

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION
HONORABLE STEPHEN V. WILSON
UNITED STATES DISTRICT JUDGE PRESIDING

- - -

United States of America,)
PLAINTIFF,)
VS.) NO. CR 20-579 SVW
Richard Ayvazyan, et al.,)
DEFENDANT,)
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

LOS ANGELES, CALIFORNIA

JURY TRIAL - DAY FOUR

VOLUME 1 - A.M. SESSION

MONDAY, JUNE 21, 2021

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LOS ANGELES, CALIFORNIA; MONDAY, JUNE 21, 2021

9:00 A.M.

- - - - -

(The following proceedings were held in the
presence of the jury:)

THE COURT: We are here with the parties and
counsel. Thank you very much members of the jury for
once again making a special effort to be here on time.
It is appreciated by everyone.

We are ready to resume the trial.

Where were we?

MS. AHN: I believe we were about to be in
cross-examination of Andrew Jaung.

CROSS-EXAMINATION

BY MR. KEOUGH:

Q Good morning, sir. Thanks for coming back this
morning.

A Good morning.

Q I know it has been a few days, but you testified
last week about about Internet protocol or IP addresses.
Do you recall that?

A Yes.

1 Q And an IP address is a number assigned to a piece
2 of hardware that connects to a network?

3 A Yes.

4 Q Fair to say that a router is a common piece of
5 hardware that connects to a network?

6 A Yes.

7 Q And you would also agree that a router has an IP
8 address?

9 A Yes.

10 Q Are you aware that routers were seized from a
11 residence at 4910 Topeka Drive as part of this case?

12 A No.

13 Q Were you ever asked to analyze any routers that
14 were seized at a residence at 4910 Topeka Drive as part
15 of your work on this case?

16 A No.

17 Q Were you asked to analyze any router that has been
18 seized as part of this case?

19 A No.

20 Q Now, last week you also testified about virtual
21 private networks, or VPNs. You recall that?

22 A Yes.

23 Q And a virtual private network more or less allows
24 you to access the Internet from a different network
25 connection point?

1 A Essentially, yes.

2 Q And the practical effect of that is that it might
3 appear to someone else that you are accessing the
4 internet from a different geographical location than
5 where you are actually sitting?

6 A Yes.

7 Q Now, we are going to show you an exhibit that's in
8 evidence. And I will just represent it is a loan
9 application, but we are not going to ask him about the
10 loan application, just the IP addresses as an
11 illustrative example.

12 Okay. So let's go ahead and pull up
13 Government Exhibit 2H.

14 So we have got here Exhibit 2H. It is a loan
15 application. And like I said, I am not actually going to
16 ask you about the application itself.

17 So we can go to page 35.

18 And here on page 35, part of this application
19 appears to be a log of access to the website where the
20 application is submitted. Do you see this here?

21 A Yes.

22 MS. AHN: Objection. Foundation. It is not clear
23 the witness knows what this is.

24 THE COURT: I couldn't hear what you said.

25 MS. AHN: Objection. Foundation.

1 THE COURT: Is this document in evidence?

2 MR. KEOUGH: Yes, your Honor.

3 THE COURT: Overruled.

4 MR. KEOUGH: Thank you.

5 Q And you see there on the side in the left-hand
6 column it says "Business Name, G&A Diamonds"?

7 A Yes.

8 Q And then under it it says "Authorized Person, Full
9 Name, Artash Grigoryan"?

10 A Yes.

11 Q Let's go to page 39. So on page 39, in the far --
12 wait a second for us to update here.

13 There we go.

14 So in the far right-hand column, you see there
15 are some entries and there are some IP addresses over
16 here?

17 A Do I see it? Yes.

18 Q And you recognize those numbers the sets of four
19 numbers separated by dots as examples of IP addresses?

20 A Yes.

21 Q Now, looking at one of these as an illustrative
22 example --

23 THE COURT: You know something, you fade in and
24 out. Keep your voice up. Don't garble your words.

25 MR. PAETTY: Sorry, your Honor. I will use this

1 microphone. It might be easier.

2 Q BY MR. KEOUGH: So if you look in the right-hand
3 column towards the bottom of the page. You see where it
4 says IP address 1043475188?

5 A Yes.

6 Q Okay. So using this as an example, you agree that
7 the IP address consists of four numbers, and they are
8 separated by dots?

9 A Yes.

10 Q And would you agree that the first two numbers of
11 any given IP address like this one are the network part
12 where they identify what network this device is connected
13 to?

14 A The first two sets -- I am unsure. I would have to
15 go back to my notes to make sure exactly what each part
16 of the IP address correlates to.

17 Q Would you agree, though, that the IP address gives
18 us information about both the network that this device is
19 connected to as well as the host or the specific devices
20 that's on a network?

21 A It can. Yes.

22 Q So if devices are on the same network, say we have
23 got two routers here in the courtroom, they might share
24 similar parts of the IP address because they are on the
25 same network but they are not going to have the same IP

1 address because each is a separate piece of hardware?

2 THE COURT: What do you mean by host? Ask him
3 that question.

4 Q BY MR. KEOUGH: Do you understand what I mean by
5 host when I say the host network?

6 A Yes.

7 THE COURT: Tell the jury.

8 Q BY MR. KEOUGH: can you tell the jury?

9 A Well, the host is what is -- can you ask me the
10 host in the question again?

11 Q Sure. So it is fair to say that the IP address
12 contains information about the host network or the larger
13 network that this device is connected to?

14 A Yes. So the host in this case in a sense would be
15 like the router from your house, and I think what you
16 mean is different devices within the household could have
17 have different IP addresses. It is not completely true.
18 For the most part, the house will have one address and
19 you can have subsets, a subnet.

20 Q And my apologies because I think my question was a
21 little confusing. I am not asking about devices within
22 the home simply the connection point to the network, the
23 router itself.

24 So you would agree that the IP address of the
25 router tells us both information about the router as well

1 as what host network or the larger network that it uses
2 to connect to the Internet?

3 A From my understanding, the Internet provider will
4 provide your household or each user one IP address.

5 Q And if you could just tell the jury briefly what a
6 router is just to make sure we are all on the same page.

7 A A router is just the way for the Internet provider
8 to connect you from their service to your like wi-fi.
9 Your wi-fi device would be considered a router. It will
10 distribute that Internet access to the devices in your
11 house.

12 Q Now, looking at this IP address again, the example
13 here that we have highlighted, 1043475188, just from
14 looking at the IP address itself can we tell whether this
15 IP address is associated with a VPN network?

16 A No, you cannot tell.

17 Q We would need more information to do that?

18 A Yes.

19 Q And, for example, if the VPN service had a
20 subscriber record that might be helpful to determine what
21 network this IP address is associated with?

22 A Yes.

23 Q And as part of your investigation in this case,
24 were you asked to pull any subscriber records for a VPN
25 network to determine whether certain IP addresses might

1 have been associated with a VPN?

2 MS. AHN: Objection. Beyond the scope.

3 THE COURT: Overruled.

4 Q BY MR. KEOUGH: You can answer.

5 A No.

6 MR. KEOUGH: Thank you, sir. No further
7 questions.

8

9 CROSS-EXAMINATION

10 BY MR. LITTRELL:

11 Q Good morning, Mr. Jaung.

12 A Good morning.

13 Q Now, you testified yesterday about the extraction
14 of an Apple iPhone; correct?

15 A Yes.

16 Q I am going to show you what has been marked and
17 admitted as government's Exhibit 21. Do you see that?

18 A Yes.

19 Q And that is --

20 MS. AHN: Objection. This has not yet been
21 admitted.

22 MR. LITTRELL: Oh, I beg your pardon. I am going
23 to offer this exhibit into evidence. May I show it to
24 the witness?

25 THE COURT: Show it to him without the jury seeing

1 it. And lay a foundation.

2 MR. LITTRELL: Very well.

3 I am happy to approach if that is easier.

4 THE COURT: Yes.

5 Q BY MR. LITTRELL: So I am showing you a document.
6 Do you recognize this document?

7 THE COURT: Keep your voice up. Speak loudly.

8 Q BY MR. LITTRELL: Do you recognize this document?

9 A Yes.

10 Q What is it?

11 A It is the report that is generated from the GrayKey
12 extraction.

13 Q And can you see based on this report which device
14 was extracted?

15 THE COURT: Did you say GrayKey?

16 THE WITNESS: Yes. GrayKey device.

17 THE COURT: Tell us again what that is.

18 THE WITNESS: The GrayKey device is the physical
19 device that we use to conduct the extraction for mobile
20 devices.

21 THE COURT: I see.

22 Q BY MR. LITTRELL: Is this the report that describes
23 the extraction process you talked about last week?

24 A Yes.

25 MR. LITTRELL: Move to admit government's

1 Exhibit 21.

2 THE COURT: Received.

3 MR. LITTRELL: May I publish, your Honor?

4 THE COURT: Yes.

5 Q BY MR. LITTRELL: Okay. Turning your attention to
6 Exhibit 21. This is the GrayKey progress report;
7 correct?

8 A Yes.

9 Q And the device name is Artur's iPhone; correct?

10 A Yes.

11 Q And it is an iPhone 11; correct?

12 A That is correct.

13 Q Now, if you look at this field down here, see if I
14 can highlight it for you. That says "backup state." Do
15 you see that?

16 A Yes.

17 Q What does that mean?

18 A That should be the last -- that should be the last
19 time that the device was backed up using the iCloud
20 backup service.

21 Q What is the iCloud backup service?

22 A It is Apple's internal method of providing a backup
23 of your Apple device to their cloud platform.

24 Q And can you back up multiple devices to one iCloud
25 backup account?

1 A I am not too sure, but I believe so, yes.

2 Q So if you have a device and you turn it in to Apple
3 for a new device, are you able to use iCloud backup to
4 restore the information on your old device to the new
5 device?

6 A Yes.

7 Q Now, what is an MD5 hash value?

8 A MD5 hash value is essentially, like I explained
9 last week, is the digital fingerprint of a particular
10 file.

11 Q And that file can be an image; right?

12 A Yes.

13 Q And iCloud backs up images from iPhones; right?

14 A Can you say that again?

15 Q Let's say I take a photograph of an old device.
16 That is going to be backed up to the iCloud for that
17 device so long as there is an Apple ID associated with
18 it; correct?

19 A It can be.

20 Q And if I get a new device with that same Apple ID,
21 then that photograph will be available on the new device
22 also; right?

23 A If it is restored onto the new device.

24 Q In an MD5 hash value, each image has a unique MD5
25 hash value; right?

1 A Yes. Every file will have its own unique MD5 hash
2 value.

3 Q And images stored on iCloud also have metadata
4 associated with them; correct?

5 A Yes.

6 Q So iCloud can tell you when an image was first
7 captured; correct?

8 A Yes.

9 Q Where it was taken; correct?

10 A Yes.

11 Q And on what device the image was captured also;
12 right?

13 A Yes. But not every image will include these
14 metadata files.

15 Q But if those images do contain that metadata, it
16 will be captured in iCloud; correct?

17 A It should be, yes.

18 MR. LITTRELL: No further questions.

19 THE COURT: Anything further of this witness?

20 MS. AHN: Not from the government, your Honor.

21 THE COURT: Thank you, sir. You are excused.

22 Call the next witness.

23 MR. FENTON: The government calls Justin
24 Masterman.

25 Your Honor, while the witness takes the stand,

1 the government would like to move into evidence the
2 balance of the self-authenticating business records
3 pursuant to the Court's June 13th order.

4 THE COURT: Okay.

5 MR. FENTON: The government would move to admit
6 into evidence government Exhibit 49, Exhibits 59 through
7 73, Exhibits 85 through 92 and Exhibits 100 through 111.

8 THE COURT: They are all received.

9 MR. FENTON: Thank you, your Honor.

10 (The witness was sworn.)

11 THE CLERK: State your name and spell it for the
12 record.

13 THE WITNESS: Justin Masterman, J-U-S-T-I-N,
14 M-A-S-T-E-R-M-A-N.

15 THE CLERK: Thank you.

16

17 DIRECT EXAMINATION

18 BY MR. FENTON:

19 Q Good morning, Mr. Masterman. Can you tell us,
20 where do you currently live, just city and state?

21 A Salt Lake City, Utah.

22 Q And how are you employed, if at all?

23 A I work at Celtic Bank Corporation.

24 Q What is Celtic Bank?

25 A They are a Utah -- an FDIC-insured industrial bank

1 chartered by the State of Utah.

2 Q Can you please describe for the jury your role and
3 your responsibilities at Celtic Bank?

4 A I am the bank Secrecy Act officer. It is my job to
5 oversee and implement controls to detect and report
6 potentially suspicious activity.

7 Q And are you familiar with customers of that bank,
8 with Celtic Bank?

9 A Yes. We work primarily with small businesses.

10 Q And are you familiar with the type of services that
11 Celtic Bank offers to its small business customer
12 measures?

13 A We primarily engage in commercial lending. We
14 issue small business administrative loans.

15 Q Are you familiar, Mr. Masterman, with the term SBA
16 lender or SBA-approved lender?

17 A Yes.

18 Q What does that term mean?

19 A To issue loans on behalf of the Small Business
20 Administration, or the SBA, a lender needs to apply for a
21 license and have this agency of the federal government
22 approve that lender.

23 So essentially Celtic Bank applies for a
24 lending license to issue SBA loans and the SBA comes in
25 and kind of does an approval process.

1 Q So is Celtic bank an SBA-approved lender?

2 A Yes.

3 Q Are you familiar with the Paycheck Protection
4 Program, or PPP?

5 A Yes.

6 Q What is your understanding of the purpose of that
7 program?

8 A It was designed and created by the SBA to help
9 small businesses in the US that were affected by the
10 COVID-19 pandemic to continue paying their employees.

11 Q What role, if any, does Celtic Bank play with
12 respect to the PPP program?

13 A We were a lender.

14 Q If a Celtic Bank customer were interested in
15 applying for a PPP loan, could that customer apply
16 through Celtic Bank?

17 A Yes.

18 Q How would that customer go about applying for a
19 loan?

20 A Online.

21 Q Can you tell us generally speaking what type of
22 information did Celtic Bank ask applicants to submit in
23 connection with their PPP loan application?

24 A We asked for business information, name, EIN,
25 address, ownership information, name, Social Security

1 number, date of birth, address, and then payroll forms,
2 940's, 941's.

3 Q And who determined what kind of information you
4 request from the borrowers?

5 A The SBA.

6 Q So this type of information was required uniformly
7 across SBA-approved lenders?

8 A Correct.

9 Q Now, is it important to Celtic Bank that applicants
10 provide truthful and accurate information in their
11 applications?

12 A Yes.

13 Q Why is it important?

14 A Because according to the rules of the PPP program,
15 lenders were allowed to rely on borrower attestations
16 that the information submitted with their application
17 were true and accurate.

18 Submitting false information would potentially
19 take away from the pool of funds that the SBA provided
20 specifically for this program.

21 Q All right. I am going to show you what has been
22 previously admitted as government Exhibit 2K. Do you
23 recognize this form, Mr. Masterman?

24 A Yes.

25 Q What do you recognize this form to be?

1 A It is a Paycheck Protection Program application
2 that was designed by the SBA.

3 Q Directing your attention to the top of the page,
4 what is the significance of the number of employees to
5 this application?

6 A Generally speaking, because this program was
7 designed for employers to pay their employees, the more
8 employees a company had, the chances ever a higher loan
9 were much greater. We were saving more jobs.

10 Q All right. So is it fair to say that if an
11 applicant has more employees then they would be eligible
12 for more money?

13 A Yes.

14 Q Would it matter to Celtic Bank if an applicant
15 stated on a PPP application that it had more employees
16 than it actually did?

17 A Yes.

18 Q Why would that matter?

19 A Because we would be issuing more funds to that
20 business that weren't eligible.

21 Q All right. Directing your attention to the first
22 certification on page 2. Talking about the certification
23 at the top that says:

24 "The applicant was in operation on February 15,
25 2020, and had employees who were paid salaries and

1 payroll taxes or paid independent contractors as
2 reported on form 1099 MISC."

3 Do you see that certification?

4 A Yes.

5 Q Would it matter to Celtic Bank if an applicant said
6 it was in operation as of February 2020 but was not
7 actually an operating company at that time?

8 A Yes.

9 Q Why would that matter to Celtic Bank?

10 A Because then they would be ineligible for the loan.

11 Q And would it matter to Celtic Bank if the applicant
12 did not actually have any employees for whom it paid
13 salary and payroll taxes?

14 A Yes.

15 Q And why would that matter to Celtic Bank?

16 A They would be ineligible for the loan.

17 Q Now, directing your attention to the third
18 certification, this is the certification regarding the
19 use of proceeds. Would it matter to Celtic Bank if the
20 applicant did not actually intend to use the money for
21 these stated purposes and instead used the money for
22 their own personal benefit?

23 A Yes.

24 Q And why would that matter to Celtic Bank?

25 A It was an ineligible loan and Celtic Bank was

1 attempting to provide US employers that had employees
2 that were affected by the pandemic, so using the funds
3 for personal gain was not in the rules for this
4 particular program.

5 Q And would it be fair to say that if Celtic Bank
6 knew that that was the intended purpose that it would not
7 lend the money?

8 A Correct.

9 Q Just taking a step back from the form and speaking
10 more generally, would it matter to Celtic Bank if an
11 applicant used another person's identity to apply for a
12 PPP loan without that person's authorization?

13 A Yes.

14 Q And why would that matter?

15 A Because the person that's signing the form is
16 attesting that the information above and submitted with
17 their application is true and accurate.

18 Q And does it matter to Celtic Bank that that person
19 whose name on the loan actually gets the money?

20 A Yes.

21 Q Would it matter to Celtic Bank if a person applied
22 for a PPP loan using the name of a business that belonged
23 to somebody else?

24 A Yes.

25 Q And why would that matter?

1 A The rules of the PPP program only allowed one
2 business a PPP loan per unique identifier. So their EIN.
3 So if a business' EIN was already used, that actual
4 business would not be eligible to receive a second PPP
5 loan.

6 Q Now, if Celtic Bank were to learn that an applicant
7 applied using someone else's name or using another
8 business' name and that loan had been granted, what, if
9 anything, would happen?

10 A Celtic Bank would try to take the necessary steps
11 to recover the funds.

12 Q And would it matter to Celtic Bank if a person
13 applied for a PPP loan using the name of a business that
14 did not exist?

15 A Yes.

16 Q And why would that matter?

17 A Because again, it is an ineligible loan that they
18 weren't following the guidelines provided from the SBA.

19 Q What steps, if any, would Celtic Bank take if they
20 learned that a business that did not actually exist had
21 been approved for a loan?

22 A We would attempt to recover the funds.

23 MR. FENTON: No further questions.

24 MS. NEWCOMER: Your Honor, subject to this Court's
25 pretrial ruling we have no cross-examination.

1 THE COURT: Go ahead.

2

3 CROSS-EXAMINATION

4 BY MR. JOHNSON:

5 Q Good morning.

6 A Good morning.

7 Q I represent Mr. Vahe Dadyan. I just have a few
8 questions. You said that the applications to Celtic Bank
9 were submitted online; correct?

10 A Correct.

11 Q So that means that the person didn't go into the
12 bank?

13 A Correct.

14 Q They submitted all of the things electronically?

15 A Correct.

16 Q The government went through a loan application.
17 And it is correct that each line has to be filled in by a
18 person that's applying or a representative of a person;
19 correct?

20 A Correct.

21 Q And representatives of persons can fill out an
22 application; correct?

23 A Correct.

24 Q You are not here to testify that specific
25 informations were put in this loan application by the

1 applicant, are you, because you really don't know who put
2 it in?

3 A That's correct.

4 Q And you don't know who in a specific application
5 put in the number \$63,000 in payroll; correct?

6 A Correct.

7 Q And you don't know who put in the information
8 regarding the number of employees; correct?

9 A Correct.

10 MR. JOHNSON: I have no further questions. Thank
11 you.

12

13 CROSS-EXAMINATION

14 BY MR. MESEREAU:

15 Q Good morning, Mr. Masterman.

16 A Good morning.

17 Q My name is Tom Mesereau and I speak for Artur
18 Ayvazian. Just a couple of questions to clarify your
19 testimony. The reasons for the PPP program were not just
20 to pay employee salaries; correct?

21 A Correct.

22 Q The purposes of the PPP program were much broader
23 than that; correct?

24 A Correct.

25 Q In fact, money was used to pay mortgage interest

1 for small businesses; correct?

2 A Correct.

3 Q Money was used to pay rent for small businesses;
4 correct?

5 A Correct.

6 Q Money was used to pay utilities for small
7 businesses; correct?

8 A Correct.

9 Q And money was used for other various purposes;
10 correct?

11 A Correct.

12 Q And what are some of the other purposes that we
13 haven't mentioned that the PPP funds were used?

14 A Payroll or to rehire staff that was for the
15 company. Potentially business expenses that were
16 relevant to the existence of the business.

17 Q Now, when the pandemic hit, a business was heavily
18 in debt, mortgage interest, utilities, loans, that kind
19 of thing, could the PPP funds be used to bring things
20 current so the business would survive?

21 A Correct.

22 Q Now, let's suppose it is a small business with one
23 employee, the owner. No one else is employed by the
24 business. The owner reached the profits after paying the
25 costs, whatever they are, can a PPP loan be used for that

1 type of business?

2 A Yes.

3 Q And businesses are allowed to have agents fill out
4 the applications; correct?

5 A Yes.

6 Q It isn't the owner or the person who controls the
7 business who necessarily has to fill out the application.
8 You can designate an agent to do it; correct?

9 A That's correct.

10 MR. MESEREAU: No further questions, your Honor.

11 THE COURT: All right. Thank you, sir. You are
12 excused.

13 Call the next witness.

14 MS. AHN: Your Honor, the government calls CART
15 examiner Greg Parra.

16 MR. FRASER: Your Honor, I believe there were
17 matters that would be fruitful to discuss outside the
18 jury's presence that relate to agent Parra's testimony.

19 THE COURT: Well, let's begin.

20 (The witness was sworn.)

21 THE CLERK: State your full name and spell it for
22 the record.

23 THE WITNESS: Gregory J. Parra. G-R-E-G-O-R-Y, J.,
24 last name is Parra, P-A-R-R-A.

25 ///

1 DIRECT EXAMINATION

2 BY MS. AHN:

3 Q Good morning, Examiner Parra.

4 A Good morning.

5 Q Are you employed?

6 A Yes, I am.

7 Q With what agency?

8 A With the FBI in Los Angeles.

9 Q Are you employed in a specific unit with the FBI?

10 A Yes.

11 Q What unit is that?

12 A The unit is called the CART team.

13 Q What does CART stand for?

14 A Computer Analysis Response Team.

15 Q What do you do at the CART team?

16 A I process and prepare digital evidence for
17 investigators.

18 Q What do you mean by process?

19 A Well, we handle computers, cell phones, thumb
20 drives. Anything that's digital that is evidence. We
21 will copy the data and prepare it for investigators to
22 review.

23 Q How long have you been employed as an FBI CART
24 examiner?

25 A Twenty-one years.

1 Q Does working as an examiner require additional
2 training?

3 A Yes.

4 Q Briefly what training did you receive at part of
5 your job?

6 A In the year 2000 I went through training through,
7 we call it CART headquarters, which is in Quantico,
8 Virginia. And then throughout the years I have been
9 through other various training exercises that they offer
10 as well as outside vendors taking classes and so forth.

11 Q Did you receive any specific training in mobile
12 devices or smart phones?

13 A Yes.

14 Q Can you describe that training?

15 A I went through training through a company called
16 Cellebrite. They have a couple of software program that
17 we use on a regular basis.

18 I also went to a class through what is called
19 the Sands Institute. And they offer a lot of different
20 computer forensic classes including cell phone class, and
21 that is the one I took.

22 Q You mentioned earlier that you copy data from
23 devices. Is another term for that data digital
24 extraction?

25 A Yes.

1 Q Are there specific programs the FBI CART team uses
2 for data extraction from small phones?

3 A Yes.

4 Q Does this include Cellebrite?

5 A Yes.

6 Q In addition to Cellebrite, is there another program
7 used by FBI?

8 A We also use GrayKey software.

9 Q Did you receive training in GrayKey?

10 A Yes.

11 Q Why would you use GrayKey versus CelleBrite?

12 A We use GrayKey when we do not have a pass code for
13 the phone. So the phone is locked. We don't have the
14 pass code. So we use GrayKey.

15 Q What significance does the fact that the phone is
16 locked have go data extraction?

17 A Can you repeat the question again?

18 Q What is the relationship, if any, between the fact
19 that the phone is locked and your ability to extract
20 data?

21 A The data is the same.

22 Q But what about the ability to extract data from
23 that phone?

24 A Well, the ability to extract, if we don't have the
25 pass code using the CelleBrite software, then we can't

1 extract the phone if it is locked.

2 Q Overall, roughly how many digital forensic
3 examinations have you performed?

4 A Over the past 21 years, approximately 400 different
5 exams, whether computers, hard drives, cell phones, so
6 forth.

7 Q Could there be multiple devices within each of
8 those exams?

9 A Yes.

10 Q As part of your duties, did you process phones
11 related to this case?

12 A Yes.

13 Q Which devices did that include?

14 A There were three items particularly, 1B21, 1B81 and
15 1B85.

16 Q And what does the 1B number refer to?

17 A The 1B number is a unique number assigned to
18 evidence items with the FBI. Each case has different
19 evidence items and each evidence item when they are
20 booked into evidence they are assigned a 1B number.

21 THE COURT: Keep your voice up, would you, sir?

22 THE WITNESS: Yes.

23 Q BY MS. AHN: Do you remember who the manufacturer of
24 1B21, 1B81 and 1B85 was?

25 A Yes, I do.

1 Q Who was the manufacturer?

2 A Apple Corporation. There were iPhones.

3 Q As a result of your examination, did you generate a
4 report for each of those devices?

5 A Yes, I did.

6 Q What program did you use for that?

7 A The program I used was called Physical Analyzer.

8 Q Is that from Cellebrite?

9 A Yes.

10 Q So let's go through your process for each phone,
11 starting with 1B21. So you mentioned earlier that you
12 extracted data from 1B21. How did you do that?

13 A The extraction was used using a program called UFED
14 4PC. It is a software made by Cellebrite. This software
15 allows the user to extract data from the phone. And then
16 after that you have the extraction.

17 The extraction needs to be opened with another
18 program, which we call Physical Analyzers. That is the
19 name of the program. It opens up the extraction, and
20 then from there we can create what's called a UFED report
21 for investigators to review.

22 Q Is another term for the UFED report is Cellebrite
23 report?

24 A Yes.

25 Q Did you review that Cellebrite report at the time

1 of your extraction?

2 A Yes, I did.

3 Q And was the information contained in that
4 Cellebrite report a true and accurate copy of the
5 extracted data?

6 A Yes, it was.

7 Q How do you know that?

8 A Because it goes through a verification process when
9 you open up the report.

10 Q Did it pass that verification process?

11 A Yes.

12 Q And generally what types of information were
13 extracted from the phone?

14 A There were text messages, photos and web history
15 information.

16 Q Would the text messages include contact
17 information?

18 A Yes.

19 Q Did you take photographs of 1B21?

20 A Yes, I did.

21 Q I am going to show you government Exhibit 12A, a
22 three-page exhibit.

23 Mr. Cruz, could I have it displayed to the
24 witness?

25 MS. AHN: Thank you.

1 Q BY MS.AHN: Do you see that in front of you?

2 A Yes, I do.

3 Q I am going to go ahead and scroll through. Do you
4 recognize what is in government Exhibit 12A?

5 A Yes, I do.

6 Q How do you recognize that?

7 A It is a photo that I took of 1B21.

8 Q Are they true and accurate copies, other than the
9 redactions, of the photographs of 1B21 that you took?

10 A Yes.

11 MS. AHN: Your Honor, the government seeks
12 admission of government Exhibit 12A.

13 THE COURT: Received.

14 MS. AHN: Permission to publish?

15 THE COURT: Yes.

16 Q BY MS. AHN: So on page 1, is that just the back of
17 the phone shown there?

18 THE COURT: Your voice just trails off. You have
19 to complete your phrases. Everyone.

20 MS. AHN: Yes, your Honor.

21 THE COURT: Don't drop your voice. Keep your
22 voice audible at all times.

23 MS. AHN: Yes, your Honor.

24 THE COURT: Maybe you are moving back and forth
25 from these microphones. This is a very large courtroom.

1 I am at least 25 feet from you right now and there is
2 more to go in the courtroom. So keep your voice at an
3 audible pitch. That goes for everyone, not just you.

4 MS. AHN: Yes, your Honor.

5 THE COURT: Go ahead.

6 Q BY MS. AHN: Moving to page 2, do you see what is in
7 front of you?

8 A Yes, I do.

9 Q What is that?

10 A It is a picture I took of the 1B21.

11 Q Does it identify the owner or Apple ID customer?

12 A Yes, it does.

13 Q And who is that?

14 A Tamara Dadyan.

15 Q Tamara Dadyan?

16 A Yes.

17 Q And on page 3, what is in front of you?

18 A It is another photo that I took of the phone.

19 Q Does it show the user accounts associated with
20 1B21?

21 A Yes, it does.

22 Q Examiner Parra, you mentioned that you created a
23 Cellebrite report. Was a second Cellebrite report
24 created?

25 A Yes.

1 Q Are you familiar with that report?

2 A Yes.

3 Q What does it contain?

4 A The second Cellebrite report contains tagged items
5 from the investigator, which include text message and
6 history and some photos.

7 Q Did that second Cellebrite report contain a true
8 and accurate copy of a subset of the extracted data from
9 1B21?

10 A Yes.

11 Q How do you know?

12 A Because it verified -- we opened the report and I
13 went back to the original Cellebrite report that the
14 investigators tagged their item and verified that they
15 were the same.

16 MS. AHN: Mr. Cruz, can I show just the witness
17 government Exhibit 13A.

18 Q Examiner Parra, do you see a folder next to you?

19 A Yes.

20 Q Can you flip to 13A next to you?

21 A Okay. Hold on.

22 Okay.

23 Q Do you recognize that?

24 A Yes, I do.

25 Q What is it?

1 A This is a Cellebrite report from 1B21.

2 Q Does it contain just a subset of the Cellebrite
3 report?

4 A Yes.

5 Q What subset does it contain?

6 A That is user information from the phone.

7 Q Is it a true and accurate data from the Cellebrite
8 report?

9 A Yes, it is.

10 MS. AHN: Your Honor the government seeks
11 admission of Exhibit 13A.

12 THE COURT: Received.

13 MS. AHN: Permission to publish?

14 THE COURT: Yes.

15 Q BY MS. AHN: Again, does this show the Apple ID
16 associated with 1B21?

17 A Yes. It's T., Tamara. Dadyan at AOL.com.

18 Q You mentioned earlier that you extracted data from
19 the phone marked as 1B81; is that correct?

20 A That's correct.

21 Q How did you conduct that extraction?

22 A That extraction was conducting with GrayKey
23 software.

24 Q Why did you use GrayKey?

25 A Because we did not have the pass code for the

1 phone. It was locked.

2 Q Are you were you able to extract data from SB81?

3 A Yes.

4 Q What did do you with the extracted data?

5 A The extracted data was opened up with the program
6 Physical Analyzer and after that a CelleBrite report was
7 created for investigative review.

8 Q Was the information in that Cellebrite report a
9 true and accurate copy of the data extracted from B81?

10 A Yes.

11 Q How do you know that?

12 A Because when the report is opened it goes through a
13 verification, and it verified.

14 Q Was a second Cellebrite report created?

15 A Yes.

16 Q Are you familiar with that report?

17 A Yes, I am.

18 Q What did it contain?

19 A That report contained text messages and some photos
20 as well.

21 Q Was that a true and accurate copy of the a subset
22 of the data extracted from AB81?

23 A Yes, it was.

24 Q How do you know that?

25 A Because that report was open. It goes through a

1 verification process and it passed.

2 Q Can you flip to government Exhibit 15 in that
3 binder?

4 A Fifteen. Yes.

5 Q Do you see that in front of you?

6 A Yes.

7 Q Do you recognize what is in that exhibit?

8 A Yes.

9 Q What is it?

10 A It is a photo of evidence item 1B81, the iPhone.

11 Q Did you take that photo?

12 A Yes, I did.

13 Q Is it a true and accurate copy, absent redactions,
14 of the photo you took of SB81?

15 A Yes.

16 MS. AHN: Your Honor, the government seeks
17 admission of government Exhibit 15.

18 THE COURT: Received.

19 MS. AHN: Permission to publish.

20 THE COURT: Yes.

21 BY MS. AHN:

22 Q Could you flip to government Exhibit 16A in your
23 binder?

24 A I think this is it. Is this a Cellebrite report.
25 16A?

1 Q I believe that is correct. Do you recognize that?

2 A Yes, I do.

3 Q What is it?

4 A This is user information from a CelleBrite report
5 for 1B81.

6 Q Is it a true and accurate copy of that data from
7 the Cellebrite report for 1B81?

8 A Yes, it is.

9 MS. AHN: Your Honor, the government seeks
10 admission of government Exhibit 16A.

11 THE COURT: Received.

12 MS. AHN: Permission to publish.

13 THE COURT: Yes.

14 Q BY MS. AHN: Does this show the Apple ID associated
15 with 1B81?

16 A Yes, it does.

17 Q And what is that apple ID?

18 A It is Mary.Abelian, A-B-E-L-I-A-N, at Yahoo.com.

19 Q You also mentioned earlier that you extracted data
20 from the iPhone identified as 1B85. How did you conduct
21 that extraction?

22 A That extraction was conducted with the GrayKey
23 software.

24 Q Why did you use GrayKey?

25 A Because the phone was locked and we did not have

1 the pass code.

2 Q Were you able to extract data?

3 A Yes.

4 Q What did do you with that extracted data?

5 A The extracted data was opened with the program
6 Physical Analyzer, where it was processed and a
7 Cellebrite report was created for the investigative
8 review.

9 Q Was the information in that Cellebrite report a
10 true and accurate copy of the data that was exacted from
11 1B85?

12 A Yes, it was.

13 Q How do you know?

14 A Because when the report opened, it went through a
15 verification and it verified.

16 Q Was a second Cellebrite report generated?

17 A Yes.

18 Q Are you familiar with the content of that -- are
19 you familiar with that second Cellebrite report?

20 A Yes, I am.

21 Q Is that second Cellebrite report a true and
22 accurate copy of -- excuse me. Let me back up a bit.
23 What does that second Cellebrite report contain?

24 A The second Cellebrite report contains text message
25 and some photos.

1 Q So a subset of the first Cellebrite report?

2 A Yes, that's correct.

3 Q And is that second Cellebrite report a true and
4 accurate copy of a subset of the data extracted from
5 1B85?

6 A Yes, it is.

7 Q How do you know that?

8 A Because when reports open it goes through a
9 verification process and it verified.

10 Q Can you flip to government Exhibit 18 in your
11 binder?

12 A Okay. I am there.

13 Q Do you recognize what is in that exhibit?

14 A Yes, I do.

15 Q What is it?

16 A It is a photo that I took of evidence item 1B85.

17 Q Is that a true and accurate copy other than the
18 redaction of the photo you took of 1B85?

19 A Yes, it is.

20 MS. AHN: Your Honor, the government seeks
21 admission of government Exhibit 18.

22 THE COURT: Received.

23 MS. AHN: Permission to publish to the jury, your
24 Honor.

25 THE COURT: Yes.

1 Q BY MS. AHN: Do you mind flipping to government
2 Exhibit 19.

3 A Okay. I am ready.

4 Q Do you recognize that?

5 A Yes, I do.

6 Q What is it?

7 A This is a Cellebrite report of information for
8 evidence on 1B85.

9 Q Is it a true and accurate copy of that data from
10 the Cellebrite report?

11 A Yes.

12 MS. AHN: Your Honor, government seeks admission
13 of government Exhibit 19A.

14 THE COURT: Received.

15 MS. AHN: Permission to publish.

16 THE COURT: Yes.

17 Q BY MS. AHN: Does this also show the apple ID
18 associated with 1B85?

19 A Yes, it does.

20 Q What is that ID?

21 A It is Rich@flipper.com.

22 MS. AHN: No further questions, your Honor.

23 CROSS-EXAMINATION

24 BY MS. NEWCOMER:

25 Q Good morning, Mr. Parra.

1 A Good morning.

2 Q You testified that you process and prepared digital
3 evidence for investigators; is that right?

4 A That's correct.

5 Q So you don't investigate the data that you find on
6 the phones; right?

7 A You.

8 Q You don't review that data?

9 A No.

10 Q Mr. Parra, I am going to show you Exhibit 13A,
11 which we just looked at with the government. And this is
12 the portion of the Cellebrite report for a phone
13 registered -- the apple ID is T. Tammydadyan@AOL.com; is
14 that right?

15 A That's correct.

16 Q And as part of this report, you were able to
17 extract information about user accounts; is that right?

18 A That's correct.

19 Q And in fact there was information about 30 user
20 accounts?

21 A Correct.

22 Q And on the next page, the user accounts continue,
23 and if you look down to user account 13, that user
24 account says Securelinerealtyandfundinginc@yahoo.com; is
25 that right?

1 A That's correct.

2 Q And so that is an additional user account to T.
3 Tammy Dadyan at AOL.com?

4 A Correct.

5 Q And the user account under No. 16, that is for
6 Idorealestate247@outlook.com; right?

7 A That's correct.

8 Q So, again, that's another separate user account?

9 A Yes.

10 Q And underneath that on 17 you will see
11 pookypooky49@gmail.com. Is that also an additional user
12 account?

13 A Yes.

14 Q And the same for ABCrealtyadvisorsinc247@gmail.com.
15 That is another user account that was registered on the
16 Tammy Dadyan phone?

17 A That's correct.

18 Q And the same for user account 19,
19 Firstclasspropertymanagement05@gmail.com?

20 A Correct.

21 Q And again for 20choiceoneescrow@gmail.com?

22 A That is correct.

23 Q Okay. And 21 First Class Property and then
24 GT@hotmail.com. That is an additional user account?

25 A That's correct.

1 MS. NEWCOMER: Okay. Ms. Romero, would you please
2 pull up Exhibit 19A. If could you highlight the device
3 information and pull that up please, Ms. Romero.

4 Q And this is a portion of the Cellebrite report that
5 you identified as where the Apple ID is Rich@flipper.com;
6 right?

7 A Yes. That's correct.

8 MS. NEWCOMER: Ms. Romero, if we could go to the
9 user accounts. If you could just pull up the whole
10 section of user accounts on page 2. Okay.

11 Q So you see on this Cellebrite there is 12 user
12 accounts; is that right?

13 A That's correct.

14 Q And the first one, No. 1, says the user name is
15 Rich@flipper.com?

16 A Correct.

17 Q And the second one also says Rich@flipper.com?

18 A Correct.

19 Q And if you look down, 3 through 7 also say the user
20 name is Rich@flipper.com?

21 A That's correct.

22 MS. NEWCOMER: Let's go to the next page to the
23 last accounts.

24 Q And, again, there are accounts under 8 and 9, and
25 they both also say Rich@flipper.com?

1 A Yes.

2 Q Okay. It is possible that when you are extracting
3 data from a phone not all data on the phone can be
4 extracted; is that right?

5 A That's correct.

6 Q And how were you able to verify whether all data
7 has been extracted from the phone?

8 A Well, you know, we rely on a program to collect the
9 data, and so the extraction contains the data that the
10 program was able to get. And then that data, there is a
11 hash. It is kind of like what we call a digital
12 fingerprint. So the data that is in the extraction at
13 the end gets hashed, and it is basically a mathematical
14 output of an algorithm.

15 Q So it is possible that hash data does not include
16 all of the data that was on the phone?

17 A Possibly.

18 MS. NEWCOMER: Thank you. No further questions.

19 MR. FRASER: Mr. Cruz, could I have the monitor
20 set up so that it will display initially only to the
21 witness?

22 THE CLERK: Go ahead.

23 MR. FRASER: Thank you.

24 ///

25 ///

CROSS-EXAMINATION

BY MR. FRASER

Q My name is Ryan Fraser and I represent Marietta Terabelian. Good morning, Mr. Parra.

A Good morning.

Q You are familiar with iPhones?

A Yes.

Q An iPhone of course is more than just a phone?

A Correct.

Q You can place calls with an iPhone?

A Yes.

Q You can also send text messages?

A Correct.

Q And e-mails?

A Correct.

Q It has a calendar function?

A Yes.

Q You can use social media apps using an iPhone?

A Yes.

Q You can take videos?

A Yes.

Q Store the videos?

A Yes.

Q You can take pictures?

A Yes.

1 Q Still photographs?

2 A Yes.

3 Q And you can store those photographs on the iPhone?

4 A Yes.

5 Q And that would be stored in the iPhoto app;
6 correct?

7 A Correct.

8 Q And that app will store the photographs
9 chronologically?

10 A Correct.

11 Q By default the most recent photographs will appear
12 first as you open the app; correct?

13 A Correct.

14 Q The older photographs, you would have to scroll up
15 to see those; correct?

16 A That's correct.

17 Q And you can also sync iPhone with an Apple iCloud
18 account; correct?

19 A Yes.

20 Q You can sync multiple Apple devices with the same
21 iCloud account?

22 THE COURT: Did you sync?

23 MR. FRASER: Sync, S-Y-N-C.

24 THE COURT: Can you tell what that means?

25 THE WITNESS: Yes. So if you have a laptop, and

1 you have an iPhone, you can collaborate them together
2 where they can see the same photos up in the iCloud. The
3 iCloud is associated with the Apple ID. And you can
4 store your information up there, and you can use all of
5 your Apple products to view that information. And they
6 call it syncing it up. Sync.

7 Q Thank you. And the I phone in general is a product
8 that has been around for many years now; is that correct?

9 A Yes, that's correct.

10 Q It has been through many generation of iPhones?

11 A Yes.

12 Q And you testified on direct about an iPhone that is
13 identified as 1B81?

14 A Yes.

15 Q That is the one that you mentioned was associated
16 with the Mary.abellian@yahoo.com account; correct?

17 A Yes, that's correct.

18 Q And that was an iPhone model 12; correct?

19 A Correct.

20 Q And the iPhone model 12 was released in late 2020;
21 correct?

22 A I think. I don't know the exact date.

23 Q Okay. Do you remember that it was in October of
24 2020?

25 A I don't. I don't recall when they released the new

1 versions.

2 Q Might it refresh your recollection to review a
3 press release?

4 A Sure.

5 Q Thank you.

6 MR. FRASER: May I approach, your Honor?

7 THE COURT: Sure. I mean, it seems like an
8 undisputed fact, so tell us when it came out.

9 MR. FRASER: Yes. The iPhone 12 came out in late
10 October of 2020.

11 THE COURT: Unless I hear anything to the
12 contrary, that is the evidence.

13 MR. FRASER: Your Honor, so that is essentially
14 stipulated then.

15 THE COURT: When I say it is in evidence, unless
16 someone says otherwise, it is in evidence.

17 MR. FRASER: Thank you, your Honor.

18 Q So this case you used with respect to SB81, you
19 mentioned that you used GrayKey; correct?

20 A That's correct.

21 Q You also used Physical Analyzer to view the
22 contents of 1B81; correct?

23 A That's correct, of the extraction, from the GrayKey
24 extraction. That's correct.

25 Q Thank you. And from -- Physical Analyzer is part

1 of the Cellebrite software suite; correct?

2 A That's correct.

3 Q So you used GrayKey and Cellebrite for viewing
4 1B81; correct?

5 A Correct.

6 Q Okay. So Cellebrite can give you -- one of the
7 reports that Cellebrite can give you is called a UFED
8 report; correct?

9 A Yes.

10 Q And the UFED report, that reports the extracted
11 data from the device; correct?

12 A That's correct.

13 Q In other words, data copied from the device?

14 A Correct.

15 Q And you can get what is called an extraction
16 summary report from Cellebrite; correct?

17 A Correct.

18 Q Okay. And directing your attention to the monitor
19 in front of you, I am showing you defense Exhibit 312.
20 And I will increase the size here on the left.

21 Do you see, this is a Cellebrite extraction
22 summary; correct?

23 A Correct.

24 Q It is titled that in the upper left portion;
25 correct?

1 A Yes.

2 Q And directing your attention to case information
3 from the examiner name, you can see this it says Gregory
4 J para; correct?

5 A Yes.

6 Q This would be an extraction summary from your
7 extraction?

8 A Correct.

9 Q And the extraction summary pertains to evidence
10 No. 1B81?

11 A Yes.

12 Q That is the Terabelian iPhone 12; correct?

13 A Correct.

14 MR. FRASER: I would move to admit Defense Exhibit
15 312.

16 THE COURT: Received.

17 MR. FRASER: And I would like to publish to the
18 jury.

19 THE COURT: Yes.

20 MR. FRASER: Thank you.

21 MS. AHN: Objection, your Honor. I think this is
22 from an earlier version of the Cellebrite report, your
23 Honor.

24 THE COURT: I mean, you recognize this 312;
25 correct, sir?

1 THE WITNESS: That's correct.

2 THE COURT: And is that part of the Cellebrite
3 extraction process?

4 THE WITNESS: Yes. The case information will --
5 the summary information will show on the Cellebrite
6 reader reports; that's correct.

7 THE COURT: Received.

8 MR. FRASER: Thank you.

9 Q And you mentioned that this summary will show what
10 was extracted in summary fashion. And let's turn to that
11 now.

12 I am turning to the right portion of the
13 extraction summary. And here you see a matrix of
14 rectangles; correct?

15 A Correct.

16 Q And this shows a summary of the contents you were
17 able to extract from 1B81; correct?

18 A That's correct.

19 Q And in the upper left portion, it shows and you
20 were able to extract 435 passwords?

21 A Correct.

22 Q In the lower right, 1,757 videos?

23 A Correct.

24 Q In the middle column near the bottom, 44,385
25 images?

1 A Correct.

2 Q The Cellebrite extraction summary also shows some
3 of the iPhone's settings; correct?

4 THE COURT: What?

5 THE WITNESS: Can you repeat that question?

6 Q BY MR. FRASER: iPhones have something called
7 settings; correct?

8 THE COURT: Sage?

9 MR. FRASER: Settings, S-E-T-T-I-N-G-S.

10 THE WITNESS: Yes. Settings.

11 Q BY MR. FRASER: That would include, for instance,
12 location services?

13 A Correct.

14 Q So that the iPhone can use the user's location to
15 help the user; correct?

16 A That's correct.

17 Q Okay. And so the iPhone will track where the user
18 of the iPhone is if location services are turned on;
19 correct?

20 A Correct.

21 Q Okay. And on this iPhone location services were
22 turned on; correct?

23 A Correct. This says that they are enabled.

24 THE COURT: What did you say?

25 THE WITNESS: Enabled. Location services are

1 enabled and it says true.

2 THE COURT: Say that one more time.

3 THE WITNESS: Location services are enabled.

4 THE COURT: What does that mean?

5 THE WITNESS: That means that the location --
6 there is a setting on the phone called location, and it
7 can be turned on and off.

8 THE COURT: Does this mean it was turned on or
9 off?

10 THE WITNESS: It was on.

11 Q BY MR. FRASER: Thank you. And it was set to retain
12 messages forever; correct?

13 A That is what it says. Yes.

14 MR. FRASER: Thank you. No further questions.

15 MS. AHN: Brief redirect, your Honor.

16 THE COURT: All right.

17

18 REDIRECT EXAMINATION

19 BY MS. AHN:

20 Q Do you see a date on this examination report,
21 Examiner Parra?

22 A Yes, I do.

23 Q And what is that date?

24 A It is 11/5/2020.

25 Q While it is focusing, do you recall testifying as

1 to images noted in this report?

2 A I can't see the report. Which number are we
3 referring to? It is very blurry.

4 Q Do you see that in front of you?

5 A Yes.

6 Q And in terms of images, that includes photographs?

7 A Yes.

8 Q Can it include images downloaded from websites?

9 A Correct. Yes, it can.

10 Q Can it include images from applications?

11 A Yes.

12 Q So when I go to a website, the icon on the website?

13 A Yes.

14 Q Almost every other image on that website can also
15 be downloaded?

16 A Yes.

17 Q So that image's number, is that actually reflective
18 of the number of photographs on the phone?

19 A No.

20 MS. AHN: No further questions, your Honor.

21 THE COURT: All right. Thank you, sir.

22 Thank you.

23 Call the next witness.

24 MS. AHN: Your Honor, the government would call
25 special agent Timothy Massino.

1 (The witness was sworn.)

2 THE CLERK: State your full name and spell it for
3 the record.

4 THE WITNESS: Timothy Massino, T-I-M-O-T-H-Y,
5 M-A-S-S-I-N-O.

6

7 DIRECT EXAMINATION[]

8 BY MS. AHN:

9 Q Agent Massino, good morning.

10 A Good morning.

11 Q Are you employed?

12 A Yes. I am with the Small Business Administration
13 Office of Inspector General.

14 Q What is your position at the Small Business
15 Administration Office of Inspector General?

16 A Special agent.

17 Q I am just going to say SBA OIG.

18 THE COURT: What did you say?

19 MS. AHN: I am going to abbreviate it to SBA OIG.

20 Q BY MS. AHN: How long have you been employed as an
21 SBA OIG special agent?

22 A Two-and-a-half years.

23 Q What are your duties at SBA OIG?

24 A I investigate allegations of fraud waste and abuse
25 as they relate to programs administered by the SBA.

1 Q Did you receive training as part of your employment
2 at SBA OIG?

3 A Yes.

4 MR. LITTRELL: Objection, relevance. 403.

5 THE COURT: Sustained. I mean, he can briefly
6 give his background, not extensively.

7 MS. AHN: Yes, your Honor.

8 Q Did that include formal and on-the-job training?

9 A Yes.

10 Q As part of that experience, did you learn about SBA
11 programs?

12 A Yes.

13 Q Did that include the Paycheck Protection Program
14 and Economic Injury Disaster Loan program?

15 A Yes.

16 Q How did you get involved in this case?

17 A In June of 2020, I was advised by my supervisor
18 that I would be assisting the Department of Justice and
19 the United States Attorney's Office in the Central
20 District of California with this investigation.

21 Q Can you take a look at government Exhibit 116 in
22 the binder in front of you?

23 A Yes.

24 Q Do you recognize government Exhibit 116?

25 A I do.

1 Q What is it?

2 A It is a loan summary chart containing information
3 regarding EIDL and PPP applications submitted that we are
4 looking at in this investigation.

5 Q How many pages are in government 116?

6 A Seven page.

7 Q Did you assist in the preparation of the slides
8 shown in this seven-page exhibit?

9 A Yes, I did.

10 Q How did you assist in this preparation?

11 A I identified some of the loans throughout the
12 course of this investigation that are detailed on these
13 summary charts. I gathered some of the information based
14 on SBA database searches. And I -- in some cases I
15 requested and received the loan files from the SBA. And
16 I confirmed the accuracy of the information reflected on
17 these charts and I ensured the government exhibit numbers
18 listed on the charts correspond with the particular loans
19 detailed.

20 Q And are those the government exhibits listed all
21 the way to the right?

22 MS. AHN: Your Honor, move to admit government
23 Exhibit 116 and publish to the jury.

24 THE COURT: Received.

25 Q BY MS. AHN: Special Agent Massino, we are now

1 looking at page 1 -- or slide 1 of Exhibit 116. Can you
2 show us or just walk us through generally what
3 information is shown on this slide?

4 A Yes. This slide reflects EIDL and PPP applications
5 submitted using the names Ulia Zhadko, Viktoria Kauichko
6 and Anton Kudiomov.

7 Q Can you explain this chart a little bit more using
8 an example, let's say, from Ulia Zhadko?

9 A Yes. So the group of loans that correspond with
10 the name Ulia Zhadko, I will walk through that group. In
11 the name column, you have Ulia Zhadko with certain
12 identifiers. And this block represents applications that
13 were submitted using the name Ulia Zhadko and those
14 identifiers.

15 In the business column you will see four
16 company names. Those four companies had applications
17 submitted on their behalf using the individual applicant
18 Ulia Zhadko with the identifiers shown. The approximate
19 application date reflects the approximate date of the
20 application, and there are ten of them.

21 So, for instance, for Top Quality Contracting,
22 there are three applications submitted using the name
23 Ulia Zhadko.

24 As you move to the lender column, that will
25 indicate the name of the lender if it is a PPP loan. If

1 it is an SBA EIDL loan, or Economic Injury Disaster Loan,
2 you will see SBA in that column.

3 The approximate application amount is in the
4 next column.

5 The status column indicates if funds were ever
6 disbursed pursuant to that application.

7 Q And the last column?

8 A That is the government exhibit number of the
9 corresponding loan file.

10 Q Moving on to slide 2, can you tell us generally
11 what is on this slide?

12 A Yes. This slide reflects two groups of
13 applications, one group submitted using the name Viktoria
14 Kauichko and one group submitted using Anton Kudiomov.

15 There is a commonality on every application
16 between those two groups, and they all used the address
17 of 6150 Canoga Avenue in Woodland Hills, California,
18 typically as the individual's residential address.

19 Q So can you talk us through one example. Let's say
20 Viktoria Kauichko, Fiber One Media, the WebBank
21 application. Through one example --

22 THE COURT: Could you keep your voice next to the
23 microphone? I don't want to keep telling you to keep
24 your voice up. The jury is dispersed throughout this
25 courtroom and I want to make sure everyone hears every

1 question and every answer.

2 MS. AHN: Yes, your Honor.

3 THE COURT: Just slow down a bit and make sure you
4 articulate.

5 MS. AHN: Yes, your Honor.

6 Q BY MS. AHN: Could you walk us through one example
7 from the Viktoria Kauichko Fiber One Media set,
8 specifically the WebBank application?

9 A Yes. So the name Viktoria Kauichko with the date
10 of birth of January 9th, 1989 and a Social Security
11 number ending in the last four digits of 9924, was used
12 to submit an application in the business name of Fiber
13 One Media on or about June 17th, 2020. That application
14 was submitted to WebBank and the approximate application
15 amount was \$276,652.

16 That loan was canceled, and the government
17 exhibit number is 3G.

18 Q What does it mean when it says it was canceled?

19 THE COURT: It says 3G. You said 30, didn't you?

20 THE WITNESS: Your Honor, it is 3G. You're
21 correct. Canceled means it was not ultimately funded.

22 Q BY MS. AHN: Moving on to slide 3, and I am going to
23 show you both slides 3 and slide 4, which are part of a
24 two-slide set.

25 Can you generally describe what is shown in

1 slides 3 and 4?

2 A Yes. These slides reflect loans applied for by
3 companies included in the overt acts section of the first
4 superseding indictment.

5 The information contained on these charts is
6 similar to the first two charts we looked at, but here
7 the loans are broken out by business names as opposed to
8 individual applicant name.

9 So the first two columns are inverted relative
10 to the prior two slides that we looked at.

11 Q On this slide, do you see businesses shown here
12 that received more than one PPP loan?

13 A Yes. Specifically Hart Construction and Mod
14 Interiors.

15 Q In general could businesses receive more than one
16 PPP loan during PPP's first round?

17 A No.

18 Q If a business applied for a second, third or fourth
19 PPP loan with the same federal identification number,
20 what would happen?

21 A That loan would be rejected, as the lender would
22 not be able to receive an authorization or a loan number
23 if the tax identification number had already been used.

24 Q Is an SBA loan authorization number required to
25 approve a loan?

1 A Yes.

2 Q Let's focus in on one example for the jury related
3 to Mod Interiors. Do you see that in front of you?

4 A Yes.

5 Q Was there more than one PPP loan applied for in the
6 name of Mod Interiors and Armin Injijian.

7 A Yes, there were three.

8 Q And the approximate dates they were submitted?

9 A April 10th, 2020, April 2nd 2020 and April 23rd
10 2020.

11 Q Was that all during the first round of PPP?

12 A Yes.

13 Q Were two of those loans approved?

14 A Yes.

15 Q Did you review those loan files?

16 A I did.

17 Q So let's take a look at the two that were
18 disbursed. The CDC loan that is contained in government
19 Exhibit 5K, and the Mod Interiors Armin Injijian Celtic
20 Banks loan that contained if Exhibit 3M.

21 So I am going to display government Exhibit
22 5K, the CDC Mod Interiors Armin Injijian loan page 3.
23 And I will display that on the left side of your screen.

24 Do you see that in front of you?

25 A Yes.

1 Q Do you recognize what that form is generally?

2 A Yes, it is a Paycheck Protection Program
3 application.

4 Q Is a TIN or EIN or SSN identified there?

5 A Yes. 801-95-3016.

6 Q Does it also identify an owner?

7 A Yes. Armin Injijian. Owner ownership percentage
8 is 100 percent.

9 Q Let's take a look at the second funded loan in
10 Armin Injijian's set. That is contained in government
11 Exhibit 3M.

12 I am going to display that on the right side
13 of your screen starting with page 20 of that loan file.

14 Do you see that in front of you?

15 A Yes.

16 Q Do you recognize that form?

17 A Yes.

18 Q What is it?

19 A It is a Paycheck Protection Program application
20 also for the business Mod Interiors.

21 Q Does that also show a business TIN or EIN or SSN?

22 A Yes, it does. It is listed as 831953016.

23 Q And how do those two numbers compare?

24 A They are identical with the exception of one digit.

25 Q Are TIN's supposed to be unique to each business?

1 A Yes.

2 Q Let's take a look at the contact information. Do
3 you see a phone number listed?

4 A Yes.

5 Q On both these applications?

6 A Yes.

7 Q Do you see an address listed on both these
8 applications?

9 A Yes.

10 Q E-mail address?

11 A Yes.

12 Q What, if any, differences are there on the contact
13 information between the two loan applications?

14 A There are none.

15 Q They are the same?

16 A They are the same.

17 Q Let's focus in on that phone number. Can you read
18 the phone number out for the jury?

19 A 818-570-6000.

20 Q Special Agent Massino, are you aware whether or not
21 phones were seized in this case?

22 A Yes, I am.

23 Q Are you aware of whether phones were seized from
24 defendant Richard Ayvazian and Marietta Terabelian's
25 home?

1 A Yes, I am.

2 Q Did you review the user information for phones
3 seized from that house?

4 A Yes.

5 THE COURT: One minute. When you say that house,
6 what do you mean?

7 Q BY MS. AHN: Did you review the user information
8 for phones seized from defendant Richard Ayvazian and
9 Marietta Terabelian's home?

10 A Yes, I did.

11 MS. AHN: I am going to show you government
12 Exhibit 19A, previously admitted, starting on page 1. I
13 am going to show that to you on the left side of your
14 screen.

15 Do you see the document on the left side of
16 your screen?

17 A I do.

18 Q Do you recognize what that is?

19 A Yes. It is the Cellebrite report for device 1B85.
20 Specifically it is the user information page.

21 Q Does it have an Apple ID associated with it?

22 A Yes. Rich@flipper.com.

23 Q And is there a phone number associated with this
24 phone?

25 A Yes. 818-570-0600.

1 Q And how does that compare to the phone number for
2 Armin Injijian's Mod Interior PPP loan?

3 A It is the same number as listed on the application.

4 Q You testified earlier that these two Mod Interiors
5 Armin Injijian loans were funded or disbursed. Do PPP
6 loan applications generally identify the bank account
7 into which funds are supposed to be sent?

8 A Yes.

9 Q Could that be through a copy of a voided check?

10 A Yes.

11 Q So let's go back to the CDC Mod Interiors loan
12 application. I will put that to the left side of your
13 screen. Government Exhibit 5K, page 22.

14 Do you see was on the front of your screen on
15 the left side?

16 A Yes. It is a copy of a voided check. The last
17 four digits of the account number are 9103.

18 Q So let's go to page 73 of the Celtic Bank Mod
19 Interiors Armin Injijian application in Exhibit 3M. So
20 that is already on the right side of your screen. I am
21 going to just go to page 73.

22 Do you see was on the right side of your
23 screen?

24 A Yes.

25 Q Is that a copy of the same voided check?

1 A Yes.

2 Q Did you review -- or rather did the government
3 obtain bank records for this Bank of America 9103
4 account?

5 A Yes.

6 Q Did you review those bank records?

7 A I did.

8 Q I am going to go to government Exhibit 90,
9 previously admitted. I will go to page 1 of that
10 exhibit. Do you see was in front of you?

11 A Yes, it is an account opening form for Bank of
12 America, bank account in the name of Mod Interiors,
13 account number ending in the last four, 9103.

14 Q Are there signatories shown on this document?

15 A Yes.

16 Q Who are the signatories?

17 A Armin Injijian and Richard Ayvazian.

18 Q And in general do signatories control the account?

19 A Yes.

20 MR. KEOUGH: Objection, your Honor. Foundation.

21 THE COURT: Sustained.

22 Q BY MS. AHN: Going back to slide 116, page 3 -- or
23 rather, government Exhibit 116, slide 3. Special Agent
24 Massino, as part of your job do you review financial
25 records?

1 A Yes.

2 Q Do you review financial records associated with PPP
3 and EIDL loan applications?

4 A Yes.

5 Q Does that include account opening statements?

6 A Yes.

7 THE COURT: What do you mean by account opening
8 statements?

9 MS. AHN: I will go back to Exhibit 90, your
10 Honor.

11 THE COURT: When you mention a term that hasn't
12 been mentioned before, the jury needs orientation.

13 MS. AHN: Yes, your Honor.

14 Q BY MS. AHN: Going back to Exhibit 90, page 1, do
15 you see what is in front of you?

16 A Yes, I do.

17 Q What.

18 A This is a Bank of America account opening form in
19 the Mod Interiors.

20 Q And what is the purpose of an account opening form?

21 A It is a form that the account opener typically
22 completes to open the account.

23 MR. KEOUGH: Objection, your Honor. Again,
24 foundation.

25 THE COURT: Overruled.

1 Q BY MS. AHN: Does it identify individuals associated
2 with that account?

3 A Yes, it does.

4 Q Was the term used for those individuals?

5 A Yes.

6 THE COURT: What did you say?

7 MS. AHN: What is a term? Is a signatory one of
8 the --

9 THE COURT: Let's recess. What time is it now?

10 THE CLERK: It is 10:40, your Honor.

11 THE COURT: We will take ten minutes.

12 (The following proceedings were held outside the
13 presence of the jury:)

14 THE COURT: I don't want to keep interrupting
15 about the speech, but it's awful in terms of the manner
16 of speaking, with some exceptions. I have to say that
17 the clearest speaker is Mr. Mesereau.

18 Your voices -- a trial lawyer should try to
19 make their words clear. And when you use a term that
20 hasn't been used before, you should make sure that it is
21 defined. I mean, you are assuming a lot with the jury.

22 I have a sense that most people use their
23 phones and just know how to press the buttons and what
24 happens, but you are getting into the bowels of the
25 process and it may be unfamiliar to the jurors.

1 So make sure that you don't swallow your
2 words, and make sure that you speak into the microphone,
3 and speak clearly, because I don't like to interrupt but
4 I have to follow this. And sometimes words just drop
5 off, and that shouldn't happen.

6 MS. AHN: Yes, your Honor. I was cognizant of
7 your request that we move quickly.

8 THE COURT: Well, I never said moving quickly.

9 MS. AHN: Yes, your Honor.

10 THE COURT: Not quickly in the sense of not making
11 yourself clear.

12 MS. AHN: Yes, your Honor.

13 THE COURT: That is not moving quickly. When I
14 say quickly, I mean efficiently. This is not a horse
15 race.

16 MS. AHN: Yes, your Honor.

17 (Recess from 10:44 a.m. to 10:56 a.m.)

18 (The following proceedings were held outside the
19 presence of the jury:)

20 THE COURT: Just quickly before the jury comes
21 back, the Court has decided to admit the photo that was
22 discussed previously on defendant Terabelian's phone.
23 Not that she received it, only that it was on her phone.
24 For that limited purpose.

25 MR. LITTRELL: Your Honor, I think that moment may

1 have passed actually. I don't think the government is
2 actually going to introduce that exhibit.

3 MS. AHN: We are introducing 19B.

4 THE COURT: Yes. 19B has been received.

5 MR. LITTRELL: There has been no foundation for
6 it. I think their CART examiner who examined the phone
7 has already testified.

8 THE COURT: Did he --

9 MS. AHN: Yes. Agent Massino will be making the
10 link from the Cellebrite report to the government
11 exhibit.

12 THE COURT: Okay. Once that is done, it will be
13 received for that limited purpose. Only that it was on
14 her phone, not that she received it or any other purpose.
15 It was just there as circumstantial evidence.

16 MS. AHN: Yes, your Honor.

17 MR. LITTRELL: May I have an offer of proof about
18 how he can establish it was on her phone?

19 THE COURT: I will wait to see how he testifies.

20 Let's get going. Get the jury.

21 (The following proceedings were held in the
22 presence of the jury:)

23 THE COURT: Okay. Let's resume the testimony.

24 Q BY MS. AHN: Hello again, Agent Massino.

25 A Hello.

1 Q I believe before the break we were at government
2 Exhibit 90, page 1, which you identified as an account
3 opening statement or form for the Mod Interiors 9103 Bank
4 of America account?

5 A That's correct.

6 Q Does this form identify authorized representatives
7 for this account?

8 A Yes, it does.

9 Q Are there names shown in that section of the form?

10 THE COURT: You did that already. Let's go on.

11 MS. AHN: Okay. All right.

12 THE INTERPRETER: Your Honor, the interpreter
13 didn't hear you. Could you repeat that?

14 THE COURT: I'm sorry. I said she already did
15 that.

16 THE INTERPRETER: Thank you, your Honor.

17 THE COURT: Thank you.

18 Q BY MS. AHN: Going back to government Exhibit 116,
19 slide 3. So we just discussed the Armin Injijian
20 accounts for Mod Interiors. Is there another identified
21 owner for Mod Interiors shown on this slide?

22 A Yes. Nazar Terabelian.

23 Q Did you review, for example, the New Tech
24 application contained in government Exhibit 20?

25 A Yes, I did.

1 Q Does it identify Nazar Terabelian's relationship to
2 Mod interiors?

3 A Yes. It identifies Nazar Terabelian as the
4 100 percent owner of Mod Interiors.

5 Q Was Armin Injijian identified as a 100 percent of
6 Mod Interiors in the respective PPP loan files we
7 discussed?

8 A Yes.

9 Q In your experience is it possible for a company to
10 have two 100 percent owners?

11 MR. KEOUGH: Objection, foundation, your Honor.

12 THE COURT: Sustained. I mean, let's get to
13 something else.

14 MS. AHN: Yes, your Honor.

15 Q BY MS. AHN: Moving on to slide 4 of government
16 Exhibit 116, do you also see companies on this slide with
17 multiple owners listed?

18 A Yes. Sabala Construction, Timeline Transport and
19 Top Quality Contracting.

20 Q Does Timeline Transport have more than one owner
21 listed?

22 A No, I'm sorry, it does not.

23 Q Can you -- I will just ask the question again. Do
24 you also see companies on this slide with multiple owners
25 listed?

1 MR. KEOUGH: Objection, your Honor. Where does it
2 say here that owners are listed?

3 THE COURT: The objection is sustained.

4 Q BY MS. AHN: Did you review the loan files shown in
5 the government exhibit column to the right?

6 A Yes, I did.

7 Q And for Sabala Construction, did you review the
8 loan files associated with Medet Murat and Donald Sabala?

9 A I did.

10 Q Did it identify the relationship between Medet
11 Murat and Donald Sabala? I'm sorry, Medet Murat and
12 Sabala Construction?

13 A Yes. It identified Medet Murat as the owner of
14 Sabala Construction.

15 Q One hundred percent owner?

16 A That's correct.

17 Q Did it identify the relationship between Donald
18 Sabala and Sabala Construction?

19 A Yes.

20 Q Did it identify -- what was the relationship?

21 A In those loan files Donald Sabala is identified as
22 the 100 percent owner of Sabala Construction.

23 Q Let's move forward to slide 5. So slide 5, 6 and 7
24 are grouped together or categorized together. Can you
25 generally describe for the jury what is contained in

1 those three slides?

2 A Yes. These slides reflect groups of loans that
3 have commonalities contained within the payroll reports
4 or the form 90's, in some cases both, that were submitted
5 with those applications in order to obtain those loans.

6 So the format or organization of this chart is
7 similar to the previous charts, but two columns have been
8 added, and those are highlighted, the same payroll report
9 and same 940.

10 An X in the box indicates that identical
11 numbers were utilized on those forms in the applications.

12 Q So let's focus in on examples from here in group 1.
13 We will focus in on the Fiber One Media, Viktoria
14 Kauichko customer's bank application contained in Exhibit
15 3E, the Hart Construction loan submitted in the name of
16 Michael Hart to Celtic Bank contained in 3I, and the
17 Redline Auto Collision submitted in the name of Edward
18 Paronyan to Celtic Bank contained in government Exhibit
19 2J.

20 Let's start by looking at the payroll reports.
21 I will move the payroll report for Fiber One, Viktoria
22 Kauichko, contained in government Exhibit 3E to the left
23 and the Hart Construction loan file contained in
24 government Exhibit 3I to the right.

25 So on the left is government Exhibit 3E,

1 previously admitted, page 3, and to the right is
2 government Exhibit 3I, page 3. Do you see those pages in
3 front of you?

4 A Yes, I do.

5 Q Starting with the left, can you identify what this
6 is?

7 A Yes. This is a Gusto pay report submitted with the
8 Fiber One Media application. On the right is the Gusto
9 pay report submitted with the Hart Construction
10 application.

11 Q Do you see the average monthly payroll cost?

12 A Yes.

13 Q How do they compare between the two loan files?

14 A They are identical to the penny. \$52,075.25.

15 Q What about the number of employees?

16 A They both reflect 12 jobs.

17 Q I am going to call up Redline Auto Collision
18 submitted in the name of Edward Paronyan contained in
19 government Exhibit 2J. I will put that up on the right
20 side. I am going to page 6 of 2J.

21 Do you see that on the right side of your
22 screen?

23 A Yes, I do. It is the Gusto pay report submitted
24 with the Redline Auto Collision application.

25 Q And when you say pay, do you mean payroll?

1 A Yes. Payroll.

2 Q DO you see the average monthly payroll cost on the
3 Redline Auto Collision payroll report?

4 A Yes, it is \$52,075.25.

5 Q How does that compare to the Fiber One Media
6 payroll report on the left side of your screen?

7 A It is the same.

8 MR. KEOUGH: Objection, your Honor, to the extent
9 the witness is just reading from the document. I don't
10 think there is any question as to authenticity.

11 THE COURT: I don't understand the objection.

12 MR. KEOUGH: Unhelpful to the jury, your Honor.

13 THE COURT: It is very helpful. It could be
14 helpful to the jury. He is going through these exhibits
15 that have a lot of numbers in them. And he can do that.
16 So if that is an objection, it is overruled.

17 Q BY MS. AHN: So other than the name and contact
18 information up top, are these payroll reports exactly the
19 same?

20 A Yes.

21 Q So let's take a look at the 940's. I am going to
22 call up the Fiber One, Viktoria Kauichko PPP loan to the
23 left, and the Hart Construction again to the right.

24 So on the left side will be government Exhibit
25 3E, page 1, and on the right side will be Hart

1 Construction loan file in government Exhibit 3I, page 1,
2 to the right.

3 Do you see that in front of you?

4 A Yes, I do.

5 Q Starting with the left and then going to the right,
6 can you identify what this is?

7 A Yes. On the left is the IRS tax Form 940 for 2019
8 for Fiber One Media. On the right is the IRS tax Form
9 940 for 2019 for Hart Construction.

10 Q I am going to go ahead and magnify the reported
11 numbers for each form. Do you see those reported numbers
12 in front of you?

13 A Yes.

14 Q How do they compare?

15 A The payroll expenses reported in the form on the
16 left are identical to the payroll expenses reported on
17 the form on the right.

18 Q Moving to page 2, do you see the reported numbers
19 in front of you there?

20 A Yes.

21 Q And how do those numbers compare?

22 A The numbers in the blocks on the form on the left
23 are identical to the corresponding numbers in the blocks
24 on the form on the right.

25 Q Other than the tax preparer and ownership and

1 contact information, are these 940's the same?

2 A Yes, they are.

3 Q Ahn moving on to government Exhibit 111, slide 6 or
4 page 6. Excuse me, government Exhibit 116, page 6.

5 Is this another example of a PPP and EIDL loan
6 application comparison?

7 A Yes, this is a separate group from the previous
8 group. All of these loans have similar commonalities,
9 all within the same 940 submitted with the applications.
10 The numbers provided on the forms in this group of loans
11 is unique to this group of loans.

12 Q So focusing in on Allstate Towing & Transport, LLC,
13 submitted in the name of Artur Ayvazian contained in
14 government Exhibit 2F, the Voyage Limo loan submitted in
15 the name of Vahe Dadyan contained in government Exhibit
16 2K, and the Montradath application submitted in the name
17 of Diana Saakya to Celtic Bank contained in Exhibit 3N.

18 I will go ahead and highlight those.

19 Did you review those loan files and the 940's
20 in them?

21 A Yes.

22 Q Other than the named owners and the contact
23 information provided, were the reported numbers for each
24 of these 940's exactly the same?

25 A The reported payroll expense numbers, yes.

1 Q Moving on to slide or page 7 of government Exhibit
2 116, can you explain what is on the screen there?

3 A Yes. This is another group of loans similar to the
4 previous two groups. These loan files all contained a
5 payroll report that had identical payroll numbers.

6 And again, those numbers were unique to this
7 group of loans, and in some instances, the 940's
8 submitted with these applications contained identical
9 payroll expense numbers as well.

10 Q Is the name Viktoria Kauichko referenced in this
11 chart?

12 A Yes, it is.

13 Q Where is it referenced?

14 A It is referenced in the name column next to the
15 business at the top, Fiber One Media. It is also
16 referenced on the third one down, next to Runyan Tax
17 Service.

18 Q So let's focus in on the Viktoria Kauichko, Runyan
19 Tax Service PPP loan contained in government Exhibit 2N
20 and the LK Design, Liudmyla Kapytova, contained in
21 Exhibit 3K that was submitted to the Newtek lender.

22 So I am going to call up 2N, going to page 14
23 on the right side of your screen. And then with Exhibit
24 3K, page 1, on the left side of your screen.

25 Do you see that in front of you?

1 A Yes, I do.

2 Q Can you identify what is on the left and then on
3 the right?

4 A Yes. On the left is the Gusto payroll report for
5 LK Design. And on the right is the Gusto payroll report
6 for Runyan Tax Service.

7 Q And other than the name and contact information up
8 top, how do these payroll reports compare?

9 A The reported monthly payroll costs and the current
10 jobs are identical between the two forms as well as the
11 numbers contained in body of the forms in terms of gross
12 payroll, adjusted earnings, state taxes and so on.

13 Q Special Agent Massino, do those loan files --
14 specifically the loan files contained in government
15 Exhibits 3K and 2N -- do they also contain what appears
16 to be a Gusto-generated employee information report?

17 A Yes.

18 Q So let's take a look at the Runyan Tax, government
19 Exhibit 2N, page 8, that is on the right side. And
20 pulling up the same information for LK Design in Exhibit
21 3K on page 28 on the left side. Do you see that in front
22 of you?

23 A Yes, I do.

24 Q So looking at -- excuse me. So looking at the
25 employee names I just magnified, can you read the first

1 name of the employee shown here for LK Design 8on the
2 left?

3 A Yes. That Anastasia Baranovska.

4 Q What about for Runyan Tax on the right?

5 A Anna Baranova.

6 Q Other than that first name, are the names
7 identified in this list the same?

8 A Yes.

9 Q I am going to move to page 2 of this employee
10 information report. Do you see the names listed there?

11 A Yes.

12 Q Are the names the same across the two reports?

13 A Yes.

14 Q Going to page 3, how do those names compare?

15 A They are all the same.

16 Q I am going to go ahead and skip to the last page of
17 this report. Do you see the last pages in front of you?

18 A I do.

19 Q And how do those names compare?

20 A The names are different. The one on the left is
21 Liudmyla Kapytova.

22 Q Is she identified as with a role?

23 A Yes.

24 Q What is that role?

25 A President.

1 Q And what about for government Exhibit 2N?

2 A The name identified there is Viktoria Kauichko,
3 identified as president.

4 Q Other than that first name that we highlighted in
5 this last page, are the names identified in this employee
6 information payroll reports the same?

7 A Yes.

8 Q Special Agent Massino, I'm going to switch gears
9 and ask you about digital devices and phones.

10 Agent Massino, were phones seized in this
11 case?

12 A Yes.

13 MR. LITTRELL: Objection, foundation.

14 THE COURT: Sustained.

15 Q BY MS. AHN: Agent Massino, did you participate in
16 search executions related to this case?

17 A Yes.

18 Q Were you aware of whether or not phones were seized
19 in this case?

20 MR. LITTRELL: Objection. Foundation. Hearsay.

21 THE COURT: Why is that important? I mean, aren't
22 you just going to ask him questions about phones?

23 MS. AHN: Yes, your Honor.

24 THE COURT: Why did you ask that question. You
25 can get to the other matters that I think you are getting

1 to.

2 MS. AHN: Yes.

3 Q BY MS. AHN: Agent Massino, did you review data
4 extracted from digital devices?

5 A Yes, I did.

6 Q And which devices were those?

7 MR. LITTRELL: Objection. Foundation.

8 THE COURT: Overruled.

9 THE WITNESS: Those were devices 1B21, 1B85, 1B81
10 and 1B17.

11 Q BY MS. AHN: How did you review the data extracted
12 from those devices?

13 A I reviewed the data on a Cellebrite report.

14 Q Did those reports identify who extracted the data?

15 MR. LITTRELL: Objection. Foundation. Hearsay.

16 THE COURT: Well, I mean, you have to ask him
17 whether he knows how to read this Cellebrite report or
18 whether it says that on its face clearly. I don't know.

19 MS. AHN: Yes, your Honor.

20 Q Agent Massino, are you familiar with Cellebrite
21 reports?

22 A Yes, I am.

23 Q How are you familiar with those?

24 A I have reviewed Cellebrite reports.

25 Q As part of your job?

1 A As part of my job.

2 Q Do you know what Cellebrite reports contain?

3 A Yes, I do.

4 Q What do they contain?

5 A They contain the information extracted from digital
6 devices.

7 Q Do those reports identify the examiners?

8 A They do identify the examiners.

9 Q And what role do examiners have with respect to
10 tracking data?

11 MR. LITTRELL: Objection. Foundation. Hearsay.
12 Calls for speculation.

13 THE COURT: When you say examiners, what do you
14 mean by examiners? Who are examiners?

15 Q BY MS. AHN: Are you familiar with how data is
16 extracted from a phone?

17 MR. LITTRELL: Objection. Relevance. Calls for
18 expert testimony.

19 THE COURT: Why does he have to be familiar with
20 that? Haven't you laid a foundation for the Cellebrite
21 reports? Didn't I receive those documents in evidence?

22 MS. AHN: Yes, your Honor.

23 Q BY MS. AHN: So let's just go ahead to --

24 MR. LITTRELL: Cellebrite is not in evidence.

25 MS. AHN: Well, a portion of those is in evidence,

1 your Honor.

2 THE COURT: What is in evidence and what is not?
3 I mean, you had the witness who -- was that witness what
4 you called the examiner?

5 MS. AHN: Yes, your Honor.

6 THE COURT: Well, make everything clear. So we
7 heard from those two witnesses, Parra and somebody else;
8 right?

9 MS. AHN: Yes, your Honor.

10 THE COURT: And they testified about extracting
11 data from phones. Ultimately everything is for the jury
12 to decide themselves, but just as a point of reference,
13 did you move into evidence the reports that they
14 testified to?

15 MS. AHN: We moved into evidence portions of those
16 reports, your Honor.

17 THE COURT: But portions of the reports that were
18 moved into evidence reports that you are going to ask
19 this witness questions about?

20 MS. AHN: Yes.

21 THE COURT: All right. Then go ahead and do that.

22 Q BY MS. AHN: So I am going to show you government
23 Exhibit 13A, which was previously admitted, on your
24 screen.

25 Do you see that in front of you Agent Massino?

1 A Yes, I do.

2 Q What.

3 A This is an extraction report, a Cellebrite
4 extraction report. Specifically it lists the summary and
5 device information sections.

6 Q And how are you able to recognize this?

7 A I have reviewed this report.

8 Q And does this identify the digital device
9 associated with this report?

10 A Yes, it does. 1B21.

11 Q Does it identify the examiner name?

12 A Yes. Gregory Parra.

13 Q Showing you government Exhibit 16A previously
14 admitted. Do you recognize this document?

15 A Yes. This is a Cellebrite report. This highlights
16 the summary section. This is a report for 1B81, and the
17 examiner is Gregory Parra. I previously reviewed this
18 report as well.

19 Q And does this contain the full report?

20 A This section is the summary.

21 Q Did you review the full report?

22 A Yes, I did.

23 Q Showing you previously admitted government Exhibit
24 19A. Do you see what is in front of you?

25 A Yes, I do. This is the summary section of the

1 Cellebrite report for device 1B85. The examiner for this
2 device was also Gregory Parra.

3 Q Does this contain the full report?

4 A Again, this section of the summary report, but I
5 did review the full Cellebrite report.

6 Q I am going to show you government exhibit that was
7 previously admitted -- government Exhibit 23. Do you
8 recognize what is in front of you?

9 A Yes.

10 Q What is it?

11 A This is the Cellebrite report for 1B17. The
12 examiner is Examiner Jung.

13 Q And is this the full Cellebrite report?

14 A This is the summary section, but again, I did
15 review this full Cellebrite report. Yes.

16 Q Special Agent Massino, did you review government
17 Exhibit 10 and its attachments, Exhibits 10-1 through
18 10-70?

19 A Yes.

20 Q What did Exhibit 10 contain generally?

21 MR. LITTRELL: Objection. Hearsay.

22 THE COURT: What does it contain?

23 MS. AHN: It is data, your Honor. Text messages.

24 THE COURT: Are you laying a foundation for this
25 document or is it in evidence?

1 MS. AHN: I am laying the foundation, your Honor.

2 THE COURT: All right. You can proceed to lay a
3 foundation.

4 MS. AHN: Thank you, your Honor.

5 Q BY MS. AHN: What did government Exhibit 10 contain
6 generally?

7 A Text messages.

8 Q What about 10-1 through 10-70?

9 A Images.

10 THE COURT: What?

11 THE WITNESS: Images, your Honor.

12 Q By MS. AHN: Did it also contain files?

13 A Yes.

14 Q Did you compare government Exhibit 10 to the data
15 on the Cellebrite report?

16 A Yes, I did.

17 Q Did you compare government Exhibit 10-1 through
18 10-70 to the Cellebrite report?

19 A Yes, I did.

20 Q Absent formatting, did government Exhibit 10 show
21 the same content as the Cellebrite report?

22 A Yes.

23 Q And did government Exhibit 10-1 through 10-70 show
24 the same content as the Cellebrite report?

25 THE COURT: What exhibit number is the Cellebrite

1 report?

2 MS. AHN: The full Cellebrite report has not been
3 admitted, your Honor.

4 THE COURT: What are you referring to when you say
5 Cellebrite report?

6 Q BY MS. AHN: When you refer to the Cellebrite
7 report, Agent Massino, in your responses, are you
8 referring to the Cellebrite report for 1B21?

9 MR. LITTRELL: Objection. Vague.

10 THE COURT: He can answer the question.

11 THE WITNESS: Yes.

12 Q BY MS. AHN: Is this the Cellebrite report that was
13 extracted by Examiner Parra?

14 MR. LITTRELL: Objection. Foundation.

15 THE COURT: Why ask him the question? If it says
16 it, it says it.

17 MS. AHN: Yes, your Honor.

18 Q BY MS. AHN: Did government Exhibit 10 and its
19 attachments, 10-1 through 10-70 show the same content as
20 the 1B21 Cellebrite report that you reviewed?

21 MR. LITTRELL: Objection. Calls for hearsay.
22 Foundation.

23 THE COURT: Overruled.

24 THE WITNESS: Yes.

25

1 Q BY MS. AHN: Based on your review, are government
2 Exhibit 10-1 through 10-70 a true and accurate
3 representation of the same content in the Cellebrite
4 report?

5 MR. LITTRELL: Objection. Calls for hearsay.
6 Foundation. Confrontation clause, your Honor.

7 THE COURT: Overruled.

8 THE WITNESS: Based on my review, yes.

9 MS. AHN: Your Honor move to admit government
10 Exhibit 10 and attachments 10-1 through 10-70.

11 MR. JOHNSON: Your Honor, I join the objection as
12 hearsay, Exhibit 10.

13 MR. LITTRELL: Foundation and confrontation
14 clause, your Honor.

15 THE COURT: Overruled. Received.

16 Q BY MS. AHN: Did you also review government Exhibit
17 13B?

18 A Yes, I did.

19 Q Did you review government Exhibit 13C?

20 A Yes, I did.

21 Q 13K?

22 A Yes, I did.

23 Q 13E?

24 A Yes.

25 Q 13F?

1 A Yes.

2 Q And 13I?

3 A Yes.

4 Q What did government Exhibit 13B, as in boy --
5 generally what does that contain?

6 MR. LITTRELL: Objection. Calls for hearsay.
7 Foundation.

8 THE COURT: Overruled.

9 THE WITNESS: Images.

10 Q BY MS. AHN: Images from -- and 13C, what does that
11 generally contain?

12 MR. LITTRELL: Same objection, your Honor.

13 THE COURT: Overruled.

14 THE WITNESS: Those contain images as well.

15 Q BY MS. AHN: And 13D, what does that contain/

16 A Images.

17 Q 13E?

18 A Images.

19 Q 13F?

20 A Images.

21 Q And 13I?

22 A Images.

23 Q Did you recognize these images?

24 A Yes.

25 Q And 13B, how did you recognize those images.

1 A I reviewed the Cellebrite report.

2 Q And this is the Cellebrite report for 1B21?

3 A That's correct.

4 Q Did you compare the images in 13B to the data in
5 the Cellebrite report for 1B21?

6 A Yes, I did.

7 Q Based upon your review, is the content of
8 government Exhibit 13B a true and accurate representation
9 of the same images in the Cellebrite report for 1B21?

10 A Yes.

11 MR. LITTRELL: Objection. Foundation. Hearsay.
12 Confrontation clause.

13 THE COURT: Overruled.

14 Q BY MS. AHN: For 13C, did you recognize the images
15 in 13C?

16 A Yes.

17 Q How did you recognize them?

18 A From the Cellebrite report for 1B21.

19 Q Based upon your review, is the content of 13C a
20 true and accurate representation of the same images in
21 the Cellebrite report for 1B21?

22 A Yes.

23 MR. LITTRELL: Objection, your Honor. May I have
24 a standing objection to him testifying about the contents
25 of the Cellebrite report? It is not in evidence and it

1 is hearsay.

2 THE COURT: Well, I was understanding that the
3 Cellebrite report was in evidence.

4 MS. AHN: A portion of the Cellebrite report.

5 THE COURT: Again, when you refer to Cellebrite
6 report and this witness is testifying, is the part of the
7 Cellebrite report that's in evidence what this witness is
8 referencing?

9 MS. AHN: No, your Honor. That is contained in
10 the exhibits.

11 THE COURT: But are those exhibits in evidence?

12 MS. AHN: We are identifying them for the jury
13 right now, your Honor.

14 THE COURT: So are you attempting to introduce the
15 full Cellebrite report?

16 MS. AHN: No, your Honor. It is an extremely
17 large amount of data.

18 THE COURT: But whatever this witness is beginning
19 to testify about, is he comparing one exhibit to another
20 exhibit and is the other exhibit a Cellebrite report that
21 is in evidence?

22 MS. AHN: We can mark the Cellebrite report.

23 THE COURT: Don't ask me what you can mark. I
24 mean, he has to only address things that are in evidence.

25 MS. AHN: Yes, your Honor.

1 THE COURT: So if it is not in evidence, he can't
2 compare something to another. He has to compare whatever
3 he is addressing now to another document that is in
4 evidence.

5 MS. AHN: Yes, your Honor.

6 THE COURT: Well, what is the --

7 MS. AHN: We would request that these be
8 conditionally admitted and we will introduce the actual
9 full Cellebrite reports into evidence.

10 MR. LITTRELL: I would object, your Honor. It is
11 a massive document and it is hearsay.

12 THE COURT: You have made the objection. But can
13 this witness address what part of the Cellebrite document
14 he is going to testify to?

15 MS. AHN: Yes, your Honor.

16 THE COURT: Specifically?

17 MS. AHN: Yes, your Honor.

18 THE COURT: All right. Then if he can do that,
19 you can attempt to lay a foundation.

20 MS. AHN: Yes, your Honor.

21 THE COURT: Go ahead.

22 Q BY MS. AHN: Agent Massino, did you review the
23 Cellebrite report for 1B21?

24 A Yes, I did.

25 Q Is there a section of the Cellebrite report related

1 to images?

2 A Yes, there is.

3 Q Did you review that section of the Cellebrite
4 report?

5 A Yes, I did.

6 Q Did you review that section of the Cellebrite
7 report and compare it to the government exhibits we just
8 referenced?

9 A Yes, I did.

10 THE COURT: What government exhibits?

11 Q BY MS. AHN: Did you review that Cellebrite report
12 and compare it to government Exhibit 13B?

13 A Yes.

14 Q 13C?

15 A Yes.

16 Q 13D?

17 A Yes.

18 Q 13E?

19 A Yes.

20 Q 13F?

21 A Yes.

22 Q And 13I?

23 A Yes.

24 Q Based upon your review, are the images in 13B a
25 true and accurate representation of the images in the

1 Cellebrite report?

2 MR. LITTRELL: Objection, your Honor. Foundation,
3 confrontation clause. Hearsay.

4 THE COURT: Overruled.

5 MR. LITTRELL: It is not in evidence, your Honor.

6 THE WITNESS: Yes, based on my review.

7 THE COURT: Wait a second. You said the full
8 Cellebrite report is in evidence or not?

9 MS. AHN: No, your Honor. We were requesting --

10 THE COURT: I see. You are going to do it subject
11 to connecting up; is that right?

12 MS. AHN: Yes, your Honor.

13 THE COURT: I will allow it. If it is not
14 connected up, then I will have to reconsider the
15 objection.

16 MS. AHN: Yes, your Honor.

17 Q BY MS. AHN: So I think we were on government
18 Exhibit 13B. Does the content of government Exhibit 13B
19 contain a true and accurate representation of the same
20 data contained in the Cellebrite report?

21 A Yes.

22 MS. AHN: Your Honor, move to admit government
23 Exhibit 13B.

24 MR. LITTRELL: Same objection, your Honor.

25 MS. AHN: It is subject to conditional admission,

1 your Honor.

2 MR. LITTRELL: I would ask --

3 THE COURT: Don't speak over each other. Just
4 make an objection. What is your objection?

5 MR. LITTRELL: I would ask for a preliminary
6 ruling on the admissibility because the prejudice of
7 this --

8 THE COURT: So you are asking for a preliminary
9 ruling?

10 MR. LITTRELL: Yes.

11 THE COURT: Overruled. Go ahead.

12 MS. AHN: Your Honor, move to conditionally admit
13 government Exhibit 13B.

14 THE COURT: Well, all right. Let me -- approach
15 the sidebar for a second.

16 (The following proceedings were held at sidebar
17 outside the presence of the jury:)

18 THE COURT: Let me ask you this. Here is what I
19 am understanding. So far, the summary of the Cellebrite
20 report has been received; correct?

21 MS. AHN: The summary of the user information for
22 the device, your Honor.

23 THE COURT: Okay. But now you are starting to get
24 into the actual text messages; correct?

25 MS. AHN: Text messages and images.

1 THE COURT: When you say images, is it something
2 other than text messages?

3 MS. AHN: Yes, your Honor.

4 THE COURT: What images are you talking about.
5 Like images of credit cards and licenses and things like
6 that?

7 MS. AHN: Yes, your Honor.

8 THE COURT: But if this witness is saying that
9 he -- what is the document that you are asking him to
10 compare the Cellebrite report to?

11 MS. AHN: The actual government exhibits received
12 into --

13 THE COURT: What are those documents?

14 MS. AHN: They are text messages, attachments to
15 the text messages, photographs, and in one instance a web
16 history.

17 THE COURT: I see. Okay. And so in terms of his
18 identifying those, doesn't he have to say that he
19 observed those on the Cellebrite reports; correct?

20 MS. AHN: Yes, your Honor.

21 THE COURT: And those images are not in the
22 summaries. They are in the body of the Cellebrite
23 report; correct?

24 MS. AHN: Yes, your Honor.

25 THE COURT: So who is going to introduce the

1 Cellebrite report as a whole?

2 MS. AHN: I believe we are going to recall the
3 CART examiners to submit those actual full Cellebrite
4 reports, your Honor.

5 THE COURT: Well, you are saying you should have
6 done that at that time.

7 MS. AHN: Yes, your Honor. But they were very so
8 luminous and so we --

9 THE COURT: Well, voluminous has nothing do with
10 anything. The defense wants to know what he observed in
11 the actual Cellebrite report that he says is the image he
12 is testifying about.

13 MS. AHN: Yes, your Honor.

14 THE COURT: So I am going to have you recall those
15 witnesses now.

16 MS. AHN: Yes, your Honor.

17 THE COURT: And we will interrupt this witness
18 temporarily.

19 MS. AHN: Could we take just a 10-minute recess,
20 your Honor, so we can find them and grab the exhibits,
21 your Honor?

22 THE COURT: All right. Okay.

23 (The following proceedings were held in the
24 presence of the jury:)

25 THE COURT: Members of the jury, it is 11:40 and

1 something has come up that requires the Court to address.

2 So rather than have you waste your time, why
3 don't you take your lunch now, maybe take a little extra
4 time for lunch and refresh yourselves and come back at
5 about 1:00 o'clock. Thank you.

6 All right. Let's take the recess. When we
7 come back, you are going to have to recall these two
8 witnesses.

9 MS. AHN: Yes, your Honor.

10 (Luncheon recess from 11:41 a.m. to 1:00 p.m.)

11 (Proceedings concluded.)

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CERTIFICATE

I hereby certify that pursuant to Section 753, Title 28,
United States Code, the foregoing is a true and correct
transcript of the stenographically reported proceedings held
in the above-entitled matter and that the transcript page
format is in conformance with the regulations of the
Judicial Conference of the United States.

Date: June 21, 2021

/s/ Katie Thibodeaux, CSR No. 9858, RPR, CRR

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