me that was incredible.

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1 SUSAN D. SALISBURY, ESQ.

2 So, of course, there are many, many more
3 details, and I don't know what more you might be
4 interested in.

5 **Q Okay. Well, you covered quite a bit and let
6 me right now kind of focus you on a few things.**

7 **First just to refresh your recollection and
8 just some cleanup detail, the lawsuit that you are
9 talking about is Zandian versus Lazo Trucking
10 Express, LTE Freight Systems, and Does 1 through a
11 hundred. What is the case number?**

12 A BC 325137.

13 And by the way, Lazo Trucking Express and
14 LTE Freight Systems were just two dbas at that point
15 in time for the same company.

16 **Q That's what I was going to ask.**

17 A They're the same company.

18 **Q And you represented, in essence, both.**

19 A Right.

20 **Q And what was the action actually about, if
21 you recall the causes of action?**

22 A It was, and I didn't bring the complaint
23 with me, but my recollection, it was for conversion
24 and for breach of contract.

25 **Q And was there a written contract?**

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1 SUSAN D. SALISBURY, ESQ.

2 A There was not, not in the sense that you
3 would conventionally think, but certainly, yes, there
4 was correspondence back and forth that would
5 constitute a written contract. There was an inquiry
6 from Mr. Zandian, there was faxing from Lazo to Mr.
7 Zandian here are our rates and then a return fax
8 saying your rates are acceptable to me, and in my
9 opinion that's a written contract.

10 **Q And the claim was for money damages. Do you
11 recall how much he was claiming?**

12 A My recollection is that he was claiming --

13 **Q I think you said before seven --**

14 A -- 700,000 is my recollection, yes.

15 **Q Some high number?**

16 A Very large number, yes. Approximately a
17 hundred times what it sold for at the junkyard.

18 **Q And damages besides the value of the
19 printing presses that he said were in the container,
20 were there any other damages that he said comprised
21 the several hundred thousand dollars worth of
22 damages?**

23 A He claimed that he had lost a contract with
24 the Stratosphere to print, to do printing for them.

25 **Q Did he --**

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1 SUSAN D. SALISBURY, ESQ.

2 A At the plant that he hadn't built yet in the
3 desert.

4 **Q Did he ever produce a contract between his
5 company and the Stratosphere or between him
6 individually and the Stratosphere?**

7 A No.

8 **Q Did you ever send out a request for
9 production of documents where you asked for a
10 contract such as that?**

11 A I asked for all documents, yes, I did. I
12 asked for all documents that substantiate your
13 damages claim.

14 **Q But in response you did not receive any
15 document that reflected a contract between Mr.
16 Zandian or any dba or any company and the
17 Stratosphere?**

18 A Correct. I did get -- I got it from the
19 Stratosphere, I got a contract with Image Line
20 Graphics with the Stratosphere.

21 **Q Can you clarify that? When you say a
22 contract with Image Line Graphics, do you mean
23 between Zandian and Image Line, Stratosphere and
24 Image Line?**

25 A No, between the Stratosphere and Image Line.

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1 SUSAN D. SALISBURY, ESQ.

2 **Q Okay. But Stratosphere did not produce any
3 contract between Mr. Zandian?**

4 A I -- no, they did not. And I think I did
5 have a conversation with somebody at the Stratosphere
6 and they didn't know who he was. Again, my memory is
7 not really clear about that, but I do remember trying
8 to find out more information without having to impose
9 the cost of a deposition, another deposition on my
10 client. And I think that they really, if they knew
11 who he was, he was not the person that they were
12 doing business with.

13 **Q Okay. Ms. Salisbury, I would like to show
14 you a document.**

15 A Yes. Form interrogatories.

16 **Q Before I introduce this, Ms. Salisbury, do
17 you recognize this document?**

18 A Yes.

19 **Q And what is this document?**

20 A As you know, in California we have form
21 interrogatories that are produced by the judicial
22 council and you can just check boxes and you can
23 serve them on the other side.

24 **Q And do you recall checking the boxes and
25 having these served on the other side in the Zandian**

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1 **SUSAN D. SALISBURY, ESQ.**
 2 **versus Lazo matter?**
 3 A Yes, I do.
 4 MS. BURNS: I would like to introduce this as
 5 Exhibit 1.
 6 (Exhibit 1, a document, marked for
 7 identification, as of this date.)
 8 **Q BY MS. BURNS: Next I would like to**
 9 **introduce or show you first a document labeled**
 10 **"Response To Form Interrogatories." The caption has**
 11 **Marc Bresler as the attorney serving you, and, Ms.**
 12 **Salisbury, can you take a moment to review this**
 13 **document.**
 14 A Yes, uh-huh.
 15 **Q And do you recognize this document?**
 16 A Yes.
 17 **Q And what is it?**
 18 A It was Mr. Bresler's responses to the form
 19 interrogatories.
 20 MS. BURNS: Okay. I would like to introduce
 21 this as Exhibit 2.
 22 (Exhibit 2, a document, marked for
 23 identification, as of this date.)
 24 THE WITNESS: And I would note, I believe, yes,
 25 the form interrogatories were served at the end of
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1 **SUSAN D. SALISBURY, ESQ.**
 2 attached a signature of Mr. Zandian but I don't see
 3 that signature on either of these two documents.
 4 MS. BURNS: Okay. We're going to call that last
 5 document Exhibit 3.
 6 (Exhibit 3, a document, marked for
 7 identification, as of this date.)
 8 **Q BY MS. BURNS: Actually if you could turn to**
 9 **Page 4 of Exhibit 3, it has a cross-out of Mr.**
 10 **Bresler's verification; is that right?**
 11 A Right.
 12 **Q Okay. But there is no verification by Mr.**
 13 **Zandian?**
 14 A I thought that Mr. Zandian did in fact sign
 15 the second one. I -- perhaps it didn't get copied.
 16 Let me see.
 17 **Q Do you want to take a moment to go off the**
 18 **record?**
 19 A Sure.
 20 THE VIDEOGRAPHER: The time is 11:28 a.m. and we
 21 are now off the record.
 22 (Recess)
 23 THE VIDEOGRAPHER: The time is 11:34 a.m. We
 24 are now on the record.
 25 ///

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1 **SUSAN D. SALISBURY, ESQ.**
 2 December and these responses so I must have given him
 3 a one-month continuance. They would normally have
 4 been due at the end of January and these came in
 5 March. I think this came in March.
 6 **Q BY MS. BURNS: Next I would like to show you**
 7 **another document. Take a moment to review this**
 8 **document.**
 9 A Yes.
 10 **Q It is labeled "Response To Form**
 11 **Interrogatories" with Marc Bresler in the caption.**
 12 **Take a moment to review this document.**
 13 A Yes.
 14 **Q And do you recognize this document?**
 15 A Yes.
 16 **Q And what is this document?**
 17 A Mr. Bresler attempted to --
 18 **Q Are these responses that you received in the**
 19 **litigation?**
 20 A Yes, these are responses that I received in
 21 the litigation.
 22 I think Mr. Bresler -- in California you are
 23 required to verify the responses or sign under
 24 penalty of perjury but both of these are signed by
 25 Mr. Bresler and I thought there was one where he had
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1 **SUSAN D. SALISBURY, ESQ.**
 2 **BY MS. BURNS:**
 3 **Q Ms. Salisbury, you took a look through the**
 4 **files and did you find what you believed to be the**
 5 **response to the first set of interrogatories**
 6 **verification by Mr. Zandian?**
 7 A Yes. And it is executed on March 16th,
 8 2005.
 9 **Q Okay.**
 10 A And what had happened there is --
 11 **Q Give me a moment here.**
 12 **We're going to mark that document that you**
 13 **are looking at as Exhibit 4.**
 14 **(Exhibit 4, a document, marked for**
 15 **identification, as of this date.)**
 16 **Q BY MS. BURNS: I apologize. Please**
 17 **continue.**
 18 A What had happened was that Mr. Bresler
 19 attempted to be the verifying person for these
 20 interrogatory responses and I had told him that
 21 attorneys cannot verify discovery responses and we
 22 had a little conversation about that and he finally
 23 got Mr. Zandian to sign.
 24 **Q Now if I can turn you to a couple of points**
 25 **here, you had mentioned something about Image Line**
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1 **SUSAN D. SALISBURY, ESQ.**
2 **Graphics. Form Interrogatory 102.9 says, and this is**
3 **on Exhibit 1, "State the name, address and telephone**
4 **number of any person for whom you were acting as an**
5 **agent or employee at the time of the incident." And**
6 **Mr. Zandian wrote that he was actually a principal of**
7 **Image Line graphics.**
8 A 102.9?
9 **Q 102.9.**
10 A He says "None" in the answers. That's when
11 he answered them, yes, right.
12 **Q Okay. I'm sorry. I'm looking the, I guess**
13 **the amended responses --**
14 A Yes.
15 **Q -- in Exhibit 3.**
16 A Right.
17 **Q What was his -- you had mentioned that**
18 **Stratosphere claimed they had a contract with Image**
19 **Line Graphics?**
20 A My recollection is that they did have a
21 contract with Image Line Graphics and I don't
22 remember. They had a contract with somebody that
23 was -- I think it was with Image Line Graphics but he
24 was not in fact listed as a principal of Image Line
25 Graphics in their corporate statement for the
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1 **SUSAN D. SALISBURY, ESQ.**
2 **In Exhibit 3, which would be response to**
3 **form interrogatories which Mr. Zandian verified, can**
4 **you please read his response.**
5 A "Plaintiff's printing equipment valued in
6 excess of \$700,000 was destroyed while in Defendant's
7 custody and care."
8 **Q Okay. And during the litigation did you**
9 **ever receive any other amended or supplemental**
10 **responses to the form interrogatories?**
11 A No.
12 **Q Were there any counterclaims filed in the**
13 **lawsuit?**
14 A I think that we may have counterclaimed for
15 the storage costs. I don't recall at the moment.
16 **Q You may have filed a cross-complaint?**
17 A I don't recall. It doesn't look from the
18 documents I looked at as if we did but I'm not sure.
19 I think at that point Evergreen hadn't tried to
20 collect any of those charges.
21 **Q And you had mentioned before that**
22 **depositions were taken during the litigation; is that**
23 **correct?**
24 A Yes.
25 **Q I would like to introduce a document for you**
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1 **SUSAN D. SALISBURY, ESQ.**
2 Secretary of State of Nevada. I mean, he was not
3 listed as one of the people that owned it.
4 **Q Do you recall -- excuse me. Can we go off**
5 **the record for a second.**
6 THE VIDEOGRAPHER: The time is 11:37 a.m. We
7 are now off the record.
8 (Recess)
9 THE VIDEOGRAPHER: The time is 11:38 a.m. We
10 are now on the record.
11 BY MS. BURNS:
12 **Q Ms. Salisbury, you had just before we went**
13 **off the record pointed out that in the plaintiff's**
14 **response to the first set of form interrogatories**
15 **which has been introduced as Exhibit 2 and was**
16 **verified by his counsel, the response to 102.9 was**
17 **"None" and then it was changed to that Mr. Zandian**
18 **was the principal of Image Line Graphics; is that**
19 **correct?**
20 A Correct.
21 **Q Okay. In response to Form Interrogatory**
22 **107.1 which is in Exhibit 1, Property Damages, it**
23 **says, "Itemize property damage and for each item**
24 **state the amount or attach an itemized bill or**
25 **estimate."**
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1 **SUSAN D. SALISBURY, ESQ.**
2 **to take a look at.**
3 A And there was a significant fact about Mr.
4 Zandian's deposition that I had to bring a motion to
5 compel and he -- I think I had set it twice and he
6 didn't show up and then he got this other counsel.
7 **Q I just gave you document that --**
8 A David Rojas deposition from Bank of America.
9 **Q Okay. And do you recognize this document?**
10 A Yes.
11 **Q Okay. And you just described it as the**
12 **deposition of David Rojas; is that correct?**
13 A Correct.
14 MS. BURNS: Let's mark this as Exhibit 5
15 (Exhibit 5, a document, marked for
16 identification, as of this date.)
17 **Q BY MS. BURNS: Ms. Salisbury, could you take**
18 **a moment to review this document.**
19 A Sure. Okay. Yes.
20 **Q Ms. Salisbury, during the litigation of**
21 **Zandian versus Lazo Trucking did you issue a subpoena**
22 **for the testimony and records of Bank of America?**
23 A Yes, I did.
24 **Q And did Bank of America produce records?**
25 A Yes, they did.
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1 SUSAN D. SALISBURY, ESQ.

2 **Q And did you also take the deposition of Bank**
3 **of America?**

4 A Yes, I did.

5 **Q Is that the deposition of David Rojas?**

6 A Yes, it is.

7 **Q Why did you issue a subpoena for the**
8 **deposition of Bank of America?**

9 A Because we were unable to get any admission
10 from Mr. Zandian about this \$9,000 check, cashier's
11 check, copies of which were being circulated, and the
12 claim was being made that he had actually paid to
13 have the cargo delivered with that \$9,000 check,
14 although he didn't explicitly make it under oath and
15 in writing other than to say that he had performed
16 all requirements of the contract. His attorneys were
17 making that statement that he had made and he makes
18 references to the check but he doesn't say I gave --
19 he doesn't ever explicitly say I gave them the check,
20 he makes it in such a way as to lead one to believe
21 that that's what he means.

22 For example, in the interrogatory answers he
23 said in 150.3 -- 150.2 he says, "Defendant agreed to
24 accept \$9,000 to render full performance," et cetera,
25 and then in 150.3 which asks for documents

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1 SUSAN D. SALISBURY, ESQ.

2 substantiating that, he says, "A copy of bank check
3 made payable to Lazo Trucking." That would lead you
4 to believe, that would lead reasonable people to
5 conclude that the bank check had been given to
6 Defendant. He didn't actually say that and he never
7 did.

8 **Q Okay. And you are looking at Exhibit 3,**
9 **correct?**

10 A Yes, uh-huh.

11 **Q And those are the responses to the form**
12 **interrogatories that were verified by Mr. Zandian?**

13 A Yes.

14 **Q And the verification being Exhibit 4.**

15 A Yes.

16 And in responding in the way that he did
17 saying that -- where you are asking him to list
18 documents that would show he performed the contract,
19 and I will look at 150.2 again. 150.2, well, it
20 actually says, "Identify all documents," 150.1, "that
21 are part of the agreement." And then 150.2 is,
22 "State each part of the agreement not in writing,"
23 blah, blah, blah. 150.3, "Identify all documents
24 that evidence each part of the agreement."

25 One, when you get a copy of a check, that
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1 SUSAN D. SALISBURY, ESQ.

2 usually means that you are trying to show that it was
3 paid to somebody.

4 **Q Okay.**

5 A So he is showing the check as evidence of
6 what the agreement was and -- but he doesn't ever
7 explicitly say, "I handed the check to them." But he
8 does it in such a way that reasonable people think
9 that that's what he means.

10 **Q Okay. Now you had reviewed the files you**
11 **brought with you and did not find the subpoena for**
12 **Bank of America, correct?**

13 A Correct.

14 **Q But you recall -- do you recall generally**
15 **what the subpoena for Bank of America requested them**
16 **to produce?**

17 A We asked them, it was very narrow, it had to
18 do with that check. We wanted to know what happened
19 to it.

20 **Q And how did you know what that check was?**
21 **Was a copy of that check produced by Mr. Zandian, was**
22 **a number produced, was some backup for that check**
23 **produced by Mr. Zandian? How did you know what that**
24 **check was?**

25 A My clients had a copy of it. He had faxed

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1 SUSAN D. SALISBURY, ESQ.

2 it to them.

3 **Q Okay. So it was a document from Mr. Zandian**
4 **that had been sent to your client?**

5 A Correct. And Mr. Zandian had, I believe he
6 had somebody else call and say Mr. Zandian was
7 driving across the desert and he was going to deliver
8 this check and here is a copy of it so send out the
9 trucks. And my clients said no, we prefer to have
10 the actual check in our possession before we sent
11 trucks out across the desert. So they had a copy of
12 it but as I told Mr. Zandian's first attorney, the
13 bank won't let you cash that.

14 **Q Ms. Salisbury, you reviewed Exhibit 5 which**
15 **is the deposition of David Rojas?**

16 A Correct.

17 **Q And do you believe it to be a true and**
18 **accurate transcript of the deposition of David Rojas**
19 **produced by Bank of America?**

20 A Yes.

21 **Q Ms. Salisbury, if you could walk us through**
22 **generally what Mr. Rojas testified about the check**
23 **that Mr. Zandian claimed he had given to your clients**
24 **or he had faxed to your clients saying that he had**
25 **made the payment and they should take the services**

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SUSAN D. SALISBURY, ESQ.

that they said they would provide.

A He produced a deposit ticket and he produced a copy of the check, front and back, showing where it had been deposited.

Q And he being Mr. Rojas?

A Mr. Rojas. And --

Q Is that Exhibit 1?

A Yes.

And basically calling your attention to Page 13, this is where I -- I don't remember all the little details to get to that, I said to him, "In other words, so that check would have been deposited into the account number that I mentioned earlier," and he said, "Yes."

And so I said, "So this would show it was deposited into an account held in the name of G. Reza Jazi," and he answered, "That's correct." And that was, G was, that was one of the names that Mr. Zandian used, G. Reza Jazi, and I think Mr. Zandian may have actually had signed the back, may have endorsed the back of the check, I don't recall.

Q Here is a lighter --

A No, he didn't. He did not endorse it. But there's a deposit slip and -- no, he did. It is

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SUSAN D. SALISBURY, ESQ.

Exhibit 2, shows the endorsement. And, no, I take that back, I'm sorry. Exhibit 2 was the check that he wrote to Bank of America to get the check. So it went back into the same account from which the money had been withdrawn in the first place which was the account of G. Reza. And Exhibit 2 was the check he wrote to Bank of America to get the certified check, certified funds, and then that money was eventually, that check, that certified check that he received was then redeposited to that same account and then we had copies, of course, of the certified check which was the check that Mr. Zandian faxed a copy of to my clients to -- and I think that's how we could prove that G. Reza Jazi and Zandian were the same person; that G. Reza Zandian purchased the check and got the money back into that account and the check in the interim was the check that had been faxed to my client. You can't fax a check, of course, but a copy of which had been faxed.

Q So Exhibit 2 is the check cut from Mr. Zandian under his -- under the name of G. Reza Jazi?

A Correct. And that was then used to purchase Exhibit 1 which was the cashier's check which shows remitter as G. Reza Zandian but which had been sent

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SUSAN D. SALISBURY, ESQ.

to my client and it is made payable to Lazo Trucking Services so that's how you make the connection between G. Reza Zandian and you have the fact that my client can identify this cashier's check, that they had received a copy of it by fax and it is made out to them. So G. Reza Jazi and Zandian are the same person.

Q And Exhibit 3?

A Yes.

Q That was a copy produced by Bank of America at the deposition.

A Right.

Q And Exhibit 3 to the deposition of Mr. Rojas.

A That's the deposit slip on October 2004 where he is redepositing it back to the same account from which he originally wrote the check to purchase it on January 23rd of 2004. He is then redepositing it back into his account in October of 2004. And apparently there were numbers on the back of the check and whatever that confirmed that that's the account to which it was deposited and that's the deposit slip to that account. So at that point we had proved that Mr. Zandian basically, that the check

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SUSAN D. SALISBURY, ESQ.

probably never left his possession and that he was trying to give the impression that he had paid.

MS. BURNS: Let's go off the record for a minute.

THE VIDEOGRAPHER: The time is 11:53.m. We are now off the record.

(Recess)

THE VIDEOGRAPHER: The time is 12:27 p.m. We are now on the record.

BY MS. BURNS:

Q Ms. Salisbury, in the litigation did Mr. Zandian claim to have sent a cashier's check made payable to your client, Lazo Trucking Services, in the amount of \$9,000?

A He did not himself personally claim that, his attorney made representations, said to me that my client had been paid to deliver the containers and had kept the money and that's when we had that conversation. But, of course, I was not in contact with Mr. Zandian personally.

Q Right. Exactly.

And when did his attorney make this representation to you?

A I don't remember the dates. It was early in

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1 SUSAN D. SALISBURY, ESQ.

2 the litigation is all I recall.

3 **Q And this was an oral conversation?**

4 A Yes. And then, of course, I had a letter
5 from him claiming that the \$9,000 had been tendered.

6 **Q I would like for you to review this two-page
7 document dated September 16, 2004. The letterhead is
8 Marc Bresler. Take a moment to review that document.**

9 A Yes.

10 **Q Do you recognize this document?**

11 A Yes. It is a copy of a document that my
12 clients forwarded to me after Mr. Bresler had been in
13 touch with them.

14 **Q Okay. And what does Mr. Bresler say in this
15 document?**

16 A He said in the, I think it is the fourth
17 paragraph, "My client tendered a cashier's check for
18 \$9,000 to cover the contract and any other costs. I
19 understand that after you were in possession of the
20 containers that my client was pressured to pay extra
21 fees."

22 MS. BURNS: Okay. And I would like to introduce
23 this as Exhibit 6.

24 (Exhibit 6, a document, marked for
25 identification, as of this date.)

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1 SUSAN D. SALISBURY, ESQ.

2 **Q BY MS. BURNS: Besides this letter, Mr.
3 Bresler also orally represented to you that his
4 client had paid the \$9,000 to your client.**

5 A Correct. And he and I disputed that and he
6 said, "I have a Xerox copy of the cashier's check,"
7 and that's when I told him my clients also had a
8 Xerox copy of a cashier's check, but what they never
9 had was the cashier's check.

10 **Q Did he ever say that the check had been
11 cashed by your client?**

12 A I don't remember if he used those exact
13 words but he said, "Well, why" -- something to that
14 effect. "Why would we" -- you know, "Why would they
15 have the copy if they hadn't received it?" And I
16 then told him the story about Mr. Zandian faxing a
17 copy of the check and -- but never actually
18 delivering it or bringing it to their office.

19 **Q So Mr. Bresler was trying to prove his point
20 that your client had cashed the \$9,000 check.**

21 A Correct. Because he assumed from the fact
22 that there was a copy of it, that it had been
23 delivered.

24 **Q Next I would like for you to review --
25 actually this deposition that you are looking at**

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1 SUSAN D. SALISBURY, ESQ.

2 **right now which is the, it says it is the deposition
3 of Reza Zandian taken on September 9, 2005, if you
4 can take a moment to review that document.**

5 A Okay. It is a very long document. It is
6 125 pages. No, I'm sorry, it is 151 pages.

7 **Q And this is from your files in the matter of
8 Zandian versus Lazo Trucking, correct?**

9 A Yes.

10 **Q Have you ever reviewed the transcript?**

11 A After -- I reviewed portions of it recently
12 but not really in depth.

13 **Q Okay. When the litigation was going on you
14 reviewed the transcript, correct?**

15 A Yes, I did.

16 **Q Okay. And do you believe it to be a true
17 and accurate transcript of the Bank of America
18 deposition?**

19 A Yes.

20 **Q Excuse me, of the deposition of Mr. Zandian.**

21 A Yes. It has been in my file that entire
22 time.

23 **Q Perfect. Thank you.**

24 **I would like to introduce this as Exhibit 7.**

25 ///

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1 SUSAN D. SALISBURY, ESQ.

2 **(Exhibit 7, a document, marked for
3 identification, as of this date.)**

4 **Q BY MS. BURNS: Ms. Salisbury, you, of
5 course, conducted that deposition; is that correct?**

6 A Yes, I did.

7 **Q And Mr. Lazo had counsel at that deposition?**

8 A Mr. Zandian.

9 **Q Excuse me, Mr. Zandian.**

10 A Yes. Tara Martin.

11 **Q And is Ms. Martin affiliated with Marc
12 Bresler?**

13 A No. She was new counsel, Gordon Reese was
14 the law firm, and they had substituted in in August
15 of two thousand, I guess it was 2005. So --

16 **Q Is there anything in particular that you
17 remember about the deposition of Mr. Zandian?**

18 A It was one of the most frustrating
19 depositions I have ever taken because Mr. Zandian
20 made such outlandish claims and, of course, he didn't
21 recall things. He didn't want to tell me where he
22 lived, he didn't recall things. One of the issues
23 that I was trying to establish was what the real
24 value of this junk that was in the containers was and
25 it seems to me pretty incredible that a man can claim

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1 SUSAN D. SALISBURY, ESQ.
2 that he spent, I don't remember what that contract
3 was for, 320,000 or whatever, that you spent \$320,000
4 for a printing press and you can't remember who you
5 bought it from or where you bought it except, I mean,
6 the answer was France. That you have to sign a
7 declaration of value -- oh, I take that back.

8 He actually said the price was 1,250,000
9 euros for the printing system.

10 **Q And you are looking right now at a --**

11 A I'm looking at Exhibit A to the deposition
12 which he had produced as proof of what the value of
13 the cargo was and it purports to be a purchase and
14 sale of equipment and services between EMFACO and
15 Zandian and then you figure out that in fact it is
16 Zandian, so it is really a sale from himself to
17 himself.

18 **Q And did Mr. Zandian admit during the
19 deposition that, I'm sorry, ZAMCO?**

20 A E-M-F-A-C-O.

21 And then he also claimed EMFACO, by the way,
22 owned Optima Technologies which was interesting in
23 light of what the Secretary of State thinks but
24 that's okay.

25 He admitted that he owned 49 shares in
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1 SUSAN D. SALISBURY, ESQ.
2 EMFACO and I had established, I guess, that there
3 were only a hundred shares outstanding in the
4 corporation and you can do that kind of thing but
5 then at that point, you know, when you say to
6 somebody where did you buy this and he says in France
7 and you say well, where in France and he can't really
8 answer the question, it is very, very frustrating.

9 And then other things, for example, just
10 looking through the first few pages, he had claimed
11 that he was acting, in his Answers to Interrogatories
12 he claimed that he was acting as an agent of Image
13 Line Graphics when he bought the equipment so at his
14 deposition I asked him about -- I asked him about
15 Image Line Graphics and I said, I asked him:

16 "Image Line Graphics" -- this is on Page
17 15 -- "is one of your businesses; is that right?"

18 "A It is not one of my businesses, but I
19 had an association with them."

20 Now he has claimed he was acting on their
21 behalf.

22 And then I say:

23 "Whose business was it?"

24 "It was Mr. Farahi's business."

25 "And where is he located?"

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1 SUSAN D. SALISBURY, ESQ.

2 "In Las Vegas."

3 "And what's his address in Las Vegas?"

4 "I don't recall."

5 **Q So he was claiming that Image Line Graphics
6 was Mr. --**

7 A Farahi's business, not his business.

8 **Q But he has no idea about the gentleman?**

9 A But he doesn't know where, yeah, he doesn't
10 have an address for him.

11 And "Is it a business that's still in
12 business," I asked him.

13 He says, "I don't know."

14 Now he is claiming millions of dollars in
15 damages where he was supposedly acting on behalf of
16 this business and he doesn't know if they're still in
17 business and he doesn't know what their address is.

18 **Q You mean hundreds of thousands of dollars?**

19 A Well, I don't -- he is saying that -- he may
20 not be claiming a million dollars. He is saying he
21 suffered many millions of dollars for the contracts
22 that he lost that Image Line had with Stratosphere,
23 and yet he can't give you the address of the
24 business.

25 **Q Was he also claiming that other -- let me**

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1 SUSAN D. SALISBURY, ESQ.

2 **just finish here.**

3 **Was he also claiming that he would have used
4 that printing press for other printing jobs and
5 that's why he was losing millions of dollars?**

6 A I think he was, my impression, as I recall,
7 at this point was he was saying that the business
8 with Stratosphere alone was millions of dollars and
9 they're a big casino, a big hotel.

10 **Q And you are looking at Page 15 of the
11 deposition?**

12 A Yes.

13 **Q Okay. And that's the deposition of Mr.
14 Zandian.**

15 A Right.

16 **Q Okay.**

17 A And so he is on the one hand claiming he is
18 acting on their behalf and then when you ask him
19 well, if this is not one of your companies -- well, I
20 have an association, so everything was very, very
21 vague, you could never get a straight answer out of
22 him about anything.

23 **Q So you did not believe he was being truthful
24 during his deposition?**

25 A No, I don't. And I think that -- then I

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1 SUSAN D. SALISBURY, ESQ.
 2 asked him how to -- okay. I said:
 3 "You, Reza Zandian, were buying that
 4 equipment?
 5 "A Yes."
 6 Which really contradicts what he said in his
 7 answers to interrogatories because he was saying he
 8 was acting on behalf of Image Line Graphics.
 9 **Q And which page of the deposition --**
 10 A And that's on Page 21.
 11 "Were you buying for your own behalf or
 12 someone else?"
 13 That's the question.
 14 "A On my own behalf.
 15 "Q How did you pay for that equipment?"
 16 Objection from his attorney:
 17 "Assumes facts not in evidence."
 18 So then I said:
 19 "Did you pay for the equipment?"
 20 He says, "Yes."
 21 "Q How did you pay for it?"
 22 Now this contract claims to be for more than
 23 a million dol -- a million euros which was roughly a
 24 million dollars at that point in time.
 25 "A I paid by cash or bank transfer or
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1 SUSAN D. SALISBURY, ESQ.
 2 notation that the cash was received?
 3 "Regarding this purchase?"
 4 And he says:
 5 "A Yes, we paid."
 6 When I said:
 7 "Do you recall whether you paid for the
 8 machinery through a wire transfer from one bank
 9 to another bank?
 10 "A Yes, we paid them.
 11 "Q What bank did you transfer the money
 12 from?
 13 "A A bank in Switzerland.
 14 "Q And what was the name of the bank?
 15 "A EFG.
 16 "Q What bank did you transfer the money
 17 to?
 18 "A I don't recall that.
 19 "Q Was it also a Swiss bank?
 20 "A I don't know."
 21 I mean, this was -- trying to take this
 22 man's deposition and get him to actually come up with
 23 any documentation was hopeless. First of all, he is
 24 using Swiss banks which are not going to produce any
 25 documentation, they're in another country, but he
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1 SUSAN D. SALISBURY, ESQ.
 2 other means of payment."
 3 A million dollars and you can't remember
 4 whether it was cash or bank transfer or other means
 5 of payment which is really not an answer at all.
 6 "Do you have any documentation showing that
 7 money was transferred from you to EMFACO?
 8 "A Yeah, we already supplied that to
 9 before."
 10 And he had not supplied anything that had
 11 anything to do with that.
 12 And then we got into an argument. She is
 13 not, Ms. Martin is not going to produce any
 14 documents, Mr. Zandian is not going to further answer
 15 the question, and there's pages of argument with me
 16 and Ms. Martin and Ms. Martin basically testifying on
 17 the record.
 18 **Q Okay. And the million euros which you just**
 19 **described, that's what Mr. Zandian claimed he paid**
 20 **for the equipment; is that correct?**
 21 A Yes. Well, yes.
 22 And on Page 26 -- well, 25. And then he
 23 says, I said to him:
 24 "Do you have any receipts for cash from
 25 EMFACO, did you get any kind of receipt or
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1 SUSAN D. SALISBURY, ESQ.
 2 knows -- I mean, what my impression was he knows that
 3 he is making it impossible. He is going to come in
 4 and he is going to make these claims that he spent
 5 all this money and I guess he says somewhere else in
 6 the deposition seven hundred, that the euro to the
 7 dollar at that point in time is about 750,000.
 8 **Q Prior to the deposition had you asked for**
 9 **the documents that you are now discussing?**
 10 A Yes.
 11 **Q And did you ask for them pursuant to a**
 12 **request for production?**
 13 A Yes, I did.
 14 **Q And going back as I started to ask about the**
 15 **million euros that he -- that was the money that he**
 16 **claimed his company paid for the equipment, correct?**
 17 A Correct.
 18 **Q And which company was it that he claimed**
 19 **paid for the equipment?**
 20 A No. I'm sorry. He said he, Reza Zandian,
 21 paid for the equipment and he purchased it from
 22 EMFACO which he also had an ownership, which he
 23 admitted he had an ownership share in.
 24 **Q So he owned both EMFACO or had an ownership**
 25 **interest in EMFACO?**
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1 **SUSAN D. SALISBURY, ESQ.**
2 A And then he is buying it from them.
3 **Q Right. And from neither company could he**
4 **produce any documents.**
5 A Correct.
6 **Q Let me introduce as Exhibit -- let me ask**
7 **you, excuse me, to just review these photographs.**
8 **Do you recognize these photographs?**
9 A Yes.
10 **Q And what are these photographs of?**
11 A These are photographs that were taken by my
12 client of the contents of the containers when they
13 sold the contents to -- they sold it to Wilmington
14 Equipment Sales and to -- let's see. The other
15 company was U.S. Metals.
16 **Q So you recognize these documents?**
17 A Yes.
18 **Q Are these documents from your files?**
19 A Yes.
20 MS. BURNS: I would like to have the court
21 reporter mark these as Exhibit 7.
22 THE REPORTER: You identified the transcript as
23 seven. This will be eight.
24 MS. BURNS: I'm sorry. Let's make it eight
25 then.
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1 SUSAN D. SALISBURY, ESQ.
2 (Exhibit 8, a document, marked for
3 identification, as of this date.)
4 **Q BY MS. BURNS: Ms. Salisbury, Exhibit 8**
5 **represents the, for lack of a better term, items**
6 **found in the containers that belonged to Mr. Zandian;**
7 **is that correct?**
8 A Correct.
9 **Q And let me clarify. I know the containers**
10 **themselves belonged to Evergreen but the contents are**
11 **the contents that Mr. Zandian claimed were his goods.**
12 A Correct.
13 **Q And Mr. Zandian claimed in the litigation**
14 **that he paid a million euros for the contents of**
15 **these containers.**
16 A Correct.
17 **Q As part of this exhibit there are some**
18 **checks and invoices. What are those checks and**
19 **invoices for?**
20 A Those were -- those represent the amount of
21 money that was paid by Wilmington Equipment Sales and
22 U.S. Metals for the contents of the containers and
23 basically they were -- they were received as junk
24 metal for salvage value.
25 **Q And if you could elaborate, why were they**
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1 **SUSAN D. SALISBURY, ESQ.**
2 **received as junk metal when Mr. Zandian was claiming**
3 **he had purchased these items for over a million**
4 **euros?**
5 A Because Lazo Trucking, Toni Baca and Gracy
6 Lazo had attempted to sell them to people who bought
7 equipment and they were basically laughed at.
8 **Q So your client attempted to sell them to**
9 **several different entities?**
10 A Yes. And they -- well, it was obviously in
11 their interest at this point in time that they were
12 doing this and the date on this is March 31st and so
13 at this point in time they've had --
14 **Q And this being when you say -- we're going**
15 **to take a break.**
16 THE VIDEOGRAPHER: The time is 12:46 p.m. We're
17 now off the record.
18 (Recess)
19 THE VIDEOGRAPHER: This concludes Tape Number 1
20 of the videotaped testimony of Susan Salisbury. The
21 time is 12:49 p.m. We are now off the record.
22 (Recess)
23 THE VIDEOGRAPHER: This is the beginning of Tape
24 Number 2 of the videotaped testimony of Susan
25 Salisbury. The time is 1:03 p.m. We are now on the
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1 SUSAN D. SALISBURY, ESQ.
2 record.
3 MS. BURNS: Thank you.
4 **Q While we took a break so that the court**
5 **reporter didn't have to choke to death you had a**
6 **moment to review a little more closely the deposition**
7 **of Mr. Zandian and it appears that the color, the**
8 **documents that you had been reviewing as Exhibit 8**
9 **are mostly contained in the deposition of Mr. Zandian**
10 **as Exhibit D; is that correct?**
11 A Correct.
12 **Q And did you ask Mr. Zandian if he recognized**
13 **Exhibit D which -- to his deposition -- which were**
14 **the contents of the containers that he had shipped?**
15 A Yes, I did.
16 **Q And what was his response?**
17 A He recognized some of it but not all of it.
18 Some of it he didn't recognize.
19 **Q Okay. Did Mr. Zandian ever provide any**
20 **proof that the contents of the containers were worth**
21 **a million euros?**
22 A No, he never did. And I would like to bring
23 up a particular point about that that I just recalled
24 from this whole unpleasant episode.
25 I had contacted someone who was an expert on
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1 SUSAN D. SALISBURY, ESQ.
 2 the valuation of printing equipment and the printing
 3 equipment that he claimed to have lost which was the
 4 Lithoman and the Heidelberg could have been very
 5 valuable as he claimed.
 6 **Q He being Mr. Zandian?**
 7 A Mr. Zandian claimed.
 8 However, what I was told by this person who
 9 I was looking for potential experts told me that
 10 these printing presses all have serial numbers and
 11 that I believe it is the Heidelberg, the company that
 12 produces the Heidelberg press, and, again, these are
 13 very, very commercial level presses, he said they
 14 know where every one of their printing presses is so
 15 it was very significant that none of the
 16 documentation produced by Mr. Zandian, including the
 17 contract, including the shipping documents, nothing
 18 that we were able to obtain anywhere had a machine
 19 number on there. That would be like selling an
 20 automobile without the VIN number. It is just -- it
 21 is just not believable because that is the number
 22 that you use to identify that automobile throughout
 23 its life span. The same thing with a Lithoman or a
 24 Heidelberg press. These are extraordinarily
 25 expensive pieces of equipment and the shipping
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1 SUSAN D. SALISBURY, ESQ.
 2 **of the expert?**
 3 A I don't know that I ever made a notation of
 4 it that went into the file permanently but, yeah, I
 5 will look at the file and see if I could find it.
 6 (Information Requested: _____)
 7 **Q Okay.**
 8 A I am relatively confident that, my
 9 recollection is you could almost look that up on the
 10 web and they can tell you what the -- they will ask
 11 you for a serial number off the machine and these are
 12 very expensive pieces of equipment when they're new
 13 but that is kind of like a brand new Rolls-Royce, a
 14 fender, a beat up fender of an old Rolls-Royce is
 15 really not the same thing as a complete brand new
 16 Rolls-Royce.
 17 **Q Now this expert that you spoke to, do you**
 18 **recall if you paid him or her any money?**
 19 A No, I think we didn't. I think at that
 20 point --
 21 **Q It was a him?**
 22 A It was a him and I think we were just having
 23 conversations and then we settled the case and there
 24 was no need to go forward with the services.
 25 **Q Was the expert someone who worked at the**
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1 SUSAN D. SALISBURY, ESQ.
 2 document, which was Exhibit C, for the bill of lading
 3 describes all of these as one unit machinery, it
 4 doesn't even call them a printing press or part of a
 5 printing press.
 6 And when I asked him was the entire Lithoman
 7 contained in these 12 containers --
 8 **Q He being Mr. Zandian?**
 9 A Mr. Zandian. He said a portion of the
 10 Lithoman was contained in the 12 containers and the
 11 same with respect to the Heidelberg, so he was very
 12 evasive. He was claiming parts of it were in other
 13 containers that were not part of that 12 shipment.
 14 And, again, it just went -- it fell apart.
 15 **Q What is a Lithoman?**
 16 A A Lithoman is a brand name for a commercial
 17 printing press as is Heidelberg, different printing
 18 press. And the contracts between EMFACO and Mr.
 19 Zandian were I believe for a Lithoman and a
 20 Heidelberg, two separate printing presses.
 21 **Q What was the name of the expert that you**
 22 **consulted with?**
 23 A I don't recall, but I'm sure if you -- I --
 24 **Q Do you think if you reviewed the rest of the**
 25 **file and we left a blank you could provide the name**
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1 SUSAN D. SALISBURY, ESQ.
 2 **company or somebody who worked for let's say some**
 3 **type of equipment company or --**
 4 A I probably got his name out of an ad either
 5 on the internet or in one of the expert directories.
 6 **Q Okay. And did he inspect the goods?**
 7 A No, we never went that far, we just had a
 8 conversation and one of the first things he asked me
 9 was what was the serial number.
 10 **Q There were no serial numbers on it?**
 11 A I don't know if there were any but, of
 12 course, by that time the equipment had been disposed
 13 of. Mr. Zandian never provided any serial numbers.
 14 He didn't have any.
 15 **Q And as you said, it seemed odd that Mr.**
 16 **Zandian would not have the serial numbers for these**
 17 **items?**
 18 A It seemed very odd that you would have a
 19 contract for the purchase and sale of items and not
 20 have the serial number, somewhat like buying a car
 21 and paying for it and not having the VIN number. By
 22 the time you actually execute the documents to
 23 purchase the car, you have the VIN number.
 24 **Q Is there anything else that you recall that**
 25 **you thought was not believable in the testimony of**
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1 SUSAN D. SALISBURY, ESQ.

2 **Mr. Zandian during his deposition?**

3 A Well, among other things, I mean, he didn't
4 know where Image Line Graphics was after he said he
5 was acting on their behalf.

6 **Q Are there also letters in there from Mr.
7 Zandian, and in there being in the deposition from
8 Mr. Zandian, on Image Graphics stationery? You may
9 want to look at the exhibits.**

10 A Yes, there are, absolutely. And, in fact,
11 in the beginning that was what all of his
12 correspondence said, Image Line Graphics. A lot of
13 it did. And --

14 **Q If I could turn your attention to Exhibit
15 K --**

16 A Right.

17 **Q -- of the deposition of Mr. Zandian, what is
18 Exhibit K?**

19 A This is a letter Mr. Zandian sent to Gracy
20 Lazo about the delivery of the 12 containers and it
21 says, "Dear Gracy: You accepted \$9,000 for shipping
22 charges of 12 containers" and telling her --

23 **Q What was the first part?**

24 A "You accepted \$9,000 for shipping charges of
25 12 containers."

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1 SUSAN D. SALISBURY, ESQ.

2 **Q Thank you.**

3 **Is there anything else that occurred during
4 the deposition of Mr. Zandian in his testimony that
5 you thought was not believable?**

6 A Well, I -- almost everything, really. He,
7 among other things, he couldn't remember -- I mean,
8 he never paid, he admitted he never paid the charges
9 for shipping the cargo to the United States and he
10 had run up a bill of \$325,000 or some such thing with
11 Evergreen and I guess, I don't -- I guess they just
12 wanted to finally let it go because they wanted to
13 get the cargo off their dock. I'm not quite sure why
14 they got rid of it. You know, they wanted to get rid
15 of it. But everything about the whole enterprise was
16 insane, that's the only way I could put it.

17 And when I, you know, would try to -- as
18 soon as you would try to focus in and try to get some
19 specific answers out of Mr. Zandian he would change
20 his position or change what he was saying and --

21 **Q I would like to focus you back to Exhibit K
22 of his deposition.**

23 A Yes.

24 **Q On Page 98 there is a reference to your
25 introducing the Exhibit K. Can you take a moment to**

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1 SUSAN D. SALISBURY, ESQ.

2 **review that.**

3 A Yes. Okay.

4 **Q And when you -- would you like to read the
5 testimony of Mr. Zandian, your questioning of Mr.
6 Zandian.**

7 A Yes. The question, at this point we're
8 talking about where the cargo is going to be
9 delivered.

10 **Q No, just does he -- does he -- the testimony
11 regarding you introducing --**

12 A "Q I'd like to show you Exhibit K.

13 Did you write that letter to Lazo Trucking?

14 "A Yes."

15 **Q Thank you.**

16 **Before the lawsuit was filed did Mr. Zandian
17 or his attorney ever discuss with you or your client
18 submitting his claim to an insurance company?**

19 A Yes.

20 **Q And is this what you were referring to at
21 the beginning of the deposition where you stated that
22 he had talked about turning it over to the, the cargo
23 over to the insurance carrier and that you felt it
24 was a, quote, "cooked up claim and I had to say I
25 agreed with them," end quote?**

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1 SUSAN D. SALISBURY, ESQ.

2 A Yes.

3 **Q Okay. Can you elaborate on this?**

4 A Well, I -- the fact that they -- and I think
5 he and his attorney both brought up the issue of
6 turning it over to the insurance carrier.

7 **Q And it was the attorney to you and it was
8 Mr. Zandian to your client.**

9 A Yes.

10 **Q And Mr. Zandian, did he bring this up to
11 your client, at least your understanding, prior to
12 the litigation?**

13 A Yes.

14 **Q And Mr. Zandian's attorney spoke with you
15 about turning it over?**

16 A Yes.

17 **Q And how soon after you had made contact with
18 Mr. Zandian's attorney did he bring up submitting the
19 claim to the insurance company?**

20 A Relatively soon.

21 **Q And what is your understanding that Mr.
22 Zandian said about submitting the claim to an
23 insurance company?**

24 A Well, he didn't understand why we had not
25 done that and he seemed eager for us to do that. I

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1 SUSAN D. SALISBURY, ESQ.
2 just formed the impression from his eagerness to have
3 this case turned over to the insurance carrier that
4 he had a belief that rather than incur the litigation
5 costs that were going to be involved with this case,
6 that an insurance carrier would pay him some money.

7 **Q And what did you form this belief based on?**

8 A Well, partly I worked for an insurance
9 company doing insurance defense for --

10 **Q How long?**

11 A I did insurance defense for six years and
12 then of course before that I did employment defense
13 for nine years. Some of it you would call a gut
14 instinct, almost, that --

15 **Q What was it that he said that led you to,
16 and I think you stated before, you, quote, "got the
17 sense he did this before," end quote?**

18 A Well, he seemed to -- most people other
19 than, and even in an auto accident, people know you
20 have insurance in an auto accident because they're
21 trained to ask for your insurance, but when people
22 are generally damaged or harmed that's not usually
23 the first thing that they think about. And that was
24 one of the things that -- the other thing that just
25 doesn't hold together, if you have equipment that's

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1 SUSAN D. SALISBURY, ESQ.
2 really worth anywhere near what he claimed it was
3 worth you don't disappear and let it go because of
4 \$9,000. That was the other thing. You pay --

5 **Q When you say disappear and let it go, it was
6 that your client kept trying to contact --**

7 A Correct.

8 **Q And letters came back.**

9 A Right.

10 **Q And those letters are also attached as
11 exhibits, letters that came back.**

12 A Correct.

13 **Q Exhibits to this deposition.**

14 A If you really had equipment worth that much
15 money you are going to come up with the money and get
16 it delivered and you are going to have things like
17 serial numbers and I.D. numbers, you are going to be
18 able to -- you might not have the vehicle
19 identification number on your car memorized but you
20 have a record of it and if your car is stolen, you
21 know where to find it. You have documents that have
22 these kinds of pieces of information. And so that's
23 part of what -- and then bringing up the insurance
24 company, I thought, well, what he -- and then, you
25 know, comes up with this contract for supposedly a

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1 SUSAN D. SALISBURY, ESQ.
2 million euros --

3 **Q Did your client have insurance?**

4 A Yes, my client did have insurance. They had
5 cargo insurance and --

6 **Q Did they tender this to their insurance
7 company?**

8 A No, they did not.

9 **Q And was Mr. Zandian aware of that?**

10 A Yes. In response to that question I told
11 him that, Number 1, this was not an accidental loss
12 so I wasn't sure that there was coverage and, Number
13 2, they didn't want to have their premiums go up and
14 there's no requirement, it is not -- the cargo
15 insurance is not there for Mr. Zandian, the cargo
16 insurance is very much there for the same reason that
17 you have liability insurance on your car; to protect
18 you from a lawsuit.

19 **Q And do you remember any specific statements
20 that Mr. Zandian's attorney said to you that made you
21 suspicious about submitting the claim or that this
22 was, quote, "a put up job," end quote?**

23 A It was the whole flimsiness of the
24 documentation, the -- first of all, if you have cargo
25 that's worth half of what he said it was worth you

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1 SUSAN D. SALISBURY, ESQ.
2 are going to be considerably more concerned about it
3 and then we had found out by the time that this
4 litigation started that the cargo had sat on the dock
5 in Long Beach for a year and a half and that was why
6 Evergreen was trying to get rid of it, they were
7 trying to get it off their dock. Again, that, and I
8 think they had the same problem with Mr. Zandian
9 where he disappeared for months and they couldn't
10 find him.

11 **Q Now you had mentioned about not submitting
12 the claim to the insurance company. You had
13 mentioned that your client didn't want their premium
14 to go up. Why would it go up? Did you think it was
15 not a valid claim?**

16 A Because it still cost the insurance company
17 money to litigate the claim and in this case probably
18 more money to litigate it than what they would have
19 had to pay. And, in addition, the problem that they
20 may not have all the expertise in terms of the
21 shipping issues that I was able to get from my
22 client. And important things like this is not what a
23 normal, a bill of lading -- I mean, that's just
24 incredible that you would have a bill of lading that
25 doesn't tell you the serial number because one of

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1 SUSAN D. SALISBURY, ESQ.
 2 those things that you are going to be concerned about
 3 is whether machinery gets stolen in transit and you
 4 want to be able to hold the shipper liable if they
 5 don't deliver the machinery that they picked up.
 6 **Q Okay.**
 7 A So there was just a whole lot of everything
 8 we looked at looked more and more like a phony claim.
 9 **Q So you thought that if you submitted the**
 10 **claim to Lazo Trucking Express' insurance company**
 11 **that it would rise to the level of fraud?**
 12 A I can't say that -- I mean, you can submit a
 13 fraudulent claim to your insurance carrier. What you
 14 are concerned about is whether they will understand
 15 that it is fraudulent. You have every right to
 16 submit a fraudulent claim. You are not the one
 17 committing the fraud, it would be the other person
 18 that's committing it.
 19 **Q Did you believe that if your client**
 20 **submitted such a claim that it might rise to the**
 21 **level of fraud?**
 22 A Yes. Not on the part of my client but that
 23 it was a fraudulent claim, yes.
 24 **Q Thank you.**
 25 **You mentioned that after the lawsuit settled**
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1 SUSAN D. SALISBURY, ESQ.
 2 closed containers, some of them were flatbeds and you
 3 could see what was on them.
 4 **Q Had your client received any information**
 5 **from Immigration and Customs Enforcement or Homeland**
 6 **Security that they had inspected the containers?**
 7 A I don't recall that. I think that there was
 8 some suspicion that Mr. -- they did tell my clients
 9 that there was some suspicion that Mr. Zandian was
 10 using these containers as a cover for something else.
 11 **Q Who is they?**
 12 A FBI or Homeland Security believed that Mr.
 13 Zandian might be using these containers to disguise
 14 other forbidden cargo.
 15 **Q And which -- when was it that your client**
 16 **was told by the FBI or Homeland Security?**
 17 A It was I believe in January, I think they
 18 still had the cargo there, and they may have come
 19 out. I don't recall the whole situation.
 20 **Q So this was before the lawsuit.**
 21 A Yes, it was before the lawsuit.
 22 What I remember is that Mr. Matthis at
 23 Jake's Crane was also contacted by the FBI and he
 24 volunteered that to me and by Homeland Security.
 25 **Q Did Mr. Matthis let Homeland Security or the**
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1 SUSAN D. SALISBURY, ESQ.
 2 **Mr. Zandian called while you were still representing**
 3 **your client and you said something to the effect of**
 4 **suggesting that you two, being you and Mr. Zandian,**
 5 **do business together.**
 6 A Correct.
 7 **Q What type of business was he saying that you**
 8 **two should do together?**
 9 A I have no idea because I terminated the
 10 conversation at that point and told him never to call
 11 me again and then called his attorney and told her to
 12 tell him to never call me again.
 13 **Q Okay. And did his attorney say anything**
 14 **more specific about the business that you two would**
 15 **be doing together to try to talk you into it?**
 16 A No. She took the message.
 17 **Q Okay.**
 18 **You had mentioned before contact; that your**
 19 **client got contacted by the FBI. Strike that.**
 20 **Going back to the value of the contents of**
 21 **the containers, did your client receive any**
 22 **information regarding the contents of the containers**
 23 **before they were opened?**
 24 A I think that they were told that it was
 25 printing press equipment and these were not all
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1 SUSAN D. SALISBURY, ESQ.
 2 **FBI investigate or look at the cargo?**
 3 A The cargo never went to Las Vegas so there
 4 was nothing to look at at Mr. Matthis' location.
 5 **Q Okay. So Mr. Matthis was just notified but**
 6 **he did not have possession of the containers?**
 7 A Correct. Mr. -- the FBI agent was trying to
 8 track down all of the containers and apparently there
 9 were another, I don't know, 15 or 17 containers that
 10 Mr. Zandian had at a place called Crescent Warehouse.
 11 **Q How do you have knowledge of this?**
 12 A This was from the FBI agent who was trying
 13 to track down what had happened to those containers.
 14 **Q When did you speak to the FBI agent?**
 15 A I didn't, Gracy did.
 16 MS. BURNS: Off the record for a moment.
 17 THE VIDEOGRAPHER: The time is 1:26 p.m. We are
 18 now off the record.
 19 (Recess)
 20 THE VIDEOGRAPHER: The time is 1:32 p.m. We are
 21 now on the record.
 22 BY MS. BURNS:
 23 **Q Ms. Salisbury, before the backdrop started**
 24 **to attack you we were talking about the Immigration**
 25 **and Customs Enforcement, FBI and Homeland Security.**
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1 SUSAN D. SALISBURY, ESQ.

2 **Did you ever have any direct conversations**
3 **with them about Mr. Zandian or his shipments?**

4 A No.

5 **Q However, you said your client had**
6 **conversations.**

7 A Yes. And I have a recollection that the FBI
8 came out and actually looked at the containers before
9 they left. Well, they were there for quite a long
10 time, they were there until March; that they actually
11 inspected the containers.

12 **Q And did your client tell you what the FBI**
13 **said was in the containers or the value of what was**
14 **in the containers?**

15 A Well, they were just a bunch of worthless
16 junk and I think that's one of the things that made
17 the FBI suspicious that he was trying to import
18 something small and essentially bury it inside the
19 junk, something that was not allowed to be imported
20 and bury it inside the junk and I think --

21 **Q Is this something your client told you that**
22 **the FBI had told her?**

23 A Yes. And she had given me the name of the
24 agent and I don't recall the name as I sit here. I
25 think it was McClain or something like that.

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1 SUSAN D. SALISBURY, ESQ.

2 And it was also very curious, the other
3 thing that that agent had told Gracy is that there
4 were other containers that had been imported and that
5 he was trying to track down where they were and
6 apparently in those -- the FBI agent communicated to
7 Gracy that the other trucker who had had something to
8 do with those containers had done what she had
9 refused to do which was take the containers, to leave
10 for Las Vegas and get the address for delivery of the
11 containers while on the road, while en route, and she
12 had refused to do that.

13 **Q So that seemed suspicious to your client?**

14 A Well, because the FBI was not able to locate
15 those containers. They wanted to inspect those other
16 containers and were asking her if she knew anything
17 about them and her response was, "No, of course not,
18 we never had anything to do with those containers."

19 **Q Is this what you were referring to before**
20 **that Mr. Zandian was in trouble with Immigration and**
21 **Customs Enforcement?**

22 A Right. That was -- yes.

23 **Q You also brought up Mr. Zandian was on a**
24 **list of banned people --**

25 A Yes.

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1 SUSAN D. SALISBURY, ESQ.

2 **Q -- on a government website.**
3 **Can you describe that? Do you recall what**
4 **the website was?**

5 A It had something to do with Customs.

6 **Q Okay.**

7 A And he was on a list of people, and I don't
8 remember the name of the bureau, some bureau that's
9 part of Customs, and he was on a list of people who
10 were not allowed to have export licenses. And there
11 had been some adjudication that he had violated the
12 law by trying to export I believe it was computers to
13 Iran that were of a sufficient complexity that they
14 were not allowed; that it was a national security
15 risk.

16 **Q Okay.**

17 A And I tried to question him about that at
18 his deposition and his attorney objected and refused
19 to allow him to answer the questions.

20 **Q And did you ever do a motion to compel?**

21 A I don't -- looking back at the record, I
22 don't think I did. I did not. I think what
23 happened --

24 **Q Was that because the matter settled?**

25 A No. What happened is that he finally showed

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1 SUSAN D. SALISBURY, ESQ.

2 up for his deposition. I had been trying to --

3 **Q No, a motion to compel further responses to**
4 **his deposition, I apologize, my question was unclear.**

5 A I'm sorry.

6 **Q You said he wouldn't testify about that area**
7 **so I asked you did you ever do a motion to compel.**

8 A No.

9 **Q And why did you not do a motion to compel?**

10 A Because we settled the case, we didn't have
11 to do that.

12 **Q Going back, and I apologize, to Exhibit 8**
13 **which is the photographs that you gave me --**

14 A Right.

15 **Q -- with some invoices, and just to make sure**
16 **that I have a clear record, the invoices at the back**
17 **of Exhibit 8, if you can take a look at it, please --**

18 A Yes.

19 **Q Those are receipts or invoices for the sale**
20 **of Mr. Zandian's equipment.**

21 A Correct.

22 **Q And these represent all the moneys received**
23 **by your client --**

24 A Correct.

25 **Q -- for the sale of the equipment.**

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1 **SUSAN D. SALISBURY, ESQ.**

2 A Correct.

3 **Q However, your client also had to pay storage**
4 **and other fees due to the containers remaining in**
5 **Long Beach; is that correct?**

6 A Yes. That -- well, yes. That was between
7 them and Evergreen but I don't know that they ever
8 paid the full amount but that would have been a
9 fabulously -- not fabulous but over two months of at
10 \$800 a day.

11 **Q And, again, do you recall if the settlement**
12 **agreement was confidential or not confidential? And**
13 **the settlement agreement being in the matter of Mr.**
14 **Zandian versus Lazo Trucking Company.**

15 A I don't recall whether it was confidential
16 or not. I don't think that it was.

17 **Q Okay. If it is not confidential -- do you**
18 **think you have a copy of the settlement agreement in**
19 **your office?**

20 A Yes, I have a copy of it.

21 **Q If we could leave a space in the deposition**
22 **for what the amount was that the matter was settled**
23 **for.**

24 A Sure.

25 (Information Requested: _____)

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1 **SUSAN D. SALISBURY, ESQ.**

2 **Q And I think you said generally that the**
3 **amount was settled for what your client considered**
4 **the cost of litigation?**

5 A It was what I considered the cost of going
6 to trial. We were faced with --

7 **Q Would it have been substantially more?**

8 A Yes. And it would have meant, and this is a
9 small company and Gracy and Toni between them run the
10 office, they do all the billing, they do all
11 dispatching, and it would have meant Gracy or Toni
12 being out of the office for at least two weeks.

13 **Q Okay. Are you aware if Mr. Zandian ever**
14 **attempted to export equipment to Iran?**

15 A Well, what I read on the web that he had
16 done that, yes.

17 **Q So your knowledge is based on what you read**
18 **on the web?**

19 A Yes. Publicly available sources.

20 **Q And you believe that this was a government**
21 **website as opposed to let's say if I wanted to post**
22 **something?**

23 A Yes. I, to the extent -- I mean, I think
24 that the web address had "gov" in it.

25 **Q Thank you.**

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1 **SUSAN D. SALISBURY, ESQ.**

2 **Do you know whether Mr. Zandian conducts**
3 **businesses or has represented himself to anyone under**
4 **other names or aliases?**

5 A Well, obviously the check that he had said
6 Reza Jazi and I think that I came across other names
7 in Las Vegas when I was looking on the web.

8 **Q And as far as Reza Jazi, did Mr. Zandian in**
9 **his deposition initially state that he did not use**
10 **that name?**

11 A Yes, he did. But we had to check. Well, go
12 ahead.

13 **Q Okay. Do you know of any other**
14 **activities -- I apologize. Let me go back to the**
15 **question about the names and aliases.**

16 **You do have the deposition of Mr. Zandian in**
17 **front of you.**

18 A Right.

19 **Q I think at the beginning of the deposition**
20 **you asked him about names.**

21 A Right.

22 **Q Can you review that testimony.**

23 A He said his full name is a different name
24 which is Ghononreza Zandian Jazi, J-a-z-i. He says,
25 "That's my full name," that's on Page 4.

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1 **SUSAN D. SALISBURY, ESQ.**

2 And I said:

3 "And so sometimes have you used the name
4 Reza Jazi?"

5 And then he says, his answer is:

6 "For obligation I use the Reza Zandian."

7 "Q Have you ever used Reza Jazi as your
8 name?"

9 "A No."

10 Then I asked:

11 "Have you ever used J-a-z-i as your last
12 name on any bank accounts or any documents?"

13 And his answer is:

14 "Maybe, yes. Sometimes they use
15 themselves."

16 So how names use themselves I'm not sure
17 but --

18 **Q Was an interpreter used in the deposition?**

19 A No.

20 **Q Do you know of any other activity that you**
21 **would consider fraudulent that had been committed by**
22 **Mr. Zandian?**

23 A My client had heard that he had been
24 involved in some land fraud schemes in Nevada
25 involving selling vacant land as being considerably

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1 SUSAN D. SALISBURY, ESQ.
2 more valuable, misrepresented. And I'm not sure. He
3 did own a lot of land with other people in Nevada, I
4 recall doing a property check, and, of course, when
5 you get 30 miles outside of Las Vegas it is not
6 really -- I mean, it is just empty desert. But that
7 was all that I recalled. We never really -- again,
8 we didn't have the resources to try to track down all
9 these things. And he used different names for each
10 one of the deals that he got into.

11 **Q And just one cleanup question. Going back**
12 **to Mr. Zandian requesting that the claim be submitted**
13 **to insurance, to, excuse me, to Lazo Trucking's**
14 **insurance carrier, what would be the amount that Mr.**
15 **Zandian or his attorney suggested be submitted?**

16 A My recollection is that it was somewhere
17 around 700,000. But, I mean, it is a liability
18 policy and so the claim is you've caused me damages
19 in the amount of \$700,000 by losing my, getting rid
20 of my equipment, junking my equipment. I don't
21 recall the exact number, but I think it was 700,000.
22 But it is -- basically cargo insurance is liability
23 insurance for cargo carriers.

24 MS. BURNS: Okay. We're going to go off the
25 record just for one moment.

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1 SUSAN D. SALISBURY, ESQ.

2 THE VIDEOGRAPHER: The time is 1:43 p.m. We are
3 now off the record.

4 (Recess)

5 THE VIDEOGRAPHER: The time is 1:46 p.m. We are
6 now on the record.

7 BY MS. BURNS:

8 **Q Ms. Salisbury, I appreciate the time that**
9 **you've spent with us making this statement but before**
10 **we conclude, is there anything else that you recall**
11 **about the lawsuit or about Mr. Zandian and his**
12 **actions that we have not covered so far?**

13 A Well, I think that the impression that I
14 came away with --

15 **Q You mean from the lawsuit?**

16 A From the lawsuit and from Mr. Zandian
17 calling me was that Mr. Zandian was surprised, he
18 knew this was a small company and he knew that they
19 could ill afford to defend against this kind of a
20 lawsuit; that he was surprised that they had not
21 turned it over to their insurance carrier; that he
22 seemed to have some familiarity with how insurance
23 carriers work; that if he threw in some documentation
24 that they would pay him rather than incur a lot of
25 litigation expense, and that he was surprised that we

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1 SUSAN D. SALISBURY, ESQ.
2 stood up to him and fought back.

3 **Q And also you did not submit it to an**
4 **insurance company.**

5 A And did not submit it and did not roll over.
6 And I think he was not -- I think that his perception
7 was that an insurance carrier would have made a
8 business decision to pay him a nuisance settlement
9 just to go away; that by raising facts that would
10 have been expensive to investigate, by talking about
11 Swiss banks and purchases made in Europe that are
12 difficult to verify or to dig up information about,
13 that he thought that he was going to be able to come
14 in and maybe get 50 or a hundred thousand dollars for
15 very little expenditure on his part and that he was
16 surprised and in the end the reason he called me and
17 wanted to do business with me is because he thought I
18 had, you know, fought very hard for Gracy and maybe
19 he would fight very hard for him. And not
20 understanding that I'm not a completely hired gun;
21 that I only take on the causes of people that I think
22 are fairly honest and I would never represent Mr.
23 Zandian, so -- but I think that was -- but people who
24 don't have -- people who have a kind of morality that
25 allows them to think that money is the most important

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1 SUSAN D. SALISBURY, ESQ.

2 thing in the world thinks everybody else thinks the
3 same way. I don't. But that's what he thinks. So
4 I -- I was shocked when he called me because it was
5 incomprehensible to me that he did not understand
6 that I didn't like him and that I did not think he
7 was a very honest person, but then he probably didn't
8 think those things were very important.

9 **Q Anything else?**

10 A That's it.

11 MS. BURNS: We are concluded.

12 I would like to state that the court
13 reporter will send an original to -- should she send
14 it directly to you?

15 THE WITNESS: Sure.

16 MS. BURNS: For signature. And then you will
17 send it back to me.

18 THE WITNESS: Absolutely.

19 MS. BURNS: And I'm not sure, we don't need any
20 stipulations.

21 THE WITNESS: No, we don't. There's nobody to
22 stipulate with.

23 MS. BURNS: Okay. So we're concluded.

24 THE VIDEOGRAPHER: This concludes Tape Number 2
25 of 2 of the videotaped testimony of Susan Salisbury.

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1 SUSAN D. SALISBURY, ESQ.
2 The time is 1:50 p.m. We are now off the record.

8 _____
9 SUSAN D. SALISBURY, ESQ.

11 Subscribed and sworn to
12 Before me this day
13 of 2008.
14 _____

1 SUSAN D. SALISBURY, ESQ.
2 State of California)
3) ss.
4 County of Los Angeles)

5 I, SUSAN A. SULLIVAN, CALIFORNIA CSR No.
6 3522, RPR, CRR, do hereby certify:

7 That prior to being examined SUSAN D.
8 SALISBURY, ESQ., the witness named in the foregoing
9 testimony under oath, was, before the commencement of
10 the testimony under oath, duly administered an oath
11 in accordance with C.C.P. Section 2094;

12 That the said testimony under oath was taken
13 before me at the time and place therein set forth,
14 and was taken down by me in shorthand and thereafter
15 transcribed into typewriting under my direction and
16 supervision; that the said testimony under oath is a
17 true and correct record of the testimony given by the
18 witness;

19 I further certify that I am neither counsel
20 for, nor in any way related to any party to said
21 action, nor in any way interested in the outcome
22 thereof.

23 IN WITNESS WHEREOF, I have subscribed my
24 name on this 1st day of February, 2008.

25 _____
CSR

1 SUSAN D. SALISBURY, ESQ.

2 INDEX

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13 EXHIBITS: PAGE

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18 Exhibit 5, a document 37

19 Exhibit 6, a document 46

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21 Exhibit 8, a document 59

1 SUSAN D. SALISBURY, ESQ.

2 NAME OF CASE: Universal vs. Optima

3 DATE OF TESTIMONY UNDER OATH: January 25, 2008

4 NAME OF WITNESS: SUSAN D. SALISBURY, ESQ.

5 Reason Codes:

- 6 1. To clarify the record.
- 7 2. To conform to the facts.
- 8 3. To correct transcription errors.

9 Page _____ Line _____ Reason _____
10 From _____ to _____

11 Page _____ Line _____ Reason _____
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