

U.S. District Court
Middle District of Florida
Fort Myers ~~Division~~

GOVERNMENT EXHIBIT

Exhibit No.: 29

Case No.: 2:S20-cr-114-JES-MRM

UNITED STATES OF AMERICA

vs.

CASEY DAVID CROWTHER

Date Identified: _____

Date Admitted: _____

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA,	) Fort Myers, Florida
	)
	) Case 2:20-CR-114-FtM-66MRM
Plaintiff	)
	) Thursday, March 25, 2021
vs.	)
	) 9:05 a.m. to 10:08 a.m.
CASEY DAVID CROWTHER,	)
	) Courtroom 5D
Defendant	)
_____	)

TRANSCRIPT OF JURY TRIAL TESTIMONY OF EVELYN PORTINARI

DAY 2 OF 2, VOLUME 2 OF 2

HELD BEFORE THE HONORABLE JOHN E. STEELE,

United States District Court Judge

Official Court Reporter:
Jeffrey G. Thomas, RPR, CRR
2110 First Street, Suite 2-194
Fort Myers, FL 33901
Telephone: (239) 461-2033

*(Proceedings reported by Stenotype; Transcript produced by
computer-aided transcription.)*

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WITNESS NAME	DIRECT Vol. Pg.	CROSS Vol. Pg.	REDIRECT Vol. Pg.	RECROSS Vol. Pg.	VOIR DIRE Vol. Pg.
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EVELYN PORTINARI - CROSS/WAID

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

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(At 9:05 a.m., the jury was escorted into the
courtroom.)

THE COURT: Be seated, please. And good morning,
ladies and gentlemen.

And I believe the government had finished their
direct?

MR. LEEMAN: It had, Your Honor.

THE COURT: All right. To the defense, then, please.

MS. WAID: Thank you, Your Honor.

EVELYN PORTINARI,
having been recalled as a witness by the Government, having
been previously called as a witness and duly sworn, was
examined and testified as follows:

CROSS EXAMINATION

BY MS. WAID:

Q Good morning, Miss Portinari.

A Good morning.

Q Please let me know if you can't hear me or if you don't
understand a question, and I'll be happy too repeat it for you.
Is that okay?

A Yes.

Q I want to just kind of refresh the jury's recollection.
You are the human resources director for Target; is that

EVELYN PORTINARI - CROSS/WAID

5

1 correct?

2 A Yes.

3 Q And how long have you worked at Target Roofing?

4 A Two and a half years.

5 Q I want to start off with an overview of Target. What
6 does Target do?

7 A We are a roofing company that primarily is in commercial
8 roofing.

9 Q Okay. And is that here in Southwest Florida?

10 A Yes.

11 Q Is the building located on Ortiz Avenue?

12 A That is correct.

13 Q And would it be accurate to state that the building sits
14 on approximately five acres of land?

15 A Yes.

16 Q And there are two buildings on that property, actually;
17 that correct?

18 A That is correct.

19 Q Can you explain to the jury what are the two buildings
20 for?

21 A Sure. So there is the main building, where all of our
22 clerical office staff works in. And then we have our sheet
23 metal shop that's attached to the back of that building. And
24 then there's a second building, which is a house, on the back
25 of the property, that is used for inventory and storage.

EVELYN PORTINARI - CROSS/WAID

6

1 Q Okay. And was it that house that you were actually
2 discussing yesterday when you were talking about the
3 administrative tasks being done by the hired workers?

4 A That's correct.

5 Q The main building that houses Target Roofing, would it
6 be accurate to say that it's about 20,000 square feet?

7 A Yes.

8 Q Okay. And 8,000 square feet of that is the warehouse;
9 correct?

10 A That sounds about right.

11 Q Okay. Or the metal fabrication shop that you discussed
12 previously; is that right?

13 A Yes.

14 Q Okay. And there's about 12,000 square feet of office
15 space; is that accurate?

16 A Yes.

17 MS. WAID: I'm going to show you what has been
18 previously marked as Defense Exhibits A1 through A5. And we're
19 just going to talk about them. I'm going to show them to you
20 right now, and give copies to defense counsel and the Court
21 first.

22 Permission to approach, Your Honor?

23 THE COURT: You may. Was that A1 through A5?

24 MS. WAID: Yes, sir.

25 THE COURT: Thank you.

EVELYN PORTINARI - CROSS/WAID

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1 (Counsel provides evidence to the witness.)

2 BY MS. WAID:

3 Q Let's start off with A1. Miss Portinari, what is A1?

4 A It's an overhead photograph of the property.

5 Q Okay. The property of Target Roofing?

6 A That's correct.

7 Q And is it fair and accurate depiction of the property of
8 Target Roofing?

9 A Yes.

10 MS. WAID: Defense would move in Defendant's
11 Exhibit A1.

12 THE COURT: Any objections?

13 MR. LEEMAN: No, Your Honor.

14 THE COURT: A1 will be admitted.

15 (Defendant's Exhibit A1 admitted.)

16 MS. WAID: Permission to publish?

17 THE COURT: You may.

18 MS. WAID: Thank you.

19 (Evidence was published via the projector.)

20 MS. WAID: The picture is going to show up there,
21 Miss Portinari, and actually you're going to have it in front
22 of you as well.

23 And for the record, Your Honor, I'm going to drop off
24 a pen so she can mark on the exhibit for the jury. Is that
25 okay?

EVELYN PORTINARI - CROSS/WAID

8

1 THE COURT: That's fine.

2 MS. WAID: Thank you.

3 BY MS. WAID:

4 Q Okay, Miss Portinari. So this is Target Roofing, this
5 is where you work every day?

6 A That's correct.

7 Q Well, Monday through Friday at least; correct?

8 A Correct.

9 Q And could you point out for the jury -- or put down --
10 point out, on this screen, kind of where your office is
11 located?

12 A Currently or at the time?

13 Q At the time.

14 A It will be in this area here.

15 Q So, for the record, you are -- mark it -- can you please
16 mark it on your picture? Yeah. Okay. And explain where it is
17 to the jury so that --

18 THE COURT: I think there's a way of having her touch
19 the screen and have it visible.

20 MS. WAID: I thought so too. That's what I was
21 hoping would happen.

22 THE COURT: Let's check here. Yes.

23 (The witness places a mark on the projected image.)

24 THE WITNESS: About right here.

25

EVELYN PORTINARI - CROSS/WAID

9

1 BY MS. WAID:

2 Q Okay. So that is where your office was located. And
3 when we say at the time, we're talking about in the beginning
4 of the pandemic, March/April 2020; is that correct?

5 A That's correct.

6 Q And did you have any windows in your office?

7 A Yes.

8 Q Okay. Can you show for the jury, on that picture, where
9 is the warehouse you were talking about located?

10 (The witness marks on the exhibit.)

11 A Probably back in this section back here. So back here.

12 Q And for the record, on your picture, can you actually
13 put W where that is located? And E for where your office is,
14 please? And the house that we discussed, could you actually
15 please put down -- mark and tell the jury where the house is
16 that you were discussing?

17 (The witness marks on the exhibit.)

18 Q Okay. So -- and where do you park?

19 (The witness marks on the exhibit.)

20 A Closer up against the building.

21 Q So would it be accurate to say that your parking space
22 sat least a football field away from the house that you were
23 discussing where the administrative tasks were taking place?

24 A Yes.

25 Q Okay. Can you please put P, for park, on the record?

EVELYN PORTINARI - CROSS/WAID

10

1 And H for house? Okay.

2 And can you explain to the jury, what are all the trucks
3 on the side of the building?

4 A Those are all our vehicles that are used on a daily
5 basis.

6 Q Okay. And they're used for roofing.

7 A Correct.

8 Q Okay. For roofing projects and things of that nature?

9 A Correct.

10 Q And in the morning, can you show on this picture kind of
11 where the workers and the crew members would kind of congregate
12 to get together?

13 A It would be in this warehouse space back here. Back in
14 here. They come through.

15 Q Okay. But are you normally there when the crew members
16 first get there in the morning?

17 A No.

18 Q Okay. What time do the crew members normally get to
19 work?

20 A About 5:30.

21 Q 5:30 in the morning?

22 A Yes.

23 Q And what time do you normally get to work?

24 A 8:00 a.m.

25 Q And, by the time you get to the office, are the crew

EVELYN PORTINARI - CROSS/WAID

11

1 members normally on their projects already?

2 A Yes.

3 Q Okay. So you wouldn't see them normally; correct?

4 A Correct.

5 Q Pre-COVID you wouldn't see them normally; correct?

6 A Correct.

7 Q All right. We're going to move on to A2, please.

8 Don't -- just look at it first.

9 A Oh.

10 Q No, it's okay. On down by you, look at it. The one on
11 the copy that I gave you. And can you please tell me what it
12 is?

13 A It's photographs of all of our company vehicles.

14 Q Okay. And is that a fair and accurate depiction of your
15 company vehicles?

16 A Yes.

17 MS. WAID: Okay. Defense would like to more in
18 Defendant's Exhibit A2.

19 THE COURT: Any objections?

20 MR. LEEMAN: No, Your Honor.

21 THE COURT: A2 will be admitted.

22 (Defendant's Exhibit A2 admitted.)

23 MS. WAID: Permission to publish?

24 THE COURT: I'm sorry. If I admit it, you can
25 publish it.

EVELYN PORTINARI - CROSS/WAID

12

1 MS. WAID: Thank you.

2 (Evidence was published via the projector.)

3 BY MS. WAID:

4 Q All right. So this is actually the fleet of company
5 cars for Target Roofing; is that correct?

6 A Yes.

7 Q Okay. And you would -- how many, at a normal time,
8 employees does Target actually employ on the books?

9 A About 170, 180.

10 Q So 170 and 180 people at any given time; correct?

11 A Yes.

12 Q Okay. And would you be able to identify all 170 to 180
13 employees?

14 A No.

15 Q Would you be able to identify a hundred of those
16 employees?

17 A No.

18 Q Would you be able to identify 50 of those employees?

19 A Yes.

20 Q Okay. And some of the 50 actually work continuously for
21 Target; isn't that correct?

22 A Yes.

23 Q But there are many, many other employees who kind of
24 come and go; is that right?

25 A Yes.

EVELYN PORTINARI - CROSS/WAID

13

1 Q I'm going to have you look at your picture A3 and tell
2 me what that is.

3 A That's the hallway.

4 Q Okay. The hallway of Target Roofing?

5 A Yes.

6 Q And that's the inside building on Ortiz; correct?

7 A Correct.

8 Q Is that a fair and accurate depiction of what the
9 building looks like?

10 A Yes.

11 MS. WAID: We would like to admit Defendant's
12 Exhibit A3.

13 THE COURT: Any objections?

14 MR. LEEMAN: No, Your Honor.

15 THE COURT: A3 will be admitted.

16 (Defendant's Exhibit A3 admitted.)

17 (Evidence was published via the projector.)

18 BY MS. WAID:

19 Q Okay. So this is the hallway that you were discussing;
20 is that right?

21 A Yes.

22 Q Okay. And was your office located on this hallway?

23 A Yes.

24 Q Can you point out where your office was located?

25 (The witness marks on the exhibit.)

EVELYN PORTINARI - CROSS/WAID

14

1 Q Okay. And, for that, can you just put O for me on your
2 piece of paper? Sorry, I know it's a lot of work.

3 A Okay. Thank you.

4 A And this is kind of a view down the entire length of the
5 building that we saw in A1; is that accurate?

6 A Yes.

7 Q Okay. And, during COVID, is this pretty much what that
8 hallway looked like?

9 A Yes.

10 Q Were you required to keep your door shut?

11 A Yes.

12 Q And were you required to stay in your office?

13 A Yes.

14 Q And were you told not to co-mingle with co-workers?

15 A Correct.

16 Q Can you please look at A4? What is it?

17 A It's a picture of the warehouse shop area where we do
18 the metal fabrication.

19 Q Okay. And is that a fair and accurate depiction of what
20 the warehouse looks like?

21 A Yes.

22 MS. WAID: We'd like to admit Defense Exhibit A4 at
23 this time.

24 THE COURT: Any objections?

25 MR. LEEMAN: No, Your Honor.

EVELYN PORTINARI - CROSS/WAID

15

1 THE COURT: A4 will be admitted.

2 (Defendant's Exhibit A4 admitted.)

3 (Evidence was published via the projector.)

4 BY MS. WAID:

5 Q So this is the warehouse; correct?

6 A Correct.

7 Q And this is where you were stating that the workers, in
8 the morning, normally gather to go about their business; is
9 that accurate?

10 A Correct.

11 Q And even though you're not there in the morning, you
12 know that this is where they will come in and go during
13 the day, in and out; right?

14 A During the morning? Yeah.

15 Q Okay. Do you normally go down to the warehouse?

16 A No. Not very often.

17 Q Okay. Would you have any reason to go down to the
18 warehouse?

19 A Maybe if I was looking for time sheets.

20 Q Okay. But for the most part you stay in the main office
21 section of Target; is that accurate?

22 A Correct.

23 Q And that is somewhat segregated from the warehouse
24 section.

25 A Correct.

EVELYN PORTINARI - CROSS/WAID

16

1 Q Okay. The last one. We're looking at A5. Can you tell
2 me what that is?

3 A It's an overhead picture of the building and the
4 property.

5 Q When you say building, are you talking about Target
6 Roofing?

7 A That's correct.

8 Q And is it fair and accurate depiction of Target Roofing?
9 The premises?

10 A Prior to us moving into the building, yes.

11 Q Okay. And why do you say prior to you moving into the
12 building? What's changed?

13 A There's construction trailers out there which we were
14 working in originally.

15 Q We'd like to admit Defense Exhibit A5.

16 THE COURT: Any objections?

17 MR. LEEMAN: No, Your Honor.

18 THE COURT: A5 will be admitted.

19 (Defendant's Exhibit A5 admitted.)

20 (Evidence was published via the projector.)

21 BY MS. WAID:

22 Q Okay. So this gives an overview of the premises of
23 Target Roofing; is that accurate?

24 A Yes.

25 Q Okay. And, when you first moved in, you said there were

EVELYN PORTINARI - CROSS/WAID

17

1 trailers. Can you tell me where those trailers were?

2 (The witness marks on the exhibit.)

3 Q Okay. And those trailers were actually full of
4 documents; is that correct?

5 A No.

6 Q What were they filled with?

7 A Those trailers we were working out of.

8 Q Oh.

9 A We had each division working in them. The trailer that
10 held all the documents is actually not in this picture.

11 Q Okay. And when you -- why did you need a trailer with
12 documents and things of that nature? Can you explain that to
13 the jury?

14 A Sure. We needed it because we had all of them working
15 in those construction trailers; and, as we added more staff, we
16 started running out of space to hold people. So we got a
17 storage container that we started moving documents into to
18 relieve space so that we could work within those trailers.

19 Q Okay. And where would that storage trailer be located?

20 A It was right here.

21 Q Okay. And that's because you actually moved into this
22 new building; correct?

23 A Correct.

24 Q So this is actually new construction that you were
25 building at the time; is that right?

EVELYN PORTINARI - CROSS/WAID

18

1 A Correct.

2 Q And where was target located prior to that?

3 A We were on Crystal Ave.

4 Q And so you moved from Crystal Ave to build this new
5 construction on Ortiz Avenue; correct?

6 A Correct.

7 Q And you moved all of your materials, and documents, and
8 everything into the Ortiz Avenue space; is that accurate?

9 A That's accurate.

10 Q Can you please, for the record, mark down on your
11 picture H for where the house is? And show the jurors where
12 the house is as opposed to

13 (The witness marks on the exhibit.)

14 Q And what was in that house?

15 A At that time, it was inventory.

16 Q Okay. Thank you.

17 All right. Now, I want to talk to you a little bit
18 about the construction business; all right? So you work in the
19 roofing industry; correct?

20 A Correct.

21 Q Okay. And how long have you worked in the roofing
22 industry?

23 A Two and a half years.

24 Q Okay. So just while were you at Target; correct?

25 A Correct.

EVELYN PORTINARI - CROSS/WAID

19

1 Q All right. And, in the roofing industrial, would it be
2 accurate to say that there are new hires every day?

3 A Not every day, but often.

4 Q But often; okay. And some roofing projects can last two
5 days.

6 A Correct.

7 Q And some roofing projects can last months; correct?

8 A Correct.

9 Q All right. And sometimes you need two people for a
10 roofing project; right?

11 A Only if it was service work would it just be two people.
12 Otherwise it's a crew.

13 Q A crew. And sometimes that crew could be as big as 70
14 people.

15 A Yes.

16 Q So you're the head of human resources. You're the
17 director of that. So it's gotta be hectic when you get large
18 groups, would that be an accurate statement?

19 A Yes.

20 Q And oftentimes the payroll is going to fluctuate; is
21 that accurate?

22 A That's correct.

23 Q Because you are in charge of payroll as well; is that
24 right?

25 A Correct.

EVELYN PORTINARI - CROSS/WAID

20

1 Q And do you agree that many of the crew members hired by
2 Target are Hispanic immigrants?

3 A Yes.

4 Q And isn't that true for most construction companies in
5 Southwest Florida?

6 A Yes.

7 Q Okay. And isn't it true that these crew members often
8 jump from company to company, wherever a project may pop up?

9 A Yes.

10 Q And would it be accurate to state that many of these
11 crew members will actually travel through a state in order to
12 get work?

13 A Yes.

14 Q Now, do most of these crew members that you've actually
15 employed have driver's license?

16 A No.

17 Q And can you explain to the jury kind of what the process
18 is to gather documentation from the workers?

19 A So when they come in to fill out their new-hire
20 applications, they know that they need to bring proper
21 documentation that will be gathered and then brought to me, and
22 I'll make photocopies, double check all of the paperwork, and
23 then submit to the payroll company.

24 Q Okay. And, for the most part, do most of the crew
25 members speak English?

EVELYN PORTINARI - CROSS/WAID

21

1 A No.

2 Q Do they read?

3 A No.

4 Q Often do they need assistance from wives or girlfriends
5 to assist with fill out the paperwork?

6 A Yes.

7 Q Do they often need assistance from HR to fill out
8 paperwork?

9 A Yes.

10 Q And you actually have employees who work for you;
11 correct?

12 A Yes.

13 Q And how many employees work in the HR department?

14 A At any given time, one. Sometimes two.

15 Q Sorry. I didn't mean to cut you off.

16 A At any given time, one. Sometimes two.

17 Q Underneath you.

18 A Yes.

19 Q So two to three people are in the work HR department; is
20 that correct?

21 A Yes.

22 Q And, pre-COVID, would the HR department assist with
23 filling out paperwork and things of that nature?

24 A Yes.

25 Q And, post-COVID, after the precautions were put into

EVELYN PORTINARI - CROSS/WAID

22

1 place, or safeguards put into place so there was minimal
2 contact between anybody inside, the internal staff and outside
3 crew members?

4 A Yes.

5 Q I'm going to draw your attention to March, 2020. Can
6 you explain to the jurors kind of what the financial situation
7 was at Target Roofing late December?

8 A Yes. In late December, we were coming into a pretty
9 slow period. We didn't have a lot of work on the books for
10 quarter one. We knew we had some big projects coming up, but
11 it wasn't going to start until second quarter. So, in
12 December, we did a pretty large layoff of about . . . I don't
13 know, 50 to 60 people.

14 Q Okay. And then what about January, 2020?

15 A January, we were slow.

16 Q February, 2020?

17 A February, 2020, we did another layoff.

18 Q Okay. And then COVID hit; correct?

19 A Yes.

20 Q And was the company concerned about losing some of its
21 largest projects?

22 A Yes.

23 Q And at that time that COVID hit in March, 2020, were
24 construction sites being shut down?

25 A Yes.

EVELYN PORTINARI - CROSS/WAID

23

1 Q And were inspectors -- they stopped inspecting sites for
2 a period of time?

3 A That's correct.

4 Q And was the management team at Target concerned about
5 the financial condition of the company?

6 A That's correct.

7 Q Did the management team have a meeting about the
8 Paycheck Protection Program?

9 A Yes.

10 Q Okay. And can you tell the jurors what was discussed at
11 that meeting?

12 A It was just discussed that the Paycheck Protection
13 Program was going to be coming out, and that we were going to
14 be applying for it.

15 Q Okay. And what was the reason that you were going to be
16 applying for that money?

17 A For payroll.

18 Q For payroll. Okay. And it was to maintain employees;
19 correct?

20 A Yes.

21 Q And, with that payroll monies, PPP money, would you be
22 able to rehire employees?

23 A Yes.

24 Q Did you assist in the application process?

25 A Yes.

EVELYN PORTINARI - CROSS/WAID

24

1 Q Did you gather documentation to actually submit to the
2 Sanibel Captiva Bank?

3 A Yes.

4 Q And, as part of that documentation, did it include
5 payroll records?

6 A Yes.

7 Q And was the reason that it included payroll records so
8 that you could estimate how much payroll you would need to pay
9 over, at first, an eight-week period?

10 A Yes.

11 Q All right. Would you state that, when -- would it be
12 accurate to state that, when COVID hit, kind of you changed,
13 quote unquote, your normal operations at Target?

14 A Yes.

15 Q So the crew members, who were the ones that were kind of
16 gathering in the warehouse and things like that pre-COVID, did
17 they come into the main office building often?

18 A Not really. They would, but not all the time.

19 Q Okay. And, post-COVID, were crew members actually
20 allowed to come into the main office building?

21 A No.

22 Q And you took serious precautions, and implemented new
23 policies at Target, in order to deal with the pandemic; is that
24 accurate?

25 A That's accurate.

EVELYN PORTINARI - CROSS/WAID

25

1 Q Okay. And masks were required?

2 A Yes.

3 Q Lots of hand sanitizer.

4 A Yes.

5 Q Everyone needed to stay six feet apart; correct?

6 A Yes.

7 Q And you were actually instructed to stay in your own
8 office; is that accurate?

9 A That's correct.

10 Q And to the point where, even though many of you were
11 working from the office still, you actually had Zoom meetings
12 from your own offices; is that accurate?

13 A That's correct.

14 Q Okay. And normally, on those Zoom meetings, you were
15 including internal staff; is that right?

16 A Yes.

17 Q Usually that would just include the management team. Is
18 that accurate?

19 A Yes.

20 Q And is that who would normally be involved in any type
21 of management meeting?

22 A Yes.

23 Q Okay. Would it be fair to say that you were, as we all
24 were, extremely concerned about COVID?

25 A Yes.

EVELYN PORTINARI - CROSS/WAID

26

1 Q And, as was Mr. Crowther.

2 A That's correct.

3 Q All right. And so did Mr. Crowther then kind of take on
4 certain tasks in order to minimize contact between all of the
5 staff members?

6 A Yeah.

7 Q Okay. And some of the policies that we actually changed
8 at Target were some people telecommuted from home; correct?

9 A Some people.

10 Q Okay. Like who?

11 A The sales staff did.

12 Q All right.

13 A Because we weren't able to get them their own space so
14 that they weren't in cubicles.

15 Q Okay. And there were -- oh, and they worked in the
16 cubicles, kind of at the end of the building; correct?

17 A Correct.

18 Q So, for the record, that would be down almost by the
19 warehouse, right in front of the warehouse.

20 A Correct.

21 Q Okay. And a lot of -- some of the duties that employees
22 could perform from home would include marketing; correct?

23 A Um-hum.

24 Q Sales; correct?

25 A Yes.

EVELYN PORTINARI - CROSS/WAID

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1 Q Speaking to customers to allay their fears.

2 A Yes.

3 Q Talking to building inspectors to see when building
4 inspections would be back up on site; correct?

5 A Yes.

6 Q Talking to vendors?

7 A Yes.

8 Q Okay. And trying to find materials because, at that
9 time, isn't it true that the materials kind of dried up, and it
10 was difficult to get roofing materials at that time?

11 A Yes. I remember that being mentioned.

12 Q Okay. Also, kind of the drafting of projects could be
13 something that could be performed at home, as well.

14 A Yes.

15 Q Now, you state -- we had discussed earlier how the
16 members of -- a lot of the crew members are Hispanic
17 immigrants; is that right?

18 A Yes.

19 Q And in early March/April 2020, even into May, 2020,
20 there was a large COVID outbreak in the Hispanic community; is
21 that accurate?

22 A That is accurate.

23 Q And this caused additional concern for Target employees;
24 correct?

25 A Yes.

EVELYN PORTINARI - CROSS/WAID

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1 Q And it placed employees at a higher risk.

2 A Yes.

3 Q And it actually turned out to be a legitimate concern;
4 correct?

5 A Yes.

6 Q Because Target had a COVID outbreak; is that right?

7 A Yes, we did.

8 Q And was it once or twice?

9 A During that timeframe, it was once. That lasted a
10 few -- quite a few weeks. And then we had a second one
11 recently.

12 Q Okay. And employees were actually hospitalized.

13 A They did go to the hospital.

14 Q Okay. And, because of that, then there were actually
15 more stringent policies and procedures put into place; isn't
16 that accurate?

17 A Yes.

18 Q Okay. And it's not that you weren't doing your job as
19 human resources director, it was that you were instructed to
20 stay in your office; correct?

21 A That is correct.

22 Q And you were instructed not to speak with workers for
23 your own health; is that right?

24 A That is correct.

25 Q Okay. But you continued to actually . . . receive the

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1 information, the I-9 forms and the documentation; correct?

2 A Yes.

3 Q And you continued to do payroll; correct?

4 A Yes.

5 Q So you continued to do your job responsibilities; is
6 that right?

7 A Yes.

8 Q You were just -- you were just isolated at the time.

9 A Correct.

10 Q Okay. And during that time many of us were isolated.
11 Correct?

12 A Yes.

13 Q Okay. But the employees there at Target, specifically
14 because of those outbreaks, there were much more stringent
15 requirements; is that accurate?

16 A That's correct.

17 Q So, because of that, would you agree that Mr. Crowther
18 tried to keep contact between employees down to a minimum?

19 A Yes.

20 Q And he would take on tasks that he might normally not
21 have handled so that internal staff had minimal contact with
22 the outside crew members.

23 A Yes.

24 Q And you stated earlier that, often, crew members need
25 assistance with filling out paperwork. Is that accurate?

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1 A Yes.

2 Q And does Mr. Crowther speak Spanish?

3 A Yes, he does.

4 Q And all right. And was this a task that Mr. Crowther
5 could have taken on to keep contact minimum amongst employees?

6 A Yes.

7 Q Because, as the owner of the company, it's Mr. Crowther
8 who's responsible for the safety of his employees. Is that
9 accurate?

10 A Correct.

11 Q Okay. And he took these precautions in order to keep
12 his employees safe.

13 A Correct.

14 Q All right. Now, yesterday Mr. Leeman talked to you a
15 little bit about -- and I think you -- Casey Crowther special
16 projects; is that right?

17 A Yes.

18 Q Okay. And would it be accurate to say that, during
19 natural disasters, Casey Crowther did take on special projects
20 for Target?

21 A Yes.

22 Q Okay. Now, you weren't employed with Target during
23 Hurricane Irma, were you?

24 A No, I was not.

25 Q But you were employed with Target during Hurricane

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1 Michael; is that right?

2 A Yes.

3 Q And Hurricane Michael hit the Florida panhandle in 2017;
4 is that right?

5 A 2018.

6 Q 2018. Sorry. I can't remember what today is. In 2018.
7 And it actually devastated the Florida panhandle; is that
8 accurate?

9 A Yes.

10 Q And what did Mr. Crowther do when that happened?

11 A He took a team of people up to Panama City, and they set
12 up . . . a camp up there, with different trailers, to roof up
13 in that area.

14 Q Okay. And did they live in those trailers?

15 A Yes, they did.

16 Q For approximately how long?

17 A It was a while. Five or six months maybe?

18 Q Okay. So you would agree that this would be a special
19 project that the owner of the business took upon himself.

20 A Yes.

21 Q All right. And, when the pandemic hit, did Mr. Crowther
22 respond to that disaster as well?

23 A Yes.

24 Q All right. He rehired the workers.

25 A Yes.

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1 Q And that was with the PPP money.

2 A Yes.

3 Q He employed new workers.

4 A Yes.

5 Q He maintained the workers that he had.

6 A Yes.

7 Q And you some of the -- he also employed some family
8 members.

9 A Yes.

10 Q Okay. And is it unusual for a family business to employ
11 family members?

12 A In my history, no.

13 Q Especially during a global pandemic.

14 A Yes.

15 Q Okay. And, during that time, in order to actually
16 employ more people in the community, Target Roofing took
17 projects on, it reduced prices. Is that accurate?

18 A That was discussed, yes.

19 Q Okay. And because the intent of getting that PPP money
20 was for what reason?

21 A To employ our employees and make sure that they were
22 paid.

23 Q And that's exactly what happened; correct?

24 A Yes.

25 Q And you actually handle the payroll, correct?

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1 A Correct.

2 Q And so you know that those employees got paid.

3 A Yes.

4 Q I want to talk a little about these 39 workers that were
5 discussed yesterday. So these 39 workers were hired because
6 you were trying to bring on jobs on for workers in the
7 community; correct?

8 A Yes.

9 Q And you stated 20 or the 39 were used for administrative
10 functions; is that right?

11 A That's correct.

12 Q And the remaining 19 were roofers.

13 A Yes.

14 Q Okay. And you could only hire so many roofers at that
15 time because sites were still down; is that right?

16 A I believe so, yes.

17 Q Okay. Now, you stated in your testimony yesterday that
18 many of the workers were kind of shredding documents.

19 A Correct.

20 Q And you stated also, earlier in your testimony today,
21 that you had just moved into a new facility onto Ortiz; is that
22 is correct?

23 A Yes.

24 Q And we viewed that facility in the photos that I showed
25 you earlier; is that right?

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1 A Yes.

2 Q And so when you moved from that facility, would it be
3 accurate to say that you had documents and things that you
4 needed to get rid of?

5 A Yes.

6 Q Okay. And, like many of us did during the pandemic, did
7 Target decide to actually take on tasks they hadn't done
8 before, and do some kind of spring cleaning?

9 A Yes.

10 Q All right. And were these workers hired to kind of
11 clean out all of the old documents, and things of that nature,
12 from those trailers at that time?

13 A They had already been moved from the trailers out to the
14 house, but yes.

15 Q Okay. So that's an excellent point. Thank you for
16 reminding me. So they're originally in trailers; correct?

17 A Yes.

18 Q And then they were -- the documents had been moved into
19 the house; is that right?

20 A Yes.

21 Q So the house where we had on -- the H on, behind
22 the . . . let's just pull that up. Can you pull up A5, please?
23 Just so we're clear where that house was located. Can you
24 point to where the house is located on there?

25 (The witness marks on the exhibit.)

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1 Q Okay. And so the workers were hired to kind of -- the
2 documents were located, then, in the house.

3 A Yes.

4 Q Okay. And those workers were hired to kind of clean --
5 shred those documents, clean that house; correct?

6 A Correct.

7 Q And then they were actually asked to do additional
8 tasks, such as kind of renovate, and help bring that property
9 up to code; is that accurate?

10 A I'm not sure on all those specifics.

11 Q Okay. What is . . . what is your payroll company's
12 name?

13 A Work Force Business Solutions.

14 Q Okay. At that time, correct?

15 A Correct.

16 Q Okay. And do you know a man named Mario Curia?

17 A Yes.

18 Q Who is he?

19 A He handles the worker comp aspect of things. Worker's
20 comp.

21 Q And so is he an investigator? What does he do for you?

22 A So he'll come out from time to time, and he'll go out
23 and inspect job sites. As far as my work with him, he's worked
24 with me whenever we've had to change people's worker's comp
25 codes, or go over to make sure that everybody is classified in

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1 the correct codes.

2 Q Okay. And would Mr. Curia normally conduct inspections
3 at Target?

4 A Yes.

5 Q Okay. How often?

6 A I'm not sure. Our director of operations handled that
7 more than I did.

8 Q Okay. And for what reasons was he doing that?

9 A On behalf of the payroll company.

10 Q Okay. Do you recall if Mr. Curia conducted any on-site
11 inspections of Target in May, 2020?

12 A Yes.

13 Q Okay. I'm going to show what you has been marked as
14 Defense Exhibit K.

15 (Counsel provides evidence to the witness.)

16 MS. WAID: Permission to approach?

17 THE COURT: You may.

18 MS. WAID: And permission to approach the witness?

19 THE COURT: You may.

20 MS. WAID: Thank you.

21 (Counsel provides evidence to the witness.)

22 BY MS. WAID:

23 Q Miss Portinari, can you tell me what that is?

24 A An inspection report that was given to our director of
25 operations.

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1 Q And are these inspections conducted as part of Target's
2 regular course of business? Sorry. I apologize.

3 Are these inspections conducted as part of Target's
4 regular course of business?

5 A Yes.

6 Q And are these reports maintained by the company in the
7 regular course of business?

8 A Scott maintains them. How they're maintained I'm not
9 specifically sure of.

10 Q Can you tell me what the date of that is?

11 A May 19. But the audit was completed on May 18th.

12 Q Okay.

13 A Of 2020.

14 Q All right. And do you recall Mr. Curia coming to . . .
15 to Target to do an inspection on May 18th, or do you recall him
16 being there around that time?

17 A Yes.

18 Q Okay. And that was during COVID.

19 A Yes.

20 Q All right. And do you recall him stating that he was
21 there because of the administrative title provided to some of
22 those workers?

23 MR. LEEMAN: I'll object to hearsay, Your Honor.

24 THE COURT: Sustained.

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1 BY MS. WAID:

2 Q But you saw Mr. Curia at your office; correct?

3 A Mr. Curia met with me.

4 Q Okay. In your office. In regards to an inspection of
5 the property; is that accurate?

6 A In regards to the question of the description of those
7 workers on the worker's comp code.

8 MS. WAID: Okay.

9 Momentarily, court's indulgence, Your Honor.

10 (Ms. Waid and Mr. Dickerson confer privately.)

11 BY MS. WAID:

12 Q So it was your understanding at that time that Mr. Curia
13 came to Target to discuss the administrative code; is that
14 accurate?

15 MR. LEEMAN: Objection, calls for hearsay.

16 THE COURT: Sustained.

17 MS. WAID: All right.

18 BY MS. WAID:

19 Q So Mr. Curia was on the property of Target in
20 May 18/May 19; correct? May 18, I'm sorry.

21 A May 18, yes.

22 Q And, after he was at the property on Target, was he in
23 the building?

24 A Yes.

25 Q Okay. Did he come to see you first?

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1 A Yes.

2 Q And then where did you take him?

3 A To Scott Ewins, our director of operations.

4 Q Okay. And do you know where he went after he met with
5 Mr. Ewins?

6 A No.

7 Q But, after your conversation regarding administrative
8 issues, did you receive any type of complaint from WBS?

9 A WBS?

10 Q WBS, sorry.

11 A No. They just had questions, and they said that Mario
12 would be coming out.

13 Q Okay. And then Mario came out.

14 A Correct.

15 Q And, after Mario was actually in the building, he left.

16 A Correct.

17 Q And, after that, after he left the building, did you
18 receive any complaints from WBS about administrative tasks?

19 A No.

20 Q And they didn't send you any paperwork stating that
21 there was any issues with your administrative coding?

22 A No.

23 Q And you never heard about that administrative issue
24 again?

25 A No.

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1 Q Okay. There comes a time when Congress changed the
2 rules from eight weeks to 24 weeks; is that accurate?

3 A Yes.

4 Q Okay. When I say they changed it from eight weeks to
5 24 weeks, originally Target only had eight weeks to spend the
6 payroll; correct?

7 A Yes.

8 Q And then Congress changed it to 24 weeks to spend the
9 payroll; is that right?

10 A Yes.

11 Q And you were closely following those rules and
12 regulations because you were concerned about how payroll was
13 going to be spent; is that right?

14 A Yes.

15 Q Okay. And the target number -- sorry for the pun -- the
16 target number that you were trying to reach in payroll
17 expenditures was 2.1 million; correct?

18 A Yes.

19 Q Because that's actually the amount of the loan from
20 Sanibel Captiva Bank; is that accurate?

21 A Correct.

22 Q And so when Congress all of a sudden switches it up and
23 changes the rules, you have to change your strategy as well.

24 A Correct.

25 Q Okay. Meaning you kind of -- at this point in time,

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1 prior -- during the eight weeks, you were trying to expend that
2 money to employees; correct?

3 A Correct. The company was.

4 Q You were taking projects at lower prices.

5 A Yes.

6 Q You were spending a lot of money on overtime.

7 A Yes.

8 Q Okay. And that was in order to get those projects done.

9 A Yes.

10 Q And you had done special projects that you normally
11 wouldn't hire people for, but you were doing it because you
12 wanted to employ members of the community.

13 A Yes.

14 Q So, when they switched it to 24 weeks, you decide it may
15 be time to slow down a little bit and take a look at your
16 finances; is that accurate?

17 A Yes.

18 Q And you decided it might be better to make better
19 decisions for the company long term, because you now had
20 24 weeks, and you needed to spend that payroll on your
21 employees; is that accurate?

22 A Yes.

23 Q So you decided to cut back on overtime?

24 A Yes.

25 Q And raise the price of your projects so that Target

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1 could actually generate a little bit of profit?

2 A Yes.

3 Q All right. And these changes were actually made so that
4 you could keep the jobs of the workers who were regularly
5 employed at Target; is that right?

6 A Yes.

7 Q Okay. So you let go of the additional workers that you
8 had hired during that eight-week term; correct?

9 A Yes.

10 Q Not all of them. Correct?

11 A Correct.

12 Q And you let go of the family members, as well; is that
13 right?

14 A Yes.

15 Q Okay. And how many -- and so when all of these people
16 actually were let go, they were let go on the same day; is that
17 right?

18 A Yes.

19 Q And that day was chosen because it's the last date of
20 the pay period; is that accurate?

21 A No. It was chosen because that was the last day that
22 they received a paycheck from Target.

23 Q Okay. Thank you for the clarification.

24 All right. So I want to talk a little bit about checks.
25 Was it unusual for workers to not pick up checks?

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1 A No.

2 Q All right. And approximately how many checks -- you
3 know -- over the past two weeks have not been picked up?

4 A We had a container full of them. Like a file container.

5 Q And could you give me an approximate number as to how
6 many those would be?

7 A I mean there were a good amount in there.

8 Q Good. Over a hundred?

9 A Probably, yes. Yes.

10 Q Okay. And what do you do with checks that aren't picked
11 up?

12 A What I've been doing is just holding onto them.

13 Q Okay. And, most recently, did you -- you stated
14 yesterday in your testimony that you actually submitted them to
15 the State of Florida --

16 A Yes.

17 Q -- correct? And you stated you submitted them to the
18 State of Florida because they are considered, quote unquote,
19 unclaimed funds; is that right?

20 A Yes.

21 Q And does that mean that the -- so Target does not keep
22 that money; correct?

23 A No.

24 Q All right. The State of Florida actually takes that
25 money in the event that somebody's going to come claim those

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1 checks; correct?

2 A Yes.

3 Q And Target, in fact, loses money on that transaction; is
4 that right?

5 A Yes.

6 Q Okay. Let's look a little bit at the I-9 documents that
7 you kind of -- we discussed at length yesterday. Just so the
8 jurors remember, kind of what is an I-9?

9 A It's a document that you, as an employee, fill out,
10 stating that you are eligible to work within the United States.

11 Q Okay. Now, I'm going to venture a guess that you are
12 not a fingerprint expert; correct?

13 A No.

14 Q Okay. Okay. But, as the HR director, you do know the
15 law surrounding hiring employees; is that accurate?

16 A Yes.

17 Q Okay. And the laws state that it is actually the
18 responsibility of the employee, not the employer, Target, to
19 accurately fill out the Form I-9; is that right?

20 A Correct.

21 Q And it is also the responsibility of the employee, not
22 employer, to provide proper documents for identification and
23 work authorization; correct?

24 A Correct.

25 Q Okay. And, when the employer receives the I-9 and the

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1 documentation, it is Target's obligation to review the
2 documents; correct?

3 A Yes.

4 Q And accept them if they reasonably appear to be genuine
5 and relate to the individual presenting them; correct?

6 A Correct.

7 Q In other words, you are not required to be an expert in
8 reviewing the forms that determine authenticity of those
9 documents.

10 A Correct.

11 Q And have you rejected potential applicants before?

12 A Yes.

13 Q Okay. Can you just give -- give an example to the jury
14 of when that might have been?

15 A I had an employee come to to us, that I can think of off
16 the top of my head, with documents that I knew did not belong
17 to him.

18 Q Okay. And what did you do when that happened?

19 A I told him he was not eligible for hire.

20 Q Okay. But you actually have to be careful when
21 rejecting applicants as an employer, don't you.

22 A Yes.

23 Q Because the federal laws also -- there are laws
24 governing I-9s that contain antidiscrimination provisions.

25 Right?

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1 A Yes.

2 Q And if Target engages in unfair documentary practices
3 during the I-9, discrimination, Target could be investigated
4 and civilly prosecuted for discrimination by the Department of
5 Justice; isn't that accurate?

6 A Yes.

7 Q Okay. Once an I-9 form is completed, and the documents
8 are gathered, what do you do with those documents?

9 A They're put -- the documents -- the identification
10 documents are put in their personnel file, and the I-9s are in
11 a separate binder that they're contained in.

12 Q Do you submit them to a government agency?

13 A No.

14 Q So you just hold onto them.

15 A Yes.

16 Q And they sit in the Target filing system.

17 A Yes.

18 Q In other words, completed I-9 forms remain in the
19 personnel files of the business indefinitely, without ever
20 being reviewed by anyone; is that accurate?

21 A Yes.

22 Q What percent of the PPP loan did Target spend on
23 payroll?

24 A All of it.

25 Q So all 2.1 million was spent on payroll; correct?

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1 A Yes.

2 Q And, in fact, during the covered time period, Target
3 spent over a million more than 2.1 million; is that right?

4 A Yes.

5 Q Okay. Did Target Roofing apply for forgiveness of that
6 loan?

7 A No; not that I'm aware of.

8 Q So the 3.2 million in payroll paid during the covered
9 period is actually going to be -- is being paid by Target
10 Roofing; correct?

11 A Yes.

12 Q Okay. And now it's going to be paid with one-percent
13 interest pursuant to the loan; is that accurate?

14 A Yes. If we don't receive forgiveness.

15 Q Yes, if with you don't receive forgiveness, correct,
16 which Target Roofing hasn't applied for; correct?

17 A Correct.

18 Q And the owner of Target Roofing, technically that money
19 is being paid by Mr. Crowther, as well; correct?

20 A Yes.

21 MS. WAID: No further questions.

22 THE COURT: All right. Thank you.

23 Any redirect?

24 MR. LEEMAN: Yes, Your Honor.

25 Madam Deputy, I would like to use the ELMO. Does the

1 ELMO allow the witness to mark on the screen as well?

2 COURTROOM DEPUTY: I believe it does.

3 MR. LEEMAN: Thank you.

4 May I proceed, Your Honor?

5 THE COURT: You may.

6 REDIRECT EXAMINATION

7 BY MR. LEEMAN:

8 Q Miss Portinari, I'm putting up the Defense Exhibit A1.

9 And if you'd point on the screen to where the 39 employees that
10 were hired in May to shred papers and do roofing are.

11 A That picture was taken at Christmas, so they were not
12 employed.

13 Q If the picture was taken in May, you wouldn't be able to
14 do any better, would you?

15 A No.

16 Q What about Government's -- or, excuse me, Defense
17 Exhibit A2? There's a bunch of trucks owned by Target Roofing;
18 is that right?

19 A Yes.

20 Q Those trucks aren't registered in Casey Crowther's
21 personal name, are they?

22 A I'm unsure.

23 Q When you go to work, do you bring a lunch with you, or
24 do you go out to eat?

25 A Both.

1 Q Is there a lunchroom at Target Roofing?

2 A There's a break area.

3 Q Does it have a refrigerator in it?

4 A Yes.

5 Q Employees in the office put their drinks, or snacks, or
6 lunches in that refrigerator?

7 A Yes.

8 Q When you -- during the coronavirus time, have you been
9 bringing your lunch in, or going out to eat, or some
10 combination of both?

11 A Both.

12 Q Did you ever see Margaret Crowther in the lunchroom
13 during the time that she was employed?

14 A No.

15 Q Did you ever see Donald Peters in the lunchroom during
16 the period that he was employed?

17 A Which Donald?

18 Q Donald Peters?

19 A No.

20 Q Did you ever see Danielle Crowther in the lunchroom
21 during the time she was employed?

22 A No.

23 Q Is there a public bathroom, or there a bathroom for
24 employees, in the office as well?

25 A Yes.

1 Q Do you have a bathroom in your own personal office or
2 not?

3 A No.

4 Q So the bathroom is one shared by employees?

5 A Yes.

6 Q Did you ever see any of these individuals coming in or
7 out of the bathroom during the time they were employed?

8 A No.

9 Q How about Mr. Crowther in May of 2020? Do you believe
10 you saw him in the office during that time period?

11 A Yes.

12 Q Mr. Ewins is somebody who works for the company?

13 A Yes.

14 Q Did you see him in the office in May of 2020?

15 A Yes.

16 Q Mr. Caudill is somebody who works for the company?

17 A Yes.

18 Q Did you see him in the office in May of 2020?

19 A Yes.

20 Q So you were You weren't cloistered in your
21 office, not seeing anybody at all. That's not true, is it.

22 A I was in my office, yes.

23 Q You were in your office for the majority of the time,
24 like many Americans around the country; right?

25 A Correct.

1 Q But you weren't completely isolated in a way that you
2 didn't see other people in the office.

3 A No; I would see people in the hallways.

4 Q In fact, it's sounds like you met with somebody from
5 WBS; right?

6 A That is correct.

7 Q Okay. Now, as best as I understood your testimony,
8 there was a single trailer that housed a bunch of documents
9 that the company was storing; is that right?

10 A That's correct.

11 Q What kind of a trailer was that?

12 A It was a long construction Conex trailer.

13 Q Okay. Is it a type of a trailer where it might take 20
14 people three weeks to empty it out?

15 A I'm not sure.

16 Q Okay. I'm asking you reasonably, ma'am. Is there some
17 reasonable belief that you might hold that that trailer held so
18 much material that it would take three weeks for 20 people to
19 clear it out?

20 A Probably not.

21 Q These 20 people were paid hourly; is that right?

22 A They were paid piece rate.

23 Q Piece rate?

24 A Correct.

25 Q What does that mean?

1 A It means it was a flat rate for the amount of work they
2 got done.

3 Q They roughly made about a thousand dollars per week, it
4 varied per person; right?

5 A Sure. Yes.

6 Q Twenty people, three weeks, roughly a thousand dollars
7 per week. That's approximately how much money to shred paper
8 in a trailer?

9 A 60,000.

10 Q Were you ever asked to price alternative ways to shred
11 paper, perhaps hiring a company that comes out and picks all
12 this stuff up and shreds it themselves?

13 A No.

14 Q Now, you made several comments about the company using
15 PPP money to repay employees. What's your basis for stating
16 that they actually used the money they received pursuant to the
17 loan to repay employees?

18 A Well, I knew that I -- I processed payroll, so I knew
19 that we were paying our employees and how much it was.

20 Q Okay. My question is different. My question is not how
21 much the company paid on payroll during the time the PPP
22 program was about, my company -- my question was, because I
23 understood your answer to be, and maybe I'm confused, that you
24 said PPP funds were used to pay \$2.1 million of payroll during
25 the time period. Is that accurate, or do you not know?

1 A Well, we spent over 2.1 million in payroll, so that's
2 what it was used for, was to pay --

3 Q Let me try to be more precise, ma'am. The money that
4 was received from the bank, the PPP funds --

5 A Yes.

6 Q -- was that used to pay payroll? Those funds.

7 A Yes. As my understanding, it was to be used to be paid
8 for payroll.

9 Q Do you have any personal knowledge of whether
10 Mr. Crowther actually used some of those funds to purchase a
11 boat?

12 A No.

13 Q Okay. So, if he did, then your statement that he used
14 all of the \$2.1 million to pay payroll would be inaccurate; is
15 that fair?

16 MS. WAID: Objection, Your Honor. Speculation.

17 THE COURT: I lost the last word you said.

18 Miss Waid?

19 MS. WAID: Oh. Speculation. I'm sorry, Your Honor.

20 THE COURT: Okay. I just didn't hear you. I'm
21 sorry. Overruled.

22 THE WITNESS: Can you repeat the question, please?

23 BY MR. LEEMAN:

24 Q If Mr. Crowther used money directly from the bank from
25 the PPP loan to buy a boat, then it wouldn't be accurate that

1 he spent all of the money he received from the bank on payroll,
2 would it.

3 MS. WAID: Objection, Your Honor. It's actually a
4 legal analysis as to how we're determining earmarked funds or
5 non-earmarked funds.

6 THE COURT: Overruled.

7 THE WITNESS: Can you repeat the question again,
8 please?

9 MR. LEEMAN: Yes, ma'am.

10 BY MR. LEEMAN:

11 Q If Mr. Crowther used some portion of the PPP loan
12 directly to buy a boat, isn't it true that all of that money
13 was not then spent on payroll?

14 A That would be correct.

15 Q All right. This special project, I guess we're calling
16 it, for Mr. Crowther, the shredding papers in this special
17 batch of roofers who got -- whose paychecks were turned over
18 directly to Mr. Crowther, that ended June 5th; is that right?

19 A That's correct.

20 Q Okay. The coronavirus is still going on; isn't that
21 right?

22 A That's correct.

23 Q Mr. Crowther hasn't kept up this special way of getting
24 paychecks to employees by providing them to himself during --
25 as the coronavirus has raged for more than a year now.

1 A That's correct.

2 Q Do you still have a copy of Exhibit K in front of you?

3 It's the defense exhibit?

4 A Yes.

5 MR. LEEMAN: Okay.

6 Your Honor, may I inquire -- I actually lost my
7 place. Was that entered into evidence?

8 THE COURT: Let me check. No.

9 BY MR. LEEMAN:

10 Q Well, Ms. Portinari, this was presented to you, and you
11 all discussed it as a report that was generated by this
12 individual who worked for Work Force Business Solutions; right?

13 A Yes.

14 Q An individual who used to come out and look at things,
15 and check up on the company; is that right?

16 A Yes.

17 Q This report actually states --

18 MS. WAID: Objection, Your Honor. Not in evidence.

19 THE COURT: Sustained.

20 MR. LEEMAN: Thank you, Your Honor.

21 BY MR. LEEMAN:

22 Q This is a true and accurate copy of a report that was
23 provided to the Target Roofing; is that right? From that
24 company?

25 A It was provided to Scott.

1 Q It was provided to Scott?

2 A Um-hum.

3 Q Well, is it a true and accurate copy of something that
4 was done by WBS?

5 A It appears to be.

6 MR. LEEMAN: Okay.

7 Your Honor, at this point in time I'd ask to
8 introduce the defendant's own exhibit, Exhibit K.

9 MS. WAID: Objection, Your Honor. I didn't enter it
10 into evidence. Lack of proper foundation. It is not a
11 business record. No foundation has been laid out.

12 THE COURT: Sustained.

13 BY MR. LEEMAN:

14 Q This report, ma'am, purports to relate to a site
15 inspection of a project in Naples, doesn't it.

16 MS. WAID: Objection, Your Honor, not in evidence.

17 THE COURT: Overruled.

18 A Yes.

19 Q It has nothing do with the site inspection of the Ortiz
20 Avenue address for Target Roofing, does it.

21 A No.

22 (Mr. Leeman and Mr. Reichling confer privately.)

23 MR. LEEMAN: May I have a moment with my notes,
24 Your Honor?

25 THE COURT: You may.

1 MR. LEEMAN: I don't have any further questions for
2 this witness.

3 THE COURT: All right. Thank you.
4 Any recross?

5 MS. WAID: Just briefly, Your Honor.

6 RECROSS EXAMINATION

7 BY MS. WAID:

8 Q Good morning again. Just briefly, how many break rooms
9 does Target Roofing have?

10 A Just one area.

11 Q Is there another break room in the warehouse?

12 A Yes.

13 Q Okay. So more than one area actually. And there's an
14 office break room.

15 A Yes.

16 Q Okay. And there are multiple bathrooms within the
17 building; correct?

18 A Yes.

19 Q Okay. And there's actually bathrooms outside; correct?

20 A Yes.

21 Q Okay. And your office, do you actually have a
22 refrigerator in your own office?

23 A In the HR office next door. I have two -- we have two
24 HR offices.

25 Q All right. When you were speaking earlier -- and I just

1 want to make sure I'm accurate about the 39 workers -- you
2 testified that you weren't sure if they were assigned other
3 tasks; is that accurate?

4 A Yes.

5 Q And it's normally the project manager who handles what
6 new tasks would be performed; is that right?

7 A That's correct.

8 Q And you would not normally be involved in that process;
9 is that correct?

10 A That's correct.

11 Q And, speaking about Mr. Curia, were you his -- he was
12 your main contact; right?

13 A In regards to the worker's comp codes, yes.

14 Q And, on that date, it was your testimony that you met
15 with Mr. Curia in the office; correct?

16 A Yes.

17 Q And then you actually directed him to Scott Ewins; is
18 that right?

19 A Yes.

20 Q And Mr. Ewins, what's his job?

21 A He's the director of operations.

22 Q And would it be in the normal procedure for Mr. Ewin,
23 then, to direct Mr. Curia to an actual work site?

24 A Yes.

25 Q Okay and he would then conduct another inspection of the

1 actual work site where the workers were located; is that right?

2 A Yes.

3 Q And a lot of that was for OSHA regulation purposes; is
4 that accurate?

5 A Yes.

6 MS. WAID: Nothing further, Your Honor.

7 THE COURT: Thank you.

8 Any further direct?

9 MR. LEEMAN: No, Your Honor.

10 THE COURT: You may stand down. Thank you.

11 (The witness left the witness stand and left the
12 courtroom.)

13 --- --

14 (Thereupon, at 10:08 a.m., the testimony of Evelyn
15 Portinari was concluded.)

16 --- --

17 CERTIFICATE

18 I CERTIFY THAT THE FOREGOING TRANSCRIPT IS A TRUE AND ACCURATE
19 TRANSCRIPT FROM THE ORIGINAL STENOGRAPHIC RECORD IN THE
20 ABOVE-ENTITLED MATTER.

21 Dated this 30th day of March, 2021.
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