

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

**Case No. 71276**

MARIO LA BARBERA, an individual,

Appellant,

v.

WYNN LAS VEGAS, LLC, D/B/A WYNN LAS VEGAS,  
A Nevada Limited Liability Company,

Respondent.

Electronically Filed  
Jun 16 2017 11:10 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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Appeal from Judgment on Jury Verdict entered August 3, 2016  
District Court Case No.: A-14-695025-C  
Eighth Judicial District Court of Nevada

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**RESPONDENT'S APPENDIX  
(VOLUME I, BATES NOS. 1-192)**

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SEMENZA KIRCHER RICKARD  
Lawrence J. Semenza, III, Esq. (#7174)  
Christopher D. Kircher, Esq. (#11176)  
Jarrod L. Rickard, Esq. (#10203)  
10161 Park Run Drive, Suite 150, Las Vegas, NV 89145  
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*Attorney for Respondent Wynn Las Vegas d/b/a Wynn Las Vegas, LLC*

**INDEX TO RESPONDENT'S APPENDIX**  
**Chronological**

<b>DOCUMENT DESCRIPTION</b>	<b>LOCATION</b>
Summons with Proof of Service documents (filed 12/19/2014)	Volume I, Bates Nos. 1-32
Deposition Transcript of Defendant Mario La Barbera (taken on 6/11/15)	Volume I, Bates Nos. 33-192
Plaintiff's Motion for Summary Judgment (filed 11/9/2015)	Volume II, Bates Nos. 193-272
Defendant's Opposition to Plaintiff for Summary Judgment and Countermotion for Summary Judgment (filed 12/30/2015)	Volume III, Bates Nos. 273-460
Correspondence Letter from C Kircher to J Albregts regarding 3rd Supplemental Disclosure (dated 2/22/2016)	Volume IV Bates Nos. 461
Correspondence Letter from J Albregts to C Kircher regarding 3rd Supplemental Disclosure (dated 2/24/2016)	Volume IV Bates Nos. 462
Correspondence Letter from C Kircher to J Albregts regarding 3rd Supplemental Disclosure (dated 2/25/2016)	Volume IV Bates Nos. 463
Correspondence Letter from J Albregts to L Semenza regarding 3rd Supplemental Disclosure (dated 4/5/2016)	Volume IV Bates Nos. 464-467
Correspondence Letter from L Semenza to J Albregts regarding 3rd Supplemental Disclosure (dated 4/5/2016)	Volume IV Bates Nos. 468-471
Correspondence Letter from L Semenza to J Albregts regarding 3rd Supplemental Disclosure (dated 4/6/2016)	Volume IV Bates Nos. 472-473
Transcript of Proceedings - Plaintiff's Motion for Summary Judgment, Defendant's Opposition to Plaintiff for Summary Judgment and Countermotion for Summary Judgment (filed 4/8/2016)	Volume IV Bates Nos. 474-487
Joint Trial Exhibit No. 1 – Mario La Barbera Italian Passport	Volume IV Bates Nos. 488-489

<b>DOCUMENT DESCRIPTION</b>	<b>LOCATION</b>
Joint Trial Exhibit No. 2 – Mario La Barbera's Credit Application	Volume IV Bates Nos. 490
Joint Trial Exhibit No. 3 - Mario La Barbera's Credit Agreement	Volume IV Bates Nos. 491-492
Joint Trial Exhibit No. 4 – Mario La Barbera's Credit Line Increases (5 pages)	Volume IV Bates Nos. 493-497
Joint Trial Exhibit No. 5 – Marker Check No 70601126 and supporting documents	Volume IV Bates Nos. 498-500
Joint Trial Exhibit No. 6 – Marker Check No 70601883 and supporting documents	Volume IV Bates Nos. 501-504
Joint Trial Exhibit No. 7 – Marker Check No 70601886 and supporting documents	Volume IV Bates Nos. 505-507
Joint Trial Exhibit No. 8 – Marker Check No 70601890 and supporting documents	Volume IV Bates Nos. 508-510
Joint Trial Exhibit No. 9 – Marker Check No 70601892 and supporting documents	Volume IV Bates Nos. 511-514
Joint Trial Exhibit No. 10 – Marker Check No 70601898 and supporting documents	Volume IV Bates Nos. 515-518
Joint Trial Exhibit No. 11 – Marker Check No 70601900 and supporting documents	Volume IV Bates Nos. 519-521
Joint Trial Exhibit No. 12 – Marker Check No 70602091 and supporting documents	Volume IV Bates Nos. 522-525
Joint Trial Exhibit No. 13 – Marker Check No 70602095 and supporting documents	Volume IV Bates Nos. 526-529
Joint Trial Exhibit No. 14 – Marker Check No 70602099 and supporting documents	Volume IV Bates Nos. 530-533
Joint Trial Exhibit No. 15 – Marker Check No 70602104 and supporting documents	Volume IV Bates Nos. 534-537

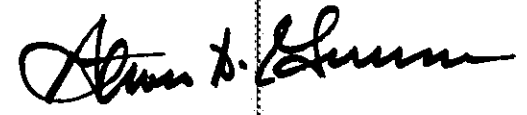
<b>DOCUMENT DESCRIPTION</b>	<b>LOCATION</b>
Joint Trial Exhibit No. 16 – Marker Check No 70602124 and supporting documents	Volume IV Bates Nos. 538-541
Joint Trial Exhibit No. 17 – Mario La Barbera Player Report	Volume IV Bates Nos. 542-545
Joint Trial Exhibit No. 18 – Mario La Barbera Marker History Report	Volume IV Bates Nos. 546-548
Joint Trial Exhibit No. 21 – December 15, 2008 Demand Letter to Mario La Barbera	Volume IV Bates Nos. 549-553
Joint Trial Exhibit No. 23 – Mario La Barbera Hotel Folios	Volume IV Bates Nos. 554-558
Joint Trial Exhibit No. 26 – Defendant Mario La Barbera's Responses to Plaintiff's First Requests for Admissions	Volume IV Bates Nos. 559-570

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CLERK OF THE COURT

SUMM

DISTRICT COURT  
CLARK COUNTY, NEVADA

WYNN LAS VEGAS, LLC

d/b/a WYNN LAS VEGAS,

Plaintiff,

vs.

MARIO LA BARBERA,

Defendant

Case No.: A-14-695025-C

Dept. No.: XXVIII

SUMMONS

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

**TO THE DEFENDANT:** A civil Complaint has been filed by the Plaintiffs against you for the relief set forth in the Complaint

MARIO LA BARBERA

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you exclusive of the day of service, you must do the following:

- a. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
- b. Serve a copy of your response upon the attorney whose name and address is shown below.

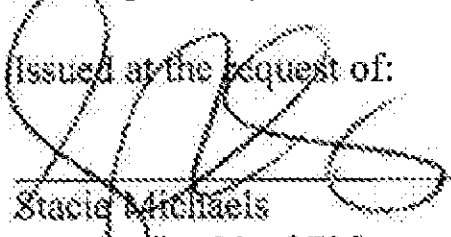
2. Unless you respond, your default will be entered upon application of the Plaintiff and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

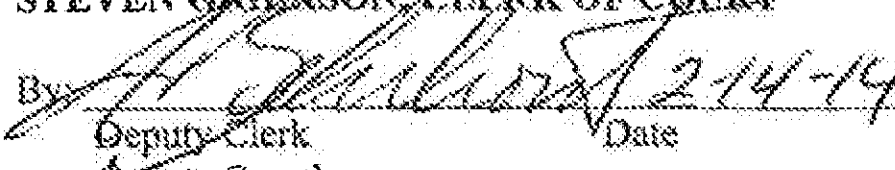
4. The object of this action is brought to recover a judgment for failure to repay debts associated with credit instruments

5. The State of Nevada, its political subdivision, agencies, officers, employees, board members and legislators, each have 45 days after service of this summons within which to file an answer or other responsive pleading to the Complaint.

Issued at the request of:

  
Stacie Michaels  
Nevada Bar No. 9705  
3131 Las Vegas Boulevard South  
Las Vegas, Nevada 89109  
(702) 770-2112  
Attorney for Plaintiff

STEVEN GRIERSON, CLERK OF COURT

By:  2-14-14  
Deputy Clerk Date  
County Courthouse  
200 Lewis Avenue  
Las Vegas, Nevada 89155  
ALLISON BEHRHORST



## CIVIL COVER SHEET

County, Nevada

Case No. \_\_\_\_\_

(Assigned by Clerk's Office)

A-14-695025-C  
XXVI II

## I. Party Information

Plaintiff(s) (name/address/phone): Wynn Las Vegas, LLC  
d/b/a Wynn Las Vegas  
3131 Las Vegas Blvd. So.  
Las Vegas, Nevada 89109  
Attorney (name/address/phone): Kim Sinatra, 3131 LV Blvd  
Las Vegas, Nevada 89109

Defendant(s) (name/address/phone): Mario La Barbera  
Via Modello 4040,  
Santa Flavia  
Palermo, Italy 90017  
Attorney (name/address/phone):

## II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

☐ Arbitration Requested

## Civil Cases

## Real Property

- ☐ Landlord/Tenant
  - ☐ Unlawful Detainer
- ☐ Title to Property
  - ☐ Foreclosure
  - ☐ Liens
  - ☐ Quiet Title
  - ☐ Specific Performance
- ☐ Condemnation/Eminent Domain
- ☐ Other Real Property
  - ☐ Partition
  - ☐ Planning/Zoning

## Negligence

- ☐ Negligence - Auto
- ☐ Negligence - Medical/Dental
- ☐ Negligence - Premises Liability (Slip/Fall)
- ☐ Negligence - Other

## Torts

- ☐ Product Liability
  - ☐ Product Liability/Motor Vehicle
  - ☐ Other Torts/Product Liability
- ☐ Intentional Misconduct
  - ☐ Torts/Defamation (Libel/Slander)
  - ☐ Interfere with Contract Rights
- ☐ Employment Torts (Wrongful termination)
- ☐ Other Torts
  - ☐ Anti-trust
  - ☐ Fraud/Misrepresentation
  - ☐ Insurance
  - ☐ Legal Tort
  - ☐ Unfair Competition

## Probate

- Estimated Estate Value: \_\_\_\_\_
- ☐ Summary Administration
  - ☐ General Administration
  - ☐ Special Administration
  - ☐ Set Aside Estates
  - ☐ Trust/Conservatorships
    - ☐ Individual Trustee
    - ☐ Corporate Trustee
  - ☐ Other Probate

## Other Civil Filing Types

- ☐ Construction Defect
  - ☐ Chapter 40
  - ☐ General
- ☒ Breach of Contract
  - ☐ Building & Construction
  - ☐ Insurance Carrier
  - ☐ Commercial Instrument
  - ☐ Other Contracts/Account/Judgment
  - ☐ Collection of Actions
  - ☐ Employment Contract
  - ☐ Guarantee
  - ☐ Sale Contract
  - ☐ Uniform Commercial Code
- ☐ Civil Petition for Judicial Review
  - ☐ Foreclosure Mediation
  - ☐ Other Administrative Law
  - ☐ Department of Motor Vehicles
  - ☐ Worker's Compensation Appeal
- ☐ Appeal from Lower Court (also check applicable civil case box)
  - ☐ Transfer from Justice Court
  - ☐ Justice Court Civil Appeal
- ☐ Civil Writ
  - ☐ Other Special Proceeding
- ☐ Other Civil Filing
  - ☐ Compromise of Minor's Claim
  - ☐ Conversion of Property
  - ☐ Damage to Property
  - ☐ Employment Security
  - ☐ Enforcement of Judgment
  - ☐ Foreign Judgment - Civil
  - ☐ Other Personal Property
  - ☐ Recovery of Property
  - ☐ Stockholder Suit
  - ☐ Other Civil Matters

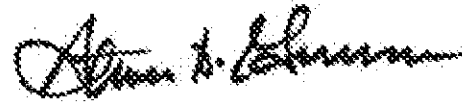
## III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

- ☐ NRS Chapters 78-88
- ☐ Commodities (NRS 90)
- ☐ Securities (NRS 90)
- ☐ Investments (NRS 104 Art. 8)
- ☐ Deceptive Trade Practices (NRS 598)
- ☐ Trademarks (NRS 600A)
- ☐ Enhanced Case Mgmt/Business
- ☐ Other Business Court Matters

January 24, 14  
Date

Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

1 **COMP**

2 Kimmarie Sinatra  
3 Nevada Bar No. 8665  
4 Stacie Michaels  
5 Nevada Bar No. 9705  
6 Wynn Las Vegas, LLC  
7 3131 Las Vegas Boulevard South  
8 Las Vegas, Nevada 89109  
9 (702) 770-2112 *Direct*  
10 (702) 770-1518 *Facsimile*  
11 Attorney for Plaintiff

9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 WYNN LAS VEGAS, LLC

12 d/b/a WYNN LAS VEGAS,

13 Plaintiff,

14 vs.

15 MARIO LA BARBERA,

16 Defendant

A- 14- 695025- C

Case No.: XXVIII

Dept No.:

COMPLAINT

17  
18 Plaintiff Wynn Las Vegas, LLC d/b/a Wynn Las Vegas ("Wynn") complains against  
19 Defendant Mario La Barbera ("La Barbera") as follows:

20 **PARTIES**

21 1. Wynn is a Nevada Limited Liability Company existing under and by virtue of  
22 the laws of the State of Nevada.

23 2. Upon information and belief, La Barbera is a resident of the country of Italy.

24 **BACKGROUND**

25 3. On April 1, 2008, La Barbera executed one (1) credit instrument in favor of  
26 Wynn; Document Number 70601126 in the amount of \$120,000.00.  
27  
28

4. On April 3, 2008, La Barbera executed eleven (11) credit instruments in favor of Wynn totaling \$1,070,000.00 as follows:

No.	Item No.	Amount
1	70602091	\$100,000.00
2	70602095	\$100,000.00
3	70601892	\$100,000.00
4	70601898	\$100,000.00
5	70601900	\$ 50,000.00
6	70601883	\$100,000.00
7	70601886	\$ 50,000.00
8	70601890	\$ 50,000.00
9	70602099	\$100,000.00
10	70602104	\$100,000.00
11	70602124	\$100,000.00

5. To date La Barbera has paid \$70,000 and balance of \$1,000,000.00 remains unpaid.

6. La Barbera presently owes Wynn \$1,000,000.00 plus its reasonable attorneys' fees, costs and interest.

7. Wynn employees and/or representatives made attempts to resolve payment of the outstanding amounts, but were unsuccessful.

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**FIRST CAUSE OF ACTION**

**(Breach of Contract)**

8. Wynn incorporates the allegations contained in paragraphs 1 to 6 as though fully set forth herein.

9. In consideration of the \$1,000,000.00 in credit given to La Barbera, which he willingly accepted from Wynn, La Barbera agreed to repay his debt.

10. To date and despite repeated demands, La Barbera has refused to repay the \$1,000,000.00 that he owes to Wynn.

11. As a result, Wynn has been damaged in an amount that exceeds \$10,000.00.

12. Wynn has been forced to hire an attorney to prosecute this action and therefore seeks recovery of its attorneys' fees and court costs.

**SECOND CAUSE OF ACTION**

**(Conversion)**

13. Wynn incorporates the allegations contained in paragraphs 1 to 11 as though fully set forth herein.

14. By taking the \$1,000,000.00 in credit and refusing to pay the amount despite repeated attempts by Wynn to collect payment, La Barbera has wrongfully exercised dominion and control over Wynn's property.

15. La Barbera has exercised this dominion in derogation, exclusion and defiance of Wynn's rights in its property.

16. As a result, Wynn has been damaged in an amount that exceeds \$10,000.00.

17. Wynn has been forced to hire an attorney to prosecute this action and therefore seeks recovery of its attorneys' fees and court costs.

### THIRD CAUSE OF ACTION

#### (Unjust Enrichment)

18. Wynn incorporates the allegations contained in paragraphs 1 to 16 as though fully set forth herein.

19. Wynn conferred a benefit on La Barbera by providing him with \$1,000,000.00 in credit.

20. Given the nature of this benefit, it would be inequitable to allow La Barbera to accept and retain the \$1,000,000.00 in credit without repayment of the value thereof.

21. La Barbera accepted and retained this benefit.

22. Because La Barbera has refused to repay the value of this benefit, he has been unjustly enriched in an amount equal to \$1,000,000.00.

### FOURTH CAUSE OF ACTION

#### (Breach of the Covenant of Good Faith and Fair Dealing)

23. Wynn incorporates the allegations contained in paragraphs 1 to 21 as though fully set forth herein.

24. Implied in every contract is the obligation of good faith and fair dealing.

25. Defendant breached the implied covenant of good faith and fair dealing by, among other things, failing to pay the value of the credit instruments he executed in favor of Wynn, which was in the amount of \$1,000,000.00.

26. As a result, Wynn has been damaged in an amount that exceeds \$10,000.00.

27. Wynn has found it necessary to use the services of an attorney to prosecute this action and seeks reasonable attorney's fees and recovery of court costs.

28. ///

WHEREFORE, Wynn prays for judgment as follows:

1. For damages in an amount to be determined at trial, but in excess of \$10,000.00;
2. Attorney's fees and costs of suit;
3. Prejudgment and post-judgment interest on the amounts owed; and
4. Any further relief this Court deems proper.

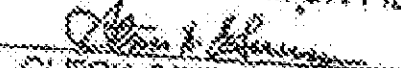
Dated this 24 day of January 2014.

WYNN LAS VEGAS, LLC



Stacie Michaels  
Nevada Bar No. 9705  
3131 Las Vegas Boulevard South  
Las Vegas, Nevada 89109  
Attorney for Plaintiff

CERTIFIED COPY  
DOCUMENT ATTACHED IS A  
TRUE AND CORRECT COPY  
OF THE ORIGINAL ON FILE

  
CLERK OF THE COURT

(TRADUZIONE)

**CITAZIONE**

**TRIBUNALE DISTRETTUALE  
CONTEA DI CLARK, NEVADA**

WYNN LAS VEGAS, LLC  
operante come WYNN LAS VEGAS,  
Attore,  
contro  
MARIO LA BARBERA,  
Convenuto

Causa n.: A-14-695025-C

Sezione n.: XXVIII

**CITAZIONE**



**AVVISO! LEI È STATO CITATO IN GIUDIZIO. IN ASSENZA DI SUA REPLICA ENTRO 20 GIORNI, IL TRIBUNALE POTRÀ PRONUNCIARSI A SUO SFAVORE SENZA AVERLA SENTITA. LA PREGHIAMO DI LEGGERE LE INFORMAZIONI CHE SEGUONO.**

*see attached*  
**AL CONVENUTO: L'Attore ha presentato un Ricorso civile contro di Lei per ottenere il risarcimento indicato nel Ricorso**

**MARIO LA BARBERA**

1. Qualora intenda costituirsi in giudizio, dovrà provvedere ai seguenti adempimenti entro 20 giorni dalla notifica, escluso il giorno di notifica, del presente Atto di Citazione:
  - a. depositare presso il Cancelliere di questo Tribunale, all'indirizzo indicato in calce, una replica formale e scritta al Ricorso in conformità al regolamento del Tribunale, versando la relativa tassa di deposito.
  - b. Notificare copia della Sua memoria di replica al legale il cui nome e indirizzo sono indicati in calce.
2. In assenza di Sua replica, la Sua mancata costituzione sarà messa agli atti su istanza dell'Attore e questo Tribunale potrà emettere sentenza a Suo sfavore accogliendo la domanda di cui al Ricorso, disponendo eventuale confisca di denaro o beni o altri provvedimenti richiesti nel Ricorso.
3. Nel caso in cui intenda avvalersi dell'assistenza di un legale per la causa in oggetto, La invitiamo a provvedervi tempestivamente, affinché la Sua replica possa essere depositata nei termini.
4. La presente causa è stata promossa per ottenere una sentenza di condanna per il mancato pagamento di debiti rappresentati da titoli di credito.

5. Lo Stato del Nevada, la sua suddivisione politica, le agenzie, i funzionari, dipendenti, consiglieri e legislatori dello stesso avranno, ciascuno, un termine di 45 giorni dalla data di notifica del presente atto di citazione per depositare un atto di risposta o altra memoria di replica al Ricorso.

Emesso su richiesta di:

*[firma illeggibile]*

Stacie Michaels  
Albo Avvocati del Nevada N. 9705  
3131 Las Vegas Boulevard South  
Las Vegas, Nevada 89109  
(702) 770-2112  
Legale dell'Attore

**STEVEN GRIERSON,  
CANCELLIERE DEL TRIBUNALE**

Allison Behrhorst      24-1-14  
*[firma e timbro]* Data  
Vice Cancelliere  
Palazzo di Giustizia Distrettuale  
200 Lewis Avenue  
Las Vegas, Nevada 89155

*una [firma illeggibile]*



A-14-695025-C

XXVIII

## MODULO CAUSA CIVILE

Contea, Nevada

Causa n. \_\_\_\_\_

(Assegnato dalla Cancelleria)

## I. DATI RELATIVI ALLE PARTI

Attore/i (nome, indirizzo, telefono)	Wynn Las Vegas, LLC, operante come Wynn Las Vegas, LLC, 3131 Las Vegas Boulevard South Las Vegas, Nevada 89109	Convenuto/i (nome, indirizzo, telefono)	Mario La Barbera Via Modello, 4040 Santa Flavia Palermo, Italia -90017
Legale/i (nome, indirizzo, telefono)	Kim Sinatra, 3131 LV Blvd Las Vegas, Nevada 89109 (702) 770-2112	Legale/i (nome, indirizzo, telefono)	

*me J. J. J.*

II. NATURA DELLA CAUSA (si prega di verificare la relativa categoria in grassetto e sottocategoria, ove opportuno)

Richiesta arbitrato ☐

## Cause civili

Immobili	Illeciti civili	
<input type="checkbox"/> Locatore/Conduttore	Negligenza/responsabilità	<input type="checkbox"/> Responsabilità da prodotto
<input type="checkbox"/> Detenzione illegale	<input type="checkbox"/> Resp. - circolazione	<input type="checkbox"/> Responsabilità prodotti/motoveicoli
<input type="checkbox"/> Titolo sulla Proprietà	<input type="checkbox"/> Resp. - professionale medico- dentistica	<input type="checkbox"/> Altri illeciti/ Responsabilità da prodotto
<input type="checkbox"/> Pignoramento	<input type="checkbox"/> Resp. - fabbricati (cedimento, crollo)	<input type="checkbox"/> Comportamenti dolosi
<input type="checkbox"/> Vincoli	<input type="checkbox"/> Resp. - altro	<input type="checkbox"/> Illeciti/Diffamazione (calunnia e diffamazione)
<input type="checkbox"/> Pacifico godimento		<input type="checkbox"/> Interferenza in diritti contrattuali
<input type="checkbox"/> Esatto adempimento		<input type="checkbox"/> Illeciti in materia di lavoro (risoluzione illecita)
<input type="checkbox"/> Espropriazione / pubblica utilità		<input type="checkbox"/> Altri illeciti
<input type="checkbox"/> Altri immobili		<input type="checkbox"/> Anti-trust
<input type="checkbox"/> Suddivisione		<input type="checkbox"/> Truffa/falsa dichiarazione
<input type="checkbox"/> Pianificazione/ urbanistica		<input type="checkbox"/> Assicurazione
		<input type="checkbox"/> Illecito amministrativo
		<input type="checkbox"/> Concorrenza sleale

Omologazione		Altri tipi di procedimenti civili	
Valore del patrimonio stimato: _____	<input type="checkbox"/> Difetto di costruzione	<input type="checkbox"/> Appello da Tribunale di grado inferiore (indicare il tipo di causa nella relativa casella)	
<input type="checkbox"/> Amministrazione sommaria	<input type="checkbox"/> Capitolo 40	<input type="checkbox"/> Trasferimento da Justice Court	
<input type="checkbox"/> Amministrazione generale	<input type="checkbox"/> Generale	<input type="checkbox"/> Appello Civile Justice Court	
<input type="checkbox"/> Amministrazione speciale	<input checked="" type="checkbox"/> Inadempimento Contrattuale	<input type="checkbox"/> Ingiunzioni	
<input type="checkbox"/> Beni vincolati	<input type="checkbox"/> Edilizia e costruzioni	<input type="checkbox"/> Altri procedimenti speciali	
<input type="checkbox"/> Trust/curatela	<input type="checkbox"/> Assicurazioni	<input type="checkbox"/> Altre azioni civili	
<input type="checkbox"/> Trustee persone fisiche	<input checked="" type="checkbox"/> Titoli commerciali	<input type="checkbox"/> Compromesso per minori	
<input type="checkbox"/> Trustee persone giuridiche	<input type="checkbox"/> Altri contratti/azioni/sentenze	<input type="checkbox"/> Conversione della proprietà	
<input type="checkbox"/> Altra omologazione	<input type="checkbox"/> Riunione atti	<input type="checkbox"/> Danni proprietà	
	<input type="checkbox"/> Contratto di lavoro	<input type="checkbox"/> Sicurezza lavoro	
	<input type="checkbox"/> Garanzia	<input type="checkbox"/> Esecuzione sentenze	
	<input type="checkbox"/> Contratto di vendita	<input type="checkbox"/> Sentenze straniere – Civile	
	<input type="checkbox"/> Uniform Commercial Code	<input type="checkbox"/> Altri beni personali	
	<input type="checkbox"/> Istanza civile di riesame giudiziario	<input type="checkbox"/> Recupero beni	
	<input type="checkbox"/> Mediazione in caso di pignoramento	<input type="checkbox"/> Azione di responsabilità azionisti	
	<input type="checkbox"/> Altri procedimenti amministrativi	<input type="checkbox"/> Altre civili	
	<input type="checkbox"/> Motorizzazione Civile		
	<input type="checkbox"/> Appello in materia retribuzione lavoratori		

**III. BUSINESS COURT ADITA** (si prega di verificare la relativa categoria: solo per le Contee di Clark e Washoe)

<input type="checkbox"/> Capitoli NRS 78-88	<input type="checkbox"/> Investimenti (NRS 104, art. 8)	<input type="checkbox"/> Gestione potenziata cause/business
<input type="checkbox"/> Beni (NRS 90)	<input type="checkbox"/> Pratiche commerciali ingannevoli (NRS 598)	<input type="checkbox"/> Altre materie di competenza di Business Court
<input type="checkbox"/> Titoli (NRS 90)	<input type="checkbox"/> Marchi (NRS 600A)	

Data: 24 gennaio 2014

Firma attore o rappresentante

*Vedasi retro per cause in materia di diritto di famiglia*



Depositato in via telematica  
24/01/2014 11:57:00

*firma illeggibile]*

**CANCELLIERE DEL  
TRIBUNALE**

**RICORSO**

Kimmarie Sinatra  
Albo Avvocati del Nevada N. 8665  
Stacie Michaels  
Albo Avvocati del Nevada N. 9705  
Wynn Las Vegas, LLC  
3131 Las Vegas Boulevard South  
Las Vegas, Nevada 89109  
(702) 770-2112 *Diretto*  
(702) 770-1518 *Fax*  
Legale dell'Attore

**TRIBUNALE DISTRETTUALE  
CONTEA DI CLARK, NEVADA**

*no* *Wynn Las Vegas*  
WYNN LAS VEGAS, LLC  
operante come WYNN LAS VEGAS,  
Attore,  
contro  
MARIO LA BARBERA  
Convenuto

Causa n.: A-14-695025-C

Sezione n.: XXVIII

**RICORSO**

L'Attore Wynn Las Vegas, LLC operante come Wynn Las Vegas ("Wynn") ricorre contro il Convenuto MARIO LA BARBERA ("La Barbera") come segue:

**PARTI**

1. Wynn è una Società a Responsabilità Limitata del Nevada esistente ai sensi e in virtù delle leggi dello Stato del Nevada.

2. Da informazioni e conoscenza, La Barbera risiede in Italia.

**PREMESSA IN FATTO**

3. In data 1 aprile 2008, La Barbera ha sottoscritto un (1) titolo di credito a favore di Wynn: Documento Numero 70601126, per l'importo di \$120.000,00.

4. In data 3 aprile 2008, La Barbera ha sottoscritto undici (11) titoli di credito a favore di Wynn, per un importo totale di \$1.070.000,00, come di seguito indicato:



n.	Doc. n.	Importo
1	70602091	\$100.000,00
2	70602095	\$100.000,00
3	70601892	\$100.000,00
4	70601898	\$100.000,00
5	70601900	\$ 50.000,00
6	70601883	\$100.000,00
7	70601886	\$ 50.000,00
8	70601890	\$ 50.000,00
9	70602099	\$100.000,00
10	70602104	\$100.000,00
11	70602124	\$100.000,00

5. Ad oggi, La Barbera ha pagato \$70.000,00 e il saldo da rimborsare ammonta a \$1.000.000,00.

6. Alla presente data, La Barbera deve a Wynn \$1.000.000,00, oltre all'importo delle spese legali ragionevolmente sostenute da quest'ultima, oneri e interessi.

7. I dipendenti e/o rappresentanti di Wynn hanno tentato invano di ottenere la regolarizzazione del pagamento degli importi dovuti.

**PRIMA CAUSA PETENDI**  
**(Inadempimento Contrattuale)**

8. Wynn rimanda alle deduzioni svolte nei paragrafi da 1 a 6, da intendersi come se qui integralmente riportate.

9. A fronte del credito di \$1.000.000,00 concesso a La Barbera, che quest'ultimo ha accettato volontariamente da Wynn, La Barbera ha accettato di rimborsare il suo debito.

10. Ad oggi e nonostante ripetuti solleciti, La Barbera si è rifiutato di restituire l'importo di \$1.000.000,00 dovuto a Wynn.

11. In conseguenza di ciò, Wynn ha subito un danno di oltre \$10.000,00.

12. Wynn è stata costretta a rivolgersi ad un legale per intentare la presente causa e chiede pertanto il rimborso delle spese legali e processuali.

**SECONDA CAUSA PETENDI**  
**(Inversione del Possesso)**

13. Wynn rimanda alle deduzioni svolte nei paragrafi da 1 a 11, da intendersi come se qui integralmente riportate.

14. Prendendo a prestito \$1.000.000,00 e rifiutando di restituire il relativo importo, nonostante i ripetuti tentativi di Wynn di riscuotere il pagamento, La Barbera ha esercitato illegalmente potere e controllo sul patrimonio di Wynn.

15. La Barbera ha esercitato tale potere sul patrimonio di Wynn in deroga, con esclusione e in violazione dei diritti di quest'ultima sullo stesso.

16. In conseguenza di ciò, Wynn ha subito un danno di oltre \$10.000.00.

17. Wynn è stata costretta a rivolgersi ad un legale per intentare la presente causa e chiede pertanto il rimborso delle spese legali e delle spese processuali.

**TERZA CAUSA PETENDI**  
**(Ingiustificato Arricchimento)**

18. Wynn rimanda alle deduzioni svolte nei paragrafi da 1 a 16, da intendersi come se qui integralmente riportate.

19. La Barbera ha beneficiato dell'importo di \$1.000.000,00 concessogli a credito da Wynn.

20. In considerazione della natura di tale prestito, sarebbe iniquo consentire a La Barbera di accettare e trattenere l'importo di \$1.000.000,00 concesso a credito senza rimborsarlo.

21. La Barbera ha accettato e trattenuto tale prestito.

22. Poiché La Barbera ha rifiutato di restituire l'importo del prestito, il medesimo si è indebitamente arricchito di un importo pari a \$1.000.000,00.

**QUARTA CAUSA PETENDI**  
**(Violazione dell'Obbligo di Buona Fede e Comportamento Leale)**

23. Wynn rimanda alle deduzioni svolte nei paragrafi da 1 a 21, da intendersi come se qui integralmente riportate.

24. Qualsiasi contratto comporta l'obbligo di buona fede e lealtà nell'esecuzione.

25. Non rimborsando i titoli di credito sottoscritti a favore di Wynn per un importo di \$1.000.000,00, il Convenuto ha, tra l'altro, violato tale obbligo implicito di buona fede e comportamento leale.

26. In conseguenza di ciò, Wynn ha subito un danno di oltre \$10.000.00.

27. Wynn è stata costretta a rivolgersi ad un legale per intentare la presente causa e chiede pertanto il rimborso delle spese legali e delle spese processuali.

TANTO PREMESSO, Wynn chiede al Tribunale di disporre quanto segue:

1. risarcimento dei danni per un importo da determinarsi in sede processuale, ma comunque in misura superiore a \$10.000,00;
2. rimborso delle spese legali e processuali;
3. corresponsione degli interessi pre- e post-giudizio sugli importi dovuti; nonché
4. qualsiasi ulteriore risarcimento ritenuto opportuno dal Tribunale.

Addì, 24 gennaio 2014

WYNN LAS VEGAS, LLC  
*[firma illeggibile]*

Stacie Michaels  
Albo Avvocati del Nevada N. 9705  
3131 Las Vegas Boulevard South  
Las Vegas, Nevada 89109  
Legale dell'Attore

COPIA AUTENTICATA  
IL DOCUMENTO ALLEGATO È UNA  
COPIA AUTENTICA E CONFORME  
DELL'ORIGINALE AGLI ATTI

*[firma illeggibile]*  
CANCELLIERE DEL TRIBUNALE  
(timbro)  
11 APR 2014

# TRIBUNALE ORDINARIO DI ROMA

Ufficio Asseveramento Perizie e Traduzioni

## VERBALE DI GIURAMENTO

CRONOLOGICO

N. 7957-4

Addi 20 GIUGNO 2014 avanti al sottoscritto Cancelliere è presente

LA Signor A. MADDAUENA DE ANGELIS

(iscritto/non iscritto all'Albo dei Consulenti Tecnici del Tribunale di

dal \_\_\_\_\_) identificato con documento

CARTA DI IDENTITÀ  
AT 9078527

N. AT 9078527 rilasciato dal COMUNE DI ROMA

il 27/09/2012 il quale chiede di asseverare con giuramento la traduzione

dalla lingua INGLESE alla lingua ITALIANA dei seguenti

documenti, uniti in: originale / copia conforme all'originale / fotocopia semplice:

SUMMONS AND COMPLAINT "WYNN LAS VEGAS  
LLC VS MARIO LA BARBERA"

Il Cancelliere, previa ammonizione sulla responsabilità penale (art.483 c.p.) derivante da dichiarazioni mendaci, invita il comparente al giuramento, che egli presta ripetendo:  
"Giuro di avere bene e fedelmente adempiuto all'incarico affidatomi al solo scopo di far conoscere la verità".

Letto, confermato e sottoscritto.



IL CANCELLIERE C)  
Francesco Sparacosa

N.B. L'Ufficio non si assume alcuna responsabilità per quanto riguarda il contenuto e la regolarità formale del documento tradotto.



**PROCURA DELLA REPUBBLICA**  
presso il Tribunale di Termini Imerese

Oggetto: autorizzazione alla notificazione da eseguirsi in territorio nazionale ai sensi dell'art. 71 l. n. 218/1995.

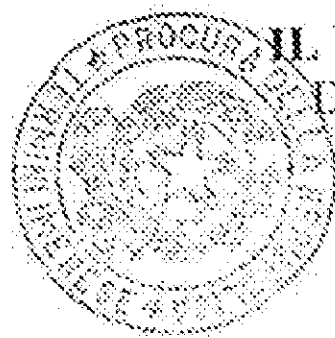
Il Pubblico Ministero,  
vista l'istanza depositata in data 07.07.2014 con cui, nell'interesse della società "Wynn Las Vegas, LLC", è stata richiesta l'autorizzazione al Pubblico Ministero territorialmente competente a procedere alla notificazione di atti giudiziari provenienti da uno Stato estero nei confronti di LA BARBERA Mario, nato a Palermo, il 15.06.1952, residente in Santa Flavia, Via Mondello, nr. 40,  
letto l'art. 71 l. n. 218/1995,

**AUTORIZZA**

la notificazione degli atti giudiziari indicati nell'istanza depositata in data 07.07.2014 nell'interesse della società "Wynn Las Vegas, LLC" nei confronti di LA BARBERA Mario, nato a Palermo, il 15.06.1952, residente in Santa Flavia, Via Mondello, nr. 40.

Manda alla Segreteria per quanto di competenza.

Termini Imerese, li 9 luglio 2014.



**IL PUBBLICO MINISTERO**  
Dott. Francesco Gualtieri





ORIGINALE

U.N.E.P. TERMINI IMERESE

Mod. E/

Mod. F/

Mod. A / 0 / 2014 Cron. 7.061 Dest. 1/1



Data Ric. 17/07/2014

Data Udienza

Trasferta 9,59

Sp.postale 0,00

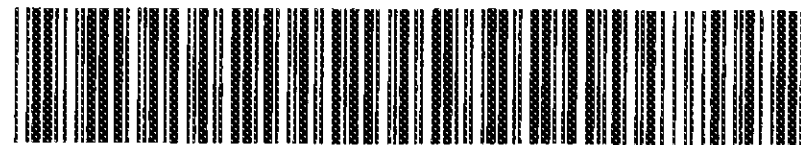
Istante: WINN LAS VEGAS LLC

Richiedente: GJOMAMARCAJ AVV. ALESSANDRO

VIA LIBERTA'

26

BAGHERIA



Relazione di Notificazione

Richiesto come in atti, io sottoscritto Ufficiale Giudiziario addetto all'Ufficio Unico suintestato, ho notificato il presente atto a

MARIO LA BARBERA NATO IN PALERMO IL 15.06.1952

SANTA FLAVIA - VIA MONDELLO, 40

mediante consegna di copia conforme all'originale a mani di persona qualificatasi per

BANCA FRANCESCA

Cognome

capace e convivente, che si incarica della consegna in sua precaria assenza.

Santa Flavia,

Firma Portiere/vicino di casa

24/07/14

L'Ufficiale Giudiziario DAMIANO PULEO

Compilato avviso ex art. 139 660 c.p.c. in data

L'Ufficiale Giudiziario

Mario Spataro

Spedita Raccomandata N. in data

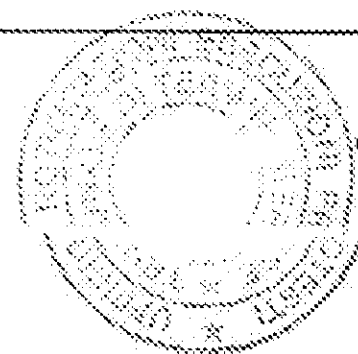
Ai sensi dell'art. 140 c.p.c., curando il deposito della copia dell'atto in busta chiusa e sigillata completa di numero cronologico, nella Casa Comunale di, per non aver rinvenuto alcuno all'indicato domicilio e/o per l'assenza o il rifiuto di persone idonee a cui poter consegnare l'atto ai sensi di legge.

L'Ufficiale Giudiziario

Spedita Raccomandata A.R. N. in data

Eseguita affissione a norma di legge in data

L'Ufficiale Giudiziario



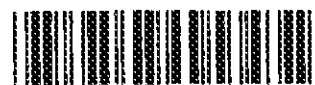
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N. Reg. 0 / 2014

Cron.: 7.061

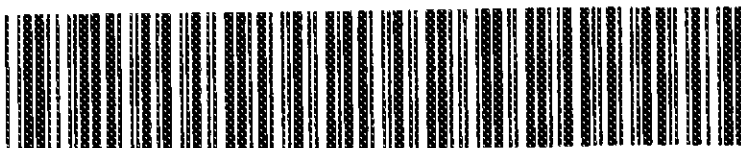
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Data Ric. 17/07/2014



UNEP  
TRIBUNALE DI  
TERMINI IMERESE

Ricevuta e Specifica dell'Atto



Mod. E/

Mod. F/

SPECIFICA

Diritti	2,58
Trasferte	9,59
10% trasferte	0,96
Dir. autenticaz.	
Spesa postale	
Bolli	
Tot. specifica	13,13

(10% versato in modo virtuale)

Si rilascia ricevuta al richiedente GJOMAMARCAJ AVV. ALESSANDRO della richiesta di notifica e dell'importo della specifica.

Data: 17/07/2014

L'ufficiale Giudiziario  
019



## COURT OF ROME

### Sworn Translations and Expert Reports

### OATH STATEMENT

Chronological No.

7957 - 4

This 20<sup>th</sup> day of June 2014, before me, the Clerk of the Court, the following person appears:

*MS. MADDALENA DE ANGELIS*

(registered/not registered with the Register of the Court Experts of the Court of \_\_\_\_\_ since \_\_\_\_\_), identified by *Identity Card No. AT 9078527* issued by the *CITY OF ROME* on 27 September 2012, who requests to take an oath regarding the translation from *ENGLISH* into *ITALIAN* of the following documents, enclosed hereto as original/ true copy to the original/ simple photocopy:

*SUMMONS AND COMPLAINT "WYNN LAS VEGAS LLC VS MARIO LA BARBERA".*

The Clerk of the Court, after warning of criminal liability attaching to misrepresentations (under Article 483 of the Italian Criminal Code), invites the appearing person, who accepts, to take an oath as follows: **"I do swear that I duly completed the tasks assigned to me with the only purpose of letting the truth be known"**.

Read, confirmed and signed.

*Signature: Maddalena De Angelis*

Stamp of the Court of Rome

Stamp and signature of the Clerk of the Court, Mr. Francesco Sbaressa

**Please note that this Office assumes no liability regarding the content and the formal accuracy of the translated document.**





**PROCURA DELLA REPUBBLICA**  
presso il Tribunale di Termini Imerese

Oggetto: autorizzazione alla notificazione da eseguirsi in territorio nazionale ai sensi dell'art. 71 l. n. 218/1995.

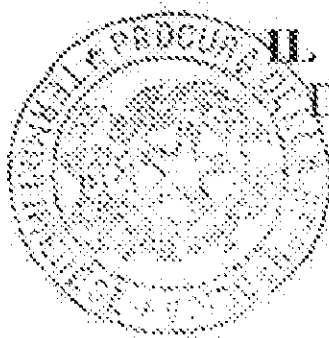
Il Pubblico Ministero,  
vista l'istanza depositata in data 07.07.2014 con cui, nell'interesse della società "Wynn Las Vegas, LLC", è stata richiesta l'autorizzazione al Pubblico Ministero territorialmente competente a procedere alla notificazione di atti giudiziari provenienti da uno Stato estero nei confronti di LA BARBERA Mario, nato a Palermo, il 15.06.1952, residente in Santa Flavia, Via Mondello, nr. 40,  
letto l'art. 71 l. n. 218/1995,

**AUTORIZZA**

la notificazione degli atti giudiziari indicati nell'istanza depositata in data 07.07.2014 nell'interesse della società "Wynn Las Vegas, LLC" nei confronti di LA BARBERA Mario, nato a Palermo, il 15.06.1952, residente in Santa Flavia, Via Mondello, nr. 40.

Manda alla Segreteria per quanto di competenza.

Termini Imerese, li 9 luglio 2014.



**IL PUBBLICO MINISTERO**  
Dott. Francesco Gualtieri



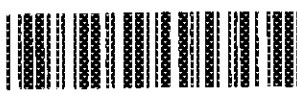
ORIGINALE

U.N.E.P. TERMINI IMERESE

Mod. E/

Mod. F/

Mod. A/0/2014 Cron. 7.061 Dest. 1/1



Data Ric. 17/07/2014

Data Udienda

Trasferta 9,59

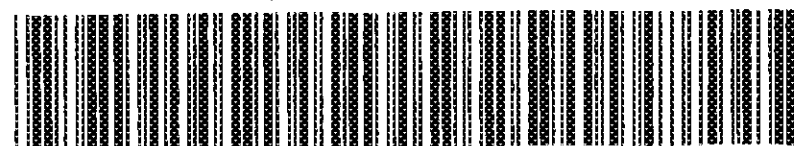
Sp.postale 0,00

Istante: WINN LAS VEGAS LLC

Richiedente: GJOMAMARCAJ AVV. ALESSANDRO

VIA LIBERTA'

26 BAGHERIA



Relazione di Notificazione

Richiesto come in atti, io sottoscritto Ufficiale Giudiziario addetto all'Ufficio Unico suintestato, ho notificato il presente atto a  
**MARIO LA BARBERA NATO IN PALERMO IL 15.06.1952**

**SANTA FLAVIA - VIA MONDELLO, 40**

mediante consegna di copia conforme all'originale a mani di persona qualificatasi per

*BENV. FRANCESCO*

*Cognome*

capace e convivente, che si incarica della consegna in sua precaria assenza.

**Santa Flavia,**

Firma Portiere/vicino di casa

*20/07/14*

L'Ufficiale Giudiziario **DAMIANO PULEO**

Compilato avviso ex art. ☐ 139 ☐ 660 c.p.c. in data

L'Ufficiale Giudiziario

*Mario Sparta*

Spedita Raccomandata N. in data

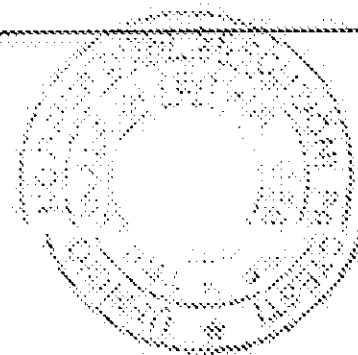
**Ai sensi dell'art. 140 c.p.c.**, curando il deposito della copia dell'atto in busta chiusa e sigillata completa di numero cronologico, nella Casa Comunale di \_\_\_\_\_, per non aver rinvenuto alcuno all'indicato domicilio e/o per l'assenza o il rifiuto di persone idonee a cui poter consegnare l'atto ai sensi di legge.

L'Ufficiale Giudiziario

Spedita Raccomandata A.R. N. in data

Eseguita affissione a norma di legge in data

L'Ufficiale Giudiziario



ORIGINALE

N. Reg. 0 /2014

Cron.: 7.061

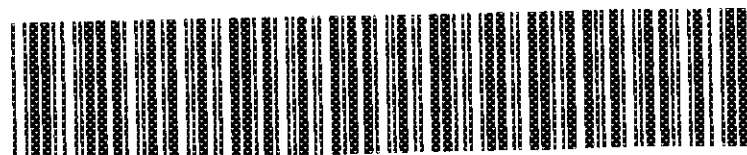
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Data Ric. 17/07/2014



UNEP  
TRIBUNALE DI  
TERMINI IMERESE

Ricevuta e Specifica dell'Atto



Mod. E/

Mod. F/

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Spesa postale	
Bolli	
Tot. specifica	13,13

(10% versato in modo virtuale)

Si rilascia ricevuta al richiedente **GJOMAMARCAJ AVV. ALESSANDRO**  
della richiesta di notifica e dell'importo della specifica.

Data: 17/07/2014

L'ufficiale Giudiziario





**OFFICE OF THE PUBLIC PROSECUTOR  
AT THE COURT OF TERMINI IMERESE**

**RE: Authorisation for service of process in the territory of the Italian Republic  
pursuant to Article 71 of Law 218/1995**

I

THE PUBLIC PROSECUTOR,

Having regard to the application, filed on 07.07.2014 in the interest of Wynn Las Vegas, LLC, for authorisation from the territorially-competent Public Prosecutor to serve in Italy certain foreign writs against Mario LA BARBERA, born in Palermo on 15 June 1962 and resident in Santa Flavia, Via Mondello 40

Having regard to Article 71 of Law No. 218/1995

**HEREBY AUTHORISES**

service of the writs specified in the application filed on 07.07.2014 in the interest of Wynn Las Vegas, LLC against Mario LA BARBERA, born in Palermo on 15 June 1962 and resident in Santa Flavia, Via Mondello 40

ORDERS the Records Office to fulfil all the required formalities.

Termini Imerese, 9 July 2014

*Francesco Gualtieri*

**The Public Prosecutor,  
Francesco Gualtieri  
[signature]**

**[stamp of the Public Prosecutor's Office  
of Termini Imerese ]**





**OFFICE FOR SERVICE, ENFORCEMENT AND PROTESTS  
OF TERMINI IMERESE**

**ORIGINAL**

Form E/ Form F/

Form A/0 -2014 Chron. No. **7.061** Dest 1/1 Rec. Date **17/07/2014**

Hearing Date

Travel 9.59

Postage 0.00

**Plaintiff: WYNN LAS VEGAS LLC**  
**Applicant: ALESSANDRO GJOMAMARCAJ, ESQ.**  
**VIA LIBERTA' 26 BAGHERIA**

**Certificate of Service**

I, the undersigned Process Server in charge of the above Office, as requested in the papers of the case, served this writ on  
**MARIO LA BARBERA, born in PALERMO on 15.06.1952**  
**SANTA FLAVIA- VIA MONDELLO 40**

by delivering by hand a certified true copy thereof to a person who identified himself as BRUNI FRANCESCO - brother in law.

who, capable and cohabiting, agreed to manage delivery of process in the recipient's temporary absence.

**Santa Flavia,** The Clerk of the Court

Signature of janitor/neighbour **24/07/14**

Notice drafted pursuant to Article ☐ 139 ☐ 160 of the Code of Civil Procedure on The Process Server [signature]

Registered Letter No. sent on

Pursuant to Article 140 of the Italian Code of Civil Procedure, I handed in a copy of the above writ in a sealed envelope, complete with chronological number, at the Town Hall of , since there was nobody at the address specified and/or nobody authorised to receive process pursuant to the law was in or available.

The Process Server

Registered Letter No. sent on

Notice affixed pursuant to the law on

The Process Server

Office for Service Enforcement and Protests  
of the Court of Termini Imerese

**ORIGINAL**

**OFFICE FOR SERVICE, ENFORCEMENT AND PROTESTS** Form E/ Form F/  
Receipt and details of the writ

REG. No. **0 /2014**  
Chron. No. **7.061**  
Dest. No. **1**  
Compl. No. **17.07.2014**

**DETAILS**

Charges	<b>2.58</b>
Travel	<b>9.59</b>
10% Travel	<b>0.96</b>
Cert. charges	
Stamp Duties	
Total	<b>13.13</b>

Receipt of application for service and charge details  
issued to the Applicant **ALESSANDRO GJOMAMARCAJ, ESQ.**

Date **17/07/2014**

The Process Server (Initials)



# TRIBUNALE ORDINARIO DI ROMA

Ufficio Asseveramento Perizie e Traduzioni

## VERBALE DI GIURAMENTO

CRONOLOGICO

1) N. 15636

Addi 16-12-2014 avanti al sottoscritto Cancelliere è presente

Signor a. FRANCESCA CORONA

(iscritto/non iscritto all'Albo dei Consulenti Tecnici del Tribunale di \_\_\_\_\_

dal \_\_\_\_\_) identificato con documento CARTA IDENTITA'

N. AT 474448 rilasciato da COMUNE DI REGGIO CALABRIA

il 20/11/2012 il quale chiede di asseverare con giuramento la traduzione

dalla lingua ITALIANA alla lingua INGLESE

del documento VERBALE DI GIURAMENTO, AUTORIZZAZIONE ALLA NOTIFICAZIONE DA

ESGOMES INTERIMARIO NAZIONALE DI SOSTEGNO ALLE V.M. - 28/11/15, RELAZIONE DI NOTIFICAZIONE

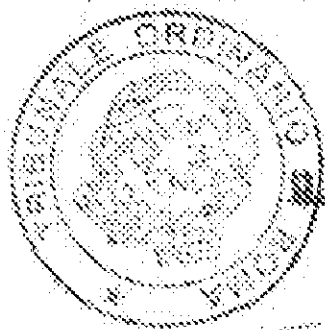
unito in: originale / copia conforme all'originale / fotocopia semplice:

Il Cancelliere, previa ammonizione sulla responsabilità penale (art.483 c.p.) derivante da dichiarazioni mendaci, invita il comparente al giuramento, che egli presta ripetendo:

**"Giuro di avere bene e fedelmente adempiuto all'incarico affidatomi al solo scopo di far conoscere la verità".**

Letto, confermato e sottoscritto.

Francesca Corona



IL CANCELLIERE CI  
Fallica Gaccavale



**N.B. L'Ufficio non si assume alcuna responsabilità per quanto riguarda il contenuto e la regolarità formale del documento tradotto.**



1  
09:34:00 2 UNITED STATES DISTRICT COURT  
09:34:00 3 CLARK COUNTY, NEVADA  
09:34:00 4 - - - - -  
09:34:00 IN THE MATTER OF:  
09:34:00 5 WYNN LAS VEGAS, LLC d/b/a WYNN  
09:34:00 6 LAS VEGAS, a Nevada limited liability  
09:34:00 company,  
09:34:00 7 Plaintiff,  
09:34:00 Case No:  
09:34:00 8 v. A-14-695025-C  
09:34:00 9  
09:34:00 MARIO LA BARBERA, an individual,  
09:34:00 10 Defendant.  
09:34:00 - - - - -  
09:34:00 11 DEPOSITION OF: MARIO LA BARBERA  
09:34:00 12 VOLUME I  
09:34:00 13 Thursday, 11 June, 2015  
09:34:00 14 AT: 10:05 a.m.  
09:34:00 15 Taken at:  
09:34:00 16 The Grand Hotel Palatino  
09:34:00 Via Cavour  
09:34:00 17 Roma  
09:34:00 Italy  
09:34:00 18  
09:34:00 19  
09:34:00 20



09:34:00 21

09:34:00 22

09:34:00 23 Court Reporter:

09:34:00 24 GEORGIA GOULD

09:34:00 Accredited Real-time Reporter

09:34:00 25

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09:34:00 1

A P P E A R A N C E S

09:34:00 2 Appearing for the Plaintiff:

09:34:00

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09:34:00 6

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09:34:00 8 Las Vegas, NV 89109

09:34:00

09:34:00 9 Appearing for the defendant:

09:34:00

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09:34:00 16

09:34:00 17 Also present:

09:34:00 18 Martin Esposito (Bilingual Conference Interpreter)

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09:34:00 1 W I T N E S S I N D E X

09:34:00 2

09:34:00 3 Witness Page

09:34:00 4 MARIO LA BARBERA (sworn) .....5

09:34:00 5 Examination by MR. SEMENZA .....5

09:34:00 6 Examination by MR. ALBREGTS .....117

09:34:00 7 Examination by MR. SEMENZA .....127

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09:34:00 1 E X H I B I T I N D E X

09:34:00 2

09:34:00	3	No.	Description	Page
09:34:00	4	Exhibit 1	Plaintiff's Initial Disclosures Pursuant to NEV.R.CIV.P.16.1 [WYNN-00001 to wynn-00047]]	.....20

WYNNLASVEGASmr.barberaFINALdep

09:34:00	6	Exhibit 2	Credit Suisse bank statements [12 ....60
09:34:00			pages] - CONFIDENTIAL DOCUMENT: NOT
09:34:00	7		TO BE PUBLICLY DISCLOSED
09:34:00			
09:34:00	8	Exhibit 3	Defendant Mario La Barbera's .....67
09:34:00			Responses to Plaintiff's First
09:34:00	9		Requests for Admissions to
09:34:00			Defendant Mario La Barbera [12
09:34:00	10		pages]
09:34:00			
09:34:00	11	Exhibit 4	WLV Marketing Casino accounts [5 .....68
09:34:00			pages]
09:34:00	12		
09:34:00		Exhibit 5	Samples of Mr. La Barbera's .....114
09:34:00	13		signature [1 page]
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09:34:00	14	Exhibit 6	Mario La Barbera Player Report [3 ...118
09:34:00			pages]
09:34:00	15		
09:34:00		Exhibit 7	Comps Report [2 pages] .....119
09:34:00	16		

09:34:00 17                   \*\* EXHIBIT 2 (ORIGINAL) WAS RETAINED

09:34:00 18                   BY COUNSEL MR. SEMEMZA \*\*

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Thursday, June 11, 2015

08:17:57 1

08:44:35 2 (10.05 a.m.)

09:52:06 3 (The interpreter was sworn)

09:52:06 4 (All answers are interpreted unless otherwise indicated)

09:52:06 5 MARIO LA BARBERA

09:52:06 6 having been sworn, testified as follows:

09:52:06 7 EXAMINATION BY MR. SEMENZA:

10:05:10 8 BY MR. SEMENZA:

10:05:06 9 Q. Mr. La Barbera, my name is LJ Semenza and

10:05:16 10 I represent the Wynn Las Vegas. Today is the date and time

10:05:22 11 scheduled for your deposition. Do you understand that?

10:05:26 12 A. Yes.

10:05:27 13 Q. And have you ever had your deposition taken before?

10:05:32 14 A. No.

10:05:33 15 Q. Let me just go over a few of the ground rules for

10:05:37 16 the deposition here today. First, the oath you just took is

10:05:42 17 the same oath that you would take in an American court of

10:05:46 18 law. And the oath that you just took carry -- well, let me

10:05:57 19 back up. Do you understand what perjury is?

10:06:04 20 A. Yes.

10:06:05 21 Q. And the oath you just took is the same oath that you

10:06:09 22 would take in a court of law and carries with it the same

10:06:17 23 punishment or penalties for not telling the truth as in

10:06:22 24 a court of law. Do you understand that?

10:06:25 25 A. Yes.

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10:06:27 1 Q. I'm gonna be asking you a series of questions today

10:06:31 2 and I would like you to give me your best answer to the

10:06:34 3 questions I pose to you. Do you understand that?

10:06:40 4 A. Yes, sir.

10:06:41 5 Q. If I pose a question to you and you do not

10:06:45 6 understand the question, please let me know and I will

10:06:50 7 rephrase it. Do you understand that?

10:06:55 8 A. Yes.

10:06:57 9 Q. If you answer one of my questions I'm going to

10:07:01 10 assume that you understood the question. Do you understand

10:07:05 11 that as well?

10:07:06 12 A. Yes, sir.

10:07:09 13 Q. The Court Reporter is going to be taking down

10:07:12 14 everything that is said here today. You will have an

10:07:17 15 opportunity to review the deposition transcript and you have

10:07:23 16 the ability to make changes to that transcript. If you make

10:07:29 17 any substantive changes to the deposition transcript, I will

10:07:34 18 have an opportunity to comment on those changes at the time

10:07:38 19 of trial. Do you understand that?

10:07:43 20 A. Yes, sir.

10:07:44 21 Q. It's important for neither one of us to talk over  
10:07:48 22 each other so that we have a clear record here today. Do  
10:07:54 23 you understand that?

10:07:57 24 A. (Indicating assent.)

10:07:58 25 Q. So please wait until I have finished asking my

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10:08:01 1 question before you provide an answer, and I will allow you  
10:08:06 2 to finish your answer before I ask another question. Unless  
10:08:12 3 your counsel instructs you otherwise, you are to answer all  
10:08:18 4 of my questions here today. Do you understand that?

10:08:24 5 A. Yes, sir.

10:08:26 6 Q. What did you do to prepare for your deposition here  
10:08:29 7 today?

10:08:34 8 A. Nothing. This deposition is an attempt to try to  
10:08:46 9 clarify my position and my presence in Las Vegas for three  
10:08:52 10 days.

10:08:55 11 THE INTERPRETER: You'll make me aware if this  
10:08:57 12 overlap disturbs you in any way and I can change that.

10:09:02 13 MR. ALBREGTS: For the record, Mr. La Barbera met  
10:09:05 14 with Giacomo and I, and if you will tell him he doesn't have

10:09:09 15 to answer any questions that call for confidentiality I'll

10:09:12 16 appreciate that.

10:09:14 17 MR. SEMENZA: Go ahead.

10:09:15 18 MR. ALBREGTS: Anything he asks you that asks for

10:09:21 19 information between you and me you don't have to answer.

10:09:31 20 We'll discuss it first because I prefer that the questions

10:09:35 21 are answered.

10:10:09 22 (10:09 a.m.)

10:10:13 23 (Discussion off the record.)

10:10:15 24 (10:11 a.m.)

10:11:22 25 BY MR. SEMENZA:

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10:11:23 1 Q. So let's go back on the record, Mr. La Barbera.

10:11:28 2 Did you review any documents in preparation for your

10:11:31 3 deposition here today?

10:11:36 4 A. Yes, some bank statements.

10:11:39 5 Q. And what bank statements are you specifically

10:11:42 6 referring to?

10:11:46 7 A. The ones pertaining to the period in which I was in

10:11:50 8 Las Vegas.

10:11:53 9 Q. And you brought some of those documents here today?



10:11:58 10 A. Yes, I have.

10:11:59 11 Q. And these are photocopies of various bank  
10:12:02 12 statements?

10:12:05 13 A. That's correct.

10:12:06 14 Q. And what bank are these bank statements, or  
10:12:09 15 photographs of bank statements, from?

10:12:14 16 A. The bank name is Credit Suisse.

10:12:21 17 Q. Did you review any other documents in preparation  
10:12:24 18 for your deposition here today?

10:12:27 19 A. No. I saw this and these do not correspond to the  
10:12:38 20 truth. Because I --

10:12:43 21 MR. ALBREGTS: Tell him there's no question  
10:12:44 22 pending. There's no question pending.

10:12:51 23 THE INTERPRETER: What was said is, "I was in Las  
10:12:52 24 Vegas three days and three nights."

10:12:55 25 MR. SEMENZA: Okay.

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10:13:02 1 MR. ALBREGTS: Thank you.

10:13:02 2 BY MR. SEMENZA:

10:13:03 3 Q. In addition to the photographs of the bank

10:13:05 4 statements you had pointed to other documents that are in

10:13:08 5 front of Mr. Albregts. Is that correct?

10:13:13 6 A. That's correct.

10:13:13 7 Q. And these are documents that were provided to

10:13:16 8 Mr. Albregts yesterday afternoon?

10:13:21 9 A. That's correct.

10:13:23 10 Q. How long did you meet with Mr. Albregts yesterday?

10:13:30 11 A. Two to three hours.

10:13:32 12 Q. And did you do anything other than review the

10:13:36 13 photographs and -- strike that.

10:13:40 14 Did you do anything other than review the documents

10:13:42 15 and meet with your counsel yesterday in preparation for your

10:13:46 16 deposition here today?

10:13:54 17 A. I received some instructions as I have never been in

10:14:02 18 this kind of...

10:14:10 19 Q. You received instructions, you said?

10:14:17 20 A. Instructions for what?

10:14:19 21 Q. I think you just said that you had received some

10:14:21 22 instructions.

10:14:25 23 MR. ALBREGTS: He doesn't have to tell him what

10:14:28 24 the instructions are.

10:14:31 25 A. There were instructions as to how to deal with the

10:14:33 1 situation.

10:14:34 2 BY MR. SEMENZA:

10:14:34 3 Q. Okay. These are instructions that were provided by

10:14:36 4 your counsel?

10:14:41 5 A. Yes, that's correct. As to how to go about the

10:14:45 6 situation.

10:14:45 7 Q. Okay. How did you first come to be a patron at

10:14:53 8 Wynn?

10:14:54 9 A. Could you repeat the question, sir?

10:14:56 10 Q. How did you first come to be a patron at the Wynn?

10:15:08 11 A. It was by chance, as I was introduced by the

10:15:17 12 Marketing Director of the Monte Carlo Casino, and I went to

10:15:27 13 Las Vegas and I was received by Alex Pariente.

10:15:38 14 Q. Who was the Marketing Director at the Monte Carlo?

10:15:45 15 A. It was Mark Marchese.

10:15:54 16 Q. Mr. Marchese?

10:15:59 17 A. Mr. Marchese.

10:16:01 18 Q. And is he still at the Monte Carlo now?

10:16:05 19 A. I don't think so.

10:16:06 20 Q. Do you know where he is?

10:16:08 21 A. No, I don't.

10:16:10 22 Q. When was the last time you communicated with him?

10:16:18 23 A. I think it must have been three years ago.

10:16:25 24 Q. And Mr. Marchese was the -- was an employee of the  
10:16:31 25 casino in Monte Carlo?

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10:16:38 1 A. This I don't know. He was in charge of marketing.

10:16:43 2 Q. This was not at the Monte Carlo Las Vegas, correct?

10:16:50 3 A. No, Monte Carlo in the principality of Monaco.

10:16:59 4 Q. And have you gambled at the Monte Carlo Casino in  
10:17:04 5 Monaco?

10:17:05 6 A. Yes, I have.

10:17:07 7 Q. When was the last time that you gambled at the Monte  
10:17:10 8 Carlo Casino in Monaco?

10:17:17 9 A. A year ago.

10:17:26 10 Q. Can you approximate for me how much money you  
10:17:30 11 gambled at that period of time or during that trip?

10:17:43 12 A. I think somewhere around 50,000 euros, something  
10:17:46 13 like that.

10:17:50 14 Q. Who was your host on that particular trip?

10:17:58 15 A. SBM.

10:18:03 16 Q. SBM?

10:18:06 17 A. SBM. Société.

10:18:14 18 THE INTERPRETER: S for "société. "Des" -- in

10:18:20 19 French -- des bains, B-A-I-N. Which I think means  
10:18:25 20 "bathing". "De mer". So the Society of Sea Bathing,  
10:18:32 21 Société des Bains.  
10:18:36 22 BY MR. SEMENZA:  
10:18:36 23 Q. The society of what?  
10:18:39 24 THE INTERPRETER: Sea bathing, beach bathing,  
10:18:42 25 this is my own translation from French.

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10:18:46 1 MR. ALBREGTS: Where do we sign up?  
10:18:53 2 THE INTERPRETER: (Pause). Just clarifying.  
10:18:54 3 MR. ALBREGTS: LJ, if you have a moment's  
10:18:56 4 indulgence, he needs to ask a question.  
10:18:59 5 MR. SEMENZA: Okay.  
10:18:58 6 (10.19 a.m.)  
10:19:01 7 (Discussion off the record.)  
10:19:02 8 (10:20 a.m.)  
10:20:24 9 BY MR. SEMENZA:  
10:20:25 10 Q. So when I asked you who your host was during your  
10:20:29 11 last trip to Monte Carlo Casino you said SBM. Was there  
10:20:35 12 a particular individual that acted as your host at the  
10:20:38 13 casino?

10:20:44 14 A. No, I've been going to Monte Carlo for many many  
10:20:47 15 years.

10:20:49 16 Q. And is SBM the group you went to the Monte Carlo  
10:20:53 17 with?

10:20:56 18 A. That's correct. Have a marketing office managing  
10:21:02 19 clients.

10:21:04 20 Q. SBM does, or the Monte Carlo Hotel Casino?

10:21:14 21 A. Monte Carlo Casino is part of SBM --

10:21:19 22 Q. Okay.

10:21:19 23 A. -- group.

10:21:24 24 Q. During your last trip to the Monte Carlo Casino in  
10:21:28 25 Monaco did you gamble on credit?

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10:21:36 1 A. No, it was with my own money.

10:21:38 2 Q. When was the last time that you gambled on credit at  
10:21:42 3 any casino?

10:21:55 4 A. It's been a few years, quite a few years, since  
10:21:58 5 I last gambled on credit. If I have money, I play;  
10:22:02 6 otherwise, I don't.

10:22:05 7 Q. Do you recall the specific casino where you played  
10:22:09 8 on credit last?

10:22:14 9 A. I think it was Monte Carlo, quite a few years ago.

10:22:19 10 Q. Can you estimate the year for me?

10:22:31 11 A. I'm just correcting, the answer was 50,000 euros,

10:22:34 12 but I corrected this. The year is 2012, I think.

10:22:39 13 Q. And just so the record is clear, the last time you

10:22:43 14 played on credit at any casino was in approximately 2012?

10:22:51 15 A. That's correct, sir.

10:22:55 16 Q. That was at the Monte Carlo Casino in Monaco?

10:23:00 17 A. That's correct.

10:23:01 18 Q. And how much credit did you play with?

10:23:08 19 A. 50,000.

10:23:14 20 Q. The 50,000 that you played on credit with, that is

10:23:20 21 not the same trip that we talked about earlier where you had

10:23:24 22 said that you had gone to the Monte Carlo Casino

10:23:28 23 approximately a year ago?

10:23:30 24 A. No, this was a different trip, sir.

10:23:35 25 Q. When you are gambling at the Monte Carlo Casino, on

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10:23:40 1 credit, does the casino use markers that are similar to

10:23:46 2 those in the United States?

10:23:49 3 A. No, no, they don't.

10:23:51 4 Q. Can you explain to me the process for obtaining  
10:23:55 5 credit at the Monte Carlo Casino?  
10:24:00 6 A. It's a simple receipt, in exchange for which chips  
10:24:10 7 are given to you.  
10:24:17 8 Q. How do you pay back the credit that is obtained in  
10:24:23 9 this context from the Monte Carlo Casino?  
10:24:28 10 A. If I lose, through a transfer.  
10:24:30 11 Q. A bank transfer?  
10:24:32 12 A. That's correct.  
10:24:32 13 Q. And how quickly are you obligated to repay the  
10:24:37 14 credit utilized?  
10:24:44 15 A. They don't have a tight deadline. A month, perhaps  
10:24:48 16 two months, but they are very flexible.  
10:24:52 17 Q. And does the Monte Carlo Casino in Monaco offer  
10:24:57 18 discounts for prompt payments of gambling debts that are on  
10:25:04 19 credit?  
10:25:05 20 THE INTERPRETER: You said "problem payments"  
10:25:07 21 offer discount for?  
10:25:11 22 MR. SEMENZA: Prompt.  
10:25:12 23 THE INTERPRETER: Prompt payment.  
10:25:19 24 A. No.  
10:25:19 25 BY MR. SEMENZA:

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10:25:20 1 Q. So when you take out credit at the Monte Carlo  
10:25:21 2 Casino in Monaco you have to pay all of that credit back and  
10:25:28 3 no discounts are generally given?  
10:25:32 4 A. Clearly there is also the hospitality.  
10:25:39 5 Q. There are complementaries that are provided?  
10:25:46 6 A. Lunch, dinner, the hotel.  
10:25:50 7 Q. Is that what you were referring to as "hospitality"  
10:25:52 8 in your prior answer?  
10:25:56 9 A. That's correct, sir.  
10:26:02 10 Q. Can you estimate for me the total amount of credit  
10:26:05 11 that you have obtained at the Monte Carlo Casino in Monaco?  
10:26:14 12 MR. ALBREGTS: Total? Over time?  
10:26:16 13 MR. SEMENZA: Yes, total over time.  
10:26:17 14 MR. ALBREGTS: Total over time.  
10:26:23 15 A. How can I do this?  
10:26:27 16 MR. ALBREGTS: Many years?  
10:26:29 17 A. Many years.  
10:26:31 18 BY MR. SEMENZA:  
10:26:31 19 Q. Is it in the millions of euro or dollars?  
10:26:37 20 A. No.  
10:26:38 21 Q. Can you estimate for me?  
10:26:45 22 A. 3/400,000 euros.

10:26:48 23 Q. And what date range was that credit obtained?

10:26:56 24 A. I really couldn't say, I don't recall.

10:26:59 25 Q. Was it in the past 5 years or 20 years?

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10:27:03 1 A. 10 years, around 10.

10:27:12 2 Q. And how long have you been patronizing the Monte

10:27:16 3 Carlo Casino in Monaco?

10:27:23 4 A. It's been 20 years.

10:27:29 5 Why are we focusing on Monte Carlo? We need to

10:27:35 6 speak about the Wynn.

10:27:36 7 Q. And we will.

10:27:41 8 Are there any other casinos that you have gambled at

10:27:46 9 since April 2008 other than the Monte Carlo Casino in Monaco

10:27:55 10 and the Wynn Las Vegas?

10:27:59 11 A. Yes.

10:28:00 12 Q. Could you tell me what casinos those are?

10:28:07 13 A. I played at Saint Vincent, I gambled in Venice,

10:28:20 14 Campione. And that's all -- these are the ones I patronize

10:28:35 15 more -- more often, but by far the most frequent patronage

10:28:42 16 is Monte Carlo.

10:28:45 17 Q. And where is the Saint Vincent?

10:28:51 18 A. It's in Aosta in Italy.  
10:28:57 19 Q. Have you ever gambled on credit there?  
10:29:00 20 A. No.  
10:29:03 21 Q. And the Venice Casino, is that the lido?  
10:29:17 22 A. It's at the lido in the summer and in the winter  
10:29:20 23 it's at Palazzo Vendramin.  
10:29:29 24 Q. And you've never gambled on credit at that location?  
10:29:35 25 A. No.

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10:29:36 1 Q. Prior to your trip to Wynn in 2008 have you ever  
10:29:41 2 gambled on credit?  
10:29:48 3 A. In Monaco.  
10:29:49 4 Q. In Monaco you have.  
10:30:28 5 Do you recall the year you first met Alex Pariente?  
10:30:37 6 A. Yes, it was when I arrived in Las Vegas, 29 March,  
10:30:43 7 2008.  
10:30:46 8 Q. Had you spoken with Mr. Pariente before March 29,  
10:30:51 9 2008?  
10:30:53 10 A. No, I hadn't.  
10:30:55 11 Q. How did you -- well, he was your host on that  
10:30:58 12 particular trip?

10:31:07 13 A. Yes, he -- he put me up.

10:31:14 14 Q. Now, how did he become your host if you had never

10:31:17 15 communicated with him prior to your arrival in --

10:31:20 16 on March 29 of 2008?

10:31:26 17 A. Because I was introduced to him by Marchese. I was

10:31:33 18 introduced as a player, as a gambler.

10:31:36 19 Q. Okay. And did Marchese call Mr. Pariente and let

10:31:40 20 him know that you were coming?

10:31:43 21 A. I believe so, I think so.

10:31:45 22 Q. Okay. When you arrived was Mr. Pariente there to

10:31:49 23 greet you?

10:31:54 24 A. He sent a car to the airport and then he received me

10:31:59 25 at the Wynn.

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10:32:02 1 Q. Do you recall interacting with any other employee of

10:32:05 2 the Wynn on your trip in March of 2008?

10:32:13 3 A. No.

10:32:14 4 Q. He's the only individual that you recall

10:32:16 5 specifically?

10:32:19 6 A. That's correct.

10:32:25 7 Q. Do you know how Mr. Pariente knew that you were

10:32:32 8 arriving for your March 2008 trip?

10:32:41 9 A. I believe through Marchese, who must have told him  
10:32:49 10 my date of departure, and therefore the rest followed.

10:32:53 11 Q. How did you come to the decision to travel to the  
10:32:56 12 Wynn for your March 2008 trip?

10:33:05 13 A. It's a curiosity on my part to see Las Vegas.

10:33:10 14 Q. Had you ever been to Las Vegas before March of 2008?

10:33:14 15 A. No, I hadn't.

10:33:19 16 Q. And did you stay at the Wynn during your entire trip  
10:33:23 17 in March of 2008?

10:33:30 18 A. Yes, it was four nights and three days in total.

10:33:40 19 Q. Did you go to any casinos other than the Wynn Las  
10:33:44 20 Vegas during your trip in March 2008?

10:33:47 21 A. No, no, I didn't. I visited the other casinos out  
10:33:54 22 of curiosity but I did not gamble there.

10:33:57 23 Q. What other casinos do you recall visiting?

10:34:04 24 A. Bellagio, Venetian, and I think that's it. Caesar.

10:34:11 25 MR. ALBREGTS: The Venetian?

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10:34:14 1 A. Venetian, yes.

10:34:15 2 BY MR. SEMENZA:

10:34:15 3 Q. On this trip in March 2008 were you accompanied by  
10:34:19 4 anyone else?

10:34:22 5 A. I was alone.

10:34:26 6 Q. Did you pay for your own travel on the March of 2008  
10:34:33 7 trip?

10:34:33 8 A. Yes, I did.

10:34:39 9 Q. Did you personally book your reservations at the  
10:34:42 10 Wynn Las Vegas or did someone book those reservations on  
10:34:45 11 your behalf?

10:34:50 12 A. I think Pariente did everything.

10:34:54 13 Q. So Mr. Pariente knew you were coming prior to your  
10:34:59 14 arrival?

10:35:02 15 A. I believe so because there was this contact with  
10:35:08 16 Marchese who presumably announced my arrival to him.

10:35:13 17 Q. Did you arrange your trip to the Wynn Las Vegas  
10:35:15 18 in March 2008 through Marchese?

10:35:19 19 A. No, I didn't. Marchese simply introduced me to  
10:35:29 20 Pariente, that's all. Then I organized the trip.

10:35:38 21 Q. But you had never communicated with Mr. Pariente  
10:35:41 22 prior to your arrival on March 29?

10:35:44 23 A. Absolutely not.

10:35:48 24 Q. So how was your room arranged prior to your arrival?

10:35:56 25 MR. ALBREGTS: If he knows. Tell him remember

10:35:59 1 only if he knows.

10:36:04 2 A. I don't know. I arrived there and I was given

10:36:08 3 a room.

10:36:12 4 BY MR. SEMENZA:

10:36:12 5 Q. Is it fair to say that you knew you had a room

10:36:14 6 reservation at the Wynn but you don't know how that

10:36:18 7 reservation was secured?

10:36:24 8 A. Yes, that's correct.

10:36:25 9 Q. And what were your dates that you arrived at the

10:36:29 10 Wynn and departed from the Wynn on that particular trip?

10:36:35 11 A. I arrived on 29 March and I departed on 4 April.

10:37:03 12 THE INTERPRETER: Not to worry about my

10:37:05 13 interruptions, he can go with the flow.

10:37:07 14 MR. ALBREGTS: If you can wait for LJ to finish

10:37:09 15 his question. As long as Georgia is picking it up, you guys

10:37:13 16 are doing great.

10:37:14 17 THE INTERPRETER: So shall I continue in the same

10:37:16 18 way?

10:37:16 19 MR. SEMENZA: You are fine.

10:37:17 20 MR. ALBREGTS: You seem to have found a rhythm.

10:37:41 21 A. What is this?

10:37:42 22 BY MR. SEMENZA:

10:37:42 23 Q. This is a series of documents that has been produced  
10:37:50 24 to your counsel as part of the pending litigation.

10:37:54 25 (Exhibit 1 marked for identification)  
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10:38:01 1 Q. Before we get to the document, when you arrived  
10:38:06 2 on March 29 of 2008 at the Wynn and met with Mr. Pariente,  
10:38:13 3 could you tell me what you discussed with him?

10:38:20 4 A. Well, he said that practically they gave me a credit  
10:38:26 5 line, to establish this, of USD 200,000.

10:38:38 6 Q. And was a USD 200,000 credit line acceptable to you?

10:38:45 7 A. Yes.

10:38:51 8 Q. Now, did you ask for that credit line from  
10:38:54 9 Mr. Pariente?

10:38:59 10 A. No, it was allowed, it was given to me by them.

10:39:03 11 Q. Did you bring any cash with you?

10:39:09 12 A. No, credit cards, just credit cards.

10:39:14 13 Q. Did you wire any funds to the Wynn prior to your  
10:39:19 14 trip on March 29, 2008?

10:39:23 15 A. No, from Las Vegas I invoked some transfers, two  
10:39:35 16 transfers.



10:39:39 17 Q. So while you were in Las Vegas you initiated two

10:39:42 18 wire transfers from your bank to Wynn Las Vegas?

10:39:48 19 A. That's correct, from my bank, from Credit Suisse,

10:39:51 20 after one day.

10:39:52 21 Q. And how much did you wire from your Credit Suisse

10:39:56 22 account to Wynn Las Vegas?

10:39:59 23 A. The first transfer was USD 400,000, and the second

10:40:03 24 one, USD 600,000, a total of USD 1 million.

10:40:09 25 Q. Were those transfers undertaken on the same day?

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10:40:17 1 A. No, they were one day apart, I think.

10:40:20 2 Q. Okay. The first transfer was in the amount of USD

10:40:23 3 400,000?

10:40:24 4 A. That's correct.

10:40:25 5 Q. And was initiated on which day?

10:40:36 6 MR. MIOTTI: Can he refer to the --

10:40:38 7 A. Day one of my stay --

10:40:40 8 BY MR. SEMENZA:

10:40:41 9 Q. Hold on, hold on. I just want to understand what he

10:40:43 10 said.

10:40:43 11 It's your recollection that you transferred the USD

10:40:45 12 400,000 on your first day of your stay at Wynn?

10:40:53 13 A. Perhaps the day after, the morning after -- the day  
10:40:55 14 after.

10:40:56 15 Q. Okay. And do you recall when you initiated the  
10:40:59 16 second wire transfer in the amount of USD 600,000?

10:41:07 17 A. I believe 24 or maybe 48 hours following the first  
10:41:11 18 one.

10:41:13 19 MR. ALBREGTS: And in reference to the document,  
10:41:15 20 the bank records will show that.

10:41:21 21 MR. SEMENZA: Okay.

10:41:17 22 MR. ALBREGTS: Thanks.

10:41:22 23 BY MR. SEMENZA:

10:41:22 24 Q. Okay. Would you like to refer to the bank  
10:41:33 25 statements to confirm the dates upon which those wire  
22

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10:41:36 1 transfers were made?

10:41:37 2 A. Yes, I would.

10:41:40 3 MR. SEMENZA: Giacomo, would you mind?

10:41:44 4 MR. ALBREGTS: You are on, Giacomo.

10:41:46 5 MR. MIOTTI: This is seven years' time so  
10:41:48 6 everybody could forget.

10:41:56 7 A. The 1st of the 4th, the 1st of April, and the 3rd  
10:42:00 8 of April. World you like to see it, sir?  
10:42:03 9 MR. SEMENZA: Yes.  
10:42:12 10 MR. ALBREGTS: Giacomo, we'll do it page-by-page.  
10:42:14 11 MR. MIOTTI: Yes.  
10:42:25 12 BY MR. SEMENZA:  
10:42:26 13 Q. Were these amounts in dollars or in euros?  
10:42:35 14 A. I had -- I also had a dollar account at  
10:42:37 15 Credit Suisse and I wired dollars.  
10:42:40 16 Q. Okay. Why did you make these transfers, one in the  
10:42:48 17 amount of USD 400,000 and the second in the amount of USD  
10:42:51 18 600,000?  
10:42:54 19 A. Because I'd run out of money.  
10:42:57 20 Q. At that point in time that you wired those funds had  
10:43:01 21 you exhausted your credit limit?  
10:43:06 22 A. Yes.  
10:43:07 23 Q. Prior to the USD 400,000 wire transfer on or  
10:43:15 24 about April 1 of 2008, do you recall what your credit limit  
10:43:19 25 was?

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10:43:23 1 A. 200,000.

10:43:25 2 Q. At --

10:43:28 3 A. Then, once the money arrived, I was given a villa.

10:43:38 4 I saw my credit increase and they ruined me.

10:43:46 5 Q. What do you recall your credit limit to be prior to

10:43:53 6 the second wire transfer, USD 600,000?

10:44:00 7 A. 500 is what they gave me. And after the arrival of

10:44:06 8 the 600 I was given a million. (In English): They kill

10:44:29 9 players in Las Vegas.

10:44:34 10 THE INTERPRETER: That was in English, "They kill

10:44:37 11 players in Las Vegas."

10:44:38 12 A. (Answer Interpreted): It's true, they really kill

10:44:40 13 them.

10:44:44 14 BY MR. SEMENZA:

10:44:45 15 Q. Okay. When you arrived at Wynn Las Vegas

10:44:57 16 on March 29, 2008, do you recall reviewing and executing

10:45:04 17 certain documents to establish credit?

10:45:17 18 A. I certainly must have signed --

10:45:24 19 Q. Well --

10:45:26 20 A. -- for example, I do not know that these were

10:45:30 21 checks, nobody explained it to me, nobody explained it to

10:45:33 22 me. I thought that these were some receipts in order to get

10:45:43 23 to obtain the chips. Nobody explained to me this.

10:45:51 24 MR. ALBREGTS: Wait for a question. If he

10:45:56 25 doesn't ask you the question I will ask you the question.

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10:46:00 1 A. I just saw it and it came to me.

10:46:02 2 BY MR. SEMENZA:

10:46:03 3 Q. And, before you turn the page, what page are you

10:46:05 4 referring to on that?

10:46:09 5 MR. ALBREGTS: Wynn 2.

10:46:12 6 BY MR. SEMENZA:

10:46:12 7 Q. All right.

10:46:16 8 A. I'm not sure this is my signature, that's not the

10:46:19 9 way I signed it. Anyway --

10:46:21 10 MR. ALBREGTS: He will ask you very specific

10:46:24 11 questions about all of this.

10:46:25 12 MR. SEMENZA: Mr. La Barbera, can you flip the

10:46:28 13 page.

10:46:29 14 MR. ALBREGTS: To the first page.

10:46:31 15 BY MR. SEMENZA:

10:46:32 16 Q. Do you recall providing Wynn with a copy -- do you

10:46:34 17 recall providing Wynn with your passport?

10:46:42 18 A. I think so, but I don't really remember.

10:46:44 19 Q. Did you understand that that was a requirement to

10:46:48 20 establishing credit at Wynn?

10:46:54 21 A. No, I did not.

10:46:56 22 Q. What do you understand the reason for providing your  
10:47:00 23 passport to Wynn to be?

10:47:07 24 A. When one goes to a hotel I assumed it's normal to  
10:47:11 25 produce a document.

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10:47:13 1 Q. And you voluntarily provided your passport to Wynn?

10:47:18 2 A. Certainly I was asked, I think, at reception, and so  
10:47:22 3 I supplied it.

10:47:23 4 Q. Did you provide your passport to Mr. Pariente or  
10:47:26 5 some other employee at Wynn when you checked in?

10:47:33 6 A. I honestly don't recall.

10:47:38 7 (10:47 a.m.)

10:47:44 8 (Discussion off the record.)

10:47:46 9 (10:48 a.m.)

10:47:55 10 BY MR. SEMENZA:

10:47:55 11 Q. Mr. La Barbera, can I have you turn to Wynn 33. Do  
10:48:15 12 you recognize this document?

10:48:22 13 MR. ALBREGTS: Can you translate the title up  
10:48:23 14 here? (Pause.)

10:48:32 15 A. The signature is certainly my own.

10:48:34 16 BY MR. SEMENZA:

10:48:34 17 Q. Okay.

10:48:35 18 A. But I don't recall it. It's certainly my signature,  
10:48:42 19 it says "Credit Suisse".

10:48:46 20 Q. Do you recall who you were with when you signed this  
10:48:50 21 document?

10:48:53 22 A. No, I don't, honestly.

10:48:56 23 Q. And the handwriting -- the printing, right --

10:49:02 24 MR. ALBREGTS: Printing.

10:49:04 25 A. That's mine.

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10:49:06 1 MR. ALBREGTS: Wait for a question. Sorry.

10:49:11 2 BY MR. SEMENZA:

10:49:11 3 Q. No, that's okay.

10:49:12 4 So from your name at the top of the page to where  
10:49:25 5 you have signed, is all of that handwritten writing yours?

10:49:34 6 A. Yes.

10:49:37 7 Q. And how did you know what handwritten information to  
10:49:43 8 provide on this form?

10:49:52 9 A. I think I must have been aided, I'm not sure whether  
10:49:56 10 it was Pariente or anyone else, I really don't recall.

10:50:01 11 Q. Can you read English?

10:50:04 12 A. No.

10:50:06 13 Q. Can you write English?

10:50:08 14 A. No.

10:50:10 15 Q. Is it fair to say that someone assisted you in

10:50:14 16 completing the form?

10:50:16 17 A. I believe so.

10:50:18 18 Q. Do you recall asking the individual who assisted you

10:50:21 19 in completing the form to translate it or to read it to you

10:50:25 20 in Italian?

10:50:30 21 A. No, this was about filling in with names and

10:50:35 22 a street, city, profession and my -- and the bank, and my

10:50:44 23 bank account.

10:50:44 24 Q. Did you understand that this was required

10:50:47 25 information to establish credit at Wynn?

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10:50:55 1 A. I believe so.

10:50:57 2 Q. And is anything in the document that you had wrote

10:51:02 3 inaccurate?

10:51:06 4 Let me ask a better question. When you completed

10:51:11 5 this form is there anything that you wrote on the form that



10:51:19 6 is inaccurate?

10:51:28 7 A. I think so.

10:51:29 8 Q. What is inaccurate?

10:51:34 9 A. No, I think that it's correct.

10:51:36 10 MR. ALBREGTS: Okay, he understood the question?

10:51:40 11 THE INTERPRETER: Yes, I was just translating

10:51:43 12 literally.

10:51:44 13 MR. ALBREGTS: No, he's a smart guy, he really

10:51:50 14 is.

10:51:50 15 BY MR. SEMENZA:

10:51:51 16 Q. Just so I'm clear, you don't recall anyone -- strike

10:51:55 17 that.

10:51:55 18 You don't recall asking anyone to translate the form

10:52:00 19 to you in Italian prior to or during your completion of the

10:52:05 20 form?

10:52:09 21 A. I think somebody helped me. I think this Pariente

10:52:14 22 gentleman must have helped me fill it in. I don't know,

10:52:17 23 I think.

10:52:18 24 MR. ALBREGTS: One moment.

10:52:18 25 (10:52 a.m.)

10:52:24 1 (Discussion off the record.)

10:52:26 2 (10:53 a.m.)

10:52:50 3 BY MR. SEMENZA:

10:52:50 4 Q. Let me have you turn now to Wynn 46. Do you

10:53:08 5 recognize this document?

10:53:42 6 A. I don't remember it. The signature is my own.

10:53:47 7 Q. When you first arrived at the Wynn and signed this

10:53:53 8 document, Wynn 46, was it your understanding that you were

10:53:58 9 being given a credit line of USD 300,000 as opposed to USD

10:54:06 10 200,000?

10:54:14 11 A. I imagine I must have read this. I don't remember

10:54:18 12 exactly everything. It's seven-and-a-half years ago and --

10:54:29 13 Q. Is it fair to say that you were initially given

10:54:31 14 a USD 300,000 credit line at Wynn?

10:54:37 15 A. I recall 200.

10:54:45 16 Q. And, prior to signing this document, did you ask

10:54:50 17 anyone to translate it into Italian for you?

10:54:54 18 A. No, I didn't.

10:54:58 19 Q. Do you recall who was present with you when you

10:55:00 20 signed this document?

10:55:03 21 A. I believe Pariente, I think.

10:55:09 22 Q. And did Mr. Pariente explain to you the terms of

10:55:13 23 this document when you signed it?

10:55:19 24 A. I don't recall, but I would assume that he must have

10:55:23 25 told me that this was necessary in order to obtain the  
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10:55:26 1 credit.

10:55:28 2 Q. Do you recall asking Mr. Pariente, when you signed

10:55:32 3 this, about the terms relating to obtaining credit at Wynn?

10:55:37 4 A. No.

10:55:42 5 Q. Is it fair to say that if you had questions relating

10:55:45 6 to the credit provided to you by Wynn Las Vegas that

10:55:49 7 Mr. Pariente was available to answer those questions?

10:55:59 8 A. This I don't know. For example, he was unable to

10:56:06 9 say something to me about market, and I thought that market

10:56:12 10 was a simple receipt rather than a commitment. Nobody

10:56:17 11 explained this to me at Wynn.

10:56:20 12 Q. You mentioned the term "market" or "marker".

10:56:25 13 A. The ones which they then cashed in, we have the same

10:56:29 14 word "market".

10:56:30 15 Q. Okay. Does Mr. Pariente speak fluent Italian?

10:56:44 16 A. He's south American. Let's say that he muddled

10:56:49 17 through, we were able to understand one another.

10:56:51 18 Q. And when you spoke to Mr. Pariente did you speak to

10:56:54 19 him in Italian?

10:57:01 20 A. Latin, mixed with Italian. A Latin-Italian mix.  
10:57:09 21 Q. Okay. Is it fair to say that you -- strike that.  
10:57:14 22 During your discussions and conversations with  
10:57:17 23 Mr. Pariente is it fair to say that you understood what he  
10:57:20 24 was saying?  
10:57:25 25 MR. ALBREGTS: Objection as to form, as to what's

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♀

10:57:26 1 "fair". Go ahead and answer.  
10:57:36 2 A. The question was?  
10:57:38 3 BY MR. SEMENZA:  
10:57:38 4 Q. Let me ask it a different way. When you were having  
10:57:45 5 conversations with Mr. Pariente while at the Wynn  
10:57:48 6 in March 2008 did you believe that he understood you and  
10:57:54 7 that you understood him?  
10:58:01 8 A. Broadly speaking, yes. I didn't know how things  
10:58:23 9 worked inside this casino, nobody explained it to me, but  
10:58:26 10 anyway we'll get there.  
10:58:28 11 Q. And, going back, when you spoke Mr. Pariente you  
10:58:31 12 said you spoke Latin, meaning Spanish?  
10:58:35 13 A. Yes, Latino and Spanish.  
10:58:38 14 Q. So you spoke both Italian and Spanish with him?

10:58:43 15 A. That's correct, a mix of the two.

10:58:52 16 Q. It is your belief that your were able to understand

10:58:54 17 each other during your interactions?

10:58:58 18 A. I repeat, broadly speaking, yes.

10:59:04 19 Q. Let me have you turn to the next page which is Wynn

10:59:07 20 47. Do you recognize the document Wynn 47?

10:59:36 21 A. No. The signature is my own. The date was not

10:59:41 22 written by me.

10:59:42 23 Q. That was someone else dating it?

10:59:47 24 A. I think so. This is not my handwriting.

10:59:51 25 Q. Do you recall reading this document prior to signing

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10:59:53 1 it?

10:59:55 2 A. No.

10:59:56 3 Q. Do you recall asking anyone to translate the English

11:00:00 4 into a language that you understood?

11:00:03 5 A. No, they told me I had to sign.

11:00:06 6 Q. Is it your common practice to sign documents in

11:00:11 7 foreign languages?

11:00:16 8 A. I thought that in this -- this was standard practice

11:00:22 9 in casinos, this was not a death sentence I was signing.

11:00:27 10 Q. It's fair to say that prior to signing this  
11:00:30 11 document, Wynn 47, that you didn't read it nor did you  
11:00:34 12 understand what you were signing?

11:00:38 13 A. They just said, "Sign here, sign here", and  
11:00:41 14 I signed. It was necessary in order to obtain credit.

11:01:03 15 Q. I understand that you dispute that you owe Wynn  
11:01:07 16 money.

11:01:13 17 A. Absolutely no.

11:01:16 18 Q. You do dispute that you owe Wynn money, correct?

11:01:24 19 A. Absolutely not.

11:01:27 20 MR. ALBREGTS: Meaning he's saying he doesn't owe  
11:01:29 21 the Wynn money?

11:01:33 22 A. No.

11:01:36 23 MR. MIOTTI: No means yes. In the sense of  
11:01:37 24 yes --

11:01:39 25 THE INTERPRETER: I'm not adding anything of my  
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11:01:41 1 own.

11:01:43 2 BY MR. SEMENZA:

11:01:43 3 Q. Do you believe that you owe Wynn any money at all?

11:01:49 4 A. No.

11:01:50 5 Q. Okay. I think we've got that.

11:02:01 6 MR. ALBREGTS: I think so. It's okay and the  
11:02:04 7 question, you're doing good.

11:02:06 8 BY MR. SEMENZA:

11:02:06 9 Q. What do you base your contention that you do not owe  
11:02:09 10 Wynn any money on?

11:02:17 11 A. Because they made me sign those receipts and I made  
11:02:27 12 a transfer to a total of USD 1 million in two days -- over  
11:02:36 13 two days.

11:02:47 14 Q. Is it your contention that the amounts Wynn believes  
11:02:54 15 that you owe it were paid by the USD 1 million that was  
11:03:00 16 transferred to the Wynn during your trip?

11:03:04 17 A. Yes.

11:03:20 18 Q. Other than the markers at issue in this particular  
11:03:24 19 case, did you take out any other markers at the Wynn during  
11:03:29 20 your trip?

11:03:33 21 MR. ALBREGTS: Objection. Vague and ambiguous  
11:03:35 22 with respect to what markers we're speaking about here.

11:03:39 23 A. I don't recall, and I'm not sure which markers we're  
11:03:43 24 talking about.

11:03:45 25 BY MR. SEMENZA:

11:03:53 1 Q. Let me have you turn to Wynn 2. We had talked about  
11:04:06 2 this document before. Do you dispute that you signed this  
11:04:13 3 particular document?

11:04:24 4 A. I'm not disputing, they kept on bringing me drinks,  
11:04:33 5 asking for things. I would get things, and this kind of  
11:04:39 6 market for me was a receipt for the chips.

11:04:47 7 MR. ALBREGTS: Please translate for him the  
11:04:49 8 amount. Make sure he knows the amount of the marker and the  
11:04:52 9 date before he answers the question, please.

11:05:05 10 A. August. I wasn't there in August.

11:05:07 11 BY MR. SEMENZA:

11:05:08 12 Q. I understand you weren't. I'll make the  
11:05:11 13 representation to you that at the time this marker was  
11:05:14 14 signed that it was -- did not have a date on it. So let me  
11:05:22 15 ask you, do you dispute that your signature is on that  
11:05:30 16 particular document, Wynn 2?

11:05:35 17 A. You see, I signed this way.

11:05:43 18 THE INTERPRETER: My own addition, we are  
11:05:44 19 pointing to Wynn 47.

11:05:46 20 MR. ALBREGTS: Thank you.

11:05:49 21 THE INTERPRETER: You are welcome.

11:05:50 22 A. And this is my signature. I don't recall -- it  
11:05:57 23 doesn't look like my signature, I really cannot undertake to



11:06:03 24 recall.

11:06:05 25 BY MR. SEMENZA:

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11:06:05 1 Q. You --

11:06:06 2 A. This does not seem my signature to me.

11:06:08 3 Q. So are you saying that it is not your signature on

11:06:11 4 Wynn 2?

11:06:16 5 A. All I'm saying is it doesn't look like my signature.

11:06:19 6 I have this feeling because my signature is definitely what

11:06:23 7 I see here.

11:06:25 8 THE INTERPRETER: Pointing to 47.

11:06:27 9 A. And the other one, I'm introducing Wynn 1 and 2, is

11:06:31 10 different.

11:06:33 11 BY MR. SEMENZA:

11:06:33 12 Q. Again, I just need to clarify. Do you believe that

11:06:37 13 the signature on Wynn 2 was not yours?

11:06:45 14 A. I repeat, I cannot swear that this is not my

11:06:56 15 signature, but neither can I say yes, it is.

11:06:59 16 Q. Okay, you don't know either way?

11:07:07 17 A. Yes, I don't know.

11:07:10 18 Q. Let me have you turn to Wynn 4.

11:07:23 19 A. This one is way out.  
11:07:25 20 Q. Okay. Are you saying --  
11:07:27 21 A. This is not my signature.  
11:07:29 22 Q. This one is not your signature. That is your  
11:07:31 23 position?  
11:07:34 24 A. Yes. This definitely is not my signature.  
11:07:40 25 Q. Okay. Let me have you turn to Wynn 7.

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11:07:55 1 A. I do not sign this way.  
11:07:57 2 Q. Is it your position that the signature on Wynn 7 is  
11:08:02 3 not yours?  
11:08:06 4 A. Neither this one is mine.  
11:08:10 5 MR. ALBREGTS: This not his signature?  
11:08:13 6 A. This is not my signature.  
11:08:14 7 MR. ALBREGTS: Okay.  
11:08:17 8 A. It's impossible.  
11:08:18 9 MR. ALBREGTS: I understand.  
11:08:18 10 A. It's impossible.  
11:08:19 11 BY MR. SEMENZA:  
11:08:19 12 Q. Let me have you turn to Wynn 10. The document  
11:08:38 13 identified on Wynn 10.

11:08:50 14 A. How can I -- how can we say this is my signature

11:08:52 15 when my signature is like this?

11:08:55 16 THE INTERPRETER: We're pointing to Wynn 47, my  
11:08:57 17 own addition.

11:08:59 18 MR. ALBREGTS: Wynn 46 and 47.

11:09:00 19 THE INTERPRETER: 46 and 47.

11:09:02 20 BY MR. SEMENZA:

11:09:02 21 Q. With regard to Wynn 10, is it your position in this  
11:09:04 22 particular case that you did not sign this document?

11:09:11 23 A. This is not my signature. The first case I was  
11:09:18 24 doubtful. But --

11:09:27 25 BY MR. SEMENZA:

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11:09:27 1 Q. Okay, so you are taking the position that Wynn 10  
11:09:30 2 does not contain your signature?

11:09:35 3 A. I don't sign this one, my signature is different.

11:09:39 4 Q. I understand it looks different than some of the  
11:09:43 5 other documents that you have been referencing, but the  
11:09:46 6 question I am posing to you is is it your position that you  
11:09:50 7 did not sign Wynn 10? It's a yes or no question.

11:10:02 8 A. No, I don't remember, it was eight years ago, but

11:10:09 9 the signature isn't mine.

11:10:12 10 Q. By saying that the signature isn't yours am

11:10:17 11 I correct that you're stating that you did not sign Wynn 10?

11:10:25 12 A. Yes, you are correct.

11:10:28 13 Q. Let me have you turn to Wynn 13. With regard to

11:10:45 14 Wynn 13 is it your position that you did not sign this

11:10:48 15 document?

11:10:55 16 A. I would to like say the following: this is not my

11:10:59 17 signature. Whether I signed it or not, I don't remember,

11:11:03 18 but I know that this is not my signature.

11:11:05 19 Q. Okay. So -- and again I just want to understand,

11:11:10 20 you are not saying that you didn't sign it, but what you're

11:11:14 21 saying is it does not look like your signature?

11:11:19 22 MR. ALBREGTS: Objection, argumentative.

11:11:23 23 Objection, argumentative.

11:11:27 24 BY MR. SEMENZA:

11:11:27 25 Q. You can answer the question.

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11:11:34 1 A. What question?

11:11:39 2 BY MR. SEMENZA:

11:11:39 3 Q. Am I correct that you're asserting that you don't

11:11:43 4 know one way or the other whether you signed this document  
11:11:48 5 and that you're saying it does not look like your signature?  
11:11:54 6 A. This is not my signature.  
11:11:58 7 Q. Again, meaning you didn't sign it or it does not  
11:12:01 8 look like your signature?  
11:12:05 9 A. It does not look like my signature.  
11:12:08 10 Q. Okay. Do you understand my question though?  
11:12:10 11 I understand that it does not look like your signature, but  
11:12:18 12 whether it looks like your signature and whether you  
11:12:21 13 actually signed it are two different issues. I need to  
11:12:27 14 understand whether you believe you signed it or did not sign  
11:12:34 15 it, versus whether it looks like or does not look like your  
11:12:38 16 signature.  
11:12:44 17 A. Look, they kept on bringing drinks, cards and other  
11:12:49 18 stuff, so it's hard to explain. As a consequence, when  
11:12:56 19 these were placed before me, I cannot recall -- I don't  
11:13:03 20 remember what was going on. First of all, I say that nobody  
11:13:11 21 had explained this to me, the text, this is neither  
11:13:15 22 Alex Pariente neither anyone else that this was a commitment  
11:13:19 23 to pay. But I believe it was a receipt to obtain chips.  
11:13:27 24 Nobody explained this to me.  
11:13:28 25 MR. ALBREGTS: If there's no question pending,

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11:13:30 1 I want to take a break. Thank you.

11:13:35 2 MR. SEMENZA: Okay.

11:13:52 3 (11:13 a.m.)

11:14:01 4 (Break taken.)

11:43:50 5 (11:53 a.m.)

11:43:49 6 MR. SEMENZA: An issue has arisen relating to the

11:53:06 7 break that was just taken. And off the record Mr. Albregts

11:53:16 8 and I had a discussion concerning whether the conversation

11:53:23 9 between counsel and Mr. La Barbera during the break was

11:53:27 10 privileged, or whether the privilege had been waived by

11:53:31 11 virtue of the Coyote Springs Investment LLC v Eighth

11:53:35 12 Judicial District Court, case 131, Nevada Advance Opinion

11:53:43 13 18. And so we've been having a discussion off the record

11:53:47 14 relating to that particular issue, but we're now back on the

11:53:51 15 record and we will continue with the deposition testimony.

11:53:57 16 MR. ALBREGTS: That is correct and take it one

11:53:58 17 question at a time.

11:54:07 18 BY MR. SEMENZA:

11:54:07 19 Q. Mr. La Barbera, after you had taken the break there

11:54:12 20 was no question pending, is that correct?

11:54:19 21 Let me rephrase the question. When we took the

11:54:21 22 break there was no question pending of you at that point in

11:54:25 23 time. Is that correct?

11:54:29 24 A. I believe so.

11:54:31 25 Q. And after the break was taken can you please tell me

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11:54:39 1 what your discussions with Mr. Albregts were and your

11:54:43 2 discussions with your Italian counsel were?

11:54:48 3 MR. ALBREGTS: For the record, I had no direct

11:54:50 4 discussions with Mr. La Barbera other than through

11:54:54 5 Mr. Miotti, who is his Italian counsel translating on his

11:54:59 6 behalf. With that reservation, go ahead and answer the

11:55:02 7 question, sir.

11:55:07 8 A. I went to smoke a cigarette and then I went to the

11:55:13 9 gentlemen's room and there was no conversation, particular

11:55:19 10 conversation, at all.

11:55:22 11 BY MR. SEMENZA:

11:55:22 12 Q. There was no discussion at all between you and your

11:55:25 13 counsel during the break relating to your testimony as to

11:55:32 14 whether you signed certain markers or did not sign certain

11:55:36 15 markers?

11:55:41 16 A. No. We didn't speak about this. I repeat, this is

11:55:46 17 not my signature.

11:55:48 18 Q. Did Mr. Albregts have any communications with you  
11:55:53 19 during the break relating to whether you should assert that  
11:55:59 20 the markers I've been showing you are in fact forgeries or  
11:56:05 21 not?

11:56:07 22 A. No, there has been nothing.

11:56:09 23 MR. SEMENZA: For the record, I think that there  
11:56:12 24 was statements made concerning that type of testimony.

11:56:22 25 MR. ALBREGTS: That's an inaccurate  
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11:56:24 1 representation.

11:56:26 2 MR. SEMENZA: Mr. Albregts can make his  
11:56:29 3 representations relating to what took place during the  
11:56:34 4 break.

11:56:39 5 MR. ALBREGTS: I've no representations to make.

11:56:45 6 BY MR. SEMENZA:

11:56:45 7 Q. How long, approximately, was the break?

11:56:55 8 A. About ten minutes. Quarter of an hour, perhaps,  
11:57:02 9 because you were also out of the room.

11:57:06 10 MR. SEMENZA: Okay. I think where we had left  
11:57:09 11 off was -- I just want to go back and make sure that the  
11:57:25 12 record is clear up to this point in time. Again, and for



11:57:33 13 Mr. Albregts's benefit, I'm not attempting to ask him to  
11:57:40 14 change his testimony, I just want to understand and be clear  
11:57:43 15 with regard to what he believes are his signatures and what  
11:57:48 16 he believes are not his signatures with regard to the  
11:57:51 17 documents that have been produced.

11:57:53 18 MR. ALBREGTS: I understand.

11:57:55 19 BY MR. SEMENZA:

11:57:56 20 Q. Okay. So with regard to the credit application.

11:58:06 21 A. Which is this one.

11:58:07 22 Q. Hold on and I'll find the right one. Wynn 33. You  
11:58:32 23 are not disputing on Wynn 33 that you signed this document,  
11:58:35 24 correct?

11:58:39 25 A. This is my signature.

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11:58:44 1 Q. Okay. Turning to Wynn 46. Again --

11:59:00 2 MR. ALBREGTS: Wait for a question.

11:59:03 3 BY MR. SEMENZA:

11:59:03 4 Q. With regard to Wynn 46, the first page, you would  
11:59:08 5 agree with me that that is your signature?

11:59:10 6 A. Yes.

11:59:11 7 Q. With regard to Wynn 47 you would agree with me that

11:59:17 8 this is your signature?

11:59:19 9 A. Yes, but this is not my writing.

11:59:24 10 THE INTERPRETER: My own addition, we are

11:59:28 11 pointing at the date now.

11:59:30 12 Q. So it's your signature on Wynn 47, but you did not  
11:59:34 13 hand write in the date?

11:59:36 14 A. That's correct.

11:59:37 15 Q. Okay, thank you. Going back to Wynn 2.

11:59:46 16 MR. ALBREGTS: I messed up, hold on, give me  
11:59:48 17 a moment. I'm missing a part.

12:00:13 18 BY MR. SEMENZA:

12:00:14 19 Q. So with regard to Wynn 2 is it your testimony this  
12:00:17 20 is or is not your signature?

12:00:23 21 A. I already answered this one.

12:00:25 22 Q. And what was your answer?

12:00:27 23 A. No.

12:00:32 24 MR. ALBREGTS: I missed an objection there.

12:00:33 25 Asked and answered.

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12:00:38 1 BY MR. SEMENZA:

12:00:39 2 Q. Again, so I'm clear and Jeff can object, is the

12:00:43 3 issue with regard to the signature that it does not look

12:00:48 4 like your signature, or is it your position that this is

12:00:56 5 a forgery?

12:01:01 6 A. I don't know whether this has been forged. But one

12:01:04 7 thing is certain, that this is not my signature.

12:01:11 8 Q. Meaning that you did not sign this document?

12:01:17 9 A. It's not my signature.

12:01:21 10 Q. And again I think the problem we're having as far as

12:01:24 11 the distinction between whether it looks like your signature

12:01:28 12 or whether you actually signed it.

12:01:36 13 A. Once again, this is not my signature. My signature

12:01:40 14 is this one.

12:01:47 15 THE INTERPRETER: My addition, we're referring to

12:01:49 16 47.

12:01:50 17 A. This is not my signature.

12:01:57 18 THE INTERPRETER: My addition, we're referring to

12:01:59 19 Wynn 2.

12:02:04 20 BY MR. SEMENZA:

12:02:05 21 Q. Let's turn to Wynn 4.

12:02:17 22 A. Even more in this case, this not my signature.

12:02:20 23 Q. Okay.

12:02:25 24 MR. ALBREGTS: I think the preface "even more"

12:02:32 25 exonerates me here, LJ. I apologize.

12:02:35 1 BY MR. SEMENZA:

12:02:36 2 Q. Let's turn to Wynn 7.

12:02:44 3 MR. ALBREGTS: There you go. No question

12:02:47 4 pending.

12:02:49 5 A. Same again, this is --

12:02:50 6 BY MR. SEMENZA:

12:02:51 7 Q. Is it your testimony with regard to Wynn 7 that this

12:02:55 8 is not your signature?

12:02:59 9 A. No. I do not recognize it in any way.

12:03:10 10 MR. SEMENZA: Okay.

12:03:12 11 MR. ALBREGTS: Wynn 10?

12:03:13 12 BY MR. SEMENZA:

12:03:13 13 Q. Yes, Wynn 10.

12:03:14 14 A. Same again.

12:03:16 15 Q. So that the record is clear, it's your testimony

12:03:20 16 that this is not your signature on Wynn 10?

12:03:25 17 A. No. I don't recall exactly what happened, but

12:03:34 18 I don't remember signing all this stuff.

12:03:40 19 Q. With regard to Wynn 13 -- with regard to Wynn 13,

12:03:51 20 does this appear to be your signature?

12:03:56 21 A. No.

12:04:04 22 Q. With regard to Wynn 16?  
12:04:09 23 A. Same again.  
12:04:11 24 Q. And just again so the record is clear, so that we  
12:04:14 25 don't have to rely on other answers, with regard to Wynn 16  
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12:04:18 1 is it your testimony that you did not sign this document?  
12:04:23 2 A. I did not.  
12:04:30 3 Q. Let's turn to Wynn 18. Now, with regard to this  
12:04:40 4 particular document, does it appear to be your signature?  
12:04:47 5 A. Not to me. My signature is more extended.  
12:04:56 6 Q. Turning to Wynn 21.  
12:05:00 7 A. Same again.  
12:05:00 8 Q. And again, just so that the record is clear, it is  
12:05:03 9 your testimony that you did not sign this document?  
12:05:13 10 A. It's not my signature. I would like to clarify this  
12:05:16 11 detail. This is not my signature. This is not my  
12:05:23 12 signature.  
12:05:27 13 Q. Can I have you turn Wynn 23.  
12:05:33 14 A. Are we joking? This is even less my signature.  
12:05:36 15 Q. Okay. Is it your testimony -- go ahead, I'm sorry  
12:05:40 16 to interrupt.

12:05:41 17 A. So all the more, meaning this is even less my

12:05:45 18 signature, so the same again.

12:05:46 19 Q. Okay. And, just so the record is clear, your

12:05:49 20 testimony with regard to Wynn 23 is that you did not sign

12:05:55 21 this document?

12:05:57 22 A. No, it's not my signature.

12:06:01 23 Q. Turning to Wynn 25.

12:06:07 24 A. No.

12:06:08 25 Q. So, with regard to Wynn 25, it is your testimony

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12:06:11 1 here today that you did not sign the document?

12:06:16 2 A. I did not.

12:06:18 3 Q. Let's turn to Wynn 28. With regard to Wynn 28, is

12:06:33 4 it your testimony that you didn't sign this document?

12:06:37 5 A. No, no I didn't. This is not my signature.

12:06:44 6 Q. Turning to Wynn 30.

12:06:52 7 MR. ALBREGTS: How does that translate?

12:06:54 8 BY MR. SEMENZA:

12:06:55 9 Q. There was lots of gesturing.

12:06:58 10 With regard to Wynn 30 is it your testimony that you

12:07:02 11 did not sign this document?

12:07:06 12 A. Absolutely not, this is not my signature.

12:07:11 13 Q. I think that's all of the markers.

12:07:13 14 MR. ALBREGTS: I think so.

12:07:15 15 BY MR. SEMENZA:

12:07:17 16 A. This is my signature.

12:07:18 17 THE INTERPRETER: My own addition, we're pointing  
12:07:20 18 to Wynn 33.

12:07:24 19 BY MR. SEMENZA:

12:07:24 20 Q. Okay. Let me have you turn -- well, let me ask you  
12:07:33 21 this. Do you recall completing credit line increase  
12:07:38 22 requests during your trip to Wynn in March of 2008?

12:07:48 23 A. I don't recall, I don't recall.

12:07:50 24 Q. Okay. Let me have you turn to Wynn 35. With regard  
12:08:05 25 to Wynn 35, have you seen this document before?

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12:08:11 1 A. I don't recall it, but the signature -- I think the  
12:08:15 2 signature is my own.

12:08:17 3 Q. So with regard to Wynn 35, the signature is yours?

12:08:24 4 A. This was 04/02, so they increased this to 600,000,  
12:08:34 5 when my first transfer arrived.

12:08:42 6 Q. Okay. So this credit line increase was in response

12:08:46 7 to your USD 600,000 wire that came in?

12:08:53 8 A. This was the response to the first 400 which came

12:08:56 9 in.

12:08:56 10 Q. Okay.

12:09:00 11 A. Because it stated the 2nd, the 2nd of the 4th.

12:09:04 12 Q. Okay. And this is your signature that appears on

12:09:11 13 the document?

12:09:12 14 A. Yes.

12:09:13 15 Q. And did you read the document before you signed it?

12:09:18 16 A. No.

12:09:18 17 Q. What do you understand you were doing when you

12:09:22 18 signed this document?

12:09:25 19 A. I understood it was an increase of the -- in the

12:09:29 20 amount of the credit line.

12:09:31 21 Q. And the reason you had to complete the credit line

12:09:34 22 increase was because you had taken out the maximum

12:09:40 23 permitted?

12:09:43 24 A. That's correct.

12:09:45 25 Q. So in order to obtain more credit you had to sign

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12:09:48 1 this document?



12:09:52 2 A. I believe so.

12:09:53 3 Q. Do you recall whether Mr. Pariente was present with  
12:09:56 4 you when you signed this document?

12:10:02 5 A. I think so, but I don't recall. I think so but  
12:10:07 6 I don't recall.

12:10:08 7 Q. Let me have you turn to -- well, let me -- with  
12:10:13 8 regard to Wynn 35, did you ever ask anyone to translate the  
12:10:17 9 document?

12:10:20 10 A. No.

12:10:21 11 Q. Did you ever ask anyone to read it to you in  
12:10:24 12 Italian?

12:10:25 13 A. No.

12:10:27 14 Q. Can you turn to Wynn 36, please. Does this appear  
12:10:36 15 to contain your signature on Wynn 36?

12:10:41 16 A. Yes.

12:10:44 17 Q. Again, is this a credit line increase request?

12:10:50 18 A. Yes.

12:10:51 19 Q. And -- okay.

12:10:57 20 This was a credit line increase from USD 500,000 to  
12:11:00 21 USD 600,000, is that correct?

12:11:07 22 A. This is -- this predates the one we saw earlier.

12:11:12 23 Q. Yes. You don't have any reason to dispute that this  
12:11:15 24 credit line increase request was signed on March 31 of 2008?

12:11:27 25 A. Yes, that's correct.

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12:11:30 1 Q. Okay. Let me have you turn to Wynn 37. Does Wynn  
12:11:42 2 37 contain your signature?

12:11:47 3 A. Yes, this is my signature.

12:11:51 4 Q. And this purports to be a credit line increase  
12:11:54 5 request?

12:11:58 6 A. (Indicated assent.)

12:11:58 7 Q. And you signed this document in order to raise your  
12:12:01 8 credit limit from 400,000 to USD 500,000?

12:12:08 9 A. I think so, yes, yes.

12:12:10 10 Q. And you don't have any reason to dispute that this  
12:12:13 11 credit line increase was obtained on March 31 of 2008?

12:12:20 12 A. No.

12:12:21 13 Q. Again, with regard to this credit line increase  
12:12:25 14 request, did you ask anyone to translate it for you?

12:12:31 15 A. No, I understood that I was signing for this reason,  
12:12:39 16 and these are the things which I signed, I did sign these  
12:12:42 17 things, this was in order to increase the credit line and so  
12:12:45 18 much so that --

12:12:47 19 Q. How did you come to the understanding that you  
12:12:52 20 needed to sign this in order to increase your credit limit

12:12:55 21 when you do not speak nor read English?

12:13:02 22 A. They asked me to sign, as you can see, there's

12:13:04 23 a little cross by the signature meaning I was asked to sign,

12:13:07 24 and it was very clear the numbers, it says 600 and

12:13:10 25 1 million.

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12:13:11 1 Q. Okay. And you were looking at Wynn 38, right?

12:13:17 2 A. Yes.

12:13:18 3 Q. So with regard to Wynn 38, does this contain your

12:13:25 4 signature?

12:13:29 5 A. Yes.

12:13:30 6 MR. ALBREGTS: The question before was did they

12:13:35 7 tell him what he was signing when he signed this document?

12:13:41 8 A. Increase in credit, they said to me. In order to

12:13:44 9 obtain this increase we are now at 1 million. This is

12:13:48 10 because my transfer had arrived in the meantime, my 600,000

12:13:52 11 transfer had arrived in the meantime.

12:13:55 12 MR. ALBREGTS: Thank you for your indulgence.

12:13:59 13 BY MR. SEMENZA:

12:13:59 14 Q. So your position is that -- well, you don't have any

12:14:03 15 reason to dispute that this --

12:14:16 16 A. (In English): Sorry, sorry.

12:14:16 17 Q. It's okay.

12:14:17 18 (Phone ringing.)

12:14:29 19 Q. With regard to Wynn 38 you don't dispute that this

12:14:32 20 credit line increase request was obtained

12:14:34 21 on April 4 -- April 3 of 2008, do you?

12:14:44 22 A. Yes, I -- I don't dispute this and I left on the

12:14:47 23 4th. So, yes.

12:14:54 24 Q. Is it your testimony that the wire transfer of the

12:15:01 25 USD 600,000 had not arrived when you signed this document?

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12:15:12 1 A. I believe it had arrived due to a time zone

12:15:17 2 difference. They gave me this extra increase because the

12:15:21 3 transfer had arrived.

12:15:23 4 Q. Okay.

12:15:29 5 A. CRO, this is a banking number. CRO.

12:15:38 6 THE INTERPRETER: I can check that acronym if you

12:15:40 7 wish.

12:15:40 8 BY MR. SEMENZA:

12:15:41 9 Q. It's okay.

12:15:42 10 And, Mr. La Barbera, with regard to this document,

12:15:46 11 Wynn 38, did you ever ask anyone to translate it for you?

12:15:51 12 A. No.

12:15:51 13 Q. Did you ever ask anyone to read it to you in

12:15:54 14 Italian?

12:15:55 15 A. No.

12:15:56 16 Q. Other than Italian, and I presume Spanish, do you

12:16:01 17 speak any other languages?

12:16:02 18 A. No.

12:16:04 19 Q. Are you fluent in Spanish?

12:16:08 20 A. No.

12:16:09 21 Q. The only language that you feel comfortable in

12:16:12 22 speaking is Italian generally?

12:16:15 23 A. That's correct.

12:16:21 24 Q. With regard to this credit line increase from

12:16:24 25 600,000 to USD 1 million, is it your testimony that you

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12:16:28 1 requested the credit line increase or that it was simply

12:16:32 2 given to you?

12:16:39 3 A. I requested this in relation to my transfer which

12:16:45 4 was arriving.

12:16:52 5 Q. Let me have you turn to Wynn 39. Do you recognize

12:17:05 6 this document?

12:17:11 7 A. What date is this? 29th of the 8th. 29th

12:17:17 8 of August?

12:17:22 9 THE INTERPRETER: We're asking for confirmation

12:17:23 10 whether this is 29 August.

12:17:26 11 Q. What date does that appear to be?

12:17:30 12 A. It seems to me 29 August.

12:17:31 13 Q. Okay. And were you in Las Vegas on 29 August?

12:17:35 14 A. No. Absolutely not.

12:17:37 15 Q. Is the only trip you've ever taken to the Wynn

12:17:41 16 in April of 2008?

12:17:44 17 A. Yes, only this one.

12:17:48 18 Q. Is this your signature?

12:17:51 19 A. I think this is my signature it seems my signature,

12:17:57 20 but 29 August is a mystery.

12:17:59 21 Q. So you think that date is wrong, correct?

12:18:04 22 A. I certainly think so.

12:18:06 23 MR. ALBREGTS: Maybe, LJ, you want to ask him if

12:18:08 24 that's his printing on there, or I can.

12:18:15 25 MR. SEMENZA: Where are you looking, Jeff?

12:18:17 1 MR. ALBREGTS: Whether he printed this up here.

12:18:17 2 The printing there.

12:18:19 3 A. This is not my --

12:18:20 4 BY MR. SEMENZA:

12:18:21 5 Q. Handwritten --

12:18:22 6 A. -- handwritten print.

12:18:23 7 Q. I'll ask it again. With regard to the top of the

12:18:26 8 credit line increase request there is certain handwritten

12:18:30 9 information or words.

12:18:31 10 MR. ALBREGTS: Thank you.

12:18:31 11 BY MR. SEMENZA:

12:18:32 12 Q. Did you hand write that in?

12:18:33 13 A. No, I didn't.

12:18:36 14 Q. So your name "Mario La Barbera", someone else wrote

12:18:39 15 that?

12:18:40 16 A. Yes.

12:18:41 17 Q. And the same is true with the amounts and the date?

12:18:46 18 A. Yes.

12:18:46 19 Q. And the account number?

12:18:47 20 A. Yes, yes. Yes, the account number is written by

12:18:57 21 someone else as well as the amount. Should it not be 29/08?

12:19:05 22 I wasn't in Las Vegas.

12:19:08 23 Q. Did you have any plans to come to Las Vegas

12:19:10 24 in August of 2008?

12:19:15 25 A. No, no, no.

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12:19:19 1 Q. And your only trip to Las Vegas was in April of

12:19:22 2 2008?

12:19:27 3 A. I arrived in Las Vegas on 29 March and I departed on

12:19:37 4 4 April.

12:19:37 5 Q. And that's been your only trip to Las Vegas?

12:19:40 6 A. That's correct.

12:19:55 7 Q. With regard to the markers, let's use an exemplar.

12:20:04 8 Let me have you turn to Wynn 2. In addition to the

12:20:14 9 Credit Suisse account that we've been discussing did you

12:20:21 10 have a or do you have a bank account at Banca Popolare

12:20:26 11 Italiana?

12:20:31 12 A. It's no longer called that now, but not in the

12:20:34 13 Licata branch.

12:20:40 14 Q. Licata is a town?

12:20:42 15 A. Yes, it's a small town.

12:20:45 16 Q. From what date did you have an account with Banca

12:20:49 17 Popolare Italiana?

12:20:55 18 A. I've had it for a long time.

12:20:57 19 Q. Do you still have it?



12:21:01 20 A. Well, it's no longer called Banca Popolare Italiana,  
12:21:06 21 it's got a different name now, it trades under a different  
12:21:09 22 name.

12:21:09 23 Q. What is it now called?

12:21:11 24 A. Banca Popolare Siciliano.

12:21:17 25 THE INTERPRETER: Which translates as "of Sicily"  
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12:21:20 1 rather than "of Italy".

12:21:22 2 BY MR. SEMENZA:

12:21:23 3 Q. Okay. And where is Licata?

12:21:25 4 A. Licata is in the province of Agrigento.

12:21:33 5 Q. Is it in the north or south?

12:21:37 6 A. It's in the south.

12:21:41 7 Q. What city did you have that account or do you have  
12:21:44 8 that account?

12:21:52 9 A. Bagheria is the name, which is the province of  
12:21:56 10 Palermo.

12:22:01 11 Q. So with regard to the bank listed on Wynn 2, it's  
12:22:05 12 the correct bank name but the city is misidentified?

12:22:12 13 A. That's correct.

12:22:19 14 Q. And looking at the top of Wynn 2, there appears to

12:22:24 15 be some typewritten information where it says, is it "Via  
12:22:30 16 Nino Bixio"? What does that mean to you, if anything?  
12:22:43 17 A. I don't know because my bank used to be -- obviously  
12:22:51 18 it has not only changed name but also address. It used to  
12:22:57 19 be, at the time, a different address, which is Via Diego  
12:22:59 20 D'Amico. At the time this is.  
12:23:19 21 I want to go upstairs a second.  
12:23:22 22 MR. MIOTTI: Is it possible he takes a five/ten  
12:23:24 23 minutes break?  
12:23:30 24 (12.23 p.m.)  
12:24:07 25 (Break taken.)

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12:24:07 1 (12:24 p.m.)  
12:24:13 2 BY MR. SEMENZA:  
12:24:13 3 Q. Do you know how Wynn obtained the information  
12:24:18 4 relating to the Banca Popolare Italiana?  
12:24:21 5 A. I don't clearly understand the question.  
12:24:29 6 Q. Well --  
12:24:31 7 A. About Wynn.  
12:25:14 8 Q. When you first completed the credit application,  
12:25:18 9 when you arrived at Wynn --

12:25:21 10 MR. ALBREGTS: Which document was that?

12:25:23 11 MR. SEMENZA: Wynn 33.

12:25:25 12 MR. ALBREGTS: Thank you.

12:25:25 13 BY MR. SEMENZA:

12:25:26 14 Q. You identified your Credit Suisse account, is that  
12:25:29 15 correct?

12:25:31 16 A. That's correct, sir.

12:25:35 17 Q. Do you know how Wynn obtained information relating  
12:25:39 18 to the Banca Popolare Italiana account?

12:25:51 19 A. I do not recall, obviously. Perhaps they asked me  
12:25:55 20 where my account in Italy might be, but this is where the  
12:26:01 21 payment should have come from, would have come from.

12:26:04 22 Q. So the payment on any outstanding markers should  
12:26:09 23 have come from the Banca Popolare Italiana account?

12:26:15 24 A. No, from Credit Suisse.

12:26:20 25 Q. Did you have any conversations with Mr. Pariente  
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12:26:23 1 about modifying or changing your bank account information  
12:26:28 2 with Wynn?

12:26:34 3 A. I don't recall. I signed this document, this is  
12:26:38 4 entirely filled out by me.

12:26:42 5 THE INTERPRETER: My own addition, we're  
 12:26:43 6 referring to Wynn 33.  
 12:26:45 7 BY MR. SEMENZA:  
 12:26:46 8 Q. You understand that the markers that we've gone  
 12:26:47 9 through here today, those were attempted to be -- those were  
 12:26:54 10 deposited with your bank?  
 12:27:03 11 A. Yes, but in a different branch.  
 12:27:06 12 Q. Okay. And that those markers that are issued in  
 12:27:10 13 this case were returned unpaid to Wynn?  
 12:27:21 14 MR. ALBREGTS: If he knows. If he knows.  
 12:27:27 15 A. I have no information at all about it. They sent  
 12:27:30 16 them back because I probably -- well, because I had no  
 12:27:33 17 account there at all. That's why they were returned, to  
 12:27:37 18 send them.  
 12:27:42 19 BY MR. SEMENZA:  
 12:27:42 20 Q. You never instructed the Banca Popolare Italiana to  
 12:27:49 21 pay any of the markers that were deposited?  
 12:27:54 22 A. I had no communication at all.  
 12:28:08 23 Q. And I can't remember if you had identified whether  
 12:28:12 24 you still have the account or not at the Banca Popolare  
 12:28:18 25 Italiana which changed its name.

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12:28:22 1 A. Well, it's now called Banca Popolare Siciliana.

12:28:28 2 Q. And you still have an account there?

12:28:29 3 A. Yes, I do, but not in the Licata branch.

12:28:32 4 Q. When did that change take place, the bank name  
12:28:37 5 change?

12:28:38 6 MR. ALBREGTS: Objection to the extent that it  
12:28:39 7 assumes facts not in evidence.

12:28:47 8 A. It changed three times. So I think it was three or  
12:28:50 9 four years ago, Banco Popolare Italiana, and then it was  
12:28:53 10 called Banca Popolare di Lodi and then Banca Popolare  
12:28:57 11 Siciliana.

12:29:01 12 Q. And you still have the Credit Suisse account?

12:29:06 13 A. No, I don't. It's closed.

12:29:09 14 Q. When did that account become -- when did you close  
12:29:12 15 that account?

12:29:14 16 A. In 2011. I don't recall exactly.

12:29:23 17 Q. How many bank accounts do you currently have?

12:29:30 18 A. Two.

12:29:30 19 Q. Where are those bank account?

12:29:32 20 A. Banca Popolare Siciliana and Banca Nuova.

12:29:42 21 Q. How long have you had the Banca Nouva bank account?

12:29:48 22 A. I think it's about seven years. Seven to ten years.

12:29:52 23 I can't remember.

12:29:53 24 Q. Did you have the Banca Nouva account at the time

12:29:59 25 that you took the trip to Wynn in March and April 2008?

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12:30:04 1 A. No, I don't think so.

12:30:11 2 Q. At the time you gambled at Wynn in March

12:30:14 3 and April 2008 you simply had the two accounts, the

12:30:17 4 Credit Suisse account and the Banca Popolare Italiana

12:30:22 5 account?

12:30:22 6 A. That's correct.

12:30:23 7 Q. Those are personal accounts, or were personal

12:30:26 8 accounts, for you?

12:30:27 9 A. Yes, personal.

12:30:40 10 Q. Do you know what the balance of the Credit Suisse

12:30:43 11 account was on March 29 of 2008?

12:30:52 12 A. Around 2 million and 300,000 euros divided into

12:30:57 13 three accounts, three or four accounts. Dollars, euros,

12:31:09 14 Swiss francs and sterling, pounds sterling.

12:31:18 15 Q. Can I see the banking documents?

12:31:21 16 MR. MIOTTI: Yes. There is the transfer. And

12:31:34 17 then the bank statement in euro currency. And we have the

12:31:38 18 bank statement in -- this is the best copy of it -- pounds.

12:31:47 19 Then there should be another one in dollars. We don't have  
12:31:53 20 the one in dollars. And we will need to produce it in the  
12:32:01 21 meantime.

12:32:02 22 MR. SEMENZA: Let's do this, can we give  
12:32:05 23 a complete copy to the Court Reporter to mark as exhibit 2  
12:32:09 24 and then I'll need a complete copy.

12:32:16 25 MR. ALBREGTS: Let's go off the record here, if  
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12:32:17 1 you don't mind, LJ.

12:32:19 2 (12:32 p.m.)

12:32:19 3 (Break taken.)

12:34:35 4 (12:51 p.m.)

12:34:35 5 (Exhibit 2 marked for identification)

12:50:56 6 BY MR. SEMENZA:

12:50:56 7 Q. Mr. La Barbera, I am showing you what has been  
12:51:00 8 marked as exhibit 2. It is comprised of multiple pages that  
12:51:06 9 appear to be statements from your Credit Suisse bank  
12:51:10 10 account, is that correct?

12:51:13 11 A. That's correct.

12:51:14 12 Q. These are photographs of the statements, not the  
12:51:16 13 actual statements themselves.

12:51:20 14 A. That's correct.

12:51:20 15 Q. And these documents are being produced pursuant to  
12:51:23 16 the court's order requiring that you produce certain  
12:51:28 17 financial information, is that correct?

12:51:32 18 A. That's correct.

12:51:33 19 Q. Now, the documents -- rather the photographs -- are  
12:51:40 20 essentially of three different documents, is that correct?

12:51:46 21 A. That's correct.

12:51:47 22 Q. Can you identify what three documents are  
12:51:51 23 represented in the various photographs that comprise  
12:51:56 24 exhibit 2?

12:52:04 25 A. Practically this is simply the order of payment of  
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12:52:12 1 the million dollars in favor of Rambas Marketing, which is  
12:52:21 2 a Wynn -- it's a place where Wynn indicated I should send my  
12:52:27 3 monies.

12:52:27 4 Q. So that is -- that is the first page of exhibit 2,  
12:52:31 5 correct?

12:52:33 6 A. That's correct.

12:52:34 7 Q. And these are -- this photograph on the very first  
12:52:39 8 page references the two wire transfers that were made



12:52:44 9 in April of 2008?

12:52:48 10 A. That's correct.

12:52:48 11 Q. This is your dollar account with Credit Suisse?

12:52:53 12 A. That's correct.

12:52:54 13 Q. Do you have --

12:52:56 14 A. It is also indicated on the page itself.

12:53:00 15 Q. Okay. Is there a particular date that's identified

12:53:05 16 on the statement?

12:53:12 17 A. In fact, the first payment order took place on 1 of

12:53:16 18 the 4th, 1 April, it's evident, and the second one on

12:53:22 19 3 April.

12:53:23 20 Q. Is there a date of the statement?

12:53:28 21 A. Yes, it ranges from 1 April 2008 to 30 April 2008.

12:53:35 22 Q. Okay, thank you.

12:53:36 23 And you have referenced in your prior testimony that

12:53:42 24 you had a dollar account and a euro account and a franc

12:53:47 25 account, is that correct?

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12:53:49 1 A. That's correct. Yes, I would add -- I would add to

12:54:01 2 your list a sterling account also, but we are missing here

12:54:05 3 in the documentation the Swiss franc account which I omitted

12:54:08 4 to copy.

12:54:09 5 Q. Okay, so the question I want to ask you is are there

12:54:12 6 different account numbers for these different currency

12:54:17 7 accounts?

12:54:18 8 A. That's correct. That's correct.

12:54:21 9 Q. So with regard to the Credit Suisse bank accounts

12:54:24 10 you actually have, is it four during this period of time?

12:54:29 11 A. That's correct. And they are identified by the

12:54:35 12 final number on the account number.

12:54:40 13 Q. So the dollar account is number 5?

12:54:42 14 A. (In English): Number 5, euro. Euro number -- no,

12:54:56 15 it's euro, yes. Number zero. (Answer interpreted): Is

12:55:04 16 zero. Pounds sterling is number 2.

12:55:23 17 Q. And so the only account not represented in the

12:55:27 18 documents you produced is the Swiss Bank account?

12:55:31 19 A. That is correct.

12:55:32 20 Q. And turning to page 5 of exhibit 2, can you identify

12:55:50 21 what this document is?

12:55:56 22 A. This is the statement in euros.

12:56:01 23 Q. And what date range does that statement identify?

12:56:10 24 A. From the 1st of the 3rd 2008 to the 31st of the 3rd

12:56:15 25 2008.

12:56:19 1 THE INTERPRETER: As an addition, obviously  
12:56:21 2 you're aware that the date and month would be swapped.  
12:56:46 3 BY MR. SEMENZA:  
12:56:47 4 Q. Can you identify the first column on the left  
12:56:50 5 "addebito"? What does that mean?  
12:57:00 6 A. These are the -- what I would call the repos. It's  
12:57:05 7 an investment, repo investment fund, to a total of 951,000.  
12:57:11 8 And this is the cash available, liquid monies available.  
12:57:21 9 The other one is investment, so in some way it is locked in.  
12:57:27 10 Q. Okay. So the column on the left with the 951,000  
12:57:31 11 are investments, deposits?  
12:57:39 12 A. And it explains where it's coming from.  
12:57:49 13 THE INTERPRETER: I am just clarifying if it's  
12:57:50 14 monies going in or coming out.  
12:58:03 15 A. Bonds.  
12:58:03 16 THE INTERPRETER: So the word "addebito" means  
12:58:09 17 debt, outcoming. "Accredito" is incoming money. So this is  
12:58:14 18 money going out of the account. This is just my own  
12:58:17 19 explanation for your clarity.  
12:58:19 20 MR. SEMENZA: And the "accredito" is money coming  
12:58:24 21 into the account?  
12:58:25 22 THE INTERPRETER: Credited to the account, coming

12:58:26 23 into the account.

12:58:27 24 BY MR. SEMENZA:

12:58:28 25 Q. And the 38 -- I'm sorry. March 12, 2008, there is

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12:58:35 1 a deposit from the Monte Carlo Casino?

12:58:41 2 A. No, this is a financial services company in Monaco,

12:58:52 3 and it's in Place du Casino, which is the address, which

12:58:55 4 means Casino Square but not connected.

12:58:59 5 Q. Okay, it has nothing to do with the casino?

12:59:02 6 A. No. And 1,100,000 were -- entered the account.

12:59:08 7 Q. And the balance of the account as of March 31, 2008?

12:59:18 8 A. Is this -- is correct.

12:59:20 9 Q. Correct.

12:59:21 10 MR. ALBREGTS: Which is correct?

12:59:22 11 BY MR. SEMENZA:

12:59:23 12 Q. Which is 49,000 --

12:59:26 13 A. This amount was invested, and this amount is

12:59:31 14 available and this is the final balance.

12:59:38 15 Q. So that the record is clear, because it's not going

12:59:41 16 to be clear. So the debits total 951,098 euros. The

12:59:51 17 deposits total 1,100,000 euros. And the balance at the end

12:59:58 18 of the month is 49,567.06 cents. Is that correct?

13:00:07 19 A. That's correct.

13:00:08 20 Q. Okay.

13:00:21 21 A. (Pause). Same one.

13:00:23 22 Q. Okay. Now, the last set of photographs, comprising

13:00:35 23 the last three pages of the exhibit, relate to what?

13:00:45 24 A. This is the pounds sterling account where there are

13:00:53 25 GBP 250,000. That's it, that's what it is.

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13:01:03 1 Q. So -- and these -- the account relating to pounds

13:01:06 2 sterling is cut-off, correct? We don't have clear

13:01:10 3 statements.

13:01:14 4 MR. ALBREGTS: This part to the right is missing.

13:01:20 5 A. Yes, the fact that -- the pounds are indicated in

13:01:23 6 the visible portion of the document.

13:01:26 7 BY MR. SEMENZA:

13:01:27 8 Q. Okay. And there is, as referenced in the pages --

13:01:35 9 A. So this is, as I carried out a repo. Do you know

13:01:42 10 what a repo is? It's a form of investment.

13:01:46 11 Q. Okay.

13:01:46 12 A. It's -- it's a form of investment, basically

13:01:52 13 I invest this money and I get 3/4 percent back for my  
13:01:55 14 investment.

13:01:59 15 MR. ALBREGTS: And that 3 or 4 percent is  
13:02:01 16 reinvested?

13:02:03 17 A. Yes.

13:02:06 18 BY MR. SEMENZA:

13:02:06 19 Q. Okay. So this is --

13:02:07 20 A. This is what was -- what I paid out, and this is  
13:02:09 21 what was paid back in.

13:02:11 22 Q. Okay.

13:02:13 23 A. Trustee, so this is fixed term trustee.

13:02:16 24 Q. Okay. And there is the deposit for 250,000 euros  
13:02:25 25 from Bonifico. What is that?

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13:02:29 1 A. Bonifico is a bank transfer into my account.

13:02:32 2 "Accredito", which means "to my credit".

13:02:37 3 Q. From where did it come?

13:02:39 4 A. These come from London. It's one of my London  
13:02:43 5 companies.

13:02:50 6 Q. Can you identify the period of which the statement  
13:02:55 7 covers?

13:02:58 8 A. From the 1st of the 3rd, meaning 1 March, to

13:03:03 9 31 March, both 2008.

13:03:05 10 Q. Thank you.

13:03:17 11 A. Something missing. 8 April is also missing.

13:03:23 12 (Pause)

13:03:23 13 MR. ALBREGTS: No, no, on the record. It's just  
13:03:23 14 a stipulation to keep it confidential to the extent that you  
13:03:23 15 need to show the District Attorney's office, that's all.

13:03:29 16 MR. SEMENZA: So counsel has agreed with regard  
13:03:31 17 to exhibit 2 that the set of documents will remain  
13:03:34 18 confidential and shall not be publicly disclosed. If the  
13:03:40 19 documents are filed with the court they shall be done  
13:03:44 20 pursuant to a formal stipulation to file them under seal.

13:03:51 21 MR. ALBREGTS: Thank you. So stipulated,  
13:03:52 22 counsel. And to the extent counsel needs to share them with  
13:03:55 23 the District Attorney's office, I understand that that's the  
13:03:58 24 only exception to our stipulation here.

13:04:04 25 MR. SEMENZA: Okay. With regard to exhibit 2,

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13:04:05 1 those are the only documents you've brought with you today,

13:04:10 2 correct?

13:04:14 3 A. That's correct.

13:04:15 4 Q. Have you made any attempts to obtain other banking  
13:04:18 5 documentation that has been requested of you?

13:04:24 6 A. No, I made a mistake not to bring the statements for  
13:04:32 7 the period ending 30 April where it is clearer what  
13:04:42 8 represents an investment and what is the total that I had on  
13:04:46 9 my account at that time.

13:05:10 10 (Exhibit 3 marked for identification)

13:05:12 11 BY MR. SEMENZA:

13:05:12 12 Q. Mr. La Barbera, I am showing you what has been  
13:05:15 13 marked as exhibit 3. This document was produced to us by  
13:05:18 14 your counsel. Have you ever seen it before?

13:05:31 15 A. Yes. This is -- this is a question and answer  
13:05:39 16 document.

13:05:41 17 Q. And you have seen this document before. Did you  
13:05:47 18 approve it before it was provided to opposing counsel for  
13:05:54 19 Wynn?

13:05:55 20 MR. ALBREGTS: Objection, vague and ambiguous.  
13:05:56 21 My problem, LJ, and it is certainly my problem my side of  
13:05:59 22 the table, is how he first saw the document, who went over  
13:06:03 23 it with him. It's not clear to me, so your question was  
13:06:06 24 sort of a summary question, if you don't mind laying  
13:06:09 25 a little foundation.



13:06:11 1 BY MR. SEMENZA:

13:06:11 2 Q. Well, did you approve the document that is  
13:06:17 3 identified as exhibit 3?

13:06:23 4 MR. MIOTTI: Can we talk? No, we cannot talk.

13:06:29 5 MR. ALBREGTS: You can talk, but it goes on the  
13:06:31 6 record. Whatever you say right now goes on the record.

13:06:35 7 A. Is this the one we approved? I do recognize this  
13:06:43 8 document. This is the document we approved. It was the one  
13:06:46 9 where we talked about the questions and the one we  
13:06:48 10 interacted on remotely.

13:06:50 11 BY MR. SEMENZA:

13:06:51 12 Q. Thank you. May I have that back for a moment?

13:07:05 13 A. The fact that I don't speak English, the interpreter  
13:07:14 14 is very good.

13:07:18 15 THE INTERPRETER: Even if I say so myself.

13:07:53 16 (Exhibit 4 marked for identification)

13:08:07 17 BY MR. SEMENZA:

13:08:07 18 Q. Mr. La Barbera --

13:09:04 19 MR. ALBREGTS: Do you have these batesstamped at  
13:09:06 20 all?

13:09:08 21 MR. SEMENZA: No, I haven't had a chance.

13:09:09 22 So I'm showing you what's been marked as exhibit 4.  
13:09:12 23 These are documents that have not been bates numbered as of  
13:09:16 24 yet. Could I have you take a look at them and let me know  
13:09:19 25 if you recognize them.

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13:09:21 1 MR. ALBREGTS: "Bates number" means they don't  
13:09:24 2 have that little number we've been referring to.  
13:09:30 3 A. Yes. This is my date of arrival, 29 March, and  
13:09:33 4 I left on 4 April. I recognize these dates.  
13:09:37 5 BY MR. SEMENZA:  
13:09:38 6 Q. It identifies that you departed on April 5. Is that  
13:09:48 7 incorrect?  
13:09:49 8 A. 4 April is when I left.  
13:09:53 9 Q. Did you receive any --  
13:09:55 10 MR. ALBREGTS: In America we do the month first  
13:09:56 11 and the day second.  
13:10:04 12 A. I don't remember.  
13:10:05 13 BY MR. SEMENZA:  
13:10:05 14 Q. So it may very well be that you departed the Wynn  
13:10:09 15 on April 5 of 2008?  
13:10:14 16 A. It could be.

13:10:16 17 Q. When you checked out of the Wynn and departed, did

13:10:21 18 you receive any of these documents?

13:10:27 19 MR. ALBREGTS: Meaning exhibit 4?

13:10:30 20 BY MR. SEMENZA:

13:10:30 21 Q. Yes.

13:10:32 22 A. I do not recall, in all honesty.

13:10:36 23 Q. Okay. On the first page of exhibit 4 does it

13:10:39 24 correctly identify your address?

13:10:49 25 A. The house number is not 4040, but just 40.

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13:10:54 1 Q. Okay. Everything else is correct with regard to

13:10:57 2 your address?

13:10:57 3 A. Yes. "Mondello", everything is spelt correctly,

13:11:05 4 yes.

13:11:05 5 Q. Let me have you turn to page 2, the title of the

13:11:11 6 document is "Skipped Accounts". Do you recall making any

13:11:17 7 purchases at the Pro Shop on April 5, 2008?

13:11:29 8 A. No, what is this amount? Pro Shop.

13:11:33 9 MR. ALBREGTS: Is that the golf shop?

13:11:37 10 MR. SEMENZA: I don't --

13:11:41 11 A. (In English): No.

13:11:42 12 BY MR. SEMENZA:

13:11:43 13 Q. Do you recall any purchases at the Pro Shop on or  
13:11:45 14 around that day?

13:11:51 15 A. (Answer interpreted): No, no, I don't remember.

13:11:53 16 Q. Do you recall ever paying the amount that is  
13:11:55 17 identified on this document?

13:12:00 18 A. No.

13:12:01 19 Q. Let me have you turn to page 3 of exhibit 4. When  
13:12:11 20 you checked out of your room did you receive this folio?

13:12:20 21 MR. ALBREGTS: Which means this document.

13:12:21 22 BY MR. SEMENZA:

13:12:22 23 Q. Yes. Which is page 3.

13:12:25 24 A. I do not recall.

13:12:26 25 Q. On your trip to Wynn in March and April of 2008 did  
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13:12:31 1 you pay for anything out-of-pocket?

13:12:39 2 A. Not inside the Wynn because everything was on the  
13:12:44 3 main bill.

13:12:45 4 Q. So everything that you received from Wynn was  
13:12:51 5 provided as a complimentary?

13:12:59 6 A. Let's say that they -- when I started -- when I paid

13:13:06 7 I remember, when I settled, I remember Pariente signed the  
13:13:10 8 bill.

13:13:11 9 Q. Okay. So you didn't have to pay for the bill?

13:13:14 10 A. No.

13:13:19 11 Q. Did you review this document with Mr. Pariente at  
13:13:22 12 any point in time?

13:13:27 13 A. No. I printed this out, I recall, and he signed  
13:13:34 14 the -- what is the bill.

13:13:36 15 Q. Right. Okay. At some point in time you switched  
13:13:45 16 rooms during your stay at the Wynn, is that correct?

13:13:49 17 A. Yes. After the -- the transfer.

13:13:58 18 THE INTERPRETER: A more familiar term.

13:14:01 19 A. After the quid arrived.

13:14:04 20 BY MR. SEMENZA:

13:14:04 21 Q. And you switched from what room to what room?

13:14:09 22 A. First I had a suite, 1,300, it was. Then, after the  
13:14:19 23 money arrived on 4 April, I was taken into a villa complete  
13:14:27 24 with swimming pool, a very large estate, and I was on my  
13:14:33 25 own. It was an upgrade as the greens have arrived.

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13:14:49 1 MR. ALBREGTS: You went from the loser suite to

13:14:51 2 the big loser suite. Sorry.

13:14:54 3 BY MR. SEMENZA:

13:14:54 4 Q. Now, do you recall what specific complementaries you  
13:14:57 5 were provided with during your stay?

13:15:05 6 A. No, because there was no agreement, as such, these  
13:15:10 7 are all things that they gave to me. There was no  
13:15:15 8 agreement, as such.

13:15:16 9 Q. Do you have any reason to dispute that the items  
13:15:22 10 listed beginning on page 3 of the folio were provided to you  
13:15:28 11 as complementaries?

13:15:49 12 A. Yes, the grill, the restaurant, a few phone calls.

13:15:56 13 Q. Did you eat at Bartolotta?

13:15:59 14 THE INTERPRETER: Pardon me, I didn't hear you.

13:16:02 15 BY MR. SEMENZA:

13:16:03 16 Q. Bartolotta, did you eat at Bartolotta during your  
13:16:06 17 stay?

13:16:14 18 A. Yes, I did. Also -- I also ate there.

13:16:18 19 Q. Do you recall any other restaurants that you ate at  
13:16:20 20 other than Bartolotta?

13:16:26 21 A. Yes, on one occasion I ate at the grill. Let's see  
13:16:33 22 if I can find it. A small amount so it wouldn't be on this  
13:16:47 23 page. Here we are, "country club grill food", USD 2,211,  
13:16:56 24 because the wine was French, special French wine.  
13:17:07 25 I remember that.

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13:17:09 1 Q. And the bulk of that charge would have come from the  
13:17:13 2 wine?  
13:17:17 3 A. Yes, on this -- in this entry, yes.  
13:17:19 4 Q. That's the 04-04-08 entry?  
13:17:31 5 A. That's correct.  
13:17:32 6 Q. You see up above on 04-03-08 the Bartolotta food  
13:17:36 7 entry?  
13:17:39 8 A. Yes.  
13:17:39 9 Q. Do you recall what you ordered during that meal?  
13:17:43 10 A. No, I don't. No way.  
13:17:46 11 Q. Do you know why the bill was USD 1,400?  
13:17:54 12 A. I don't remember, because this was on the --  
13:17:58 13 I remember the grill and the wine. This one, frankly, no.  
13:18:10 14 Q. Okay. Do you recall whether the meal at the Country  
13:18:20 15 Club grill was in the evening or a lunch?  
13:18:25 16 A. It was lunch.  
13:18:32 17 Q. With regard to the Bartolotta, do you recall whether  
13:18:35 18 that was lunch or dinner?  
13:18:41 19 A. The first day, Bartolotta. In order to welcome me  
13:18:56 20 I -- as soon as I arrived in the evening I went to eat with

13:19:02 21 Mr. Alex Pariente.

13:19:05 22 Q. And you had dinner with Alex at Bartolotta?

13:19:10 23 A. Yes, we had dinner together, and I remember now this  
13:19:13 24 is being invoked by the dates I see.

13:19:17 25 Q. And that was on March 29?

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13:19:20 1 A. That's correct.

13:19:21 2 Q. And what do you recall your conversation with  
13:19:24 3 Mr. Pariente to be?

13:19:31 4 A. It was very general conversation, small talk,  
13:19:38 5 nothing --

13:19:42 6 Q. Did you discuss your gambling?

13:19:45 7 A. Yes, we talked about playing, gambling, gaming.

13:19:52 8 Q. What did you discuss about gambling specifically?

13:19:57 9 A. Once again, it was very, very general in nature,  
13:20:01 10 I don't really recall, I'm not sure. We talked about Las  
13:20:07 11 Vegas and he explained to me something about the city. It  
13:20:11 12 was my first time.

13:20:16 13 Q. Did you discuss your credit line at all?

13:20:22 14 A. Well, he already was aware about -- of the credit  
13:20:25 15 line.



13:20:25 16 Q. So when you had dinner you had already completed the  
13:20:29 17 paperwork?

13:20:32 18 A. I think this must have been before dinner, because  
13:20:37 19 the first evening (and I can remember this), two hours after  
13:20:43 20 my arrival in Las Vegas (I'm sure about this) I had USD  
13:20:51 21 700,000, as soon as I arrived. Can I say this?

13:21:01 22 Q. So you -- when you arrived you won immediately?

13:21:05 23 A. Yes.

13:21:06 24 Q. And the gambling that you did at Wynn was  
13:21:10 25 exclusively roulette or did you gamble in other games?

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13:21:17 1 A. Exclusively roulette.

13:21:18 2 Q. Did you play any slot machines at all?

13:21:24 3 A. Just like that.

13:21:28 4 Q. A little?

13:21:29 5 A. Yes, just a little.

13:21:40 6 Q. But no Blackjack, no baccarat?

13:21:43 7 A. No, no, no.

13:21:44 8 Q. Just roulette?

13:21:49 9 A. Yes.

13:21:49 10 Q. So, during your dinner with Mr. Pariente, did you

13:21:52 11 discuss your winnings?

13:21:57 12 A. He knew about my winnings.

13:21:58 13 Q. How do you know that he knew about your winnings?

13:22:06 14 A. Because everything is -- everything feeds back to

13:22:09 15 him, nothing escapes the various watchful eyes.

13:22:13 16 Q. Did Mr. Pariente give you his cellphone number?

13:22:21 17 A. Yes, I think so. I think so.

13:22:23 18 Q. And if you needed anything during your stay you

13:22:25 19 could call him?

13:22:26 20 A. Yes, that's right, that's right.

13:22:32 21 Q. When you arrived at the Wynn did you get a players'

13:22:37 22 card or red card?

13:22:39 23 A. Yes.

13:22:41 24 Q. And did you use that red card while you were

13:22:44 25 gambling?

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13:22:50 1 A. I don't remember whether we had to actually hand it

13:22:53 2 out in order to play, but it was a card on which they

13:22:59 3 would -- which they would swipe or load amenities onto. So

13:23:08 4 at the time of settling the bill I would give them this

13:23:12 5 card.

13:23:14 6 Q. So if Alex wasn't present and you were having a meal

13:23:18 7 how was it that you were provided with a complimentary?

13:23:25 8 A. They would let me have the bill, I would give them

13:23:28 9 this card and then I would sign the bill.

13:23:30 10 Q. Okay. Do you recall anything else about the

13:23:34 11 conversation you had with Alex the first day you arrived?

13:23:40 12 A. No.

13:23:46 13 Q. The second -- the second entry for Bartolotta was

13:23:50 14 on April 3, 2008. Do you recall whether that was lunch or

13:23:56 15 dinner?

13:24:00 16 A. No, frankly not.

13:24:02 17 Q. Do you recall whether Mr. Pariente was with you

13:24:05 18 during that meal?

13:24:06 19 A. No only once did we eat together.

13:24:08 20 Q. Did you eat with anyone else during your stay?

13:24:13 21 A. With -- what's his name? -- Dell'Utri, whom I met in

13:24:24 22 Las Vegas.

13:24:25 23 Q. And who was that?

13:24:31 24 A. A person from Rome who I knew.

13:24:34 25 Q. Oh, okay. He was present with you during your trip?

13:24:38 1 A. No, I met him there.

13:24:42 2 Q. You had known him before you met him?

13:24:47 3 THE INTERPRETER: Just to clarify, not that they

13:24:49 4 met for the first time but they bumped into each other

13:24:52 5 there, that was my mistranslation.

13:24:53 6 BY MR. SEMENZA:

13:24:54 7 Q. Okay. How do you spell his name?

13:24:59 8 A. That's D-E-L-L'U-T-R-I.

13:25:09 9 Q. Did you gamble with him at all?

13:25:14 10 A. No, he played another game -- I'm not sure what the

13:25:23 11 name of this game is -- baccarat.

13:25:26 12 Q. Did you watch him gamble at all?

13:25:29 13 A. Yes, yes, I also did that.

13:25:31 14 Q. Did he watch you gamble?

13:25:35 15 A. Sometimes, I think so, yes.

13:25:37 16 Q. How long would you estimate you spent with him

13:25:39 17 watching each other gamble?

13:25:44 18 A. I don't remember this.

13:25:45 19 Q. Was it hours over multiple days?

13:25:51 20 A. No. No.

13:25:53 21 Q. Was he present with you on April 3 of 2008?

13:26:00 22 A. 3 April, 2008. Yes. Because we bumped into each

13:26:07 23 other on 30 March.

13:26:11 24 Q. And how long did he stay at the Wynn?

13:26:16 25 A. He stayed beyond my departure.

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13:26:19 1 Q. And he was in fact staying at the Wynn, not some

13:26:21 2 other casino?

13:26:23 3 A. He was staying at the Wynn. He was definitely at

13:26:26 4 the Wynn.

13:26:27 5 Q. And you just saw each other in the casino, is how

13:26:30 6 you bumped into each other?

13:26:32 7 A. That's correct. Inside, on the casino floor.

13:26:35 8 Q. And how did you know him before you saw him at Wynn?

13:26:42 9 A. Because he's Sicilian, I've known his family all my

13:26:48 10 life.

13:26:49 11 Q. Is he a close friend of yours?

13:26:51 12 A. By "close", he's a friend.

13:26:58 13 Q. Do you socialize together?

13:27:02 14 A. When I'm in Rome, yes.

13:27:04 15 Q. How many days would you estimate that you spent time

13:27:07 16 with him while either one of you were gambling?

13:27:14 17 A. You mean in Las Vegas?

13:27:17 18 Q. Yes.

13:27:20 19 A. The time I was there, and he was playing a different

13:27:26 20 game and I was a different game.

13:27:29 21 MR. ALBREGTS: For the record, I'll make

13:27:31 22 an objection to this line of questioning on the basis of

13:27:34 23 relevance.

13:27:36 24 BY MR. SEMENZA:

13:27:36 25 Q. Did you two consume alcohol together?

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13:27:42 1 A. Yes, the alcohol was continually being brought and

13:27:48 2 flowing.

13:27:48 3 Q. Where did you consume alcohol with him?

13:27:52 4 A. At the tables.

13:27:53 5 Q. At the table.

13:28:03 6 Do you recall whether you ate with him at all?

13:28:10 7 A. I think so, once.

13:28:12 8 Q. Could it have been Bartolotta on April 3?

13:28:16 9 A. It could have been. Frankly, I don't recall, but it

13:28:19 10 could have been. Perhaps -- the grill I would -- I would

13:28:23 11 guess that grill has a greater degree of certainty or

13:28:28 12 possibility between the two.

13:28:29 13 Q. Okay. And did you receive some spa services while

13:28:33 14 you were at Wynn?

13:28:37 15 A. No.

13:28:38 16 Q. Did you get a massage at all?

13:28:42 17 A. (In English): No, no, no.

13:28:49 18 Q. And could you identify his name once again, your  
13:28:53 19 friend?

13:28:56 20 THE INTERPRETER: Of this gentleman? Shall  
13:28:57 21 I spell it out for you? D-E-L-L'U-T-R-I.

13:29:09 22 MR. SEMENZA: Dell'Utri.

13:29:11 23 THE INTERPRETER: Yes.

13:29:11 24 BY MR. SEMENZA:

13:29:13 25 Q. What's his first name?  
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13:29:14 1 A. (Answer interpreted): Alberto.

13:29:17 2 THE INTERPRETER: That's like Albert but with  
13:29:19 3 an O at the end of it.

13:29:21 4 BY MR. SEMENZA:

13:29:21 5 Q. To your knowledge did he gamble on credit?

13:29:28 6 A. I think so.

13:29:33 7 Q. Did you discuss with him at all obtaining credit or  
13:29:39 8 paying back any credit at Wynn?

13:29:45 9 A. He often went to Las Vegas and I bumped into him,

13:29:54 10 but he would spend months in Las Vegas. (In English): Yes.

13:29:59 11 Q. Did you discuss with him how credit worked in Las  
13:30:01 12 Vegas?

13:30:03 13 A. (Answer interpreted): No, no no. We practically  
13:30:07 14 spoke about gaming meaning the actual playing, that's all.

13:30:11 15 Q. You didn't discuss with him any of the markers?

13:30:15 16 A. (In English): No, no, no.

13:30:16 17 Q. Do you know whether Mr. Dell'Utri was or had a host?

13:30:31 18 A. (Answer interpreted): I think that he must have been  
13:30:32 19 a guest of Wynn, because I don't think he could have spent  
13:30:36 20 two months there on his own, two or three months even.

13:30:43 21 Q. And you gambled with him on other -- at other times?

13:30:48 22 A. No.

13:30:48 23 Q. That's the only time that you gambled with him was  
13:30:51 24 at Wynn?

13:30:59 25 A. At the time we met in Las Vegas, because normally we  
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13:31:03 1 meet in Rome and the closest we get is to have dinner  
13:31:08 2 together, to have a meal together.

13:31:09 3 Q. So the only time that you gambled with him was in  
13:31:13 4 Las Vegas?



13:31:15 5 A. I did not gamble with him, he played -- he was  
13:31:17 6 gambling, he was playing one game, I was playing a different  
13:31:21 7 one.

13:31:21 8 Q. Okay. But that's the only time that you've been in  
13:31:24 9 a casino together?

13:31:26 10 A. That's correct, yes.

13:31:28 11 Q. Do you know if Alex Pariente was his host?

13:31:35 12 A. I think so.

13:31:36 13 Q. You think he was. Did you and Mr. Dell'Utri and  
13:31:41 14 Alex ever meet together?

13:31:51 15 A. It could be, I think so. Because he was always  
13:31:58 16 touring around and he was going around the casino.

13:32:04 17 Q. Did Mr. -- strike that.

13:32:36 18 Do you want to take a break?

13:32:40 19 A. If it's appropriate.

13:32:42 20 MR. SEMENZA: Why don't we take --

13:32:45 21 MR. ALBREGTS: What time are you going to finish?

13:32:48 22 MR. SEMENZA: I don't know. I'm going as quickly  
13:32:49 23 as I can. I've probably got a couple more hours.

13:33:54 24 (1:33 p.m.)

13:34:04 25 (Lunch recess.)

14:16:30 1 (2:16 p.m.)

14:16:35 2 BY MR. SEMENZA:

14:16:35 3 Q. Mr. La Barbera, one of the allegations or assertions

14:16:39 4 that you've made in this particular case is that you are

14:16:41 5 a compulsive gambler or have a gambling addiction.

14:16:51 6 A. Yes, I practically do.

14:16:55 7 Q. Practically do. Do you have a gambling addiction?

14:17:01 8 A. Yes, I do.

14:17:02 9 Q. And when did you first believe that you had

14:17:06 10 a gambling addiction?

14:17:17 11 A. This is quite a few years ago.

14:17:19 12 Q. Okay. Approximately how many years ago?

14:17:23 13 A. 20 years ago, roughly.

14:17:27 14 Q. And when were you first formally diagnosed as

14:17:32 15 a compulsive gambler, if ever?

14:17:40 16 A. No, there was no diagnosis, as such. The issue is

14:17:45 17 that lately, as well, I have received a diagnosis.

14:17:58 18 Q. When did you receive a diagnosis?

14:18:08 19 A. Six months ago.

14:18:09 20 Q. By whom did you obtain that diagnosis from?

14:18:18 21 A. A professor, meaning, I believe, a senior doctor.

14:18:21 22 A high, senior doctor in Rome.

14:18:27 23 Q. And what is that doctor's name?

14:18:37 24 A. I don't recall. I don't recall what his name was.

14:18:43 25 Q. And are you currently seeking treatment?

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14:18:49 1 A. No, there is no treatment. It's a problem which

14:18:58 2 means that when I'm outside the casino I'm perfectly okay.

14:19:02 3 The problem is once I'm inside.

14:19:09 4 Q. I believe you had testified that you haven't gambled

14:19:12 5 for approximately a year?

14:19:14 6 A. Yes, around a year, yes.

14:19:18 7 Q. Did you obtain -- what was the specific diagnosis

14:19:25 8 that you obtained relating to your gambling?

14:19:33 9 A. I didn't understand the question.

14:19:36 10 Q. You said you are a compulsive gambler. Is that the

14:19:40 11 specific diagnosis that you were given?

14:19:47 12 A. Yes, on the basis of the test we carried out, it has

14:19:53 13 emerged that I am dependent on gambling due to my

14:19:58 14 temperament.

14:20:00 15 Q. Do you have an understanding as to whether gambling

14:20:03 16 addiction in the state of Nevada is a defense to the

14:20:08 17 repayment marks or not?

14:20:12 18 MR. ALBREGTS: Objection. Objection to the

14:20:14 19 extent it calls for a legal conclusion.

14:20:18 20 A. I don't know, I have no idea.

14:20:21 21 BY MR. SEMENZA:

14:20:24 22 Q. Did you ever inform Mr. Pariente that you had

14:20:28 23 a gambling addiction?

14:20:31 24 A. No, I didn't.

14:20:36 25 Q. Did you ever inform anyone at Wynn that you had

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14:20:39 1 a gambling addiction?

14:20:43 2 A. No.

14:20:49 3 Q. Do you -- when you were at the Wynn in March

14:21:00 4 and April of 2008 were you under any -- the influence of any

14:21:05 5 medication, legally prescribed medication?

14:21:13 6 A. No.

14:21:14 7 Q. Did you take any medication at all on your trip?

14:21:21 8 A. No. A lot of alcohol because they kept on bringing

14:21:24 9 it to the tables.

14:21:28 10 Q. But you took no medication of any kind?

14:21:32 11 A. No.

14:21:33 12 Q. Did you consume any illegal narcotics or drugs while

14:21:40 13 you were at the Wynn in Las Vegas?

14:21:42 14 A. No.

14:21:42 15 Q. The only drug that you utilized was alcohol?

14:21:50 16 A. Yes, that's correct.

14:21:52 17 Q. Are you an alcoholic?

14:21:56 18 A. No, I'm not.

14:21:57 19 Q. Is it fair to say that you drink in moderation?

14:22:02 20 A. Yes, but it's as though you are encouraged to drink.

14:22:14 21 Q. No one forced you to consume alcoholic beverages at

14:22:18 22 the Wynn during your trip there, did they?

14:22:26 23 A. No, but these people kept on coming to the tables,

14:22:30 24 and they were usually attractive women and they kept on

14:22:39 25 bringing drinks.

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14:22:40 1 Q. Did they bring you drinks without you ordering them?

14:22:45 2 A. Yes, without me ordering them.

14:22:47 3 Q. What types of alcoholic beverages did you consume

14:22:52 4 during your trip at Wynn?

14:22:54 5 A. Cognac, whiskey, grappa, a bit of everything.

14:23:07 6 Q. And how would these individuals that brought you the

14:23:10 7 drinks know what kind of drinks you wanted unless you had

14:23:16 8 ordered them?

14:23:22 9 A. They would turn up with a tray, with a variety of  
 14:23:25 10 drinks, brandy, cognac, whiskey and so on, and they just  
 14:23:31 11 said, "Which one would you like?" And so on.

14:23:42 12 Q. Were you intoxicated the entire time you were at  
 14:23:47 13 Wynn during your trip in March and April of 2008?

14:23:58 14 A. Especially when I was gambling because they kept on  
 14:24:02 15 supplying.

14:24:02 16 Q. Did you think or consume alcoholic beverages while  
 14:24:06 17 you weren't gambling?

14:24:11 18 A. Wine, when having a meal.

14:24:14 19 Q. Did you consume any alcoholic beverages while in  
 14:24:19 20 your hotel room or villa?

14:24:25 21 A. One night we drank a bottle of champagne.

14:24:30 22 Q. By "we" who do you mean?

14:24:41 23 A. It was with Dell'Utri, another person who was  
 14:24:48 24 a friend of Dell'Utri's, I think there were three, perhaps  
 14:24:53 25 four of us.

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14:24:56 1 Q. This was in your room?

14:24:59 2 A. Yes, in the villa.

14:25:02 3 Q. And was the champagne -- how many bottles of

14:25:06 4 champagne did you consume?

14:25:08 5 A. I think it was two.

14:25:13 6 Q. Do you remember specifically what day it was?

14:25:16 7 A. No, I don't, but from when I was moved from a room

14:25:25 8 to the villa because all this happened at the villa so it

14:25:31 9 was after I moved to the villa.

14:25:34 10 Q. And did you order the champagne or did they bring

14:25:38 11 it?

14:25:39 12 A. They brought it.

14:25:53 13 Q. So while you were dining at the Wynn you did in fact

14:25:58 14 consume alcoholic beverages?

14:26:06 15 A. At dinner I mainly had wine.

14:26:09 16 Q. By "mainly" did you only have wine or did you have

14:26:14 17 other drinks at times?

14:26:19 18 A. At the moment I don't recall. What I do recall very

14:26:24 19 clearly was when I was gambling they kept on bringing full

14:26:29 20 trays of whiskey, cognac.

14:26:41 21 Q. When you were gambling and consuming alcoholic

14:26:45 22 beverages at any point in time did you decline any of their

14:26:51 23 offers for alcoholic beverages?

14:26:54 24 A. I think more than once. I don't remember, this was

14:27:00 25 eight years ago.

14:27:02 1 Q. You think you did decline their offering of  
14:27:04 2 alcoholic beverages?  
14:27:06 3 A. Yes, I think so. Sometimes, yes.  
14:27:12 4 Q. Did you ever get physically ill or vomit as a result  
14:27:17 5 of your alcohol consumption while you were at the Wynn?  
14:27:23 6 A. One night, I think.  
14:27:26 7 Q. One night?  
14:27:29 8 A. I don't recall. Second, third night, perhaps.  
14:27:32 9 Q. Was it when --  
14:27:35 10 A. I was very ill.  
14:27:36 11 Q. Was it in the villa or was it in the original room?  
14:27:44 12 A. Just one moment, please. This schedule helps me to  
14:27:50 13 recall the date. First day, second day, I think it must  
14:28:00 14 have been the third day.  
14:28:02 15 Q. Were you in the villa at that point in time?  
14:28:04 16 A. No, I was only in the villa for two nights.  
14:28:11 17 Q. So this would have been what day that you -- or what  
14:28:14 18 evening you got sick on?  
14:28:21 19 A. I think it was on the 4th, perhaps the 3rd.  
14:28:24 20 Q. Of April?  
14:28:27 21 A. Of April, yes.  
14:28:29 22 Q. Did you consume any alcoholic beverage -- go ahead.



14:28:35 23 A. The 31st. But simply because the dates are the

14:28:39 24 wrong way round. The 31st of March or 1st of April.

14:28:44 25 Q. Okay.

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14:28:45 1 A. 31st of March or 1st of April.

14:28:48 2 Q. So that's the evening that you were so intoxicated

14:28:51 3 that you were physically ill and vomiting?

14:28:58 4 A. Yes, that's correct.

14:29:00 5 Q. And did anyone witness you vomiting?

14:29:08 6 A. The next day I told Dell'Utri that I had been ill.

14:29:13 7 Q. Did you tell Alex Pariente that you had been ill?

14:29:17 8 A. No. Alex -- I didn't see Alex that often.

14:29:23 9 Q. Did you consume alcoholic beverages at any point in

14:29:27 10 time after the evening that you were ill?

14:29:32 11 A. No, the day after I turned down every offer,

14:29:35 12 I didn't drink.

14:29:36 13 Q. So from the point in time that you got sick on the

14:29:40 14 31st or the 1st you didn't consume any alcoholic beverages?

14:29:45 15 A. Not the following day, no. For one day, not.

14:29:51 16 Q. So for one day you didn't drink, but the following

14:29:54 17 day you started consuming alcohol again?

14:29:57 18 A. Yes, I think I did drink something the day after

14:30:00 19 that, yes.

14:30:02 20 Q. But was it --

14:30:06 21 A. We would need to have a recording device in our

14:30:10 22 brain to remember everything.

14:30:12 23 Q. Is it fair to say that you consumed less alcohol

14:30:16 24 after you vomited at the Wynn on those following days?

14:30:26 25 A. Yes, I think so.

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14:30:28 1 Q. And you consumed substantially less alcohol those

14:30:31 2 following days?

14:30:35 3 A. Yes, yes, substantially less.

14:30:42 4 Q. Do you remember the evening that you were so ill

14:30:46 5 that you were vomiting?

14:30:49 6 A. I remember that I vomited and I had a headache, and

14:30:56 7 a stomach ache, and I remember this very well.

14:31:00 8 Q. And that was the only time that you were physically

14:31:05 9 ill while you were staying at the Wynn?

14:31:08 10 A. Yes, because I -- I couldn't get to sleep for three

14:31:12 11 nights practically, what with the jet lag and everything

14:31:17 12 else, I just couldn't get any shut eye at all.

14:31:33 13 Q. And the night that you got ill, was that the night

14:31:37 14 that you had Dell'Utri other people in your room?

14:31:42 15 A. No.

14:31:43 16 Q. That came after, correct?

14:31:46 17 A. Yes. Well, I don't really recall because, with

14:31:56 18 Dell'Utri and so on, that happened in the villa.

14:31:59 19 Q. Okay, so --

14:32:02 20 A. So when I felt ill that was in my room, perhaps the

14:32:06 21 day before. I don't remember.

14:32:18 22 Q. And you've never been diagnosed as an alcoholic?

14:32:25 23 A. No. I like to drink wine and -- mainly.

14:32:30 24 Q. Have you ever had any health issues associated with

14:32:35 25 alcohol consumption?

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14:32:37 1 A. No. That was an acute intoxication.

14:32:48 2 Q. Did the physical appearance of the employees that

14:32:52 3 brought you alcoholic beverages influence you into drinking

14:32:58 4 them?

14:33:00 5 A. Very much so. Very much so.

14:33:03 6 Q. And were they primarily attractive women?

14:33:08 7 A. Exclusively. Very beautiful.

14:33:32 8 Q. As part of your defenses -- let me ask a better

14:33:41 9 question.

14:33:41 10 One of your defenses, as I understand it, in this

14:33:45 11 case is that Mr. Pariente made various misrepresentations to

14:33:49 12 you. Is that correct?

14:33:55 13 A. That is absolutely correct.

14:33:57 14 Q. What specific misrepresentations did he make to you?

14:34:07 15 A. In any way did he explain to me what things meant

14:34:15 16 and how the system, the credit line system, operated in the

14:34:22 17 town of Las Vegas. He omitted this completely.

14:34:27 18 Q. What specifically did he not tell you?

14:34:32 19 A. That, for example, in the way the credit worked,

14:34:38 20 that practically what you were signing was -- well,

14:34:44 21 I thought that what I was signing was simply to obtain chips

14:34:53 22 or some kind of receipt. I never thought this, because the

14:34:57 23 agreement was if I lose I'll transfer the money back to you.

14:35:01 24 And then all these requests arrived. And then I asked

14:35:15 25 Pariente for an increase in credit because I would say to

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14:35:21 1 him that the transfer was on its way, and he increased the

14:35:27 2 credit line as a result. Up until 1 million.

14:35:34 3 Q. So -- and again I just want to understand the basis  
14:35:39 4 for your claim that he made misrepresentations.

14:35:51 5 A. Because he omitted to explain what the local system  
14:35:55 6 was. I did not go how things worked in Las Vegas.

14:35:59 7 Q. Did he ever tell you anything specifically that you  
14:36:01 8 believe was false as opposed to just not explaining how  
14:36:10 9 credit worked?

14:36:25 10 A. About payment, timescales, for example. I don't  
14:36:29 11 really recall precisely, because I then sent him to hell on  
14:36:34 12 the phone and sent him to the devil. So we never spoke  
14:36:39 13 again.

14:36:40 14 Q. What did -- go ahead.

14:36:44 15 A. And then everything happened, as you know, because  
14:36:52 16 in the markets, markers, which reached my bank in Italy,  
14:36:58 17 I never heard anything about this, I never knew anything  
14:36:59 18 about this. I received a District Attorney's notification  
14:37:05 19 and basically a mandate for my arrest. That's all I knew.

14:37:12 20 Q. When you left the Wynn, after your trip was  
14:37:16 21 concluded, did you have an understanding that you had  
14:37:19 22 an outstanding balance of USD 1 million?

14:37:25 23 A. No.

14:37:26 24 Q. Was it your understanding that you had a zero  
14:37:29 25 balance when you left the Wynn?

14:37:31 1 A. Yes, zero, yes.

14:37:34 2 Q. How did you or why did you have the understanding  
14:37:37 3 that you owed nothing to the Wynn when you left?

14:37:44 4 A. Because I had effected a transfer.

14:37:48 5 Q. Now, Mr. Pariente never told you when you left that  
14:37:51 6 you had a zero balance. Is that correct?

14:38:01 7 A. With Mr. Pariente we had what I would call a "fight"  
14:38:06 8 on the phone later. And since then all I received was one  
14:38:13 9 threat, that unless I paid whatever was outstanding, I would  
14:38:20 10 be arrested.

14:38:22 11 Q. And where did -- where did that threat come from?  
14:38:25 12 Was that in writing?

14:38:29 13 A. No, this was on the phone.

14:38:31 14 Q. Mr. Pariente told you?

14:38:32 15 A. Yes.

14:38:33 16 Q. What did he specifically say?

14:38:37 17 A. He said to me that unless I paid within 90 days he  
14:38:44 18 would have sent everything to the District Attorney, and  
14:38:49 19 I could never more -- never again set foot in the  
14:38:53 20 United States of America. And this is why I've not been to  
14:38:59 21 the United States for eight years because I'm afraid I might

14:39:02 22 be apprehended and arrested.

14:39:05 23 Q. Have you made any payments to the Clark County

14:39:08 24 District Attorney's office relating to the alleged

14:39:11 25 outstanding balance?

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14:39:12 1 A. No, never. I wrote a letter.

14:39:17 2 Q. You wrote a letter?

14:39:21 3 A. Yes, directly to the District Attorney's office and

14:39:25 4 I explained my situation.

14:39:28 5 Q. Do you have a copy of that letter?

14:39:31 6 A. I do, at home.

14:39:33 7 Q. Can you please provide. Not now, but --

14:39:42 8 A. Yes, I can.

14:39:43 9 Q. What is -- what were the contents of the letter?

14:39:47 10 What did you say in the letter?

14:39:48 11 A. I explained that at the Wynn they kill gamblers.

14:39:58 12 Q. And what do you mean by "they kill gamblers"?

14:40:03 13 Explain that.

14:40:05 14 A. They drive them to death, because if I had continued

14:40:09 15 continued to be in Las Vegas and continued to send more

14:40:12 16 money onto my account then they would have permitted me 2

14:40:17 17 million, 3 million, 4 million, and so on. And this is

14:40:20 18 a call to -- it's an encouragement to gambling.

14:40:30 19 So in Europe, if this had happened here in Europe,

14:40:37 20 I would have dragged Wynn into court and I would probably

14:40:43 21 have won as well. Because the encouragement to gambling

14:40:50 22 is -- is what effectively happened.

14:40:56 23 And Las Vegas has its own ad hoc legal system and it

14:41:03 24 has laws which are in favor of casinos. This is a fact,

14:41:08 25 this is the truth, and what happens there is illegal in

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14:41:14 1 Europe and this means killing gamblers.

14:41:22 2 This is why Pariente, for me, is a gangster.

14:41:30 3 Q. After you left the Wynn how many conversations did

14:41:35 4 you have with Mr. Pariente?

14:41:39 5 A. I don't remember. Two, maybe three, and then I sent

14:41:43 6 him to hell.

14:41:45 7 Q. And these were all phone calls?

14:41:48 8 A. Yes.

14:41:51 9 Q. And did Mr. Pariente identify during those

14:41:56 10 conversations that the Wynn was claiming that you owed

14:41:59 11 an additional USD 1 million?



14:42:04 12 THE INTERPRETER: You said "million"?

14:42:05 13 BY MR. SEMENZA:

14:42:05 14 Q. Million.

14:42:09 15 A. Yes, he did say that. And he threatened me and  
14:42:14 16 said, "You're going to get arrested if you ever come to the  
14:42:18 17 States." Why didn't he say that to me before?

14:42:21 18 Q. Before when?

14:42:24 19 A. When I arrived. When I was there. He should have  
14:42:28 20 said, "This the way it works here." Not just being -- as  
14:42:38 21 soon as my money arrived then they would increase the credit  
14:42:42 22 line.

14:42:44 23 Q. And in response to him identifying that you owed USD  
14:42:47 24 1 million what did you tell him?

14:42:54 25 A. I told him to fuck off.

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14:42:56 1 Q. Is it because you didn't believe you had signed the  
14:43:05 2 markers or was it because you didn't believe you owed the  
14:43:07 3 money? Or what was the reason you told him you weren't  
14:43:11 4 going to pay?

14:43:18 5 A. Because they were misleading and, in my view, I had  
14:43:23 6 paid everything through my transfers. Full stop.

14:43:39 7 Q. Going back to my original questions, is your issue  
14:43:42 8 relating to the misrepresentations that Mr. Pariente didn't  
14:43:47 9 explain to you how credit would work as opposed to making  
14:43:54 10 a specific statement that was false?

14:43:57 11 A. Yes, he didn't -- he omitted to explain how the  
14:44:00 12 whole system works in Las Vegas. The fact that there was no  
14:44:05 13 arrest, because if -- if you ring me up later and threaten  
14:44:15 14 me of arrest it's one thing. I didn't know that what I was  
14:44:21 15 signing was an IOU was really a check.

14:44:24 16 Q. And that's your understanding now, that it was  
14:44:26 17 a check?

14:44:33 18 A. I understand that now.

14:44:34 19 MR. ALBREGTS: Objection. Vague and ambiguous as  
14:44:35 20 to whether he understands what a check is under American  
14:44:39 21 law. I just made an objection.

14:44:51 22 THE INTERPRETER: We should answer the question.  
14:44:52 23 yes? No, we've answered the question.

14:44:53 24 MR. ALBREGTS: You've answered the question. I'm  
14:44:56 25 not as quick as you guys, I got a little jet lag here.

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14:45:03 1 BY MR. SEMENZA:

14:45:04 2 Q. So there was nothing -- just so that the record is  
14:45:06 3 clear -- there was nothing that Mr. Pariente said that was  
14:45:09 4 false, the issue is he didn't explain what the terms of  
14:45:14 5 credit were or meant.

14:45:23 6 MR. ALBREGTS: Objection to the extent it  
14:45:24 7 misstates his prior testimony. Go ahead.

14:45:35 8 A. To me he was misleading, and perhaps he gets  
14:45:42 9 a percentage on people's losses, perhaps. So --

14:45:48 10 BY MR. SEMENZA:

14:45:48 11 Q. I understand what you're saying, but the question is  
14:45:52 12 did he say something that was false or did he just not tell  
14:45:56 13 you something that you believed you should have been  
14:45:59 14 informed?

14:46:03 15 A. Sir, he was not clear. He was not clear. For  
14:46:07 16 a person who goes to Vegas for the first time, he was not  
14:46:12 17 clear. He did not explain how things work and what you  
14:46:17 18 shouldn't do.

14:46:17 19 Q. Mr. Pariente knew that you were an experienced  
14:46:21 20 gambler, is that correct?

14:46:24 21 MR. ALBREGTS: Objection. There has been no  
14:46:24 22 establishment that he's an experienced gambler.

14:46:34 23 BY MR. SEMENZA:

14:46:35 24 Q. You can answer the question.

14:46:37 25 A. The question again, please? I remember the

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14:46:43 1 question. He did not know because I didn't know Pariente at

14:46:46 2 all, I was introduced to him.

14:46:54 3 Q. Did you have an understanding that if you promptly

14:46:58 4 paid any outstanding markers that you would receive

14:47:03 5 a discount on those markers?

14:47:16 6 A. I found this out afterwards before arguing on the

14:47:22 7 phone with Pariente.

14:47:23 8 Q. After -- after you -- okay.

14:47:29 9 A. When I told him to fuck off on the phone.

14:47:47 10 Q. Did Mr. Pariente identify to you that you could pay

14:47:52 11 or make payments on any outstanding markers that you have?

14:48:02 12 In other words, you didn't have to pay it at all at once?

14:48:06 13 A. He threatened me that if I -- he said, "If you don't

14:48:10 14 pay I'll -- and you set foot in Las Vegas, I'll have you

14:48:14 15 arrested."

14:48:15 16 Q. But did you --

14:48:17 17 A. (In English): No, after that. (Answer

14:48:19 18 interpreted): Later (In English): Later.

14:48:22 19 Q. So, after you had the conversation where you told

14:48:24 20 him to fuck off, that's when you learned that you could have

14:48:31 21 made payments?

14:48:37 22 A. (Answer interpreted): Yes, he did say to me, but

14:48:40 23 I said to him, "I'm not paying anything because you have

14:48:45 24 stolen from me."

14:48:47 25 Q. Did you have a conversation with Mr. Pariente about

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14:48:51 1 whether markers were enforceable in Italy?

14:49:00 2 A. No, he explained absolutely nothing to me. These

14:49:12 3 are all things which I learnt later.

14:49:22 4 Q. At some point in time did you have any

14:49:25 5 communications with Cristiano Tofani.

14:49:31 6 THE INTERPRETER: The name, sorry?

14:49:35 7 MR. ALBREGTS: Tofani.

14:49:36 8 A. Yes, there was a communication, but -- sorry to

14:49:42 9 interrupt -- but with Cristiano Tofani what I wanted to do

14:49:50 10 is resolve the problem, the problem linked to the arrest.

14:49:57 11 And therefore I said I was available to carry out a small

14:50:03 12 transaction in order to be able to remove the risk of

14:50:12 13 arrest, because I have not been to the State for eight years

14:50:18 14 and I may have to work there. And I am here because if I go

14:50:25 15 there I'm at risk of being apprehended.

14:50:33 16 BY MR. SEMENZA:

14:50:33 17 Q. Did Mr. Tofani attempt to negotiate a resolution  
14:50:38 18 between Wynn Las Vegas and you?

14:50:42 19 A. Yes, he did.

14:50:43 20 Q. And that was unsuccessful?

14:50:48 21 A. So he said to me.

14:50:50 22 Q. Did you make any offers specifically to resolve the  
14:50:55 23 dispute with Mr. Tofani?

14:50:59 24 MR. ALBREGTS: Objection to the extent it calls  
14:51:00 25 for settlement negotiations. And objection, LJ, to the  
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14:51:04 1 extent I have no real idea of what the attorney/client  
14:51:06 2 privilege, if it exists, pertains here between Mr. Tofani,  
14:51:12 3 a licensed Italian attorney, and Mr. La Barbera. It may  
14:51:17 4 not, I just want to preserve the objection.

14:51:20 5 BY MR. SEMENZA:

14:51:20 6 Q. You can go ahead and answer.

14:51:23 7 A. I've forgotten the question.

14:51:27 8 Q. What did you offer, if anything, to Mr. Tofani to  
14:51:30 9 resolve the dispute?

14:51:32 10 A. I think I offered 10 percent. Just so I could

14:51:38 11 remove the District Attorney part of the matter.

14:51:42 12 Q. Does Mr. Tofani represent you as counsel or

14:51:47 13 an attorney in Italy? Or has he ever represented you as

14:51:51 14 counsel in Italy?

14:51:54 15 A. No, not in Italy. He had this possibility to carry

14:52:07 16 out a transaction, but all I was interested in is removing

14:52:16 17 the question of the arrest because I went to Las Vegas for

14:52:27 18 four days, I lost a million, and that was my own million.

14:52:35 19 I went home with a mandate of capture, and I'm the person

14:52:43 20 who has never had anything pending in 63 years from

14:52:46 21 a criminal point of view. And just imagine how wonderful my

14:52:51 22 trip was. (In English): Beautiful, very beautiful.

14:52:55 23 MR. ALBREGTS: Is that sarcasm?

14:52:57 24 THE INTERPRETER: Sarcasm.

14:53:00 25 BY MR. SEMENZA:

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14:53:01 1 Q. Making that clear for the record.

14:53:06 2 A. And I went to a person who was slimeing, such as

14:53:16 3 Pariente.

14:53:21 4 Q. And was Mr. Tofani slimeing?

14:53:27 5 A. No, Mr. Tofani is -- I met him in Rome. Pariente,

14:53:32 6 Mr. Semenza, Pariente is very, very slimy.

14:53:48 7 BY MR. SEMENZA:

14:53:48 8 Q. Mr. La Barbera, can you tell me about your  
14:53:51 9 education, please?

14:53:57 10 A. What do you mean my education, sir?

14:54:01 11 Q. How far did you go in school?

14:54:03 12 A. I studied pharmacy, pharmacology. Pharmacy.

14:54:09 13 Q. What degrees --

14:54:10 14 THE INTERPRETER: Not pharmacology, my mistake.

14:54:12 15 Pharmacy, not pharmacology.

14:54:14 16 BY MR. SEMENZA:

14:54:16 17 Q. What degrees do you currently have?

14:54:21 18 A. It's a degree in pharmacy.

14:54:24 19 Q. And in the U.S. we have a bachelors degree,  
14:54:28 20 a doctorate degree, what kind of degree is it?

14:54:33 21 A. It's three years, so I think that's a bachelors.

14:54:36 22 It's a three-year university course.

14:54:41 23 Q. And what university did you attend?

14:54:44 24 A. Palermo.

14:54:49 25 Q. After graduating from the university did you have

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14:54:52 1 any other formal education?

14:54:57 2 A. No, I began working immediately.

14:54:59 3 Q. And what -- what is your current profession?

14:55:06 4 A. I am a consultant for pharma industry, industries,

14:55:11 5 companies.

14:55:16 6 Q. Are you an employee of a company or do you own your

14:55:20 7 own company?

14:55:22 8 A. I have my own company.

14:55:26 9 Q. And what is that company called?

14:55:28 10 A. (In English): Bruni Farma Research.

14:55:41 11 THE INTERPRETER: It's called Bruni, that's

14:55:47 12 B-R-U-N-I; Farma, that's F-A-R-M-A; and then "research" in

14:55:54 13 English. Bruni Farma Research.

14:55:59 14 BY MR. SEMENZA:

14:56:00 15 Q. And how long have you owned that company?

14:56:08 16 A. My first company in the same sector was set up

14:56:11 17 30 years ago. And this one has been around for 20 years.

14:56:21 18 Q. In April of 2008 was this the only company that you

14:56:27 19 owned?

14:56:29 20 A. It's my company, yes. It was Bruni Farma only, the

14:56:36 21 word "research" was not part of the name at that time, we

14:56:42 22 added "research" later.

14:56:43 23 Q. And is it the only business you currently own now?

14:56:50 24 A. Yes.

14:56:50 25 Q. How many employees does it have?  
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14:56:56 1 A. At the moment fewer than -- it used to be -- seven  
14:57:01 2 to date, because we are pure consultants.

14:57:07 3 Q. And can you explain generally speaking what the  
14:57:10 4 company does as a consulting firm?

14:57:24 5 A. So we go to generic pharma companies and we offer  
14:57:33 6 them products which are going off license, basically when  
14:57:37 7 the patent is about to expire. And so we -- these are  
14:57:41 8 generic pharma companies, and we propose these products and  
14:57:46 9 we encourage them to commercialize them.

14:58:00 10 Q. I am gonna jump around a little bit. When you  
14:58:05 11 gambled at the Monte Carlo Casino in Monaco do they provide  
14:58:13 12 alcoholic beverages free of charge?

14:58:17 13 A. Yes, they do.

14:58:21 14 Q. And when you gambled at the Monte Carlo in Monaco  
14:58:26 15 have you consumed alcoholic beverages while you have been  
14:58:31 16 gambling?

14:58:32 17 A. Well, things work differently there. They -- it's  
14:58:36 18 not like in Las Vegas when people are bringing drinks the  
14:58:41 19 whole time. What happens there is there is a valet for you,

14:58:45 20 and you ask him, you say, "Bring me a whiskey", or whatever.

14:58:49 21 Whereas in Las Vegas there was always the "piece of skin"

14:58:56 22 who would bring drinks the whole time. And that's the

14:59:08 23 truth.

14:59:09 24 MR. ALBREGTS: Well said.

14:59:13 25 BY MR. SEMENZA:

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14:59:13 1 Q. And I -- I'm -- is it your contention that you drank

14:59:18 2 alcoholic beverages because they were being brought by

14:59:22 3 attractive women?

14:59:26 4 A. Let's say that it was a bonus as the Americans -- an

14:59:31 5 "upgrade", as the Americans say. I think we mean a bonus.

14:59:36 6 Q. Are you married?

14:59:39 7 A. Yes.

14:59:40 8 Q. How long have you been married?

14:59:43 9 A. 40 years.

14:59:44 10 MR. ALBREGTS: Wow.

14:59:48 11 MR. SEMENZA: You're up there too.

14:59:52 12 MR. ALBREGTS: 33.

14:59:54 13 BY MR. SEMENZA:

14:59:55 14 Q. Do you have any children?

14:59:57 15 A. One.  
14:59:59 16 Q. And how old?  
15:00:03 17 A. 40.  
15:00:05 18 THE INTERPRETER: I don't know if it's he or she,  
15:00:08 19 but the child is 40. He was born immediately.  
15:00:15 20 MR. SEMENZA: Congratulations.  
15:00:17 21 MR. ALBREGTS: Good man.  
15:00:19 22 BY MR. SEMENZA:  
15:00:19 23 Q. Did you tell your wife you were coming out to Las  
15:00:21 24 Vegas on your April of 2008 trip?  
15:00:25 25 A. Yes, I did.

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15:00:26 1 Q. And was she okay with you coming out?  
15:00:31 2 A. Yes, she's -- I don't have this kind of problem  
15:00:35 3 usually.  
15:00:37 4 Q. Is she aware that you had a gambling addiction?  
15:00:43 5 A. Yes.  
15:00:48 6 Q. When you spoke with Mr. Pariente after you left the  
15:00:52 7 Wynn -- and I think you had said that you spoke to him two  
15:00:57 8 or three times over the phone -- did you call him or did he  
15:01:02 9 call you?

15:01:05 10 A. He called first. I'm certain about this. He talked

15:01:10 11 to me about market, marker, money, arrest and all that.

15:01:18 12 Q. And that was the first phone call?

15:01:22 13 A. I think so, yes. Yes. I think there were two more

15:01:26 14 after that and that was it.

15:01:29 15 Q. How long after you left Wynn did Mr. Pariente

15:01:33 16 contact you?

15:01:42 17 A. A month or two, I can't remember.

15:01:48 18 Q. Then the second or third time that you spoke to him

15:01:51 19 by phone, did he call you or did you call him?

15:01:57 20 A. Once I called. I think twice, probably. Once to

15:02:05 21 tell him that he could not do what he said to me he would

15:02:12 22 do, and the third time was to finally send him to the devil

15:02:19 23 and tell him to fuck off.

15:02:21 24 Q. Okay. So your recollection is he called you first

15:02:26 25 and then you called him two additional times?

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15:02:31 1 A. Yes, I think so.

15:02:32 2 Q. And those were the only when calls or communications

15:02:35 3 you had with Mr. Pariente?

15:02:38 4 A. That's it.

15:02:45 5 Q. Before you left the Wynn did you tell Mr. Pariente  
15:02:49 6 goodbye?  
15:02:55 7 A. I think so. I think so. Perhaps when I signed the  
15:03:00 8 bill, I don't remember, but I think so.  
15:03:04 9 Q. Did you say goodbye in person or over the phone?  
15:03:10 10 A. In person.  
15:03:10 11 My plane is at half past six.  
15:03:59 12 MR. ALBREGTS: How much time does he need?  
15:04:03 13 A. It's about an hour from here to get to the airport.  
15:04:13 14 MR. SEMENZA: So what time do you need to leave?  
15:04:21 15 A. I should be out of here at half past four.  
15:04:24 16 BY MR. SEMENZA:  
15:04:24 17 Q. I think we can accommodate that.  
15:04:37 18 Do you have any recollection of the specific dates  
15:04:39 19 and times that you obtained any of the markers that you --  
15:04:50 20 any of the markers that you had at the Wynn?  
15:04:54 21 MR. ALBREGTS: Objection, vague and ambiguous.  
15:04:55 22 Does he understand the question?  
15:05:01 23 A. Yes.  
15:05:01 24 MR. ALBREGTS: Okay.  
15:05:02 25 A. Yes. But no, I don't remember. I don't remember

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15:05:05 1 hours, times or anything. There was a nine-hour time  
15:05:09 2 difference from Italy, so no.  
15:05:14 3 BY MR. SEMENZA:  
15:05:14 4 Q. I know about the time difference.  
15:05:18 5 A. I had enough to get over the jet lag and I was back  
15:05:22 6 home again.  
15:05:24 7 Q. So, as far as dates you took out particular markers,  
15:05:27 8 you have no understanding?  
15:05:31 9 A. (In English): No, no.  
15:05:32 10 Q. As far as times you took out particular markers, you  
15:05:35 11 have no understandings?  
15:05:37 12 A. (In English): No, no, no.  
15:05:39 13 Q. Did you gamble during the day while you were at  
15:05:45 14 Wynn?  
15:05:46 15 A. (Answer interpreted): I -- I made the night of the  
15:05:59 16 day because I couldn't sleep anyway, so it was -- I slept  
15:06:03 17 very little in three days, what with jet lag and everything  
15:06:07 18 else.  
15:06:12 19 Q. One of the interrogatories, one of the questions  
15:06:15 20 that we posed to you, was interrogatory number 4. I'll read  
15:06:21 21 that into the record and your answer. It says:  
15:06:27 22 "Identify all persons by name, address and telephone  
15:06:33 23 number with whom you've had a communications with relating

15:06:39 24 to the agreement, the marker or receiving credit at Wynn."

15:06:48 25 You responded by saying:  
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15:06:50 1 "Only Mr. Alberto Dell'Utri."

15:06:55 2 Do you remember that?

15:06:59 3 A. If you mean that I only spoke about this with

15:07:02 4 Dell'Utri, that would be correct, yes.

15:07:06 5 Q. Did you ever speak to Mr. Dell'Utri about credit at

15:07:10 6 Wynn?

15:07:11 7 A. Yes, I did. Of course. He knew that I had made

15:07:20 8 these transfers.

15:07:21 9 Q. Okay. Did you talk to Mr. Dell'Utri about any of

15:07:24 10 the markers?

15:07:31 11 A. I don't recall and honestly I don't remember.

15:07:36 12 Q. Do you recall having any communications with him

15:07:38 13 about your credit agreement?

15:07:44 14 A. Yes. That I had -- had a credit line open. It says

15:07:53 15 300 here, I've just read this, but I remember 200 anyway.

15:07:59 16 Q. So you spoke to Mr. Dell'Utri about your credit

15:08:02 17 line?

15:08:02 18 A. Yes.



15:08:05 19 Q. Okay. Sitting here today -- I think this is an easy  
 15:08:09 20 question -- but my hope is, sitting here today, do you know  
 15:08:16 21 your bank account balances in your Credit Suisse account on  
 15:08:23 22 the dates that you were present at the Wynn in Las Vegas?  
 15:08:31 23 A. Yes, I do. 2,200,000 euros.  
 15:08:37 24 Q. 2,200,000 euros in the Credit Suisse account  
 15:08:43 25 from March 29 through April 5?  
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15:08:51 1 A. Yes.  
 15:08:51 2 Q. How can you recall that?  
 15:08:53 3 A. Because I remember, because I sent 1 million to  
 15:08:56 4 Wynn, USD 1 million, that is, to Wynn.  
 15:09:02 5 Q. And you had a remaining 1.2 million euros in that  
 15:09:05 6 account?  
 15:09:08 7 A. Well, at the time the dollar was weaker, actually.  
 15:09:14 8 It was weaker. .7, if I recalled correctly. .65, something  
 15:09:22 9 like that.  
 15:09:24 10 Q. Okay. So, taking away the USD 1 million that was  
 15:09:30 11 paid to Wynn, how much remained in your bank accounts during  
 15:09:34 12 that period of time?  
 15:09:34 13 A. 1.5 million roughly, euros.

15:09:36 14 Q. 1.5 million. How much -- during that same time  
15:09:48 15 period do you know, off the top of your head, how much money  
15:09:51 16 was in your Banca Popolare Italiana account?

15:10:03 17 A. No, honestly. The Swiss one I recall because I have  
15:10:10 18 been able to refresh my memory on these credit lines and  
15:10:16 19 therefore I have it more vivid in my mind. But that's  
15:10:22 20 because I'm seeing the statements of the Swiss account.

15:10:25 21 Q. Okay. During March 29 through April 5, 2008, did  
15:10:32 22 you have over USD 1 million in the Banca Popolare Italiana  
15:10:42 23 bank account?

15:10:45 24 A. Not USD 1 million, no. Perhaps 5/600,000 euros,  
15:10:53 25 possibly. No dollars, I have no dollar account.

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15:10:58 1 Q. Okay. So would the euro equivalent in dollars be  
15:11:04 2 USD 1 million, or over USD 1 million?

15:11:07 3 MR. ALBREGTS: At that time.

15:11:11 4 A. Well, if they were not in the account they would  
15:11:14 5 have been invested somewhere.

15:11:16 6 Q. Okay.

15:11:17 7 MR. ALBREGTS: His question was whether it was  
15:11:19 8 equivalent to USD 1 million at that time.

15:11:27 9 A. Yes, I had much more in Switzerland.

15:11:31 10 BY MR. SEMENZA:

15:11:32 11 Q. Okay. So you had euros in your Banca Popolare  
15:11:37 12 account?

15:11:37 13 A. Yes.

15:11:37 14 Q. And how many euros did you think you had during that  
15:11:41 15 period of time?

15:11:42 16 A. That's what I just said. I think if you group up  
15:11:48 17 investments and everything else, 600,000, 500,000.

15:11:54 18 Q. Okay, so let's -- let's --

15:11:58 19 A. The reason why I remember Switzerland is because we  
15:12:00 20 have all the information here. But I can't recall what  
15:12:05 21 I had eight years ago. That's it because that's the  
15:12:10 22 average, that used to be the average.

15:12:12 23 Q. So again I don't want to spend a lot of time on  
15:12:16 24 this, but how much did you have in that account that was  
15:12:20 25 cash, not invested?

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15:12:27 1 A. I don't remember. You're talking about the Banca  
15:12:30 2 Popolare?

15:12:31 3 Q. Yes.

15:12:32 4 A. I don't remember. I once again say that  
15:12:38 5 Credit Suisse is fresh in my mind because I have the  
15:12:41 6 statements here. Otherwise I would have to go back to my  
15:12:44 7 statements dating back to eight years ago and I can't find  
15:12:51 8 them anywhere.  
15:12:52 9 Q. Okay.  
15:12:52 10 (3:12 p.m.)  
15:12:52 11 (Discussion off the record.)  
15:12:52 12 (3:14 p.m.)  
15:14:34 13 BY MR. SEMENZA:  
15:14:37 14 Q. I think I'm getting close.  
15:15:22 15 Before you left the Wynn at the end of your trip did  
15:15:26 16 you tell anyone that you were so intoxicated that you didn't  
15:15:32 17 know that you were signing markers, or something to the  
15:15:35 18 equivalent?  
15:15:37 19 MR. ALBREGTS: Anyone at all or anyone at the  
15:15:39 20 Wynn?  
15:15:39 21 BY MR. SEMENZA:  
15:15:40 22 Q. Anyone at the Wynn.  
15:15:43 23 A. Not at the Wynn, nobody at the Wynn. When I said  
15:15:49 24 when I was speaking the last day I was there I said that in  
15:15:54 25 five nights I have -- might have slept three or four hours

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15:15:59 1 in five nights.

15:16:01 2 BY MR. SEMENZA:

15:16:02 3 Q. And why was that?

15:16:05 4 A. I just couldn't sleep. I couldn't sleep.

15:16:09 5 Q. But, as far as discussing your level of intoxication

15:16:16 6 during that trip at Wynn, you never spoke to anyone at Wynn

15:16:20 7 about that, did you?

15:16:23 8 A. No.

15:16:27 9 Q. Did you speak to anyone else other than -- well, did

15:16:30 10 you speak to anyone about it?

15:16:34 11 A. Oh, with friends once I got back to Italy, yes.

15:16:44 12 I was a fool to go to Las Vegas.

15:16:53 13 Q. During your conversations with Mr. Pariente after

15:16:59 14 you left the Wynn did you ever discuss with him your level

15:17:04 15 of intoxication on the trip?

15:17:12 16 A. No. I spoke about, mainly after he called me and

15:17:17 17 after he told me what I was getting myself into if I did not

15:17:23 18 pay and the rest and everything else, I didn't speak about

15:17:28 19 this at all with him. Only in conversations around this

15:17:33 20 arrest and that's all.

15:17:45 21 MR. SEMENZA: Could we take just a quick break.

15:17:48 22 (3:17 p.m.)

15:18:09 23

15:18:09 24 (3:24 p.m.)

15:24:48 25 MR. SEMENZA: Jeff, I would like Mr. La Barbera  
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15:24:51 1 to sign his signature on a piece of paper for some samplers,  
15:25:00 2 if we were to get a handwriting expert.

15:25:05 3 MR. ALBREGTS: Well, the fundamental problem we  
15:25:07 4 have with that issue is that any handwriting expert would  
15:25:08 5 tell you you have to have samplers contemporaneous with the  
15:25:12 6 disputed signature and this is eight years later. But we've  
15:25:14 7 spent a lot of time and energy getting over here to Europe,  
15:25:19 8 I just want to reserve that objection that these signatures  
15:25:22 9 are not contemporaneous with the signature at the time that  
15:25:24 10 are allegedly made on the markers in question in 2008.

15:25:33 11 MR. SEMENZA: Can you do -- let's do this. If  
15:25:38 12 you can sign this side, a few, and sign a few on this side  
15:25:42 13 as well. Make sure there's enough space.

15:25:50 14 THE INTERPRETER: Parallel with the lines?

15:25:52 15 MR. SEMENZA: Just skip some lines.

15:26:21 16 THE INTERPRETER: Is three enough on one column?

15:26:23 17 MR. SEMENZA: Yes. What I would like to do with

15:26:56 18 this is we'll mark this as exhibit 5. What I would like to  
15:27:09 19 do, Jeff, with your consent, is I'll like to keep the  
15:27:12 20 original. I'll make a photocopy of this document,  
15:27:15 21 exhibit 5, and then provide it to the Court Reporter as  
15:27:19 22 opposed -- because I am going to need the original.

15:27:22 23 MR. ALBREGTS: I understand that, but how are you  
15:27:23 24 gonna authenticate it later if you take custody of it and  
15:27:28 25 you are an officer of the court? That's why we have the

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15:27:31 1 Court Reporter take custody of it.

15:27:34 2 MR. SEMENZA: Do you have an issue with me doing  
15:27:34 3 it that way?

15:27:38 4 MR. ALBREGTS: No. I mean, do I trust you? Yes.  
15:27:40 5 If that's your question.

15:27:41 6 MR. SEMENZA: We could stipulate we are  
15:27:42 7 essentially doing it that way. You tell me what you want to  
15:27:47 8 do.

15:27:53 9 MR. ALBREGTS: I've always been a big  
15:27:56 10 chain-of-custody guy, LJ, but that's my generation of  
15:27:59 11 lawyers.

15:28:00 12 MS. MICHAELS: Can't we have you or some of you

15:28:02 13 kind of sign down at the bottom so we know it's the same

15:28:06 14 document, you can authenticate your own signature --

15:28:09 15 MR. ALBREGTS: The other thing we could do is

15:28:09 16 just have him do another sheet.

15:28:14 17 MR. SEMENZA: But then they're not the same

15:28:15 18 document.

15:28:16 19 MR. ALBREGTS: It doesn't matter, you're

15:28:18 20 comparing signatures. Why would it matter? The whole

15:28:21 21 purpose of the document is to compare a signature. So I

15:28:24 22 guess two originals, it doesn't matter.

15:28:25 23 MR. SEMENZA: Right. Each signature can't be

15:28:30 24 duplicated with an original.

15:28:32 25 MR. ALBREGTS: All you're assuming is -- and the  
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15:28:33 1 handwriting expert would make that assumption -- is that

15:28:35 2 there's gonna be a difference between what he just did and a

15:28:38 3 second sheet of paper.

15:28:40 4 MR. SEMENZA: But there may be, but that's up to

15:28:42 5 the experts. That's the issue, I guess.

15:28:45 6 MR. ALBREGTS: I used to use a guy named

15:28:45 7 John Kettler for many years in the 80s and 90s. In fact,



15:28:45 8 all your predecessors used him too for handwriting analysis.

15:28:56 9 And that never made a difference in his analysis. The whole

15:29:00 10 issue is the signatures are being compared contemporaneous

15:29:03 11 and that you do have original signatures from that time,

15:29:04 12 although they don't always use originals.

15:29:07 13 I'll stipulate to you taking -- it just seems to me

15:29:12 14 it would be a lot easier for him to --

15:29:15 15 MR. SEMENZA: What I'll do is this, if you are

15:29:16 16 fine with it, I will take custody and control of the

15:29:19 17 original signature that will be marked as exhibit 5. Right?

15:29:26 18 MR. ALBREGTS: You might want to get a copyright

15:29:28 19 right now so you're on the record with a copy. Watch out,

15:29:33 20 she's not very good up there. (Pause.)

15:29:35 21 (Exhibit 5 marked for identification)

15:31:30 22 BY MR. SEMENZA:

15:31:30 23 Q. So, with regard to exhibit 5, I've provided the

15:31:34 24 Court Reporter with a photocopy and I'm going to retain the

15:31:38 25 original signature that Mr. La Barbera has provided here

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15:31:42 1 today. I've also provided a copy of the document to Mr. La

15:31:49 2 Barbera's Italian counsel as well, and American counsel.

15:31:57 3 Mr. La Barbera, do you normally sign documents that  
 15:32:01 4 you do not read?  
 15:32:04 5 MR. ALBREGTS: Objection, asked and answered.  
 15:32:05 6 A. When I work I read everything. In this case the  
 15:32:18 7 fact was they said things, they added commentary like  
 15:32:24 8 saying, "This is to increase your credit line." So I didn't  
 15:32:27 9 read the content.  
 15:32:33 10 BY MR. SEMENZA:  
 15:32:33 11 Q. So typically you do read documents before you sign  
 15:32:36 12 them?  
 15:32:38 13 A. When I'm not in the casino I read everything.  
 15:32:42 14 Q. And that is important to you in your business,  
 15:32:45 15 correct?  
 15:32:45 16 A. Yes, of course, it's my job.  
 15:32:47 17 Q. And it's important to you in your personal life as  
 15:32:50 18 well?  
 15:32:52 19 A. Of course.  
 15:32:52 20 Q. Is the only place that you do not read documents  
 15:32:56 21 before you sign them in a casino?  
 15:33:01 22 A. I take them for granted there. I take things for  
 15:33:06 23 granted. I read the amount, 3, 200, 300, for example, and  
 15:33:12 24 I think that we need to sign to confirm that information  
 15:33:17 25 increasing, for example, the credit line.

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15:33:20 1 Q. Do you regret not reading the documents that we've  
15:33:24 2 gone over today before you've signed them?

15:33:27 3 MR. ALBREGTS: Objection to the extent that he  
15:33:29 4 signed the documents, there are some documents he disputes.  
15:33:34 5 Go ahead.

15:33:38 6 A. Had I known on arrival at Las Vegas how things  
15:33:45 7 worked in that town I would have got onto the next plane  
15:33:50 8 back and come back to Italy.

15:33:54 9 BY MR. SEMENZA:

15:33:54 10 Q. But my question is do you regret not reading the  
15:33:59 11 documents that you signed?

15:34:05 12 A. I was on my own, I didn't know the language, and  
15:34:09 13 I trusted what Alex "Pirate" Pariente said to me.

15:34:19 14 Q. But the way I understand your testimony is that  
15:34:23 15 Mr. Pariente didn't say anything that was false, he just  
15:34:29 16 didn't explain to you the terms of the documents that you  
15:34:33 17 signed.

15:34:34 18 MR. ALBREGTS: Objection to the extent it  
15:34:35 19 mischaracterizes the law. An omission of fact is as equally  
15:34:38 20 as fraudulent as an outright misrepresentation. Go ahead  
15:34:42 21 and answer the question.

15:34:43 22 MR. SEMENZA: Hold on. There couldn't be  
 15:34:44 23 a misrepresentation because the information was on the face  
 15:34:49 24 of the document. Go ahead.  
 15:34:51 25 MR. ALBREGTS: He doesn't read and write English.  
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15:35:01 1 A. Had I know how things operate in Las Vegas, once  
 15:35:07 2 again I would have taken the first flight back to Italy.  
 15:35:14 3 MR. SEMENZA: Okay. I don't think I have  
 15:35:16 4 anything further at this time.  
 15:35:19 5 A. This is like a death sentence to a gambler going to  
 15:35:23 6 Las Vegas.  
 15:35:28 7 MR. SEMENZA: Go for it Jeff.  
 15:35:29 8 EXAMINATION BY MR. ALBREGTS:  
 15:35:29 9 BY MR. ALBREGTS:  
 15:35:30 10 Q. Thank you. Tell him I'm going to question him now.  
 15:35:41 11 Mr. La Barbera, when was the first time you met me?  
 15:35:46 12 A. Yesterday.  
 15:35:47 13 Q. Last night?  
 15:35:50 14 A. Yesterday afternoon, yes.  
 15:35:51 15 Q. And we never communicated before that?  
 15:35:53 16 A. No.

15:35:54 17 Q. Neither verbally?  
15:35:56 18 A. No.  
15:35:57 19 Q. Nor by e-mail?  
15:35:58 20 A. No.  
15:35:59 21 Q. Nor did we write each other love letters?  
15:36:02 22 A. No, you're not my type.  
15:36:08 23 Q. Likewise.  
15:36:12 24 The first time you and I had any opportunity to  
15:36:14 25 discuss this case or go above -- or go over any documents  
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15:36:22 1 regarding this case was last night?  
15:36:24 2 A. Yes.  
15:36:25 3 Q. Among the documents we went over last night were the  
15:36:27 4 ones Mr. Semenza gave to me yesterday afternoon. Do you  
15:36:32 5 recall that?  
15:36:32 6 A. Yes, I do.  
15:36:53 7 (Exhibit 6 marked for identification)  
15:36:56 8 Q. Let me show you what's been marked as exhibit 6.  
15:37:01 9 Mr. La Barbera, at the top of the document it's entitled  
15:37:05 10 "Mario La Barbera, Player Report". And then, in the middle  
15:37:09 11 of the document, it says "summary by trip". Do you see

15:37:16 12 that?

15:37:17 13 A. Yes.

15:37:17 14 Q. It says "trip number 2". Based on your questions  
15:37:24 15 from Mr. Semenza all day you only took one trip to Las  
15:37:28 16 Vegas, correct?

15:37:29 17 A. Only once, yes.

15:37:30 18 Q. And there's a trip date of August 20, 2008.

15:37:38 19 A. No.

15:37:38 20 Q. You were never in Las Vegas in August 2008?

15:37:41 21 A. No, no.

15:37:41 22 Q. In fact, the reason you wouldn't be in Las Vegas  
15:37:45 23 in August 2008 is there was a bench warrant out for your  
15:37:50 24 arrest.

15:37:50 25 MR. SEMENZA: Objection, misstates the facts.  
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15:37:52 1 The markers weren't deposited until August 2008.

15:38:03 2 A. I was not in Las Vegas in August. The first time in  
15:38:10 3 Las Vegas was the 29th to the 4th or the 5th, whatever it  
15:38:15 4 was.

15:38:15 5 BY MR. ALBREGTS:

15:38:15 6 Q. In response to Mr. Semenza's objection, when did you

15:38:19 7 first learn that you would be arrested for not paying

15:38:23 8 a gambling debt in Las Vegas?

15:38:26 9 MR. SEMENZA: Objection as to relevance --

15:38:30 10 A. From the District Attorney. I was told first by

15:38:34 11 Pariente on the phone and threatened, and then I received

15:38:38 12 a letter of the District Attorney's office.

15:38:44 13 MR. SEMENZA: I would like to complete my

15:38:45 14 objection. So objection as to relevance.

15:38:46 15 BY MR. ALBREGTS:

15:38:47 16 Q. Was that prior to August 2008?

15:38:56 17 A. These are things I don't remember.

15:38:59 18 Q. Thank you. Then going to -- we'll mark next in

15:39:03 19 order as 7.

15:39:27 20 (Exhibit 7 marked for identification)

15:39:28 21 Q. It's the Comps Report. Let me show you what has

15:39:31 22 been marked as exhibit 7, the Comps Report. This is another

15:39:35 23 document Mr. Semenza provided us yesterday. Correct? Do

15:39:42 24 you recall -- is that a "yes"?

15:39:46 25 A. (In English): Yes, yes, yes. (Answer

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15:39:48 1 interpreted): Yes.

15:39:49 2 Q. We went over this document last night, correct?

15:39:52 3 A. Yes.

15:39:52 4 Q. And on page 2 do you see the last entry, the date

15:40:00 5 is August 21, 2008. Did you have event tickets in 2008 from

15:40:08 6 the Wynn?

15:40:12 7 A. Who is the person who has an event ticket in August?

15:40:14 8 Q. It looks like under -- I think that's the person who

15:40:17 9 provides the Comps. Yes, "issued by".

15:40:23 10 A. (In English): Pariente. Pariente. (Answer

15:40:31 11 interpreted): This guy is a twister.

15:40:35 12 Q. Here is my question: you didn't use any event

15:40:40 13 tickets from the Wynn in August 2008?

15:40:44 14 A. No, I was not in Las Vegas in August. (In English):

15:40:55 15 Twister.

15:41:07 16 Q. May I see exhibit 1, please. With reference to

15:41:14 17 exhibit 1 and the questions you were asked by Mr. Semenza

15:41:18 18 today, in reference to page 47 Wynn, above your signature

15:41:26 19 here which you said is your signature, correct?

15:41:31 20 A. (Answer interpreted): Yes.

15:41:32 21 Q. Do you know what this language says?

15:41:38 22 A. No.

15:41:39 23 Q. The same question. Let me read it to you, this is

15:41:42 24 what the language says:

15:41:45 25 "Warning: For the purpose of Nevada law, a credit



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15:41:49 1 instrument is identical to a personal check and may be  
15:41:50 2 deposited in or presented to a bank or other financial  
15:41:54 3 institution on which the credit instrument is drawn.  
15:42:00 4 Wilfully drawn or passing a credit instrument with the  
15:42:03 5 intent to defraud, including knowing that there are  
15:42:07 6 insufficient funds in the account upon which it may be  
15:42:09 7 drawn, is a crime in the State of Nevada which may result in  
15:42:14 8 criminal prosecution in addition to civil proceedings to  
15:42:17 9 collect the outstanding debt."

15:42:23 10 A. If I had known or if anybody had told me this  
15:42:27 11 I would have gone back to Italy on the same -- the same  
15:42:34 12 minute.

15:42:35 13 Q. You would have never gambled on credit?

15:42:40 14 A. That definitely means drowning oneself.

15:42:43 15 Q. Now, when you signed this did you ask Mr. Pariente  
15:42:46 16 what this language said?

15:42:49 17 A. No. No. He just said, "Sign here", and I signed.  
15:42:53 18 I didn't think, because I thought all this was necessary for  
15:42:57 19 the credit.

15:43:00 20 Q. In other words, you weren't aware of the

15:43:02 21 consequences of not paying debts?

15:43:05 22 A. No.

15:43:45 23 Q. Now, basically what we've heard from you today is

15:43:52 24 that you recognize the signature on your credit application

15:43:58 25 and your credit agreement, but you don't recognize your

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15:44:04 1 signature on the markers themselves.

15:44:11 2 A. They are not my signatures.

15:44:12 3 Q. Now, the way you and I communicated prior to today

15:44:16 4 was through Mr. Miotti, correct?

15:44:20 5 A. Yes.

15:44:21 6 Q. He is present in the room now?

15:44:24 7 A. Yes.

15:44:24 8 Q. He's your Italian lawyer?

15:44:27 9 A. Yes.

15:44:28 10 Q. And, in these request for admissions, Mr. Semenza

15:44:35 11 asked you to admit or deny certain things. And, among the

15:44:42 12 things he asked you to admit or deny, was whether you had

15:44:46 13 signed the credit instrument, the credit agreement and the

15:44:51 14 credit application. Okay? And, in response to the request

15:44:57 15 regarding your signature on the markers, we responded "it

15:45:05 16 appears to be this defendant's signature". Why?

15:45:15 17 A. Because I had not carefully looked at these  
 15:45:19 18 documents as I did today, and I had not examined the  
 15:45:25 19 signature with care. It might be that they just put it  
 15:45:31 20 under my nose when I was full of liquor and they just said  
 15:45:38 21 sign and I signed. After eight years I've no recollection  
 15:45:41 22 of it --

15:45:43 23 Q. And --

15:45:44 24 A. -- I was drunk.

15:45:45 25 Q. And, as I understand it, even though you don't

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15:45:48 1 recall signing the markers -- which means, if you didn't  
 15:45:54 2 sign them, somebody else must have signed them -- you are  
 15:45:59 3 still not willing to say that the markers were forged.

15:46:06 4 A. I cannot say this and I do not say this, I'm just  
 15:46:09 5 saying that it's not my signature.

15:46:11 6 Q. Because he didn't see anybody else sign them.

15:46:15 7 A. No, I did not.

15:46:17 8 Q. That's why he won't say that?

15:46:20 9 A. That's correct.

15:46:21 10 Q. To be clear: that's why you won't say they're

15:46:25 11 forged?

15:46:27 12 A. That's correct.

15:46:27 13 Q. As I understand it, you won't say something like  
15:46:29 14 that unless you know for certain?

15:46:34 15 A. Of course.

15:46:35 16 Q. But you believe the signature on the markers is not  
15:46:37 17 your signature?

15:46:39 18 MR. SEMENZA: Jeff, I just want to say that you  
15:46:42 19 can't lead him.

15:46:44 20 MR. ALBREGTS: Okay, I'll stop, on that line of  
15:46:50 21 questioning. Just, it was for the sake of economy, I don't  
15:46:57 22 know if that was exactly leading anyway, based on what you  
15:46:59 23 did earlier.

15:47:00 24 MR. SEMENZA: Well, I can lead him.

15:47:02 25 MR. ALBREGTS: Of course. I mean the foundation  
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15:47:03 1 you established very well throughout the day, sir. You

15:47:07 2 interrupted my train of thought. Hold on a second.

15:47:18 3 (Pause.) Well, I'll wrap it up.

15:47:36 4 Q. Would you have gambled on credit if you knew you  
15:47:39 5 could be arrested?

15:47:44 6 A. No, absolutely not.

15:47:48 7 Q. Now, after you transferred USD 1 million to the Wynn

15:47:53 8 in 2008, while you were there, did you believe that was the

15:47:59 9 credit you were gambling on?

15:48:03 10 A. That's correct.

15:48:09 11 Q. When you left the Wynn after that trip did anybody

15:48:13 12 from the Wynn tell you you owed the Wynn money?

15:48:17 13 A. No.

15:48:20 14 Q. When was the first time you understood you owed the

15:48:24 15 Wynn money as a result of that trip?

15:48:28 16 A. When Pariente phoned me.

15:48:31 17 Q. I know he's been asked a lot today and it's been

15:48:35 18 a long day, but was that a month after he left, two months

15:48:38 19 after he left? Was it 2008?

15:48:44 20 A. Yes, it was 2008, a couple of months.

15:48:48 21 Q. Was it hot outside in Italy?

15:48:53 22 A. I think a couple of months later.

15:48:55 23 Q. June/July?

15:48:58 24 A. (In English): June (Answer interpreted): June-ish.

15:49:03 25 I think June. It was April when I returned. May/June, yes,

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15:49:11 1 probably June-ish.

15:49:13 2 Q. Was the phone call with him when you were at home  
15:49:16 3 here in Italy?

15:49:19 4 A. Yes, it was in Italy but I was on my mobile.

15:49:22 5 Q. Was anybody present in the room when you were  
15:49:26 6 speaking to Mr. Pariente that could hear you?

15:49:29 7 A. No.

15:50:19 8 Q. Just for the record, Mr. La Barbera -- I'm sorry,  
15:50:36 9 LJ, do you remember what the batesstamp was on the credit  
15:50:39 10 application?

15:50:43 11 MR. SEMENZA: Yes, it is 33.

15:50:44 12 BY MR. ALBREGTS:

15:50:45 13 Q. Thank you. I did write it down right. (Pause.) You  
15:51:09 14 know, I can't recall and I know you asked him and  
15:51:12 15 I apologize. On exhibit 1, Wynn, page 33, is that your  
15:51:17 16 printing?

15:51:20 17 A. Yes, that's my writing.

15:51:22 18 Q. How about on the right-hand corner where the number  
15:51:24 19 is 3580678?

15:51:27 20 A. No, I did not write that.

15:51:29 21 Q. What does that number mean?

15:51:32 22 A. I've no idea. It could be the card number.

15:51:39 23 THE INTERPRETER: Meaning the red card that was  
15:51:42 24 mentioned earlier.

15:51:44 25 BY MR. ALBREGTS:

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15:51:45 1 Q. One last question. The printing below your

15:51:47 2 signature on Wynn 33, exhibit 1, is that your printing?

15:51:52 3 A. No, no.

15:51:53 4 Q. Do you know whose that is?

15:51:56 5 A. No.

15:51:56 6 Q. Did anybody else write on this document in your

15:51:59 7 presence after you filled it out? Did you see anybody?

15:52:05 8 A. I don't remember.

15:52:06 9 Q. He doesn't recall?

15:52:07 10 A. I don't remember.

15:52:08 11 MR. ALBREGTS: Thank you for your patience. LJ.

15:52:11 12 MR. SEMENZA: Give me one second, let me see if

15:52:14 13 there's anything else.

15:52:15 14 MR. ALBREGTS: You know what, I'm really sorry,

15:52:17 15 let me talk to Giacomo real quick.

15:52:20 16 (3:52 p.m.)

15:52:24 17 (Break taken.)

15:52:24 18 (3:57 p.m.)

15:56:55 19 BY MR. ALBREGTS:

15:56:57 20 Q. Mr. La Barbera, did you ever go back to Las Vegas

15:57:01 21 for any kind of trip after this trip in 2008?

15:57:04 22 A. No.

15:57:05 23 Q. Did you communicate with anybody from the Wynn after

15:57:09 24 that trip about any debt you owed other than Mr. Pariente or

15:57:14 25 the District Attorney's office?

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15:57:16 1 A. No.

15:57:17 2 Q. Nobody else from the Wynn contacted you to speak

15:57:21 3 with you?

15:57:21 4 A. No. As far as I remember, no.

15:57:24 5 MR. ALBREGTS: I'm done. Thank you.

15:57:25 6 EXAMINATION BY MR. SEMEMZA:

15:57:25 7 BY MR. SEMENZA:

15:57:39 8 Q. Do you believe that your consumption of alcohol on

15:57:42 9 your trip in March and April of 2008 aggravated your

15:57:50 10 gambling addiction and caused you to gamble more?

15:58:05 11 A. More than worsening my gambling addiction, it put

15:58:11 12 me -- it caused me to lose control. I couldn't -- I was

15:58:18 13 drinking and I couldn't sleep, so it's not so much about the

15:58:21 14 addiction as to my ability to interact, I was a little bit



15:58:27 15 dazed.

15:58:29 16 Q. You would characterize your alcohol inebriation as  
15:58:35 17 "a little dazed"?

15:58:52 18 A. I was -- I'm not sure what the right term is --  
15:58:58 19 "spaced out" is informal enough. Spaced out, dazed and  
15:59:08 20 confused.

15:59:17 21 Q. After you made the wire transfers to the Wynn how  
15:59:26 22 much did you continue to gamble after those transfers were  
15:59:31 23 completed?

15:59:35 24 A. Everything that reached me through the transfers  
15:59:38 25 I gambled with. I left the Wynn with perhaps USD 100.

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15:59:46 1 Q. So after you obtained -- after the wire transfers  
15:59:52 2 were paid, how much generally do you think you gambled,  
16:00:01 3 dollar-wise?

16:00:06 4 A. Up to the end of my million and then the money ran  
16:00:09 5 out.

16:00:11 6 Q. Why were you playing on credit after the wire  
16:00:16 7 transfers had taken place if you had money at Wynn?

16:00:26 8 MR. ALBREGTS: Objection to the extent he was --  
16:00:29 9 or knew or was aware he gambled --

16:00:34 10 A. I had no money at the Wynn of my own. I arrived at  
16:00:40 11 the Wynn with nothing. Then I operated the transfers, then  
16:00:45 12 I carried out the transfers.

16:00:47 13 BY MR. SEMENZA:

16:00:47 14 Q. When the USD 1 million went to or was wired to Wynn  
16:00:55 15 didn't you already owe USD 1 million?

16:01:02 16 A. No. It is clear from the dates that they increased  
16:01:11 17 my credit -- when the first transfer arrived, USD 400, they  
16:01:21 18 increased my credit line to USD 500,000. Then they gave me  
16:01:29 19 a further 100,000, and then from 6 -- when the 600,000  
16:01:34 20 arrived, when that transfer arrived, they increased my  
16:01:41 21 credit line to 1 million. I've just seen it now so it's  
16:01:47 22 fresh in my mind. And I remember that.

16:01:55 23 Q. So it is your contention that you did not lose USD  
16:02:00 24 2 million, as Wynn alleges, you essentially only lost USD  
16:02:07 25 1 million?

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16:02:09 1 A. No, I never thought I had lost USD 2 million.  
16:02:11 2 I thought I was gambling with USD 1 million. I only found  
16:02:16 3 out when Pariente told me.

16:02:19 4 MR. SEMENZA: Okay. I have nothing further.

16:02:22 5

16:02:57 6 (4:02 p.m.)

16:03:01 7 (Whereupon, the deposition concluded at 4:02 p.m.)

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16:03:01 1 CERTIFICATE OF DEPONENT

16:03:01 2

16:03:01 3 I, MARIO LA BARBERA, hereby certify that I have read the  
16:03:01 foregoing pages, numbered 1 through 129, of my deposition of  
16:03:01 4 testimony taken in these proceedings on Thursday, June 11,  
16:03:01 2015 and, with the exception of the changes listed on the  
16:03:01 5 next page and/or corrections, if any, find them to be a true  
16:03:01 and accurate transcription thereof.  
16:03:01 6

16:03:01 7

16:03:01 8

16:03:01 9

16:03:01 10 Signed: .....

16:03:01 11 Name: MARIO LA BARBERA

16:03:01 12 Date: .....

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16:03:01 1 CERTIFICATE OF COURT REPORTER

16:03:01 2

16:03:01 3 I, GEORGIA GOULD, an Accredited Real-time Reporter, hereby

16:03:01 4 certify that the testimony of the witness MARIO LA BARBERA

16:03:01 5 in the foregoing transcript, numbered pages 1 through 129,

16:03:01 6 taken on this 11th day of June, 2015 was recorded by me in

16:03:01 7 machine shorthand and was thereafter transcribed by me; and

16:03:01 8 that the foregoing transcript is a true and accurate

16:03:01 9 verbatim record of the said testimony.

16:03:01 10

16:03:01 11

16:03:01 12 I further certify that I am not a relative, employee,

16:03:01 13 counsel or financially involved with any of the parties to

16:03:01 14 the within cause, nor am I an employee or relative of any

16:03:01 15 counsel for the parties, nor am I in any way interested in

16:03:01 16 the outcome of the within cause.

16:03:01 17

16:03:01 18

16:03:01 19 Signed: .....

16:03:01 20 Name: GEORGIA GOULD

16:03:01 21 Date: .....

16:03:01 22

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16:03:01 1 ERRATA SHEET

16:03:01 2 Case Name: Wynn Las Vegas

16:03:01 Witness Name: MARIO LA BARBERA

16:03:01 3 Date: 06/11/2015

16:03:01	4	Page/Line	From	To
16:03:01	5	____/____	_____	_____
16:03:01	6	____/____	_____	_____
16:03:01	7	____/____	_____	_____
16:03:01	8	____/____	_____	_____
16:03:01	9	____/____	_____	_____
16:03:01	10	____/____	_____	_____
16:03:01	11	____/____	_____	_____
16:03:01	12	____/____	_____	_____
16:03:01	13	____/____	_____	_____

16:03:01 14 \_\_\_\_/\_\_\_\_  
16:03:01 15 \_\_\_\_/\_\_\_\_  
16:03:01 16 \_\_\_\_/\_\_\_\_  
16:03:01 17 \_\_\_\_/\_\_\_\_  
16:03:01 18 \_\_\_\_/\_\_\_\_  
16:03:01 19 \_\_\_\_/\_\_\_\_  
16:03:01 20 \_\_\_\_/\_\_\_\_  
16:03:01 21 Subscribed and sworn to before  
16:03:01 22 me this 11th day of June, 2015.  
16:03:01 23 \_\_\_\_\_  
16:03:01 24 MARIO LA BARBERA  
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