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go through your deposition later, they contemplated dissolving the company. They did not dissolve it, and you still got a distribution in 2017. You're still on the NRS. You're still part of NRS; fair enough?

A Not by March -- May 1st I didn't. Absolutely not. Don't -- no.

THE COURT: Ma'am --
THE WITNESS: I'm sorry.
THE COURT: To move this along, please don't argue with him; just answer the questions. Okay.

THE WITNESS: Okay. Thank you.
BY MR. SHEEHAN:
Q All right. Were you provided a notice -- in fact, the notice was posted on your door, and you called your lawyer, and your lawyer got upset and told us not to go near your place anymore; right?

MR. HOLIDAY: Objection. Compound. Can you break up the questions --

BY MR. SHEEHAN:
Q All right. Was a notice posted on your door for the meetings?

A My house was assaulted twice with notes, yes.
Q Okay. And it stated that you as a one-third member of NRS could attend this meeting and vote; fair enough?

A It did not say that. Absolutely not. You show me JD Reporting, Inc.
where it said that.
Q All right. But you did get notice of the meeting; correct?

A With an agenda that did nothing but ruin me, yes.
Q And, in fact, you sent attorneys to the meetings?
A No, I didn't.
Q Okay.
A There was no proxy at that meeting.
Q Okay. You didn't send a person from Karl Shelton's office to two meetings?

A I did, but not on May 1st, 2017.
Q You have reviewed the documents in this case;
correct?
A Yes.
Q All right. Turn to Section 10.6.
A Which book? The same one I'm in?
Q Yes.
A Where do you want me to go?
Q Same thing. 10.6.
A Oh, the operating agreement 10.6?
Q Yep.
A Okay.
Q It says advance of expenses, expenses incurred in defending any proceeding may be advanced by the LLC before the final disposition of the proceeding upon receipt of an
undertaking by and behalf of the agent to be paid the amount of the advance; do you see that?

A I do.
Q Okay. And you've seen the undertakings that Mr. Ayala and Mr. Evenden wrote agreeing to pay back any monies if necessary; correct?

A But do you realize they took their money from my share of interest; right?

Q Okay. Ma'am, the question is have you seen the written undertaking?

A Yes.
Q Okay.
A But it conflicts with another one --
Q And Mr.-- and you have commented several times that Mr. Evenden and Mr. Ayala make a lot of money in their real estate practice; correct?

A Sure.
Q Okay.
A They didn't do any work.
Q Okay. And they made hundreds of thousands of dollars.

A Absolutely, because they didn't do any work.
Q All right. So they had the money to pay back the attorney fees if necessary.

A Mr. Sheehan, I would like to respond to that. JD Reporting, Inc.

Q All right. No, forget it. I'll withdraw the question. Let's move on. All right.

Do you agree that you were on board with the expansion of NRS Realty into a space across the hall?

A I was in agreement. Absolutely.
Q All right.
A Until your clients lied to me.
Q All right. Now, if you turn behind Tab C.
A Okay.
Q And you look at the first email there, it's emails about the expansion, and you're discussing the expansion; fair enough?

A I --
Q And when I say emails I mean texts. I make that mistake a lot.

A Yeah. I'm sorry, I understand. Yeah, I understand what you're saying, but I don't know what page you're on.

Q The very first page. It's --
A Oh, okay. We have to go --
Q They're talking about expansion, guys, we have to go through --

A -- through Brad --
Q Yeah.
A Yeah.
Q And Brad Peterson was the agent for the --

A Landlord.
Q -- landlord and you're discussing that expansion with Brad?

A Correct.
Q Okay. All right. And the reason for the expansion was, we were busting at the seams at the -- we're referring to it as the original NRS base; correct, is that fair enough? Are we on the same page if we talk about NRS space -- original NRS space and then the expansion space?

A New company or new company.
Q Or new company space.
A That's fine.
Q Fair enough. Okay.
A Uh-huh.
Q All right. So the NRS is busting at the seams in the original space; correct?

A I didn't agree with that at all, no. I didn't see busting at the seams.

Q Okay. Let's go to the -- let's go through the text then. And, but we were going to hire new agents to expand across the hall; fair enough?

A I agree with you 100 percent.
Q All right. And who was the guy that was good at marketing and recruiting agents?

A We all recruited, Mr. Sheehan. That was one third, JD Reporting, Inc.
one third, one third.
Q Okay.
A Mr. Ayala sent out email through another company that we paid.

Q Okay.
A And we all recruited.
Q All right. And so we were all recruiting for agents for the new space in 2016; fair enough?

A No, absolutely not. We were not recruiting in 2016 for space in 2017. If we talked to agents, we would tell them we were planning to expand, but there was no promise for anything.

Q All right.
A There was no lease, no promise.
Q Okay. But if you were recruiting agents, you told them you were planning to expand?

A If they wanted an office, if they wanted to be patient, yes.

Q Okay. All right. So you were -- if you were recruiting a new agent, you told them you're planning to expand so if you want an office you're going to be put in an office over the new --

A No, you're going to wait until we expand. I never made a commitment to any space until December when they told me we were going to get that space without my husband.

JD Reporting, Inc.

Q Okay. All right. But then in December there was a commitment made to some agents that they would get offices on the new site; fair enough?

A I'm not going to agree to that, Mr. Sheehan.
Q Well, you just said it.
A No, I said as long as we had a lease without my husband's guarantee, yes.

Q All right.
A That was always the understanding.
Q Okay. So let's go down to the second page behind Tab C.

A Okay.
Q And this is Roger Ayala --
A Uh-huh.
Q -- talking about, guys, I think we got another agent that wants to come over, did 36 last year and has buyer agent, but needs office. I was thinking conference room; do you see that?

A Yeah, I do.
Q And what was your response?
A No, we tell all the agents they can't use the conference room. It was illegal, Mr. Sheehan, to use the conference room.

Q Okay. So if we have to bring -- we're bringing over a new agent; he wants an office, but we don't have any offices;

A He could have had mine. I offered mine. I would've sat in a cubicle.

Q Okay. Well, do you now agree that you were busting at the seams in the original NRS space?

A No. I do not. We had agents that were using office space for free, and they should have been at-home agents.

Q And yet to bring over an agent that's going to bring in 36 deals you don't have an office for him; correct?

A Mr. Sheehan, if you want me to say correct I will, but it is not the purpose for building an office.

THE COURT: I don't -- we don't want to spend the time arguing.

THE WITNESS: Okay.
THE COURT: Okay. I just want you to answer the questions --

THE WITNESS: I don't want him to keep asking me the same question. I did not agree to the expansion because of an agent.

THE COURT: Okay. Okay. If he keeps asking you the same question I believe your attorney will object.

THE WITNESS: Okay.
THE COURT: Just answer the question. If you don't understand, tell him you don't understand it. Okay?

THE WITNESS: Yeah. I don't understand.

JD Reporting, Inc.

BY MR. SHEEHAN:
Q All right. But you do agree that there was a discussion about an agent coming over and that since there was no open-space the thought was, let's put him in the conference room. You disagreed with that, and we didn't put him in the conference room?

A Oh, yes, you did.
Q Okay. We did put him in the conference room. So -so the decision was made to let that agent come over and use the conference room?

A Uh-huh. Yes, it was.
Q And that was -- you were voted against that, but Mr. Evenden and Mr. Ayala voted for it and so it happened?

A No, we all agreed after Roger explained the process and who it was, and then we asked the man at property manager how we could do that. They said as long as you don't lock the door during open hours it would be okay. And then we all agreed.

Q All right. Let's turn behind Defendants' 007. If you see in the right-hand side on the bottom --

MR. SHEEHAN: May I approach the witness, Your Honor?
THE COURT: Yes, sir.
THE WITNESS: Oh, okay, I see it.
BY MR. SHEEHAN:
Q Do you see that? Okay. Let's go to 007. All right. JD Reporting, Inc.

You see in the bold section there, you're again talking about bringing agents over --

A Uh-huh.
Q -- and it's, like, true, and we have more dollars coming in before we are even over there.

A Uh-huh.
Q And over there means the expansion space; correct?
A Yes.
Q And so we're all happy because we've got agents that have committed to coming over even before we have the expansion space?

A Yes.
Q All right. Let's turn behind D.
A Okay.
Q When did you guys agree that you were going to expand across the hall? When did --

A It was probably in September. We started talking about it early in the summer. Made some arrangements for that one location, but it was in the beginning of September, at the end of August and then towards the end of September is when we had a conversation about the spouse because we now identified some space.

THE COURT: Is it 116 or $317 ?$
THE WITNESS: 17, no, I'm sorry 16.

JD Reporting, Inc.

BY MR. SHEEHAN:
Q And that's a very good memory, Ms. Haack, and if you look at $D$ here that, that pretty much says what you just said.

A Okay.
Q Do you see that August 16th --
A Oh, yeah, August 16th.
Q August 16th the letter of intent was negotiated; fair enough?

A It was in negotiations, yes, Mr. Sheehan.
Q Okay. That was going to include personal guarantees from everybody again; correct?

A No [indiscernible].
Q All right.
A No, it wasn't.
Q And then you're talking about in the next page down about the tenant in -- tenant improvements; correct?

A Correct.
Q And you're trying to get as many -- tenant improvement down as much as possible?

A We would like to have as much out of pocket as possible, absolutely. Yes.

THE COURT: Wait. I don't know that you meant to say that. Did you mean to say you would like to have as much out of pocket as possible?

THE WITNESS: We would like to have as low out of JD Reporting, Inc.
pocket as possible.
THE COURT: Okay. Because that wasn't --
THE WITNESS: And it wasn't personal pocket; it's
company money.
BY MR. SHEEHAN:
Q All right. But there's no question that everybody's all on board with the expansion at this time?

A No, there is not. There is a lease issue.
Q Okay.
A That's different than the expansion.
Q All right. Let's turn behind Tab F. October, you're still recruiting agents; fair enough?

A Uh-huh.
Q Just -- if you could just say yes.
A Yes, I'm sorry.
Q That's okay.
A I really don't mean to do that.
Q All right. And if you look at the second page behind F, we're talking about an event and -- and asking agents -prospective agents to come to an event. What event was that?

A It was probably the wine walk in The District.
Q Okay. And what is the wine walk?
A The District opens up the main section of the -customer section to the stores and buildings in that area to provide -- it's different each year, but usually to bring
hors d'oeuvres that they want people to learn about their restaurant. We don't sell wine, but we thought it was a good way to market it for Life Realty, yeah.

Q Oh.
A But we gave out wine.
Q Okay. And your --
A And no, no, I'm sorry. Let me correct that. We gave out a wine glass not wine.

Q Okay. And the three of you all agreed on that?
A Yes, we did.
Q You never had any disputes about that?
A No.
Q Did you ever have any disputes about the Christmas party and where it was going to be held?

A Well, we all discussed that.
Q Okay.
A Roger wanted it to go down, down, down. MR. HOLIDAY: Objection. Relevance. And overly cumbersome and burdensome when we got a limited amount of time. So unless it relates to cause of action, all of the text messages [indiscernible]. Or are you going to make her go all the way through today?

THE COURT: I'm assuming he'll get to where the relevance.

MR. SHEEHAN: Yes, I will before it's all said and JD Reporting, Inc.
done and, Your Honor, just because they took all sorts of time doesn't mean our case gets cut short.

THE COURT: Get to the relevance. It's fine. BY MR. SHEEHAN:

Q So there were disputes.
A Oh, we always worked those out. That wasn't a dispute ever.

Q Okay. All right. Now, let's turn behind G. Now, this is in October, and there's a discussion about taking the agents to the new space, and the question is should we take them to the new space or just wait till we have a new lease, and your comment there is, it's always exciting to see the transformation, up to you. Yeah, I think they would and then you turned over to the next page. You guys all agreed that you would take the agents over to the new space.

A What happened at that day Mr. Evenden, I mean Mr. Ayala was late; he's always late for meetings, you know that.

Q Yes, I do.
A Sean and I -- Sean and I just kind of butt, you know, butt heads a little bit to make sure we know what we're going to discuss at the meetings, and he said would you like to do that, and I said, yeah, we might as well, it's almost Christmas; let's get their spirit up. And then we did not all agree, but we did announce it, and then Roger came in and was,
like, what are you guys doing.
Q Okay.
A So yes, it was not a full agreement.
Q All right. But nevertheless you did take the agents over to the new -- and said we are going to be expanding into this new space over here?

A I took anyone who wanted to see it which was maybe five or six people including employees, yes.

Q All right. And then if you turn over behind $H$, you'll see a series of texts about adding additional agents and having them get space in the new space; fair enough?

A We were getting a referral on that one.
Q Well, do you see where it says that Nancy Haack, Roxanne had seven deals the last 12 months?

A Right.
Q You're recruiting a new agent; fair enough?
A They were asking me what this person had before they decided to interview her.

Q Okay.
A So I would look them up for Roger.
MR. HOLIDAY: I'm going to object, Your Honor, as to
the relevance and --
THE COURT: Overruled. I think he'll get there.
MR. SHEEHAN: Well, but the whole point of this is that they're recruiting agents for the new space because JD Reporting, Inc.
they've all agreed to the expansion of the new space. It goes to the heart of the matter.

BY MR. SHEEHAN:
Q All right. And then the next page, Corey wants to check out new office area today or tomorrow.

A Yes.
Q And that's Corey?
A Touchen [phonetic].
Q Touchen, and he was promised an office in the new space?

A Roger told him when we expand he would get an office. He was the one using the conference room.

Q Okay. And -- and you didn't have a --
MR. HOLIDAY: Your Honor, I'm willing to stipulate to the fact that she's going where the plan of the expansion was for and that she -- they agreed that they were going to --

MR. SHEEHAN: This is a speaking objection, Your Honor.

THE COURT: It is.
MR. HOLIDAY: Yeah. I'm just worried because I've got my expert coming in today.

THE COURT: Well, that's okay. We can take him out of order, she's a party.

MR. HOLIDAY: Okay. All right. Thank you.

JD Reporting, Inc.

BY MR. SHEEHAN:
Q All right. So let's fast-forward to -- and by the way, you had no problem with Corey coming over to the -- well, strike that. All right. So let's fast-forward to January, and there was an issue with --

A Do you have a tab?
Q It would -- you can go ahead behind Tab I.
A Oh, okay.
Q But there's an issue with Shake Shack; correct?
A Yes.
Q Go ahead and explain it in your own words.
A Oh, the landlord came to us after they had breached our lease with the new tenant on the first floor and not giving us first right of refusal, came to us and said they were evaluating the space to decide whether to do something if they took the new tenant in. And they'd go through Roger's office, Sean's office, my office, all the offices, and eventually they decided they wanted mine. Mine was 10 by 12, Rogers was 22 by 12 and Sean's was 24 by 12. But they wanted 16 square feet from my space.

I asked them to hire an attorney to evaluate our lease. Again they refused. They don't like attorneys and then --

Q Do you blame them?
A Oh, not at all.

Q All right.
A Some of them are my best friends. I've been in law enforcement all my life.

Q Right. I'm sorry to cut you off.
A Yeah. Sorry. So I said, well, I want to take this to an attorney to make sure they have the right to do that. I called Mr. Katz [phonetic] who is a lease -- commercial lease. His name was given to me from another agent; I never knew him. And he said -- he looked at the lease and said no, they aren't unless the State makes them or the HOA makes them use the space for the whole community. So I went back to Roger and said we gotta ask for something. We need to ask for something in order to be cooperative. And then we did, we nego -- he negotiated some money off the rent for that space and a couple of other things, yes.

Q Okay. Let's turn behind Tab K. Do you see your text at the bottom of the page where it says, when I get 60K a year from the company I will agree, but after seven and a half years I haven't seen that not altogether.

A Yes.
Q So you would agree that this company hadn't even made any money basically for its first six years in operation. You hadn't gotten any distributions; fair enough?

A Oh, absolutely not. This is the -- are you in 2017 or where are we?

Q At the end of 2016 .
A Oh, okay. Yeah, we had over $\$ 300,000$ profit that year.

Q Okay. You had not received -- you testified earlier that the first distribution you received was 2017; correct?

A No, I didn't. You asked me what the distribution -if I got a dist -- a contribution in 2017. Our first one was in 2016. We might have gotten a thousand somewhere else, but it was the first year we had a significant profit because now we reached a comfortable level with the number of agents we had.

Q But the -- you would agree that the company lost money for the first six years?

A Only in the years that we had construction, yes.
Q All right. We went through the income tax returns, yes?

A Yes. And every year that we lost was a construction project.

Q All right. Now, if you turn behind Tab L to Defendant 0047 on the bottom.

A 0047?
Q Yeah.
A Okay.
Q And actually if you -- it starts on the bottom there, but the next page you say, It is poor business to pour money
into things without return; do you see that?
A Yes.
Q Seven years is not sitting on our hands. What did you mean by that?

A Well, seven and -- seven years we finally got a profit, can't you enjoy one year making a profit? You have to immediately turn it around. So if my work today is worth a $\$ 180,000$ a year that they're paying, that means I've already contributed $\$ 180,000$ worth of work every year in that company.

Q Because it didn't have any profit during those years?
A It doesn't matter. They didn't contribute $\$ 180,000$ a year.

Q I get that, but your comment here was you don't pour money into things without a return. Seven years is not --

A Exactly.
Q All right.
A Exactly. You finally got some money. Let's enjoy it.

Q All right. Let's turn behind Tab M. Your text to Sean and Roger was what at the top of the page?

A Merry Christmas, buds.
Q How many exclamation marks?
A One, two, three, four, five.
Q So at that time was everybody seemingly getting along?

A No, we really struggle. I just think we are very fond of each other, and we just really mean it when we say happy something. I never felt that they didn't -- weren't genuine when -- when they wanted to wish something nice. Never felt that way.

Q And vice versa.
A And vice versa, I'm sure. We had a lot of fun.
Q Okay. Now, turning behind Tab N.
A Uh-huh.
Q And if you look at the bottom, this is about the Shake Shack issue; right?

A Yes, that's --
Q All right. So January 6th the -- and by the way, you said you found out about Bob not being taken off the lease in -- in I think in --

A I don't remember when it was.
Q November, I think you testified.
A Probably would have been -- I don't remember that. I don't think I knew for sure. I don't think any of us knew for sure until January because we were so busy. The end of the year is busy, I mean, and then trying to have an event, recruiting event for all the agents and, yeah, I, you know --

Q What did you do to make sure that -- well, first of all, there was two amendments that -- the original lease was done?

A Uh-huh.
Q And Bob and you were on that; correct, for personal guarantors?

A He was very nice to me, yes. My husband would do that for me.

Q Okay. And then there was another amendment.
A Yes.
Q And Bob and you had to personally guarantee the other amendment for some additional space; correct?

A Right. My husband was opposed to it because I had a massive heart attack and they had taken no work away from me yet. So he opposed it, but he said if you want to sign for me I'll give the notary permission. I am not coming in there till they start fixing what you do.

Q Okay.
A So I signed the form, and he was on the phone with the notary, and we took care of it, and he said I will not sign anymore until this is resolved.

Q All right. So you knew that the landlord had required that two times previously?

A Yes, but I didn't agree to an expansion with him on that.

Q All right. And -- and there was a -- what did you do -- and I believe you testified on direct that in November you found out that they were going to require Bob's

JD Reporting, Inc.

A I didn't say when I found out. I haven't mentioned that at all because I don't really remember when that was. Like I said, end of year in a company like ours is extremely busy.

Q All right. What did you do to go to the landlord to find out whether you could get them to change their mind about him not being on the lease and when?

A Okay. At the end of January I made a suggestion to Roger and Sean because I --

Q The question was what did you do to the landlord?
A I did --
Q Did you ever talk to the landlord about the issue?
A No. I never went to talk to him.
Q Did you ever talk to the landlord --
A Because was Roger would be upset with me if I did.
Q Did you ever talk to the landlord in September and say, I want to confirm that my husband's not going to be on --

A No. I trusted my partners.
Q All right. Now, Ms. Haack, did you ever personally say you, you, Ms. Haack would not sign the personal guarantee?

A I said I would not sign a personal guarantee if they couldn't arrange to get my husband off so they could move forward.

Q Okay. But did you ever tell anybody that you did not JD Reporting, Inc.
want to be on the lease for seven more years?
A Never told them I did not want to be on the lease.
Q Okay. And that's your sworn testimony?
A That's my sworn testimony unless they could do something for my husband. Because if I signed it and my husband didn't, they weren't any further ahead.

Q All right.
A So the only time I mentioned me not signing was so they could move forward without us.

Q All right. All right. Now, you see on the bottom here, Michelle just called and said they would give as $\$ 300$ off the rent for the term of the lease?

A Yeah, yeah. Yes, I do.
Q So that's the -- that's the negotiation that you talked about --

A That's a part of it, yes.
Q All right. That's what Mr. Ayala had negotiated with the landlord?

A Yes.
Q All right. And you were in agreement with that?
A Yes.
Q Okay. So at that point everything's fine?
A As long as my husband didn't have to sign the lease.
Q I'm talking, I'm sorry. I'm -- I asked a poor question.

A Okay.
Q I'm talking about the Shake Shack issue now.
A Oh, the Shake Shack, yeah.
Q This -- this $\$ 300$ is --
A In the lieu of, Yep. I said, okay, push me out what am I going to do.

Q All right. So in January 6th they say $\$ 300$ off and you said, okay, fine with the Shake Shack issue.

A So there were a couple of other things, Mr. Sheehan. So I want to -- I'm very specific. So there were other things. We were asking for a sign. There were a couple things on there. I don't remember all the details, but, yes.

Q All right. But --
A They were agreeing.
Q Okay. You were agreeing?
A I was in agreement if they did those things, yes.
Q All right. Now, and by the way, at the same time frame you were waiting for the lease in negotiating the lease for the expansion space; correct?

A Roger and Sean pretty much did construction and the lease. Tax time, Mr. Sheehan].

Q Again, poor question. NRS was negotiating with the same landlord that was -- you were dealing with for the Shake Shack issue for the new lease?

A Yes.

Q And they were telling you, we got to be nice to this landlord because we're waiting for this lease for the new space. Let's not make a big issue about the Shake Shack thing; fair enough?

A Yes, that's exactly what happened.
Q Okay.
A But -- go ahead.
Q Okay. And the resolution was on January 6th you'll get $\$ 300$ off the -- off the lease.

A That's what they negotiated, and I never saw a penny of it.

Q Okay. Do you have a temper?
A No, I'm pretty strong headed though. I'm very smart and I'm very, very offended when people try to insinuate I'm stupid.

Q Okay. And --
A And I never threw any furniture or kicked anything.
Q Okay. Well, you do admit that you kicked the desk and went into the office --

A I never kicked the desk. I never said that.
Q All right. What we'll talk about that later.
A Show me your video. There is no picture of me ever doing that. Ever.

Q All right. Let's go to behind Tab Q.
A Okay. I'm there.

Q All right. Now, on January 12th --
A Uh-huh.
Q -- you wrote a letter -- behind Tab Q at the bottom is a letter that you wrote to the landlord; correct?

A I did.
Q That's an email to the landlord; correct?
A Yes, because I just met with her.
Q And by the way, Michelle Brown is the on-property person for the landlord?

A Correct.
Q And you and Michelle Brown do not get along, do you?
A I get along with her fine. I never have -- went down to her office brought her a cup of coffee and let's figure this out.

Q Okay.
A I never had a fight with her.
Q All right. And what did you say on January the 12th?
A I said hi, again. So I can plan, we will have a note from the owners of Vestar stating the agreed to changes on the new lease or lease addendum with a date showing us exactly when we will have that lease to review and sign. We need to get moving so the sooner the better. This should be received by Tuesday, January 17th. I think that was the day they were starting construction.

Q All right. Stop right there.

JD Reporting, Inc.

A Okay.
Q So you wrote the landlord a letter on January the 12th --

A Uh-huh.
Q -- and said to the landlord, we need the lease. That's for the new expansion space; correct?

A Yes. She told Roger we would have it, yeah, before they started.

Q Okay. So on January the 12th you told the landlord we need a copy of that lease for the new expansion space?

A Yes.
Q So you certainly agreed to the lease for the new expansion space at that point; correct?

A At that point to the expansion and the lease that my husband would not be on it, yes.

Q All right.
A And they were taking out my furniture during tax time, and I said, could you please move it in that vacant office so I could access it during tax season while I'm home preparing the taxes.

Q All right. But let's talk about behind Tab Q.
A Q, I'm still there.
Q And Michelle Brown writes an email to my clients complaining about you; correct?

A Dated January 11th, the day before I contacted her, JD Reporting, Inc.
yes.
Q Okay. And it said --
A I don't know. Let's see if it's about me. I just got off the phone with Nancy, she said we cannot start construction until you have a lease. I have no control over the progress. As you know this construction was --

Q Okay. Let's just read it out loud.
A Oh, okay.
Q Okay. I'm sorry.
A Okay.
Q So it says, I just got off the phone with Nancy. She stated that we cannot start construction and that's on the Shake Shack's space; correct?

A Correct. My office, yes.
Q Yeah. Until you have a lease.
A Correct.
Q I have no control of the progress in negotiation for the expansion space.

A Uh-huh.
Q So you had threatened --
A Did you read who they sent that to?
Q What -- you had threatened the landlord and said I'm not going to let you come and do the construction for the Shake Shack until we get a new lease for the expansion space.

A I never threatened her. Look at who that lease -JD Reporting, Inc.
that memo is written to. Who is that memo written to? It's written to Roger and Sean.

Q Okay. Quit. Okay, ma'am, Ms. Brown says, I just got off the phone with Nancy. She stated we cannot start construction until you have a lease.

A That's what Roger told me.
Q Okay. And so that's what you conveyed to the landlord?

A Yep. I was just following Roger's orders.
Q And then you follow that up with an email that said that very thing, on January 12th; right?

A Yes, because I just met with her and she said, okay, I'll tell them.

Q All right.
A We at least wanted a draft. How would I know if my husband's on it if I didn't see a draft and they start tearing apart my office.

Q All right. You were upset about this whole thing; fair enough?

A I was upset that I was going to have a smaller office and that they didn't have the right to do that, yes.

Q Okay.
A And they just ignored us when they reneged on our lease twice. So they breached our lease twice and instead of addressing it with them to protect my husband, they decided
just to kick me out. That's how I look at that, Mr. Sheehan.
Q All right. If you turn behind Tab R. This is conveying you're discussed; fair enough?

A They all were. Not just me, Mr. Sheehan. All three of us were.

Q But you're -- you're telling Sean, Sean had not blocked this work, what are you arguing --

A He accused me about blocking the work so I'm responding to his email, three years ago, Mr. Sheehan.

Q I understand. And Mr. Evenden had gotten an email from the landlord saying that you had threatened to block the work.

A He never -- I don't see an email that says that, and they never gave me a copy of an email. Where does it say that Nancy is blocking the work? You are misinterpreting that. Q, I think it was.

Q Right behind Q --
A Uh-huh.
Q $\quad 173$.
A Yep. So if this professional wanted to go forward --
Q Ma'am, all the question is they -- the landlord had written an email to my client saying you had threatened to stop -- to not allow the construction.

A It doesn't say that. Absolutely not.
Q I just got off the phone with Nancy -- it says from JD Reporting, Inc.

Michelle Brown to my clients, I just got off the phone with Nancy. She stated we cannot start construction; do you see that?

A I do see that.
Q All right. Anyways, going back to behind Tab R, you said, what are you guys worried about. What on -- I hate you effing and you put up the whole thing [indiscernible] is your argument? So there's -- you're definitely expressing some frustration here; fair enough?

A Because they keep blaming me for things instead of sitting down and talking about it. That's what I lived with for seven years so.

Q All right. Let's turn over to behind Tab $S$, and let's go to the second page behind 76. Well, and this is an email where you're talking about the landlord.

A Where?
Q The text, I'm sorry, text.
A Okay.
Q All right.
A And was 0077 is that? The text number that --
Q Let's go to 076.
A Okay.
Q Well we could start it over on 075.
A Okay.
Q And you wrote -- and let's just go down to the bottom JD Reporting, Inc.
to save ourselves some time. Do you see where it says, but time is now important?

A Uh-huh.
Q But time is now important so you made it clear -- and this is you writing to Roger and Sean; correct?

A Yes. Yes.
Q But time is now important so you made it clear it was going to be done and so do it. And, yes, I'm still pissed. Just --

A Just like you.
Q Just like you are. But I'm pissed because you don't think I'm smart. Because you thought an attorney wouldn't be necessary and because you let that little twit downstairs fucking lie about our very friendly conversation. That's why I'm pissed. You guys should know by now that I work every day to make our office better; do you see that?

A Yeah, I do.
Q All right. So it is fair to say that you were upset with the landlord and you didn't like Ms. Brown.

A No, I was upset that they didn't include me or come and talk to me. They just like little kids behind the door talking [indiscernible].

Q All right. And what was Mr. Ayala's response?
A Nancy, I don't get what you're trying to accomplish. How dare you, you know --

Q Just read the --
A Okay. Why get attorney involved now with no lease. Why fight the Shake Shack so hard. Why make this so negative. We have all promised agents we were giving you space. If you remember, I said we shouldn't say anything about the space, but I was overruled so my point is we have no choice, nothing to gain by being this way, but lots to lose. I already agreed so why is he arguing with me?

Q All right. Now, this email here reflects what you testified earlier. That you and Sean decided to show the agents the space across the hall over Roger's objection?

A Roger wasn't there to object.
Q You see -- you testified earlier today that Roger didn't want you guys to take those people across the space.

A No, I testified that Sean and I had already started the meeting. Roger was late getting to the meeting and was shocked that we had discussed it.

Q And upset.
A And upset, yeah. He can be upset, but I can't.
Q All right. Okay. So now we're done with the Shake Shack issue, but although actually you decided at that point to leave your office; correct?

A I had to.
Q Right. Okay.
A You can't work --

Q And you said -- but you said I'm going to stay away from NRS until the work is done.

A I said I will be gone for the two weeks it's under construction.

Q Fair enough.
A And it was under construction for three weeks.
Q Okay. By the way, it's -- after taking --
A Can I ask you a question?
Q No. You're not allowed.
A I mean, oh, okay.
Q I'm going to take one thing out of order. Behind Tab T, and I apologize this is out of order.

A Okay.
Q You asked -- you took money out of the NRS account accidentally.

A Uh-huh.
Q They caught it. You paid it back.
A Uh-huh. Within 10 minutes.
Q That kind of thing happens; correct?
A Mmmm. I've been there seven years. I got a new ATM card and it looked exactly like NRS, and I accidentally -- it was the first time ever --

Q I get it. But I'm saying people accidentally sometimes make a mistake.

A Sometimes, yeah. I get -- I was definitely -JD Reporting, Inc.

Q And they correct the problem.
A If they correct the problem and it wasn't intentional, yes.

Q All right. Have you asked NRS to reimburse NRS for any monies, any specific checks in this case or ever?

A I haven't talked to anybody.
Q Okay.
A You wouldn't let me anyway -- I didn't have a lawyer.
Q Well, have you ever written a letter to NRS and said we think this check here is not appropriate, was not a legitimate expense, we ask that you refund the money?

A Never.
Q Thank you.
A The forensic accountant and the attorneys took care of all of that.

Q All right. You -- the lease is finally ready. It's delivered January 26th. They put it on your desk; fair enough?

A There was a step before, Mr. Sheehan.
Q Fair enough, on January 26 or thereabouts the lease was delivered and placed on your desk?

A A lease was delivered and placed on my desk.
Q All right. And then you guys decided you guys were going to meet at Balboa?

A No, it had nothing to do with the lease. It had to JD Reporting, Inc.
do with my office space.
Q Did you guys meet at Balboa?
A Yes, we did.
Q All right.
MR. SHEEHAN: And I apologize, Your Honor, but I'm going to go through the steps with the exhibits briefly first and then later I'll go through it with her deposition.

THE COURT: Okay.
BY MR. SHEEHAN:
Q After the meeting at Balboa you exchanged a series of texts concerning your meeting at Balboa; fair enough?

A Never.
Q Never exchanged any texts?
A Never said as a result of Balboa, never, no.
Q Okay.
A We never did that.
Q All right.
A Can you show me where you're looking?
Q Yes. Let's start with 87 there. You see, guys, we need to me today or tomorrow. Then if you turn over to page 92 it says, Balboa, and then we go over to 94 and we get to the heart of the matter.

MR. HOLIDAY: And which -- you're going back to the [indiscernible].

MR. SHEEHAN: Where I'm behind U.

JD Reporting, Inc.

MR. HOLIDAY: Behind U.
MR. SHEEHAN: Behind Tab U. Based at Number 94.
THE WITNESS: Yes, that's February 6th.
BY MR. SHEEHAN:
Q Okay. I think it's February 1st but --
A Okay. And then below it is February 6th.
Q Okay.
A Is Sean's response.
Q Okay. February 1st Nancy Haack, no, I'm going there now for the lease; you see that?

A Yes.
Q And then Mr. Evenden says, I would like to meet in the next day or two to go over the conversation we had last week; do you see that?

A That's February 6th.
Q Yep. And he writes, we need to -- say that you will be [indiscernible], but then it's written, Nancy, I'm completely, my client writes, Nancy, I'm completely confused. You said you wanted out. Not sure what's going on; do you see that?

A Yes, I do.
Q All right. So he did write an email right after the meeting --

A A text.
Q A text saying --

A A week later.
Q Saying at the meeting you said you wanted out; do you see that?

A Yes, I see that.
Q And that was on a realtime basis; correct?
A Yes, but let's keep going.
Q All right. Okay. Then you wrote back -- okay.
A You never heard a word I said.
Q Let's -- and let me see if I can get this correctly. You wrote back, you never heard a word I said.

A Uh-huh.
Q It was about what I suggested so I; do you see that?
A Yeah.
Q I and I means Nancy Haack; right?
A Yes. I'm going to -- absolutely. I said I
suggested --
Q Okay. It doesn't say --
A You go over there to --
Q Ma'am, I haven't finished my question.
A Okay.
Q It doesn't say Bob, it says I --
A Uh-huh.
Q -- wasn't tied to a lease until I was 72 years old.
A Yes.
Q It says that right there; right?

A Yes, it does, Mr. Sheehan.
Q Okay. So you have a text --
A Uh-huh.
Q -- a week or so after the meeting at Balboa where you said that you said at the Balboa meeting, I did not want to be tied -- in other words sign a personal guarantee --

A Uh-huh.
Q I do not want to sign a personal guarantee that's going to guarantee me a lease until I'm 72 and you were 65 at the time; right?

A Yep. Sean, quit --
Q All right. Thank you.
A All these things happened, but, yes --
Q All right.
A -- that's exactly what it says.
Q Let's turn over to the next page.
A Wait a minute. I'm going to finish reading that, please. Oh, okay. I remember that. Go ahead. Next, please.

Q Okay. Now, again, my clients are writing to you --
A Uh-huh.
Q -- in text and my client said, Anyways, you said you wanted out due to health reasons and not wanting the stress and drama; do you see that?

A That's what they're saying I said. They always start their sentences out with you.

Q Okay. So a week after the meeting at Balboa -A Uh-huh.

Q -- my clients texted you and said you said at the meeting you wanted out due to health reasons and not wanting the stress and drama; do you see that?

A That's what they say, yes.
Q Okay.
MR. HOLIDAY: Objection, Your Honor. These are his own clients, they're not party, an opposing party admission against interest. It's just his own client taken out of court statements.

THE COURT: Well, we already let in all those text messages --

MR. HOLIDAY: Right, I understand. But in terms of just --

THE COURT: As far as, like --
MR. HOLIDAY: Asking her what they said or all that it's just --

THE COURT: We did this previously though.
MR. SHEEHAN: This is a text to her. I'm asking her if she got this text.

THE COURT: I let her do this when she was questioning the defendants.

THE WITNESS: Yeah. That's fine.
MR. SHEEHAN: Okay.

BY MR. SHEEHAN:
Q All right.
A But you're not giving my responses.
Q And by the way, you were here yesterday when Mr. --
A Ayala.
Q Jeffrey Fulton --
A Uh-huh.
Q -- testified that you left because of health reasons; correct?

A Well, they're not doctors. They don't know anything. MR. HOLIDAY: Objection.

BY MR. SHEEHAN:
Q You were here today when you testified that your husband told you that you -- you had a health scare; fair enough?

A Not in January, except stress.
Q Okay. You didn't have a health scare in January?
A No.
Q All right. Remember that when you're on -- we'll get back to that. Let's go to Defendants' 111 which is still behind you.

A Yep. The report --
Q This is the -- this is the email that you sent to Sean, excuse me, that you asked Sean Evenden about; correct?

A Wait a minute.

Q When you cross-examined Mr. Evenden, you cross-examined him about this --

A Oh, 01111, let's see.
Q Yes.
A Yes.
Q All right.
A February 14th.
Q All right. February 14th, and Mr. Evenden said, let's sit down, the three of us, no lawyers and come up with a solution to remove you from the company. It needs to work for all three of us. If you want to have it adversarial, it will cost the three of us much more; do you see that?

A I do.
Q Boy, was he right about that, wasn't he?
A They didn't pay anything yet. What do you mean?
Q Oh, they have paid a lot.
A I don't think so.
Q We'll get to that. What you have put in papers, many moving papers that how much money you have spent; correct?

A Yes.
Q You've gone through three lawyers; correct?
A I haven't -- yeah, I have.
Q And your lawyer put in a brief that there's a lien.
A $\$ 80,000$.
Q Do you see how Mr. Evenden was saying, listen. Let's
just the three of us get together, no lawyers and work this out?

A Are you out of your mind?
Q Otherwise, we're going to end up spending a fortune. THE COURT: Ma'am, you can't talk over him.

BY MR. SHEEHAN:
Q Do you see that?
A Yes. That's not what happened at all, Mr. Sheehan. You are taking it fully out of context.

Q All right. Now, the next text 118, you wrote, We just need to clear up my share. I put a note on the paper on my desk you need to read. I will sign when that is resolved.

A I will sign.
Q Okay. All right. And then we wrote back, ha a -- I don't a -- I read the note. What does that mean, and they're saying agents are now starting to complain about not having the space, what are we doing here. All right. Let's turn behind V. Let's go to 120. All right. We've been talking about these texts and your lawyer says there are no texts to talk about. This divying up the space without you and let's -let's get right into this here now.

Defendants' 120, it's behind Tab V, Your Honor, second page down.

THE COURT: $V$ as in Victor or $B$ as in boy?
MR. SHEEHAN: V as in Victor.

THE COURT: Gotcha.
MR. SHEEHAN: Second page down.
BY MR. SHEEHAN:
Q All right. You testified on direct that you met with your lawyer and your lawyer said if you're -- you said if your husband's not going to sign the lease, but if you're not going to sign a personal guarantee on the lease, then they should form their own company over there and get the profits -- don't use any NRS money and go forward without you because if you're not going to be on the lease, that's the reasonable solution here; fair enough?

A That was a suggestion the lawyer threw out to get me to invite them, come and talk about ideas.

Q Okay. And that lawyer said, look, if you're not going to sign the lease over there, then let them do that without you --

A To solve the problem.
Q -- to solve the problem.
A And not kick me out.
Q Okay. And my clients' position all along was, listen, you also said you weren't willing to share in any of the losses for that new space; correct?

A If I don't put anything in, no.
Q Well, you at the Balboa meeting you said, look, I'm not going to sign the lease. I'm not going to be responsible JD Reporting, Inc.
for any losses, but I'll work for free; that will be my share.
A No, that was another suggestion I made when they didn't take the first one.

Q But that was a suggestion you made at the Balboa meeting; right?

A Yes.
Q And they said, no way, you're not going to get all the profits, one third of the profits from over there without doing -- without being -- having the risk of signing the lease and without being responsible for any losses; correct?

A Correct.
Q All right. And that's reflected in the texts.
A The texts do not --
Q Let's read it. Let's read it. Behind V, Defendants' 120.

A Okay. Which part? Then don't use my money --
Q Okay. So the text starts with, You two said I should not get paid on the new office if I don't sign the lease.

A Correct.
Q And that's fair; right?
A Yeah. I didn't --
Q Okay.
A If I'm not on -- if I'm not an owner, no.
Q But if you're not going to sign that lease you shouldn't get the profits from that office.

JD Reporting, Inc.

A If I'm not an owner, I should not get the profits. If I'm an owner and you're using my money, yes, I should get the profits.

Q Okay. But if they just used your own -- their own money --

A Yes, absolutely.
Q -- then you shouldn't get any profits from [indiscernible].

A Yeah. Why did they do that?
Q They didn't do that.
A No, they didn't. They kicked me out.
THE COURT: Let's stop arguing, please. I'm not -just don't argue. Just answer the questions, please. BY MR. SHEEHAN:

Q All right. And my client specifically said, You cannot expect full legal profits with no liability.

A So working for free for seven years is no liability?
Q Okay. Ma'am, ma'am, is that what my client wrote to you?

A That's what he wrote in the text.
Q Okay. And that was his position all -- their position all along; right?

A But remember he doesn't have a college degree. THE COURT: I don't know that that's relevant at all but --

THE WITNESS: Well, he said he didn't understand the finances.

BY MR. SHEEHAN:
Q Okay. Ms. Haack, was my client --
THE COURT: Ms. Haack, you just need to answer the questions, please.

BY MR. SHEEHAN:
Q Ms. Haack, was my clients' position all along you cannot get profits from the new space with no liability?

A That's what he says here. It wasn't -- I'm not telling you all along.

Q And then what did you write back?
A Then don't use my money. Look at the list, which was the list they didn't like. That is my investment. Just like your 5 percent in marijuana. Get an attorney involved.

Q And then what did my client write back?
A We don't use any of your money. Done then.
Q All right. So when your lawyer said that there was never any text messages from you, where you authorized them to do their own thing at the new space and that they -- that you offered that to them and that they agreed to that. There is a text message that says that; correct?

A There is an argument between the three of us, absolutely, it went on for months.

Q I'm asking you is there a text --

A That was my sentence.
Q Is it totally -- was your attorney incorrect and your earlier testimony incorrect that there is no text messages -MR. HOLIDAY: Objection. Best evidence rule. The text message speaks for itself, Your Honor.

THE COURT: You need to let him finish the question. MR. SHEEHAN: That's fine. You know what, that's fine.

BY MR. SHEEHAN:
Q You would agree that there's a text message here between you and my clients that said my client said you cannot expect full legal profits with no liability. You wrote back, then don't use my money. And my clients wrote, we won't use any of your dollar, done then; fair enough?

A Correct.
Q All right. And my clients did the expansion space with their own money; correct?

A No. Are you kidding me?
Q Are you aware of any dollar that was used for the expansion space from my clients?

A A lot. Yes, I have checks.
Q What?
A I have checks from August made payable to Life Real Estate.

Q Okay. August of what?

A August of 2017.
Q Okay. When was the -- I don't recall you asking my clients about those checks?

A Why would I, I already know about them. I didn't have a subpoena yet.

Q All right.
A They were hiding it.
THE COURT: And, Ms. Haack, please don't make your own commentary.

THE WITNESS: I'm sorry.
BY MR. SHEEHAN:
Q Turn to the next page, 121. You wrote, bull, right in the middle bull, then move into the new office and make sure the -- your side know to call your number. So you told him to go ahead do the new space; correct?

A Uh-huh.
Q So there are texts where you told them that; correct?
A I gave a suggestion, yes.
Q Okay. And that suggestion even came from your attorney who said that would be the only fair thing to do; correct?

A If I was broker of NRS, yes.
Q It doesn't say that, does it?
A It never was agreed to, was it?
Q Well, let's go back.

THE COURT: Okay. This is what I'm talking about. Answer the question don't argue, please.

THE WITNESS: Well, it's making me look like a liar so it's hard, but I'll try.

THE COURT: Your attorney -- okay. But your attorney will have a chance to follow up with you. THE WITNESS: Okay. Yes, that's what it says, Mr. Sheehan. BY MR. SHEEHAN:

Q Okay. It says, Then don't use my money and my client said done then.

A Uh-huh.
Q All right.
A And what was the date on that, I'm sorry. Are we still in February? Yes.

THE COURT: Can you finish up so I can break for lunch.

MR. SHEEHAN: I can be done right now.
THE COURT: Okay. Then do you want to come back in
an hour? Is that okay?
MR. SHEEHAN: That will be fine.
THE COURT: All right. Thanks.
THE WITNESS: I'm sorry, Your Honor. I'm sorry,
Mr. Sheehan.
MR. SHEEHAN: No problem.

THE COURT: We'll see back in an hour.
(Recess taken 11:58 a.m. to 1:29 p.m.)
THE COURT: Is your expert here?
MR. HOLIDAY: Your Honor, I believe we're going to
call one other lay witness that we had beforehand. I expect it to take about 10 minutes.

THE COURT: Sure.
MR. HOLIDAY: And, in fact, we're going to ask you
questions first and then we will be calling our expert.
THE COURT: Okay.
MR. HOLIDAY: So plaintiffs would like to call
Crystal Elijah-Ramos.
THE COURT: She'll have to spell it so.
CRYSTAL ELIJAH-RAMOS
[having been called as a witness and being first duly sworn, testified as follows:]

THE CLERK: Thank you. Please be seated. Please state and spell your first and last name for the record. THE WITNESS: Crystal Elijah-Ramos. C-r-y-s-t-a-l
last name is hyphenated. E-l-i-j-a-h, hyphen, R-a-m-o-s. THE COURT: And you can start whenever you want. MS. HAACK: Okay.

DIRECT EXAMINATION
BY MS. HAACK:
Q Hi Crystal.

JD Reporting, Inc.

A Hi.
Q Are you a licensed Realtor?
A Yes.
Q In the State of Nevada. Do you have a property management license too?

A I do.
Q Do you remember when you started to work with NRS/Life Realty?

A Well, technically it was the beginning of January. I remember I was invited to a Christmas party in December, but I really didn't start until sometime in January.

Q Do you know what year that was?
THE COURT: What year?
THE WITNESS: 2016.
BY MS. HAACK:
Q 2016. Okay. What was it that drew you to that company -- to that real estate office?

A Actually, I wasn't looking to move. My friend at the time who I did a lot of business with, we kind of partnered up. She was looking and we happened to be shopping, and she said let's go upstairs and check it out and you were there. You met with us right away. We didn't even need an appointment, and we really liked you, and so I decided to move even though I wasn't looking to move because I had such a good rapport with you at that meeting.

Q And how long have you -- were you at Life Realty after you started?

A To the following year in April.
Q April 2017?
A '17, yes.
Q How long have you been managing property?
A Oh, since I was 19, a long time. So I managed multifamily before I got my real estate license, and then I went into sales and property management of single-family homes, and currently I'm about seven and a half years in.

Q Okay.
A Since I was licensed.
Q So you've had a license for seven and a half years?
A For a property management, six and a half I want to say.

Q Okay.
A But I was licensed in 2001 as well, but I didn't need it for multifamily so I let it go and then got it back again in 2013.

Q Okay. Thank you. Did you rent an office in the office space at Life Realty while you were there?

A I did. I had a small office, and my partner had a cubicle outside and so because we were always together she kind of moved in, and so I was hoping to get a bigger office, but I did rent an office for almost the entire time I was there.

Q When -- in 2017 when Ms. Haack was announced as being gone from the office, were you at the company at that time?

A Yes.
Q Were you invited to a meeting to learn why Ms. Haack wasn't there?

A Well, we were mandatory we had to be at this meeting. I went and my partner couldn't because she had a small child, but, yes, I was at the meeting.

Q Okay. Do you remember why they -- what they told you was the reason I would not be there or Ms. Haack wouldn't be there.

A They said that you were retiring, and you were leaving and that they were going to be changing the name to Life Real Estate and that was happening. But we had several meetings going forward after that with different changes.

Q Were you asked to sign an independent agent agreement for the new company?

A Yes. I was told that we had to sign the paper. If we didn't, that our licenses would get sent back to the division and while that was happening we wouldn't be able to practice real estate, and during that time I had things in escrow, and I was actually going to go to the Bahamas pretty soon, like within a two-week period. So I was nervous so I signed whatever they gave me. My business partner refused and did not sign.

Q Okay. Did you go to the property manager in that conflict and ask them about space available to rent as a Realtor?

A Yes, numerous times only because we were waiting for the new office to be extended, and it was taking a long time. And so I wanted to make sure that it wasn't just smoke to try to keep me there, and they were actually getting another building because it was too small what we -- the office that we were in. So we went down to speak to the property manager to make sure it was actually going to happen.

Q Okay. So you were checking it out?
A Yes, we were checking it out on my own. Since I'm a property manager I thought I'd go back down there and just ask her, you know, what's really going on, should I stay, is there something not going to happen. I just want to know so I know how to move forward.

Q When you removed your license, do you remember what real estate company you went to?

A Yes, I went to Urban Nest.
Q Did you have an office space at Urban Nest?
A No, they also promised us an office space, but it never happened. I actually had to give up my property management permit so I lost income switching because of this because they didn't have a property management division.

Q How did -- how long did you stay with Urban Nest?

JD Reporting, Inc.

A Urban Nest, almost two years.
Q And they -- did you have an office by the time you -before you left at the end of two years?

A No.
Q Did you leave Urban Nest because you didn't have an office?

A That was one of the reasons, yes. Yes.
Q Let's see. When you talked to Mr. Ayala and/or Mr. Evenden about this exit, did they give you a reason that Ms. Haack wasn't going to be at the office anymore?

A They just told me that you were retiring or she was retiring and that you weren't working with the company.

Q Okay. Did they tell you that they were taking any precautions at the office?

A When I came in and spoke with Sean, we sat down and we discussed that you were not going to or Nancy was not going to be working there anymore, and we went back and forth discussing the situation. And his exact words were that you were going to be coming in at night at the first meeting, and the second meeting that he was going to put an armed guard at the door to keep you out. And that's when I said I'm done. I'm not staying anymore. I moved out that weekend. That was not the kind of environment that I want to work in.

Q Okay. Did you feel you were being intimidated to sign the new independent contract for the new company?

JD Reporting, Inc.

A Absolutely. They said we couldn't work if it wasn't signed. I didn't want to lose my escrows and lose my income so I did what they said. I didn't know the process at that point. I was just a regular agent. I didn't have my broker's license. I didn't know anything about that then.

Q Did Ms. Haack ever tell you she was planning to retire?

A No. The only thing -- oh, sorry.
Q Go ahead.
A The only thing that was said was that the new lease wanted both you and your husband to sign and that you would be happy to, but he did not want to. And that was the only thing I knew that was going on.

Q Okay. Did Ms. Haack ever tell you she was going to freeze the bank accounts?

A No.
Q Do you remember if that was ever mentioned at any of the meetings that Ms. Haack would be freezing?

A No.
Q No, you don't remember or, no, it happened.
A No, I don't remember hearing that.
Q Okay.
MS. HAACK: That's all I have, Your Honor.
THE COURT: Okay.

BY MR. SHEEHAN:
Q Good afternoon.
A Hello.
Q Where do you presently work?
A Right now I'm with World Diamond Realty.
Q With Ms. Haack's company?
A Yes.
Q You work for Ms. Haack?
A Yes.
Q Okay.
A My broker -- my license is hanging with Ms. Haack, but I'm independent.

Q Okay. And you did come to learn that there was a -do you know what -- let me back up. There was going to be an expansion; correct?

A Yes.
Q Okay. And Ms. Haack had told you that there was going to be an expansion?

A Yes, it was known throughout the office that there was going to be an expansion, yes.

Q And she was all for that?
A Yes.
Q Okay. And do you know why the expansion didn't take place?

A Alls I was told was that if Nancy's husband did not sign the lease that the property management company would not go forward with it. That's all I was told.

Q Okay. And do you -- did you ever hear that Ms. Haack herself refused to sign the --

A No, I did not.
Q Okay. Would that surprise you?
A Yes, because I didn't hear that.
Q Okay. And your conversations were with Ms. Haack; correct?

A Yes.
Q Okay. So all your information came from Ms. Haack?
A I had conversation with her. I had conversations with them. I had -- it was multiple conversations within all the brokers in the office.

Q Okay. But due to the infighting between the two of them you decided you needed to move?

A Yes, because it was -- it was volatory [phonetic]. I used to make a joke, mommy and daddy are fighting. Until they figure it out I got to move because it was just getting a little nervous in there.

Q All the agents were very worried?
A They were worried about what was going on, yes, since Nancy was there every single day and all of a sudden she wasn't there anymore.

Q And do you know who caused the rift?
A I have no idea. That's above me.
Q All right.
A Yes.
Q But if, if they hadn't had this rift and Ms. Haack was still working there today you would probably still be there?

A Absolutely. I -- I liked everybody. I have no problems with any of the brokers; they were always nice to me.

Q Okay. So if it were true that Ms. Haack caused this rift and caused --

MR. HOLIDAY: Objection. Speculation. Calls for speculation.

MR. SHEEHAN: It's a hypothetical.
THE COURT: All right. You can ask the hypothetical. BY MR. SHEEHAN:

Q If Ms. Haack hadn't -- assuming that Ms. Haack caused the rift and this hadn't happened and everybody was there, how much money have you made?

A Half of what I made before.
Q Okay.
A Like, my income was completely severed in half since I left there.

Q Okay. How much money did you make for NRS while you were there?

A Over -- like for them, like, my portion or what their cut was?

Q Their cut.
A Oh, I couldn't tell you the number. I mean, I had a lot of sales, but it was split different ways.

Q And how many sales have you had since then?
A On average 8 to 10 maybe.
Q Okay. 8 to 10 sales per year?
A Yes.
Q For the last three years?
A Yes. I would say that average, yes.
Q Okay.
THE COURT: Hold on. May I ask a question. Why are you making less now?

THE WITNESS: Well, one, I gave up my property management. Two, I haven't had an office so for me going into the office every single day makes a big difference than working from home. I'm not a work-from-home type of person so I used to be in every day Monday through Friday grinding, marketing, doing everything that I normally did, and not having that office suffered in my business. I wasn't able to pay the Zillow leads because I wasn't making the money I was making before, and I gave up my property management accounts.

THE COURT: So was that more because the way you work versus something that any of the parties had done?

THE WITNESS: I just feel like that because I didn't have an office, for me I needed that push to keep working harder. So not having an office -- leaving there I kind of was forced to find the next closest thing, and they were in a Regis type suite where they didn't have an office for me as well so it's kind of like just in limbo at that point, just barely making it.

THE COURT: Okay.
THE WITNESS: Yeah. Okay.
MR. SHEEHAN: May I approach the witness and pull an exhibit book.

THE COURT: Sure. Sure.
BY MR. SHEEHAN:
Q All right. Are you aware that there is a computer program that shows everybody's sales, all real estate agent sales, agent title fees that come -- are you aware that you can access that?

A Through the MLS?
Q Yes.
A Yeah, that shows just the ones in MLS, not new homes.
Q Okay. But -- take a look at -- showing you CCCC.
A C -- what am I looking at? Okay, yeah. I see the exhibit, yes.

Q Okay. And -- and on there you see your name Crystal G. Elijah Ramos?

A Uh-huh.
Q Urban Max Realty?
A Yes.
Q And then you see is says 17 and then it has sales, et cetera and goes across --

A Yes.
Q Seventeen units, that means 17 sales; correct?
A Yes.
Q And this is an accurate report of your sales;
correct?
A Which -- is this total or per year?
Q Well, this is from, if you look at the top 5/1/2017 to 10/19/2018.

A Yeah, so it's about a year and almost a half. MR. HOLIDAY: He hasn't moved to admit that, but I just object for not laying foundation for the source of this document. This is one of the two exhibits that I reserved as -- not exhibits, as not admitted.

MR. SHEEHAN: Understood. I'll see if I can --
BY MR. SHEEHAN:
Q Have you seen this type of report before?
A Not in this generated like this, no.
Q But you are aware that people's sales are tracked?
A Of course, yes.
Q Okay. And -- and this is a document that tracks your JD Reporting, Inc.

A Yeah. Yeah, it looks like a year and a half worth of sales. Yes.

Q And it looks accurate to you?
A I couldn't tell you. I'm assuming yes. But like I said, I had a partner. So sometimes it went under her name, sometimes it went under my name. So I don't know if it's all mine or if some of it's Amy's.

Q Okay. Thanks.
A You're welcome. MR. SHEEHAN: No further questions, Your Honor. THE COURT: Do you have any redirect, ma'am? MS. HAACK: Yes, I just have a couple questions. THE COURT: Okay.

## REDIRECT EXAMINATION

BY MS. HAACK:
Q Crystal, were you ever invited to go back to Life Realty?

A No.
Q Would you be interested in going back to Life -MR. SHEEHAN: Your Honor, this is outside the scope. MS. HAACK: Oh, is it? THE COURT: It is outside the scope. MS. HAACK: Okay. THE COURT: You can only do what you've done on JD Reporting, Inc.
direct.
MS. HAACK: Okay.
THE COURT: Or, yeah.
MS. HAACK: No problem. Then I have no more questions.

THE COURT: Okay.
MS. HAACK: Thank you.
THE COURT: Thank you for your time. You're free to go.

THE WITNESS: Thank you.
MR. SHEEHAN: Your Honor, may I address the Court?
THE COURT: Yes, sir.
MR. SHEEHAN: Okay. The next witness is an expert witness.

THE COURT: Uh-huh.
MR. SHEEHAN: The expert witness has done a report.
THE COURT: Uh-huh.
MR. SHEEHAN: Pursuant to 16.1.
THE COURT: Uh-huh.
MR. SHEEHAN: Based on that report, we did not do any rebuttal because we didn't need to because of the report.

THE COURT: Uh-huh.
MR. SHEEHAN: I just want to make sure, Your Honor is well aware of the rule's, got the case of authority so and so fourth. He can't testify outside the expert report. And I
just want to make sure that that's well understood.
THE COURT: That's the rule that you can only testify to the opinions set forth in the report, but you can elaborate on the opinions.

MR. HOLIDAY: Thank you, Your Honor. I'd like to note that I've got the case law pulled up in my laptop, is it all right if I address the Court sitting down?

THE COURT: Yeah, are you going to elicit opinions that are not contained in the expert report?

MR. HOLIDAY: So there's -- the expert report he wouldn't stipulate to do --

Did I ask you to if I could supplement the expert report after the close of discovery?

MR. SHEEHAN: I don't even -- I don't know. But we're certainly not going to allow you to --

MR. HOLIDAY: Okay. Well, the expert report is from July 2018 when discovery was. He wouldn't stipulate to supplementing that report. Obviously, there's another little over a year and a half that has passed since then and so there's that issue.

The other issue is that in July we were looking at relief in equity for the most part to get a receivership for a dissolution to generally, you know, auction it off, take a bid on the property against each other or against third party, if they wanted to bring in other buyers. That's not really a
practical remedy now, and so we're suing damages. The rule in -- here it is, it's -- and there wasn't a motion in limine on this, but there's a -- all right.

Reading from the one that he said that he was citing is, Although 16.1 (A) (2) (B) allows the trial court to relieve a party of its duties comply with the written court requirement for good cause, no facts support the District Court's decision that good cause existed in this case, in the case we're citing.

So pursuant to NRCP 16.1 (A) (2) (B) you can relieve of us of our requirement, of the report requirement if there's good cause. So the question is, is through the circumstances when he wouldn't stipulate to a supplemental report when I took it over to counsel and because of the other things that have transpired, do they justify it through cause to allow him now to opine on how you would value a business such as this.

THE COURT: But that's a whole new opinion and really your relief would have been in the Courts. You would have gone to the Commissioner or come into this court and asked for an extension of time for your -- to have a supplemental report done by your expert because at this stage it's just way too late.

MR. HOLIDAY: All right. Understood, Your Honor. We'll limit the scope of our questioning to what's contained in the report.

THE COURT: Okay. Thank you.

JD Reporting, Inc.

Let's bring the expert in.
MR. HOLIDAY: Thank you, Your Honor.
MR. SHEEHAN: He's already in here. So, Your Honor, obviously the expert just heard the things, so I just would ask that the Court let him know that that's the rule.

THE COURT: Well, I'm sure you're only going to ask him questions that are contained in the report. Okay. Sir, you need to raise your right hand and be sworn in.

## JOSEPH LEAUANAE

[having been called as a witness and being first duly sworn, testified as follows:]

THE CLERK: Thank you. Be seated. Please state and spell your first and last name for the record.

THE WITNESS: Joseph Leauanae. J-o-s-e-p-h. Last name is spelled L-e-a-u-a-n-a-e.

THE CLERK: Thank you.
THE COURT: Whenever you're ready, sir. DIRECT EXAMINATION

BY MR. HOLIDAY:
Q Will you please provide us a summary of your education.

A Yes. I have a bachelor's degree in accounting and a master's degree in business administration both from the

JD Reporting, Inc.

University of Utah.
Q Thank you. What professional credentials do you hold?

A I'm a certified public accountant in Nevada, Utah and California. Certified information technology professional, which is a designation awarded by the American Institute of Certified Public Accountants. I'm accredited in business valuation. I'm a accredited senior appraiser with the American Society of Appraisers. I'm certified in financial forensics also by the AICPA, and I am a certified fraud examiner with the Association of Certified Product Examination.

Q All right. Thank you. What requirements do you need to build and maintain your credentials?

A I have to maintain at least 40 hours of continuing education each year as well as various other involvement requirements.

Q Okay. Can you identify the professional organizations in which you're involved?

A Yes. So the American Institute of Certified Public Accountants as well as various state societies, the Nevada State Society, Utah State Society and the California State Society, the Association of Certified Fraud Examiners as well as the American Society of Appraisers. I've served on various committees and boards for each of those organizations.

Q All right. And can you describe the -- your

JD Reporting, Inc.
experience providing continuing education to other professionals in your field?

A Yes. We've provided over the years presentations at UNLV to various groups. Here in Nevada we provided presentations to the State Bar of Nevada as well as various groups. Provided presentations to various accounting organizations and appraisal organizations, fraud organizations and the last couple of years presented at the national conferences in Houston on business valuation and forensic accounting and in Atlanta on calculating economic damages.

Q And how long have you been in this line of work?
A I've been doing this for approximately 23 years.
Q And what firm do you work with and how long have you worked there?

A I'm with the Anthem Forensics. It's a firm that I formed in 2008, about 12 years ago.

Q Right. Very good. And what is your role within Anthem Forensics?

A I'm the president of the firm.
Q Very good. And what services does Anthem Forensics provide?

A Primarily we provide forensic accounting, business valuation and economic damage calculation services.

Q Very good. Did you provide forensic accounting, business evaluation and economic damage calculation services in
this litigation?
A We used components of each of those specialties in our engagement in this matter.

Q All right. How is your experience in these sort of areas beneficial to this case?

A As it related to this case, we've been involved with situations where from an economic damages perspective, you're looking at a situation where there's dissent amongst owners, where some of the owners allegedly formed another company that competes with the original entity. The original entity in this case being NRS and there being an alleged dissipation of assets in the NRS entity or something similar to the new entity in which the oppressed owner is not involved.

Q Okay. Have you previously been designated as an expert witness in forensic -- forensic accounting?

A I have, yes.
Q Okay. And how many times have you been designated as an expert witness?

A In total in the areas of forensic accounting, business evaluation, or economic damage calculation over a thousand times.

Q Okay. And how many times have you provided expert testimony in a deposition at trial?

A Approximately 80 times.
Q Okay. All right. When were you first contacted JD Reporting, Inc.
regarding this [indiscernible].
A We were initially contacted in May of 2018.
Q Okay. And were you retained in that same month?
A I believe so, yes.
Q Okay. And what was the scope of your engagement?
A The scope of our engagement was to calculate the alleged economic damages incurred by NRS and for Nancy Haack as a result of the alleged actions against defendants.

Q Okay. And how many reports have you issued relative to your engagement?

A We have issued two reports in this case. A report in July 18th of 2018, and then a letter in August 24 th of 2018.

Q All right.
MR. SHEEHAN: Can I get a copy of that letter? Is it part of the exhibits?

MR. HOLIDAY: I think it's attached as the letter from the law firm -- I think it's combined with the letter from the law firm. In other words the law firm delivered it asking for instructions --

MR. SHEEHAN: Do you have a copy of it?
MS. HAACK: It's right here.
MR. HOLIDAY: Don't do that part yet.
MR. SHEEHAN: I'm sorry.
MS. HAACK: I'll get it sent.
MR. SHEEHAN: Okay.

BY MR. HOLIDAY:
Q What steps did you undertake in this engagement?
A In this particular case, the general flow of what we did was we reviewed the information that we received through essentially the date of our initial report. We as part of our understanding of the scope of engagement, we reviewed the operating agreements because it contained various restrictions on the actions of the members or the actions of the NRS entity.

We reviewed financial information that had been provided, and we also requested additional information that would have been helpful for our analysis. We did a comparison of the information we received both financial and otherwise to the terms of the operating agreement to assess the extent to which potential operating agreement issues had been breached. Again, did not provide a legal opinion on that issue, I'm not an attorney, but from an economic standpoint having much experience with business valuation and understanding of how organizations work, we reviewed the operating agreement within that context. Based on our review and that analysis, we assessed the potential areas of economic damages relative to the plaintiff's claims.

MR. SHEEHAN: Your Honor, I would like to take a little voir dire on that last thing.

And so you took the potential, but there was no
actual; is that fair?
MR. HOLIDAY: What's going on?
THE COURT: I hadn't responded yet. Why don't we, just because it's a bench trial so why don't we just go ahead and do it in cross, okay?

MR. SHEEHAN: Okay.
MR. HOLIDAY: All right.
BY MR. HOLIDAY:
Q Okay. All right. Was there any information that you requested but did not receive?

A Yes.
Q Okay. What information was that?
A Based on the scope of our engagement and our understanding of the events that transpired in this particular case, we requested information for Life Real Estate which was the allegedly successor entity that had been formed by the two defendants. We also requested clarification on certain information that we had received and analyzed during the course of our analysis.

For example, we reviewed over 23,000 transactions during our analysis, and based on the 23,000 transactions we had questions because some of the transactions we reviewed did not have canceled checks so we had no idea as to the payee of certain checks.

There were also payments that had been made that we JD Reporting, Inc.
observed coming from the bank statements for which clarification was sought including payments for life insurance, payments that appeared to go to Life Real Estate, payments of that nature.

Q Okay. And we'll go over those in detail a little bit later there within the report. Now, how might that information have impacted your conclusions?

A Receiving clarification on our outstanding questions at the time of the issuance of our report would have either allowed us to resolve some of those questions or potentially ask additional questions that would have been relative to and within the scope of our analysis.

Q Okay. So what banking records did you review during your analysis?

A During the course of our analysis we reviewed seven accounts, and we were restricted to those seven accounts because those were the accounts that were identified to us as representing the universe of NRS Realty accounts. And just because of the similar lists -- the similarity in names, when I'm referring to NRS Realty, I'm referring to the entity that it's Life Realty as opposed to Life Real Estate which is the allegedly successor entity.

So NRS Realty which is one of the plaintiff --
Q The plaintiff.
A Yes. In Exhibit 1 of my report I identify the seven JD Reporting, Inc.
accounts that were included in our analysis.
Q Okay. And so there were seven accounts; is that right?

A Seven accounts were represented to us as being the universe of NRS accounts. I don't know if that was accurate. That would have been an issue that we would have liked to resolve during the course of our analysis that we were unable to resolve.

Q Okay. And there were some -- there were some transactions, just transfers between bank accounts that weren't going into those seven accounts that were unexplained?

A That's correct. So we saw transfers more than once. You know, sometimes you can have a transfer to another account that you don't recognize that could be a payment to a vendor or what have you, but we saw certain transactions occurring with more frequency than once or twice to accounts that were not in the seven that we were provided.

Q Right. Okay. And we'll get to that when we go through your report. Now, did you have any concerns regarding the accounts you reviewed or the activity that they contained?

A Yes.
Q Okay. Could you elaborate.
A For example, of the seven accounts there were two that had been in existence prior to Ms. Haack's departure. I guess I'll use departure as the general term, departure from JD Reporting, Inc.
the entity, from membership in the entity, an operating and a commission account. It's our understanding that an additional account both for operating and commissions was opened after that date, and so for all intents and purposes of these seven accounts allegedly two of them were operating accounts and two of them were commissioned accounts, and in my experience that is not typical.

Q Right. In fact, the records show that they opened new accounts after the -- I'll use your term, after the departure or the ousting of Nancy Haack; is that right?

A That's corr -- according to the records we received, yes.

Q Okay. All right. All right. In your -- okay. Now, what other information did you receive access to?

A During the course of our analysis we received access to various programs that were important to us as programs that were used in the operations of NRS. They included QuickBooks. So we received a QuickBooks data file and subsequently also received QuickBooks online access.

We received access to AppFolio which is a program used on real estate based companies as well as Lone Wolf, which provides some financial information relative to real estate based companies as well.

Q Okay. Now, sometime after preparing your report, did you attempt to access these programs -- these programs using JD Reporting, Inc.
the remote view access?
A Yes.
Q Okay. And could you still view those accounts?
A No. At some point in time last year our access to those online databases was stopped.

Q Okay. In particular was your access to Lone Wolf ever turned back on?

A To my knowledge, no.
Q Okay. What was the framework of your forensic accounting analysis?

A So we requested -- because we were asked to review essentially transaction activity in the bank accounts for the period from January 2016 through May of 2018, and the reason why only through May of '18 is because that was the full month, the full period prior to our July 2018 report.

We reviewed all the trans -- or we requested the statements. We were provided those statements. Some of the information was missing. We received some canceled checks, but not other canceled checks, and we incorporated those transactions -- they totaled over 23,000 into an analysis of potential flow of funds through these various accounts.

Q All right. Now -- okay. And how many transactions did you review during that period?

A Over 23,000, and again during the period of our analysis again covering January 2016 through March of '18,
there were over 23,000 transactions.
Q All right. And you have no personal knowledge of any Lone Wolf accounting software used for Life Real Estate; correct? That wasn't provided?

A Access to any financial information for Life Real Estate as opposed to NRS was not provided to my knowledge.

Q Okay. Was any - Okay. Fair enough. All right. So let's talk about payments listed as expenses for -- that were checks to Sean Evenden. Did you observe payments from Life Realty to the IRS on behalf of Sean Evenden? In other words, payments from Life Realty directly to the NRS?

A To the NRS for --
Q [Indiscernible].
A -- potentially, yes. We did observe and discuss those in our report.

Q Okay. Could you elaborate.
A Yes, there were approximately a 102,604 [indiscernible]. There was a total of approximately $\$ 102,694$ in payments that referenced or were paid by Life Realty referencing United States Treasury on behalf of Sean for the period from January of 2016 through May 31, 2018.

Q All right. So what does that mean?
A This -- again, according to the information that we received from NRS, these would be payments made to the IRS by or on behalf of Sean for tax obligations. And for

JD Reporting, Inc.
clarification, when you have an entity like this one which is a flow-through entity, meaning it's not -- tax is not paid at the corporate level but rather at the individual member or shareholder level, taxes would not be paid by the company other than, you know, the typical taxes for the operation of the business. The actual shareholder or member level taxes would be paid by the individual and would be a burden or an obligation of the individual alone.

Q Right. And were those payments recorded as distributions to Sean Evenden?

A The QuickBooks data on that referenced that information that I stated, but I can't specifically recall how it was recorded in QuickBooks.

Q Okay. Who is Jessica Johnson?
A My understanding is that Jessica was or is an assistant that was hired to assist Sean.

Q Okay. And how is Jessica supposed to be paid?
A My understanding was that Jessica was supposed to be paid either by Sean directly or from commissions to which Sean was entitled from NRS.

Q Okay. Did you observe payments that may have suggested that Jessica was paid from NRS?

A Yes.
Q Okay. Can you elaborate.
A There were some payments from during the period from

JD Reporting, Inc.
about February 2017 through October of 2017 that appeared to relate to Jessica Johnson that totaled approximately 25, actually, I'm sorry. There were payments directly to Sean so these were separate from the tax -- from the tax ones, but --

Q Right.
A -- there were payments that we observed potentially to Jessica from two of the accounts that we saw for NRS Realty.

Q All right. And were those recorded as reimbursements to Mr . Evenden?

A I can't specifically recall the clarifica -- or the characterization of those payments.

Q All right. Can you in the defendants' binder go to Exhibit FFFF.

A I'm sorry. FFF -- oh, so four Fs?
Q Four Fs, yes. All right. Now, is that exhibit your -- the expert report that you provided?

A It is contained therein, yes.
Q Okay. And in there did you record those payments totaling \$25,600?

A Yes, on page 12 of that report.
Q All right. So if you can just review that real quick and see if it refreshes your memory.

A Yes. So these are -- this is again based on the information that we obtained from the documentation we received, but some of the notations included references to

Jessica or to a J. Johnson. But in terms of how it was actually recorded in the account software, I'm not quite sure how they recorded it, but the checks themselves do reflect.

Q Right. And they do reflect checks; they don't reflect payroll distributions through ADP; is that right?

A That's fair. That's correct, yes.
Q Okay. All right. So was Life Real Estate responsible for reimbursing Sean and Jessica's salaries? MR. SHEEHAN: Objection. This witness would have no idea of that.

THE COURT: If he knows he can testify.
THE WITNESS: Just to make sure, are you referring to
Life Real Estate or Life Realty -- NRS?
BY MR. HOLIDAY:
Q Oh, did I --
A NRS.
Q I'm going to talking about NRS. I'll stop saying Life Realty, it's confusing.

A According to our understanding of the operating agreements, no.

Q Okay. All right. Did you observe any additional payments to Sean Evenden?

A We did, yes.
Q All right. Could you elaborate.
A Yes. On page 13 of our report which is Exhibit 4 Fs, JD Reporting, Inc.
we observed again as restricted to the period of time for which we had information and in this case that period of time for the payments to Sean Evenden is only from May of 2017 through May of '18, there were just shy of $\$ 43,000$ in checks to Sean.

Q All right.
A They appear to be monthly -- biweekly.
Q Biweekly checks to Sean?
A Yes.
Q Okay. And these were not payroll distributions through ADP?

A That is correct.
Q All right. And these checks to Sean weren't recorded in their notes as distributions of NRS profits?

A As to the accounting we had other issues with the accounting that we received from NRS, but I can't specifically recall.

Q Okay.
A Whether it was -- just for clarification, whether it was recorded as payroll, which would have been through ADP or as a distribution which if a distribution the other owners would have also been entitled to an amount. Or if it was as salary according to the operating agreement, there appeared to be an indication that no salary was to be taken by the members.

Q All right. Fair enough. But it is fair to say that if this was reported as a distribution with equal distributions
to the other team members, it probably wouldn't have found its way into this report when you were going over it; is that fair?

A That's fair, yes.
Q Okay. All right. So was Life Realty responsible for salary payments to Sean?

MR. SHEEHAN: Objection, Your Honor. Way outside the scope of this. We're having a trial about this.

MR. HOLIDAY: Well, I -- he's a -- it was part of his expert report where he reviewed the operating agreement, and as he said, he is qualified, as we were going over his qualifications to opine as an expert on who's entitled to what according to an operating agreement. And so according to that, it's within his report and it's within his credentials to opine on whether or not according to the operating agreement in his expert opinion was Sean entitled to a salary. And if you would like to cross-examine him on that issue afterwards he's more than welcome to.

THE COURT: But he wasn't retained to interpret the operating agreement; was he?

MR. HOLIDAY: He was. It's part of the report if you would give me a moment I can find those areas in the report where --

MR. SHEEHAN: He just testified he doesn't have a legal knowledge. He's not --

MR. HOLIDAY: That misstates his testimony. Let's -JD Reporting, Inc.
let's read the report so we're not arguing without sources here.

MR. SHEEHAN: Your Honor, he has no foundation. He's not a lawyer and he's --

MR. HOLIDAY: Well, on page 13 of the report, pursuant to the terms of the operating agreement, these payments may have required Nancy's approval. While this termination will be assessed by the trier of fact that there [indiscernible] Section 3.3 and 3.4 of the operating agreement may support Nancy's assertion that she should not have been obligated to contribute towards these. All the way through his report he is tying his opinions to the operating agreement.

MR. SHEEHAN: You just heard it. He said Nancy's asserting this. It's up to the trier of fact to determine that, which it is. It's not his job and potential, you know, it's all speculation. But anyway we're doing a trial to determine that stuff. He can say these are the numbers -MR. HOLIDAY: Our expert opined in it in his report, Your Honor.

THE COURT: Well, he's not -- that's not really an opinion. He's saying may, and that's really not within the scope of his expertise in order to interpret an operating agreement. He's here for the financial aspects of it.

The one I would ask is you need -- really y'all need Mr. Schnitzer because what's coming up is we have a he said, a JD Reporting, Inc.
he, he said versus she said as far as the interpretations of this operating agreement and everyone thus far has indicated they relied on the attorney who drafted it.

MR. HOLIDAY: Well --
THE COURT: So I hope at some point we hear from Mr. Schnitzer on this issue, but this is not the correct witness for those issues.

MR. HOLIDAY: All right. Well, I would -- I have an argument that I feel is my ethical obligation to bring up regarding Mr. Schnitzer's opinion, but we'll cover that when -THE COURT: When the time comes. MR. HOLIDAY: Okay. THE COURT: Okay. BY MR. HOLIDAY:

Q All right. So moving on, where were we? So we were talking about the additional payments to Sean Evenden, and I believe the testimony was interrupted. Can you continue to elaborate where you left off.

A Yes.
Q All right. Thank you.
A I believe you'd asked about the salary and so Section 3.6 of the operating agreement also and specifically just from a plain read states, No member shall receive compensation for services rendered to Life Realty except as expressly permitted by this agreement or any other written
agreement. So while not making an interpretation of the operating agreements, speaking from my experience I'm essentially constructing the buckets that would apply to each of the terms of the operating agreement should the trier of fact find that they apply in this particular case.

Q All right. And so in doing that, did you come up with a total for those additional payments to Sean Evenden that will be our economic damages that he owes to NRS?

A Yes. In potential economic damages because I'm an economic expert, I'm not a liability expert, but approximately 42,000 , just shy of $\$ 43,000$ on page 13 of my report.

Q All right. Very well. And so -- and that's based on your understanding of the -- you're adding them in based on an understanding of the operating agreement which is in dispute; correct?

A That's fair, yes.
Q Okay. Did you review the second amendment to the office lease?

A I did, yes.
Q All right. Did you observe Nancy or Robert Haack's signatures on the second amendment to the office lease?

A I noticed a space for the signatures, but their signatures were not on the executed copy that I received.

Q All right. And can you please explain your understanding of the second amendment to the office lease.

A My understanding is that it sought to expand the space that was already in that particular area. My understanding according to the complaint was that there was a requirement of some $\$ 200,000$ for securing that space.

Q All right. And that was -- was that as a security deposit, tenant improvement; do you remember?

A I can't specifically -- I can't specifically recall. There was a security deposit referenced in that amendment, but it was only about $\$ 10,000$. So I'm not quite sure how or where the $\$ 200,000$ may have been referenced.

Q All right. Can you please explain paragraph 6 of the second amendment to the office lease. It's very open-ended so I'm just going to ask that.

A This is just a reference to the base rent that was to be paid over a period of time through what appears to be 91 months.

Q Okay. And do you observe monthly payments to the Vestar Property Management?

A Yes, we did.
MR. SHEEHAN: What -- what, I'm sorry. What lease is that?

THE WITNESS: This is the -- the one that was unexecuted by the plaintiff. It says second amended -- second amendment to office lease.

MR. SHEEHAN: Is that for the expansion space?

JD Reporting, Inc.

THE WITNESS: Yes, it is. BY MR. HOLIDAY:

Q Okay. Now, how much did you observe in monthly payments to Vestar Management?

A As limited by our -- the period of time for which we had information from approximately April of 2016 through May of 2018 there were about total of $\$ 266,000$ in payments to Vestar.

Q Okay.
A And again we were missing some financial information that may have changed that number.

Q Okay. And based on your understanding of regular damage calculations -- we kind of got to those, and made that interpretation on the documents may be in dispute, but based on your understanding of the operating agreement and other documents, was Nancy obligated to pay on those?

A Based on my understanding of the operating agreement, specifically I believe Sections 3 -- 3.3 and 3.4 regarding the avoidance of obligating of potentially none.

Q Okay. Now, I want to ask a question a little out of order here. In your report did you identify oddities in the payments being made to Vestar Property Management by NRS or irregularities?

A Yes.
Q Okay. Could you describe what those irregularities JD Reporting, Inc.
were.
A The proposed amendment to the office lease was dated February 2017. It was blank as to the day. But when we reviewed the monthly payments that we received information for, for Vestar Property Management, it looked like while Nancy was there the payments approximated until about March of '17 about \$7500 a month.

Q Okay.
A After that there was a large payment then the payments jumped up to about 10 or $\$ 11,000$ a month.

Q Okay. In April of 2017 -- let me just make sure I've got it right in front of me so I don't quote it -- misquote from memory when I ask this question.

But if you have it in front of you, was the payment in I believe it was April -- April 10th, 2017, how much was the payment made at that point?

A Payments on that date was $\$ 29,224.90$ and prior to that the payments had been approximately 7500. Subsequent to that starting in May 2nd of '17 it was 10,000 and thereafter it was 11,000 and increased from there.

Q All right. Now, in the time period that you observed, what is the difference between how much was paid on these higher payments versus what the monthly rent was before Nancy left?

A So essentially the difference between approximately JD Reporting, Inc.

7500 and 11,000 would net a difference of about $\$ 3500$.
Q With one exceptionally large payment in April of 2017?

A That's correct, yes.
Q All right. Did you receive any information explaining why those payments of interest to best bar -- Vestar Property Management went up so much?

A Not that I can recall, no.
Q Okay. All right. Also during the course of your analysis did you come across transactions not already mentioned that raised questions along the lines of, you know, let's say transactions that could possibly be interpreted as -- or payments possibly interpreted as for the personal benefit of the defendants?

A Potentially, yes.
Q Okay. Can you elaborate what those were.
A Sure. And then again given the restrictions of the period of time for which we had information and the fact that we were missing quite a few canceled checks which would have allowed us to identify more payees and potentially expand the scope of the universe of these questionable transactions.

We had payments to American General Life Insurance that appeared to be -- we had payments to American General Life Insurance for which we sought clarification. There were some payments to Warrior Wraps. Payments to Fennemore Craig,
defendants' counsel. And again these payments are all coming from NRS Realty of these seven accounts that we reviewed for NRS .

Q All right. And this only goes up to the time of your report in July of 2018; correct?

A Yes, but -- but further limited because of the statements we received only went through May of '18. So it doesn't include June or July.

Q Okay.
A There were payments to Life Real Estate as well, and then there were transfers to accounts as I believed to earlier that did not appear to be in the seven that we reviewed.

Q Right. So these transfers appear to be bank transfers like would you -- was there some reason to believe they were intrabusiness bank transfers?

A Not -- not specifically. So on page 17 of our report we identify the transactions that we saw. Then with the restrictions again on the data that -- and the information that we received.

Q Okay. Page 17. All right. Did you receive responses regarding this -- when it says the account, that's the account that it went from?

A It depends. So the column to the left of the account headed column, if it says outflow then it means monies went out of the account to the right. If it says inflow it means monies
went into the account from the right, and the source of the outflow would be in the description column.

So, for example, in that first reference line, reference Number 1 from account 9137 which is one of the seven accounts we reviewed, there was $\$ 667$ on that particular day to an account ending in 1271 for which we have no information.

Q All right. And these are transfers to a checking account?

A That particular transaction is to a checking account. For all 30 that are listed on page 17, they do reference a checking account in that description column.

Q All right. So 9 through 30 all appear to be transfers regarding one checking account?

A Regarding various checking accounts. So the first six appear to go to or interact with account 1271. And then there's also an account 0183, 2638 and a series of transactions involving a 6001 account.

Q Right. And you indicated in your report you needed some -- how would you characterize the invoices or documents proving what these transfers were for?

A Generally just documentation that would allow us to identify the NRS business purpose of these transfers, these payments.

Q Okay. And did you receive any response -- response of documents showing the business purpose of these transfers? JD Reporting, Inc.

A Not to my knowledge, no.
Q All right. What is Lone Wolf?
A Lone Wolf is an account -- well, it's a software that's used by real-estate-based entities that provides various financial information for those entities.

Q All right. And Lone Wolf isn't the same as online QuickBooks; right?

A That's correct, yes.
Q Okay. And online QuickBooks directly connects with your online banking accounts; correct?

A Not necessarily.
Q Okay.
A So there are different versions of QuickBooks, but the online version that you're referring to basically means that various individuals can access through the Internet data in QuickBooks. Not necessarily connecting directly to the underlying bank statements, most of which were at Chase. But connecting to data that would support financial reports so you can run it from QuickBooks.

Q Okay. You got online view access to QuickBooks at one point; correct?

A That's correct, yes.
Q All right. Do you recall if their QuickBooks was directly linked to the seven checking accounts?

A I can't specifically recall.

Q Okay. So it may have been individually entered. It may have been automatically feeding in from the base?

A It -- it depends. Usually in my experience the QuickBooks information is not tied directly to the bank accounts. There's usually a process by which it is transferred from the active bank accounts to the QuickBooks program. But I can't specifically recall in this instance.

Q Okay. So why is there QuickBooks on one hand and Lone Wolf on the other hand?

A The dual programs running contemporaneously can exist for various reasons. But in this particular instance when we sought to correlate the information, for example, looking at Lone Wolf and looking at QuickBooks, we should have been able to see some similarities in the numbers, and we should have been able to identify the discrepancies and the reason for the discrepancies. And that's something that we sought to do during some analysis, but we were ultimately unable to do.

Q All right. So the difference in the totals there -let me -- let's turn to this in the expert report.

Can you indicate when you're, from your expert report where you go over the differences in the total between those two accounting programs.

A These are just examples of differences, but on pages 17 and 18 of the report.

Q Okay. Okay. So I see there in the 2017 profit and JD Reporting, Inc.
loss statements in Lone Wolf and QuickBooks there was a different net income showing for NRS; is that right?

A Yes. That's correct.
Q All right. And for 2017 it showed 709,000 for -excuse me look where those differences.

A In Lone Wolf it showed $\$ 709,287$ and again this is net income. So it says revenues minus expenses. In QuickBooks it showed approximately $\$ 214,000$.

Q Okay. That's about a half million dollar difference; is that right?

A Approximately, yes.
Q Okay. And in 2018 up to the end of May we have records, what was the difference in net income?

A For that five month period, Lone Wolf showed profits of about or net income of about $\$ 709,000$ and Life Realty showed a loss of about $\$ 121,000$. So the difference there would be about \$830,000.

Q Okay. And no information was provided for you that there was a separate -- no information or proof was provided for you -- to you of a separate Lone Wolf account?

A That's correct.
Q All right. Are the separate Lone Wolf account for the what you call these -- how you call it? Life Real Estate --

A Life Real Estate.

Q As this -- your phrasing of it is differently -different than the ones we use, but no evidence was shown to you of a separate account?

A The -- the only assets that I understand were provided was to NRS or Life Realty. I understand from one of Sean's interrogatory responses, I believe in August of '18 that Roger had hired or would be hiring -- actually, I think the way it was termed was had hired an auditor to go through and reconcile the differences. But we never ultimately received that audit or its results.

Q There was no -- nothing produced to you to show that an auditor was hired?

A That's correct, yes.
Q Okay. Very well. Now -- all right. And this understanding that Sean was going to hire an auditor, where did you get that information from in the record?

A My understanding was that Roger had hired an auditor and that came from a response in Sean's -- to an interrogatory by Sean.

Q All right. So he said under -- so a signed interrogatory by -- was it by signed by Sean personally; do you know?

A I received interrogatory responses for both Sean and for Roger. They were in August of '18. So it would have been after the issuance of this report, but Sean's response to that
interrogatory specifically asking about the discrepancy between Lone Wolf and QuickBooks was that Roger had hired an auditor to perform essentially an audit to reconcile.

Q All right. So if it were represented to this Court on multiple occasions that your report identified nothing wrong, would you characterize that as accurate summary of your report?

A No, I would say that would be inaccurate.
Q Thank you. So overall, what observations did you make regarding your forensic accounting analysis?

A Essentially we had questions related to accounting improprieties potentially discremp -- I'm a water drinker and there's no water up here so.

Q Oh, I'm so sorry. THE COURT: Jas, could you get him something. THE WITNESS: I'm sorry. THE COURT: No problem. THE WITNESS: On the forensic accounting side, again to the extent limited by the information we received, bank statements and the canceled checks that we were missing certain information. Some of the information that we had been provided was illegible, meaning when we sought to identify information from the canceled checks, the payee was illegible to a certain extent. And what that unfortunately did is it precluded us from being able to provide potentially more questionable

JD Reporting, Inc.
transactions.
We also again terminated in about May of '18 so we received no real financial -- no real financial information subsequent to that date. Again, the discrepancies between the source of information led to questions that subsequent to the issuance of this report about a month later we had an understanding would be resolved potentially from a forthcoming audit that we never received.

Q I see. Let me ask you this. All right. Now, it says throughout your report how you tied your analysis to the operating agreement. Do you recall Section 8 of the operating agreement books and records, the article on books and records?

A I'm just looking to my report to refresh my recollection as to whether that was specifically referenced. In the report itself we referenced Section 8.3 and 8.4, but I believe the section you were referring to is Section 8.3.

Q Okay. So that's the clause in the contract which gives any agent of a member the right to inspect any accounting records of the company --

MR. SHEEHAN: Again, objection, Your Honor. This is all legal conclusion stuff.

MR. HOLIDAY: All right. Well, you reference --
MR. SHEEHAN: In fact, he's completed the report at this point.

MR. HOLIDAY: Okay.

JD Reporting, Inc.

BY MR. HOLIDAY:
Q But you did reference that section of the operating agreement?

A I did, yes.
Q All right. And earlier you testified that your access -- your remote access that you had was turned off?

A That's right.
Q Okay. All right. So what information would it allow you to refine your assessments?

MR. SHEEHAN: Objection. Relevance, Your Honor. If they didn't go get, well, they actually did but -- what's in the report is what's in the report.

THE COURT: Yeah. We can't -- we really need to put the contents of the report and opinions.

BY MR. HOLIDAY:
Q All right. Please identify -- could you please identify Nancy's economic damage claims.

A So to the extent that again with the restrictions on the information we received and our scope of engagement, we assessed that the economic damages claimed were comprised and we have this referenced on page 19 of our report. Alleged accounting or operating agreement based improprieties that we discussed as well as the potential misappropriation of corporate assets from NRS and the formation of Life Real Estate by the defendants.

Q Okay. What were your ultimate opinions in your July 18th, 2018, report?

A Ultimately, and this is on page 20 of our report, we referenced essentially two damage elements or observations. One was that there were damages related to -- or again potential damages related to alleged accounting operating agreement based improprieties, and that the formation of Life Real Estate and the potential dissipation of assets from NRS Realty could also have formed an element of economic damages to NRS or Nancy.

Q All right. Was there a conclusion that the assets of NRS-- that the assets of NRS were being dissipated?

A We had a number of questions relative to the use of funds which would have been questions relative to the dissipation of assets, yes.

Q All right. And -MR. SHEEHAN: Let the record reflect there's nothing in there on the report about that. So that's obviously outside --

MR. HOLIDAY: I think you can get it in your cross-examination. I believe it would be a proper for him to get to it in his cross-examination, Your Honor.

THE COURT: Just continue, please.
MR. HOLIDAY: Thank you. All right. All right.
I'll pass the witness now, Your Honor.

JD Reporting, Inc.

THE COURT: Can we just take a small break, 5 minute break.

MR. HOLIDAY: Oh, sure.
(Recess taken 2:39 p.m. to 2:56 p.m.)
THE COURT: No, let him finish.
MR. SHEEHAN: That was Jerry Schnitzer's office. I just wanted to confirm -- he's in Argentina so I just want to confirm, before I keep making that representation, I wanted to confirm that with his assistant.

THE COURT: That's a long way to come back for.
MR. SHEEHAN: It's in March 3rd, but we can address
that issue at another time. I did look up the rule on that, and we can use his deposition, but if you prefer to wait until he comes we can do that also.

THE COURT: I don't really have a --
MR. SHEEHAN: We can address that tomorrow morning.
THE COURT: Okay.
THE CLERK: We're on the record.
THE COURT: Okay. Perfect. Thank you. Whenever you're ready Mr. Sheehan.

## CROSS-EXAMINATION

BY MR. SHEEHAN:
Q Good afternoon, sir.
A Good afternoon.
Q We've actually met before; correct?

JD Reporting, Inc.

A We have, yes.
Q And I commented about how impressed I was with you; correct?

A Hopefully that hasn't changed.
Q It hasn't. So I heard what -- what you testified, and what you testified is you went through 23,000 transactions; correct?

A Correct. During the period of time from January of 2016 through May of 2018.

Q Okay. And can you turn to behind your report. MR. SHEEHAN: Which is FFF, Your Honor, in our exhibits.

THE COURT: That reminds me, what was it from a Christmas story FFF. Did you ever see that show? How could you not; it's on over and over again for Christmas. Okay. THE WITNESS: I have it in front of me.

BY MR. SHEEHAN:
Q All right. And if you turn to page 19.
MR. SHEEHAN: And again, Your Honor, I ask your indulgence if you could do this and also turn to page 19 of Exhibit FFF.

THE COURT: Do you have my book?
THE WITNESS: I have it in front of me.
THE COURT: All right. Okay. Got it.
MR. SHEEHAN: So page 19.

JD Reporting, Inc.

THE COURT: FFF?
UNIDENTIFIED SPEAKER: Is it the four Fs?
MR. SHEEHAN: Four Fs.
THE COURT: Four Fs. Got you. I wasn't in the four Fs. Page 19. All right. Got it.

BY MR. SHEEHAN:
Q Okay. And this is your assessment of economic damages; correct?

A It is, yes.
Q This is your final conclusion; correct?
A Well, this is a observation of conclusion at the time the report was retrieved.

Q Right. But there hasn't been any report -- I heard your testimony, and your testimony was that this was preliminary and identified potential areas; correct?

A I would say it was an ongoing report as opposed to preliminary, and it did identify potential areas, yes.

Q Okay. But as far as what your conclusion was, your conclusion is one, damages related to alleged accounting operating agreement based improprieties; correct?

A That's correct, yes.
Q And two, damages related to defendant's alleged misappropriation of corporate assets in the formation of Life Real Estate a competing entity; correct?

JD Reporting, Inc.

Q Okay. There's no specifics in there.
A Those would be contained on pages 20 and 21.
Q Okay. And on page 20 and 21 I don't see any numbers.
A That's because the numbers referenced there had been recovered in earlier sections of the report. By way of example, Damage Element Number 1, the first bullet, and this is on page 20, salary payments too are on behalf of Sean and Roger. That was the section that was covered earlier in the report. Same thing for the remaining bullets 2 through 5.

Q But in all of those is -- was all potential. In other words, if -- let me put it another way. You've identified the five areas. Salary payments on page 20. Salary payments to Sean and Roger; right?

A Yes.
Q And you don't know whether those are appropriate or inappropriate, but if the Judge rules they're inappropriate, you're saying those would be -- that those would be wrong?

A That's fair, yes.
Q Okay. And then payments to on behalf of Sean Evenden again there were these salary payments; correct?

A Yes or payments that were to Sean without characterization as to whether it was salary or something else.

Q Okay. And then there were payments to Vestar
Management that was the lease payments; correct?
A That's correct, yes.

JD Reporting, Inc.

Q But you don't really know what the lease payments -well, let me, I'll discuss that in just a second. And then you've got transaction's that require additional clarification?

## A Yes.

Q Okay. And then you've got discrepancies in accounting records. That's not really a damage; that's just a comment that there were discrepancies in the accounting records; correct?

A Well, they could be. So to the extent that there's a discrepancy between Lone Wolf and QuickBooks which are just two sources of information, another source of information would be reconstructive financials from the bank statements. But to the extent that there's a disparity and that disparity can be significant, that would have an impact that could constitute damages. And so --

Q Okay. So it could constitute damages?
A Yes, and my qualifiers I indicate in the report, the reason why I qualify with words such as potential are because when looking at economic damages, there are the two components, the liability components and the actual quantification component. The quantification is predicated on the liability. I'm not speaking to liabilities. So the potential is there because I'm not a liability expert.

Q And did you know that the QuickBooks were just for the property management side of the business?

A I can't specifically recall.
Q Did you know that the Lone Wolf was the real estate side of the business?

A It had real estate information in there, yes, but if you're --

Q Well, that -- that's okay, sir. All right. Now, let me ask you this, sir. So you identified -- what you did is you identified a bunch of potential transactions that you needed -of the 23,000 you identified some potential transactions that needed some more information. You set them forth in this report, and then you told the lawyer about these potential and you left it to the lawyer to go find out more information about these potential transactions and, in fact, the lawyer sent out interrogatories and you reviewed the interrogatory responses; fair enough?

A Not quite. You know, we were missing, again we had 2400 canceled checks that were not incorporated into this analysis. They totaled $\$ 3$ million. That's a substantiative number. Having that information would have been helpful for this analysis, but we didn't have it for this analysis.

Q And I understand that, and you've said that many times that you needed more information to take potential transactions into saying definitively this was improper; fair enough?

A I would say they were actual transactions. These JD Reporting, Inc.
transactions are reflected in the bank statement so they did transpire, but whether or not they constituted economic damages to the plaintiffs is predicated on the proof of liability.

Q All right. And let's take, for example, the Vestar payments which I believe is on page 14.

A I have it in front of me, yes.
Q Okay. Now, let's -- let me just -- what was the lease payment for the original NRS space, the monthly lease payment?

A I'm not quite sure in terms of the original lease, but for the period of time that we were reviewing, the first entry here and this is on page 14 of our report reference one, is an \$18,000 check. The actual --

Q Sir, sir?
A Yes.
Q Did you ever see the lease?
A The original lease?
Q Yes.
A I can tell you, at least as of the date of this report. To the extent that it was, I'm looking at pages 23 and 24 of my report which is Appendix 1. So to the extent it may be included in some of those pleadings or filings then I would have that. If not, then I may not have received it at the time of this report. I may have received it subsequently.

Q So it's not. The lease isn't listed on here.

JD Reporting, Inc.

A No, but there are various Bates ranges --
Q The simple question is, what was the monthly lease payment owed on the original NRS space; do you know as we sit here today?

A As I sit here I can't specifically recall.
Q All right. And do you know from your background that there's two components of a lease payment generally speaking, the base rent plus common area maintenance charges?

A That's fair.
Q Okay. And it looks to me that the lease payment was right around $\$ 11,000$; is that fair? That's -- I think that's what you testified.

A Well, after a certain period of time, referring back to --

Q Well, let me stand to correct. You don't actually know what that is, but you see that there's a number of $\$ 11,000$ payments on there; correct?

A After the payment was 7500 prior to Nancy's departure, yes.

Q So would you have any reason to disagree that the landlord didn't charge the common area maintenance for seven months; do you see where the -- the -- after, you know, the 10,300 payment on $7 / 28$ that from the next seven months they didn't charge common area maintenance; do you see that? The lease payment was $\$ 2500$ short?

JD Reporting, Inc.

MR. HOLIDAY: Objection. These are not facts in evidence in the report or in the lease.

MR. SHEEHAN: Well, that's the point. You don't know what these payments were for and whether they included common area maintenance or not.

THE COURT: Your objection's overruled.
THE WITNESS: Well, these payments are to Vestar Property Management so the assumption is that they are for the lease of this space. As to the constitution of the payment itself I don't have that information. BY MR. SHEEHAN:

Q Okay. But you can see that there -- there was seven months where the payment was 7500 and then a lot of months thereafter where the payment's 11,000?

A I do. Yes.
Q And so it is possible that the landlord forgot to charge common area maintenance for seven months?

A I'd say a lot of things are possible. If documentation is provided indicating that there was a period of time during which CAM was not charged that may be a reasonable explanation.

Q Okay. Because you notice then the next payment that 29,000 is basically the 11,000 plus the missing CAM for those seven months, roughly; you see that?

A The $\$ 29,000$ ?

JD Reporting, Inc.

Q Yes. Do you see the 29,000 comes after seven months where the payment was missing the CAMS?

A Again, this is a representation that you're making. I don't know if CAMS are missing or not, but if you're saying that some portion of that $\$ 7500$ should be incremented for additional charges such as CAMS and that the $\$ 29,000$ on reference 12 with the schedule is a reflection of a catch-up, I don't have any information to disagree with that.

Q Okay. So that could be?
A A lot of things could be but --
Q Okay.
A -- if the documentation is provided, if that's an explanation, then that's an explanation.

Q Let's take, for example, a look at the -- you mentioned American General Life Insurance; correct?

A That's correct.
Q Now, backing up a little bit. After you did this report, you got together with prior counsel Mr. Shelton, and you divide some interrogatories that were sent to us, you referenced them earlier that you read the responses; correct?

A Yes, that's fair.
Q Okay. And you saw that my clients provided explanations to all the questions that were asked; fair enough?

A I see -- I saw a lot of references to general references, I, mean there were some explanations, but there JD Reporting, Inc.
were a lot more ambiguous references.
Q But that's the -- that's the system or that's the process, you know, you -- you have to rely on your counsel to get you the information that you want. So you provided him this report. You asked him to send out document requests and interrogatories to get some more information. That was provided by my clients, and you reviewed that; correct?

A I don't know. I don't know the extent to which information that we requested was ultimately provided.

Q Okay. But you did review the responses; correct?
A If you're referring specifically to the interrogatories, yes.

Q And there was also document requests where we produced the documents; do you remember that?

A We received some documents.
Q Okay. All right.
MR. SHEEHAN: May I approach the witness, Your Honor? THE COURT: Yes, sir.

MR. SHEEHAN: For example, Defendants' 2, Your Honor, the second paper.

THE COURT: I don't know what you're talking about.
MR. SHEEHAN: Second paper clipped down.
BY MR. SHEEHAN:
Q The explanation was provided with respect to the license, the real estate, excuse me, the life insurance, we
provided documentation showing an online transfer back of the \$6,558 and that was paid; correct?

MR. HOLIDAY: What page was that?
MR. SHEEHAN: It's in the --
THE WITNESS: 627628. I see that transaction.
MR. HOLIDAY: Do you have another page number on that?

MR. SHEEHAN: It's the third one down. A check for 6,558. BY MR. SHEEHAN:

Q Now, for example, with respect to the payments to the Warrior Wraps, were you aware that that was for the window covering for the Spring Mountain location?

A I can't specifically recall. At the time of our report likely not; otherwise, we would have indicated as such.

Q Okay. But there was further information that was provided to answer questions in the form of the interrogatory document requests; correct?

A A --
Q You didn't -- oh, I'm sorry.
A Oh, sorry.
Q That's fine.
A Yes, there was information that accompanied the interrogatory responses; that's correct.

Q Okay.

A And I guess for clarification, the interrogatory responses were after the issuance of our report.

Q Okay. And by the way, there's a -- you had a series of correspondence with Jessica Johnson to get back and forth; you asked for information, she would provide it. She asked you to highlight certain things so that -- she could try to narrow the list down and you guys cooperated. You got along.

A I think that's a fair assessment, yes.
Q Okay.
MR. SHEEHAN: No further questions, Your Honor.
THE COURT: Any follow-up?
REDIRECT EXAMINATION
BY MR. HOLIDAY:
Q All right. So the one thing he brought up, when you were going through the QuickBooks records --

A Right.
Q -- you indicated there were seven accounts that you reviewed?

A There were seven accounts in the actual statements that we received, yes.

Q Okay. And in the QuickBooks records, the QuickBook records had the operating account that they were using; correct?

A Operating accounts and other accounts that characterized as commission accounts.

Q Okay. So there was a property management account and there were other accounts; is that right?

A I can't specifically recall.
Q Okay. Can you go to the NRS binder. MR. SHEEHAN: You might have to help him.

THE WITNESS: Oh, I see.
MR. HOLIDAY: Right.
THE WITNESS: Okay.
BY MR. HOLIDAY:
Q All right. I'd represent to you that these are QuickBook records from NRS. Does that look like what they are?

A Is there a specific tab that you would like me to read?

Q Just go through all the --
A It does appear that from the cover page to this binder there are references to QuickBooks on Tab 54 and 55.

Q All right. And there's some management reports summarizing the period -- one of those management reports it summarizes the period of the end of your expert's opinion up to the time the report was made. I just want you to take a look at all of these records directly from the QuickBooks that are in evidence.

MR. SHEEHAN: Your Honor, this is way outside the cross.

MR. HOLIDAY: It's exactly within the cross because JD Reporting, Inc.
he claimed -- he made a loaded question claiming that the QuickBooks only had a property management account. I've looked at it. And Nancy's looked at it. We have things in evidence going back to the day after his report.

THE COURT: Okay. Well, that's kind of the question. They did ask about the property management account being the only thing coming out of that account.

MR. HOLIDAY: Right. [Indiscernible].
BY MR. HOLIDAY:
Q I would just like to have you go ahead and look and after you've reviewed that sufficiently, the profit and loss statements that are all in there, can you tell me if QuickBooks was limited to just the property management account or if it's for the whole business.

A So I'm looking right now at Tab 54 which covers the period through January 18th of 2020.

Q Oh, not --
A Oh, no.
Q They both cover till that point.
MR. SHEEHAN: We'll stipulate that the QuickBooks could've included property management also.

MR. HOLIDAY: It covered both.
MR. SHEEHAN: Okay.
MR. HOLIDAY: All right.
THE WITNESS: I was just going to say, I mean, in our JD Reporting, Inc.
report when we referenced the revenue differences between Lone Wolf and QuickBooks, this is on page 17 of our report. In Lone Wolf the revenues for 2017 are about $\$ 5.8$ million and in QuickBooks they're about $\$ 5.7 \mathrm{million}$. So they're relatively similar, which would lead me to believe that the information contained in both has to be relatively similar as well; otherwise, there would be a more significant discrepancy. There is a significant discrepancy in the net income because there could be differences in the expenses included, but the fact that the revenues were relatively similar would indicate to me that the activity contained in both QuickBooks and the Lone Wolf would be relatively the same.

BY MR. HOLIDAY:
Q All right. And it's not relatively plausible that they represent different bank accounts in that sense?

A I'm not sure.
Q Okay. I understand you're not sure. It, like you said, the gross revenue for that one time period you stated was very close.

A Yes.
Q All right. And that indicated to you that they're probably sourcing to the same accounts?

A Revenue generation is, is how in accounting parlance the sources of the revenues must be similar in order for that difference to be relatively de minimis all things considered.

JD Reporting, Inc.

Q All right. And essentially just to clarify that one question that were you aware that Lone Wolf is this and these accounts and QuickBooks are these accounts. The QuickBooks records you're showing going from the date of your report don't reflect that the basis established in that question; isn't that true?

A I can't tell.
Q All right. Fair enough.
MS. HAACK: Your Honor.
THE COURT: Yes, ma'am. MS. HAACK: Would I be able to ask a couple questions?

THE COURT: Well, they should've already been covered by your counsel.

MR. SHEEHAN: He went through the whole report.
MS. HAACK: No, there's just a question I have about the balance sheets that have no beginning balances. How I was able to review them before.

THE COURT: No.
MS. HAACK: Okay.
THE COURT: Is there anything else of this gentlemen?
MR. HOLIDAY: No, Your Honor.
THE COURT: Thank you, sir, for your time.
MR. HOLIDAY: All right. At this point I'd like to pass to --

MR. SHEEHAN: Well, we're still with Ms. Haack. MR. HOLIDAY: Oh, you -THE COURT: Yeah, he was on cross. MR. HOLIDAY: Okay. Very well. You can go back up. MR. SHEEHAN: May I approach the witness, ma'am? THE COURT: Yes, sir. MR. HOLIDAY: Where are we going to be starting? MR. SHEEHAN: We are behind V. We left off behind Tab V.

THE COURT: Okay. MR. SHEEHAN: Down to Defendants' 0123. NANCY HAACK
(having been recalled as a witness and previously sworn, testified as follows:)

CONTINUED CROSS-EXAMINATION
BY MR. SHEEHAN:
Q Again, these are the texts back and forth between you and my clients right after or within weeks after the Balboa meeting and you see where my client said, you said you want to retire, don't want risk anymore. Then do it. Do you see that?

A Uh-huh.
Q Okay. So again my client is referencing the fact you said you wanted to retire at that meeting at Balboa. I know you disagree with that, but my client is referencing that in a text to you?

A Right. Your client is referencing that he thought I should retire in that text, yes.

Q No, the text says you said you want to retire. Does the text say you said you want to retire?

A Yes. Does the text say you said you want to retire. Yes, the text says that.

Q All right. And then on the next page, 124 at the bottom, my client again says, you don't get equal 33 percent for retiring. And no liability; correct?

A I think I missed the page there, sorry, which one?
Q The next page, 124.
A And what did you say it says?
Q My client says you don't get equal 33 and a third -33.33 percent for retiring and no liability.

A Oh, okay, I see it, yes. That says that.
Q And then the next page, and these are all again the texts and it's right up to the Balboa meeting. And that was Roger Ayala's text. Now, at the top of the next page what does Sean Evenden say?

A Nancy, you make no sense, is that the page you're on?
Q Yes.
A You tell us you're retiring. You're going to have something from your attorney for us, and three weeks later you are telling us to speak to an attorney. What is it you want? This is all we are asking.

Q Okay.
A Want me to keep reading?
Q Well, and what's your response down at the bottom there?

A I never said I have something from an attorney for me. There was a paper for NRS to say you want him to look at the operating agreement.

Q Okay.
A Do you want me to keep reading?
Q No. So my client says to you, Nancy -- we're referencing the Balboa meeting -- Nancy, you make no sense. You tell us you're retiring. You're going to have something from your attorney for us, and three weeks later you're telling us to speak to an attorney. And your response is, I never said I have something from an attorney. You don't deny in that text that you said you were retiring; is that true?

A In your opinion, hmmm.
Q That's -- you would agree that the text referenced -that your response text disputes the fact that you said you were going to have something from an attorney, but it does not dispute the fact that you said you were retiring; correct?

A Mr. Sheehan --
Q I'm asking you a question, does that -- does your response text just dispute one?

A When your client said --

MR. SHEEHAN: Your Honor, nonresponsive.
THE COURT: Please, just answer the question.
THE WITNESS: That's how your clients answered it.
BY MR. SHEEHAN:
Q No. I --
A Your defendants --
THE COURT: No, no. You need to answer the question, ma'am.

THE WITNESS: It reads that, but it's only part of it.

BY MR. SHEEHAN:
Q Okay. Thank you.
A It doesn't say I said that. I'm a little tired of that.

Q All right. Now, did you say at the Balboa meeting that you were going to step back from any of the decision-making?

A I said when you open your office across the way and you do your construction, I will not be involved in your decisions.

Q But didn't you say that with respect to the NRS --
A Never said that to NRS. Never.
Q Turn to 20 -- 127, please.
A Okay.
Q You see where it says, I said up to seven years so JD Reporting, Inc.
you would -- you would work or you would -- I said up to seven years with no decision-making.

A About your operations. Finish the sentence.
Q Okay. All right.
THE COURT: Ma'am, you're not standing there right now, okay. You're sitting there which means you answer the questions. Okay. This is like at this point he's asking questions to get information. It doesn't help me if you sit here and just have, I don't even know what you call it, but I need information, please. BY MR. SHEEHAN:

Q All right. We covered this earlier, but you did agree that you did not want to contribute any -- any towards the losses on the expansion side; correct?

A We discussed the suggestions that I made. That was part of a suggestion that was never accepted.

Q Okay. At the Balboa meeting you said, I don't -- I'm not going to sign the lease. I'm not going to be responsible for any losses, but I'll work for free for seven years. That will be my contribution. That was your suggestion; fair enough?

A Correct.
Q Okay.
A Yes.
Q Okay. And you mentioned in an email or text that you JD Reporting, Inc.
didn't want to contribute to any losses because you only made a fraction of what they make in the real estate business?

A Exactly, yes.
Q Okay. What does it have to do with the ownership of the company and being a one-third owner entitled to the profits whether you should have to pay the losses or not how much income you make from your separate business and how much income they make from their separate business?

A That's an open-ended question. So I'm going to answer it.

Q Sure.
A Okay. So when I do work all day, and they listed nine responsibilities that they have no part in, I did not get the freedom to sell real estate like they did. And year after year going from 3 agents to 45 and now planning to go to 80, would take more of my time away from selling real estate. And while Sean had several employees working to help him build his property management department, Roger had none and I had none, but I had all the responsibilities for 45 agents. So there was no way I would have enough time to build my business like they had for seven years. That's the difference.

Q Okay. So what you're saying it would be unfair to make you work for free if you were doing work that they weren't doing?

A Thank you, yes.

JD Reporting, Inc.

Q So then why shouldn't they get paid a salary for doing work that they're doing that you're not doing two months ago?

MR. HOLIDAY: Yeah, objection. Is this -- it's relevance, I mean, we're talking about fairness now instead of entitlement. I don't think the issue here is whether or not the salary was fair. I think it's whether or not they were legally entitled to give themselves a salary. So just talking about what's fair dealings isn't really relevant to the claims.

MR. SHEEHAN: How could it be more relevant --
THE WITNESS: Let me --
THE COURT: No, she's talked about what's fair throughout her examination, so please answer the question, okay.

THE WITNESS: In their letter dated March 10th removing my membership, they specifically say, you know we don't get salaries. You know that better than anyone because we use all the income from NRS to pay our overhead and expenses. So no, and you will be removed from the company. BY MR. SHEEHAN:

Q If -- but again, you just testified a few seconds ago that you didn't think it was fair that if you did work that they didn't do you should get a salary and they shouldn't.

A I asked --
Q So what's good for the goose should be good for the JD Reporting, Inc.
gander; would you agree with that?
A No. No.
Q All right.
A Mr. Sheehan, let me finish my answer.
Q All right. Let me -- let me I'll just -- no, I'll move on.

A I want to finish --
THE COURT: Ma'am.
THE WITNESS: Oh, my gosh.
THE COURT: No. It's not oh, my gosh, please. You know what, you have to let him ask the questions. I mean, there is a procedure. And you have to listen to what he's asking and answer, and what you're doing is you're answering his question and then you're going off on a totally different topic.

Now, your attorney will have a chance to come up and clarify -- have you clarify some things if he feels it's necessary, but if we keep going like this, this trial will go on indefinitely. And again, it prevents me from gathering the information I need to get a decision. I understand that you want your day, but I need information. BY MR. SHEEHAN:

Q All right. You see on 129 where Roger Ayala in the bold says, so let me get this straight. You don't want the liability or have to put any money in if it fails or has
issues, but you still want equal share of the profits; do you see that?

A I do.
Q Do you understand why Mr. Ayala would write that?
A No.
Q Okay.
A Not at all.
Q All right. And then underneath that in response to your statement about working, Mr. Evenden says, you mean what we worked for and earned, right, and he says you have every right to earn -- you have every right to earn as well. We have not put any limitations on you working here and earning; fair enough?

A Uh-huh. What it says that.
Q All right.
A Are you reading that, yes, that's what it says.
Q All right. Another -- turn behind X, please. And again Mr. Ayala puts in here, fine, we won't use your money. Problem solved. Correct?

A You read it correctly.
Q Okay. Now, you have said repeatedly that you -- it was your husband that didn't want to be on the lease, that you would be on the lease; correct?

A (No audible response.)
Q Can you turn behind Tab $X$, the second page down.

A Is that 136? 136? Mr. Sheehan?
Q Yes.
A Okay.
Q And you wrote, no, I don't want on a lease for seven more years. I've made that clear from the start because Sean said our spouses are not on after two years. Hmmmm, not true; do you see that?

A Yes, I do.
Q Okay. The first part says, no, I don't want to be on the lease for seven more years; right?

A Mr. Sheehan --
Q I'm just asking you if it says that.
A He reads that, yes. But that's taken out of context.
Q And then what does Mr. Ayala say in response?
A You're not getting equal profits without equal risk makes zero sense.

Q And I hate to beat a dead horse, but that does make zero sense that you would get the profits without being responsible for any losses, without contributing any money towards it, without signing, being taken on the risk for the lease; would you agree with that?

MR. HOLIDAY: Objection, Your Honor, relevance and as a legal -- that's the basis of a limited liability company that -- that's how it works whether it's corporation --

THE COURT: What's the argument? What --

JD Reporting, Inc.

MR. HOLIDAY: He's, like, making legal statements that aren't true saying that it doesn't make sense, and it's also just not even relevant.

MR. SHEEHAN: Your Honor, to begin --
MS. HAACK: You've got to --
MR. HOLIDAY: It's about whether or not it's fair not whether or not legally you're entitled to profits -THE COURT: Okay. So what's the -- the objection? Other than testifying.

MR. HOLIDAY: All right. So the --
THE COURT: No. Just give me an objection.
MR. HOLIDAY: -- the objection to the question is one to relevance and two, for making representations in the question as -- like follow-up representations in the question as to what's law.

MR. SHEEHAN: Your Honor, just to move this along, I'll move on.

THE COURT: That sounds wonderful. Thank you.
MR. HOLIDAY: Okay. Thank you.
BY MR. SHEEHAN:
Q All right. Let's turn behind X. Go down to the bottom, Defendants' 140. All right. Thursday, February 23rd, so almost a month after, three weeks after the Balboa meeting, we've been going back and forth about this, and Mr. Evenden says, Nancy, are you planning on signing a lease paperwork
today or tomorrow? Yes or no that's all I need to know at this time; do you see that?

A Uh-huh.
Q Do remember getting that -- that text?
A I sure do.
Q And what was your response?
A I hope to have an answer soon. I didn't even read it. That's why it doesn't show on mine. Maybe it's after why. MR. HOLIDAY: What Bates number is that?

BY MR. SHEEHAN:
Q It's behind $X$, last page. Now, behind Y, do you recall the text earlier where Sean Evenden said, hey, let's just sit down and try to resolve because otherwise we're going to get an attorneys involved, and it's going to cost us all a lot of money and time; do you remember that text?

A Should we move your membership, yes.
Q No, it didn't say that.
A It does say that. Go back to it, it does say that.
Q Let's just go on to the next one. Remember the one that I said that --

Sean, and I don't know if I'm using this word was prescient about the we're all going to be here; do you remember that one?

A Yes, and it says to remove your ownership, yes.

Q Okay. All right.
A I want to go back to that.
Q Okay. That's fair enough.
A Oh, okay.
Q Okay. We're talking about trying to resolve the issues, and he said let's sit down and resolve the issues; fair enough?

A No.
Q All right. Let's look at this one. Now, this one's from Roger Ayala, dated Sunday March 5th.

A Uh-huh.
Q And now we're well over a month after. Morning, Nancy, can you help me understand why we need to wait a week to get a formal response from your attorney about your retirement. We didn't use an attorney to send that to you. Our entire biz relationship you've always said how you dislike attorneys. Just seems like we should be able to work this out and when we do, then get attorneys involved. Just really feels not good after I thought we had a good talk Thursday; do you see that?

A I do.
Q And so in March you guys are still trying to resolve what -- how we're going to move forward now that you have said you don't want to be part of the expansion; fair enough?

A No, it is not the expansion, Mr. Sheehan; it is the lease.

Q Okay. The lease.
A Two different problems.
Q Okay. But you can't do the expansion without the lease; right?

A You can do an expansion anywhere in the city.
Q Okay. Doesn't it make most sense to do the expansion in the space across the hall, in the same location?

A Can I ask -- respond to that?
Q Yeah. Doesn't it make sense to do that?
A Do you think McDonald's would have grown if they built their second store in the back parking lot?

Q Okay. Ms. Haack, didn't you agree to do the expansion in the space across the hall in August the prior year?

A If my husband didn't have to sign the lease, yes.
Q Okay. And -- and -- all right. Did you tell that -did you go talk to the landlord to find out whether they -your husband was going to have to sign the lease?

A No, they told me not --
Q Did you ever tell these guys that you weren't going to agree to -- well, let me --

A Yes, I did.
Q -- rephrase that. In writing?
A No.
Q All right.

A It was verbal. Just like their verbal.
Q All right. And how do you explain all these text messages here where you say I have told you from the start I will not sign the lease?

A Without my husband --
Q I do not want to do seven years.
A Without my husband not signing the lease. That's all. He needed it.

Q Can you turn behind Tab Y, please.
A I'm there. Which page?
Q Behind Y, I'm sorry, yeah, fourth page down, 36.
A Okay. I'm there.
Q All right. It wasn't just the lease and it wasn't just your husband; it was you had a change of mind and you decided that you wanted out of the business and because after three build outs in seven years the company still wasn't making any money; correct?

A The company just made money, and they wanted to take the profit and build another expansion so there was no profit.

Q Okay.
A And I asked them very nicely to wait, and they said we really need to grow. So again, I would go without any income to keep building and keep working so we could make another expansion. And I agreed.

Q So why in August of 2016, if you didn't want to do JD Reporting, Inc.
this expansion because you knew that the expansion was going to result in the company not making any money for a couple of years, did you agree to the expansion and show agents the space across the hall and hire agents for that space?

A I didn't hire any agents for that space. We agreed to expand because I always agreed with them. Every time they wanted to expand and take profits, I sacrificed more, the work became heavier, and I -- I told them they knew all along since 2015 my husband would not sign any lease extensions.

Q All right. Can you read --
A We were all confident that that was going to be an end, but they never even tried to work that out. They just came and attacked.

Q You heard Mr. Evenden's testimony that no way was his spouse going to sign the guarantee without your spouse signing it too; do you remember that testimony?

A I'm sorry, what was that?
Q You heard Mr. Evenden's testimony that no way was he going to sign -- have his spouse sign the personal guarantee if your husband didn't have to sign, do you -- that everybody --

A That's what he says to you, yes.
Q Okay. And isn't that really fair, I mean --
A No.
Q If Mr. Evenden's spouse has to sign a personal guarantee, Mr. Ayala's spouse has to sign a personal guarantee, JD Reporting, Inc.
wouldn't your husband have to sign a personal guarantee to be fair?

A You know what, he'll be here tomorrow why don't you tell him that.

Q All right.
THE COURT: Just answer the question, please. THE WITNESS: No.

BY MR. SHEEHAN:
Q All right.
MR. HOLIDAY: Again, Your Honor, the --
BY MR. SHEEHAN:
Q Did you ever write and say --
THE COURT: Hold on. He's objecting.
MR. SHEEHAN: Again to the relevance for this
continued [indiscernible] talking about what's fair or not to this loan is just not relevant, Your Honor.

THE COURT: Okay. Well, I'm going to allow it because Ms. Haack spent a lot of time talking about what's fair as far as not getting paid, and she put all those years, and she wasn't going to walk away. So please continue. BY MR. SHEEHAN:

Q All right. Take a look at the text message from you, and at the bottom you see where it says, and this is Haack, 36, do you see where the word starts --

A Uh-huh.

Q I've, I've contributed to three build outs?
A Yes.
Q And you wrote, I've contributed to three build outs already and do not feel this additional one is right.

A Uh-huh.
Q All right. So you had a change of mind.
A Okay. Is that against the law?
Q No. But you have to deal with the consequences of that if you change your mind; correct?

A Mr. Evenden quit on January 17th, and he changed his mind.

Q Okay. All right. Again, please, just answer the questions so we can get -- keep going. All right.

So it wasn't just the lease. It wasn't just your husband on a guarantee. It wasn't any of -- it was also -- you just had a change of mind. You did not feel doing a build out for the expansion space was right; correct?

A Mr. Sheehan --
Q Yes or no --
THE COURT: Just answer the question, please, ma'am. THE WITNESS: No, I felt it was fine but not this plan.

BY MR. SHEEHAN:
Q Okay. Not to do the expansion in that space?
A Not the plan. They were only taking half of the JD Reporting, Inc.
space when we had a lease right across the hall. We needed to work that out, and they did not want to work it out. They wanted to do only what they wanted.

Q But the plan --
A That's not a partnership.
Q The plan -- the plan to take that space across the hall was approved by you in August, September, October?

A Yes, it was.
Q But you changed your mind; correct?
A I did.
Q All right. And then you say and did -- after seven years we are still not making money and you want to start another company; do you see that?

A Uh-huh. Yeah. Because they were going to take the profit and put it into another expansion.

Q Okay. But you did say right there, after seven years we're still not making money; correct?

A Well, do you have a profit in the balance. There is money.

Q Okay.
A We made money for the first year.
Q Ma'am, did you write --
A I wrote that.
Q Okay. After seven years we're still not making money and you want to start another company?

JD Reporting, Inc.

A That's what they want to do.
Q Now, the next exhibit is the affidavits, and you stated you wanted the affidavits from all the parties [Indiscernible] and all the rest to come in on this case; fair enough?

A No.
Q Okay.
A I never said that.
Q All right. Let me just ask you this. If other real estate agents signed affidavits stating that although they contemplated dissolving NRS, they did not do so, and NRS remained in business with the same 40 agents; you would agree with that; correct?

A Please rephrase that question.
Q I'll do it with your deposition. All right. Turn behind EE. And we talked about this in the deposition -- we'll get to that if we need to, but do you recall on April 19th coming into the office of NRS and throwing a -- getting upset?

A No, never did.
Q Never did.
A Not on April 19th. It's a picture of moving a desk.

Q Okay.
A Moving up a cabinet.
Q All right. Do you recall your deposition testimony JD Reporting, Inc.
on that subject?
A I sure do.
Q And what did you say?
A I said I never did that. I never kicked furniture. I never threw anything, and that was an awful thing for you to say.

Q Okay. Do you see the damage to the table behind GG?
A You mean the table I own? The table I own, yes. THE COURT: Ma'am, you've really got to stop with -THE WITNESS: Yes, that's my table.

THE COURT: Why don't we just take a little break. Counsel, maybe talk to Ms. Haack. I know that she's this is very important and it is very important but you need to answer the questions, please.

MR. HOLIDAY: Okay. I understand. [indiscernible].
THE COURT: I need to use the rest room anyways.
MR. HOLIDAY: Yeah. Take a recess for five minutes.
THE COURT: Yes, please.
MR. HOLIDAY: Okay. Thank you.
(Recess taken 3:43 p.m.to 3:59 p.m.)
THE COURT: Please continue.
MR. SHEEHAN: Okay.
BY MR. SHEEHAN:
Q I stand corrected. It was on April 28th when you came in and got very upset; correct?

JD Reporting, Inc.

A Is that a yes? Yes.
Q Okay. And you were swearing and threw a chair in the back office, et cetera?

A I never threw a chair. Who would do that? THE COURT: If the answer's no, just say no. THE WITNESS: Oh, no. THE COURT: Okay.

BY MR. SHEEHAN:
Q Can you turn behind Tab HH. Do you know Stephanie Mares?

A Yes.
Q Okay. Is she generally honest?
A I don't know.
Q All right. Well, she recounts the meeting and says that you came in at 10:30 a.m., when she approached you, you yelled out --

MR. HOLIDAY: Your Honor, objection. He's
testifying.
MR. SHEEHAN: I'm writing -- reading from the letter. THE COURT: Overruled.

BY MR. SHEEHAN:
Q So you direct -- you can see this letter; right?
Well, you read -- read it out loud if you want to or I'll read it out loud if you don't mind and then I'm just going to ask you if everything is true or not true.

And -- and -- okay. Approximately -- this is what Ms. Mares wrote. At approximately 10:30 a.m., on 4/28, Nancy Haack came in the office. When she approached her old office she yelled out, these two fucking assholes moved my stuff. She told Sean don't talk to me, you bastard. She continued to curse throughout the office and demand that the office -- her personal items restored and be unlocked. She's still in possession of a master key. The locks had not been chained or she would call a locksmith. Office was opened by Jessica with Sean's master key. She picked up one of her chairs and aggressively tossed it back into her old office while still cursing so that the whole office could hear. Do you recall this incident?

A I recall being there, but I do not recall that incident, no.

Q All right. Then she says several other agents felt -- the other agents felt uncomfortable, et cetera. You can see where agents would feel uncomfortable if you came back to the office and did that; correct?

A Yes.
Q Okay. And what you were upset about is they had moved your furniture into another office so that Corey could have that office, and when you found out they gave it to corey you actually apologized and said, okay, that's okay; fair enough?

A No.
Q Okay. Why were you up -- so upset that day?
A Because two days before I got an eviction mail that said you have 30 days to move your furniture. Two days later I came at what you call an invitation, and my office was empty, and my furniture was piled in another room. That was not an invitation and I was shocked.

Q Okay. But you had promised or told Corey that he could have your office; correct?

A I told Corey when I move out of my office if he wanted it he could have it.

Q Okay. And you had -- all right.
A And I did go to him that day and said are you able to move into my office now that they've emptied it and he said yes.

Q Okay. So then you calmed down; correct?
A I was not happy, Mr. Sheehan. Sorry.
Q All right. Okay. But by this time you had moved your license; correct?

A I was forced to move my license, yes.
Q All right. Well, we can go back to that. So you've heard my clients testify repeatedly they contemplated getting rid of NRS and forming a new company, but they didn't do that and then they then told all the agents, we're not going to do that; we're going to take the high road, and they continued

NRS in the old space, and your deposition testimony you agreed that that occurred; correct?

A No.
Q Okay. Well, then we'll have to go through your deposition and we'll do that. But nevertheless, when they first told you, they said had they turned your license into the real estate division after the 10 day time frame?

A They never told me. No.
Q Okay. They never turned your license into the real estate division; correct?

A Correct.
Q You personally contacted Sean and said I want to move my license and you asked them to fill out the paperwork necessary for your license to be moved; correct?

A Absolutely not.
Q You never contacted Sean and asked for him to leave -- to fill out the paperwork to transfer your license?

A After he told me he was removing my license, yes.
Q Okay. All right. But again, they never transferred your license?

A That's his violation, not mine.
Q Well -- okay.
A No, they did not.
Q All right. And you transferred your license?
A I did.

Q You came down, picked up your license yourself and went over there; right?

A Not willingly, yes.
Q Well, did somebody force you to come down to the office?

A Yes. It's in writing, yes.
Q Okay. Well, again I know that you keep going back to the March 13th letter, but the March 13th letter said you have 10 days to pick it up. By March 23rd they had not transferred your license; they had changed their mind; correct?

A I don't know that, Mr. Sheehan. Nobody told me that.
Q Okay. Well, there was a meeting where they told all the agents, and you were told by other agents; fair enough?

A Never.
Q All right. But you knew that your license hadn't been transferred?

A Yes, so I couldn't work.
Q All right. No, you could -- that you were working at NRS still; right?

A No.
MR. HOLIDAY: Objection. Argumentative.
BY MR. SHEEHAN:
Q All right. Let's get to the skinny here. THE COURT: That's sustained.

BY MR. SHEEHAN:

Q Let's get to the skinny here. Let's get to the skinny here. You testified that they never -- that they forced you out and they never told you that you could stay at NRS; correct?

A Correct.
Q All right. Can you turn behind Tab OO. Okay. After you came down and picked up your license and transferred it, didn't my client write you a letter and say, as you know, you left NRS and moved your license. We are assuming you have no plans to return. And this is the key part, although we would be willing to discuss the same if this is not true.

A And that's why I went in there on the 28th.
Q Okay. So they did say that you could stay at NRS; correct?

A No, they never did.
Q All right.
A It does not say that. It says or --
Q It says right here, we would be willing to.
A It says if you do not, we will remove it.
Q Okay. They said --
A Thirty days.
Q They said, you've left NRS and they assume that you have no plans to return, but they would be willing to allow you to return if you wanted to.

A It doesn't say that. No, it does not say if you want JD Reporting, Inc.
to return we'd be willing to let you.
Q Okay.
MR. HOLIDAY: Right.
BY MR. SHEEHAN:
Q It says we're assuming you have no plans to return although we would be willing to discuss the same; do you see that?

A I see that. It doesn't say that. I went in there.
Q Okay. And then they said, if you don't want to return can you please retrieve your items within 30 days.

A It does say that.
Q Okay. Did you ever tell these guys you would like to return?

A My attorney did, yes.
Q Okay. What -- when did your attorney write a letter saying you would like to return?

A When we gave them our options for negotiations. Here's what Ms. Haack would do.

Q Okay. That was in Feb -- March way before you left.
A No, it was not. It was March 22nd.
Q Okay.
A I left on March 10th.
Q Okay. This is April 26th.
A Yes.
Q Okay. After April 26th when they said you could JD Reporting, Inc.
return, did you ever tell them you would like to return? MR. HOLIDAY: Foundation. Misstates facts not in evidence.

THE COURT: Hold on. It's just a question. Please answer the question.

THE WITNESS: I was never asked to return, so, no. BY MR. SHEEHAN:

Q Okay. Did you ever ask -- after you got this email saying, we are assuming you have no plans to return although we would be willing to discuss the same, did you ever tell them yes, I would like to return? Yes or no.

A No.
Q Okay. All right. Can you turn behind Tab LL. Now, you would agree that the -- that the two -- three, three main cogs of NRS -- Life -- NRS DBA Life Realty, Sean Evenden, Roger Ayala and yourself?

A Yes.
Q Okay. And quite frankly if the three of you guys left NRS Realty all the agents would scatter to the wind?

A Right. Yes.
Q And the -- the two biggest -- well, biggest names -well, let me rephrase that. Okay. And, in fact, you decided that you no longer wanted the RE/MAX Associates brand because it's not the brand that makes the business it's the people?

A Correct. At that time of the economy, yes, that was JD Reporting, Inc.
very important.
Q Okay. And in this letter behind Tab LL you wrote to RE/MAX -- and this is in 2015. My name is Nancy, and I'm an owner of a struggling RE/MAX office in Henderson; do you see that?

A Correct. Uh-huh.
Q Okay. And you put, we with 34 combined years as RE/MAX agents we struggle to grow in the local market where dozens of no-name agents seem to continue blossoming; do you see that?

A Correct. Yes.
Q Yeah. And then you wrote on the one, two, three, fourth paragraph down, you wrote, we are three brokers. We are in business to grow and found the agents in our area are more interested in saving money up front. We have tried so hard to change that mentality, but with social media at their fingertips all day long it has been an uphill battle. After five years as franchise owners we have surveyed our clients and found they chose us because of who we are not because of our name.

A Correct.
Q Okay. So it's not the name that carries the value, it's the people.

A In 2015, no, I'm going to disagree with your statement.

Q Oh. Well, you just agreed with it two minutes ago.
A No. It's what it says, that's a little different.
Q All right. All right. That's what you wrote; correct?

A In 2015, yes.
Q All right. We covered earlier -- and you wrote several real estate division complaints saying that because you wouldn't agree to an expansion you got mistreated by these guys; fair enough?

A I wrote two complaints to the real estate division.
Q Well, we'll get to that in a minute. There's actually more than that, but -- and I apologize. I shouldn't --

THE COURT: No editorials, please.
MR. SHEEHAN: I was about to say I apologize, I
shouldn't have done that.
BY MR. SHEEHAN:
Q All right. Let's turn behind SS. All right. Now, in August of 20 -- August 22nd, 2017 --

A Uh-huh.
Q -- my clients gave you one last chance to be part of the expansion space across the hall; correct?

A No. I don't have an invite.
Q Okay. Let's look at the letter dated August 22nd.
A Uh-huh.

Q And Mr. Evenden writes you and says -- you've seen this letter before; correct?

A Yes.
Q You received it; correct?
A Yes.
Q As you know, at the end of 2016 Sean, Roger and yourself agreed to expand NRS Realty. Then at the beginning of 2017 you had a change of heart and said you did not want to expand Life Realty. In this regard you stated you would not sign the personal guarantees required by the landlords to purchase across the hall which the expansion was going to take place. There are now numerous agents have been promised space across the hall. You can show them the space as well as additional agents that have been recruited. The landlord is once again offering the lease despite all the trouble you have caused which resulted in many months' delays. NRS will enter the lease and continue with the expansion if you agree to the expansion, agree to the 10 year personal guarantee of the lease.

So they did offer you one last chance to join in the expansion; correct?

A I don't think that was an offer. They didn't offer me anything.

Q If you are interesting -- interested -- do you see the last paragraph there?

A Yeah. But what was I going to get?
Q It says if you are interested in having -- well, you were part of NRS; correct?

A What was I going to get? Seven more years of working for free? What? Abuse? An office? What?

Q The profits -- the profits from the NRS taking that space.

A It doesn't say that. They didn't offer me anything.
Q Okay. What they offered --
A If they give me money.
Q All right. They offered to have you -- the corporation of which you were one third owner of, take that space across the hall instead of doing it in a separate company's name; correct?

A No offer.
Q Okay. It says right here, NRS will enter into the lease.

MR. HOLIDAY: All right. Your Honor, the exhibit
speaks for itself.
THE COURT: At this point I think she's answered to the extent she's going to answer.

MR. SHEEHAN: Okay.
BY MR. SHEEHAN:
Q But the last paragraph does say, if you are interested in having NRS proceed down these lines --

A And?
Q -- proceed down these lines, and you'd be willing to sign the personal guarantee, contribute the monies necessary, please inform Sean Evenden; do you recall getting that?

A I do recall that.
Q All right. And then you had your attorney write back a response saying, It has come to my attention that your clients have entered into another lease for additional office space. It is my understanding that your clients have personally guaranteed the additional lease. Please be advised that my client will not be assuming that license nor will she or the company be liable for that lease; do you see that?

A I never saw that.
Q You're saying that your attorney wrote that letter without your permission?

A I responded myself, but I never saw this letter, Mr. Sheehan.

Q Okay. And your response was, I want to see where you have deposited the monies. I will have my attorney get back to you guys.

A No, I said I will ask my attorney, and I would like to see in the meantime your deposit and the budget.

Q Okay. And but --
A But I didn't get anything.
Q All right. But your -- your attorney did write a JD Reporting, Inc.
letter saying, Please be advised that my client will not be assuming that lease nor will she or the company be liable for that lease?

A Yes, I see that right here.
Q All right. Turn behind VV. All right. Do you see the fourth paragraph down?

A Yes.
Q By background this is the letter that you had written to the real estate division; correct?

A No. It doesn't show me that. I don't know -- let me read it, okay.

Q Sure.
A I wonder why I don't have the real estate division name in there, but I believe you.

Q That's -- that's all right. Do you see where writing here, a series of disagreements occurred when I would not agree to a 91,000 construction extension?

A Yes.
Q And that was your position; correct?
A That was a letter in distraught, yes. That's my letter.

Q You were distraught.
A But that was --
Q And it says you would not agree to the expansion; correct?

A No, I would not.
Q All right.
MR. SHEEHAN: Which one --
THE WITNESS: He's -- this doesn't even have a date.
Do you have a date on here?
BY MR. SHEEHAN:
Q That's okay. We'll move on.
A Okay.
Q All right. Now, how much money have you put into NRS since its inception?

A Well, \$15,000 initially, we all did.
Q Yep.
A And that according to what you're paying employees today $\$ 180,000$ a year of my free time.

Q Okay. Did you actually -- how much actual dollars did you put in beside the original 15,000?

A I didn't put additional money in. I bought a lot of things like the stainless steel refrigerator, toaster oven, things like that, but I didn't put them in as NRS assets.

Q Okay. So the partners never put any money in other than the original \$15,000 back in 2010; correct?

A Right.
Q And you paid all your bills -- NRS paid all its bills; right?

A I took care of all the bills, yes.

Q I mean, we weren't late, we were on time, we didn't go into bankruptcy?

A Yes.
Q All right. Now, turn behind Tab YY. Well, actually this is not a good example. You -- you brought -- showed the tax returns and -- and if you turn behind ZZ, it's an example, that showed that there was a loss of 30 to $\$ 40,000$ a year for a number of years from 2012 to 2016; you remember going those yesterday?

A 2014 .
Q Okay.
A Yes.
Q All right.
A Every year we had a construction project, yes.
Q Okay. How did you have a loss and yet none of the people had to put money in?

A Because we had ongoing incoming revenue. So when you have a cutoff on December 31st, checks are still coming in, but you have to have a cutoff.

Q All right. But there was a loss every year.
A Roger would -- and I apologize, Mr. Evenden and Roger and I always contributed based on sales and rent.

Q Right. But there was -- there was a $\$ 30,000$ loss in 2013, 2014 and look in 2015 behind Tab BBB.

A Yep. When we did construction, yes.

Q Okay. So there was a loss of every year of 30,000 yet you still paid your bills. This couldn't have been accurate, could it?

A Absolutely, it's accurate.
Q All right.
A When you have receipts coming in every day, yes.
Q Turn behind Tab FFF.
A Okay.
Q Do you recall testifying in your deposition -- you did all the books and records for up until the time you left the company; correct?

A Uh-huh. Yes, sir.
Q Okay. And you set up the system over there, the different accounts and how everything would be done?

A I set up the accounts for NRS, not for property management.

Q Okay. And I believe you testified that you felt that these guys were going to have a heckuva time doing the accounting because they weren't going to understand your system; do you remember that testimony?

A I never said that, no.
Q All right. Well, I'll show it to you when we go through your deposition. All right. But you set up this system here and there were -- there were several accounts; correct?

A There were three accounts for NRS and three accounts for property management.

Q Okay. And one of those accounts was what's called the commission account?

A Yes, 7800.
Q Okay. And the commission account you included in the financials for NRS?

A Yes. If there was commission income, yes.
Q Okay. And that commission income was rather large. It represented the bulk of the money that came into NRS?

A Yes. Uh-huh.
Q I'm sorry?
A Yes.
Q Okay. But the truth is most of that commission money that went into the account was not NRS's. It belonged to the agents.

A Right. So we had to show it paid out, yes.
Q Okay. So you included in the income of NRS all this commission money, 95 percent of which didn't belong to NRS; correct?

A Oh, I couldn't answer to that at all.
Q Well --
A But did you ask me did the agents' income come out of that money? Yes.

Q Okay. But --

A It wouldn't be 95 percent.
Q Well, you guys would get what a $\$ 450$ trans -- let's say somebody did earn a $\$ 28,000$ commission on a sale of a home.

A Uh-huh.
Q What would NRS's share of that be?
A Depends if it was 15 percent, 25 percent, whatever the split was.

Q Okay. And sometimes the split was $\$ 450$; right?
A No. 495 was a hundred percent because that was a flat fee.

Q Okay. And how many people had --
A And not always. That didn't start till a little later. So I'm not real comfortable with discussing this because I'm not sure you understand all the systems that go into this. So I feel like I'm not really --

Q Well, that's a fair comment because I don't understand all the systems that come into it. It's very complicated, isn't it?

A It is very complicated.
Q And including the commission -- and including the commission account into this really makes things seem like you're making a lot more money than you do.

A And when you were with RE/MAX you had to pay them percentages on each sale depending on how many years an agent had. It was a very complex bookkeeping, yes.

JD Reporting, Inc.

Q Can you turn behind III. That represents the guarantee of the lease, the original lease.

A Sure.
Q All six had to sign as guarantors.
A Yes.
Q You don't dispute that the landlord wanted to --
A Well, we didn't have to take that space. We agreed to it as long as my husband agreed, yes.

Q Okay. And then JJJ, that's the first amendment to the lease?

A Oh, yeah.
Q Now, this was an amendment -- this was an amendment for some additional space you took, not what we are discussing today?

A Correct. This is an additional 1400 square feet.
Q Back in 2014 to 2015?
A 2015 .
Q 2015. And the landlord required all the personal guarantors on that?

A And I had just had a massive heart attack and my husband was upset, but he did that.

Q Okay.
A Because he didn't want me to be upset.
Q Okay. But there's nothing in this amendment that says that the spouses are off after two years; is there?

A I would say no.
Q There's nothing in the original lease that says the spouses are off two years -- after two years?

A Not now there isn't. I see that.
Q Did you hire accountants?
A We interviewed accountants, but they never started.
Q But I believe you testified that these two said okay, go ahead and hire an accountant?

A No.
Q And then you went to --
A That's not -- that's not what happened.
MR. HOLIDAY: Objection. Ambiguous. So are you
talking about in-house bookkeeper types or the annual taxes?
THE WITNESS: We interviewed.
MR. SHEEHAN: All right. You --
MR. HOLIDAY: There'll be two --
BY MR. SHEEHAN:
Q You said you interviewed somebody. You found somebody you liked and then you never heard back from them?

A No. I never said that. I said we got a letter from them saying they would be starting, and three months later I received a call from their office saying can you send over those QuickBooks records. And I said we don't have any QuickBooks records. We don't use QuickBooks. If you'd like you can have someone come over, and I'll teach them how to use
our system.
Q Okay. Because you had a unique --
A Never heard from them again.
Q Because you had a unique system?
A Yes. It's a real estate system. It's not a, you know, a little --

Q Okay. All right. But my clients did not oppose you doing that; correct?

A I don't know. They never started. It wasn't my job to hire them.

Q Okay. Wait a second. I thought that you said you found somebody you liked and they --

A No. Roger found somebody we liked. It was his accountant.

Q I thought that you said that you talked to them --
A We all agreed that we would offer them to come back. They sent us a letter accepting, and I never heard from them again.

Q All right. But you all agreed that -- that you could get this help that you wanted?

A Yes. Yes.
Q Okay. Did you ever follow up and get -- go with another company?

A $\quad$ No.
Q Turn behind UUU. You've seen this type of agent JD Reporting, Inc.
earning system report before; correct?
A I think this is the QuickBooks system. This is -- is it -- this is ADP, no, Lone Wolf. Okay. I haven't seen one for years.

Q Okay. Well, that's all right. Let's move on.
A Okay.
Q I'm sorry. What I was looking for is behind CCC. You can track your agents' productivity through this system that allows you to see all the sales and the money, transactions --

MR. HOLIDAY: I'm sorry. CCC is --
THE WITNESS: K-1.
MR. HOLIDAY: Yeah. There's a K-1.
THE WITNESS: Is that what you wanted, the $\mathrm{K}-1$ ?
MR. SHEEHAN: Is it a K-1?
MR. AYALA: It's four Cs.
BY MR. SHEEHAN:
Q Four Cs.
A Four Cs, I'm sorry.
MR. HOLIDAY: Oh. Four Cs. Okay.
THE WITNESS: Okay. We had a lot of ways to track agents, absolutely.

BY MR. SHEEHAN:
Q What's that?
A We have a lot of ways to track agents. No problem. JD Reporting, Inc.

Q Yeah. You can track agents, how much money they've made and so on and so forth, and this is one way?

A I've never seen this before, but it's, I'm sure it's fine.

Q Okay. Thank you. All right. Go behind GGG.
A Okay.
Q All right. You testified earlier that in -- you recall that the lease for the current -- for the original space was expiring on October 31st, 2019; correct?

A Correct.
Q And you testified earlier that in February 1st they wrote you a letter and said, what do you want to do, the space is coming up at that time; correct?

A They did not ask me what I wanted to do. They told me I could either do this or that.
(Pause in the proceedings.) MR. SHEEHAN: May I approach the witness, Your Honor? THE COURT: Yes, sir. MR. SHEEHAN: I'd actually like to add some exhibits. THE WITNESS: Yeah, I got it. MR. SHEEHAN: May I approach the clerk and yourself? BY MR. SHEEHAN:

Q All right. Do you see the letter dated February

A Yes, I do.

Q All right. It's also in your -- in your exhibits too; correct?

A Yes, it is.
Q All right. And you -- do you recall receiving a letter?

A I do.
Q All right. So Roger Ayala wrote you and said that NRS is considering what to do about the lease -- the lease that was expiring October 31st for NRS -- which you know has expired. The options are to either let the lease expire and let the real estate agents choose where they want to go thereafter or alternatively NRS can renew the lease; do you see that?

A That was an option, yes.
Q Okay. Your letter -- your lawyer then wrote back on February 8th --

A Correct.
Q -- and said, setting aside the issues of the length of any -- the term of any lease renewal or guarantees that might -- may be required which you are aware would be subject to negotiation with the landlord, my clients have no interest in renewing the lease under the present unfavorable circumstances; do you see that?

A Yes, I do.
Q Okay. Because you had him write this; right? JD Reporting, Inc.

A I didn't tell him what to say, but, yes, I approved it. I read all the letters I have go out.

Q So my clients --
MR. HOLIDAY: Hold on. Can I ask a question, Your Honor?

THE COURT: To?
MR. HOLIDAY: Mr. Sheehan.
THE COURT: Sure.
(Pause in proceedings.)
BY MR. SHEEHAN:
Q So the lease for the space, the NRS space --
A Uh-huh.
Q -- the option is coming up, my clients say, do you want to renew that lease, and your lawyer writes back and says, my clients have no interest in renewing the lease.

A Under these unfavorable conditions, yes.
Q Right. And the unfavorable circumstances were for instance the presence of Life Real Estate over there?

A No, with those two.
Q With those two. You didn't want to be partners with those two?

A Well, they haven't talked to me in three years. What are you kidding? I don't understand --

Q All right. But nevertheless, my clients wrote to you and said, do you want to renew the lease, and you said no,
we're not renewing -- NRS is not to renew the lease; correct?
A I said under those unfavorable -- yes, Mr. Sheehan.
Q Thank you. And you would agree that without a lease space the real estate division does not allow you run a business; correct?

A No. That's the real estate rule, yes.
Q That's the real estate rule.
A But that doesn't mean this is [inaudible].
Q I understand. But the real estate rule --
A Right. You're right.
Q All right. And then my clients wrote the letter behind HHH and told all the agents the lease is up; therefore, NRS can no longer exist and each of you need to transfer your license, and is that correct that it says there, Nancy -- let me see if this is a correct address and stuff. Nancy -- and therefore each of you will have to transfer your license to a new company. Nancy Haack, currently has a real estate brokerage located at 701 North Green Valley Parkway, Suite 200, Henderson, 89074. The brokerage is currently called Royal Diamond Realty. Her telephone number is 702-300-4053 and her email is NHaacklv@; please contact Ms. Haack if you want to join her brokerage; do you see that?

A They didn't have my permission; but, yes, I see it.
Q But that was the fair thing to do; right?
A No, it wasn't the fair thing. I never met with the JD Reporting, Inc.
agents. How do you feel that's fair?
Q Okay. All right.
A And we do have an office in Chinatown.
Q Can you -- you can put that book away for this second and less pull out your deposition.

MR. SHEEHAN: Madam clerk --
THE WITNESS: Do you want till tomorrow because of the time?

MR. SHEEHAN: In fact, why don't we just do the big
one. I gave a Min-U-Script with the smaller --
Is that okay with Your Honor? I think it will go
quicker that way.
THE COURT: Sure.
MR. HOLIDAY: Okay. So is NNN, where is that in my client's binder?

MR. SHEEHAN: That one is not.
MR. HOLIDAY: That one is not?
MR. SHEEHAN: Right.
MR. HOLIDAY: Okay. Then I would object on the case that the other one I reserved the objection to is due to authentication.

MR. SHEEHAN: Fair. More than fair.
MR. HOLIDAY: Okay.
THE COURT: I can't hear.
MR. SHEEHAN: I'm talking about the additional

JD Reporting, Inc.
exhibits. We have not -- he has objected to --
MR. HOLIDAY: NNNN. There were two exhibits that I didn't -- we didn't stipulate to, and I was -- reserved my objection to that they needed to be authenticated and the like. So I reserve my objection to NNNN. The ones that are in my client's binder I stipulate to.

THE COURT: Okay.
MR. SHEEHAN: And that's more than fair, Your Honor. Mr. Evenden will have --

THE COURT: These he's reserving. It's just NNNN. Are you reserving on 0000?

MR. HOLIDAY: Based on his representation which I assume is true that it was disclosed in my client's new set of exhibits --

THE COURT: Yes.
MR. HOLIDAY: If it's already an exhibit in there
then it's an --
THE COURT: Is PPPP in there as well?
MR. SHEEHAN: What is PP?
THE COURT: PPPP.
MR. HOLIDAY: It's an account transfer of $\$ 5,000$
from --
MR. SHEEHAN: Oh. That's the -- we don't even need it.

MR. HOLIDAY: I don't know what that is yet.

JD Reporting, Inc.

MR. SHEEHAN: Quite frankly we don't even need that
exhibit. It was for -- to show for Mr.-- their experts. THE COURT: Okay.

MR. SHEEHAN: But it wasn't necessary. Okay.
BY MR. SHEEHAN:
Q You agree that the broker for the company should get compensation; fair enough?

A I did not. Never agreed to that.
Q Okay. Do you believe in general that a broker for -brokers should get compensation?

A Mr. Sheehan, can I --
Q Yes or no.
A No. No.
Q Okay. Can you please turn to your deposition page 17.

A I don't know if this is 17, but I will. MR. HOLIDAY: Which exhibit is the deposition in? MR. SHEEHAN: It's -- I just handed -- gave it to you separately in a separate binder. Do you not have one? MR. HOLIDAY: No. MR. SHEEHAN: Actually, I gave you -- sure you didn't bring yours with you? I gave you a separate one, but that's okay I'll -- do you mind giving him our -MR. HOLIDAY: So did we publish the deposition yet

MR. SHEEHAN: No, I would ask that the -- that we publish the deposition of Ms. Haack.

THE COURT: Any objection?
MR. SHEEHAN: At this point we've got the settlement negotiations in so go ahead. No objection.

THE COURT: Okay. Admitted.
BY MR. SHEEHAN:
Q Okay. On page 17 there line of 14 , do you see where I say, okay, and there should be compensation for taking on that risk; do you see that?

A That's after you said hire somebody.
Q Okay.
A That's different, Mr. Sheehan.
Q Okay.
A I'm sorry. I shouldn't probably call you that;
right?
Q No. That's okay.
A Okay.
Q Okay. But we're talking about a broker there; right?
A A hired broker, yes.
Q Okay. A hired broker. All right. So and I -- and your answer was if they take on that risk, yeah. So on an independent company I'm not happy with leaving that because I'm not going to compliment that at all. So as an independent owner of a company and you're the broker, you hire a broker,
yes, you need to compensate them; do you see that?
A Yes.
Q Okay. And the broker does take on a substantial
amount of risk?
A If they're hired, yes.
Q Okay. Well, even if they're not hired -- who has to answer for the real estate division complaints against NRS?

A We designate one person, but all the owners of an LLC are equally responsible.

Q Well, who was responsible when you filed NRS complaints against --

A It was against Mr. Evenden personally not NRS. And he did not represent me.

Q All right. Can you turn to page 19 --
A Okay.
Q -- line 6.
A Okay.
Q And I asked you, Does common sense indicate that if a broker takes on responsibility of supervising the agents in the office that that broker should be paid something?

A That's what the question is, yes.
Q Yes. And what was your answer?
A If I were a broker, and I was responsible for it, I would want to be paid.

Q Thank you.

A Because it's an independent company --
Q Thank you. Thank you.
A Oh. Okay.
Q All right. Have you filed complaints against brokers of real estate offices in Nevada?

A That's kind of a double-edged sword. If I file a complaint about an agent --

MR. HOLIDAY: Objection. Relevance. Can we get
the --
THE WITNESS: Yes, could you please rephrase that. THE COURT: I'm sure there's going to be a relevance at some point so just answer the question. Have you ever filed a claim against a broker?

THE WITNESS: Not against the broker, no. When you file against an agent it automatically goes to the broker. BY MR. SHEEHAN:

Q All right. Can you turn to page 19 of your deposition, line 21.

A Yes.
Q What was my question?
A Okay. Have you filed complaints against brokers of real estate offices in Nevada? Yes.

Q Okay. And then my next question was what?
A Oh -- you said how many? And I said, oh, probably a dozen by now.

Q Okay. And by the way, all of those -- you've never filed a complaint against any other broker besides Sean Evenden; correct? Or Roger Ayala?

A Not against a broker of a company, but against Sean as an individual, yes.

Q Okay. So when you're talking about the complaints there, you're talking about NRS and Mr. Evenden and Mr. Ayala?

A No, I'm not.
Q All right. Then who are you talking about then? Okay. Let me put it this way. Let's go back then, page 19, line 21. Question, Okay. Have you filed complaints against brokers of real estate offices in Nevada? Your answer was?

A Yes.
Q Next question, how many? Your answer was?
A Probably a dozen. I don't know.
Q Okay. Then my next question was, You always filed that complaint against the broker; right?

A Yes.
Q And then your answer was.
A I never did -- I never did other than right now in my lawsuit. I've never done it before, no.

Do you want me to keep reading?
Q Okay. So then I said, okay. Now, and then we're talk -- I said, Okay. A complaint, a complaint and then I asked you, A complaint with the real estate division and you
wrote?
A Just my partners.
Q Okay. So the only real estate division complaints you've ever filed were against these two?

A Oh, no, I filed a lot of real estate division complaints. But not against somebody who was named a partner or a broker in my office, no. I misunderstood that question then.

Q Okay. Because I -- what's the next question?
A Let's see. You've never filed a complaint with the real estate division against anybody except your partners? Yes.

Q Then I said, Yes, I'm correct and then what was your response?

A I said, Yes, I'm -- I'm correct. I did file a complaint once before, but it didn't go anywhere. We withdrew it, but it wasn't a broker.

Q And then what's the next question.
A Okay. So the only complaints you've ever filed with the real estate division are against Roger or Sean Ayala; right? Yes.

Q Okay. So now do you want to change your testimony?
A I'm not changing my testimony. I don't remember how many complaints.

Q All right.

A And did you ever file a complaint --
Q All right. All right.
A Let me -- let me read it.
Q All right. No let's not waste the time.
A Oh, okay.
Q All right. And then I asked you -- how many -- you see on line 7 the next page -- how many real estate division complaints have you filed? Then blah, blah, blah and your answer was?

A I have a lot. Is that the one?
Q Yep.
A Okay.
Q Okay. What do you say?
A It says, oh, I have a lot. Let's see, I'd say seven, eight -- seven, six, eight something like that. I don't know.

Q All right. Okay. Let me ask you this. You testified -- I forgot to ask you this before. You've testified about your responsibilities, what you did for NRS. You did a lot for NRS; correct?

A I did a lot of work for NRS, yes.
Q I think you testified you did the bookkeeping?
A Uh-huh.
Q I think you testified you trained all the agents?
A Uh-huh.
Q Your response?

A Those were his responses, yes.
Q You trained all the agents?
A Uh-huh.
Q You answered questions for agents daily?
A Uh-huh.
Q In fact, the agents were very complimentary of you, weren't they?

A Yes.
Q And they said that you -- you spent -- and you told -- told us repeatedly you spent a ton of time making NRS go?

A Yes.
Q And -- and included in that was you supervised the -and started the Chinatown office?

A No, I never said that. Absolutely not.
Q You absolutely did, and we'll get the record.
A You said did I sign the broker's license.
Q No, no, no. I'm asking you this.
A I did not start the Chinatown office.
Q Did you oversee the Chinatown office?
A I did not oversee the Chinatown office.
Q Do you recall testifying yesterday that you oversaw the Chinatown office?

A Mr. Sheehan -- may I --
Q It's a yes or no.

A I testified, yes, because that's what he wrote. I was reading his line in the affidavit he signed. Those were all the jobs he listed in his affidavit that said I did that. And so I was asking him yes or no.

Q Well, we will have to get a copy of the transcripts, but I will --

A Okay. I'll split it with you.
Q I will tell you -- I will tell you, you testified to that. But anyway let's just get to the facts.

A Uh-huh. And he said no.
Q What was your role with respect to the Chinatown office?

A I -- he wanted to be broker of NRS. They needed a broker on paper, and I signed under protest because I didn't want to do it, and I asked him to have Roger, and again I'm always pushed. So I signed it under protest.

Q Okay. So you were the broker for the Chinatown office?

A I did not act as broker. Sean said he would take care of it.

Q Did you sign to be the broker for NRS?
A I signed the paper under protest.
Q Okay. And did you testify yesterday that you oversaw the Chinatown office?

A I asked in a question if he thought I did that and he JD Reporting, Inc.
said no.
Q Well, we'll get the record on that. Did you file a complaint diming on our own company, NRS, saying that we weren't doing a good job supervising the NRS, the Chinatown office?

MR. HOLIDAY: Objection. Argumentative.
THE COURT: Overruled.
MR. SHEEHAN: How is that argumentative? I asked him a question.

THE WITNESS: I signed a complaint that it wasn't being supervised. BY MR. SHEEHAN:

Q Okay. How is that in the best interest of NRS for you to file a complaint claiming that NRS wasn't properly supervising the Chinatown office?

A Is that an open-ended question? I can answer that? THE COURT: Ma'am, please stop.

THE WITNESS: It's not a yes or no? I just don't know.

BY MR. SHEEHAN:
Q You know. That's okay.
A Okay.
Q Let's just move on.
A Well, I'll say yes. I don't know. I'm confused.
Q All right. Turning to page 23. Okay. Do you see JD Reporting, Inc.
line 12 beginning with the word we're one company?
A Yes.
Q And it says, We're one company. One company that has different divisions in it and the bookkeeping goes into the accounting system. As far as where the money goes, it doesn't go into the checks and different bank accounts. There's no way Roger will ever follow what's going on in the bookkeeping system the way it is right now. No way. Do you see that?

A Yes, I do.
Q Okay. And you agree with that; correct?
A Well, it depends on what the question was, can I read the rest of it?

Q Well, it doesn't matter. Do you -- I'm asking do you agree that Roger could not follow the accounting system that you have set up?

A No. No, I did not. I agree that that's what that sentence says.

Q All right.
MR. SHEEHAN: Let me know, Your Honor, when --
THE COURT: Whenever you can wrap it up.
MR. SHEEHAN: I can wrap it up right now if -- it's
up to you. I don't want the Court to be upset with me.
THE COURT: Oh, I don't ever get upset.
MR. SHEEHAN: I'm not talking about you. I'm talking about the court people.

JD Reporting, Inc.

THE COURT: I just thought I'd get in that I don't want to be hauled off by CPS.

Probably need to start right now.
THE WITNESS: I would appreciate it.
THE COURT: Thank you.
MR. HOLIDAY: Your Honor, I'm going to file -- Your Honor, I'd like to file a few -- file a motion and a brief. At trial you can file a motion [indiscernible] to the rules to dismiss a claim for failure to join the necessary parties. So I want a file written one of those on the contract since Mr. Haack isn't a party as well as two other people, and in addition to that I'd like to brief the issue that he's talking about with regards to Mr. Schnitzer.

And I'll just file an informative brief. I just wanted to inform everyone if he'd like to file a brief with the --

THE COURT: If we could get Mr. Schnitzer, that would be helpful to have him in here.

MR. SHEEHAN: If we want to wait till March 3rd, we can get him back and have him --

THE COURT: It would have been my preference -- all of the [indiscernible] have said that they were reliant upon their attorney as far as -- I mean, there was --

MR. SHEEHAN: He answered the question in the deposition so --

THE COURT: He did. Because those provisions, I mean, looking at them they are kind of confusing because they use quorum, majority, all, all in the same paragraph.

MR. HOLIDAY: So I believe that he's a fact witness. I don't believe he's an expert witness. I checked the law for something that said that the purpose of contract interpretation is for the drafter's intent. And it doesn't appear once in any of the laws, it's always the party's intent. So --

THE COURT: I don't think all of these parties even understood. I think that's been kind of the testimony of all of them.

MR. HOLIDAY: Well, I'd say that what they're trying to get evidence of is basically scrivener's their intent. The person who wrote something up according to their instructions. Two of the parties have said that they didn't have any intent and one party saying that she had an intent. Regardless, in regards to Mr. Schnitzer specifically, and I'll wrap this up, he wasn't asking that deposition about 14.1. There's no indication in the record that that was noticed by previous counsel --

THE COURT: It is not just one provision. Those -that language is in multiple sections.

MR. HOLIDAY: That language isn't in --
MR. SHEEHAN: There's only one section that matters; it's the amendment section it says majority or all.

Mr. Schnitzer's testimony, that means majority --
MR. HOLIDAY: Well, hold on. Let's not talk
about what the testimony --
MR. SHEEHAN: But, but, but that's fine -- so I
believe it's crystal clear on its face, but the --
MR. HOLIDAY: Right. That was before the --
MR. SHEEHAN: But, but we will bring Mr. Schnitzer.
It's more than fine.
MR. HOLIDAY: -- motion for summary judgment --
MR. SHEEHAN: We'll bring Mr. Schnitzer, and we'll
just have to wait until March 3rd when he gets back.
THE COURT: I think he'll disagree. You both think
it's crystal clear. You just take it as two different interpretations.

UNIDENTIFIED SPEAKER: Well, that's what your job is for.

MR. SHEEHAN: But, but, but that's and --
THE COURT: I think you guys are both very
intelligent men so I'm trying to figure out what the interpretation would be.

MR. SHEEHAN: Okay.
THE COURT: So -- Okay. So we are on the schedule tomorrow.

MR. SHEEHAN: But, but as far as this motion -there's no motion for this -- he's talking about filing a JD Reporting, Inc.
motion to dismiss our counterclaim for failing to name an indispensable party. Way too late in the game at this point.

MR. HOLIDAY: The rule says I can do it at trial. I looked it up. Since I was wondering during all the time we're spending asking about it, why this survived a motion to dismiss for failure to join a necessary partner, party. I wasn't original counsel. I looked and nothing had ever been filed, and usually when you're going to do a claim for breach of contract and there is two parties that didn't sign, right, and you're looking at but for causation for the breach, and in addition to the statute of frauds that were being brought up, it appears that's never been filed.

That motion I can bring at trial, and so I'll file a written motion saying that an indispensable party or rather three indispensable parties were relatively --

THE COURT: I've never seen it done at this stage. I've seen motions on them not being able to meet their burden of proof and asking basically for a directed verdict on that issue but --

MR. SHEEHAN: It takes away our ability to amend. MR. HOLIDAY: Well, and if that's the point of amending and I also want to make clear that we are -MR. SHEEHAN: That's why it's too late to bring it up.

MR. HOLIDAY: Well, it's past your point to amend JD Reporting, Inc.
your counterclaim.
MR. SHEEHAN: And it's past your client's time to say that there's --

THE COURT: I think you both are very tired and as long as I let you stand there y'all will argue at this point because you're both very tired. MR. HOLIDAY: Fair enough, Your Honor. THE COURT: So see you tomorrow at 9:30. MR. SHEEHAN: Okay.
(Proceedings recessed for the evening at 4:52 p.m.) -oOo-

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case.


## BY MR. HOLIDAY:

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LAS VEGAS, CLARK COUNTY, NEVADA, FEBRUARY 21, 2020, 9:56 A.M.

THE COURT: Good morning, everybody. Alrighty. So who are we calling this morning?

MR. SHEEHAN: Ms. Haack is still on the stand if you recall, Your Honor.

THE COURT: Okay.
MR. SHEEHAN: And incidentally, Mr. Ayala is over at probate court, but he'll be coming in.

THE COURT: Okay. We've already established he's always late.

MR. SHEEHAN: Can I tell him that?
THE COURT: Yeah. Luckily, that's not a cause of action.

MR. SHEEHAN: Can you pull your deposition back up. It's the small one there.

THE WITNESS: This one?
MR. SHEEHAN: Yeah. NANCY HAACK
(having been recalled as a witness and previously sworn, testified as follows:)

CONTINUED CROSS-EXAMINATION
BY MR. SHEEHAN:
Q All right. Now, we talked about this a little bit yesterday, but you were -- you didn't believe you -- you JD Reporting, Inc.
changed your mind and didn't want NRS to spend money on improvements; you thought it was too risky over on the expansion side. Remember I showed you that, and you said you changed your mind; correct?

A I disagreed.
Q Okay. So you did not want NRS to have anything to do with the space across the hall; correct?

A Yes.
Q Pardon me?
A Yes. As long as my husband didn't have to sign, yes. MR. SHEEHAN: Okay.

THE COURT: Hold on. The way -- the way is -- the way you answered.

THE WITNESS: Okay.
THE COURT: Okay. So because this has kind of come up a few times. You are agreeable -- tell me again. My understanding is you're agreeable to the expansion across the hall so long as your husband did not have to sign a guarantee; correct?

THE WITNESS: Correct.
THE COURT: Okay. And the reason I'm asking for clarification is because yesterday you talked a little bit of, well, why can't we just let everything be for now, why do we immediately have to dump all our money into an expansion. So I just want to make sure I was clear on your position.

THE WITNESS: Yes.
THE COURT: So your position is we can expand as long as my husband doesn't have to sign a guarantee.

THE WITNESS: Correct.
MR. HOLIDAY: Your Honor, also I think there was as far as what she was thinking at the time of the negotiations, waffling, so if we're going to be clear about time, I don't want to have a question that isn't specific as to time --

THE COURT: Okay. Well --
MR. HOLIDAY: -- because that could tend to --
THE COURT: Okay. Well, then let me ask you this because I kind of have different things throughout my notes and you've said a few different things. Clarify it for me.

THE WITNESS: Okay. So during that period of time that we were talking about it --

THE COURT: Is that -- when was that?
THE WITNESS: That would be January through March.
The beginning of March would be our most discussion.
THE COURT: 2017?
THE WITNESS: 2017. Even at Balboa I brought a suggestion to work around the landlord's concern about having a spouse sign. And that was a suggestion an attorney gave me and said, well, why don't they go forward, create another one, and then when the lease is done over here, you can just merge and you've already met the landlord's request.

THE COURT: No, we're kind of digressing. My question is when y'all had that meeting at Balboa -THE WITNESS: Uh-huh.

THE COURT: Okay. Because you've said a couple different things during the last few days.

THE WITNESS: Uh-huh.
THE COURT: Were you in agreement of expanding to the space across the hallway so long as your husband did not have to sign a guarantee?

THE WITNESS: Yes.
THE COURT: Okay. Did there come a point at some -did there come a point in time though when you were just flat not agreeable to the expansion regardless of whether your husband had to sign the guarantee?

THE WITNESS: No, I never disagreed with the expansion.

THE COURT: Okay.
MR. HOLIDAY: And let me clarify this in preMarch 10th?

THE COURT: No, no. I think she -- I think she clarified.

MR. HOLIDAY: Okay.
THE COURT: And again, I'm sure y'all remember the testimony when she said, you know, there came a point of why do you want to keep spending money, and she was saying to her
partners why don't we just enjoying the fact, you know, we're starting to do better as a business. Okay. I got it then.

MR. SHEEHAN: Your Honor, hit the nail on the head, and I guess we'll have to go back since she's changed her testimony again today. Can I get the exhibit, please.

THE COURT: I'm not saying she changed her testimony. That's why I was asking. I just didn't know if she had different thoughts at different points in time because if that was the case I did not have that clearly in my notes.

MR. SHEEHAN: Well, she said yesterday she changed her mind when we went over this exhibit.

THE COURT: Then why don't we just make sure it's crystal clear.

THE WITNESS: When I was --
THE COURT: Hold on. No question pending.
Your client appeared.
MR. SHEEHAN: Alrighty. Thank you for coming, Mr. Ayala.

THE COURT: You're not super late today because we started late.

MR. AYALA: Sorry. My apologies.
THE COURT: That's okay. We figured this out already.

MR. SHEEHAN: Your Honor, can you please turn to the exhibits -- our exhibits, Volume I.

JD Reporting, Inc.

THE COURT: Yes. May I have them, please. MR. SHEEHAN: Behind Y.

THE CLERK: I'm sorry. You said Y, Counselor?
MR. SHEEHAN: Yes. The fourth page down -- fourth
page down, pack 36 on the bottom.
THE COURT: Which one is that? I'm sorry.
MR. SHEEHAN: Page --
THE COURT: 36 was the Bate?
MR. SHEEHAN: The Bates stamp, yes.
THE COURT: Gotcha.
MR. SHEEHAN: Got it?
THE COURT: Uh-huh.
BY MR. SHEEHAN:
Q Okay. You see on the bottom of that page, Ms. Haack, where it says, I've contributed to three build outs already. Do not feel this additional one is right. After seven years we're still not making.

A Yes, I do.
Q And do you recall your testimony yesterday that you said that you changed your mind, and you said you have the right to do that, and I said yes, you have the right to do that, but don't you believe that there should be consequences for changing your mind; do you recall that testimony?

A I didn't -- yes, I do, but I didn't get to respond so we will respond.

Q All right. In fact, I asked you yesterday -- there were three things that you didn't want to do. You didn't want to do the expansion because you didn't want to do the losses. You didn't want to be responsible for the losses associated with the expansion; correct?

A At one time that was part of the discussion.
Q Well, that's what you told my clients; correct?
A At one time that was part of our discussion.
Q Well, do we have to go back and show you those emails again too?

MR. HOLIDAY: I think that was responsive. She said it was part of the discussion.

MR. SHEEHAN: Oh. All right.
BY MR. SHEEHAN:
Q So you didn't want to be responsible for the losses. You didn't think it was -- you didn't want to put any money in to pay for the improvements, and you didn't want to sign the lease; fair enough?

A At one point in our discussion that was my response.
Q All right. The Balboa.
A No, that wasn't at Balboa.
Q All right. All right. So my question is you did not want NRS to have anything to do with the space across the hall; correct?

A At one point, yes. JD Reporting, Inc.

Q Okay. And so you said, go ahead and form another company, you can still own NRS. You can build that over there; just take your own money and put your office over there, and we'll rent your offices over here and the money can grow. And that -- correct?

THE WITNESS: Yes.
MR. HOLIDAY: Objection. Vague as to time on a lot of these questions.

THE COURT: Yeah, a little bit. If I could just get the time frame when this happened. BY MR. SHEEHAN:

Q That was your position all along; correct?
A No.
Q All right. Well, that was certainly -- let's turn to your deposition. Well -- did you testify to that in your deposition repeatedly?

A Testify -- I'm sorry. Repeat the question.
Q That NRS-- you didn't want NRS to be involved with the expansion beginning January 31st when you had the meeting with them and you said you had a heart issue, and you were tired of this, and you wanted to retire, and you didn't think a build out was appropriate at that time.

A I never said that at Balboa. MR. HOLIDAY: Objection.

BY MR. SHEEHAN:
Q Okay. All right. Ma'am, I hate having to go back through all the texts, but we can if you want to. Do you recall going through all the texts yesterday that were between January 31st and March where you repeatedly stated that?

A After the Balboa meeting, yes.
Q Okay. All right. So and that was still your position in August of 2017 before my clients actually signed the lease and did the expansion; correct?

A Yes, after they kicked me out, yes.
Q All right. Now, we went through that yesterday, and you're the person that transferred your license to the division; correct?

A After they kicked me out, yes.
Q Okay. Well, and you saw the invitation from them to come back to --

A I never saw an invitation.
Q All right. Do we have to go through that again? Do you remember that when you --

MR. HOLIDAY: Objection. That misstates the -- the email.

THE COURT: I'll read these texts. That might be the easiest thing.

MR. SHEEHAN: It's -- it's an email and that -- we've agreed to do post closing briefs, Your Honor, so we can, I

