

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 SIX

VOLUME 1 - A.M. SESSION

WEDNESDAY, JUNE 23, 2021

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I N D E X

WITNESS NAME PAGE

JUSTIN PALMERTON
Direct Examination by Mr. Ram (Res'd) 6
Direct Examination by Mr. Mesereau 31
Direct Examination by Mr. Johnson 39
Cross-Examination by Mr. Fenton 46
Redirect Examination by Mr. Ram 62
Recross-Examination by Mr. Fenton 67

ARTUR AYVAZYAN
Direct Examination by Mr. Mesereau 78
Direct Examination by Mr. Johnson 116
Cross-Examination by Ms. Ahn 118

EXHIBIT I.D. IN EVID.

23, 25, 41, 43, 44, 50, 75, 102, 103
5 5
15 6
18 10 11
74 11 12
112 25
59 29 29
300 58

1 LOS ANGELES, CALIFORNIA; WEDNESDAY, JUNE 23, 2021

2 9:14 A.M.

3 - - - - -

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5
6 (The following proceedings were held outside the
7 presence of the jury:)

8 THE COURT: We are present with the parties and
9 counsel. Thank you once again, members of the jury, for
10 being so punctual and attentive. It is appreciated by
11 all. We are ready to resume.

12 MR. RAM: Your Honor, I believe Mr. Palmerton is
13 still on the stand. As we call him into the room, the
14 defense would like to move to exhibit the following
15 exhibits that are accompanied by a 902.11 certificate.

16 THE COURT: All right.

17 MR. RAM: Defense Exhibits 23, 25, 41, 43, 44, 50,
18 75, 102, and 103.

19 THE COURT: Any objection?

20 MR. FENTON: As long as they are accompanied by a
21 902.11 certificate, no objection.

22 THE COURT: They are received.

23 (Exhibits 23, 25, 41, 43, 44, 50, 75, 102 and 103
24 marked for identification.)

25 MR. LITTRELL: Also, your Honor, the parties have

1 agreed to an instruction before the witness testifies. I
2 think the Court has it before it.

3 THE COURT: You mean this piece of paper?

4 MR. LITTRELL: Yes, your Honor.

5 THE COURT: You have heard testimony yesterday
6 that Special Agent Palmerton testified about alleged
7 communication or contact between Manuk Grigoryan and
8 Marietta Terabelian. I have stricken that testimony.
9 You must disregard it.

10 Let's get the next witness.

11 THE CLERK: The witness is reminded he is still
12 under oath.

13

14 DIRECT EXAMINATION [RESUMED]

15 BY MR. RAM:

16 Q Good morning, Agent Palmerton.

17 A Good morning.

18 Q I want to take a look -- we can put up just for the
19 witness's screen Defense Exhibit 15.

20 Agent Palmerton, just take a look at the
21 document and see if you recognize it.

22 Agent Palmerton, as part of your
23 investigation, did you look for publicly available
24 records for some of the business entities that were
25 involved in your investigation?

1 A Yes. Yes, we did.

2 Q And was one of those business entities Mod
3 Interiors?

4 A It was.

5 Q Do you recognize Defense Exhibit 15 generally?

6 A I mean, not off the top of my head. But I
7 recognize it. It is for Mod Interiors.

8 Q Okay. And it is from the Contractors State License
9 Board of the State of California; is that right?

10 A It appears to be, yes.

11 Q And is it for the business Mod Interiors, Inc.
12 located at -- it is really small -- can we blow that up
13 for a second?

14 15928 Ventura Boulevard, Suite 224, Encino
15 California?

16 A Yes, it is.

17 MR. RAM: Your Honor, I move to admit Defense
18 Exhibit 15.

19 MR. FENTON: Objection, your Honor. Lacks
20 authentication.

21 THE COURT: Sustained.

22 Q BY MR. RAM: Agent Palmerton, do you recognize this
23 to be a publicly available record from the website that
24 is depicted in the document?

25 MR. FENTON: Objection, your Honor. He already

1 said he does not recognize it.

2 THE COURT: You can ask him again. I don't know.

3 Q BY MR. RAM: Agent Palmerton, the question is do you
4 recognize this to be of the type of documents that you
5 reviewed -- this is a government website, yes?

6 MR. FENTON: Objection, your Honor. Misstates the
7 document.

8 THE COURT: Well, he asked him -- I don't know.
9 If the witness knows, he can say. If he doesn't know, he
10 can say he doesn't know.

11 THE WITNESS: Yeah. I couldn't say for certain,
12 though.

13 Q BY MR. RAM: What website do you recognize it to be
14 from?

15 MR. FENTON: Objection, your Honor. He just said
16 he doesn't recognize it.

17 THE COURT: Do you recognize it or not or are you
18 unsure?

19 THE WITNESS: I am unsure. I don't see like a URL
20 that specifies where this is from.

21 Q BY MR. RAM: Have you heard of the Contractors State
22 License Board?

23 A Yes, I have.

24 Q What is that?

25 A My understanding, it is a board that licenses

1 contractors for the State of California.

2 Q Okay. And as part of your investigation, did you
3 look up certain companies on that website?

4 A Yes. I believe we looked up Hart Construction's
5 business license.

6 Q And does this look consistent with what the other
7 companies' web pages would look like from the Contractors
8 State Licensing Board?

9 MR. FENTON: Objection. Calls for speculation.

10 THE COURT: Let him offer it and then make an
11 objection. He is trying to lay a foundation. He may be
12 successful or not. Are you offering it?

13 MR. RAM: Yes, your Honor.

14 THE COURT: Is there an objection?

15 MR. FENTON: Objection, your Honor. Lacks --

16 THE COURT: Sustained.

17 Q BY MR. RAM: Agent Palmerton, is this of the type of
18 record that you would expect to pull from the Contractors
19 State License Board?

20 A It could be. I just I can't recall with
21 specificity if it is the same thing I looked at before.

22 Q And did you look up whether Mod Interiors was a
23 real existing company on this website?

24 A Not that I recall. But we did -- not myself, but
25 agents on the investigative team did go to this address

1 to determine if this company existed.

2 Q Okay. And are you aware from the document in front
3 of you that it expired January 1st, 2020?

4 THE COURT: You can't talk about the document
5 until it is in evidence.

6 MR. RAM: Okay. Your Honor, has there been a
7 sufficient showing --

8 THE COURT: There hasn't been.

9 MR. RAM: All right. Well, let's move on from
10 Exhibit 15 for now. Let's take a look just for the
11 witness at Exhibit 18.

12 Q BY MR. RAM: First I will direct you, Agent
13 Palmerton, to the Bates stamp at the bottom right-hand
14 side of the page. Do you recognize that?

15 A I do.

16 Q And what is it?

17 A Well, it looks like our production Bates stamps.

18 Q Our being?

19 A The government.

20 Q Okay. So this is a document produced in discovery?

21 A To the best of my knowledge, yes.

22 Q Okay. And specifically, do you recognize the
23 company name? That is Choice Credit Repair.

24 A I recognize it, but that is the extent of my
25 knowledge.

1 Q Okay.

2 MR. RAM: Your Honor, I move to admit Defense
3 Exhibit 18 into evidence.

4 MR. FENTON: No objection.

5 THE COURT: Received.

6 (Exhibit 18 was marked for identification.)

7 MR. RAM: We can come back to this document later.
8 I just wanted to put it up for you.

9 Let's take a look at just for the witness
10 Defense Exhibit 74.

11 Q BY MR. RAM: Agent Palmerton, as part of your
12 investigation -- the universal you, the government -- did
13 you subpoena records from Venmo in general?

14 A Yes, we did.

15 Q And was a subset of those records for someone named
16 Anna Manukyan?

17 A Yes.

18 Q Do you recognize the spreadsheet on your screen,
19 who that is for?

20 A Yes. It looks like a spreadsheet for Anna
21 Manukyan.

22 Q From what platform?

23 A Venmo.

24 THE COURT: What did you say, "ven" what?

25 MR. RAM: Venmo, your Honor.

1 THE COURT: Venmo?

2 MR. RAM: Yes, your Honor.

3 THE COURT: What is Venmo?

4 THE WITNESS: My understanding is that it is a
5 financial platform that allows people to send funds back
6 and forth to each other. Kind of like a bank.

7 THE COURT: I heard the term Venmo. Is that a
8 common term? Maybe I am not modern. I have never heard
9 that before.

10 Q BY MR. RAM: Is it a company name, Agent Palmerton?

11 A To the best of my knowledge, it is a company name.

12 THE COURT: Have you dealt with that entity
13 before?

14 THE WITNESS: Personally or?

15 THE COURT: Yes.

16 THE WITNESS: I have personally. Yes.

17 THE COURT: I see. Let's move on.

18 MR. RAM: Okay. I move to admit Defense Exhibit
19 74, your Honor.

20 THE COURT: Any objection?

21 MR. FENTON: No objection.

22 THE COURT: Received.

23 (Exhibit 74 was marked for identification.)

24 Q BY MR. RAM: All right. Now let's come back to your
25 testimony. Let's take a look at government Exhibit 10,

1 page 30. Specifically, once it comes up -- I am going to
2 direct your attention to line 4288 when it comes up on
3 the screen.

4 Actually first let's show you the first page
5 of Exhibit 10 when we pull it up.

6 This has already been admitted into evidence.
7 It's government's Exhibit 10.

8 THE CLERK: Do you only want it displayed?

9 MR. RAM: For everyone. Thank you.

10 Q BY MR. RAM: All right. Agent Palmerton, do you
11 recognize government Exhibit 10?

12 A Yes. This looks like the text string between Rich
13 New and Tammy.

14 Q And are you familiar with how government Exhibit 10
15 was compiled?

16 A I mean, yeah. From the phone. 1B21, I believe.

17 Q And how was it compiled from the phone?

18 A My understanding, it was an export from the
19 Cellebrite report into this Excel format.

20 Q And were you involved in that process in selecting
21 the messages that appear here?

22 A I was not.

23 Q Who was?

24 A Other members of the investigative team.

25 Q Do you know of anyone in particular?

1 A Not specifically.

2 Q Okay.

3 A Yes. I mean, possibly Agent Tim Massino.

4 Q Are you speculating or do you know if Agent
5 Massino --

6 A I don't. I guess I am speculating.

7 Q Now, let's take a look at page 30 of this exhibit.
8 Specifically if I could direct your attention to -- I am
9 going to blow it up for you -- 4288.

10 Specifically 4288, it's from a Tammy, and it
11 says, "Should I have Art call Wells tomorrow to order
12 checks from this account too?" Do you see that?

13 A Yes, I do.

14 Q Did you investigate Artashes Martirosyan in this
15 case?

16 A No. No, we did not.

17 Q Are you aware that Artash Martirosyan engaged in
18 loan fraud?

19 MR. FENTON: Objection, your Honor. Lacks
20 foundation.

21 MR. RAM: Your Honor, the first question was about
22 this case. He said no.

23 THE COURT: He didn't investigate it, and then you
24 might ask him did he ever investigate this Artash
25 whatever his name is.

1 MR. RAM: Yes.

2 Q BY MR. RAM: So the first question is -- I think
3 you answered, no, you did not investigate Artashes
4 Martirosyan in this case; correct?

5 A No, not to the best of my knowledge.

6 Q Okay. And are you aware of any connection between
7 Artash Martirosyan and Tamara Dadyan prior to March 2020?

8 A No.

9 Q Okay. You did review bank records in this case,
10 though, didn't you?

11 A I did.

12 Q All right. Well, are you aware of any bank records
13 evidencing payments from one of the synthetic identities
14 discussed in this case to Artashes Martirosyan?

15 MR. FENTON: Objection, your Honor. Vague.

16 THE COURT: Overruled.

17 Q BY MR. RAM: Do you understand the question, Agent
18 Palmerton?

19 A Could you repeat it, please?

20 Q Of course. So I asked you are you aware of any
21 bank records evidencing a payment from one of the
22 synthetic identities alleged in this case to Artashes
23 Martirosyan?

24 A No. Not that I recall.

25 Q All right. Why don't we take a look at what has

1 been admitted as government Exhibit 105 at page 138. And
2 we can pull that up on the screen.

3 It is already in evidence.

4 Why don't we go to the first page first so you
5 can see what it is. Good call.

6 Okay. Agent Palmerton, do you generally
7 recognize what this document is?

8 A Yeah. It looks like a signature card for Diana
9 Sakyan for Bank of America.

10 Q Diana Sakyan, and you understand that name to be
11 one of the synthetic identities alleged in this case?

12 A Yes.

13 Q Now, let's about to page 138 of that exhibit. We
14 can scroll back a couple of pages if you want to see what
15 this particular bank statement is.

16 Okay. For the record we are on page 135. It
17 is the start of a bank statement.

18 Do you see that, Agent Palmerton?

19 A Yes.

20 Q Which bank statement month is this and who is it
21 for?

22 A This is from December 7, 2019 to January 8, 2020,
23 and it appears to be for Diana Sakyan.

24 Q And once again, the allegation in this case is that
25 person is not real; is that right?

1 A Yes.

2 Q Now, let's go to page 138, which is later on in
3 this same statement. And we will go specifically to a
4 transaction for December 23rd, 2019.

5 MR. FENTON: Objection, your Honor. This is --
6 relevance. This is outside the relevant time period.

7 THE COURT: Sustained.

8 MR. RAM: The relevant time period, your Honor?

9 THE COURT: Sustained.

10 Q BY MR. RAM: So let me just ask generally. Prior to
11 March of 2020, the question I asked you earlier, you said
12 you are not aware of any payment between Diane and
13 Artashes Martirosyan; is that right?

14 A Prior to 2020?

15 Q Prior to March of 2020.

16 A No.

17 Q Does this refresh your recollection?

18 A Yes, it does.

19 Q Okay, and was there in fact a payment?

20 MR. FENTON: Objection, your Honor. Relevance.

21 THE COURT: Sustained.

22 Q BY MR. RAM: Did you investigate whether individuals
23 connected with Tamara Dadyan were receiving payments
24 prior to March 2020 to some of the same entities and
25 individuals alleged in this case as being synthetic?

1 MR. FENTON: Objection, your Honor. Relevance.

2 THE COURT: You can answer "yes" or "no."

3 THE WITNESS: No. No, we did not.

4 Q BY MR. RAM: Okay. Thank you. Now, let's look at
5 government Exhibit 10, still page 9.

6 Page 9, Exhibit 10. Specifically I will
7 direct your attention to line 2930.

8 Blow up the text around there.

9 Let's look there first.

10 On 5/28/2020 at line 2930, Tammy says, "Bro,
11 Arshak called BOFA." Is that Bank of America? Do you
12 understand that?

13 A Yes.

14 Q "Arshak called BOFA. They released our hold";
15 right?

16 A Yes.

17 Q Now, if we can go to page 15, same exhibit. I will
18 direct your attention to line 3280.

19 Okay. Tammy says, "Arshak to send to Lendio.
20 The guy texted him yesterday hat whatever I sent you was
21 from Lendio not the Evergreen. No e-mails for Armin."

22 Do you see that?

23 A Yes.

24 Q Okay. Now, let's take a look at line 3844, which
25 is much later on. Okay. In fact, instead of wasting

1 time, those two references we just read, those were to
2 Arshak; correct?

3 A Yes.

4 Q Did you investigate Arshak Hartunian and his
5 relationship to Tamara Dadyan in this case?

6 A No. Not that I recall.

7 Q And are you aware of any transactions between
8 Arshak Hartunian and Tamara Dadyan or any of the
9 synthetic identities in this case prior to March of 2020?

10 MR. FENTON: Objection, your Honor. Relevance.

11 THE COURT: You can answer "yes" or "no."

12 THE WITNESS: No.

13 Q BY MR. RAM: Now, let's take a look at page 24 of
14 same government Exhibit 10. And I will direct your
15 attention to lines 3893 to 3895.

16 Actually if we can get just a few more of the
17 text messages when you blow it up, starting with the
18 screenshot.

19 There we go.

20 Okay. So on 3893, this is on July 21, 2020,
21 "Tammy, what is a payroll register?" "Tammy, is it the
22 form Greg gave us or the payroll report from Gusto?"

23 Do you see that?

24 A Yes.

25 Q In relation to the text message that we just read

1 from this phone, did you investigate Grigor Tatloan in
2 this case? And that is spelled T-A-T-I-O-A-N.

3 MR. FENTON: Objection. Lacks foundation.

4 THE COURT: Overruled.

5 Q BY MR. RAM: You can answer the question

6 A No.

7 Q And did you review evidence that Grigor Tatloan
8 engaged in any transactions with Tamara Dadyan prior to
9 March of 2020?

10 MR. FENTON: Objection. Relevance.

11 THE COURT: Overruled.

12 THE WITNESS: No.

13 Q BY MR. RAM: All right. Now let's take a look at
14 Exhibit 18, which is already in evidence.

15 No, no. Sorry, government Exhibit 18.

16 Do you recognize what is depicted in
17 government Exhibit 18 that is in evidence?

18 A Yes. This looks like 1B85, which is a phone we
19 seized from 4910 Topeka.

20 Q And was it the phone ending in 6000, if you
21 remember?

22 A I believe so, yes.

23 Q We heard previously that Exhibit 19 contains images
24 from the 6000 phone, just to speed this up. I can pull
25 up Exhibit 19 for you, which is already in evidence.

1 That is the Cellebrite report; right?

2 A Yes, containing user information.

3 Q Okay. And now, did the -- and now what we are
4 showing is Exhibit 19B. Is that an image on the 6000
5 phone?

6 A Yes, I believe so.

7 Q Okay. Did the FBI conduct a forensic analysis to
8 determine if the image we just saw at 19B and the others
9 on the 6000 phone were uploaded to the phone from an
10 iCloud account or through a text message, for example?

11 A No. No, I don't believe so.

12 Q Okay. Now, let's look at 19B1, which should be the
13 next page.

14 Okay. Do you recognize who is depicted in the
15 photo there?

16 Just pause it there. Page 1 still.

17 Do you recognize who is in that photo, Agent
18 Palmerton?

19 A Yes. Anna Manukyan.

20 Q And are you aware that this image was texted
21 several years prior to 2020?

22 MR. FENTON: Objection. Foundation.

23 THE COURT: Sustained.

24 Q BY MR. RAM: Did you try to determine when the image
25 was texted to the phone?

1 A I didn't know it was texted to the phone.

2 Q Okay. And that is because you didn't do the
3 forensic analysis; is that right?

4 A I didn't do it. The FBI did not.

5 Q The FBI did not?

6 A No. Not to my knowledge, no.

7 Q Okay. Did you or the FBI attempt to obtain
8 metadata regarding the image on the phone?

9 MR. FENTON: Objection, your Honor. Vague with
10 respect to metadata.

11 THE COURT: Sustained.

12 Q BY MR. RAM: What do you understand the term
13 metadata to mean, Agent Palmerton?

14 A It is basically the underlying data for an image to
15 include, like the date, time the photo was taken or
16 possibly the geolocation of where it was taken.

17 Q And did the FBI attempt to obtain metadata for the
18 image we see on the screen at 19B1?

19 A My understanding is this photo should have had the
20 metadata on it. It should have been included with it.

21 Q Was it?

22 A It should have been, yes.

23 Q And where would we see the metadata if it existed?

24 A In the property section of the photo.

25 Q Okay. And that would be in the Cellebrite report?

1 A It should have been. Yes.

2 Q Okay. We can go back to the Cellebrite report if
3 that would help. That was Exhibit 19A, I believe.

4 Was that the report you were referring to?

5 A Well, this is the user information for the phone,
6 not necessarily the metadata for that photo.

7 Q Do you know if the government has introduced in
8 evidence in this case the Cellebrite report that would
9 contain that data?

10 A Yes.

11 Q Where is that?

12 A I'm sorry. I am not -- what do you mean?

13 Q The question was is that in evidence in this case?
14 Do you have an understanding if the government submitted
15 that in evidence to the jury?

16 A Yes. Yes, we did.

17 Q Okay. And where is that?

18 MR. FENTON: Objection. Vague.

19 THE COURT: Where is that meaning what exhibit
20 number?

21 MR. RAM: Yes. What exhibit number would that be?

22 THE COURT: If he knows, he can say. If he
23 doesn't, he doesn't know.

24 THE WITNESS: Yeah, I don't know what the exhibit
25 number is or was.

1 Q BY MR. RAM: Okay. And you are the lead case agent
2 on the case; is that right?

3 A Yeah, the lead FBI case agent.

4 Q Did you help with the trial preparation?

5 A I did.

6 Q Did you help identify exhibits that will be
7 provided to the jury at trial?

8 A Yes.

9 Q And are you sure that that Cellebrite report that
10 would contain the data you referenced is in evidence?

11 MR. FENTON: Objection. Asked and answered.

12 THE COURT: He can answer it one more time, "yes"
13 or "no."

14 THE WITNESS: Yes.

15 Q BY MR. RAM: Yes, you are sure?

16 A Fairly certain. Yes.

17 Q Now, let's take a look at the second page of
18 Exhibit 19. Exhibit 19B, I believe.

19 Do you recognize these documents on the
20 screen?

21 A I do.

22 Q Do you know why this driver's license and Social
23 Security number were sent to the phone?

24 A I don't. I didn't know it was sent. I just saw it
25 on the phone.

1 Q And did you investigate who Grigor Paronyan is?

2 A I believe we did some initial steps because we
3 honestly didn't get the Cellebrite report until not that
4 long ago. So the initial steps would have included some
5 open source research into Grigor Paronyan, but I don't
6 recall any specifics.

7 Q Okay. Let me show you just for you, to help you
8 with some of the specifics, defense Exhibit 112. If we
9 could just show it to the witness for identification.

10 Take a look at that and look up when you have
11 finished reviewing it.

12 A Okay.

13 Q All right. Now, putting away that document, taking
14 it off the screen.

15 Did you determine if there was ever a PPP loan
16 application submitted in the name of Grigor Paronyan?

17 A No.

18 Q No, no. Meaning did you inquire?

19 A Yes. Yes, I did, per that e-mail.

20 Q And the answer is?

21 A No.

22 Q There was never an application submitted; right?

23 A It doesn't appear so.

24 Q All right. Now, let's take a look at -- actually
25 before we go to the exhibit, as part of your

1 investigation, you were aware that Richard Ayvazian was
2 out of the county on October 14th, 2020?

3 A Yes. In Turks and Caicos.

4 Q And take a look at what has been admitted as
5 government Exhibit 1R at page 15. And this is for
6 everybody. It has already been admitted.

7 Oh, yeah. Let's look at first page first.

8 Sorry. Okay.

9 What do you see at government Exhibit 1R on
10 the first page? We can blow it up for you.

11 A Again, this is a signature card from Chase Bank for
12 a bank account in the name of Iulia Zhadko.

13 Q Is that the bank account ending in 5268?

14 A Yes, it is.

15 Q Okay. Let's scroll through to page 15.

16 THE COURT: Ask him what he did or didn't do.
17 Let's not review the evidence through him unless you are
18 making a point that I am not aware of.

19 MR. RAM: I am about to, your Honor. I am going
20 to direct him to a specific transaction. That is what I
21 am doing now.

22 THE COURT: Ask him whether he investigated or not
23 and make your argument at the right time.

24 MR. RAM: Correct. Yes, your Honor.

25 Q BY MR. RAM: So take a look at page 15 we have up

1 on the screen for government Exhibit 1R.

2 A Okay.

3 Q All right. Do you see -- let me blow this up where
4 it says ATM and debit card withdrawals.

5 A I do.

6 Q Can we blow that up? All right.

7 And what is the October 14th transaction in
8 this account for Iulia Zhadko ending in 5268?

9 A It is a card purchase for Lamps Plus for \$875.99.

10 Q And what is that information next to where it says
11 Lamps Plus. There is, it looks like, a phone number and
12 a state?

13 A Phone number and the state and then a code 55-46.

14 Q And did you investigate whether this transaction
15 occurred where Lamps Plus is located in California?

16 A Yes.

17 Q And what did you determine from your investigation?

18 A This purchase was actually initiated on August 21,
19 2020.

20 Q And was that initiated in the store?

21 A Based on the investigation, it sounded like it was
22 entered manually. And the individual I spoke with
23 thought that it was entered in over the phone. Like
24 there was not a swipe. It was manually entered into a
25 terminal.

1 Q So your testimony is that the transaction did not
2 occur in the store?

3 A I don't know if it did or not.

4 Q Okay. Now, let's take a look at Defense Exhibit
5 59 -- actually it is not in evidence yet, so just for the
6 witness.

7 I'm sorry, actually let's go back to the last
8 exhibit, specifically Exhibit 1R at 15.

9 And you said you spoke to the store clerk; is
10 that right?

11 A It wasn't the store clerk. It was -- she was an
12 executive at the Lamps Plus headquarters.

13 Q And when you asked about the code 55-46, did she
14 specifically tell you that she could not determine if it
15 was conducted in the store?

16 A Yes. She couldn't determine. All she could say is
17 that it was punched in manually. And she thought that it
18 likely would have occurred over the phone as if somebody
19 would have called in and punched in the credit card as it
20 was being read over the phone.

21 Q But she didn't know one way or the other?

22 A She did not.

23 Q And that code is consistent with both an online and
24 a store transaction; is that correct?

25 A It is. Yes.

1 Q Now, let's take a look at the next exhibit. Just
2 for the witness, Defense Exhibit 59. You testified
3 yesterday that you were the lead FBI agent investigated
4 in this case?

5 A Yes.

6 THE COURT: You have said that a number of times.
7 Ask a question.

8 Q BY MR. RAM: And in your role as the lead
9 investigator, did you review evidence seized from the
10 Canoga apartment?

11 A Yes.

12 Q Take a look at Exhibit 59 on your screen. Do you
13 recognize the document?

14 A Yes. This looks like one of our receipts for
15 properties for the 6150 Canoga search warrant.

16 MR. RAM: Your Honor, I move to admit Exhibit 59.

17 THE COURT: Is there an objection?

18 MR. FENTON: Let me just take a look at it.

19 No objection.

20 THE COURT: Received.

21 (Exhibit 59 was marked for identification.)

22 MR. RAM: May I publish to the jury, your Honor?

23 THE COURT: Yes. I don't think it is coming up on
24 the screen.

25 MR. RAM: There we go.

1 Q BY MR. RAM: Agent Palmerton, I want to you describe
2 to the jury what this is.

3 A So it is a receipt for property that we -- I mean,
4 in the search warrant we fill out this receipt for
5 property basically detailing the items we seized during
6 the search warrant. And we leave a copy with somebody.
7 If there is somebody present, we even have them sign it.

8 Otherwise in this instance there was no one
9 there so we just left it as not present. But it is
10 essentially detailing what we seized pursuant to the
11 search warrant.

12 Q Okay. Take a look at page 3. If you can scroll
13 through.

14 Okay. Let's pause there.

15 Do you recognize what this document is?

16 A Yes. It looks like a EDD document for Aro
17 Agakanyan.

18 Q Let's scroll through the remaining pages.

19 So on page 4, does that relate to the same EDD
20 pandemic benefits claim?

21 A It appears to be.

22 Q Page 6. The next page, and next page.

23 Okay. Did you investigate why there were EDD
24 pandemic benefit documents at the Canoga address?

25 A No. Not specifically. We were focused on PPP and

1 SBA loan fraud.

2 Q Did you uncover any evidence of EDD fraud at the
3 Canoga address other than this document?

4 A No. No, not that I recall.

5 Q Did you look for any?

6 A For EDD fraud?

7 Q Yes.

8 A No.

9 Q Okay.

10 MR. RAM: No further questions, your Honor. I
11 believe there are other defendants who would like to
12 question the witness.

13 THE COURT: All right.

14

15 DIRECT EXAMINATION

16 BY MR. MESEREAU:

17 Q Good morning, Mr. Palmerton.

18 A Good morning.

19 Q My name is Tom Mesereau and I speak for Artur
20 Ayvazian. Did you conduct a search at 17450 Weddington
21 Street in Encino, California?

22 A I did not personally conduct that search.

23 Q Were you in charge of that search?

24 A I was not.

25 Q Were you involved with it at all?

1 A I was involved in part.

2 Q Which part were you involved in?

3 A That would have been giving Special Agent Madison
4 MacDonald responsibilities for that location.

5 Q So you basically determined who was going to search
6 the house; correct?

7 A No. That was Special Agent Madison MacDonald.

8 Q Did you tell Agent MacDonald what to look for?

9 A I provided her and her team copies of the search
10 warrant and the attachment that listed the items that
11 were to be seized.

12 Q And did you yourself do any investigation into who
13 owned that residence?

14 A Yes.

15 Q And isn't it true that when that residence was
16 searched, Tamara Dadyan was the sole owner of that
17 residence?

18 A If I recall -- I don't think Tamara Dadyan was the
19 owner of the residence. I thought it was in a trust name
20 that we were actually unable to determine if that person
21 existed.

22 Q But you certainly didn't find any information
23 suggesting that Artur Ayvazian owned that home; correct?

24 A Aside from like IP address that placed Artur
25 Ayvazian as a subscriber that came back to that address,

1 nothing I can recall specifically.

2 Q You never saw any deed or certificate of ownership
3 that suggested Artur Ayvazian owned that residence;
4 correct?

5 A No. Nothing I recall.

6 Q Okay. Now, there was an office in that residence;
7 correct?

8 A I believe so. Yes.

9 Q And you wanted that office searched; correct?

10 A I wanted the residence searched.

11 Q But you certainly wanted that office searched;
12 correct?

13 A Prior to the search, I did not know if there was an
14 office in that residence or not.

15 Q But you learned at some point there was one office
16 in that residence; true?

17 A Subsequent to the search.

18 Q And on the door of that office, the only office in
19 the residence, was a business certificate for Secureline
20 Realty & Funding, Inc.; right?

21 MR. FENTON: Objection, your Honor. The witness
22 has testified that he didn't go to that search site.

23 THE COURT: Objection. Sustained.

24 Q BY MR. MESEREAU: Did you have any role in any
25 document examination of documents found that location?

1 A Yes. Subsequent to the search, yes.

2 Q And when those documents were reviewed, was it your
3 understanding that documents came from various rooms of
4 the house?

5 A Yes.

6 Q And did you examine documents that were purportedly
7 found in the sole office in the house?

8 A Yes.

9 Q And those were primarily real estate-related
10 documents; correct?

11 A I couldn't say if there was a majority of real
12 estate documents or a majority of PPP and what appeared
13 to be synthetic identity documents.

14 Q You didn't see a lot of documents for a towing and
15 transport company, did you?

16 A We saw some documents, though.

17 Q You saw some, but you didn't see very many at all;
18 correct?

19 MR. FENTON: Objection, your Honor. Vague.

20 THE COURT: Sustained.

21 Q BY MR. MESEREAU: The majority of the documents in
22 that office were real estate-related; true?

23 MR. FENTON: Objection, your Honor. Asked and
24 answered.

25 THE COURT: Sustained.

1 Q BY MR. MESEREAU: Did you investigate to determine
2 if Tamara Dadyan was a licensed real estate agent?

3 A Yes. And I think we determined her license was
4 suspended.

5 Q And did you ever determine how long she had had a
6 real estate license?

7 A I think at some point I did know, but I don't
8 recall it now.

9 Q Did you investigate whether Artur Ayvazian ever had
10 a real estate license?

11 A No.

12 Q You didn't check that out?

13 A No.

14 Q Okay. Now, when agents went into the home, do you
15 know what time of day it was?

16 A It would have been approximately 6:00 a.m.

17 Q And people in the home were sleeping when the
18 agents went in; correct?

19 A I don't know if they were sleeping or not.

20 Q Do you know whether or not Artur Ayvazian and
21 Tamara Dadyan were in separate rooms?

22 MR. FENTON: Objection, your Honor. The witness
23 has testified that he was not at the search site.

24 THE COURT: Well, it may have been reported back
25 to him. I don't know.

1 THE WITNESS: The only report I received was that
2 Tamara and Artur were at the residence. I don't know if
3 they were in separate rooms or not.

4 Q BY MR. MESEREAU: Did you ever determine whether or
5 not Tamara Dadyan and Artur Ayvazian filed separate tax
6 returns?

7 A No.

8 MR. FENTON: Objection. Relevance.

9 THE COURT: Overruled.

10 Q BY MR. MESEREAU: Well, you certainly were
11 investigating any business relationship that might exist
12 between Artur Ayvazian and Tamara Dadyan; correct?

13 A Yes. We were following the flow of funds, the flow
14 of money.

15 Q But you didn't check to see whether they filed a
16 joint return or separate returns; correct?

17 MR. FENTON: Objection, your Honor. Asked and
18 answered.

19 THE COURT: Sustained.

20 Q BY MR. MESEREAU: And you said you found some
21 documents related to Allstate Towing and Transport;
22 correct?

23 A Yes. I believe so.

24 Q Did you ever check to see who paid taxes or filed
25 tax-related documents on behalf of Allstate Towing and

1 Transport?

2 A You mean like federal, state or local taxes?

3 Q Any of them, sure.

4 A I mean, we reached out to the IRS for fact of
5 filing and determined that there were no federal taxes
6 paid, I believe, for Allstate Towing and Transport.

7 Q Did you investigate Allstate Towing and Transport
8 Company to see if it was a real company?

9 A Yes.

10 Q And did you investigate whether or not Artur
11 Ayvazian owned a truck?

12 A Yes.

13 Q And he did own a truck; correct?

14 A He did.

15 Q And on that truck, it said Allstate Towing and
16 Transport; correct?

17 A I don't know I --

18 MR. FENTON: Objection. Foundation.

19 THE COURT: He is asking the question. The
20 witness can answer yes, no, I don't know. I can't tell
21 the witness how to answer.

22 Q BY MR. MESEREAU: Did you ever look to see if that
23 truck that Artur Ayvazian owned said Allstate Towing and
24 Transport on the truck?

25 A No. I only reviewed DMV records that showed that

1 Mr. Ayvazian owned the truck.

2 Q Did you determine whether or not Artur Ayvazian and
3 Allstate Towing and Transport had a certificate of
4 liability insurance?

5 A No, I don't believe so.

6 Q Okay. Did you determine whether or not Artur
7 Ayvazian had a commercial driver's license?

8 A Yes, we did.

9 Q And did he have one?

10 A He did.

11 Q Did you determine whether or not Artur Ayvazian had
12 a motor carrier permit from the Department of Motor
13 Vehicles?

14 A I can't recall.

15 Q But you did investigate DMV records; correct?

16 A Yes, we did.

17 Q And what you found was consistent with Artur
18 Ayvazian owning a trucking company; correct?

19 A Yes.

20 Q And what you saw was consistent with Artur Ayvazian
21 being a truck driver himself; correct?

22 A Yes.

23 Q Did you investigate to determine whether Artur
24 Ayvazian as a truck driver had submitted to required drug
25 testing?

1 MR. FENTON: Objection, your Honor. Relevance.

2 THE COURT: Sustained.

3 Q BY MR. MESEREAU: And did you check California
4 Secretary of State records to see if Allstate Towing and
5 Transport, LLC had filed the required documentation?

6 MR. FENTON: Objection, your Honor. Vague with
7 respect to required documentation.

8 THE COURT: Let's make the question "any
9 documentation."

10 MR. MESEREAU: Yes, your Honor.

11 THE WITNESS: Yes.

12 Q BY MR. MESEREAU: And did you find that articles of
13 organization had been filed with the California Secretary
14 of State by Allstate Towing and Transport, LLC?

15 A Yes, but I can't recall the dates.

16 Q Okay.

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

18

19 DIRECT EXAMINATION

20 BY MR. JOHNSON:

21 Q Good morning, agent. I represent Vahe Dadyan. I
22 just wanted to be clear. There were several searches
23 that you were talking about during this investigation;
24 right? Searches of homes.

25 A Yes.

1 Q And none of those homes that you were referring to
2 was a search of Mr. Vahe Dadyan's home at 1004 East
3 Garfield Avenue, Apartment 4?

4 A No.

5 Q And I would like to ask you some questions about --
6 did you confirm that the PPP application in the name of
7 Voyage Limo actually was the same address as Vahe Dadyan?

8 A I believe it was.

9 Q And you confirmed that Mr. Vahe Dadyan lived at
10 1004 East Garfield Avenue in Apartment 4; correct?

11 A Yes. Myself and Agent Clark went to Mr. Dadyan's
12 apartment to deliver a subpoena. He wasn't there, but I
13 believe it was his girlfriend or wife at the time
14 confirmed that he did live there.

15 Q And did you do some research about who else lived
16 there?

17 A Aside from seeing what I believe was his wife or
18 girlfriend, that was the extent of it.

19 Q Okay. I would like to ask you some questions about
20 a company called Runyan Tax. Are you familiar with that
21 in this investigation?

22 A I am.

23 Q There is a website that was referred to in some of
24 those text messages as www.Runyantax.com.

25 During your investigation, did you visit that

1 site?

2 A I can't recall or I don't remember.

3 Q Also, there is a Bank of America account related to
4 Runyantax.com in this investigation. Are you familiar
5 with those records?

6 A There is a Runyon Tax Services Bank of America
7 account. Yes.

8 Q And that the bank account is -- I guess the
9 signature on that bank account was the name Victoria
10 Kauichko. I hope I am saying the name correct.

11 A I believe so, yes.

12 Q Okay. Why don't I show you Exhibit 1P.

13 Does that look familiar to you?

14 This is already in evidence.

15 A Yes, it does.

16 Q I would like to move to page 3 of that document.

17 Down at the bottom this is a record that would
18 indicate that someone opened that bank account; correct?

19 A Someone opened the bank account and then -- using
20 the name Victoria Kauichko.

21 Q Yes. And that is a physical signature; correct?

22 A It appears to be so.

23 Q During your investigation did you or the FBI go to
24 Bank of America to determine who signed that in Bank of
25 America?

1 A We didn't go to Bank of America in person, no.

2 Q Did you check any video camera that may have
3 existed in Bank of America to determine who physically
4 signed that document?

5 A Not that I recall specifically. I know we
6 requested video footage. I can't recall if we did
7 anything specifically for this signing.

8 Q So at this point, you had no video or photograph
9 evidence from Bank of America to determine who opened
10 that account?

11 A No, we don't.

12 Q Would it be fair to say that a person, somebody,
13 walked in Bank of America and signed that document?

14 A I mean, it is possible it is in person. I mean, it
15 could be digital as well.

16 Q When I look down at the bottom, there is a B of A
17 document number down at the bottom corner and a DOJ
18 document number. Do you recognize those numbers?

19 A Yes. I believe those are our Bates numbers for
20 this document.

21 Q When you say our Bates numbers, those are Bates
22 numbers or document numbers that were produced by the
23 government; correct?

24 A The government, and yes, Bank of America.

25 Q The government and Bank of America. And when you

1 say "our," that is the FBI and the Department of Justice
2 here sitting at this table?

3 A The investigative team. Yes.

4 Q Thank you. I would now like to talk to you about
5 the investigation of Tamara Dadyan at her Weddington
6 home. Are you familiar with that?

7 A Yes.

8 Q And are you familiar with the evidence that was
9 seized from that home?

10 A Yes.

11 Q And part of the seized evidence were a series of
12 driver's license; correct?

13 A Yes.

14 Q Driver's license that were not in Tamara Dadyan's
15 name; correct?

16 A Yes. They were all either fake or synthetic
17 individuals.

18 Q When you say fake, that would mean taking the
19 identifications of some people and manufacturing
20 identifications; correct?

21 A Correct.

22 Q And these would be victims of identity theft;
23 correct?

24 A I mean, without getting too legal -- I guess I
25 don't know.

1 Q Okay. So you do investigate identity theft for the
2 FBI; correct?

3 A Yes.

4 Q And part of the investigation into going into
5 Tamara Dadyan's house was allegations of identity theft;
6 correct?

7 A Yes.

8 Q And synthetic identities are -- why don't you
9 explain to us what these synthetic identities are.

10 A So my understanding of what a synthetic identity
11 is, it is an identity that has been created or
12 manufactured generally using various people's information
13 to include -- in this instance what we saw were name,
14 date of birth and Social Security, and then there were
15 driver's license created with that information but
16 utilizing somebody's face, an address, height, weight,
17 eye color, hair color.

18 Q And tell us what these fake identifications are. I
19 guess there is a distinction between synthetic and fake.

20 A Right. So I suppose what I meant by fake was the
21 driver's licenses were fake, and we requested from the
22 DMV records just to determine if these actually existed
23 or were real, but the DMV came back and told us that, no,
24 they were in fact not real.

25 Q Were the pictures that were depicted in some of

1 these identifications real -- of real people?

2 A Yes. To the best of my knowledge.

3 Q Were you able to determine who the pictures -- who
4 the people depicted in those pictures were?

5 A No.

6 Q Did you try -- did the FBI try to determine who the
7 pictures -- who these people are in these pictures?

8 A You mean like did we submit their photos for like
9 facial recognition?

10 Q Absolutely?

11 A No. No, we did not.

12 Q And why not?

13 A At the time we didn't need to.

14 Q Why don't I show you Exhibit 57B at page 8.

15 Just one moment, please.

16 Okay. Do you recognize these photos as photos
17 that were seized from Tamara Dadyan's home during the
18 search in November 5th, 2020?

19 A Yes.

20 Q Do you recognize anyone in those photos?

21 A The one in the upper left to me appeared to be
22 Tamara Dadyan.

23 Q Those individuals that are depicted in there, do
24 they appear to you to be real people?

25 A They do. Yeah.

1 Q And were those people in your view part of the
2 documents that were depicted in fake identifications?

3 A I mean, off the top of my head, maybe one or two of
4 them I saw as represented in some of the driver's
5 licenses we seized.

6 Q And it didn't occur to the FBI to determine whether
7 any one of these people might be victims?

8 A No. Not at the time.

9 Q And the FBI didn't look into any database to
10 determine whether the facial recognition of these
11 individuals, they might be victims?

12 A Well, facial recognition is -- I mean, to say the
13 least, it's not -- sometimes it just doesn't work.

14 Q But it would never work if you never try; isn't
15 that correct?

16 A I suppose so. Yes.

17 MR. JOHNSON: I don't have any further questions.

18 THE COURT: Okay.

19

20 CROSS-EXAMINATION

21 BY MR. FENTON:

22 Q Good morning, Special Agent Palmerton.

23 A Good morning.

24 Q Approximately when did you begin investigating PPP
25 and EIDL loan fraud?

1 A June of 2020.

2 Q And as part of your investigation over the course
3 of the last year, did you investigate all of the eight
4 defendants named in the first superseding indictment?

5 A Yes, I did.

6 Q And can you describe for the jury some of the
7 investigative steps that you took as part of your
8 investigation?

9 A Yes. So open source research, requesting records
10 from banks, financial institutions, government entities
11 working with other agents, interviews, search warrants,
12 trash pulls, a variety of other things I can't recall.

13 Q Let's talk first about documents. You said that
14 you requested documents from financial institutions and
15 other places as well; correct?

16 A Yes. Financial institutions, mobile service
17 providers, IP providers.

18 Q Approximately how many subpoenas were served in
19 this case?

20 A I believe well over 500.

21 Q And how many loan files did you review in
22 connection with your investigation?

23 A Hundreds.

24 Q And how many bank records did you review in
25 connection with this investigation?

1 A Hundreds as well.

2 Q Did you look into -- did you subpoena telephone
3 records?

4 A Yes.

5 Q What telephone records did you subpoena?

6 A Telephone records associated with a number of the
7 loans.

8 Q With the telephone numbers that are listed in the
9 loans?

10 A Yes.

11 Q And were you able to link those telephone numbers
12 to some of the defendants?

13 A Yes.

14 Q Did you look at IP address information?

15 A Yes.

16 Q What did you find?

17 A We found that in certain instances the IP addresses
18 came back to, in one instance subscriber records, as I
19 mentioned before, in the name of Artur Ayvazian,
20 subscriber records for Victoria Kauichko, and then also
21 some of it came back to VPNs.

22 Q Do you recall approximately how many subpoenas you
23 served requesting IP address information?

24 A I can't recall but it would have been dozens.

25 Q And why is IP address information relevant to your

1 investigation?

2 A Well, IP address or Internet protocol is generally
3 something that is assigned to a device. And so to figure
4 out who the IP address was subscribed to or belonged to
5 would help us determine who in this instance may have
6 submitted a loan.

7 Q But getting IP address information is not the only
8 way to make that determination; correct?

9 A No, no. You can follow the money.

10 Q So tell us about that. What did you do to follow
11 the money?

12 A Yes. So in this instance, I mean, as I said
13 before, we reviewed hundreds of bank records, and we were
14 trying to figure out who was behind submitting these loan
15 applications. They appeared to be behind synthetic
16 identities.

17 And the one that comes to mind for me was
18 Iulia Zhadko. That was one of the initial individuals or
19 synthetic identities we were looking into.

20 So in one instance we requested records. We
21 saw that a fraudulent loan was deposited into an account
22 at Timeline Transport at Radius Bank. From there I saw a
23 \$110,000 wire transfer to an escrow company.

24 I reviewed records for that escrow company and
25 determined that \$110,000 wire transfer was going to be

1 used to purchase 4910 Topeka, in the name of Richard
2 Ayvazyan and Marietta Terabelian.

3 There was an e-mail that appeared to be from
4 Richard Ayvazyan directing --

5 MR. RAM: Objection, your Honor. Move to strike.
6 Hearsay. He is referring to an e-mail that was not in
7 evidence.

8 MR. FENTON: Your Honor, that e-mail is in
9 evidence.

10 THE COURT: Then if it is, the objection is
11 improper. It is overruled.

12 MR. FENTON: I would ask the witness to continue
13 his answer.

14 THE WITNESS: That home was purchased in the name
15 of Richard Ayvazyan and Marietta Terabelian. So that was
16 my first connection that Iulia Zhadko was Richard
17 Ayvazian using the alias Iulia Zhadko.

18 MR. RAM: Objection, your Honor.

19 THE COURT: On what ground?

20 MR. RAM: He is giving his opinion.

21 THE COURT: That is what you asked him to do.

22 MR. RAM: And I wasn't allowed to, your Honor.

23 THE COURT: Well, you did ask him questions about
24 his opinions. And what this questioning is about, I take
25 it, is to allow the government to tell the jury what did

1 he do.

2 In other words, the cross-examination was
3 allowed because it may or may not be relevant for the
4 jury's determination as to whether or not the scope of
5 the investigation was adequate or not. And now the
6 government is reviewing what he did do.

7 So review what he did do and keep it on track.

8 MR. FENTON: Yes, your Honor.

9 May the witness finish his answer?

10 THE COURT: Yes.

11 THE WITNESS: Yes. So again, in reviewing those
12 escrow records we saw the \$110,000 was going to be used
13 for a deposit for the purchase of the residence 4910
14 Topeka in the name of Richard Ayvazyan and Marietta
15 Terabelian.

16 I again went back to the bank records for the
17 Radius Bank account and saw that those PPP funds were
18 also being sent to a company called Gentleman Timepieces.
19 We reached out to Gentleman Timepieces, and they were
20 actually initially unable to determine who the wires were
21 coming into. We were requesting information for Iulia
22 Zhadko.

23 And when I was on the phone with them --

24 MR. RAM: Objection. Calls for hearsay.

25 THE COURT: Overruled. He is telling the jury

1 what he did. In other words, you are attempting to
2 elicit how he conducted his flow of money analysis; is
3 that it?

4 MR. FENTON: Absolutely, your Honor. The original
5 question was how did you follow the money.

6 THE COURT: You can't do that for every
7 transaction because we would be here for another week,
8 but is this one instance of how he did it?

9 MR. FENTON: Yes, your Honor.

10 THE COURT: All right. Then, I will allow it for
11 that purpose only.

12 MR. FENTON: So, your Honor, can the witness
13 complete his answer?

14 THE COURT: Yes.

15 THE WITNESS: So in speaking with Gentleman
16 Timepieces, they were initially confused because we had
17 requested information --

18 MR. RAM: Objection. Hearsay as to the extent he
19 is relating the conversation to the third party.

20 THE COURT: Overruled.

21 THE WITNESS: I was speaking specifically with
22 Andrew Farrer at Gentleman Timepieces, and he was
23 confused, as we had requested information relating to
24 Iulia Zhadko. That money was coming from an account in
25 the name of Iulia Zhadko.

1 And when I specified and said it was a \$25,000
2 wire transfer, he looked at the records, and what I
3 recall him specifically saying, oh, you mean Richard.

4 MR. RAM: Objection. Hearsay. Confrontation
5 issue.

6 THE COURT: We are getting into a lot of detail
7 about conversations. Why can't the questioning be more
8 pointed to just what he did. Not in that detail.

9 MR. FENTON: Your Honor, I just asked the witness
10 how he found the money. He is just completing his
11 answer. Mr. Ram has interrupted him about five times
12 now.

13 THE COURT: Just ask him what he did. I mean, how
14 he went about following the money.

15 MR. FENTON: Can he just complete his -- he was
16 about to complete his answer?

17 THE COURT: No, no. Ask him the questions in the
18 format I have suggested.

19 Q BY MR. FENTON: Special Agent Palmerton, how did you
20 go about following the money?

21 A We followed the money by reviewing bank records and
22 transactions that linked the synthetic identities with
23 real individuals.

24 Q And what type of -- what type of companies did
25 you -- did you conduct interviews in connection with your

1 efforts to follow the money?

2 A Yes.

3 Q Who did you interview, if anybody?

4 A We interviewed representatives from Gentleman
5 Timepieces.

6 Q And did you interview anyone from escrow companies?

7 A Yes.

8 Q How about furniture dealers?

9 A Yes.

10 Q Jewelry dealers?

11 A Yes.

12 Q Did you conduct other interviews of other witnesses
13 in connection with your investigation in this case?

14 A Yes.

15 Q Approximately how many other witnesses did you
16 interview?

17 A It was dozens. Dozens of witnesses.

18 Q Did you conduct surveillance?

19 A Yes.

20 Q What did you conduct surveillance on?

21 A We conducted surveillance on the residences that
22 were purchased with fraudulent PPP proceeds as well as
23 individuals we that believed were behind the fraudulent
24 loans.

25 Q And did you personally conduct that surveillance?

1 A I personally conducted some of the surveillance and
2 we also had our surveillance group conduct the
3 surveillance.

4 Q And what did you learn as a result of the
5 surveillance that you conducted?

6 A That -- well, for instance, one of the properties
7 purchased at 834 Calle La Primavera, it appeared to be
8 Marietta's sister Gohar Terabelian was living at that
9 residence.

10 Q And whose name was that residence purchased in?

11 A It was in the name of Iulia Zhadko.

12 Q So it was purchased in the name of Iulia Zhakdo,
13 but your surveillance showed that Gohar Terabelian lived
14 the house?

15 A Yes.

16 Q And that is Marietta's sister?

17 A Yes.

18 Q As part of your investigation, did you search
19 defendants' homes?

20 A Yes.

21 Q Or at least some of the defendants; correct?

22 A Yes.

23 Q And which defendants' homes did you search?

24 A I searched Richard Ayvazyan and Marietta
25 Terabelian's house.

1 Q And when you searched that house, did you seize
2 routers?

3 A We did.

4 Q And did the FBI make efforts to analyze the data to
5 determine if there is any data on those routers?

6 A Yes. We did.

7 Q And what did you find?

8 A We found that the router logs had been turned off
9 so IP information was not or could not be retained.

10 MR. RAM: Objection, move to strike. Speculation.
11 No foundation.

12 THE COURT: Overruled.

13 Q BY MR. FENTON: Yesterday, Mr. Ram asked you whether
14 you looked into the criminal history for Manuk Grigoryan.

15 Do you remember that?

16 A Yes.

17 Q Did you look into the criminal histories of the
18 defendants?

19 A Yes.

20 MR. RAM: Objection, your Honor. Improper
21 testimony. Ruling of the Court.

22 THE COURT: Overruled. I mean, sorry. My
23 apologies. Objection sustained.

24 Q BY MR. FENTON: As part of the investigation, you
25 said that you investigated Richard Ayvazyan; correct?

1 A Yes.

2 Q And you also investigated Manuk Grigoryan?

3 A Yes.

4 Q Did you investigate whether Richard Ayvazyan was
5 working with Manuk Grigoryan to fraudulently submit PPP
6 and EIDL loan applications?

7 A Yes.

8 Q What did you find?

9 A Well, we interviewed one witness. Again, this is
10 going back to the purchase of the Calle La Primavera
11 property. She identified that Richard was --

12 MR. RAM: Objection, your Honor. Hearsay.
13 Confrontation issues. This is completely beyond --

14 THE COURT: The question was did you investigate
15 the relationship between Richard Ayvazyan and Grigoryan.
16 He said yes. And then you can ask him generally what he
17 did in pursuit of that.

18 MR. FENTON: Yes, your Honor.

19 THE COURT: I will ask. What did you do generally
20 to pursue the relationship, if any, between those two
21 defendants.

22 THE WITNESS: Yes. In addition to reviewing the
23 evidence from the search warrants, flows of funds and
24 text messages as well as interviews of witnesses, we
25 determined that there was a working relationship between

1 them.

2 THE COURT: Okay. And whatever the evidence is,
3 the evidence is there. The parties can argue at the
4 appropriate time. Let's not have him review it.

5 MR. FENTON: Thank you, your Honor. We will move
6 on.

7 Q BY MR. FENTON: Special Agent Palmerton, I would
8 like to show you government Exhibit 300.

9 MR. RAM: Your Honor, we move to exclude any
10 discussion of this late-produced discovery. What they
11 are marking is 300.

12 THE COURT: I don't know what it is and I can't
13 rule until it is identified and there is some basis for
14 me to consider the objection.

15 MR. FENTON: Your Honor, this is the issue that we
16 took up yesterday.

17 THE COURT: I don't remember. There were so many
18 issues. You will have to just begin at a point and hope
19 I can focus on the issue.

20 Q BY MR. FENTON: So earlier Mr. Ram asked you
21 questions about whether or not you looked into IP
22 addresses; correct?

23 A Correct.

24 MR. RAM: Objection. Beyond the scope. And that
25 is not true. We did not discuss --

1 THE COURT: Don't say it is true or not true.
2 Just make an objection. What is the basis of your
3 objection, legal grounds?

4 MR. RAM: Beyond the scope of the direct.

5 THE COURT: Overruled.

6 MR. RAM: And misstates.

7 THE COURT: Overruled.

8 Q BY MR. FENTON: So Special Agent Palmerton,
9 yesterday Mr. Ram asked you about your investigation into
10 IP addresses; correct?

11 A Yes.

12 Q And did you look into other Internet activity,
13 whether there is other Internet activity by the
14 defendants other than just IP address information.

15 A Yes.

16 Q Okay. Showing you -- Mr. Cruz, can we show the
17 exhibit just to the witness, please?

18 THE COURT: Why do you have to show him the
19 exhibit? Why can't you just ask him -- the point of this
20 whole thing is not to have the witness review the whole
21 case.

22 I mean, the jury will make its determination
23 at the appropriate time. The point is to just allow the
24 parties to ask this witness what did he or what he didn't
25 do, and the investigation. So just keep it on that

1 level.

2 MR. FENTON: All right. We will move on.

3 Q BY MR. FENTON: Earlier Mr. Ram asked about a
4 transaction at Lamps Plus. Do you recall that?

5 A I do.

6 Q And he asked you whether or not that transaction
7 took place on October 13; correct?

8 A Correct.

9 Q Okay. And you said that transaction did not --

10 THE INTERPRETER: I am so sorry. Please slow down
11 just a tad, please. Thank you.

12 THE COURT: You are speaking too quickly. You
13 know, my aged brain works slowly. So see if you can't
14 slow it down.

15 Go ahead.

16 MR. FENTON: Yes, your Honor.

17 Q BY MR. FENTON: And you testified that you had
18 actually looked into that transaction; correct?

19 A Yes.

20 Q And that transaction took place on what date?

21 A August 21st of 2020.

22 Q So that was approximately two-and-a-half months
23 before Richard Ayvazian and Marietta Terabelian left the
24 country to go to Turks and Caicos; correct?

25 A Yes.

1 Q So they were in the country at the time; correct?

2 A Yes. To the best of my knowledge.

3 Q Did you investigate --

4 THE COURT: Why are you getting into substance
5 just as the defendants? The substance may be relevant to
6 a point of why something was done or not, but that was
7 unnecessary.

8 MR. FENTON: I just have a few more questions,
9 your Honor. Then I will wrap up.

10 THE COURT: Get to it and let's get through with
11 this witness.

12 Q BY MR. FENTON: As part of your investigation, did
13 you investigate where Artur Ayvazian lived?

14 A Yes.

15 Q And what, if anything, did you determine?

16 A Well, when we pulled up his DMV records, the
17 license, his license had the 17450 Weddington address, at
18 that location.

19 Q And that was the house that you searched; correct?

20 A Correct.

21 Q By you I mean the FBI; correct?

22 A Yes.

23 Q Earlier Mr. Mesereau asked you if you had pulled
24 Artur Ayvazian's tax returns; right?

25 A Yes.

1 Q This is not a tax case; correct?

2 A It is not a tax case.

3 Q And do you know whether you are able to pull tax
4 returns in a case that is not a tax case, in a nontax
5 case?

6 A I am not able to do that.

7 MR. FENTON: Thank you. No further questions.

8 THE COURT: Very briefly.

9 MR. RAM: Yes.

10 THE COURT: Very briefly.

11

12 RECROSS-EXAMINATION

13 BY MR. RAM:

14 Q You just testified a moment ago about Lamps Plus.
15 Do you remember that?

16 A Yes.

17 Q And you told the jury you called someone, and the
18 transaction you found out happened on August 21, which
19 was more than a month-and-a-half before the defendant
20 Richard Ayvazyan was out of the country; correct?

21 A Yes.

22 Q Let's pull up Exhibit 1R, which is the bank
23 statement for the account at issue. Why don't we start
24 with page 15. Actually let's start with page 7 this
25 time.

1 I think if we blow up this box here. Okay.

2 Specifically, three lines down, there is a
3 transaction. See it there? Can we blow up just the top
4 part there.

5 Okay. Now on August 24th, meaning when it
6 hits the account, there is a transaction for August 21st
7 at Lamps Plus with a code of 46 in Rancho Mirage,
8 California for the card ending in 3537; right?

9 A Yes.

10 Q And that is the Zhadko account we have been talking
11 about?

12 A Yes, it is.

13 Q Specifically the Chase Account?

14 A Yes.

15 Q Ending in 5268?

16 A Yes.

17 Q And so when you called the representative, you
18 indicated she said the purchase was actually made on
19 August 21st; right?

20 A Yes.

21 Q And that is the transaction you were talking about?

22 A Well, yes. So the records indicated that there
23 were multiple purchases made on that date, and the reason
24 that it showed up on October 13th was because that is
25 when the package was shipped from the location.

1 Q Well, let's look at the bank statement instead of
2 your hearsay statement.

3 MR. FENTON: Objection, your Honor.
4 Argumentative.

5 THE COURT: Don't do that. I mean, why do you
6 interject your opinion about the quality of the
7 statement? You have done that frequently, and it is
8 improper. Just ask questions. You can make all these
9 arguments to the jury at the right time.

10 MR. RAM: Okay, your Honor.

11 Q BY MR. RAM: So this is the transaction for
12 August 21; right?

13 A I believe one of the transactions. Yes.

14 Q Okay. Now let's jump ahead to page 15. Let's blow
15 up the area where it says October 14th ATM transaction.

16 Now, there is a separate transaction which
17 lists 10/13, Lamps Plus, which hit the account on 10/14.
18 Do you see that?

19 A Yes. This is the August 21st transaction, though.

20 Q Well, are you aware that the representative you
21 spoke to said someone picked up the package on
22 October 13th?

23 MR. FENTON: Objection, your Honor. That is
24 hearsay.

25 THE COURT: Overruled.

1 MR. FENTON: Assumes facts not in evidence.

2 THE COURT: What does aware mean? Why don't we
3 just ask the question in the format did he further
4 investigate the issue beyond contacting this consecutive
5 at Lamps Plus.

6 MR. RAM: Yes, your Honor.

7 Q BY MR. RAM: Did you further investigate and learn
8 that a package was picked up at Lamps Plus?

9 THE COURT: Did he further investigate it. Don't
10 ask him that question in that format. Ask him a
11 foundational question. Did you further investigate the
12 issue of this Lamps Plus transaction beyond that which
13 you told us about.

14 THE WITNESS: Yes.

15 THE COURT: And tell us what you did.

16 THE WITNESS: So I made a follow-up call to look
17 into this transaction and determined at that somebody by
18 the name of Samantha Perk or Kirk picked up the package
19 on -- I can't recall the date. It must have been the
20 13th.

21 Q BY MR. RAM: Of October?

22 A Of October.

23 Q Thank you.

24 MR. RAM: No further questions.

25 Actually one further question, your Honor.

1 Q BY MR. RAM: You testified quite a bit a moment ago
2 about flow of funds as being one of the foundations to
3 your investigation, yes?

4 MR. FENTON: Objection, your Honor. Misstates
5 testimony.

6 THE COURT: He didn't say anything about
7 foundation. That is your word.

8 MR. RAM: Sure. Let me ask --

9 THE COURT: Just one minute.

10 MR. RAM: Sorry, your Honor.

11 THE COURT: He testified that he did examine the
12 flow of funds. With that in mind, you can a question.

13 Q BY MR. RAM: Okay. And flow of funds was very
14 important to your investigation; is that right?

15 A Yes.

16 Q Okay. But you did not look at account balances
17 prior to March of 2020 with regards to the entities and
18 individuals you were investigating; correct?

19 A No. Because --

20 Q So the answer to that question is no; right?

21 All right. And further, you did not obtain
22 evidence as to whether any of the defendants had
23 knowledge that actual PPP funds were moving as opposed to
24 funds from other ventures; true?

25 MR. FENTON: Objection. Argument.

1 THE COURT: He can answer "yes" or "no."

2 THE WITNESS: Can you restate the question?

3 Q BY MR. RAM: Sure. You didn't investigate or obtain
4 any evidence that the defendants actually knew that PPP
5 funds were moving between their accounts as opposed to
6 funds from other ventures related to the same entities
7 and individuals?

8 MR. FENTON: Objection.

9 THE COURT: Objection sustained.

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

11 MR. FENTON: Your Honor, just a brief redirect.

12 THE COURT: I mean, we have to get through with
13 this witness. I think the parties have had a fair
14 opportunity to deal with the witness. Make it very
15 brief.

16 MR. FENTON: Can we put government's Exhibit 1R,
17 page 15?

18

19 RECROSS-EXAMINATION

20 BY MR. FENTON:

21 Q Special Agent Palmerton -- Mr. Cruz, can you allow
22 us to display the exhibit to the courtroom?

23 THE CLERK: Do you want it just to the witness?

24 MR. FENTON: No, to the entire courtroom.

25 It has not come up yet.

1 THE CLERK: It would be on your end. The monitors
2 are all on.

3 Q BY MR. FENTON: Special Agent Palmerton, I am
4 showing you the document that Mr. Ram just showed you.
5 This is government Exhibit 1R at page 15.

6 Do you see this?

7 A Yes.

8 Q And I am going to ask Ms. Paul to magnify that
9 transaction again on October 13th. And can you take a
10 look to the far right there where it reads the card
11 number?

12 Can you tell what that card number reads?

13 A 3537.

14 Q I am now going to show you what was previously
15 admitted as government Exhibit 76, or a portion of what
16 was government Exhibit 76.

17 MR. RAM: Your Honor, this is beyond the scope
18 now.

19 THE COURT: Overruled.

20 Q BY MR. FENTON: Special Agent Palmerton, do you
21 recognize this card as one of the cards that was seized
22 from --

23 THE COURT: You are asking him -- this is all
24 matters that you can argue to the jury. There is no
25 restriction on that if it is in evidence. And you are

1 reviewing as other parties have, not just what he did or
2 didn't do, but the parties are trying to make their
3 respective points heard through the witness, and the
4 point of it is to do it in final argument.

5 All right. No further questions.

6 Next witness. Is the next witness the one
7 that we discussed after the jury left yesterday?

8 MR. FENTON: Yes, your Honor.

9 THE COURT: Pass on that witness for the moment.
10 I will take that up without wasting the jury's time.

11 Let's get to another witness.

12 MR. JOHNSON: Your Honor, may I ask that we take
13 the --

14 THE COURT: No. You may not.

15 MR. MESEREAU: Your Honor, the defense will call
16 Mr. Artur Ayvazian.

17 THE COURT: Well, if you are going to call Artur
18 Ayvazian -- am I reading the clock correctly? Is it
19 10:34?

20 THE CLERK: Yes, your Honor.

21 THE COURT: All right. Let's take 10 minutes, and
22 then we will hear from the next witness.

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

25 THE CLERK: Please be seated.

1 THE COURT: We are outside the presence of the
2 jury. Let me take up that matter now that was raised
3 yesterday. You have an objection to the summary,
4 Mr. Fenton. Can I hear your objection get to the point
5 if you can?

6 MR. FENTON: I can do that, your Honor.

7 The objection is that we were provided notice
8 about the summary chart exhibit literally moments before
9 we walked into the courtroom and were powering down our
10 e-mails.

11 THE COURT: One second. I understood yesterday
12 one of the counsel to say that -- I don't know why I
13 remember this, but he said at 12:37 yesterday afternoon
14 he gave the summary chart to you; is that correct?

15 MR. FENTON: That is not exactly accurate. At
16 12:47 they e-mailed it to us as we were coming back into
17 the courtroom.

18 THE COURT: Slow down. Would you, please?

19 So then are you saying that because it was
20 e-mailed to you and you were here, you didn't see it
21 until the court was concluded?

22 MR. FENTON: That's correct, your Honor.

23 THE COURT: So when did you first see it?

24 MR. FENTON: We saw it -- well, we first learned
25 about it when Mr. Keough raised it at the end of the day.

1 THE COURT: But when did you first see it?

2 MR. FENTON: We first saw it when we got back to
3 our offices about 6:00 o'clock.

4 THE COURT: All right. So aside from the short
5 notice, what is it about the summary chart that would
6 become a 1006 issue?

7 MR. FENTON: This chart fails to meet any of the
8 basic prerequisites for admissibility. The summary chart
9 exhibits are incomplete. They do not contain dates so
10 you can't tell what dates are being referenced on this
11 chart.

12 It does not purport to summarize voluminous
13 information, which is the purpose behind Rule 1006.

14 THE COURT: So, how many transactions does the
15 chart purport to summarize?

16 MR. FENTON: It purports to summarize a couple
17 dozen.

18 THE COURT: Okay. And do you recognize the
19 transactions it purports to summarize?

20 MR. FENTON: Well, your Honor, the problem is that
21 there are no dates in this chart. And I cannot --

22 MR. KEOUGH: Your Honor, if I may speak on this
23 issue.

24 THE COURT: One second. I will get to the
25 proponent's position in a moment, but what about the

1 underlying documents. Does the chart have a column for
2 the underlying documents.

3 MR. FENTON: It does, your Honor. And some of
4 those underlying documents --

5 MR. KEOUGH: Your Honor, would it be helpful --

6 THE COURT: If you interrupt one more time, I am
7 going to lose my patience.

8 MR. FENTON: Some of those underlying documents
9 have not --

10 THE COURT: Now, who are you who is standing up
11 all the time and interrupting? What is your name?

12 MR. KEOUGH: My apologies. Michael Keough.

13 THE COURT: Don't do that anymore. Go ahead.

14 MR. FENTON: Thank you, your Honor. Some of the
15 documents -- the underlying documents have not been
16 provided to the government by the time they provided the
17 chart.

18 THE COURT: Which underlying documents? Can you
19 identify the documents that are referenced in the chart
20 that were not provided to you by the defendants?

21 MR. FENTON: Defense Exhibit 19, 102 and 103.

22 THE COURT: And what does the summary chart
23 purport, from your understanding, to represent?

24 MR. FENTON: I think it is very confusing, your
25 Honor. It purports to represent how certain IP addresses

1 were used, but I think that what is missing from most of
2 the summary chart is the fact that --

3 THE COURT: One second. How IP address were used.
4 Can you give me more detail about that?

5 MR. FENTON: For Venmo accounts.

6 THE COURT: Let me see the chart. Hand it up.

7 Not you. Okay.

8 If you have the chart, give it to me.

9 Let me see the chart.

10 MR. FENTON: Michael, can you provide us a copy of
11 the chart that you just handed to the judge?

12 MR. KEOUGH: It is the same one.

13 MR. FENTON: Can you just provide a copy, please.

14 THE COURT: Is the chart -- does it contain four
15 pages? Is that the full chart? Four pages. That is
16 what I have, four pages.

17 MR. KEOUGH: Your Honor, may I answer the
18 question?

19 THE COURT: Yes.

20 MR. KEOUGH: There are two exhibits. The first
21 one is the one you just referenced with four pages. And
22 then there is a second exhibit that just has a single
23 page.

24 THE COURT: So let me start in a different way.
25 Maybe I should have done that at the outset. Can you

1 briefly tell me what this purports to represent?

2 MR. KEOUGH: Yes, your Honor. The chart lists IP
3 addresses that were produced in discovery in this case.
4 And then the chart lists the references to those IP
5 addresses in certain government and defense exhibits that
6 have been admitted into evidence, all of which were
7 produced from the government to the defense during the
8 course of discovery.

9 THE COURT: So what is the point of it. How does
10 it advance your position?

11 MR. KEOUGH: So the chart is helpful for two
12 reasons. First of all, the defense and government
13 exhibits span hundreds of pages, loan files, bank records
14 that are voluminous.

15 And the second reason is that it shows where
16 certain IP addresses were used to access certain accounts
17 or whether they were used to submit certain loan
18 applications so the jury can see where IP addresses were
19 used in certain documents they have seen in the case.

20 THE COURT: But, is the summary selective? I
21 mean, it doesn't include all the loan applications and
22 their relationship to IP addresses; correct?

23 MR. KEOUGH: Correct, your Honor. It only
24 contains these five IP addresses that have come up
25 frequently throughout the case.

1 THE COURT: And it appears in the description
2 column to have summaries within summaries. I see the
3 word summary within summaries.

4 MR. KEOUGH: So, your Honor, the description
5 column was taken -- for the most part taken straight from
6 the document. So I mean, for example, Venmo account --

7 THE COURT: I mean, like, for example, I am
8 looking at the single-page exhibit. I have two things
9 marked DX1100-1. Is that a separate document?

10 MR. KEOUGH: Yes.

11 THE COURT: And then there is a DX1000. I see.
12 So the DX1100-001 is the separate document; correct?

13 MR. KEOUGH: Correct, your Honor. There are two
14 exhibits.

15 THE COURT: And within that document, there are
16 summaries; correct? I see something with application IP
17 address the, second from the bottom, intake application
18 summary. Where did that summary come from?

19 MR. KEOUGH: Sorry, your Honor. I see what you
20 are saying. So "Intake Application Summary" I believe is
21 the title of the page in GX6H.

22 THE COURT: So what is the purpose of the summary
23 chart? It is trying to link IP addresses to a loan
24 application?

25 MR. KEOUGH: And to bank accounts and other

1 documents that the government has used.

2 THE COURT: Say that again more clearly.

3 MR. KEOUGH: Yes, your Honor. The purpose of the
4 chart is to show IP addresses that have been referenced
5 in this case and then list the references to those IP
6 addresses in government and defense exhibits so that the
7 jury can see from the large number of exhibits that are
8 going to go back with them rather than having to turn
9 through and find these IP addresses. The IP addresses
10 are listed here in the chart as a summary.

11 THE COURT: The IP addresses in terms of what?

12 MR. KEOUGH: Where they appear in the exhibits.
13 So if the IP address, just for an example, appears in,
14 say, three bank accounts and two loan applications, it
15 appears on the chart here to show which exhibits the jury
16 can reference to find those IP addresses.

17 THE COURT: I see. All right. Let me hear from
18 the government on that.

19 MR. FENTON: So, your Honor, there are two primary
20 problems with this. One is that there are no dates on
21 this chart. Without having any dates, there is no way
22 for the jury to find the actual references in this chart,
23 and they may not be accurate. We have no way to actually
24 check to see if the contents of this is in any way
25 accurate because there is no information about when these

1 events purportedly happened.

2 The second principal issue is if you look at
3 the subscriber information at the top of right under the
4 IP address, for the majority of these charts there is no
5 subscriber information, which means that this information
6 is not helpful to the jury because it doesn't actually
7 say who that IP address would tie back to.

8 THE COURT: Okay. Let's take the recess. Seven
9 minutes.

10 (Recess from 10:47 a.m. to 10:59 a.m.)

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

13 MR. RAM: Should we call our witness, your Honor?

14 THE COURT: We have to deal with the chart.

15 MR. RAM: Yes.

16 THE COURT: My ruling is such that you will not
17 need that witness, but I will explain it outside the
18 presence of the jury. So that means we have another
19 witness.

20 MR. MESEREAU: Yes. Thank you, your Honor. The
21 defense will call Mr. Artur Ayvazian.

22 (The witness was sworn.)

23 THE CLERK: State your full name and spell it for
24 the record.

25 THE WITNESS: Artur Ayvazian, A-R-T-U-R, last name

1 A-Y-V-A-Z-I-A-N.

2 MR. MESEREAU: May I proceed, your Honor?

3 THE COURT: Yes.

4 MR. MESEREAU: Thank you.

5

6 DIRECT EXAMINATION

7 BY MR. MESEREAU:

8 Q Good morning, Mr. Ayvazian.

9 A Good morning, Mr. Mesereau.

10 Q How old are you?

11 A I am 41 years old.

12 Q Where do you live?

13 A I live in Encino, California.

14 Q What is the address?

15 A 17450 Weddington Street, Encino, California 91316.

16 Q And that is the home that was searched in this
17 case; correct?

18 A Correct.

19 Q How long have you lived in that home?

20 A I have been residing there since 2006.

21 Q And do you own that home?

22 A No, I do not.

23 Q Have you ever owned the home?

24 A No, sir.

25 Q Have you ever signed any document relinquishing any

1 interest in the home?

2 A At the time of the purchase, my wife made me sign
3 something that I am not a part of that house. I don't
4 recall what it was.

5 Q And you are married?

6 A Yes.

7 Q And who are you married to?

8 A Tamara Dadyan.

9 Q And how long have you been married to Tamara
10 Dadyan?

11 A Sixteen years.

12 Q And you have two children?

13 A Yes. Two wonderful children.

14 Q Now, could you briefly -- very briefly summarize
15 your education?

16 A When I came to this country in 1989, I went through
17 third grade all the way up to 10th grade, and then I
18 dropped out of high school.

19 Q And could you briefly summarize your work history?

20 A I have been working all my life. Came here in
21 1989. I was nine years old. I started working when I
22 was 12 years old. I started passing out pizza flyers \$4
23 a hour for two hours a day.

24 I have had random jobs, car wash jobs,
25 restaurants, fast food places. Just a lot of jobs.

1 Supermarkets, seafood jobs, trucking. I have done a lot
2 of jobs.

3 Q Okay. Now, let me ask you about the seafood job.

4 A Yes.

5 THE COURT: Keep your voice up just a little bit,
6 Mr. Mesereau.

7 MR. MESEREAU: Sorry, your Honor. Yes.

8 Q BY MR. MESEREAU: You were in the seafood business
9 at one point, were you not?

10 A Correct.

11 Q Could you please tell the jury what you did?

12 A I had a partner, Thanh Tran. He was one of my best
13 friends for 18 years. We went to Louisiana to establish
14 a seafood company by process and resell seafood.

15 And we went to Louisiana. We established a
16 good company. We brought a lot of seafood. We processed
17 it, packed it, shipped it to Los Angeles to the accounts
18 that my friend held with all the restaurants here in
19 Alhambra.

20 And we were there for I believe six months and
21 then the oil spill happened and just destroyed us.

22 Q And when you were in that business, did you make
23 money?

24 A We made enough money to get by, and we -- no, we
25 didn't. It was not enough time for us to get

1 established.

2 Q Did anyone help you financially with that business?

3 A Yes. My brothers helped me out a lot in that
4 business.

5 Q And how many brothers do you have?

6 A You have I one, on older brother.

7 Q And is that Richard?

8 A Yes, sir.

9 Q He helped you financially with those business
10 obligations; correct?

11 A Yes. He has always been there for me.

12 Q Now, at some point you got into the trucking
13 business; correct?

14 A Correct.

15 Q Could you please tell the jury what you did?

16 A I started my own trucking company. I went to
17 school. I got my trucking license. I borrowed money
18 from my brother to establish my business, and I purchased
19 my truck and I have been trucking ever since.

20 Q And are you a truck driver yourself?

21 A Yes, sir.

22 Q And you still a truck driver?

23 A Yes, sir.

24 Q And what kind of hours could you keep?

25 A Long hours. The Federal Motor Carrier

1 Administration only allows you to work 14 hours a day,
2 and from that 14 hours a day you can only drive 11 hours,
3 but by the time I am done with my shift it is always 16,
4 17 hours, sometimes longer.

5 Q And what year did you start your trucking company?

6 A Back in 2012.

7 Q And how did you start it?

8 A I filed for a DBA. I had my commercial license
9 that time. Once I got my DBA, I filed for my permits. I
10 got my permits and I got my insurance active and I
11 started working.

12 Q And how many trucks have you ever owned at one
13 point?

14 A Back in the days, I have done local towing. I
15 believe it was 2006, I want to say. I am not sure. I
16 did local towing for the City. I have had three trucks
17 at that time. But when it came to 18-wheeler trucking, I
18 have only maintained one truck, but I have owned couple
19 of trucks. One of them the motor went bad and I had to
20 purchase another one.

21 Q And do your trucks identify the company?

22 A Yes, sir. They have to.

23 Q Why is that?

24 A For the Department of Transportation to recognize
25 who you are and what you are hauling and if your permits

1 are allowed for you to hold certain cargo.

2 Q And what do your trucks say on the outside?

3 A My company name, Allstate Towing and Transport.

4 Q Now, has that company gone through some changes?

5 A Yes.

6 Q Please tell the jury.

7 A We went from being a sole proprietorship into an

8 LLC.

9 Q What is an LLC?

10 A A corporation.

11 Q Has anyone ever owned it but you?

12 A No, sir.

13 Q Has anyone else ever driven trucks for the company
14 but you?

15 A Yes.

16 Q Who?

17 A I have had numerous drivers come and go, but no one
18 ever stuck to the company due to various reasons. They
19 can't drive 13-speed auto transmission. The insurance
20 didn't accept them. We didn't get along. They weren't
21 communicative. They weren't doing their job properly.

22 So these drivers came and left. Two days, one
23 day, three days max, then I had to let them go.

24 Q And does the company currently have employees?

25 A Yes. Myself.

1 Q And let's go back to the period of March through
2 August, 2020.

3 A Okay.

4 Q Was the company in existence?

5 A Yes.

6 Q Were you in charge of the company?

7 A Yes, sir.

8 Q Did the company have employees?

9 A Yes.

10 Q And please explain who they were.

11 A Myself.

12 Q Anyone else?

13 A I have had couple of drivers. Yes.

14 Q Now, I gather you have had trouble keeping drivers;
15 correct?

16 A Yes, sir.

17 Q And when you try to test a driver to see if they
18 are going to be a good employee, what do you do?

19 A I put them behind the wheel and they have to
20 perform certain things, backing up, shifting gears,
21 knowing the law, and that is it. Paying attention.

22 Q Do the employees have to have certain licenses?

23 A Yes, of course. They need to have a commercial
24 license.

25 Q Is there any other license they have to have?

1 A It is optional. They could get hazmat endorsement
2 or doubles or triples to put doubles trailers, things
3 like that.

4 Q Do they have to go through any type of medical
5 testing?

6 A Yes, of course.

7 Q Please tell the jury what you mean.

8 A First thing they got to be involved is in the drug
9 and alcohol program, which require a commercial license.
10 On top of that, you need to, through the DMV every two
11 years, you need to go for a medical exam to get checked
12 out and stuff.

13 Q Does your company have to cover -- excuse me, does
14 your company have insurance?

15 A Yes, of course, sir.

16 Q What kind?

17 A Minimum of \$1 million liability insurance, and
18 depending on the freight broker you are working with,
19 they require cargo insurance and also your physical
20 damage insurance, which is your truck and trailer.

21 Q And do you own these trucks or lease them?

22 A I have owned them, but I have financed them before,
23 and I have paid them off.

24 Q And how do you finance them?

25 A Well, my credit is not the greatest in the world so

1 I really don't have much options and I try to find
2 companies that do inhouse financing. And with certain
3 amount of down payment, they close their eyes and they
4 finance you.

5 Q Now, has the company been profitable?

6 A Yes. Yes. It has been growing.

7 Q And is it profitable today?

8 A Not at the moment.

9 Q And let me ask you about the period March through
10 August of 2020. Was the company profitable?

11 A No, sir.

12 Q Please explain what you mean.

13 A Well, 2019 I did great. I made a lot of money in
14 2019. As soon as 2020 came, I went from making 130
15 something thousand to \$30,000.

16 Once the pandemic hit, I was just devastated.
17 There was no jobs. The receivers weren't working.
18 Nobody was going to work. I was having very hard time
19 finding loads to move.

20 Q Now, when you say you went from 130 to 30?

21 A Yes, sir.

22 Q Is that net profit?

23 A No, that is gross profit, sir.

24 Q Please explain what you mean.

25 A Yeah. 130 minus diesel costs, wear and tear, you

1 probably net somewhere in about 85 to \$90,000.

2 Q Have you ever been in the real estate business?

3 A No, sir.

4 Q Have you ever had a real estate license?

5 A No, sir.

6 Q What business is your wife in?

7 A Real estate.

8 Q And has she been in that business since you were
9 married?

10 A I believe so, yes. So 20 years now.

11 Q Where does your wife operate that business?

12 A She works from home, sir. She has a home office.

13 Q And you have heard references to searches of the
14 home office in your house. Is that her office?

15 A Yes, sir.

16 Q Is that your office?

17 A No, sir. I don't have an office.

18 Q Do you ever use that office?

19 A I go in there time to time to make copies and faxes
20 and that is it.

21 Q What do you use as an office?

22 A My truck is my office and the briefcase that I
23 carry with me, all my permits in there. I usually have a
24 couple of files that set completed jobs, receipts,
25 repairs and freight broker applications and that is it.

1 I usually carry that with me. If not, it is in my truck
2 at all times.

3 Q Do you have your own accountant?

4 A Yes, sir.

5 Q Who is that?

6 A A lady by the name of Dorothy Wang out in Alhambra.

7 Q What does she help you with?

8 A She does my taxes.

9 Q Is your wife, Tamara, involved in the trucking
10 business at all?

11 A Not at all, sir. She is against it.

12 Q Who do you mean by that?

13 A She doesn't want me to drive a truck, but I love
14 doing what I am doing and I am very independent.

15 Q Now, has your wife been in the real estate business
16 from the time you were married?

17 A Yes, sir. Even before.

18 Q And have you ever assisted her in any of her work?

19 A I have helped her out, you know. She has a back
20 problem that comes and goes every now and then that she
21 gets pretty much paralyzed and, you know, I feel bad and
22 she asks me to do some things.

23 MS. AHN: Objection, relevance.

24 THE COURT: Overruled.

25 THE WITNESS: She asks me to perform certain

1 things like, oh, hey, babe, can you take these papers to
2 escrow or can you please go make a deposit for me. Can
3 you do this, do that. And I do help her out sometimes
4 for things like that.

5 Q BY MR. MESEREAU: You said your brother Richard
6 helped you financially with the seafood business?

7 A Yes, sir.

8 Q Did he ever help you with your trucking business?

9 A Yes, yes. He has always been there for me. He is
10 a great guy.

11 Q What do you mean he helped you financially. Tell
12 the jury what he did.

13 A He has loaned me money to purchase my truck. He
14 has loaned me money for the seafood venture. And
15 throughout my personal life, you know, he has always been
16 there for me.

17 Q Okay.

18 A But mostly, yes, he has helped me in my business.

19 MR. MESEREAU: Your Honor, I am going to use the
20 old-fashioned overhead if I may.

21 THE COURT: Yes.

22 MR. MESEREAU: I would like to show the witness a
23 document already in evidence. It is Exhibit 57B, page 3
24 of 8. I apologize for being a little clumsy, but haven't
25 used up with in a while.

1 Q BY MR. MESEREAU: Do you see that document,
2 Mr. Ayvazian?

3 A Yes, sir.

4 Q This is a document that was seized by the
5 government. Do you see that?

6 A Yes.

7 Q Now, first let me ask you this. Do you -- have you
8 seen your wife's handwriting?

9 A We have been married for 16 years. I have seen her
10 handwriting.

11 Q Can you recognize her handwriting?

12 A Yes, sir.

13 Q Showing you this exhibit that is in evidence, 57B,
14 page 3 of 8. Do you see handwriting on that document?

15 A Yes, sir.

16 Q And the document says, "Currently has personal and
17 business need to add this new business address" -- or
18 access and some other language. Whose handwriting is
19 that?

20 A That is Tammy's handwriting.

21 Q Is that your handwriting?

22 A No, sir.

23 Q Showing you another document that is in evidence,
24 Exhibit 57B, page 5 of 8. Do you see that document?

25 A Yes, sir.

1 Q And do you see handwriting on that document?

2 A Yes, sir.

3 Q Whose handwriting is that or do you recognize it?

4 A I don't recognize this one, sir.

5 Q Is it your handwriting?

6 A No, sir.

7 Q Showing you another document from that exhibit --
8 may I check with co-counsel for a second here.

9 This is also from Exhibit 57B, which is in
10 evidence. Do you see that document, Mr. Ayvazian?

11 A Yes, sir.

12 Q Do you see it looks like a tab with handwriting on
13 it in the upper right-hand corner?

14 A Yes, sir.

15 Q Do you know whose handwriting that is?

16 A I can't recall that writing.

17 Q Is it yours?

18 A No, sir.

19 Q I am going to show you a document that is in
20 evidence --

21 THE COURT: Just a moment. I notice one lawyer
22 standing is there any reason for that?

23 MR. FRASER: Yes, your Honor. I can't see the
24 monitor.

25 THE COURT: I see. All right. Sorry.

1 Q BY MR. MESEREAU: This is a document in evidence.
2 It is GEX57D, page 1. Do you see that document,
3 Mr. Ayvazian?

4 A Yes, sir.

5 Q Now, there is some handwriting in the upper
6 right-hand corner. Do you see that?

7 A Yes, sir.

8 Q Do you recognize that handwriting?

9 A Yes, sir.

10 Q Whose is that?

11 A Tammy's writing.

12 Q And there seems to be some handwriting towards the
13 bottom of the right-hand side. Do you see it looks like
14 a Post-it?

15 A Yes, sir.

16 Q Do you recognize that handwriting?

17 A Yes, sir.

18 Q Who is handwriting is that?

19 A My wife, Tammy's.

20 Q Now, there are some names referenced on that
21 document -- excuse me, there are some e-mails referenced
22 on that document. And I wanted to ask, would you take a
23 look at that document. Do you recognize any of these
24 e-mails?

25 A I don't see anything, sir.

1 Q There is one that says Tamara Dadyan towards the
2 bottom at hotmail.com. Do you see that, Angelina?

3 A I don't see anything on the screen.

4 Q Oh, I'm sorry. Do you see towards the bottom it
5 says Tamara Dadyan?

6 A Yes.

7 Q Angelina. Do you know who Angelina is?

8 A Angelina that is my oldest daughter.

9 Q Do you see other e-mails that you recognize?

10 A I see my little daughter's, Natalie, 2008, but I
11 don't see any other e-mails.

12 Q And there is some handwriting in what appears to be
13 the lower left-hand corner. Do you see that writing?

14 A Yes, sir.

15 Q Do you recognize the handwriting?

16 A Yes, sir.

17 Q Whose is it?

18 A Tammy's.

19 Q I am now showing you a document that's in evidence,
20 Exhibit 57.f, page 3 of 3.

21 Do you see that document?

22 A Yes, sir.

23 Q And do you recognize the handwriting in that
24 document?

25 A Yes.

1 Q Whose handwriting is that?

2 A It is Tammy's.

3 Q Is it yours?

4 A No, sir.

5 Q Showing you a document that is in evidence. It is
6 Exhibit 57.g, page 4 of 30. Do you see that document,
7 Mr. Ayvazian?

8 A Yes, sir.

9 Q Do you see some handwriting on that document?

10 A Yes, sir.

11 Q Do you recognize that handwriting?

12 A It looks similar to Tammy's handwriting.

13 Q Is it yours?

14 A No, sir.

15 Q Okay. Mr. Ayvazian, I am going to show you some
16 other documents that are in evidence in Exhibit 57. Do
17 you see these documents?

18 A Yes, sir.

19 Q They look like they are checks; correct?

20 A Correct.

21 Q And there seems to be a name in the upper left-hand
22 corner, Anastaya Rysik. Do you see that?

23 A Yes.

24 Q Do you know who that person is?

25 A No, sir.

1 Q There is another document from that exhibit. These
2 appear to be checks. Do you see that?

3 A Yes.

4 Q Please look at each of these six checks and see if
5 you recognize them.

6 A It is Tamara Dadyan, my wife's checks.

7 Q Are any of these your checks?

8 A No, sir.

9 Q Moving along with the same exhibit. Do you see
10 these checks?

11 A Yes.

12 Q Do any of these checks belong to you?

13 A No, sir.

14 Q Moving along, same exhibit in evidence. Do you see
15 these, what appear to be copies of checks?

16 A I do.

17 Q Do you recognize anyone named in those checks?

18 A No, I don't.

19 Q This is in the same exhibit in evidence. Do you
20 see these documents?

21 A Yes, sir.

22 Q Did you recognize anyone mentioned on these checks?

23 A No, sir.

24 Q Same exhibit in evidence. Do you see this page?

25 A Yes, sir.

1 Q Recognize anyone mentioned on what appear to be
2 checkbooks?

3 A No, sir.

4 Q Did you keep your checks in the office at home?

5 A No, sir. All my checks are in my briefcase at all
6 times.

7 Q Moving on to Exhibit 57.h, page 1 of 4. Do you see
8 that document?

9 A I do.

10 Q And at the top it says August 2017; right?

11 A Yes, sir.

12 Q And then you see handwriting on that document;
13 right?

14 A Yes.

15 Q Do you recognize the handwriting on that document?

16 A I do, sir.

17 Q Whose handwriting is it?

18 A My wife, Tammy's.

19 Q Do you see your handwriting anywhere on this
20 document?

21 A No, sir.

22 Q Moving on to Exhibit 57.h, page 3 of 4. It is in
23 evidence. Do you see that document?

24 A Yes, sir.

25 Q Do you recognize the handwriting on that document?

1 A Yes, sir.

2 Q Whose is it?

3 A My wife, Tammy's.

4 MS. AHN: Your Honor, the government is unclear
5 which pages be are being shown.

6 THE COURT: He is telling you. I thought it was
7 57 small H, page 1. Was that it?

8 MR. MESEREAU: Yes, your Honor.

9 MS. AHN: He has gone through several pages now,
10 your Honor.

11 THE COURT: Well, he has told each page. I heard
12 it. I don't know.

13 MR. MESEREAU: I can try and clarify.

14 THE COURT: I think it is clear, 57 small f. 57
15 small g. He has said it. Go ahead.

16 Q BY MR. MESEREAU: Now, same Exhibit 57.h, page 4 of
17 4. It is in evidence. Mr. Ayvazian, do you see this
18 document in front of you?

19 A I do, sir.

20 Q Do you recognize the handwriting in that document?

21 A Yes, sir.

22 Q Whose is it?

23 A My wife, Tammy's.

24 Q If you look four lines down from the top, it says
25 SBA Agricultural. Do you see that?

1 A Yes, sir.

2 Q And that is not your writing; correct?

3 A Yes, sir, it is not my writing.

4 Q It is hers?

5 A Yes, sir.

6 Q Moving on to Exhibit GEV57I, which I believe is in
7 evidence. Do you see that document?

8 A Yes, sir.

9 Q You see handwriting on that document?

10 A Yes.

11 Q Do you recognize the handwriting on that document?

12 A I do, sir.

13 Q Whose is it?

14 A My wife, Tammy's.

15 Q Does your handwriting appear anywhere on that
16 document?

17 A No, they do not.

18 Q Moving on to Exhibit 57.k, page 1 of 10, which I
19 believe is in evidence. Do you see that document?

20 A Yes, sir.

21 Q Do you see handwriting on that document?

22 A Yes, sir.

23 Q You recognize the handwriting on that document?

24 A I do, sir.

25 Q Whose is it?

1 A My wife, Tammy's.

2 Q Looking at the other side of that document, which
3 would be Exhibit 57.k, page 2 of 10. Do you see that?

4 A Yes, sir.

5 Q Do you see handwriting on that document?

6 A I do, sir.

7 Q Do you know whose handwriting that is?

8 A Yes. My wife, Tammy's.

9 Q Moving on to Exhibit 57.k, page 3 of 10, which I
10 believe is in evidence. Do you see that document?

11 A Yes, sir.

12 Q Do you recognize the handwriting on that document?

13 A Yes, sir.

14 Q Whose.

15 A My wife, Tammy's.

16 Q Looking at Exhibit 57.k, page 4 of 10. Do you see
17 that document in front of you?

18 A Yes.

19 Q Do you see handwriting on that document?

20 A Yes, sir.

21 Q Do you know whose handwriting that is?

22 A Yes, sir.

23 Q Whose handwriting is it?

24 A My wife, Tammy's.

25 Q Moving on to exhibit -- well, still 57.k. I think

1 this is page 7 that is in evidence. Did you see that
2 document?

3 A Yes, sir.

4 Q Do you see the handwriting on the document?

5 A Yes, sir.

6 Q Do you recognize it?

7 A I do.

8 Q Whose is it?

9 A My wife, Tammy's.

10 Q Looking at Exhibit 57.k, page 7 of 10, which I
11 believe is in evidence. Do you see that document?

12 A Yes, sir.

13 Q You see handwriting on the document?

14 A Yes, I do.

15 Q Do you recognize whose handwriting that is?

16 A Yes.

17 Q Whose is it?

18 A Tammy's handwriting.

19 Q Moving on to Exhibit 57k, page 8 of 10, the next
20 page in evidence. Do you see handwriting on that
21 document?

22 A Yes, sir.

23 Q Whose is it?

24 A Tammy's.

25 Q Moving on to Exhibit 57.k, page 9 of 10, which is

1 in evidence, I believe. Do you see handwriting on that
2 document?

3 A Yes, I do.

4 Q Do you know whose handwriting that is?

5 A Yes, sir.

6 Q Whose handwriting is it?

7 A Tammy's.

8 Q Looking at Exhibit 57.k, page 10 of 10, do you see
9 that document?

10 A Yes, sir.

11 Q Do you see handwriting on the document?

12 A Yes, sir.

13 Q Can you tell whose handwriting that is?

14 A Tammy's.

15 Q Looking at Exhibit 57.l, page 1 of 1, which is in
16 evidence. Do you see this document?

17 A Yes, sir.

18 Q Do you see handwriting on the document?

19 A Yes, sir.

20 Q Do you know whose handwriting it is?

21 A I do.

22 Q Whose?

23 A Tammy's.

24 Q Mr. Ayvazian, I would like to explore a little more
25 deeply the business relationship between you and your

1 wife.

2 A The only business relationship we have is to raise
3 our children.

4 Q Are you involved in a real estate business at all?

5 A No, sir.

6 Q You said she has asked you to help her from time to
7 time; is that correct?

8 A Yes. That's correct.

9 Q And what has she asked you to do?

10 A Deliver documents to escrow, pick up packages from
11 her customers, drop off packages to her customers, go to
12 the mailbox -- or I mean mail place and/or FedEx and
13 stuff like that.

14 Q Does she have access to your phones?

15 A Yes. Of course.

16 Q Please explain what you mean.

17 A I mean there has been hundreds, hundreds of times
18 when I come home, I put my phone down next to my car keys
19 and I will take a shower. And when I came out of the
20 shower, I see her on my phone.

21 And she says, oh, my battery is dead. I had
22 to use your phone. There has been hundreds of times that
23 we were in the car. She says, babe, my battery is dead.
24 Let me use your phone.

25 So she has access to my phone. And I don't

1 keep anything in my phone. She knows the codes to the
2 locking screen and so do my kids. My kids access my
3 phone and play games.

4 Q How many phones do you have -- excuse me, let me
5 rephrase that. Between March and August of 2020, how
6 many phones did you have?

7 A I have only had one phone all my life.

8 Q Do you know how many phones she had between March
9 and August of 2020?

10 A I don't know. There has been a bunch of phones at
11 the house. I don't know what belongs to her.

12 Q Now, do you pay your taxes together?

13 A No, sir.

14 Q You file separately?

15 A Yes, sir.

16 Q Whose idea was that?

17 A My idea.

18 Q Why?

19 A I didn't want to get involved in filing with her.

20 Q And you have a prenuptial agreement; correct?

21 A Yeah. When we first got married, that is the first
22 document she put in front of me so I signed it.

23 Q You signed it?

24 A Yeah.

25 Q Okay. Does Allstate Towing and Trucking ever use

1 that office in the home?

2 A Never. Never.

3 Q Whose -- excuse me, let me rephrase that. If you
4 want to enter that office, you go through a door;
5 correct?

6 A Yes, sir. It is through the kitchen and it is the
7 first door on the right before the garage.

8 Q What is on that door?

9 A Her business license is hanging on the door, and I
10 believe her business name.

11 Q There are various items on the wall of that office;
12 correct?

13 A Yes. She has bunch of plaques that she has gotten
14 from when she used to be with RE/MAX on the Boulevard.
15 Bunch of star agent plaques, agent of the year. Like
16 just a bunch of awards.

17 Q Any of your awards on those walls?

18 A No, sir. No.

19 Q Any pictures of you on those walls?

20 A Yes. She has family photos and stuff like that and
21 I am in those photos. My kids, her.

22 Q Okay. Now, in this trial, it has come to the
23 attention of everyone that some what appear to be
24 synthetic ID's, fake ID's, driver's licenses, whatever,
25 were found on your phone?

1 A Right.

2 Q Did you put those on your phone?

3 A No, sir. I don't even know the whereabouts until I
4 got charged and I went through the phone and I saw all
5 that stuff and I erased it right away.

6 Q Do you know who put that information on your phone?

7 A Most likely my wife.

8 Q You did not do it?

9 A No, sir.

10 Q Did you invent any of those fake ID's or
11 manufacture them at any point?

12 A No, sir.

13 Q And the first time you say you learned about it was
14 in this case?

15 A Yes, sir. But there has been times where -- you
16 know, I hardly go through my photos unless I am bored and
17 I want to go and see some old pictures of my kids. There
18 has been times when there has been ID's and I confronted
19 her and she says, oh, that is for me. Erase it or don't
20 worry about it. You know, I don't need it anymore. So I
21 end up erasing it.

22 I don't think of anything different because,
23 you know she is a realtor. There has been bunch of
24 documents, bunch of stuff that she does with people's
25 information. She is a real estate agent. I don't know

1 of any wrongdoing.

2 Q In your business as a trucker and a truck driver,
3 do you use ID's?

4 A I only use my driver's license.

5 Q In your business as a trucker and a truck driver,
6 do you use various identification cards?

7 A No, sir. Only mine, because when you enter to the
8 warehouse to pick up preloaded trailers or load, the
9 security guard always asks for your own ID.

10 Q At one point you filed for divorce; correct?

11 A Yes.

12 Q Why?

13 A Well, this was a time where I have -- we didn't see
14 eye to eye. I got fed up with her working hours. There
15 was people coming and going to the house at 9, 10 o'clock
16 at night talking about deals. There was no working hours
17 set for her. And I just had enough.

18 Like, you know, I had to make a stand, tell
19 her, hey, you need to cut this out or you are going to
20 lose me. And that is when I had enough and I filed for a
21 divorce. I served her with the divorce.

22 Q What happened?

23 A She -- I don't know, she took it to heart. And,
24 you know, my kids. I moved out of the house right away
25 even though my lawyer advised me not to, because I had

1 every right to be there, but I just didn't want to see
2 her face anymore.

3 So my kids called me crying every single day
4 for the past two weeks. And one incident that really got
5 to me was they called me one night around 10:00 o'clock.
6 They said -- scared, crying, and she said mommy is here
7 and there are some guys over here screaming at her,
8 please come.

9 So I went over there and it was like a heated
10 confrontation that, I don't know, some deal gone wrong.
11 And I went over there to diffuse everything and send
12 those people off their way.

13 And that is when I told her, I said, look, I
14 love my kids. I am going to come back, but I am not
15 doing it for you. I am doing it for my kids because I
16 fear for their safety.

17 And ever since then, I told her, me and you,
18 we are not husband and wife. We are business partners
19 and our job is to raise our kids, and that is it.

20 Q Now, the government searched your home at 6 in the
21 morning; correct?

22 A Yes. Very -- I was scared. So were my kids.

23 Q Where were you?

24 A I was sleeping in the separate bedroom, I consider
25 to be my bedroom.

1 Q Separate from Tammy?

2 A Yes.

3 Q Now, let me ask you about these PPP loans.

4 A Yes, sir.

5 Q Allstate Towing and Trucking did apply for PPP and
6 EIDL loans?

7 A No, sir. This time when my company was hit big
8 with no business, and PPP announcements news, everything
9 was on TV, on the radio. So I told Tammy, hey, do you
10 think my company will qualify because I am really in need
11 right now. She says, yes, I'll take care of it. And --

12 MS. AHN: Objection. Hearsay.

13 THE COURT: Overruled.

14 THE WITNESS: She says, yes, I'll take care of it.
15 And I said okay. She asked to see my 1099's from 2019.
16 And she asked a copy of my driver's license and a voided
17 check, which I provided, and that is it. Nothing else.

18 Q Did you ever review any PPP loan application?

19 A No, sir.

20 Q Did anyone ever present you with one?

21 A No, sir.

22 Q Did you ever review the rules or regulations or
23 laws that apply to the Small Business Administration?

24 A No, sir.

25 Q Did you submit that loan application?

1 A No, sir. I was told I qualified due to the fact
2 that I made certain amount of money in 2019, and the loss
3 that I have done in 2020, that automatically qualifies
4 me, and that is what I was told.

5 Q Told by who?

6 A My wife, Tammy.

7 Q Who filled out the loan application?

8 A She did.

9 Q Who submitted the loan application?

10 A She did.

11 Q But you knew your company was going to try and get
12 PPP?

13 A Yes, sir. Yes. Well, she submitted the loan --
14 excuse me -- I received an initial \$10,000 deposit into
15 my bank account. So I approached her. I said, hey,
16 whatever did you, they only approved me I guess for
17 10,000.

18 And she said that, no, that is just emergency
19 relief upfront money or something like that. And then
20 they are going to fund the loan, you know, in a week or
21 two. I said okay.

22 Q How much money were you expecting from the --

23 A I wanted no more than about 30, \$40,000, just so I
24 could get back on my feet until the pandemic blew over.
25 It was not expecting \$125,000. I didn't even know I

1 could qualify for \$125,000.

2 Q Were more than one application submitted, to your
3 knowledge?

4 A After the PPP loan I received, after the \$10,000, I
5 believe a couple of months went by and then there was
6 this another deposit into my Bank of America account.
7 This was the new account I had opened because of my LLC
8 corporation. I wanted to try a new bank. Their fees
9 were lower. They had more branches. It was convenient
10 for me. So that is when I opened up Bank of America.

11 And when I opened that account, I have got a
12 deposit there for 149,000 or -- yeah, 149,900.

13 Q And what happened with those?

14 A I confronted her. I said, you know, what is going
15 on? What is this money? And she had told me that
16 President Trump at this time was on TV.

17 MS. AHN: Objection. Hearsay.

18 THE COURT: What was that?

19 MS. AHN: Objection. Hearsay.

20 THE COURT: Overruled.

21 THE WITNESS: At this time on TV they were talking
22 about how President Trump was forgiving loans and stuff
23 like that. So she made me believe that, oh, that first
24 loan that you have gotten has been forgiven by President
25 Trump and this is going to be your actual loan. And that

1 is it.

2 And I asked her, okay, well, you know, what
3 are going to be my payments. She said roughly about
4 \$1,300 you have to pay back. I said okay. And that is
5 all I know.

6 Q BY MR. MESEREAU: What happened to the money?

7 A Well, since I have got the first one that came, I
8 spent a lot of it towards my business. I was behind my
9 trucking payments. I was behind on repairs. I needed
10 tires. I mean, just a lot of expenses towards the
11 company.

12 And when the second one came. I had I guess,
13 you know, substantial amount left, and that is when I
14 paid back my brother his money, the money that I owed
15 him.

16 Q And was that the money you talked about earlier
17 when he helped you with your sea food business?

18 A I mean, you know, throughout the years it
19 accumulated and Tammy told me that, hey, Richard is
20 buying a house. Do you think you could pay back the loan
21 that, you know, all these years that you have had towards
22 him.

23 I said sure. So I reached out and I told him,
24 hey, I have some money saved. I didn't tell him I got a
25 loan. I said I got money saved and I want to help you

1 out in your time of need and pay back the loan that I owe
2 you.

3 Q What accounts were those PPP funds put into?

4 A One of them, the very first one was into my US bank
5 account. And then I moved money from there to my
6 corporation account. And the reason I did that is for
7 tax purposes.

8 I wanted to convert everything to my
9 corporation and close down the sole proprietorship
10 account and just start working from that account.

11 Q Is that what your accountant advised you to do?

12 A Yeah. Yes, sir.

13 Q Did you ever set up any secret account --

14 A No, sir.

15 Q -- to bury these funds?

16 A No, sir. No.

17 Q Ever set up any new account with a false name to
18 hide these funds?

19 A Never, sir. Never.

20 Q Ever convert these funds into cash so you could
21 hide the cash?

22 A No, sir.

23 Q Did you think you were doing anything wrong when
24 you tried to pay your brother back?

25 A No. No. I mean, I was explain that it was to pay

1 off debt -- and back debt or just stuff for the business.
2 And since he invested in my business throughout the
3 years, that is when I paid him back. I didn't know I was
4 doing something wrong.

5 MR. MESEREAU: May I talk to co-counsel for a
6 second here?

7 THE COURT: Yes.

8 MR. MESEREAU: Thank you.

9 (Counsel confer.)

10 Q BY MR. MESEREAU: Let me just ask you, Mr. Ayvazian,
11 if you know a couple of people. Do you know Payrur
12 Hayrapetyan?

13 A Never heard of him.

14 Q Do you know Arman Hayrapetyan?

15 A No, sir.

16 Q Do you know Asya Vostanikyan?

17 A No, sir.

18 Q Do you know Edvard Paronyan?

19 A No, sir.

20 Q Let me ask you some questions about these charges,
21 okay?

22 A Yes.

23 Q Did you ever make an agreement with anyone between
24 March and August of 2020 to defraud a bank?

25 A No, sir.

1 Q Did you ever enter into an agreement with anyone
2 between March and August of 2020 to defraud the US
3 government?

4 A No, sir.

5 Q Did you ever think you were agreeing with anyone to
6 commit a crime between March and August of 2020?

7 A No, sir.

8 Q Did you think at any time you were in some criminal
9 conspiracy to defraud anybody?

10 A No, sir. If I knew I would have never accepted any
11 of these loans. I mean, I am not a saint. I have done
12 things in my past that are wrong but --

13 MS. AHN: Objection, your Honor.

14 THE WITNESS: But this is not the case.

15 THE COURT: Overruled.

16 Q BY MR. MESEREAU: Did you ever intentionally make a
17 false statement to the Small Business Administration

18 A Never.

19 Q Or intentionally make a false statement to a bank?

20 A No, sir.

21 Q Did you ever think you were engaged in bank fraud
22 between March and August of 2020?

23 A No, sir.

24 Q Did you ever think you were engaged in wire fraud
25 between March and August of 2020?

1 A No, sir.

2 Q Now, you know that the application for the PPP loan
3 apparently had IRS documents, 940 and 941 right?

4 A I have been hearing, yes.

5 Q Did you fill those out?

6 A No, sir.

7 Q Who filled them out?

8 A My wife, Tammy. She filled them out.

9 Q Did she show them to you before she submitted them?

10 A No. I didn't even know the whereabouts of all
11 those documents until all of this has been put in front
12 of me.

13 Q Okay. Ever hear of a place called Six Star Farms?

14 A No, sir.

15 Q Did you learn about it in this case?

16 A No, sir.

17 Q Now, you are being charged with aggravated identity
18 theft. You are aware of that; right?

19 A Yes, sir.

20 Q Did you ever steal anyone's identity?

21 A No, sir.

22 Q Use it for false purposes?

23 A No, sir.

24 (Counsel confer.)

25 Q BY MR. MESEREAU: My co-counsel reminded me, do you

1 know the name Anna Dzukaeva?

2 A No, sir. Not until I was charged with her identify
3 theft.

4 Q You ever heard of that person?

5 A No, sir.

6 MR. MESEREAU: No further questions at this time,
7 your Honor.

8 THE COURT: Am I seeing that the clock correctly?
9 It is about 9 to; right?

10 MS. AHN: Yes, your Honor.

11 THE COURT: All right. Cross-examination.

12 MR. JOHNSON: Your Honor, I just have one
13 question. This is Peter Johnson.

14 THE COURT: Right. But you will have to deal with
15 that -- are you calling this witness also? Is that what
16 you are saying?

17 MR. JOHNSON: Yes. And it is just one question.

18 THE COURT: All right.

19

20 DIRECT EXAMINATION

21 BY MR. JOHNSON:

22 Q I would like to show you Exhibit 57B at page 8 that
23 is already in the record. It will show up in the screen.

24 A Oh, okay.

25 Q Do you recognize anyone depicted in these photos?

1 A Yes, I do.

2 Q Who do you recognize?

3 A My wife, my wife's grandmother and my
4 mother-in-law.

5 Q I will just --

6 A And the lady next to my mother-in-law looks like
7 one of the agents that commonly visits the house for
8 Tammy. She is a real estate agent. Her name Zahva.

9 Q If it is possible, can you tap the right-hand
10 screen -- the right-hand top corner of your screen?

11 A Yes.

12 Q Do you see something that moves down and there is a
13 pen there?

14 A Yes.

15 Q Can you tap the pen?

16 A Uh-huh.

17 Q Can you circle your wife, please.

18 Can you circle your wife's mother, please.

19 Can you circle your wife's mother's mother?

20 A It is actually her father's mother.

21 Q Can you circle your wife's father's mother?

22 A Yes.

23 Q Can you circle the person that you referred to as a
24 real estate agent that works with your wife?

25 Thank you. I have no further questions.

1 THE COURT: Okay. Cross-examination.

2

3 CROSS-EXAMINATION

4 BY MS. AHN:

5 Q Hello, Mr. Ayvazian.

6 A Hello, ma'am.

7 Q So you testified earlier that Richard Ayvazyan is
8 your older brother; is that correct?

9 A Yes, ma'am.

10 Q And you are married to Tamara Dadyan; is that
11 right?

12 A That's correct.

13 Q Is she related to Mr. Vahe Dadyan?

14 A I believe so.

15 Q Do you see him in the courtroom here?

16 A Yes, I do.

17 Q Where is he?

18 A Right there next to counsel.

19 Q Thank you. So earlier you testified that you were
20 sleeping in separate bedrooms; is that correct?

21 A Correct.

22 Q And that you were estranged; is that correct?

23 A What does that mean?

24 Q You said earlier that your relationship with her
25 was as a business relationship to raise your children; is

1 that correct?

2 A That's correct.

3 Q So your marriage wasn't in a good state; is that
4 correct?

5 A It is still not.

6 Q And so your testimony is that you had your wife
7 fill out a PPP application for you after your marriage
8 broke up?

9 A I did not have her fill out anything. She offered
10 to do everything. All she said was I'll take care of it,
11 and that is it.

12 Q You testified earlier that your wife is not
13 involved in your business at all; is that correct?

14 A Correct.

15 Q And that you were very independent with your
16 business; isn't that correct?

17 A Yes. It is a trucking business.

18 Q And you testified earlier that you didn't want to
19 file taxings with her; is that correct?

20 A Correct.

21 Q And you were separated from her; is that correct?

22 A I never filed for separation. I filed for a
23 divorce, but I did move out of the house for a couple of
24 weeks.

25 Q And you were concerned about filing taxes with her;

1 is that right?

2 A Correct.

3 Q You didn't know what her finances were like?

4 A No. She doesn't get me involved in her finances.

5 Q But yet you let her pick up and use your phone at
6 will; is that correct?

7 A Yes.

8 Q As a businessman, you have expenses; is that
9 correct?

10 A Correct.

11 Q And you pay for those expenses from bank accounts;
12 is that correct?

13 A Yes.

14 Q I'm going to show you page 4 from government
15 Exhibit 1.h, which was previously admitted, the account
16 opening statement for Allstate Towing and Transport,
17 LLC's Bank of America account ending in 7695.

18 Again, that is 1.h, page 4.

19 Do you see that in front of you?

20 A Yes.

21 Q And at the bottom, is that your name?

22 A Yes.

23 Q One manager?

24 A Yes.

25 Q Is that your signature?

1 A Yes.

2 Q You testified earlier that you received a loan from
3 the SBA; is that correct?

4 A I don't know what is an SBA and what is a PPP and
5 stuff like that.

6 Q My apologies. You testified earlier that you
7 received money from the government; is that correct?

8 A Yes, twice.

9 Q And you pay close attention to your accounts; is
10 that correct?

11 A I do.

12 Q Going to page 69 of the same government exhibit, do
13 you see that in front of you?

14 A Yes.

15 Q Do you see the area I just magnified for July 13th,
16 2020?

17 A Yes, ma'am.

18 Q Did you notice that money coming into your account?

19 A Yes.

20 Q Is that one of the loans you received from the
21 government?

22 A Yes. That is the second loan that I received.

23 Q And you testified earlier that you used this money
24 for business expenses; is that correct?

25 A Correct.

1 Q And to pay back your brother?

2 A Yes.

3 Q Do you see that line for July 27th, 2020 in front
4 of you?

5 A I do.

6 Q A withdrawal for \$24,067.15?

7 A Yes. That was a cashier's check that I took out.

8 Q And that was about 14 days or two weeks after you
9 received the deposit?

10 A Yes.

11 Q And that was for a Harley-Davidson; isn't that
12 right?

13 A Correct.

14 Q I am going to show you now government Exhibit 1J.

15 This is page 1 of 1J. Do you see that in
16 front of you?

17 A Yes, I do.

18 Q And do you see your name under account holder?

19 A Yes.

20 Q And do you see below that it says e-signed?

21 A Yes.

22 Q By Artur Ayvazian?

23 A Yes.

24 Q And just to clarify, a Harley-Davidson is a
25 motorcycle; is that correct?

1 A That's correct.

2 Q Is this your account for your business?

3 A Yes. The sole proprietorship business.

4 Q Thank you. I am going to show you page 23 of
5 government Exhibit 10. Do you see that in front of you?

6 A I do.

7 Q And in text message 3778, does it say Art's,
8 73,500?

9 A That is what it says.

10 Q I am going to show you previously admitted
11 government Exhibit 10-24, which is one of the text
12 message attachments.

13 Do you see that in front of you?

14 A Uh-huh. I do.

15 Q And you testified earlier Thanh Tran was a former
16 business partner; is that correct?

17 A Yes, and a good friend of mine.

18 Q Is the name in front of you Thanh Tran?

19 A Yes. First time I am seeing this document.

20 Q I am going to move that to the left, and on the
21 right I am going to go back -- excuse me. And on the
22 right I am going to show you government Exhibit 1P.

23 So on the left, which was government Exhibit
24 10-24, under beneficiary account number, do you see a
25 number that ends in 9700?

1 A I do.

2 Q On the right, next to account number in government
3 Exhibit 1P, page 1, do you see a number ending in 9700?

4 A Yes, I do.

5 Q Going to page 59 on the right of government Exhibit
6 1P, do you see that in front of you?

7 A I do.

8 Q And it says Allstate Towing and Transport, LLC; is
9 that correct?

10 A That's correct.

11 Q For 73,500?

12 A Correct. I have been wanting to know who made this
13 deposit.

14 MS. AHN: There is no question pending, your
15 Honor.

16 THE WITNESS: Thank you for pointing out.

17 Q BY MS. AHN: You stated earlier that you love your
18 children; isn't that right?

19 A Yes, ma'am.

20 Q In fact, when you left Ms. Dadyan, they called you
21 to come back and you did; isn't that right?

22 A Correct.

23 Q Despite having difficulty with your marriage?

24 A Yes.

25 Q So you do a lot to stay with them; isn't that

1 right?

2 A That is all I care about is my children.

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

4 THE COURT: All right.

5 THE WITNESS: I would like to explain the \$73,000,
6 your Honor. They never asked me to explain it.

7 THE COURT: There is no question pending. So if
8 there is no other question, that completes the testimony.

9 Thank you, sir. You are excused.

10 THE WITNESS: Thank you.

11 THE COURT: It is time for the lunch recess.

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

14 THE COURT: You may be seated.

15 THE COURT: What remains in the case, anything
16 else?

17 MR. JOHNSON: Your Honor, Mr. Vahe Dadyan will not
18 testify.

19 THE COURT: He will not.

20 MR. JOHNSON: He will not.

21 THE COURT: So is there any other testimony.

22 MR. KEOUGH: Your Honor, only the summary chart
23 witness.

24 THE COURT: Yes. I am rejecting the summary chart
25 for the reasons the government gave. Also, in a hotly

1 contested trial like this with hundreds or thousands of
2 documents, to give the government this short notice and
3 expect them to ascertain the accuracy of the summary, so
4 called summary chart, even if it is ultimately supported
5 or referenced to exhibits in evidence, would unfairly
6 handicap the government.

7 And also it appears to me that many of the
8 things you -- that are on the summary chart can be argued
9 in some ways. It appears to be somewhat more
10 demonstrative than summary. And you can argue what is in
11 the chart, but, for those reasons, it is not going to be
12 received.

13 What else is there in the case?

14 MR. RAM: Motions to renew.

15 THE COURT: Well, aside from that. Any other
16 evidence?

17 Let me ask the defense to -- and I have asked
18 this question a number of times, but I am going to ask it
19 again. I guess, Mr. Ram, you are the person addressing
20 this issue. I want to get the government's response at
21 this point. What is the argument regarding
22 multi-conspiracy? And, in particular, not the argument
23 which I have in mind about other conspiracies such as the
24 bust out scheme or other credit card schemes or mortgage
25 fraud scheme or whatever.

1 But, in this case, in other words, my
2 perception at this point is that you are arguing at least
3 for purposes of the issue that there may be two PPP
4 conspiracies involved, but they are disconnected and
5 they, arguably from your standpoint, are not the same
6 conspiracy that the government alleged. So that is the
7 part that I want you to explain in as much detail as you
8 can.

9 MR. RAM: Yes, your Honor. Thank you.

10 So there are -- the government has charged two
11 conspiracies as one. The two conspiracies with --

12 THE COURT: Okay. Now, give me, let's call it
13 conspiracy 1, tell me what that is, and then tell me what
14 you think conspiracy 2 is.

15 MR. RAM: Yes, your Honor. Conspiracy 1 consists
16 of Manuk Grigoryan and his group.

17 THE COURT: Who was his group?

18 MR. RAM: His group consists of Edward Paronyan,
19 Arman Harapetyan, Payrur Harapetyan and other
20 individuals.

21 THE COURT: And two of those are defendants in the
22 case?

23 MR. RAM: Correct, your Honor.

24 The other group consists of the what we will
25 call the Dadyan group which consisted of Tammy Dadyan and

1 individuals that we heard earlier today in the testimony
2 from Exhibit 10 referenced. I can pull those names for
3 you, but it is Arshak Martirosyan, Diana, Gregor Tatloan,
4 referenced as Greg in the text messages, your Honor. Art
5 Martirosyan referenced as Art in the text messages.

6 THE COURT: Art who? Wasn't that the first person
7 you mentioned.

8 MR. RAM: Arshak.

9 THE COURT: Are there two Martirosyans?

10 MR. RAM: Arshak Bartunyan, your Honor.

11 THE COURT: Arshak Bartunyan. And the third was
12 Artashes Martirosyans; is that it?

13 MS. NEWCOMER: Artash. M-A-R-T-I-R-O-S-Y-A-N.

14 THE COURT: Okay. So those are the two
15 conspiracies in the case?

16 MR. RAM: Correct, your Honor.

17 THE COURT: And your client is charged as a
18 conspirator. Who did he conspire with if he conspired at
19 all?

20 MR. RAM: Reading the government's allegations,
21 your Honor, he would be a conspirator in the Grigoryan
22 group, and he would -- the allegation is that he is also
23 a conspirator in the Dadyan group.

24 THE COURT: I see.

25 THE COURT: Just one moment. When I pause, it

1 doesn't mean that there can't be silence for a few
2 minutes.

3 So are you saying that the evidence, if it
4 shows your client to be involved, he would be involved
5 with the Tamara Dadyan group as you described it and
6 the -- and also the Grigoryan group?

7 MR. RAM: Yes. That is the allegations, your
8 Honor.

9 THE COURT: But there is no third group with him?

10 MR. RAM: Third group, your Honor?

11 THE COURT: Yes. In other words, is there, at
12 least structurally, the possibility of a third group
13 meaning your client and some of the other conspirators
14 other than Tamara Dadyan and Grigoryan?

15 MR. RAM: There is, your Honor. There is
16 potentially a third group with Tamara Dadyan and Richard
17 Ayvazian, but the two main focus groups I would say is
18 the Manuk Grigoryan crew and the Tamara Dadyan group.
19 Both groups were attempting to obtain PPP loans.

20 THE COURT: Okay. We are now at the end of the
21 case, and you are going to argue it shortly. Who are you
22 going to argue is -- I just had a memory loss for a
23 second. The person we have been talking about for the
24 last week-and-a-half, who is that person?

25 MR. RAM: Manuk Grigoryan, your Honor?

1 THE COURT: No. No. Who is the Russian name that
2 we were talking about?

3 MS. AHN: Anna Dzukaeva? Anton Kudiomov?

4 THE COURT: No.

5 MS. AHN: Victoria Kauichko.

6 THE COURT: I knew I would get to it eventually.
7 I need prompting to make myself coherent.

8 So who are you going to argue is Kauichko?

9 MR. RAM: We are going to debunk -- we are going
10 to argue that the government's theory has been debunked,
11 that it was avatar theory where Kauichko was Marietta
12 Terabelian and Kudiomov was Grigoryan and Zhadko was Rich
13 Ayvazian. And we are going to argue --

14 THE COURT: Say that again now.

15 MR. RAM: Sure. So the government is essentially
16 alleging that Richard Ayvazyan was Zhadko, that Anton
17 Kudiumov was Grigoryan and that Kauichko was Marietta
18 Terabelian. Our argument is going to be that the
19 evidence that we have seen at this trial fairly
20 explicitly shows that that is simply not the case, and,
21 if anything, multiple people at any given time controlled
22 these identities. Specifically, it just depends on the
23 timing --

24 THE COURT: So maybe more to the point, in that
25 exhibit with the text messages, who was -- who are you

1 going to argue Tamara Dadyan was talking to?

2 MR. RAM: I am going to argue it essentially two
3 ways, your Honor. I shouldn't say ways. Two angles.
4 Which is first the government hasn't proved beyond a
5 reasonable doubt that it was Rich Ayvazyan, but if you
6 take the government for face value and essentially its
7 entire focus was to show Rich Ayvazian was the one
8 talking to Tammy. And if you accept that proposition to
9 be true, the government has to lose its case because that
10 is two different conspiracies and two different schemes.

11 It is Rich Ayvazian with the Manuk group, and
12 it is Rich Ayvazian with the Dadyan group. They are not
13 joint ventures. There is no interdependence, and one
14 didn't rely on the other. And there is a series of
15 differences that we will tease out from the evidence
16 presented --

17 THE COURT: All right. I get your argument. Let
18 me hear from the government because I haven't heard your
19 position on this as of yet.

20 MS. AHN: Yes, your Honor.

21 THE COURT: Take the lecturn if you can.

22 Your Honor, there just is no factual basis
23 for the argument that there is multiple conspiracies.

24 THE COURT: Don't start out with a conclusion.

25 MS. AHN: Yes, your Honor.

1 THE COURT: Let me hear the argument how you
2 analyze this. We heard how Mr. Ram did. I am giving you
3 the opportunity to tell me how you view the issue of
4 multiple conspiracies or the conspiracy alleged. And
5 maybe the best way to direct you would be what is the
6 evidence in the record regarding the interdependency of
7 Grigoryan Ayvazian, Richard Ayvazian and Tamara Dadyan.

8 MS. AHN: Yes, your Honor. I think probably the
9 most illustrative way of looking at it is to just look at
10 the money. If you look at the money, you see that it
11 flowed between the defendants that were charged in the
12 conspiracy.

13 So, for example, if you go to Government
14 Exhibit 115 which is one of our summary exhibits. I will
15 pull up for you here. This is page 8. You can see here
16 money coming in into the Hayrapetyan Hart Construction
17 account flowing out to yet another Hayrapetyan Hart
18 Construction account. And keep in mind Hayrapetyan is
19 part of the other group according to defense.

20 THE COURT: Let's make sure that we don't use
21 other, his, this. Other meaning Grigoryan; right?

22 MS. AHN: Yes.

23 THE COURT: Say Grigoryan so I am clear.

24 MS. AHN: Yes, your Honor. So the defense is
25 alleging that Mr. Harapetyan is part of the Grigoryan

1 group. However, what you see is money going through --
2 from the PPP funds going through the Hayrapetyan accounts
3 over to the Fiber One, Iulia Zhadko and Anna Manukyan
4 accounts. And you may recall that, on Richard Ayvazyan's
5 phone, there was a driver's license for Anna Manukyan as
6 well as a credit card front and back in the name of Anna
7 Manukyan. Mr. Ayvazian also had a credit card with his
8 name on it and also Fiber One again making the link
9 between Mr. Avazyan and Fiber One.

10 THE COURT: And didn't these monies -- hold it.
11 Didn't the funds that went into those accounts ultimately
12 from the government's evidence move to an account that
13 the government says is Ayvazian's account or to some
14 escrow that ultimately was for his benefit?

15 MS. AHN: Yes, I believe you are thinking of the
16 previous page which I was about to turn to if you give me
17 a moment, your Honor.

18 THE COURT: Yes.

19 MS. AHN: So this is page 7, actually, of Exhibit
20 115, and here you see Mr. Paronyan, Artash Grigoryan --
21 well, the Artash Grigoryan that we actually believe was
22 used by Manuk Grigoryan. The Artur Ayvazian, the Iulia
23 Zhadko, the Tamara Dadyan Secureline Funding, these
24 accounts all received PPP or EIDL funds. They go through
25 additional accounts and as your Honor recalled, all go to

1 benefit Mr. Richard Ayvazyan and Ms. Marietta Terabelian.

2 THE COURT: I see. So that is the principle
3 connection and interdependence?

4 MS. AHN: It is not the only one but probably the
5 simplest and most succinct way.

6 THE COURT: Well, I am following your argument,
7 but the other item that I remember, may not be the only
8 one, was the real estate broker when she testified there
9 was Grigoryan with Richard Ayvazyan at least at one or
10 two showings of homes.

11 Then there was a third person who seemed to
12 have a name that I think was one of the alleged synthetic
13 names; correct?

14 MS. AHN: Yes. Mr. Anton Kudiomov.

15 THE COURT: Who was Anton Kudiomov? I mean,
16 anyone know who that -- is there a real Anton Kudiomov.

17 MS. AHN: Yes. He was a foreign exchange student
18 that was temporarily in the United States but had left by
19 the time of the pandemic.

20 THE COURT: So when the real estate agent
21 testified, was she testifying about things that happened
22 from March to August of 2020?

23 MS. AHN: Yes, your Honor

24 THE COURT: So had Kudiomov gone back to Russia by
25 then.

1 MS. AHN: I don't recall the specific country, but
2 he certainly was not in the United States, your Honor.

3 THE COURT: So we don't know who that person
4 referred to as Kudiomov was?

5 MS. AHN: We have our suspicions, but we don't
6 know definitively.

7 THE COURT: Suspicions aren't --

8 MS. AHN: Yes, sir

9 THE COURT: So what other evidence is there? I am
10 not suggesting that what you have said so far is
11 insufficient. I have to think about it, but what other
12 evidence is there?

13 MS. AHN: Well, I would refer you back to --
14 excuse me, your Honor.

15 Going to Government Exhibit 116 which is again
16 one of our summary exhibits.

17 THE COURT: Okay.

18 MS. AHN: This shows the comparison between
19 various PPP and EIDL loan applications. There is
20 actually three charts like this all showing the exact
21 same numbers on the Form 940, showing the same Gusto
22 payroll report, same monthly payroll, same timeframe,
23 same reported taxes, everything the same. Some of these
24 even report the exact same employees despite having --
25 being for completely different industries.

1 This shows that there is commonalities, common
2 hand or a common group of hands submitting these
3 applications. They include the Fiber One Media, Mod
4 Interiors, et cetera. I would point you to the Mod
5 Interiors one, your Honor, because we looked at that
6 loan, and it actually gets funded into an account where
7 the two authorized representatives were Arman Injijian
8 and Richard Ayvazyan. I would note that the similarities
9 in this group include the Redline Auto Collision loan
10 submitted in the name of Edward Paronyan.

11 In addition, several of these loans including
12 I believe the -- I think it was the Fiber One, may have
13 been the LK Design, Liudmyla Kopytova one --

14 THE COURT: I missed what you just said.

15 MS. AHN: I would note that one of these loans, I
16 believe it was either the Fiber One Media or the LK
17 Design loan on a different page, that listed the 6000
18 number as the contact number for the president, the
19 supposed president of this synthetic identity. And that
20 6000 number is Mr. Richard Ayvazyan's phone. It is the
21 phone that was found in his house during the search
22 warrant, again, connecting these loans to Mr. Richard
23 Ayvazyan as well as of course through the text messages,
24 Ms. Tamara Dadyan, Edward Paronyan, et cetera, et cetera.

25 THE COURT: Understood, but with regard to

1 Grigoryan, the representation by Mr. Ram was that his
2 group included Paronyan and -- I can't say it --
3 Hayrapetyan?

4 MS. AHN: Yes. Mr. Arman Harapetyan, your Honor.

5 THE COURT: And that is someone who also was a
6 defendant in this case?

7 MS. AHN: Yes, your Honor. His account was used.

8 THE COURT: And where does he appear on these
9 summary charts?

10 MS. AHN: We do not believe he actually submitted
11 a PPP or EIDL loan in his name. Instead his accounts
12 were used to funnel money.

13 THE COURT: And is that in evidence?

14 MS. AHN: Yes, your Honor. That is part of the
15 summary chart we just looked at, the flow of funds chart,
16 your Honor.

17 THE COURT: Go back to that one again.

18 MS. AHN: Yes, your Honor. Page 8, your Honor.

19 THE COURT: Just one second.

20 So the first set of boxes to the left on
21 this chart represents where the PPP funds were first
22 deposited; is that right?

23 MS. AHN: Yes, your Honor. The first line here
24 references the actual PPP or EIDL loan applications going
25 into the second set here.

1 THE COURT: So that is where the PPP funds went
2 from the government to an account?

3 MS. AHN: Yes, your Honor.

4 THE COURT: And there it goes to Harapetyan and
5 Zhadko, and then to, I see, another Hart Construction
6 account. And then, from there, to a bunch of accounts,
7 Zhadko, 501, Anna Manukyan, and your position is that
8 Richard Ayvazyan controlled those accounts?

9 MS. AHN: Our position is that he ultimately
10 benefited from the PPP funds.

11 THE COURT: But when it goes in that chart to the
12 final column on the right, where would the money go after
13 that? Would that be the next chart?

14 MS. AHN: Let me just take a look, your Honor.

15 (Pause in proceedings.)

16 MS. AHN: So we don't have that on this specific
17 exhibit, your Honor, but I will point out that the Iulia
18 Zhadko identity was used to purchase -- was used to
19 purchase the home where Ms. Terabelian's mother had paid
20 the utilities for.

21 THE COURT: And what was the address of that home?
22 How is it referred to?

23 MS. AHN: Was the Calle Primavera residence, your
24 Honor.

25 THE COURT: And Dadyan, is Vahe Dadyan is also a

1 conspirator, alleged conspirator in this case; correct?

2 MS. AHN: Yes, your Honor.

3 THE COURT: So in the government's view of the
4 evidence, how is he a conspirator?

5 MS. AHN: We believe he conspired with Ms. Dadyan
6 and Richard Ayvazyan and the other co-conspirators.

7 THE COURT: But what does the evidence show
8 regarding what did he in this case?

9 MS. AHN: Yes, your Honor.

10 THE COURT: It is a little confusing for me some
11 times because I think of what was said outside the
12 presence of the jury, and I can't consider that. I only
13 can consider the record here. So what does the record --
14 I mean, I know he made the loan on behalf of the Voyage,
15 but a lot of what he said outside the presence of the
16 jury wasn't produced in this trial.

17 MS. AHN: That is true, your Honor. The evidence
18 is that the government's argument or the government's
19 evidence shows that Mr. Vahe Dadyan, with his cousin
20 Tamara Dadyan, submitted or caused the submission of the
21 Voyage Limo PPP loan which went into his account and was
22 later transferred to the Runyan Tax Service account which
23 of course went to the home of Ms. Terabelian's relative.

24 With respect to the --

25 THE COURT: And then as I remember it, there was

1 some mention in the trial of some of these parties who
2 cooperated in the PPP applications getting 35 percent or
3 something like that of the proceeds?

4 MS. AHN: Yes, your Honor.

5 THE COURT: My recollection is that with Dadyan
6 actually it was closer to 50 percent. He got back some
7 months later --

8 MS. AHN: Yes, your Honor.

9 THE COURT: -- \$75,000.

10 MS. AHN: Yes. The money appears to have sat in
11 the account for a while until it was transferred over to
12 Runyan tax service on or about July 3rd, and it was after
13 that point there are a number of text messages from
14 Tamara Dadyan to Rich New asking him to make sure to
15 transfer the money to Vahe.

16 THE COURT: Who said what to whom there?

17 MS. AHN: The Tammy participant is texting the
18 Rich New participant telling her make sure you wire the
19 funds for Vahe. It actually happens quite often.

20 THE COURT: Make sure you do what.

21 MS. AHN: Wire the funds to Vahe.

22 THE COURT: Yes.

23 MS. AHN: It appears that Rich New had attempted
24 to wire the funds several times. For whatever reason, it
25 didn't work according to the text messages, and --

1 THE COURT: Wire them where?

2 MS. AHN: To -- it appears based upon the text
3 messages to the V & D Limo account, your Honor.

4 THE COURT: I see. Okay.

5 Anything else?

6 MS. AHN: Just one note, your Honor, according to
7 the Ninth Circuit case, US versus Escalante, a person may
8 be a member of a conspiracy even if they don't know all
9 of the participants in that conspiracy.

10 THE COURT: I mean, that is just -- I guess they
11 don't use that expression anymore -- warmed up law, but
12 the requirement in law of conspiracy that, yes, someone
13 can be a conspirator by not -- if that person did not
14 conspire with all the conspirators. But my view of the
15 law is that if someone conspired with just another member
16 of the conspiracy, and in cases like this where there are
17 others, the defendant who conspired with just one other
18 conspirator would have to believe or know that, I guess
19 know that that conspirator was just part of a larger
20 conspiracy.

21 MS. AHN: Yes, your Honor. And with respect to
22 that, I would note that he received the money from
23 Richard Ayvazian or the Rich New participant is the one
24 that was sending him the money, and, furthermore, when
25 that transfer, the \$155,000 transfer went, it was listed

1 with the purpose of payroll which is obviously not what
2 that is for. It is consistent with the other indicators
3 of fraud.

4 THE COURT: And on the application for the Voyage
5 PPP, there was false information about the details of the
6 company such as number of employees and some other
7 things; correct?

8 MS. AHN: Yes, your Honor

9 THE COURT: All right. Let me hear final word
10 from the -- from the -- Mr. Ram on the argument that was
11 made by the government.

12 THE COURT: Go ahead.

13 MR. RAM: Big picture it sounds like we have a
14 factual dispute. Let me put down a chart that Ms. Ahn
15 started with.

16 It was page 8, your Honor, of I believe
17 Exhibit 115. Okay. And I believe Ms. Ahn said this
18 explains how there is interdependence and a joint venture
19 amongst the two groups that we posited are the multiple
20 conspiracies.

21 THE COURT: Wait. I am understanding that
22 Hayrapetyan was part of the Grigoryan group as you
23 described it and that he is in the loop of the monies
24 that the government argues ultimately were transferred
25 for the benefit of Richard Ayvazian.

1 MR. RAM: Right. I think your Honor can see it.
2 So every entity on this page is Manuk's crew or Manuk's
3 IP address which has come out at trial. So there is
4 really two points to make here, and I will make it short,
5 your Honor, because I think we have had this discussion,
6 but, in short, all of this is Manuk's crew. Arman
7 Harapetyan doesn't know anyone in the Dadyan crew.
8 Right.

9 And it is not just one person. There is other
10 patterns, your Honor. These are construction companies,
11 contracting companies. That was Manuk's MO. That comes
12 out from the search of his home and the list of entities.
13 This is all Manuk's crew. The other point the government
14 made, your Honor, is that, well, this money ended up with
15 Richard Ayvazyan.

16 I don't want to give away the farm for
17 tomorrow, your Honor, but big picture, we are almost
18 there, it is unremarkable if that is true, that Richard
19 Ayvazyan is getting money from Grigoryan's crew and
20 possibly even Dadyan's crew. It is unremarkable
21 because --

22 THE COURT: Why?

23 MR. RAM: -- because the argument is Richard
24 Ayvazyan is, according to their allegation, he is in both
25 conspiracies. The way they charge it, Richard Ayvazyan

1 is part of Manuk's crew.

2 THE COURT: All right. I have what you are
3 saying. Thank you.

4 MR. RAM: Okay.

5 THE COURT: Let me ask you this the -- I have been
6 working on the jury instructions as we go here. What I
7 have done is looked at the government's proposed, the
8 defendant's proposed, and the -- and if there was a model
9 Ninth Circuit jury instruction on the same matter. I
10 have a few questions regarding the instruction that talks
11 about half truths or omissions. My understanding -- you
12 can sit down, Mr. Ram.

13 MR. RAM: Thank you, your Honor.

14 THE COURT: My understanding of the way the case
15 has gone is that I don't see where half truths come in.
16 It seems to me that the way the evidence has been
17 introduced, there were falsehoods, not half truths.
18 Where are the half truths in the case?

19 MS. AHN: Your Honor, I think it lies in the idea
20 of the synthetic identity, your Honor. That a person
21 does exist and a real person does have this name, but
22 this person doesn't have these other identifiers and
23 certainly was not in the country applying --

24 THE COURT: But that isn't a half truth. That is
25 a falsehood. If they are using an identity of someone

1 who may have been an exchange student at some point and
2 then that person had not been in the country for years,
3 that is a falsehood. It is not a half truth.

4 MS. AHN: We agree. We think the half truth is
5 still a false statement in the sense that, for example,
6 Mr. Artur Ayvazian cover a role towing company or
7 Mr. Vahe Dadyan could have a real limo company, but they
8 may not have 11 employees so portions of the
9 applications --

10 THE COURT: But that isn't what a half truth is
11 about. I mean, a half truth to me is when someone makes
12 a statement that is knowingly misleading. In other
13 words, you are saying something and you are trying to
14 mislead by not including the rest of it which you know
15 would create a different impression. What you are
16 arguing doesn't seem to me to be in the realm of half
17 truths.

18 Okay. Let's leave that alone.

19 Second thing, I don't recall there being any
20 404(b) evidence in the case.

21 MS. AHN: The government was very careful to try
22 and include only direct evidence.

23 THE COURT: What was the 404(b) evidence?

24 MR. LITTRELL: Exhibit 16B, I think was 404(b)
25 evidence.

1 THE COURT: What is that?

2 MR. LITTRELL: That is the image from 2018 on
3 Ms. Terabelian's cell phone. It is an image that it
4 predated conspiracy by two years.

5 MS. AHN: We filed motions on this --

6 THE COURT: Let me just hear one argument at a
7 time.

8 MR. LITTRELL: It is just by definition it is
9 other acts because it occurred --

10 THE COURT: Other acts are different than evidence
11 that is intertwined with things. So why is this
12 another -- another act. In other words, what is the
13 other act?

14 MR. LITTRELL: It is the capturing of that image
15 two years before on the cell phone. It doesn't have any
16 relevance unless it is another act.

17 THE COURT: Why -- I mean, I don't understand it
18 being another act. Circumstantial evidence doesn't have
19 to be another act.

20 MR. LITTRELL: No. But it has to be relevant to
21 the charged offense.

22 THE COURT: I mean, I have ruled that it is
23 sufficiently relevant given the overall evidence. So,
24 all right. Let me hear from the government on that
25 point.

1 MS. AHN: Yes, your Honor. I don't believe we
2 have actually introduced any 404(b) evidence, your Honor.

3 THE COURT: So you would argue that isn't 404(b)?

4 MS. AHN: Yes, your Honor.

5 THE COURT: What other --

6 MR. RAM: Just on the 404(b) point, your Honor.
7 You may find that it is inextricably intertwined, but
8 there has been quite a bit of discussion about
9 identification of acts that occurred prior to 2020 that
10 involve whether it is credit card bust outs or aggravated
11 identity theft or EDD fraud.

12 THE COURT: We haven't heard any evidence about
13 that. You have argued that lots of times. I haven't
14 allowed any evidence about that.

15 MR. RAM: So, for example, Manuk Grigoryan's 2017
16 aggravated identity theft, that came in through two
17 witnesses. I am not advocating, your Honor.

18 THE COURT: All right. I got it. Okay. And in
19 the Cellebrite exhibit. I am referring to the Cellebrite
20 exhibit that included the mass of information from the
21 cell phones, and that was allowed in evidence because it
22 was a foundation for the preparer of the subgroup to say
23 that the subgroup was derived from the mass of documents;
24 correct?

25 MS. AHN: Yes, your Honor

1 THE COURT: But it seems to me that exhibit should
2 not go to the jury except those portions of it that
3 relate to the subgroup.

4 MS. AHN: Yes, your Honor. We are fine with the
5 government's exhibits.

6 THE COURT: There ought to be a redaction. That
7 is what I am saying.

8 MS. AHN: Yes, your Honor. And the only portions
9 of the Cellebrite report that the government intends to
10 use or has used are identified separately as a government
11 exhibit. So we are fine with the actual physical
12 exhibits not going back, your Honor.

13 THE COURT: Okay. Now, let me ask you this. I
14 can't see that far.

15 MS. AHN: It is about 10 to 1:00, your Honor.

16 THE COURT: So we all have to get, I guess, a
17 little lunch, and I have to discuss the jury instructions
18 with you. Should we begin the arguments today? Or wait
19 until tomorrow? What is -- what do you think?

20 MR. RAM: I will speak for myself. I suspect the
21 preference would be to do them altogether on the same
22 day.

23 MR. LITTRELL: I prefer to get started just so we
24 don't lose time.

25 THE COURT: Okay. What is the government's view?

1 MR. FENTON: We have no objection to waiting until
2 tomorrow. That is fine, or we can start today. We can
3 start today or we can start tomorrow.

4 THE COURT: How long did you say your argument was
5 going to be again?

6 MR. FENTON: Hour-and-a-half to two hours, and we
7 have no preference. We can do it either way.

8 THE COURT: I see. Well, it is 1:00 o'clock now.

9 (Recess.)

10 (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 23, 2021

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

MR. FENTON: [75] 5/19 7/18
7/24 8/5 8/14 9/8 9/14 11/3
12/20 14/18 15/14 17/4 17/19
17/25 19/9 20/2 20/9 21/21
22/8 23/17 24/10 29/17 33/20
34/18 34/22 35/21 36/7 36/16
37/17 38/25 39/5 50/7 50/11
51/7 52/3 52/8 52/11 53/8
53/14 57/17 58/4 58/14 60/1
60/15 61/7 62/6 64/2 64/22
64/25 66/3 66/24 67/7 67/10
67/15 67/23 69/7 70/5 70/14
70/21 70/23 71/1 71/6 71/15
71/19 72/2 72/7 72/13 72/20
72/23 73/4 73/9 73/12 76/18
148/25 149/5

MR. FRASER: [1] 91/22

MR. JOHNSON: [6] 46/16

69/11 116/11 116/16 125/16
125/19

MR. KEOUGH: [17] 71/21 72/4
72/11 73/11 73/16 73/19 74/1
74/10 74/22 75/3 75/9 75/12
75/18 75/24 76/2 76/11
125/21

MR. LITTELL: [8] 5/24 6/3
145/23 146/1 146/7 146/13
146/19 148/22

MR. MESEREAU: [14] 39/9
39/16 69/14 77/19 78/1 78/3
80/6 89/18 89/21 97/7 97/12
113/4 113/7 116/5

MR. RAM: [70] 5/11 5/16
7/16 9/12 10/5 10/8 11/1
11/6 11/24 12/1 12/17 13/8
14/20 14/25 17/7 23/20 26/18
26/23 29/15 29/21 29/24 31/9
50/4 50/17 50/19 50/21 51/23
52/17 53/3 56/9 56/19 57/11
58/8 58/23 59/3 59/5 62/8
64/9 65/5 65/23 66/7 66/9
67/9 68/16 77/12 77/14

126/13 127/8 127/14 127/17
127/22 128/7 128/9 128/15
128/19 129/6 129/9 129/14
129/24 130/8 130/14 131/1
142/12 142/25 143/22 144/3
144/12 147/5 147/14 148/19

MS. AHN: [64] 88/22 97/3
97/8 108/11 110/16 110/18
114/12 116/9 124/13 125/2
130/2 130/4 131/19 131/24
132/7 132/21 132/23 133/14
133/18 134/3 134/13 134/16
134/22 134/25 135/4 135/7
135/12 135/17 136/14 137/3
137/6 137/9 137/13 137/17
137/22 138/2 138/8 138/13
138/15 138/22 139/1 139/4
139/8 139/16 140/3 140/7
140/9 140/16 140/20 140/22
141/1 141/5 141/20 142/7
144/18 145/3 145/20 146/4
146/25 147/3 147/24 148/3
148/7 148/14

MS. NEWCOMER: [1] 128/12

THE CLERK: [7] 6/10 13/7
67/22 67/25 69/19 69/24
77/22

THE COURT: [248]

THE INTERPRETER: [1] 60/9

THE WITNESS: [28] 8/10 8/18
12/3 12/13 12/15 18/2 19/11
20/11 23/23 24/13 35/25
39/10 50/13 51/10 52/14
52/20 57/21 65/13 65/15 67/1
77/24 88/24 108/13 110/20

114/13 124/15 125/4 125/9
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\$1 million [1] 85/17

\$1,300 [1] 111/4

\$10,000 [2] 109/14 110/4

\$110,000 [3] 49/23 49/25
51/12

\$125,000 [2] 109/25 110/1

\$155,000 [1] 141/25

\$24,067.15 [1] 122/6

\$25,000 [1] 53/1

\$30,000 [1] 86/15

\$4 [1] 79/22

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100/10 100/19 100/25 101/8

101/8 106/15 123/5 128/2

148/15

10,000 [1] 109/17

10-24 [2] 123/11 123/24

10/13 [1] 64/17

10/14 [1] 64/17

10036 [1] 2/18

1004 [2] 40/2 40/10

1006 [2] 71/6 71/13

10100 [1] 3/15

102 [4] 4/13 5/18 5/23 72/21

103 [4] 4/13 5/18 5/23 72/21

105 [1] 16/1

1099's [1] 108/15

10:00 o'clock [1] 107/5

10:34 [1] 69/19

10:47 [1] 77/10

10:59 [1] 77/10

10th [1] 79/17

11 [4] 4/14 4/15 82/2 145/8

1114 [1] 2/17

112 [2] 4/15 25/8

115 [3] 132/14 133/20 142/17

116 [2] 4/9 135/15

118 [1] 4/10

12 [2] 4/15 79/22

12:37 yesterday [1] 70/13

12:47 they [1] 70/16

13 [2] 60/7 64/17

13-speed [1] 83/19

130 [3] 86/14 86/20 86/25

1330 [1] 2/23

135 [1] 16/16

138 [3] 16/1 16/13 17/2

13th [5] 63/24 64/22 65/20

68/9 121/15

14 [4] 64/17 82/1 82/2 122/8

1400 [1] 2/10

149,000 [1] 110/12

149,900 [1] 110/12

14th [3] 26/2 27/7 64/15

15 [14] 4/14 6/19 7/5 7/18

10/10 18/17 26/5 26/15 26/25

15928 [1] 7/14

16 [2] 82/3 90/9

16B [1] 145/24

17 [1] 82/4

17450 [3] 31/20 61/17 78/15

18 [8] 4/14 10/11 11/3 11/6
20/14 20/15 20/17 80/13

18-wheeler [1] 82/17

19 [4] 20/23 20/25 24/18

72/21

1900 [1] 2/15

1935 [1] 3/12

1989 [2] 79/16 79/21

19A [1] 23/3

19B [3] 21/4 21/8 24/18

19B1 [2] 21/12 22/18

1:00 [1] 148/15

1:00 o'clock [1] 149/8

1B21 [1] 13/16

1B85 [1] 20/18

1J [2] 122/14 122/15

1P [4] 41/12 123/22 124/3

124/6

1R [7] 26/5 26/9 27/1 28/8

62/22 67/16 68/5

1st [2] 1/22 10/3

2

20 [1] 87/10

20-579 [1] 1/8

20036 [1] 2/23

2006 [2] 78/20 82/15

2008 [1] 93/10

2012 [1] 82/6

2017 [2] 96/10 147/15

2018 [1] 146/2

2019 [6] 16/22 17/4 86/13

86/14 108/15 109/2

2020 [33] 10/3 15/7 16/22

17/11 17/14 17/15 17/24

18/10 19/9 19/20 20/9 21/21

26/2 27/19 45/18 47/1 60/21

66/17 84/2 86/10 86/14 103/5

103/9 109/3 113/24 114/2

114/6 114/22 114/25 121/16

122/3 134/22 147/9

2021 [3] 1/17 5/1 150/10

20530 [1] 2/10

21 [4] 19/20 27/18 62/18

64/12

216 [1] 3/13

21st [4] 60/21 63/6 63/19

64/19

224 [1] 7/14

23 [7] 1/17 4/13 5/1 5/17

5/23 123/4 150/10

23rd [1] 17/4

24 [3] 19/13 123/11 123/24

24th [1] 63/5

25 [4] 4/13 4/15 5/17 5/23

27th [1] 122/3

28 [1] 150/4

29 [2] 4/16 4/16

2930 [2] 18/7 18/10

3

30 [5] 13/1 14/7 86/20 94/6

109/23

300 [4] 3/16 4/16 58/8 58/11

31 [1] 4/5

312 [1] 2/6

3280 [1] 18/18

35 percent [1] 140/2

350 [2] 1/22 3/5

3537 [2] 63/8 68/13

3778 [1] 123/7

3	90277 [1] 3/21	117/20 [1] 133/19 133/21 135/20
3844 [1] 18/24	905 [1] 3/5	137/4 [1] 137/10 140/6 140/19
3893 [2] 19/15 19/20	91208 [1] 10/11	147/2
3895 [1] 19/15	91316 [1] 78/15	add [1] 90/17
39 [1] 4/5	92673 [1] 3/6	addition [2] 57/22 136/11
3900 [1] 2/20	940 [2] 115/3 135/21	additional [1] 133/25
3rd [1] 140/12	941 [1] 115/3	address [24] 9/25 30/24 31/3
4	94105 [1] 2/21	32/24 32/25 40/7 44/16 48/14
404 [6] 145/20 145/23 145/24	9700 [2] 123/25 124/3	48/23 48/25 49/2 49/4 49/7
147/2 147/3 147/6	9858 [2] 1/21 150/12	59/14 61/17 73/3 75/17 76/13
409 [1] 3/20	9:14 [1] 5/2	77/4 77/7 78/14 90/17 138/21
41 [4] 4/13 5/17 5/23 78/11	A	143/3
4288 [3] 13/2 14/9 14/10	A-R-T-U-R [1] 77/25	addresses [17] 48/17 58/22
43 [3] 4/13 5/17 5/23	A-Y-V-A-Z-I-A-N [1] 78/1	59/10 72/25 74/3 74/5 74/16
4311 [1] 1/22	a.m [5] 1/16 5/2 35/16 77/10	74/18 74/22 74/24 75/23 76/4
44 [3] 4/13 5/17 5/23	able [4] 45/3 48/11 62/3	76/6 76/9 76/9 76/11 76/16
46 [4] 4/6 27/13 28/13 63/7	62/6	addressing [1] 126/19
4910 [3] 20/19 50/1 51/13	about [69] 6/6 10/4 14/21	adequate [1] 51/5
5	16/13 26/19 28/13 39/23 40/5	Administration [3] 82/1
5/28/2020 [1] 18/10	40/15 40/19 43/4 47/13 49/10	108/23 114/17
50 [4] 4/13 5/17 5/23 140/6	50/23 50/24 53/7 53/11 53/14	admissibility [1] 71/8
500 [1] 47/20	53/16 53/20 54/8 58/21 59/9	admit [4] 7/17 11/2 12/18
501 [1] 138/7	60/3 62/14 63/11 63/21 64/6	29/16
5268 [3] 26/13 27/8 63/15	65/13 66/2 66/6 70/8 70/25	admitted [8] 13/6 16/1 26/4
55-46 [2] 27/13 28/13	71/3 71/5 71/25 73/4 76/25	26/6 68/15 74/6 120/15
57 [4] 94/16 97/7 97/14	80/3 86/9 87/1 105/13 105/20	123/10
97/14	106/16 108/3 109/23 110/22	advance [1] 74/10
57.f [1] 93/20	111/3 111/16 113/20 115/15	advised [2] 106/25 112/11
57.g [1] 94/6	116/9 119/25 122/8 125/2	advocating [1] 147/17
57.h [3] 96/7 96/22 97/16	126/23 129/23 130/2 133/16	after [7] 69/7 110/4 110/4
57.k [8] 98/18 99/3 99/9	134/21 135/11 140/12 142/5	119/7 122/8 138/12 140/12
99/16 99/25 100/10 100/25	144/11 145/11 147/8 147/12	afternoon [1] 70/13
101/8	147/14 148/15	again [17] 5/9 8/2 16/24
57.1 [1] 101/15	above [1] 150/7	26/11 51/11 51/16 57/9 68/9
579 [1] 1/8	above-entitled [1] 150/7	76/2 120/18 126/19 130/14
57B [6] 45/14 89/23 90/13	Absolutely [2] 45/10 52/4	133/8 135/15 136/22 137/17
90/24 91/9 116/22	accept [2] 83/20 131/8	149/5
57k [1] 100/19	accepted [1] 114/10	against [1] 88/11
58 [1] 4/16	access [5] 74/16 90/18	Agakanyan [1] 30/17
59 [7] 4/16 28/5 29/2 29/12	102/14 102/25 103/2	aged [1] 60/13
29/16 29/21 124/5	accompanied [2] 5/15 5/20	agent [41] 6/6 6/16 6/20
5th [3] 2/14 3/8 45/18	according [4] 132/19 140/25	6/22 7/22 8/3 9/17 10/12
6	141/6 143/24	11/11 12/10 13/10 14/3 14/4
6000 [6] 20/20 20/24 21/4	account [51] 14/12 21/10	15/17 16/6 16/18 21/17 22/13
21/9 136/17 136/20	26/12 26/13 27/8 41/3 41/7	24/1 24/3 29/3 30/1 32/3
601 [1] 3/8	41/8 41/9 41/18 41/19 42/10	32/7 32/8 35/2 39/21 40/11
6150 [1] 29/15	49/21 51/17 52/24 62/23 63/6	46/22 53/19 58/7 59/8 67/21
62 [1] 4/6	63/10 63/13 64/17 66/16 75/6	68/3 68/20 104/15 104/15
633 [1] 2/14	109/15 110/6 110/7 110/11	105/25 117/8 117/24 134/20
651 [1] 3/21	112/5 112/6 112/10 112/10	agents [5] 9/25 35/14 35/18
67 [1] 4/7	112/13 112/17 120/15 120/17	47/11 117/7
69 [1] 121/12	121/18 122/18 123/2 123/24	aggravated [3] 115/17 147/10
6:00 a.m [1] 35/16	124/2 132/17 132/18 133/12	147/16
6:00 o'clock [1] 71/3	133/13 136/6 137/7 138/2	ago [3] 25/4 62/14 66/1
7	138/6 139/21 139/22 140/11	agree [1] 145/4
720 [1] 3/8	141/3	agreed [1] 6/1
73,500 [2] 123/8 124/11	accountant [2] 88/3 112/11	agreeing [1] 114/5
74 [4] 4/15 11/10 12/19	accounts [17] 67/5 73/5	agreement [3] 103/20 113/23
12/23	74/16 75/25 76/14 80/17	114/1
75 [3] 4/13 5/18 5/23	112/3 120/11 121/9 133/2	Agricultural [1] 97/25
753 [1] 150/4	133/4 133/11 133/24 133/25	ahead [5] 60/15 64/14 72/13
76 [2] 68/15 68/16	137/11 138/6 138/8	97/15 142/12
7695 [1] 120/17	accumulated [1] 111/19	AHN [5] 2/5 4/10 124/17
78 [1] 4/9	accuracy [1] 126/3	142/14 142/17
8	accurate [3] 70/15 76/23	al [1] 1/9
834 [1] 55/7	76/25	alcohol [1] 85/9
85 [1] 87/1	act [5] 146/12 146/13 146/16	Alhambra [2] 80/19 88/6
9	146/18 146/19	alias [1] 50/17
90012 [2] 1/23 2/7	active [1] 82/10	all [69] 5/11 5/16 10/9
90067 [1] 3/16	activity [2] 59/12 59/13	12/24 13/10 15/12 15/25
90071 [2] 2/15 3/9	acts [3] 146/9 146/10 147/9	20/13 25/13 25/24 27/3 27/6
902.11 [2] 5/15 5/21	actual [5] 66/23 76/22	28/16 31/13 31/25 34/17
	110/25 137/24 148/11	43/16 47/3 52/10 60/2 64/8
	actually [26] 13/4 19/16	66/21 68/2 68/23 69/5 69/21
	25/24 27/18 28/5 28/7 32/20	71/4 72/11 74/6 74/12 74/21
	40/7 44/22 51/20 60/18 62/24	76/17 79/17 79/20 80/18
	63/18 65/25 67/4 76/23 77/6	87/23 88/2 88/10 88/11 91/25
		96/5 96/5 102/4 103/7 105/4
		111/5 111/21 115/10 115/11

A	146/19	arguing [2] 127/2 145/16
all... [20] 116/11 116/18	answer [15] 78/2 13/12 20/5	argument [15] 26/7 86/25
119/10 119/13 125/2 125/4	24/12 45/10/20 37/21	69/4 126/21 126/22 130/18
128/19 131/17 133/24 133/25	50/13 51/9 52/13 53/11 53/16	131/17 131/23 132/1 134/6
135/20 141/8 141/14 142/9	66/20 67/1 73/17	139/18 142/10 143/23 146/6
143/6 143/13 144/2 146/24	answered [4] 15/3 24/11	149/4
147/18 148/16	34/24 36/18	Argumentative [1] 64/4
allegation [3] 16/24 128/22	Anton [5] 130/3 130/16	arguments [2] 64/9 148/18
143/24	134/14 134/15 134/16	Arman [5] 113/14 127/19
allegations [3] 44/5 128/20	any [60] 5/19 12/20 15/6	136/7 137/4 143/6
129/7	15/12 15/20 17/12 19/7 19/8	Armin [1] 18/21
alleged [8] 6/6 15/22 16/11	20/8 25/6 31/2 31/5 32/12	Aro [1] 30/16
17/25 127/6 132/4 134/12	32/22 33/2 33/24 33/24 36/11	around [2] 18/8 107/5
139/1	37/3 39/8 42/2 46/7 46/9	Arshak [10] 18/11 18/14
alleging [2] 130/16 132/25	46/17 56/5 57/20 58/9 66/22	18/19 19/2 19/4 19/8 128/3
allow [4] 50/25 52/10 59/23	67/4 71/7 76/21 76/24 78/25	128/8 128/10 128/11
67/21	78/25 84/25 85/4 88/18 91/22	Art [4] 14/11 128/4 128/5
allowed [5] 50/22 51/3 83/1	92/23 93/11 95/7 95/12	128/6
147/14 147/21	104/17 104/19 105/10 105/11	Art's [1] 123/7
allows [2] 12/5 82/1	106/1 108/18 112/13 112/17	Artash [6] 14/17 14/24 15/7
Allstate [14] 36/21 36/25	114/8 114/10 125/21 126/15	128/13 133/20 133/21
37/6 37/7 37/15 37/23 38/3	130/21 145/19 146/15 147/2	Artashes [6] 14/14 15/3
39/4 39/14 83/3 103/25 108/5	147/12 147/14	15/14 15/22 17/13 128/12
120/16 124/8	anybody [2] 54/3 114/9	articles [1] 39/12
almost [1] 143/17	anyone [4] 72/13 105/20	ARTUR [29] 3/11 4/8 31/19
alone [1] 145/18	107/2 141/11	32/23 32/24 33/3 35/9 35/20
along [3] 83/20 95/9 95/14	anyone [17] 13/25 45/20 54/6	36/2 36/5 36/12 37/10 37/23
Alpha [1] 3/12	81/2 83/11 83/13 84/12 95/17	38/2 38/6 38/11 38/17 38/20
already [9] 7/25 13/6 16/3	95/22 96/1 108/20 113/23	38/23 48/19 61/13 61/24
20/14 20/25 26/6 41/14 89/23	114/1 114/5 116/25 134/16	69/16 69/17 77/21 77/25
116/23	143/7	122/22 133/22 145/6
also [17] 5/25 41/3 48/20	anyone's [1] 115/20	as [77]
51/18 55/2 57/2 85/19 91/9	anything [12] 42/7 61/15	ascertain [1] 126/3
116/15 125/25 126/7 128/22	66/6 92/25 93/3 103/1 105/22	Ashwin [1] 2/13
129/6 133/7 133/8 137/5	112/23 119/9 125/15 130/21	aside [4] 32/24 40/17 71/4
138/25	141/5	126/15
altogether [1] 148/21	anywhere [2] 96/19 98/15	ask [34] 8/2 14/24 17/10
always [5] 81/11 82/3 89/9	apartment [4] 29/10 40/3	26/16 26/22 29/7 40/5 40/19
89/15 106/9	40/10 40/12	50/12 50/23 53/13 53/17
am [56] 8/19 12/8 13/1 14/6	apologies [3] 56/23 72/12	57/16 57/19 59/19 59/24 64/8
14/8 23/12 26/18 26/19 26/19	121/6	65/3 65/10 65/10 66/8 68/8
26/21 40/22 41/10 60/10 62/6	apologize [1] 89/24	69/12 80/3 86/9 90/7 92/22
68/3 68/8 68/14 69/18 72/6	apparently [1] 115/3	108/3 113/10 113/20 126/17
75/7 78/11 79/3 82/3 82/15	appear [10] 13/21 25/23	126/18 144/5 148/13
88/14 88/14 89/19 91/19	45/24 76/12 95/2 95/15 96/1	asked [22] 8/8 15/20 17/11
93/19 94/15 104/21 105/16	98/15 104/23 137/8	24/11 28/13 34/23 36/17
107/14 107/14 107/15 108/10	APPEARANCES [2] 2/1 3/1	50/21 53/9 56/13 58/20 59/9
114/11 116/8 122/14 123/4	appeared [5] 34/12 45/21	60/3 60/6 61/23 102/6 102/9
123/10 123/19 123/20 123/21	49/15 50/3 55/7	108/15 108/16 111/2 125/6
123/22 125/24 126/18 131/2	appears [13] 7/10 16/23	126/17
132/2 132/23 134/6 135/9	30/21 41/22 75/1 76/13 76/15	asking [3] 37/19 68/23
142/21 147/17 147/19 148/7	93/12 126/7 126/9 140/10	140/14
Amanecer [1] 3/5	140/23 141/2	asks [3] 88/22 88/25 106/9
America [17] 1/6 2/3 16/9	application [15] 25/16 25/22	assigned [1] 49/3
18/11 41/3 41/6 41/24 41/25	40/6 75/16 75/17 75/20 75/24	assisted [1] 88/18
42/1 42/3 42/9 42/13 42/24	108/18 108/25 109/7 109/9	associated [1] 48/6
42/25 110/6 110/10 120/17	110/2 115/2 119/7 142/4	Assumes [1] 65/1
Americas [1] 2/17	applications [11] 49/15 57/6	Asya [1] 113/16
amongst [1] 142/19	74/18 74/21 76/14 87/25	ATM [2] 27/4 64/15
amount [3] 86/3 109/2 111/13	135/19 136/3 137/24 140/2	attachment [1] 32/10
analysis [3] 21/7 22/3 52/2	145/9	attachments [1] 123/12
analyze [2] 56/4 132/2	apply [2] 108/5 108/23	attempt [2] 22/7 22/17
Anastaya [1] 94/22	applying [1] 144/23	attempted [1] 140/23
and/or [1] 102/12	appreciated [1] 5/10	attempting [2] 52/1 129/19
Andrew [1] 52/22	approached [1] 109/15	attention [8] 13/2 14/8 18/7
ANGELES [8] 1/14 1/23 2/7	appropriate [2] 58/4 59/23	18/18 19/15 84/21 104/23
2/15 3/9 3/16 5/1 80/17	approved [1] 109/16	121/9
Angelina [4] 93/2 93/7 93/7	approximately [6] 35/16	attentive [1] 5/10
93/8	46/24 47/18 48/22 54/15	ATTORNEY'S [1] 2/4
angles [1] 131/3	60/22	August [19] 27/18 60/21
Anna [9] 11/16 11/20 21/19	are [130]	62/18 63/5 63/6 63/19 64/12
116/1 130/3 133/3 133/5	area [2] 64/15 121/15	64/19 84/2 86/10 96/10 103/5
133/6 138/7	aren't [1] 135/7	103/9 113/24 114/2 114/6
announcements [1] 108/8	arguably [1] 127/5	114/22 114/25 134/22
another [16] 52/7 69/11	argue [11] 58/3 68/24 126/10	August 2017 [1] 96/10
77/18 82/20 90/23 91/7 95/1	129/21 129/22 130/8 130/10	August 21 [3] 27/18 62/18
110/6 132/17 138/5 141/15	130/13 131/1 131/2 147/3	64/12
146/12 146/12 146/16 146/18	argued [2] 126/8 147/13	August 21st [4] 60/21 63/6
	argues [1] 142/24	63/19 64/19

A August 24th [1] 63/5 AUSA [2] 2/5 2/5 authentication [1] 7/20 authorized [1] 136/7 auto [2] 83/19 136/9 automatically [1] 109/3 available [2] 6/23 7/23 avatar [1] 130/11 Avazyan [1] 133/9 Avenue [5] 2/10 2/17 2/23 40/3 40/10 awards [2] 104/16 104/17 aware [13] 10/2 14/17 15/6 15/12 15/20 17/12 19/7 21/20 26/1 26/18 64/20 65/2 115/18 away [4] 25/13 105/5 106/24 143/16 Ayvazian [49] 26/1 31/20 32/23 32/25 33/3 35/9 35/20 36/5 36/12 37/11 37/23 38/1 38/2 38/7 38/11 38/18 38/20 38/24 48/19 50/17 60/23 61/13 69/16 69/18 77/21 77/25 78/8 90/2 91/10 92/3 94/7 94/15 97/17 101/24 113/10 118/5 122/22 129/17 130/13 131/7 131/11 131/12 132/7 132/7 133/7 133/22 141/23 142/25 145/6 Ayvazian's [2] 61/24 133/13 Ayvazyan [26] 1/9 2/12 3/11 4/8 50/2 50/4 50/15 51/14 55/24 56/25 57/4 57/15 62/20 118/7 130/16 131/5 134/1 134/9 136/8 136/23 138/8 139/6 143/15 143/19 143/24 143/25 Ayvazyan's [2] 133/4 136/20	b because [25] 22/2 25/2 51/3 51/11 51/17 52/13 53/2 93/4 76/25 #10713 63/16 63/19 106/25 107/15 108/10 110/7 131/9 131/18 136/5 139/11 143/5 143/21 143/23 146/9 147/21 become [1] 71/6 bedroom [2] 107/24 107/25 bedrooms [1] 118/20 been [53] 10/6 10/8 13/6 16/1 22/20 22/22 23/1 26/4 26/6 32/3 35/16 35/24 39/13 44/11 48/24 56/8 63/10 65/19 72/15 74/6 76/4 78/20 79/9 79/20 81/11 81/19 86/5 86/6 87/2 87/8 88/15 89/9 89/15 90/9 102/17 102/22 103/10 105/15 105/18 105/18 105/23 110/24 115/4 115/11 124/12 129/23 130/10 136/13 144/5 144/16 145/1 145/2 147/8 before [16] 6/1 6/2 9/21 12/9 12/13 25/25 48/19 49/13 60/23 62/19 70/8 85/22 88/17 104/7 115/9 146/15 begin [3] 46/24 58/18 148/18 behalf [3] 2/3 36/25 139/14 behind [7] 49/14 49/15 54/23 71/13 84/19 111/8 111/9 being [15] 5/10 10/18 17/25 28/20 38/21 51/18 66/2 71/10 83/7 89/24 97/5 115/17 135/25 145/19 146/18 believe [44] 5/12 9/4 13/16 20/22 21/6 21/11 23/3 24/18 25/2 31/11 33/8 36/23 37/6 38/5 40/8 40/13 40/17 41/11 42/19 47/20 64/13 75/20 80/20 82/15 87/10 98/6 98/19 99/10 100/11 101/1 104/10 110/5 110/23 118/14 133/15 133/21 136/12 136/16 137/10 139/5 141/18 142/16 142/17 147/1 believed [1] 54/23 belong [1] 95/12 belonged [1] 49/4 belongs [1] 103/11 below [1] 122/20 beneficiary [1] 123/24 benefit [4] 30/24 133/14 134/1 142/25 benefited [1] 138/10 benefits [1] 30/20 best [7] 10/21 12/11 15/5 45/2 61/2 80/12 132/5 between [22] 6/7 13/12 15/6 17/12 19/7 36/12 44/19 57/15 57/20 57/25 67/5 101/25 103/5 103/8 113/23 114/2 114/6 114/22 114/25 132/11 133/9 135/18 beyond [7] 57/13 58/24 59/4 65/4 65/12 68/17 131/4 Bienert [2] 3/4 3/7 big [3] 108/7 142/13 143/17 birth [1] 44/14 bit [3] 66/1 80/5 147/8 blew [1] 109/24 blow [10] 7/12 14/9 18/8 19/17 26/10 27/3 27/6 63/1 63/3 64/14 board [5] 7/9 8/22 8/25 9/8 9/19 BOFA [2] 18/11 18/14 bored [1] 105/16 borrowed [1] 81/17 both [3] 28/23 129/19 143/24	bottom [9] 10/13 41/17 42/16 42/17 45/17 52/13 53/2 93/4 120/21 Boulevard [3] 3/15 7/14 104/14 box [1] 63/1 boxes [1] 137/20 brain [1] 60/13 branches [1] 110/9 brief [2] 67/11 67/15 briefcase [2] 87/22 96/5 briefly [6] 62/8 62/10 74/1 79/14 79/14 79/19 Bro [1] 18/10 broke [1] 119/8 broker [3] 85/18 87/25 134/8 brother [7] 81/6 81/18 89/5 111/14 112/24 118/8 122/1 brothers [2] 81/3 81/5 brought [1] 80/16 bunch [7] 103/10 104/13 104/15 104/16 105/23 105/24 138/6 bury [1] 112/15 business [47] 6/24 7/2 7/11 9/5 33/19 36/11 80/8 80/22 81/2 81/4 81/9 81/13 81/18 87/2 87/6 87/8 87/11 88/10 88/15 89/6 89/8 89/18 90/17 90/17 101/25 102/2 102/4 104/9 104/10 106/2 106/5 107/18 108/8 108/23 111/8 111/17 113/1 113/2 114/17 118/25 119/13 119/16 119/17 121/24 123/2 123/3 123/16 businessman [1] 120/8 bust [2] 126/24 147/10 buying [1] 111/20 C CA [9] 1/23 2/7 2/15 2/21 3/6 3/9 3/13 3/16 3/21 Caicos [2] 26/3 60/24 CALIFORNIA [13] 1/2 1/14 5/1 7/9 7/15 9/1 27/15 31/21 39/3 39/13 63/8 78/13 78/15 call [10] 5/13 14/11 16/5 65/16 69/15 69/17 77/13 77/21 127/12 127/25 Calle [4] 3/5 55/7 57/10 138/23 called [12] 18/11 18/14 28/19 40/20 51/18 62/17 63/17 107/3 107/5 115/13 124/20 126/4 calling [1] 116/15 Calls [2] 9/9 51/24 came [14] 32/25 34/3 44/23 48/18 48/21 79/16 79/20 82/17 83/22 86/14 102/19 111/7 111/12 147/16 camera [1] 42/2 can [80] can't [23] 9/20 10/4 37/20 38/14 39/15 41/2 42/6 47/12 48/24 52/6 53/7 58/12 59/19 60/13 65/19 71/10 83/19 91/16 91/23 129/1 137/2 139/12 148/14 cannot [1] 71/21 Canoga [4] 29/10 29/15 30/24 31/3 capturing [1] 146/14 car [3] 79/24 102/18 102/23 card [13] 16/8 26/11 27/4 27/9 28/19 63/8 68/10 68/12 68/21 126/24 133/6 133/7 147/10 cards [2] 68/21 106/6
--	---	--

care [4] 108/11 108/14
119/10 125/2
careful [1] 145/21
cargo [2] 83/1 85/19
carrier [2] 38/12 81/25
carry [2] 87/23 88/1
case [49] 14/15 14/22 15/4
15/9 15/14 15/22 16/11 16/24
17/25 19/5 19/9 20/2 23/8
23/13 24/1 24/2 24/3 29/4
47/19 54/13 59/21 62/1 62/2
62/4 62/4 62/5 74/3 74/19
74/25 76/5 78/17 105/14
114/14 115/15 125/15 126/13
127/1 127/22 128/15 129/21
130/20 131/9 137/6 139/1
139/8 141/7 144/14 144/18
145/20
cases [1] 141/16
cash [2] 112/20 112/21
cashier's [1] 122/7
CATHERINE [1] 2/5
caused [1] 139/20
cell [3] 146/3 146/15 147/21
Cellebrite [10] 13/19 21/1
22/25 23/2 23/8 24/9 25/3
147/19 147/19 148/9
CENTRAL [1] 1/2
certain [16] 8/11 9/3 24/16
48/17 72/25 74/5 74/16 74/16
74/17 74/19 83/1 84/20 84/22
86/2 88/25 109/2
certainly [5] 32/22 33/11
36/10 135/2 144/23
certificate [6] 5/15 5/21
33/2 33/19 38/3 150/1
certify [1] 150/4
cetera [3] 136/4 136/24
136/24
changes [1] 83/4
charge [3] 31/23 84/6 143/25
charged [7] 105/4 115/17
116/2 127/10 128/17 132/11
146/21
charges [1] 113/20
chart [40] 70/8 70/14 71/5
71/7 71/8 71/11 71/15 71/21
72/1 72/17 72/19 72/22 73/2
73/6 73/8 73/9 73/11 73/14
73/15 74/2 74/4 74/11 75/23
76/4 76/10 76/15 76/21 76/22
77/14 125/22 125/24 126/4
126/8 126/11 137/15 137/15
137/21 138/11 138/13 142/14
charts [3] 77/4 135/20 137/9
Chase [2] 26/11 63/13
check [9] 35/12 36/15 36/24
39/3 42/2 76/24 91/8 108/17
122/7
checkbooks [1] 96/2
checked [1] 85/11
checks [13] 14/12 94/19 95/2
95/4 95/6 95/7 95/10 95/12
95/15 95/17 95/22 96/4 96/5
children [6] 79/12 79/13
102/3 118/25 124/18 125/2
Choice [1] 10/23
Christopher [1] 2/9
circle [5] 117/17 117/18
117/19 117/21 117/23
Circuit [2] 141/7 144/9
Circumstantial [1] 146/18
City [1] 82/16
claim [1] 30/20
clarify [2] 97/13 122/24
Clark [1] 40/11
clear [3] 39/22 97/14 132/23

clearly [1] 76/2
Clementine [1] 108/14
clerk [2] 108/14 28/11
client [3] 128/17 129/4
129/13
clock [2] 69/18 116/8
close [3] 86/3 112/9 121/9
closer [1] 140/6
clumsy [1] 89/24
co [4] 91/8 113/5 115/25
139/6
co-conspirators [1] 139/6
co-counsel [3] 91/8 113/5
115/25
Coast [1] 3/20
code [5] 27/13 28/13 28/23
63/7 150/5
codes [1] 103/1
coherent [1] 130/7
Collision [1] 136/9
color [2] 44/17 44/17
column [4] 72/1 75/2 75/5
138/12
come [13] 11/7 12/24 67/25
74/24 75/18 83/17 102/18
104/22 107/8 107/14 124/21
143/3 144/15
comes [5] 13/1 13/2 49/17
88/20 143/11
coming [7] 29/23 51/21 52/24
70/16 106/15 121/18 132/16
commercial [4] 38/7 82/8
84/23 85/9
commit [1] 114/6
common [3] 12/8 136/1 136/2
commonalities [1] 136/1
commonly [1] 117/7
communication [1] 6/7
communicative [1] 83/21
companies [6] 9/3 53/24 54/6
86/2 143/10 143/11
companies' [1] 9/7
company [37] 9/23 10/1 10/23
12/10 12/11 34/15 37/8 37/8
38/18 40/20 49/23 49/24
51/18 80/14 80/16 81/16 82/5
82/21 83/3 83/4 83/13 83/18
83/24 84/4 84/6 84/8 85/13
85/14 86/5 86/10 108/7
108/10 109/11 111/11 142/6
145/6 145/7
comparison [1] 135/18
compiled [2] 13/15 13/17
complete [3] 52/13 53/15
53/16
completed [1] 87/24
completely [2] 57/13 135/25
completes [1] 125/8
completing [1] 53/10
concerned [1] 119/25
concluded [2] 70/21 149/10
conclusion [1] 131/24
conduct [9] 21/7 31/20 31/22
53/25 54/12 54/18 54/20
54/25 55/2
conducted [5] 28/15 52/2
54/21 55/1 55/5
confer [2] 113/9 115/24
Conference [1] 150/9
confirm [1] 40/6
confirmed [2] 40/9 40/14
conformance [1] 150/8
confrontation [3] 53/4 57/13
107/10
confronted [2] 105/18 110/14
confused [2] 52/16 52/23
confusing [2] 72/24 139/10
connected [1] 17/23
Connecticut [1] 2/23

connecting [1] 136/22
connection [1] 159/8 177/22
47/25 50/16 53/25 54/13
134/3
consecutive [1] 65/4
consider [4] 58/14 107/24
139/12 139/13
consisted [1] 127/25
consistent [5] 9/6 28/23
38/17 38/20 142/2
consists [3] 127/15 127/18
127/24
conspiracies [10] 126/23
127/4 127/11 127/11 128/15
131/10 131/23 132/4 142/20
143/25
conspiracy [14] 114/9 126/22
127/6 127/13 127/14 127/15
132/4 132/12 141/8 141/9
141/12 141/16 141/20 146/4
conspirator [9] 128/18
128/21 128/23 139/1 139/1
139/4 141/13 141/18 141/19
conspirators [3] 129/13
139/6 141/14
conspire [2] 128/18 141/14
conspired [4] 128/18 139/5
141/15 141/17
construction [4] 132/16
132/18 138/5 143/10
Construction's [1] 9/4
Cont'd [1] 3/1
contact [2] 6/7 136/18
contacting [1] 65/4
contain [4] 23/9 24/10 71/9
73/14
containing [1] 21/2
contains [2] 20/23 74/24
contents [1] 76/24
contested [1] 126/1
continue [1] 50/12
contracting [1] 143/11
contractors [5] 7/8 8/21 9/1
9/7 9/18
controlled [2] 130/21 138/8
convenient [1] 110/9
conversation [1] 52/19
conversations [1] 53/7
convert [2] 112/8 112/20
cooperated [1] 140/2
copies [3] 32/9 87/19 95/15
copy [4] 30/6 73/10 73/13
108/16
corner [6] 42/17 91/13 92/6
93/13 94/22 117/10
corporation [4] 83/10 110/8
112/6 112/9
correct [115]
correctly [2] 69/18 116/8
costs [1] 86/25
could [19] 9/20 14/8 15/19
25/9 28/14 28/16 42/15 56/9
79/14 79/19 80/11 81/15
81/24 85/1 109/24 110/1
111/20 112/20 145/7
couldn't [3] 8/11 28/16
34/11
counsel [9] 2/1 5/9 70/12
91/8 113/5 113/9 115/24
115/25 118/18
country [7] 60/24 61/1 62/20
79/16 135/1 144/23 145/2
county [1] 26/2
couple [8] 16/14 71/16 82/18
84/13 87/24 110/5 113/11
119/23
course [9] 15/20 47/2 74/8
84/23 85/6 85/15 102/15
136/23 139/23

C court [5] 1/1 1/21 6/2 56/21 70/21 courtroom [5] 67/22 67/24 70/9 70/17 118/15 cousin [1] 139/19 cover [2] 85/13 145/6 CR [1] 1/8 create [1] 145/15 created [2] 44/11 44/15 credit [7] 10/23 28/19 85/25 126/24 133/6 133/7 147/10 crew [8] 129/18 143/2 143/6 143/7 143/13 143/19 143/20 144/1 crime [1] 114/6 criminal [3] 56/14 56/17 114/8 cross [7] 4/6 4/10 46/20 51/2 116/11 118/1 118/3 cross-examination [7] 4/6 4/10 46/20 51/2 116/11 118/3 118/3 CRR [1] 150/12 Cruz [2] 59/16 67/21 crying [2] 107/3 107/6 CSR [2] 1/21 150/12 currently [2] 83/24 90/16 customers [2] 102/11 102/11 cut [1] 106/19	defendant [8] 1/9 2/12 3/3 5/18 6/2 11/10 14/17 defendants [13] 144/8 defendants [13] 31/11 47/4 48/12 55/21 56/18 57/21 59/14 61/5 66/22 67/4 72/20 127/21 132/11 defendants' [2] 55/19 55/23 defense [21] 5/14 5/17 6/19 7/5 7/17 11/2 11/10 12/18 25/8 28/4 29/2 69/15 72/21 74/5 74/7 74/12 76/6 77/21 126/17 132/19 132/24 definition [1] 146/8 definitively [1] 135/6 defraud [3] 113/24 114/2 114/9 deliver [2] 40/12 102/10 demonstrative [1] 126/10 DEPARTMENT [5] 2/4 2/9 38/12 43/1 82/24 depending [1] 85/18 depends [1] 130/22 depicted [8] 7/24 20/16 21/14 44/25 45/4 45/23 46/2 116/25 deposit [7] 51/13 89/2 109/14 110/6 110/12 122/9 124/13 deposited [2] 49/21 137/22 derived [1] 147/23 describe [2] 30/1 47/6 described [2] 129/5 142/23 description [2] 75/1 75/4 Design [2] 136/13 136/17 despite [2] 124/23 135/24 destroyed [1] 80/21 detail [4] 53/6 53/8 73/4 127/7 detailing [2] 30/5 30/10 details [1] 142/5 determination [3] 49/8 51/4 59/22 determine [27] 10/1 21/8 21/24 25/15 27/17 28/14 28/16 32/20 35/1 35/5 36/4 38/2 38/6 38/11 38/23 41/24 42/3 42/9 44/22 45/3 45/6 46/6 46/10 49/5 51/20 56/5 61/15 determined [6] 32/5 35/3 37/5 49/25 57/25 65/17 devastated [1] 86/16 device [1] 49/3 Diana [4] 16/8 16/10 16/23 128/3 Diane [1] 17/12 did [200] didn't [40] 14/23 15/10 22/1 22/2 22/4 24/24 25/3 26/16 28/21 32/22 33/22 34/14 34/17 35/12 36/15 42/1 45/13 46/6 46/9 59/24 66/6 67/3 69/2 70/20 80/25 83/20 83/20 103/19 106/13 107/1 109/25 111/24 113/3 115/10 119/18 120/3 131/14 133/10 133/11 140/25 diesel [1] 86/25 differences [1] 131/15 different [8] 73/24 105/22 131/10 131/10 135/25 136/17 145/15 146/10 difficulty [1] 124/23 diffuse [1] 107/11 digital [1] 42/15 direct [20] 4/4 4/5 4/5 4/9 4/9 6/14 10/12 13/2 14/8 18/7 18/18 19/14 26/20 31/15	39/19 59/4 78/6 116/20 132/5 directing [1] 50/4 disconnected [1] 127/4 discovery [4] 10/20 58/10 74/3 74/8 discuss [2] 58/25 148/17 discussed [2] 15/14 69/7 discussion [3] 58/10 143/5 147/8 display [1] 67/22 displayed [1] 13/8 dispute [1] 142/14 disregard [1] 6/9 distinction [1] 44/19 DISTRICT [3] 1/1 1/2 1/4 DIVISION [1] 1/2 divorce [4] 106/10 106/21 106/21 119/23 DMV [6] 37/25 38/15 44/22 44/23 61/16 85/10 do [230] document [83] documentation [3] 39/5 39/7 39/9 documents [37] 8/4 24/19 30/24 33/25 34/2 34/3 34/6 34/10 34/12 34/13 34/14 34/16 34/21 36/21 36/25 46/2 47/13 47/14 72/1 72/2 72/4 72/8 72/15 72/15 72/18 72/19 74/19 76/1 94/16 94/17 95/20 102/10 105/24 115/3 115/11 126/2 147/23 does [32] 8/1 9/6 17/17 17/18 30/19 41/13 41/15 65/2 71/12 71/14 72/1 72/3 72/22 73/14 74/9 83/24 85/13 85/13 87/11 88/7 88/8 98/15 102/14 103/25 105/24 118/23 123/7 137/8 139/7 139/13 144/21 144/21 doesn't [17] 8/9 8/10 8/16 23/23 23/23 25/23 46/13 74/21 77/6 88/13 120/4 129/1 143/7 144/22 145/16 146/15 146/18 doing [8] 26/21 83/21 88/14 88/14 107/15 107/15 112/23 113/4 DOJ [1] 42/17 don't [70] 8/2 8/8 8/19 14/6 15/25 16/4 21/11 23/24 24/24 25/5 28/3 29/23 32/18 35/7 35/19 35/25 36/2 37/17 37/20 38/5 41/2 41/12 42/11 43/25 44/8 45/14 46/17 58/12 58/17 59/1 62/23 64/5 65/2 65/9 70/12 72/13 79/3 86/1 87/17 91/4 92/25 93/3 93/11 95/18 97/12 102/25 103/10 103/11 105/3 105/19 105/20 105/22 105/25 106/23 107/10 121/4 131/24 132/20 135/1 135/3 135/5 138/16 141/8 141/11 143/16 144/15 145/19 146/17 147/1 148/24 done [9] 61/6 64/7 73/25 80/1 82/3 82/14 109/3 114/11 144/7 door [5] 33/18 104/4 104/7 104/8 104/9 Dorothy [1] 88/6 doubles [2] 85/2 85/2 doubt [1] 131/5 down [15] 41/17 42/16 42/17 60/10 60/14 63/2 70/9 70/18 86/3 97/24 102/18 112/9 117/12 142/14 144/12
D DADYAN [47] 3/18 15/7 17/23 19/5 19/8 20/8 32/16 32/18 35/2 35/21 36/5 36/12 39/21 40/7 40/9 43/5 45/22 79/8 79/10 93/1 93/5 95/6 118/10 118/13 124/20 125/17 127/25 127/25 128/23 129/5 129/14 129/16 129/18 131/1 131/12 132/7 133/23 136/24 138/25 138/25 139/5 139/19 139/20 140/5 140/14 143/7 145/7 Dadyan's [6] 40/2 40/11 43/14 44/5 45/17 143/20 damage [1] 85/20 data [5] 22/14 23/9 24/10 56/4 56/5 database [1] 46/9 date [6] 22/15 44/14 60/20 63/23 65/19 150/10 dates [6] 39/15 71/9 71/10 71/21 76/20 76/21 daughter [1] 93/8 daughter's [1] 93/10 Davidson [2] 122/11 122/24 day [9] 1/15 35/15 70/25 79/23 82/1 82/2 83/23 107/3 148/22 days [4] 82/14 83/22 83/23 122/8 DBA [2] 82/8 82/9 DC [2] 2/10 2/23 dead [2] 102/21 102/23 deal [4] 67/14 77/14 107/10 116/14 dealers [2] 54/8 54/10 deals [1] 106/16 dealt [1] 12/12 debit [1] 27/4 debt [2] 113/1 113/1 debunk [1] 130/9 debunked [1] 130/10 December [2] 16/22 17/4 December 23rd [1] 17/4 December 7 [1] 16/22 deed [1] 33/2 deeply [1] 101/25		

D	Erase [1] 105/19	84/10 86/12 86/24 102/16
dozen [1] 71/17	Escalante [1] 141/7	explains [1] 142/18
dozens [3] 48/24 54/17 54/17	erasing [1] 107/16	explicitly [1] 130/20
drive [3] 82/2 83/19 88/13	escrow [7] 49/23 49/24 51/12	explore [1] 101/24
driven [1] 83/13	54/6 89/2 102/10 133/14	export [1] 13/18
driver [7] 38/21 38/24 81/20	essentially [4] 30/10 130/15	expression [1] 141/11
81/22 84/17 106/2 106/5	131/2 131/6	extent [3] 10/24 40/18 52/18
driver's [11] 24/22 38/7	establish [2] 80/13 81/18	eye [3] 44/17 106/14 106/14
43/12 43/14 44/15 44/21 46/4	established [2] 80/15 81/1	eyes [1] 86/3
104/24 106/4 108/16 133/5	estate [16] 34/9 34/12 34/22	
drivers [4] 83/17 83/22	35/2 35/6 35/10 87/2 87/4	F
84/13 84/14	87/7 88/15 102/4 105/25	face [3] 44/16 107/2 131/6
drop [1] 102/11	117/8 117/24 134/8 134/20	facial [3] 45/9 46/10 46/12
dropped [1] 79/18	estate-related [2] 34/9	fact [7] 17/19 18/25 37/4
drug [2] 38/24 85/8	34/22	44/24 73/2 109/1 124/20
due [2] 83/18 109/1	estranged [1] 118/22	facts [1] 65/1
during [7] 30/5 39/23 40/25	et [4] 1/9 136/4 136/24	factual [2] 131/22 142/14
41/23 45/17 74/7 136/21	136/24	fails [1] 71/7
DX1000 [1] 75/11	even [10] 30/7 88/17 105/3	fair [2] 42/12 67/13
DX1100 [2] 75/9 75/12	106/25 109/25 115/10 126/4	fairly [2] 24/16 130/19
DX1100-001 [1] 75/12	135/24 141/8 143/20	fake [9] 43/16 43/18 44/18
DX1100-1 [1] 75/9	events [1] 77/1	44/19 44/20 44/21 46/2
Dzukaeva [2] 116/1 130/3	eventually [1] 130/6	104/24 105/10
	ever [36] 14/24 25/15 35/5	false [6] 112/17 114/17
E	35/9 36/4 36/24 37/22 78/23	114/19 115/22 142/5 145/5
e-mail [4] 25/19 50/3 50/6	78/25 81/19 82/12 83/11	falsehood [2] 144/25 145/3
50/8	83/13 83/18 87/2 87/4 87/18	falsehoods [1] 144/17
e-mailed [2] 70/16 70/20	88/18 89/8 103/25 107/17	familiar [6] 13/14 40/20
e-mails [6] 18/21 70/10	108/18 108/20 108/22 112/13	41/4 41/13 43/6 43/8
92/21 92/24 93/9 93/11	112/17 112/20 113/23 114/1	family [1] 104/20
e-signed [1] 122/20	114/5 114/16 114/21 114/24	far [3] 68/10 135/10 148/14
each [3] 12/6 95/4 97/11	115/13 115/20 116/4	farm [1] 143/16
earlier [16] 17/11 58/20	Evergreen [1] 18/21	Farms [1] 115/13
60/3 61/23 111/16 118/7	every [6] 52/6 85/10 88/20	Farrer [1] 52/22
118/19 118/24 119/12 119/18	107/1 107/3 143/2	fashioned [1] 89/20
121/2 121/6 121/23 123/15	everybody [1] 26/6	fast [1] 79/25
124/17 128/1	everyone [2] 13/9 104/23	father's [2] 117/20 117/21
East [2] 40/2 40/10	everything [5] 107/11 108/8	faxes [1] 87/19
EDD [6] 30/16 30/19 30/23	112/8 119/10 135/23	FBI [15] 21/7 22/4 22/5 22/7
31/2 31/6 147/11	EVID [1] 4/12	22/17 24/3 29/3 41/23 43/1
education [1] 79/15	evidence [78]	44/2 45/6 46/6 46/9 56/4
Edvard [1] 113/18	evidencing [2] 15/13 15/21	61/21
Edward [3] 127/18 136/10	exact [2] 135/20 135/24	fear [1] 107/16
136/24	exactly [1] 70/15	fed [1] 106/14
efforts [2] 54/1 56/4	exam [1] 85/11	federal [3] 37/2 37/5 81/25
EIDL [7] 46/25 57/6 108/6	examination [22] 4/4 4/5 4/5	FedEx [1] 102/12
133/24 135/19 137/11 137/24	4/6 4/6 4/7 4/9 4/9 4/10	feel [1] 88/21
eight [1] 47/3	6/14 31/15 33/25 39/19 46/20	fees [1] 110/8
either [3] 43/16 136/16	51/2 62/12 67/19 78/6 116/11	feet [1] 109/24
149/7	116/20 118/1 118/3	Fenton [9] 2/9 4/6 4/7 58/7
elicit [1] 52/2	examine [2] 34/6 66/11	58/20 60/3 60/17 61/12 70/4
else [7] 40/15 83/13 84/12	example [7] 21/10 75/6 75/7	few [4] 19/16 61/8 129/1
108/17 125/16 126/13 141/5	76/13 132/13 145/5 147/15	144/10
emergency [1] 109/18	Excel [1] 13/19	Fiber [6] 133/3 133/8 133/9
employee [1] 84/18	except [1] 148/2	136/3 136/12 136/16
employees [6] 83/24 84/8	exchange [2] 134/17 145/1	figure [2] 49/3 49/14
84/22 135/24 142/6 145/8	exclude [1] 58/9	file [2] 103/14 119/19
Encino [4] 7/14 31/21 78/13	excuse [7] 85/13 92/21 103/4	filed [12] 36/5 36/15 36/24
78/15	104/3 109/14 123/21 135/14	39/5 39/13 82/8 82/9 106/10
end [4] 68/1 70/25 105/21	excused [1] 125/9	106/20 119/22 119/22 146/5
129/20	executive [1] 28/12	files [3] 47/21 74/13 87/24
ended [1] 143/14	exhibit [113]	filing [3] 37/5 103/19
ending [7] 20/20 26/13 27/8	exhibits [18] 5/15 5/17 5/23	119/25
63/8 63/15 120/17 124/3	24/6 71/9 73/20 74/5 74/13	fill [4] 30/4 115/5 119/7
endorsement [1] 85/1	75/14 76/6 76/7 76/12 76/15	119/9
ends [1] 123/25	126/5 132/14 135/16 148/5	filled [3] 109/7 115/7 115/8
engaged [4] 14/17 20/8	148/12	final [3] 69/4 138/12 142/9
114/21 114/24	exist [2] 36/11 144/21	finance [2] 85/24 86/4
enough [4] 80/24 80/25	existed [5] 10/1 22/23 32/21	financed [1] 85/22
106/17 106/20	42/3 44/22	finances [2] 120/3 120/4
enter [3] 104/4 106/7 114/1	existence [1] 84/4	financial [4] 12/5 47/10
entered [3] 27/22 27/23	existing [1] 9/23	47/14 47/16
27/24	expect [2] 9/18 126/3	financially [4] 81/2 81/9
entire [2] 67/24 131/7	expecting [2] 109/22 109/25	89/6 89/11
entities [7] 6/24 7/2 17/24	expenses [4] 111/10 120/8	financing [1] 86/2
47/10 66/17 67/6 143/12	120/11 121/24	find [10] 32/22 39/12 48/16
entitled [1] 150/7	expired [1] 10/3	56/7 57/8 76/9 76/16 76/22
entity [2] 12/12 143/2	explain [10] 44/9 77/17	86/1 147/7

F finding [1] 86/19 fine [3] 148/4 148/11 149/2 finish [1] 51/9 finished [1] 25/11 first [35] 10/12 13/4 13/4 14/21 15/2 16/4 16/4 18/9 26/7 26/7 26/10 47/4 47/13 50/16 70/23 70/24 71/1 71/2 73/20 74/12 85/8 90/7 103/21 103/21 104/7 105/13 110/23 111/7 112/4 123/19 128/6 131/4 137/20 137/21 137/23 five [2] 53/11 74/24 Floor [1] 2/6 flow [7] 36/13 36/13 52/2 66/2 66/12 66/13 137/15 flowed [1] 132/11 flowing [1] 132/17 flows [1] 57/23 flyers [1] 79/22 focus [3] 58/19 129/17 131/7 focused [1] 30/25 follow [5] 49/9 49/10 52/5 54/1 65/16 follow-up [1] 65/16 followed [1] 53/21 following [9] 5/6 5/14 36/13 53/14 53/20 69/23 77/11 125/12 134/6 food [2] 79/25 111/17 footage [1] 42/6 foregoing [1] 150/5 foreign [1] 134/17 forensic [2] 21/7 22/3 forgiven [1] 110/24 forgiving [1] 110/22 form [2] 19/22 135/21 format [5] 13/19 53/18 65/3 65/10 150/8 former [1] 123/15 forth [1] 12/6 found [10] 33/25 34/7 36/20 38/17 48/17 53/10 56/8 62/18 104/25 136/21 foundation [8] 9/11 14/20 20/3 21/22 37/18 56/11 66/7 147/22 foundational [1] 65/11 foundations [1] 66/2 four [5] 73/14 73/15 73/16 73/21 97/24 Francisco [1] 2/21 Fraser [1] 3/7 fraud [10] 14/18 31/1 31/2 31/6 46/25 114/21 114/24 126/25 142/3 147/11 fraudulent [3] 49/21 54/22 54/23 fraudulently [1] 57/5 freight [2] 85/18 87/25 frequently [2] 64/7 74/25 friend [2] 80/18 123/17 friends [1] 80/13 front [14] 10/2 97/18 99/17 103/22 115/11 120/19 121/13 122/3 122/16 123/5 123/13 123/18 124/6 133/6 full [2] 73/15 77/23 fund [1] 109/20 funded [1] 136/6 Funding [2] 33/20 133/23 funds [25] 12/5 36/13 51/17 57/23 66/2 66/12 66/13 66/23 66/24 67/5 67/6 112/3 112/15 112/18 112/20 133/2 133/11 133/24 137/15 137/21 138/1 138/10 140/19 140/21 140/24	funnel [1] 137/12 future [1] 11/10 39/17 further [16] 46/17 62/7 65/3 65/7 65/9 65/11 65/24 65/25 66/21 67/10 69/5 116/6 117/25 125/3 furthermore [1] 141/24 G games [1] 103/3 garage [1] 104/7 Garfield [2] 40/3 40/10 gather [1] 84/14 gave [3] 19/22 70/14 125/25 gears [1] 84/20 general [1] 11/13 generally [7] 7/5 16/6 17/10 44/12 49/2 57/16 57/19 Gentleman [5] 51/18 51/19 52/15 52/22 54/4 geolocation [1] 22/16 get [23] 6/10 19/16 25/3 61/10 61/10 67/12 69/11 70/4 71/24 80/24 80/25 83/20 85/1 85/11 103/19 109/11 109/24 120/4 126/20 130/6 131/17 148/16 148/23 gets [2] 88/21 136/6 getting [6] 43/24 49/7 53/6 61/4 140/2 143/19 GEV57I [1] 98/6 GEX57D [1] 92/2 girlfriend [2] 40/13 40/18 give [6] 73/4 73/8 126/2 127/12 133/16 143/16 given [2] 130/21 146/23 giving [3] 32/3 50/20 132/2 Glendale [1] 3/13 go [39] 9/25 16/4 17/2 17/3 18/17 19/19 23/2 25/25 28/7 29/25 33/22 41/23 42/1 53/20 60/15 60/24 72/13 76/8 83/17 83/23 84/1 85/4 85/11 87/19 89/2 97/15 102/11 104/4 105/16 105/17 123/21 132/13 133/24 133/25 137/17 138/12 142/12 144/6 148/2 goes [3] 88/20 138/4 138/11 Gohar [2] 55/8 55/13 going [52] 13/1 14/9 26/19 32/5 44/4 49/25 51/12 57/10 68/8 68/14 69/17 72/7 76/8 84/18 86/18 89/19 91/19 94/15 106/15 106/19 107/14 109/11 109/20 110/14 110/25 111/3 120/14 121/12 122/14 123/4 123/10 123/20 123/21 123/22 124/5 126/11 126/18 129/21 129/22 130/8 130/9 130/9 130/13 130/18 131/1 131/2 133/1 133/2 135/15 137/24 148/12 149/5 gone [5] 83/4 97/9 107/10 134/24 144/15 good [14] 6/16 6/17 16/5 31/17 31/18 39/21 46/22 46/23 78/8 78/9 80/16 84/18 119/3 123/17 got [17] 71/2 81/12 81/17 82/9 82/10 82/10 85/8 103/21 105/4 106/14 107/4 110/11 111/7 111/24 111/25 140/6 147/18 gotten [2] 104/13 110/24 government [69] 8/5 10/19 11/12 12/25 13/11 13/14 16/1 18/5 19/14 20/15 20/17 23/7 23/14 26/5 26/9 27/1 42/23	42/24 42/25 47/10 50/25 51/6 58/28/6 58/25 64/6 62/16 74/5 74/7 74/12 76/1 76/6 76/18 90/5 97/4 107/20 114/3 120/14 121/7 121/12 121/21 122/14 123/5 123/11 123/22 123/23 124/2 124/5 125/25 126/2 126/6 127/6 127/10 130/15 131/4 131/6 131/9 131/18 132/13 133/13 135/15 138/2 142/11 142/24 143/13 145/21 146/24 148/9 148/10 government's [12] 13/7 67/16 126/20 128/20 130/10 133/12 139/3 139/18 139/18 144/7 148/5 148/25 grade [2] 79/17 79/17 grandmother [1] 117/3 great [2] 86/13 89/10 greatest [1] 85/25 Greg [2] 19/22 128/4 Gregor [1] 128/3 Grigor [5] 20/1 20/7 25/1 25/5 25/16 Grigoryan [23] 6/7 56/14 57/2 57/5 57/15 127/16 128/21 129/6 129/14 129/18 129/25 130/12 130/17 132/7 132/21 132/23 132/25 133/20 133/21 133/22 134/9 137/1 142/22 Grigoryan's [2] 143/19 147/15 gross [1] 86/23 ground [1] 50/19 grounds [1] 59/3 group [24] 3/15 55/2 127/16 127/17 127/18 127/24 127/25 128/22 128/23 129/5 129/6 129/9 129/10 129/12 129/16 129/18 131/11 131/12 132/19 133/1 136/2 136/9 137/2 142/22 groups [3] 129/17 129/19 142/19 growing [1] 86/6 guard [1] 106/9 guess [10] 14/6 41/8 43/24 44/19 109/16 111/12 126/19 141/10 141/18 148/16 Gusto [2] 19/22 135/21 guy [2] 18/20 89/10 guys [1] 107/7 GX6H [1] 75/21 H had [52] 22/19 35/5 35/5 35/9 38/3 38/7 38/11 38/24 39/5 39/13 42/8 52/16 52/23 55/2 56/8 60/17 61/17 61/23 66/22 67/13 79/24 80/12 82/8 82/16 82/19 83/17 83/23 84/13 84/14 87/4 102/21 103/7 103/8 106/17 106/18 106/20 106/25 110/7 110/9 110/15 111/12 111/21 115/3 119/6 129/22 133/7 134/18 134/24 138/19 140/23 143/5 145/2 hair [1] 44/17 half [14] 60/22 62/19 129/24 144/11 144/15 144/17 144/18 144/24 145/3 145/4 145/10 145/11 145/16 149/6 hand [10] 10/13 73/6 91/13 92/6 92/13 93/13 94/21 117/9 117/10 136/2 handed [1] 73/11 handicap [1] 126/6
--	---	---

hands [1] 136/2 handwriting [53] 90/8 90/10 90/11 90/14 90/18 90/20 90/21 91/1 91/3 91/5 91/12 91/15 92/5 92/8 92/12 92/16 92/18 93/12 93/15 93/23 94/1 94/9 94/11 94/12 96/12 96/15 96/17 96/19 96/25 97/20 98/9 98/11 98/15 98/21 98/23 99/5 99/7 99/12 99/19 99/21 99/23 100/4 100/13 100/15 100/18 100/20 101/1 101/4 101/6 101/11 101/13 101/18 101/20 hanging [1] 104/9 happened [7] 62/18 77/1 80/21 106/22 110/13 111/6 134/21 happens [1] 140/19 Harapetyan [6] 127/19 127/19 132/25 137/4 138/4 143/7 hard [1] 86/18 hardly [1] 105/16 Harley [2] 122/11 122/24 Harley-Davidson [2] 122/11 122/24 Hart [4] 9/4 132/16 132/17 138/5 Hartunian [2] 19/4 19/8 has [58] 6/2 10/6 13/6 15/25 23/7 26/4 26/6 33/22 35/23 44/11 53/11 67/25 73/22 76/1 81/11 83/4 83/11 83/13 86/5 86/6 87/8 87/12 88/15 88/19 89/9 89/13 89/14 89/15 89/18 90/16 97/9 97/11 97/15 102/6 102/9 102/17 102/22 102/25 103/10 104/13 104/13 104/20 104/22 105/15 105/18 105/18 105/23 110/24 115/11 127/10 130/10 131/9 143/3 144/15 144/16 146/20 147/8 148/10 hasn't [2] 10/8 131/4 hat [1] 18/20 hauling [1] 82/25 have [160] haven't [4] 89/24 131/18 147/12 147/13 having [5] 76/8 76/21 86/18 124/23 135/24 Hayrapetyan [8] 113/12 113/14 132/16 132/17 132/18 133/2 137/3 142/22 hazmat [1] 85/1 he [105] head [2] 7/6 46/3 headquarters [1] 28/12 hear [9] 69/22 70/4 76/17 115/13 131/18 132/1 142/9 146/6 146/24 heard [14] 6/5 8/21 12/7 12/8 20/23 69/3 87/13 97/11 113/13 116/4 128/1 131/18 132/2 147/12 hearing [1] 115/4 hearsay [10] 50/6 51/24 52/18 53/4 57/12 64/2 64/24 108/12 110/17 110/19 heart [1] 106/23 heated [1] 107/9 height [1] 44/16 held [6] 5/6 69/23 77/11 80/18 125/12 150/6 Hello [2] 118/5 118/6 help [11] 23/3 24/4 24/6 25/7 49/5 81/2 88/7 89/3 89/8 102/6 111/25 helped [7] 81/3 81/9 88/19	89/6 89/11 89/18 111/17 her [44] 107/18 132/9 35/3 43/5 87/14 88/18 88/18 88/19 89/3 90/9 90/11 102/6 102/11 102/11 102/20 103/11 103/19 104/9 104/10 104/21 105/19 106/14 106/17 106/19 106/21 107/2 107/7 107/13 107/17 109/15 110/14 111/2 116/2 117/8 117/20 118/24 119/9 119/19 119/21 119/25 120/3 120/4 120/5 140/18 here [22] 13/21 43/2 52/7 63/1 70/20 76/10 76/15 79/20 80/18 91/8 107/6 107/7 113/6 118/15 132/15 132/15 133/20 137/23 137/25 139/13 143/4 144/6 hereby [1] 150/4 hers [1] 98/4 hey [6] 89/1 106/19 108/9 109/15 111/19 111/24 hide [2] 112/18 112/21 high [1] 79/18 Highway [1] 3/20 him [34] 5/13 8/2 8/8 9/10 14/24 18/20 26/16 26/17 26/20 26/22 35/25 50/21 50/23 53/3 53/11 53/13 53/17 57/16 58/4 59/18 59/19 65/10 65/10 68/23 111/15 111/22 111/23 111/24 113/3 113/13 118/15 129/9 140/14 141/24 himself [1] 38/21 his [30] 14/25 19/4 40/13 40/17 50/13 50/20 50/24 51/9 52/2 52/13 53/10 53/15 53/16 61/16 61/17 111/14 127/16 127/17 127/18 132/21 133/7 133/14 136/21 137/1 137/7 137/11 137/11 139/19 139/21 143/12 histories [1] 56/17 history [2] 56/14 79/19 hit [3] 64/17 86/16 108/7 hits [1] 63/6 hold [3] 18/14 83/1 133/10 holder [1] 122/18 home [24] 32/23 35/14 35/17 40/2 43/6 43/9 45/17 50/14 78/16 78/19 78/21 78/23 79/1 87/12 87/12 87/14 96/4 102/18 104/1 107/20 138/19 138/21 139/23 143/12 homes [5] 39/24 40/1 55/19 55/23 134/10 honestly [1] 25/3 Honor [165] HONORABLE [1] 1/3 hope [2] 41/10 58/18 hotly [1] 125/25 hotmail.com [1] 93/2 hour [2] 79/23 149/6 Hour-and-a-half [1] 149/6 hours [10] 79/23 81/24 81/25 82/1 82/2 82/2 82/4 106/14 106/16 149/6 house [17] 32/6 34/4 34/7 44/5 55/14 55/25 56/1 61/19 79/3 87/14 103/11 106/15 106/24 111/20 117/7 119/23 136/21 how [39] 13/14 13/17 35/5 37/21 47/18 47/21 47/24 48/22 52/2 52/5 52/8 53/10 53/13 53/19 54/8 54/15 71/14 72/25 73/3 74/9 78/10 78/19 79/9 81/5 82/7 82/12 85/24	103/4 103/5 103/8 109/22 109/22 110/14 132/1 133/3 138/22 139/4 142/18 149/4 However [1] 133/1 huh [2] 117/16 123/14 hundreds [8] 47/23 48/1 49/13 74/13 102/17 102/17 102/22 126/1 husband [1] 107/18 I I'll [3] 108/11 108/14 119/10 I'm [4] 23/12 28/7 93/4 120/14 I.D [1] 4/12 iCloud [1] 21/10 ID [1] 106/9 ID's [5] 104/24 104/24 105/10 105/18 106/3 idea [3] 103/16 103/17 144/19 identification [7] 5/24 11/6 12/23 25/9 29/21 106/6 147/9 identifications [5] 43/19 43/20 44/18 45/1 46/2 identified [3] 57/11 58/13 148/10 identifiers [1] 144/22 identify [4] 24/6 72/19 82/21 116/2 identities [10] 15/13 15/22 16/11 19/9 44/8 44/9 49/16 49/19 53/22 130/22 identity [14] 34/13 43/22 44/1 44/5 44/10 44/11 115/17 115/20 136/19 138/18 144/20 144/25 147/11 147/16 illustrative [1] 132/9 image [10] 21/4 21/8 21/20 21/24 22/8 22/14 22/18 146/2 146/3 146/14 images [1] 20/23 important [1] 66/14 impression [1] 145/15 improper [3] 50/11 56/20 64/8 Inc [2] 7/11 33/20 incident [1] 107/4 include [6] 22/15 44/13 74/21 136/3 136/9 145/22 included [4] 22/20 25/4 137/2 147/20 including [2] 136/11 145/14 incomplete [1] 71/9 independent [2] 88/14 119/15 indicate [1] 41/18 indicated [2] 63/18 63/22 indicators [1] 142/2 indictment [1] 47/4 individual [1] 27/22 individuals [12] 17/22 17/25 43/17 45/23 46/11 49/18 53/23 54/23 66/18 67/7 127/20 128/1 industries [1] 135/25 inextricably [1] 147/7 information [24] 21/2 23/5 27/10 32/22 44/12 44/15 48/14 48/23 48/25 49/7 51/21 52/17 52/23 56/9 59/14 71/13 76/25 77/3 77/5 77/5 105/6 105/25 142/5 147/20 inhouse [1] 86/2 initial [4] 25/2 25/4 49/18 109/14 initially [2] 51/20 52/16 initiated [2] 27/18 27/20 Injijian [1] 136/7
---	--	---

I inquire [1] 25/18 instance [8] 30/8 44/13 48/18 49/5 49/12 49/20 52/8 55/6 instances [1] 48/17 instead [3] 18/25 64/1 137/11 institutions [3] 47/10 47/14 47/16 instruction [3] 6/1 144/9 144/10 instructions [2] 144/6 148/17 insufficient [1] 135/11 insurance [7] 38/4 82/10 83/19 85/14 85/17 85/19 85/20 intake [2] 75/17 75/20 intends [1] 148/9 intentionally [2] 114/16 114/19 interdependence [3] 131/13 134/3 142/18 interdependency [1] 132/6 interest [1] 79/1 Interiors [6] 7/3 7/7 7/11 9/22 136/4 136/5 interject [1] 64/6 Internet [3] 49/2 59/12 59/13 interrupt [1] 72/6 interrupted [1] 53/11 interrupting [1] 72/11 intertwined [2] 146/11 147/7 interview [3] 54/3 54/6 54/16 interviewed [2] 54/4 57/9 interviews [4] 47/11 53/25 54/12 57/24 introduced [3] 23/7 144/17 147/2 invent [1] 105/10 invested [1] 113/2 investigate [27] 14/14 14/23 14/24 15/3 17/22 19/4 20/1 25/1 27/14 30/23 35/1 35/9 37/7 37/10 38/15 38/23 44/1 47/3 57/4 57/14 61/3 61/13 65/4 65/7 65/9 65/11 67/3 investigated [4] 26/22 29/3 56/25 57/2 investigating [3] 36/11 46/24 66/18 investigation [29] 6/23 6/25 9/2 11/12 26/1 27/17 27/21 32/12 39/23 40/21 40/25 41/4 41/23 43/5 44/4 47/2 47/8 47/22 47/25 49/1 51/5 54/13 55/18 56/24 59/9 59/25 61/12 66/3 66/14 investigative [4] 9/25 13/24 43/3 47/7 investigator [1] 29/9 involve [1] 147/10 involved [14] 6/25 13/20 31/25 32/1 32/2 85/8 88/9 102/4 103/19 119/13 120/4 127/4 129/4 129/4 IP [33] 32/24 47/17 48/14 48/17 48/23 48/25 49/2 49/4 49/7 56/9 58/21 59/10 59/14 72/25 73/3 74/2 74/4 74/16 74/18 74/22 74/24 75/16 75/23 76/4 76/5 76/9 76/9 76/11 76/13 76/16 77/4 77/7 143/3 IRS [2] 37/4 115/3	is [526] 119/16 121/1 124/18 124/21 124/25 144/24 145/10 147/3 issue [12] 53/5 58/15 58/19 62/23 65/4 65/12 71/6 71/23 77/2 126/20 127/3 132/3 issues [2] 57/13 58/18 it [372] it's [3] 13/7 14/10 46/13 item [1] 134/7 items [3] 30/5 32/10 104/11 its [3] 59/22 131/6 131/9 Iulia [13] 26/12 27/8 49/18 50/16 50/17 51/21 52/24 52/25 55/11 55/12 133/3 133/22 138/17 J January [2] 10/3 16/22 January 1st [1] 10/3 January 8 [1] 16/22 Jennifer [1] 3/12 Jewelry [1] 54/10 job [3] 80/3 83/21 107/19 jobs [7] 79/24 79/24 79/25 80/1 80/2 86/17 87/24 John [1] 3/4 Johnson [9] 2/14 2/17 2/19 2/22 3/19 3/20 4/5 4/9 116/13 joint [3] 36/16 131/13 142/18 Jr [1] 3/14 judge [2] 1/4 73/11 Judicial [1] 150/9 July [4] 19/20 121/15 122/3 140/12 July 13th [1] 121/15 July 21 [1] 19/20 July 27th [1] 122/3 July 3rd [1] 140/12 jump [1] 64/14 JUNE [4] 1/17 5/1 47/1 150/10 jury [36] 1/15 5/7 5/9 23/15 24/7 29/22 30/2 47/6 50/25 51/25 59/22 62/17 64/9 68/24 69/7 69/24 70/2 74/18 76/7 76/15 76/22 77/6 77/12 77/18 80/11 81/15 83/6 85/7 89/12 125/13 139/12 139/16 144/6 144/9 148/2 148/17 jury's [2] 51/4 69/10 just [92] JUSTICE [3] 2/4 2/9 43/1 JUSTIN [1] 4/4 K KATIE [2] 1/21 150/12 Katzman [2] 3/4 3/7 Kauchko [7] 41/10 41/20 48/20 130/5 130/8 130/11 130/17 keep [7] 51/7 59/25 80/5 81/24 96/4 103/1 132/18 keeping [1] 84/14 Keough [3] 2/19 70/25 72/12 keys [1] 102/18 kids [10] 103/2 103/2 104/21 105/17 106/24 107/3 107/14 107/15 107/19 107/22 kind [3] 12/6 81/24 85/16 Kirk [1] 65/18 kitchen [1] 104/6 knew [4] 67/4 109/11 114/10 130/6 know [82]	knowing [1] 84/21 knowingly [1] 145/2 knowledge [9] 10/21 10/25 12/11 15/5 22/6 45/2 61/2 66/23 110/3 knows [3] 8/9 23/22 103/1 Kopytova [1] 136/13 Kudiomov [7] 130/3 130/12 134/14 134/15 134/16 134/24 135/4 Kudiumov [1] 130/17 L La [2] 55/7 57/10 Lacks [4] 7/19 9/15 14/19 20/3 lady [2] 88/6 117/6 Lamps [11] 27/9 27/11 27/15 28/12 60/4 62/14 63/7 64/17 65/5 65/8 65/12 language [1] 90/18 large [1] 76/7 larger [1] 141/19 last [4] 28/7 47/3 77/25 129/24 late [1] 58/10 late-produced [1] 58/10 later [5] 11/7 17/2 18/25 139/22 140/7 law [8] 3/15 3/20 84/21 117/4 117/6 141/11 141/12 141/15 laws [1] 108/23 lawyer [2] 91/21 106/25 lay [1] 9/11 lead [4] 24/1 24/3 29/3 29/8 learn [3] 55/4 65/7 115/15 learned [3] 33/15 70/24 105/13 lease [1] 85/21 least [5] 46/13 55/21 127/2 129/12 134/9 leave [2] 30/6 145/18 lecturn [1] 131/21 left [13] 30/9 45/21 60/23 69/7 83/22 93/13 94/21 111/13 123/20 123/23 124/20 134/18 137/20 left-hand [2] 93/13 94/21 legal [2] 43/24 59/3 Lendio [2] 18/19 18/21 let [32] 9/10 17/10 25/7 27/3 29/18 66/8 70/2 73/6 73/9 73/24 76/17 80/3 83/23 86/9 90/7 102/24 103/4 104/3 108/3 113/10 113/20 120/5 126/17 131/17 132/1 138/14 142/9 142/14 144/5 146/6 146/24 148/13 let's [43] 6/10 10/9 10/10 11/9 12/17 12/24 12/25 13/4 14/7 16/13 17/2 18/4 18/9 18/24 19/13 20/13 21/12 24/17 25/24 26/7 26/15 26/17 28/4 28/7 29/1 30/14 30/18 39/8 47/13 58/4 61/10 62/22 62/24 64/1 64/14 64/14 69/11 69/21 77/8 84/1 127/12 132/20 145/18 level [1] 60/1 Lewis [1] 3/4 liability [2] 38/4 85/17 license [24] 7/8 8/22 9/5 9/19 24/22 35/3 35/6 35/10 38/7 43/12 43/14 44/15 61/17 61/17 81/17 82/8 84/24 84/25 85/9 87/4 104/9 106/4 108/16 133/5 licensed [1] 35/2
--	--	--

licenses [5]	8/25 44/21 46/5	26/7 26/25 28/4 29/1 29/12	103/8 126/7
84/22 104/24		27/18 30/12 31/8 32/22	Meghan [1]
Licensing [1]	9/8	41/13 41/20/9 48/2 48/14	17/24 19/9 20/9 66/17 84/1
lies [1]	144/19	56/17 59/12 64/1 65/16 66/16	86/9 103/5 103/8 113/24
life [3]	79/20 89/15 103/7	68/10 77/2 92/23 94/19 95/4	114/2 114/6 114/22 114/25
like [51]	5/14 8/19 9/7	97/24 107/13 132/9 132/10	134/22
10/17 11/20 12/6 13/12 16/8		138/14	March 2020 [2]
20/18 22/15 27/11 27/21		looked [9]	15/7 17/24
27/23 29/14 30/16 31/11		9/4 9/21 53/2	Marietta [9]
32/24 37/2 40/5 40/19 41/16		56/14 58/21 60/18 136/5	6/8 50/2 50/15
43/4 45/8 45/8 58/8 75/7		137/15 144/7	51/14 55/24 60/23 130/11
85/3 89/1 89/4 89/22 91/12		looking [8]	130/17 134/1
92/13 94/19 101/24 102/13		49/19 75/8 99/2	Marietta's [2]
104/15 104/20 106/18 107/9		99/16 100/10 101/8 101/15	55/8 55/16
109/19 110/23 116/22 117/6		132/9	marked [5]
120/3 121/5 125/5 126/1		looks [12]	5/24 11/6 12/23
135/20 140/3 141/16 142/13		10/17 11/20 13/12	29/21 75/9
likely [2]	28/18 105/7	16/8 20/18 27/11 29/14 30/16	Market [1]
limo [4]	40/7 139/21 141/3	91/12 92/13 94/12 117/6	2/20
145/7		loop [1]	marking [1]
line [7]	13/2 18/7 18/10	142/23	58/11
18/18 18/24 122/3 137/23		LOS [8]	marriage [3]
line 2930 [1]	18/7	1/14 1/23 2/7 2/15	119/3 119/7
line 3280 [1]	18/18	3/9 3/16 5/1 80/17	124/23
line 3844 [1]	18/24	lose [4]	married [8]
lines [3]	19/15 63/2 97/24	72/7 106/20 131/9	79/5 79/7 79/9
link [3]	48/11 75/23 133/8	148/24	87/9 88/16 90/9 103/21
linked [1]	53/22	loss [2]	118/10
list [2]	76/5 143/12	109/2 129/22	Martirosyan [9]
listed [5]	32/10 48/8 76/10	lot [11]	14/14 14/17
136/17 141/25		34/14 53/6 79/25	15/4 15/7 15/14 15/23 17/13
lists [3]	64/17 74/2 74/4	80/1 80/16 81/3 86/13 111/8	128/3 128/5
literally [1]	70/8	111/10 124/25 139/15	Martirosyans [2]
little [6]	80/5 89/24 93/10	lots [1]	128/9
101/24 139/10 148/17		147/13	128/12
Littrell [3]	3/4 3/4 3/7	Louisiana [2]	mass [2]
Liudmyla [1]	136/13	80/13 80/15	147/20 147/23
live [3]	40/14 78/12 78/13	love [3]	Massino [2]
lived [5]	40/9 40/15 55/13	88/13 107/14 124/17	14/3 14/5
61/13 78/19		lower [2]	matter [3]
living [1]	55/8	93/13 110/9	70/2 144/9 150/7
LK [2]	136/13 136/16	lunch [2]	matters [1]
LLC [6]	39/5 39/14 83/8 83/9	125/11 148/17	68/24
110/7 124/8		M	max [2]
LLC's [1]	120/17	M-A-R-T-I-R-O-S-Y-A-N [1]	83/23 104/14
LLP [6]	2/14 2/17 2/19 2/22	128/13	may [27]
3/4 3/7		ma'am [4]	9/11 29/22 35/24
load [1]	106/8	118/6 118/9 121/17	42/2 49/5 51/3 51/3 51/9
loads [1]	86/19	124/19	61/5 69/12 69/14 71/22 73/17
loan [37]	14/18 25/15 31/1	MacDonald [3]	76/23 78/2 89/20 91/8 113/5
46/25 47/21 49/6 49/14 49/21		32/4 32/7 32/8	125/14 127/3 133/4 134/7
57/6 74/13 74/17 74/21 75/23		made [12]	136/12 141/7 145/1 145/8
76/14 108/18 108/25 109/7		63/18 63/23 65/16	147/7
109/9 109/13 109/20 110/4		79/2 80/24 86/13 109/2	maybe [5]
110/24 110/25 111/20 111/25		110/23 124/12 139/14 142/11	12/8 46/3 73/25
112/1 115/2 121/2 121/22		143/14	130/24 132/5
135/19 136/6 136/9 136/17		Madison [2]	me [85]
137/11 137/24 139/14 139/21		32/3 32/7	mean [48]
loaned [2]	89/13 89/14	magnified [1]	6/3 7/6 13/16 14/3
loans [12]	48/7 48/9 54/24	121/15	22/13 23/12 30/3 37/2 37/4
108/3 108/6 110/22 114/11		magnify [1]	42/14 42/14 43/18 43/24 45/8
121/20 129/19 136/11 136/15		68/8	46/3 46/12 49/12 53/3 53/13
136/22		mail [5]	56/22 59/22 61/21 64/5 65/2
local [3]	37/2 82/14 82/16	25/19 50/3 50/6	67/12 74/21 75/6 75/7 85/7
located [2]	7/12 27/15	50/8 102/12	86/12 86/24 88/12 89/11
location [4]	32/4 33/25	mailbox [1]	102/12 102/16 102/17 111/10
61/18 63/25		102/12	111/18 112/25 114/11 118/23
locking [1]	103/2	mailed [2]	129/1 134/15 139/14 141/10
logs [1]	56/8	70/16 70/20	145/11 146/17 146/22
long [7]	5/20 25/4 35/5	mails [6]	meaning [5]
78/19 79/9 81/25 149/4		18/21 70/10 92/21	23/19 25/18 63/5
longer [1]	82/4	92/24 93/9 93/11	129/13 132/21
look [53]	6/18 6/20 6/23 9/3	main [1]	means [2]
9/6 9/7 9/22 10/10 11/9		129/17	77/5 77/18
12/25 14/7 15/25 18/4 18/9		maintained [1]	meant [1]
18/24 19/13 20/13 21/12		82/18	44/20
24/17 25/10 25/10 25/24 26/4		majority [4]	Media [2]
		34/11 34/12	136/3 136/16
		34/21 77/4	medical [2]
		make [24]	85/4 85/11
		9/10 26/23 39/8	meet [1]
		49/8 56/4 59/2 59/22 64/8	71/7
		67/14 69/2 80/22 87/19 89/2	Meghan [1]
		106/18 113/23 114/16 114/19	2/16
		130/7 132/20 140/14 140/18	member [2]
		140/20 143/4 143/4	141/8 141/15
		makes [1]	members [2]
		145/11	5/9 13/24
		making [3]	memory [1]
		26/18 86/14 133/8	129/22
		manager [1]	mention [1]
		120/23	140/1
		manually [3]	mentioned [4]
		27/22 27/24	48/19 95/22
		28/17	96/1 128/7
		manufacture [1]	Mesereau [11]
		105/11	3/14 3/15 4/5
		manufactured [1]	4/9 31/19 35/1 61/23 78/9
		44/12	80/6 80/8 90/1
		manufacturing [1]	message [4]
		43/19	19/25 21/10
		Manuk [10]	123/7 123/12
		6/7 56/14 57/2	messages [11]
		57/5 127/16 129/18 129/25	13/21 19/17
		131/11 133/22 147/15	40/24 57/24 128/4 128/5
		Manuk's [6]	130/25 136/23 140/13 140/25
		143/2 143/2	141/3
		143/6 143/11 143/13 144/1	metadata [7]
		Manukyan [7]	22/8 22/10
		11/16 11/21	22/13 22/17 22/20 22/23 23/6
		21/19 133/3 133/5 133/7	Michael [3]
		138/7	2/19 72/12 73/10
		many [14]	might [4]
		34/17 47/18 47/21	14/24 36/11 46/7
		47/24 48/22 54/15 58/17	46/11
		71/14 81/5 82/12 103/4 103/6	

M million [1] 85/17 mind [4] 49/17 66/12 126/23 132/18 mine [2] 106/7 123/17 Minimum [1] 85/17 minus [1] 86/25 minute [1] 66/9 minutes [3] 69/21 77/9 129/2 Mirage [1] 63/7 mislead [1] 145/14 misleading [1] 145/12 missed [1] 136/14 missing [1] 73/1 misstates [3] 8/6 59/6 66/4 MO [1] 143/11 mobile [1] 47/16 Mod [6] 7/2 7/7 7/11 9/22 136/3 136/4 model [1] 144/8 modern [1] 12/8 moment [9] 45/15 62/14 66/1 69/9 71/25 86/8 91/21 128/25 133/17 moments [1] 70/8 mommy [1] 107/6 money [43] 36/14 49/9 49/11 52/2 52/5 52/24 53/10 53/14 53/20 53/21 54/1 80/23 80/24 81/17 86/13 89/13 89/14 109/2 109/19 109/22 110/15 111/6 111/14 111/14 111/16 111/24 111/25 112/5 121/7 121/18 121/23 132/10 132/10 132/16 133/1 137/12 138/12 140/10 140/15 141/22 141/24 143/14 143/19 Monica [1] 3/15 monies [2] 133/10 142/23 monitor [1] 91/24 monitors [1] 68/1 month [2] 16/20 62/19 month-and-a-half [1] 62/19 monthly [1] 135/22 months [4] 60/22 80/20 110/5 140/7 more [14] 19/16 24/12 53/7 61/8 62/19 72/6 73/4 76/2 101/24 109/23 110/2 110/9 126/9 130/24 morning [10] 6/16 6/17 31/17 31/18 39/21 46/22 46/23 78/8 78/9 107/21 mortgage [1] 126/24 most [5] 73/1 75/5 105/7 132/9 134/5 mostly [1] 89/18 mother [7] 117/4 117/6 117/18 117/19 117/20 117/21 138/19 mother's [1] 117/19 mother-in-law [2] 117/4 117/6 motions [2] 126/14 146/5 motor [4] 38/12 38/12 81/25 82/19 motorcycle [1] 122/25 move [17] 5/14 7/17 10/9 11/2 12/17 12/18 29/16 41/16 50/5 56/10 58/5 58/9 60/2 86/19 119/23 123/20 133/12 moved [2] 106/24 112/5 moves [1] 117/12 moving [12] 66/23 67/5 95/9 95/14 96/7 96/22 98/6 98/18 99/9 99/25 100/19 100/25 Mr [27] 4/4 4/5 4/5 4/6 4/6 4/7 4/9 4/9 10/12 11/11	13/10 15/2 26/25 35/1 58/7 67/26 80/3 80/11 81/19 81/11 65/21 65/19 80/6 80/8 90/1 144/12 Mr. [47] 5/12 31/17 38/1 40/2 40/9 40/11 53/11 56/13 58/20 59/9 59/16 60/3 61/23 67/21 68/4 69/16 70/4 70/25 77/21 78/8 90/2 91/10 92/3 94/7 94/15 97/17 101/24 113/10 125/17 126/19 132/2 132/25 133/7 133/9 133/20 134/1 134/14 136/20 136/22 137/1 137/4 139/19 142/10 145/6 145/7 Mr. Anton [1] 134/14 Mr. Arman [1] 137/4 Mr. Artur [3] 69/16 77/21 145/6 Mr. Avazyan [1] 133/9 Mr. Ayzazian [12] 38/1 78/8 90/2 91/10 92/3 94/7 94/15 97/17 101/24 113/10 118/5 133/7 Mr. Cruz [2] 59/16 67/21 Mr. Dadyan's [1] 40/11 Mr. Fenton [1] 70/4 Mr. Harapetyan [1] 132/25 Mr. Keough [1] 70/25 Mr. Mesereau [1] 61/23 Mr. Palmerton [2] 5/12 31/17 Mr. Paronyan [1] 133/20 Mr. Ram [10] 53/11 56/13 58/20 59/9 60/3 68/4 126/19 132/2 137/1 142/10 Mr. Richard [3] 134/1 136/20 136/22 Mr. Vahe [6] 40/2 40/9 118/13 125/17 139/19 145/7 Ms [2] 4/10 124/17 Ms. [10] 68/8 124/20 134/1 136/24 138/19 139/5 139/23 142/14 142/17 146/3 Ms. Ahn [2] 142/14 142/17 Ms. Dadyan [2] 124/20 139/5 Ms. Marietta [1] 134/1 Ms. Paul [1] 68/8 Ms. Tamara [1] 136/24 Ms. Terabelian's [3] 138/19 139/23 146/3 much [5] 18/25 86/1 88/21 109/22 127/7 multi [1] 126/22 multi-conspiracy [1] 126/22 multiple [5] 63/23 130/21 131/23 132/4 142/19 must [2] 6/9 65/19 my [118] myself [6] 9/24 40/11 83/25 84/11 130/7 148/20 N name [45] 4/3 10/23 12/10 12/11 14/25 16/10 25/16 26/12 31/19 32/19 40/6 41/9 41/10 41/20 43/15 44/13 48/19 50/1 50/14 51/14 52/25 55/10 55/11 55/12 65/18 72/11 77/23 77/25 83/3 88/6 94/21 104/10 112/17 116/1 117/8 120/21 122/18 123/18 130/1 133/6 133/8 134/12 136/10 137/11 144/21 named [3] 11/15 47/4 95/17 names [3] 92/20 128/2 134/13 Natalie [1] 93/10 necessarily [1] 23/6 need [11] 45/13 77/17 84/23 85/10 85/11 90/17 105/20	106/19 108/10 112/1 130/7 130/9 130/9 net [2] 86/22 87/1 never [14] 12/8 25/22 33/2 46/14 46/14 104/2 104/2 112/19 112/19 113/13 114/10 114/18 119/22 125/6 new [11] 2/10 2/18 13/13 90/17 110/7 110/8 112/17 140/14 140/18 140/23 141/23 Newcomer [1] 2/16 news [1] 108/8 next [15] 6/10 21/13 27/10 29/1 30/22 30/22 69/6 69/6 69/22 100/19 102/18 117/6 118/18 124/2 138/13 Nicholas [1] 2/22 night [2] 106/16 107/5 nine [1] 79/21 Ninth [2] 141/7 144/9 no [162] Nobody [1] 86/18 none [1] 40/1 nontax [1] 62/4 North [2] 2/6 3/20 not [142] note [4] 136/8 136/15 141/6 141/22 nothing [3] 33/1 33/5 108/17 notice [5] 70/7 71/5 91/21 121/18 126/2 November [1] 45/18 November 5th [1] 45/18 now [61] 10/10 12/24 14/7 16/13 17/2 18/4 18/17 18/24 19/13 20/13 21/3 21/3 21/12 24/17 25/13 25/24 26/21 28/4 29/1 33/6 35/8 35/14 43/4 51/5 53/12 63/5 64/14 64/16 68/14 68/18 70/2 72/10 79/14 80/3 81/12 83/4 84/14 86/5 86/20 87/10 88/15 88/20 90/7 92/5 92/20 93/19 97/9 97/16 103/12 104/22 107/20 108/3 108/11 115/2 115/17 122/14 127/12 129/20 130/14 148/13 149/8 number [23] 23/20 23/21 23/25 24/23 27/11 27/13 29/6 42/17 42/18 48/6 68/11 68/12 76/7 123/24 123/25 124/2 124/3 126/18 136/18 136/18 136/20 140/13 142/6 numbers [8] 42/18 42/19 42/21 42/22 42/22 48/8 48/11 135/21 numerous [1] 83/17 NW [2] 2/10 2/23 NY [1] 2/18 O o'clock [4] 71/3 106/15 107/5 149/8 oath [1] 6/12 objection [66] 5/19 5/21 7/19 7/25 8/6 8/15 9/9 9/11 9/14 9/15 11/4 12/20 12/21 14/19 15/15 17/5 17/20 18/1 19/10 20/3 20/10 21/22 22/9 23/18 24/11 29/17 29/19 33/21 33/23 34/19 34/23 35/22 36/8 36/17 37/18 39/1 39/6 50/5 50/10 50/18 51/24 52/18 53/4 56/10 56/20 56/23 57/12 58/14 58/24 59/2 59/3 64/3 64/23 66/4 66/25 67/8 67/9 70/3 70/4 70/7 88/23 108/12 110/17 110/19 114/13 149/1
--	--	--

obligations [1] 81/10 obtain [5] 22/7 22/17 66/21 67/3 129/19 obviously [1] 142/1 occur [2] 28/2 46/6 occurred [4] 27/15 28/18 146/9 147/9 October [9] 26/2 27/7 60/7 63/24 64/15 64/22 65/21 65/22 68/9 October 13 [1] 60/7 October 13th [3] 63/24 64/22 68/9 October 14th [3] 26/2 27/7 64/15 off [8] 7/6 25/14 46/3 56/8 85/23 102/11 107/12 113/1 offense [1] 146/21 offer [1] 9/10 offered [1] 119/9 offering [1] 9/12 office [23] 2/4 3/20 33/6 33/9 33/11 33/14 33/15 33/18 33/18 34/7 34/22 87/12 87/14 87/14 87/16 87/17 87/18 87/21 87/22 96/4 104/1 104/4 104/11 offices [1] 71/3 Official [1] 1/21 often [1] 140/19 oh [8] 26/7 53/3 89/1 93/4 102/21 105/19 110/23 116/24 oil [1] 80/21 okay [85] old [6] 78/10 78/11 79/21 79/22 89/20 105/17 old-fashioned [1] 89/20 older [2] 81/6 118/8 oldest [1] 93/8 omissions [1] 144/11 once [5] 5/9 13/1 16/24 82/9 86/16 one [90] online [1] 28/23 only [21] 13/8 33/18 36/1 37/25 49/7 52/11 74/23 82/1 82/2 82/18 102/2 103/7 106/4 106/7 109/16 125/22 134/4 134/7 139/12 145/22 148/8 open [2] 25/5 47/9 opened [6] 41/18 41/19 42/9 110/7 110/10 110/11 opening [1] 120/16 operate [1] 87/11 opinion [2] 50/20 64/6 opinions [1] 50/24 opportunity [2] 67/14 132/3 opposed [2] 66/23 67/5 optional [1] 85/1 options [1] 86/1 order [1] 14/11 organization [1] 39/13 original [1] 52/4 other [58] 9/6 12/6 13/24 28/21 31/3 31/11 47/11 47/12 47/15 51/2 52/1 54/12 54/12 54/15 59/12 59/13 59/14 66/24 67/6 69/1 75/25 84/25 90/18 93/9 93/11 94/16 99/2 125/8 125/21 126/15 126/23 126/24 127/1 127/19 127/24 129/11 129/13 129/14 131/14 132/19 132/21 132/21 134/7 135/9 135/11 139/6 141/17 142/2 142/6 143/9 143/13 144/22 145/12 146/9 146/10 146/12 146/13 147/5	others [2] 21/8 141/17 otherwise [1] 11/9 ought [1] 10/22 our [19] 10/17 10/18 18/14 29/14 42/19 42/21 43/1 55/2 70/9 71/3 77/13 102/3 107/19 107/19 130/18 132/14 135/5 135/16 138/9 out [37] 26/2 30/4 35/12 37/4 49/4 49/14 51/19 62/18 62/20 79/18 79/22 81/3 85/12 88/6 88/19 89/3 102/19 106/19 106/24 109/7 111/23 112/1 115/5 115/7 115/8 119/7 119/9 119/23 122/7 124/16 126/24 131/15 131/24 132/17 138/17 143/3 143/12 outs [1] 147/10 outset [1] 73/25 outside [9] 5/6 17/6 69/23 70/1 77/17 83/2 125/12 139/11 139/15 over [11] 27/23 28/18 28/20 47/2 47/20 107/7 107/9 107/11 109/24 133/3 140/11 overall [1] 146/23 overhead [1] 89/20 overruled [17] 15/16 20/4 20/11 36/9 50/11 51/25 52/20 56/12 56/22 59/5 59/7 64/25 68/19 88/24 108/13 110/20 114/15 owe [1] 112/1 owed [1] 111/14 own [6] 37/13 78/21 81/16 85/21 88/3 106/9 owned [11] 32/13 32/23 33/3 37/11 37/23 38/1 78/23 82/12 82/18 83/11 85/22 owner [2] 32/16 32/19 ownership [1] 33/2 owning [1] 38/18	particular [3] 13/25 16/15 17/22 parties [8] 5/8 5/25 58/3 59/24 67/13 69/1 69/2 140/1 partner [2] 80/12 123/16 partners [1] 107/18 party [1] 52/19 Pass [1] 69/9 passing [1] 79/22 past [2] 107/4 114/12 patience [1] 72/7 patterns [1] 143/10 Paul [1] 68/8 pause [4] 21/16 30/14 128/25 138/15 pay [9] 103/12 111/4 111/20 112/1 112/24 112/25 120/11 121/9 122/1 Paying [1] 84/21 payment [4] 15/21 17/12 17/19 86/3 payments [4] 15/13 17/23 111/3 111/9 payroll [5] 19/21 19/22 135/22 135/22 142/1 Payrur [2] 113/11 127/19 pen [2] 117/13 117/15 pending [2] 124/14 125/7 people [13] 12/5 35/17 43/19 45/1 45/4 45/7 45/24 46/1 46/7 106/15 107/12 113/11 130/21 people's [2] 44/12 105/24 per [1] 25/19 percent [2] 140/2 140/6 perception [1] 127/2 perform [2] 84/20 88/25 period [4] 17/6 17/8 84/1 86/9 Perk [1] 65/18 permit [1] 38/12 permits [4] 82/9 82/10 82/25 87/23 person [21] 16/25 32/20 42/1 42/12 42/14 94/24 116/4 117/23 126/19 128/6 129/23 129/24 134/11 135/3 141/7 141/13 143/9 144/20 144/21 144/22 145/2 personal [2] 89/15 90/16 personally [5] 12/14 12/16 31/22 54/25 55/1 Peter [3] 3/19 3/20 116/13 phone [39] 13/16 13/17 20/1 20/18 20/20 20/24 21/5 21/9 21/9 21/25 22/1 22/8 23/5 24/23 24/25 27/11 27/13 27/23 28/18 28/20 51/23 102/18 102/20 102/22 102/24 102/25 103/1 103/3 103/7 104/25 105/2 105/4 105/6 120/5 133/5 136/20 136/21 146/3 146/15 phones [6] 102/14 103/4 103/6 103/8 103/10 147/21 photo [6] 21/15 21/17 22/15 22/19 22/24 23/6 photograph [1] 42/8 photos [8] 45/8 45/16 45/16 45/20 104/20 104/21 105/16 116/25 physical [3] 41/21 85/19 148/11 physically [1] 42/3 pick [3] 102/10 106/8 120/5 picked [3] 64/21 65/8 65/18 picture [2] 142/13 143/17 pictures [7] 44/25 45/3 45/4 45/7 45/7 104/19 105/17
	P Pacific [1] 3/20 package [4] 63/25 64/21 65/8 65/18 packages [2] 102/10 102/11 packed [1] 80/17 PAETTY [1] 2/5 page [76] pages [10] 9/7 16/14 30/18 73/15 73/15 73/16 73/21 74/13 97/5 97/9 paid [6] 36/24 37/6 85/23 111/14 113/3 138/19 PALMERTON [27] 4/4 5/12 6/6 6/16 6/20 6/22 7/22 8/3 9/17 10/13 11/11 12/10 13/10 15/18 16/6 16/18 21/18 22/13 30/1 31/17 46/22 53/19 58/7 59/8 67/21 68/3 68/20 pandemic [5] 30/20 30/24 86/16 109/24 134/19 paper [1] 6/3 papers [1] 89/1 paralyzed [1] 88/21 Paronyan [9] 25/1 25/5 25/16 113/18 127/18 133/20 136/10 136/24 137/2 part [24] 6/22 9/2 11/11 25/25 32/1 32/2 43/11 44/4 46/1 47/2 47/7 55/18 56/24 61/12 63/4 75/5 79/3 127/7 132/19 132/25 137/14 141/19 142/22 144/1 participant [3] 140/17 140/18 141/23 participants [1] 141/9	

P piece [1] 6/3 pizza [1] 79/22 place [4] 60/7 60/20 102/12 115/13 placed [1] 32/24 places [2] 47/15 79/25 PLAINTIFF [2] 1/7 2/3 plaques [2] 104/13 104/15 platform [2] 11/22 12/5 play [1] 103/3 please [21] 15/19 45/15 59/17 60/10 60/11 69/25 70/18 73/13 80/11 81/15 83/6 84/10 85/7 86/12 86/24 89/2 95/4 102/16 107/8 117/17 117/18 Plus [11] 27/9 27/11 27/15 28/12 60/4 62/14 63/7 64/17 65/5 65/8 65/12 point [26] 26/18 33/15 35/7 42/8 58/18 59/19 59/23 61/6 69/4 70/4 74/9 80/9 81/12 82/13 105/11 106/10 126/21 127/2 130/24 136/4 138/17 140/13 143/13 145/1 146/25 147/6 pointed [1] 53/8 pointing [1] 124/16 points [2] 69/3 143/4 portion [1] 68/15 portions [3] 145/8 148/2 148/8 posited [1] 142/19 position [5] 71/25 74/10 131/19 138/7 138/9 possibility [1] 129/12 possible [2] 42/14 117/9 possibly [3] 14/3 22/16 143/20 Post [1] 92/14 Post-it [1] 92/14 potentially [1] 129/16 powering [1] 70/9 PPP [33] 25/15 30/25 34/12 40/6 46/24 51/17 54/22 57/5 66/23 67/4 108/3 108/5 108/8 108/18 109/12 110/4 112/3 115/2 119/7 121/4 127/3 129/19 133/2 133/24 135/19 137/11 137/21 137/24 138/1 138/10 139/21 140/2 142/5 predated [1] 146/4 prefer [1] 148/23 preference [2] 148/21 149/7 preloaded [1] 106/8 prenuptial [1] 103/20 preparation [1] 24/4 preparer [1] 147/22 prerequisites [1] 71/8 presence [8] 5/7 69/24 70/1 77/12 77/18 125/13 139/12 139/15 present [4] 5/8 30/7 30/9 108/20 presented [1] 131/16 president [5] 110/16 110/22 110/24 136/18 136/19 PRESIDING [1] 1/4 pretty [1] 88/21 previous [1] 133/16 previously [4] 20/23 68/14 120/15 123/10 primarily [1] 34/9 primary [1] 76/19 Primavera [3] 55/7 57/10 138/23 principal [1] 77/2	P principle [1] 134/2 prints [1] 153/11 101/14 17/15 107/23 20/8 21/21 33/13 66/17 147/9 probably [3] 87/1 132/8 134/4 problem [2] 71/20 88/20 problems [1] 76/20 proceed [1] 78/2 proceedings [8] 1/13 5/6 69/23 77/11 125/12 138/15 149/10 150/6 proceeds [2] 54/22 140/3 process [2] 13/20 80/14 processed [1] 80/16 produced [6] 10/20 42/22 58/10 74/3 74/7 139/16 production [1] 10/17 profit [2] 86/22 86/23 profitable [3] 86/5 86/7 86/10 program [1] 85/9 prompting [1] 130/7 properly [1] 83/21 properties [2] 29/15 55/6 property [4] 22/24 30/3 30/5 57/11 proponent's [1] 71/25 proposed [2] 144/7 144/8 proposition [1] 131/8 propriatorship [3] 83/7 112/9 123/3 protocol [1] 49/2 proved [1] 131/4 provide [2] 73/10 73/13 provided [7] 24/7 32/9 70/7 72/16 72/16 72/20 108/17 providers [2] 47/17 47/17 publicly [2] 6/23 7/23 publish [1] 29/22 pull [8] 9/18 13/5 16/2 20/24 62/3 62/22 128/2 132/15 pulled [2] 61/16 61/23 pulls [1] 47/12 punched [2] 28/17 28/19 punctual [1] 5/10 purchase [11] 27/9 27/18 50/1 51/13 57/10 63/18 79/2 82/20 89/13 138/18 138/19 purchased [6] 50/14 54/22 55/7 55/10 55/12 81/18 purchases [1] 63/23 purport [3] 71/12 71/15 72/23 purportedly [2] 34/6 77/1 purports [4] 71/16 71/19 72/25 74/1 purpose [5] 52/11 71/13 75/22 76/3 142/1 purposes [3] 112/7 115/22 127/3 pursuant [2] 30/10 150/4 pursue [1] 57/20 pursuit [1] 57/17 put [12] 6/18 11/8 67/16 84/19 85/2 102/18 103/22 105/2 105/6 112/3 115/11 142/14 putting [1] 25/13 Q qualified [1] 109/1 qualifies [1] 109/3 qualify [2] 108/10 110/1 quality [1] 64/6 question [27] 8/3 14/21 15/2 15/17 17/11 20/5 23/13 29/7 31/12 37/19 39/8 52/5 57/14	65/3 65/10 65/11 65/25 66/12 67/12 73/18 124/14 125/7 125/8 126/18 questioning [2] 50/24 53/7 questions [19] 31/10 39/17 40/5 40/19 46/17 50/23 53/17 58/21 61/8 62/7 64/8 65/24 67/10 69/5 113/20 116/6 117/25 125/3 144/10 quickly [1] 60/12 quite [3] 66/1 140/19 147/8 R radio [1] 108/9 Radius [2] 49/22 51/17 raise [3] 102/2 107/19 118/25 raised [2] 70/2 70/25 Ram [22] 2/13 4/4 4/6 10/12 11/11 13/10 15/2 26/25 53/11 56/13 58/20 59/9 60/3 64/11 65/21 66/1 68/4 126/19 132/2 137/1 142/10 144/12 Rancho [1] 63/7 random [1] 79/24 rather [1] 76/8 RE [1] 104/14 RE/MAX [1] 104/14 reached [3] 37/4 51/19 111/23 read [3] 19/1 19/25 28/20 reading [2] 69/18 128/20 reads [1] 68/10 ready [1] 5/11 real [28] 9/23 16/25 34/9 34/11 34/22 35/2 35/6 35/10 37/8 44/23 44/24 45/1 45/1 45/24 53/23 87/2 87/4 87/7 88/15 102/4 105/25 117/8 117/24 134/8 134/16 134/20 144/21 145/7 really [5] 7/12 86/1 107/4 108/10 143/4 realm [1] 145/16 realtor [1] 105/23 Realty [1] 33/20 reason [5] 63/23 74/15 91/22 112/6 140/24 reasonable [1] 131/5 reasons [4] 74/12 83/18 125/25 126/11 recall [26] 9/20 9/24 15/24 19/6 25/6 31/4 32/18 33/1 33/5 35/8 38/14 39/15 41/2 42/5 42/6 47/12 48/22 48/24 53/3 60/4 65/19 79/4 91/16 133/4 135/1 145/19 recalled [1] 133/25 receipt [2] 30/3 30/4 receipts [2] 29/14 87/24 received [15] 5/22 11/5 12/22 29/20 36/1 109/14 110/4 121/2 121/7 121/20 121/22 122/9 126/12 133/24 141/22 receivers [1] 86/17 receiving [1] 17/23 recess [4] 77/8 77/10 125/11 149/9 recognition [3] 45/9 46/10 46/12 recognize [51] 6/21 7/5 7/7 7/22 8/1 8/4 8/13 8/16 8/17 10/14 10/22 10/24 11/18 13/11 16/7 20/16 21/14 21/17 24/19 29/13 30/15 42/18 45/16 45/20 68/21 71/18 82/24 90/11 91/3 91/4 92/8
---	---	--

recognize... [20] 92/16
 92/23 93/9 93/15 93/23 94/11
 95/5 95/17 95/22 96/1 96/15
 96/25 97/20 98/11 98/23
 99/12 100/6 100/15 116/25
 117/2
 recollection [2] 17/17 140/5
 record [9] 7/23 9/18 16/16
 41/17 77/24 116/23 132/6
 139/13 139/13
 records [28] 6/24 11/13
 11/15 15/9 15/12 15/21 37/25
 38/15 39/4 41/5 44/22 47/9
 47/24 48/3 48/5 48/6 48/18
 48/20 49/13 49/20 49/24
 51/12 51/16 53/2 53/21 61/16
 63/22 74/13
 Recross [3] 4/7 62/12 67/19
 Recross-Examination [3] 4/7
 62/12 67/19
 redaction [1] 148/6
 redirect [2] 4/6 67/11
 Redline [1] 136/9
 Redondo [1] 3/21
 reeds [1] 68/12
 refer [1] 135/13
 reference [1] 76/16
 referenced [11] 24/10 71/10
 72/19 73/21 76/4 92/20 92/21
 126/5 128/2 128/4 128/5
 references [6] 19/1 74/4
 76/5 76/22 87/13 137/24
 referred [4] 40/23 117/23
 135/4 138/22
 referring [4] 23/4 40/1 50/6
 147/19
 refresh [1] 17/17
 regard [1] 136/25
 regarding [5] 22/8 126/21
 132/6 139/8 144/10
 regards [1] 66/17
 register [1] 19/21
 regulations [2] 108/22 150/8
 rejecting [1] 125/24
 relate [2] 30/19 148/3
 related [7] 34/9 34/22 36/21
 36/25 41/3 67/6 118/13
 relating [2] 52/19 52/23
 relation [1] 19/25
 relationship [10] 19/5 36/11
 57/15 57/20 57/25 74/22
 101/25 102/2 118/24 118/25
 relative [1] 139/23
 released [1] 18/14
 relevance [9] 17/6 17/20
 18/1 19/10 20/10 36/8 39/1
 88/23 146/16
 relevant [7] 17/6 17/8 48/25
 51/3 61/5 146/20 146/23
 relief [1] 109/19
 relinquishing [1] 78/25
 rely [1] 131/14
 remaining [1] 30/18
 remains [1] 125/15
 remember [8] 20/21 41/2
 56/15 58/17 62/15 70/13
 134/7 139/25
 reminded [2] 6/11 115/25
 renew [1] 126/14
 Repair [1] 10/23
 repairs [2] 87/25 111/9
 repeat [1] 15/19
 rephrase [2] 103/5 104/3
 report [13] 13/19 19/22 21/1
 22/25 23/2 23/4 23/8 24/9
 25/3 36/1 135/22 135/24
 148/9

reported [3] 35/24 135/23
 Reporter [1] 107/24
 REPORTER'S [1] 1/13
 represent [4] 39/21 72/23
 72/25 74/1
 representation [1] 137/1
 representative [2] 63/17
 64/20
 representatives [2] 54/4
 136/7
 represented [1] 46/4
 represents [1] 137/21
 requested [6] 42/6 44/21
 47/14 49/20 52/17 52/23
 requesting [3] 47/9 48/23
 51/21
 require [2] 85/9 85/19
 required [3] 38/24 39/5 39/7
 requirement [1] 141/12
 Res'd [1] 4/4
 research [3] 25/5 40/15 47/9
 resell [1] 80/14
 residence [15] 32/13 32/15
 32/17 32/19 33/3 33/6 33/10
 33/14 33/16 33/19 36/2 51/13
 55/9 55/10 138/23
 residences [1] 54/21
 residing [1] 78/20
 respect [4] 22/10 39/7
 139/24 141/21
 respective [1] 69/3
 response [1] 126/20
 responsibilities [1] 32/4
 rest [1] 145/14
 restate [1] 67/2
 restaurants [2] 79/25 80/18
 restriction [1] 68/25
 result [1] 55/4
 resume [1] 5/11
 RESUMED [1] 6/14
 retained [1] 56/9
 return [1] 36/16
 returns [4] 36/6 36/16 61/24
 62/4
 review [11] 15/9 20/7 26/17
 29/9 47/21 47/24 51/7 58/4
 59/20 108/18 108/22
 reviewed [5] 8/5 34/2 37/25
 49/13 49/24
 reviewing [6] 25/11 51/6
 51/11 53/21 57/22 69/1
 Rich [10] 13/12 130/12 131/5
 131/7 131/11 131/12 140/14
 140/18 140/23 141/23
 Richard [36] 1/9 26/1 50/1
 50/4 50/15 50/16 51/14 53/3
 55/24 56/25 57/4 57/11 57/15
 60/23 62/20 81/7 89/5 111/19
 118/7 129/16 130/16 132/7
 133/4 134/1 134/9 136/8
 136/20 136/22 138/8 139/6
 141/23 142/25 143/15 143/18
 143/23 143/25
 right [84]
 right-hand [6] 10/13 91/13
 92/6 92/13 117/9 117/10
 Road [1] 3/12
 role [3] 29/8 33/24 145/6
 room [1] 5/13
 rooms [3] 34/3 35/21 36/3
 roughly [1] 111/3
 router [1] 56/8
 routers [2] 56/2 56/5
 RPR [1] 150/12
 rule [2] 58/13 71/13
 ruled [1] 146/22
 rules [1] 108/22
 ruling [2] 56/21 77/16

Runyan [3] 40/20 139/22
 Runyantax.com [1] 41/4
 Runyon [1] 41/6
 Russia [1] 134/24
 Russian [1] 130/1
 Ryan [1] 3/7
 Rysik [1] 94/22
 S
 safety [1] 107/16
 said [41] 8/1 8/15 14/22
 17/11 28/9 29/6 36/20 37/15
 37/23 47/13 49/12 53/1 56/25
 57/16 60/9 63/18 64/21 70/13
 89/5 97/15 102/6 107/6 107/6
 107/13 108/15 109/15 109/18
 109/21 110/14 111/3 111/4
 111/23 111/25 118/24 119/10
 135/10 136/14 139/11 139/15
 140/16 142/17
 saint [1] 114/11
 Sakyan [3] 16/9 16/10 16/23
 Samantha [1] 65/18
 same [25] 9/21 17/3 17/24
 18/17 19/14 30/19 40/7 67/6
 73/12 95/9 95/14 95/19 95/24
 97/16 121/12 127/5 135/21
 135/21 135/22 135/22 135/23
 135/23 135/24 144/9 148/21
 San [2] 2/21 3/6
 Santa [1] 3/15
 sat [1] 140/10
 saved [2] 111/24 111/25
 saw [15] 21/8 24/24 33/2
 34/16 34/17 38/20 44/13 46/4
 49/21 49/22 51/12 51/17
 70/24 71/2 105/4
 say [30] 8/9 8/10 8/11 11/24
 23/22 28/16 34/11 42/12
 42/21 43/1 43/18 46/12 59/1
 66/6 70/12 76/2 76/14 77/7
 82/15 83/2 86/20 105/13
 123/7 129/17 130/14 131/3
 132/23 137/2 147/22 149/4
 saying [9] 41/10 53/3 70/19
 75/20 116/16 129/3 144/3
 145/13 148/7
 says [20] 14/11 18/10 18/19
 27/4 27/10 64/15 90/16 93/1
 93/5 96/10 97/24 102/21
 102/23 105/19 108/11 108/14
 122/20 123/9 124/8 133/13
 SBA [4] 31/1 97/25 121/3
 121/4
 scared [2] 107/6 107/22
 scheme [2] 126/24 126/25
 schemes [2] 126/24 131/10
 school [2] 79/18 81/17
 scope [4] 51/4 58/24 59/4
 68/17
 SCOTT [1] 2/5
 screaming [1] 107/7
 screen [15] 6/19 11/18 13/3
 16/2 22/18 24/20 25/14 27/1
 29/12 29/24 93/3 103/2
 116/23 117/10 117/10
 screenshot [1] 19/18
 scroll [4] 16/14 26/15 30/12
 30/18
 sea [1] 111/17
 seafood [8] 80/1 80/3 80/8
 80/14 80/14 80/16 89/6 89/14
 search [22] 29/15 30/4 30/6
 30/11 31/20 31/22 31/23 32/5
 32/9 33/13 33/17 33/22 34/1
 35/23 40/2 45/18 47/11 55/18
 55/23 57/23 136/21 143/12
 searched [9] 32/16 33/9

S searched... [7] 33/10 33/11 55/24 56/1 61/19 78/16 107/20 searches [3] 39/22 39/24 87/13 seated [2] 69/25 125/14 second [17] 7/13 24/17 70/11 71/24 73/3 73/22 74/15 75/17 77/2 91/8 111/12 113/6 121/22 129/23 137/19 137/25 145/19 secret [1] 112/13 Secretary [2] 39/4 39/13 section [2] 22/24 150/4 Secureline [2] 33/19 133/23 security [3] 24/23 44/14 106/9 see [125] seeing [3] 40/17 116/8 123/19 seem [1] 145/16 seemed [1] 134/11 seems [4] 92/12 94/21 144/16 148/1 seen [4] 74/19 90/8 90/9 130/19 seize [1] 56/1 seized [11] 20/19 29/9 30/5 30/10 32/11 43/9 43/11 45/17 46/5 68/21 90/4 selecting [1] 13/20 selective [1] 74/20 send [3] 12/5 18/19 107/11 sending [1] 141/24 sense [1] 145/5 sent [4] 18/20 24/23 24/24 51/18 separate [10] 35/21 36/3 36/5 36/16 64/16 75/9 75/12 107/24 108/1 118/20 separated [1] 119/21 separately [2] 103/14 148/10 separation [1] 119/22 series [2] 43/11 131/14 served [3] 47/18 48/23 106/21 service [3] 47/16 139/22 140/12 Services [1] 41/6 SESSION [1] 1/16 set [6] 87/24 106/17 112/13 112/17 137/20 137/25 Seven [1] 77/8 several [5] 21/21 39/22 97/9 136/11 140/24 she [63] 28/11 28/13 28/14 28/16 28/16 28/17 28/21 28/22 35/5 57/11 63/18 87/8 87/12 87/12 88/7 88/8 88/11 88/13 88/19 88/20 88/22 88/25 102/6 102/9 102/14 102/21 102/23 102/25 103/1 103/8 103/22 104/13 104/13 104/14 104/20 105/19 105/23 105/24 105/25 106/23 106/23 107/6 108/11 108/14 108/15 108/16 109/8 109/10 109/13 109/18 110/15 110/23 111/3 115/8 115/9 115/9 117/8 118/13 119/9 119/10 120/4 134/8 134/21 shift [1] 82/3 shifting [1] 84/20 shipped [2] 63/25 80/17 short [4] 71/4 126/2 143/4 143/6 shortly [1] 129/21	should [10] 14/11 21/12 22/15 22/20 22/22 23/1 23/25 77/13 81/10 88/18 shouldn't [1] 131/3 show [24] 13/4 25/7 25/9 41/12 45/14 58/8 59/16 59/18 68/14 76/4 76/15 89/22 91/19 94/15 115/9 116/22 116/23 120/14 122/14 123/4 123/10 123/22 131/7 139/7 showed [4] 37/25 55/13 63/24 68/4 shower [2] 102/19 102/20 showing [11] 10/7 21/4 59/16 68/4 90/13 90/23 91/7 93/19 94/5 135/20 135/21 showings [1] 134/10 shown [1] 97/5 shows [6] 74/15 129/4 130/20 135/18 136/1 139/19 side [3] 10/14 92/13 99/2 sign [2] 30/7 79/2 signature [5] 16/8 26/11 41/9 41/21 120/25 signed [7] 41/24 42/4 42/13 78/25 103/22 103/23 122/20 signing [1] 42/7 silence [1] 129/1 Silverman [1] 2/22 similar [1] 94/12 similarities [1] 136/8 simplest [1] 134/5 simply [1] 130/20 since [6] 78/20 81/19 87/8 107/17 111/7 113/2 single [3] 73/22 75/8 107/3 single-page [1] 75/8 sir [126] sister [2] 55/8 55/16 sit [1] 144/12 site [3] 33/22 35/23 41/1 sitting [1] 43/2 six [4] 1/15 80/20 95/4 115/13 Sixteen [1] 79/11 sleeping [4] 35/17 35/19 107/24 118/20 slow [3] 60/10 60/14 70/18 slowly [1] 60/13 small [6] 7/12 97/7 97/14 97/15 108/23 114/17 so [132] Social [2] 24/22 44/14 sole [5] 32/16 34/7 83/7 112/9 123/3 some [54] 6/24 17/24 25/2 25/4 25/8 33/15 34/16 34/17 35/7 36/20 40/5 40/15 40/19 40/23 43/19 44/25 46/4 47/6 48/12 48/21 55/1 55/21 58/13 72/3 72/8 72/14 81/12 83/4 88/22 90/18 92/5 92/12 92/20 92/21 93/12 94/9 94/15 104/23 105/17 107/7 107/10 111/24 113/20 114/8 126/9 129/13 133/13 135/23 139/10 140/1 140/1 140/6 142/6 145/1 somebody [5] 28/18 30/6 30/7 42/12 65/17 somebody's [1] 44/16 someone [10] 11/15 41/18 41/19 62/17 64/21 137/5 141/12 141/15 144/25 145/11 something [10] 49/3 61/6 75/16 79/3 86/15 109/19 113/4 117/12 140/3 145/13 sometimes [3] 46/13 82/4 89/3	somewhat [1] 126/9 somewhere [1] 87/1 soon [1] 86/14 sorry [11] 20/15 23/12 26/8 28/7 56/22 60/10 66/10 75/19 80/7 91/25 93/4 sounded [1] 27/21 sounds [1] 142/13 source [2] 25/5 47/9 span [1] 74/13 speak [3] 31/19 71/22 148/20 speaking [3] 52/15 52/21 60/12 Spear [1] 2/20 Special [10] 6/6 32/3 32/7 46/22 53/19 58/7 59/8 67/21 68/3 68/20 specific [3] 26/20 135/1 138/16 specifically [18] 10/22 13/1 14/1 14/8 14/10 17/3 18/6 28/8 28/14 30/25 33/1 42/5 42/7 52/21 53/3 63/2 63/13 130/22 specificity [1] 9/21 specifics [2] 25/6 25/8 specified [1] 53/1 specifies [1] 8/20 speculating [2] 14/4 14/6 speculation [2] 9/9 56/10 speed [2] 20/24 83/19 spell [1] 77/23 spelled [1] 20/2 spent [1] 111/8 spill [1] 80/21 spoke [3] 27/22 28/9 64/21 spreadsheet [2] 11/18 11/20 Spring [1] 2/6 stamp [1] 10/13 stamps [1] 10/17 stand [2] 5/13 106/18 standing [2] 72/10 91/22 standpoint [1] 127/5 star [2] 104/15 115/13 start [11] 16/17 62/23 62/24 73/24 82/5 82/7 112/10 131/24 149/2 149/3 149/3 started [6] 79/21 79/22 81/16 82/11 142/15 148/23 starting [1] 19/17 state [13] 7/8 7/9 8/21 9/1 9/8 9/19 27/12 27/13 37/2 39/4 39/14 77/23 119/3 stated [1] 124/17 statement [13] 16/15 16/17 16/20 17/3 62/23 64/1 64/2 64/7 114/17 114/19 120/16 145/5 145/12 STATES [8] 1/1 1/4 1/6 2/3 134/18 135/2 150/5 150/9 stay [1] 124/25 steal [1] 115/20 stenographically [1] 150/6 STEPHEN [1] 1/3 steps [3] 25/2 25/4 47/7 Steptoe [4] 2/14 2/17 2/19 2/22 still [8] 5/13 6/11 18/5 21/16 81/22 99/25 119/5 145/5 store [6] 27/20 28/2 28/9 28/11 28/15 28/24 straight [1] 75/5 Street [7] 1/22 2/6 2/14 2/20 3/8 31/21 78/15 stricken [1] 6/8 strike [2] 50/5 56/10 string [1] 13/12 structurally [1] 129/12
--	---	---

S stuck [1] 83/18 student [2] 134/17 145/1 stuff [8] 85/12 102/13 104/20 105/5 105/24 110/22 113/1 121/5 subgroup [3] 147/22 147/23 148/3 submission [1] 139/20 submit [4] 45/8 57/5 74/17 108/25 submitted [12] 23/14 25/16 25/22 38/24 49/6 109/9 109/13 110/2 115/9 136/10 137/10 139/20 submitting [2] 49/14 136/2 subpoena [4] 11/13 40/12 48/2 48/5 subpoenas [2] 47/18 48/22 subscribed [1] 49/4 subscriber [5] 32/25 48/18 48/20 77/3 77/5 Subsequent [2] 33/17 34/1 subset [1] 11/15 substance [2] 61/4 61/5 substantial [1] 111/13 successful [1] 9/12 succinct [1] 134/5 such [3] 77/16 126/23 142/6 sufficient [1] 10/7 sufficiently [1] 146/23 suggested [2] 33/3 53/18 suggesting [2] 32/23 135/10 Suite [9] 1/22 2/15 2/20 3/5 3/8 3/13 3/16 3/21 7/14 summaries [4] 75/2 75/2 75/3 75/16 summarize [6] 71/12 71/15 71/16 71/19 79/14 79/19 summary [24] 70/3 70/8 70/14 71/5 71/8 72/22 73/2 74/20 75/3 75/18 75/18 75/20 75/22 76/10 125/22 125/24 126/3 126/4 126/8 126/10 132/14 135/16 137/9 137/15 SUN [1] 2/5 Supermarkets [1] 80/1 superseding [1] 47/4 supported [1] 126/4 suppose [2] 44/20 46/16 supposed [1] 136/19 sure [12] 24/9 24/15 37/3 66/8 67/3 82/15 111/23 130/15 132/20 140/14 140/18 140/20 surveillance [9] 54/18 54/20 54/21 54/25 55/1 55/2 55/3 55/5 55/13 suspect [1] 148/20 suspended [1] 35/4 suspensions [2] 135/5 135/7 sustained [14] 7/21 9/16 17/7 17/9 17/21 21/23 22/11 33/23 34/20 34/25 36/19 39/2 56/23 67/9 SVW [1] 1/8 swipe [1] 27/24 sworn [1] 77/22 synthetic [18] 15/13 15/22 16/11 17/25 19/9 34/13 43/16 44/8 44/9 44/10 44/19 49/15 49/19 53/22 104/24 134/12 136/19 144/20	tad [1] 60/11 take [96] 6/18 6/20 10/20 11/9 11/10 15/25 18/24 19/13 20/13 24/17 25/10 25/24 26/4 26/25 28/4 29/1 29/12 29/18 30/12 50/24 68/9 69/10 69/12 69/21 70/2 77/8 89/1 92/22 102/19 108/11 108/14 119/10 131/6 131/21 138/14 taken [4] 22/15 22/16 75/5 75/5 taking [2] 25/13 43/18 talk [4] 10/4 43/4 47/13 113/5 talked [1] 111/16 talking [9] 39/23 63/10 63/21 106/16 110/21 129/23 130/2 131/1 131/8 talks [1] 144/10 Tamara [34] 15/7 17/23 19/5 19/8 20/8 32/16 32/18 35/2 35/21 36/2 36/5 36/12 43/5 43/14 44/5 45/17 45/22 79/8 79/9 88/9 93/1 93/5 95/6 118/10 129/5 129/14 129/16 129/18 131/1 132/7 133/23 136/24 139/20 140/14 Tammy [15] 13/13 14/10 18/10 18/19 19/21 19/21 108/1 108/9 109/6 111/19 115/8 117/8 127/25 131/8 140/17 Tammy's [20] 90/20 92/11 92/19 93/18 94/2 94/12 96/18 97/3 97/23 98/14 99/1 99/8 99/15 99/24 100/9 100/18 100/24 101/7 101/14 101/23 tap [2] 117/9 117/15 Tatioan [3] 20/1 20/7 128/3 tax [12] 36/5 36/25 40/20 41/6 61/24 62/1 62/2 62/3 62/4 112/7 139/22 140/12 tax-related [1] 36/25 taxes [7] 36/24 37/2 37/5 88/8 103/12 119/25 135/23 taxings [1] 119/19 team [4] 9/25 13/24 32/9 43/3 tear [1] 86/25 tease [1] 131/15 telephone [5] 48/2 48/5 48/6 48/8 48/11 tell [21] 28/14 32/8 37/20 44/18 49/10 50/25 65/15 68/12 71/10 74/1 80/11 81/15 83/6 85/7 89/11 101/13 106/18 111/24 127/13 127/13 132/3 telling [3] 51/25 97/6 140/18 temporarily [1] 134/18 TERABELIAN [11] 3/3 6/8 50/2 50/15 51/15 55/8 55/13 60/23 130/12 130/18 134/1 Terabelian's [4] 55/25 138/19 139/23 146/3 term [3] 12/7 12/8 22/12 terminal [1] 27/25 terms [1] 76/11 test [1] 84/17 testified [18] 6/6 29/2 33/22 35/23 60/17 62/14 66/1 66/11 118/7 118/19 119/12 119/18 121/2 121/6 121/23 123/15 134/8 134/21 testifies [1] 6/1 testify [1] 125/18 testifying [1] 134/21 testimony [10] 6/5 6/8 12/25	28/1 56/21 66/5 119/6 125/8 6/12 118/1 testing [2] 38/25 85/5 text [16] 13/12 18/8 19/17 19/25 21/10 40/24 57/24 123/7 123/11 128/4 128/5 130/25 136/23 140/13 140/25 141/2 texted [4] 18/20 21/20 21/25 22/1 texting [1] 140/17 than [9] 31/3 59/14 62/19 76/8 109/23 110/2 126/10 129/14 146/10 Thanh [3] 80/12 123/15 123/18 Thank [21] 5/9 13/9 18/4 43/4 58/5 60/11 62/7 65/23 72/14 77/20 78/4 113/8 117/25 118/19 123/4 124/16 125/9 125/10 127/9 144/3 144/13 that [702] that's [7] 70/22 93/19 102/8 118/12 119/2 123/1 124/10 theft [7] 43/22 44/1 44/5 115/18 116/3 147/11 147/16 their [10] 45/8 67/5 69/2 74/22 83/21 86/3 107/12 107/16 110/8 143/24 them [26] 30/7 37/3 46/4 51/23 58/1 76/8 82/19 83/20 83/23 84/19 85/21 85/22 85/22 85/23 85/24 95/5 105/11 112/4 115/7 115/8 115/9 115/9 124/25 126/3 141/1 148/21 then [32] 9/10 14/23 27/13 41/19 44/14 48/20 50/10 52/10 57/16 61/9 69/22 70/19 73/22 74/4 75/11 76/5 79/17 80/21 83/23 88/20 96/12 107/17 109/19 110/5 112/5 127/13 134/11 134/25 138/5 138/6 139/25 145/2 theory [2] 130/10 130/11 there [143] these [50] 24/19 43/22 44/9 44/18 44/22 45/1 45/7 45/7 45/16 46/7 46/10 49/14 64/8 74/24 76/9 76/25 77/4 83/22 85/21 89/1 92/23 94/17 95/1 95/4 95/7 95/10 95/12 95/15 95/20 95/22 108/3 111/21 112/15 112/18 112/20 113/20 114/11 116/25 130/22 133/10 133/23 135/23 136/2 136/11 136/15 136/22 137/8 140/1 143/10 144/22 they [59] 5/20 5/22 18/14 35/19 36/3 36/15 43/16 44/24 45/24 45/25 46/11 49/15 51/19 52/16 58/10 61/1 70/16 71/9 72/16 74/17 74/19 76/12 76/23 82/22 83/18 83/20 83/21 84/10 84/17 84/19 84/23 84/25 85/1 85/4 85/8 85/19 86/3 86/3 94/19 94/19 98/17 107/5 107/6 109/16 109/20 110/9 110/21 124/20 125/6 127/4 127/5 131/12 133/24 136/3 141/8 141/10 143/25 144/25 145/7 THIBODEAUX [2] 1/21 150/12 thing [4] 9/21 59/20 85/8 145/19 things [12] 47/12 75/8 84/20 85/2 88/22 89/1 89/4 114/12 126/8 134/21 142/7 146/11
T T-A-T-I-O-A-N [1] 20/2 tab [1] 91/12 table [1] 43/2		

T
think [32] 6/2 15/2 29/23
32/18 35/3 35/7 63/1 67/13
72/24 73/1 97/14 99/25
105/22 108/10 111/20 112/23
114/5 114/8 114/21 114/24
127/14 132/8 134/12 135/11
136/12 139/11 143/1 143/5
144/19 145/4 145/24 148/19
thinking [1] 133/15
third [8] 52/19 79/17 128/11
129/9 129/10 129/12 129/16
134/11
this [187]
Thomas [1] 3/14
those [46] 7/2 11/15 19/1
19/1 34/2 34/9 40/1 40/24
41/5 42/18 42/19 42/21 45/4
45/20 45/23 46/1 48/11 51/11
51/17 56/5 57/20 72/4 72/8
74/4 76/5 76/16 81/9 95/17
104/17 104/19 104/21 105/2
105/10 107/12 110/13 112/3
115/5 115/11 120/11 126/11
127/21 128/2 128/14 133/11
138/8 148/2
though [5] 8/12 15/10 34/16
64/19 106/25
thought [4] 27/23 28/17
32/19 97/6
thousand [1] 86/15
thousands [1] 126/1
three [5] 63/2 76/14 82/16
83/23 135/20
through [25] 21/10 26/15
26/17 30/13 30/18 61/10
67/12 69/3 76/9 79/16 83/4
84/1 85/4 85/10 86/9 97/9
104/4 104/6 105/4 105/16
133/1 133/2 133/24 136/23
147/16
throughout [4] 74/25 89/15
111/18 113/2
tie [1] 77/7
Tim [1] 14/3
time [44] 17/6 17/8 19/1
22/15 24/12 26/23 35/15
40/13 45/13 46/8 58/4 59/23
61/1 62/25 64/9 69/10 72/6
72/11 72/16 79/2 80/25 82/3
82/9 82/17 86/18 87/19 87/19
88/16 102/6 102/7 105/13
106/13 108/7 110/16 110/21
112/1 114/8 116/6 123/19
125/11 130/21 134/19 146/7
148/24
timeframe [1] 135/22
Timeline [1] 49/22
Timepieces [5] 51/18 51/19
52/16 52/22 54/5
times [12] 29/6 53/11 88/2
96/6 102/17 102/22 105/15
105/18 126/18 139/11 140/24
147/13
timing [1] 130/23
tires [1] 111/10
title [2] 75/21 150/4
today [5] 86/7 128/1 148/18
149/2 149/3
together [1] 103/12
told [13] 44/23 62/17 65/13
97/11 107/13 107/17 108/9
109/1 109/4 109/5 110/15
111/19 111/23
Tom [1] 31/19
tomorrow [5] 14/11 143/17
148/19 149/2 149/3
too [3] 14/12 43/24 60/12

took [6] 47/7 58/16 60/7
67/26 108/23 122/7/14
top [8] 107/27
85/10 96/10 97/24 117/10
Topeka [3] 20/19 50/1 51/14
towards [6] 92/12 93/1 93/4
111/8 111/10 111/21
Tower [1] 2/20
towing [18] 34/14 36/21
36/25 37/6 37/7 37/15 37/23
38/3 39/4 39/14 82/14 82/16
83/3 103/25 108/5 120/16
124/8 145/6
track [1] 51/7
trailer [1] 85/20
trailers [2] 85/2 106/8
Tran [3] 80/12 123/15 123/18
transaction [23] 17/4 26/20
27/7 27/14 28/1 28/24 52/7
60/4 60/6 60/9 60/18 60/20
62/18 63/3 63/6 63/21 64/11
64/15 64/16 64/19 65/12
65/17 68/9
transactions [6] 19/7 20/8
53/22 64/13 71/14 71/19
transcript [3] 1/13 150/6
150/7
transfer [6] 49/23 49/25
53/2 140/15 141/25 141/25
transferred [3] 139/22
140/11 142/24
transmission [1] 83/19
transport [14] 34/15 36/21
37/1 37/6 37/7 37/16 37/24
38/3 39/5 39/14 49/22 83/3
120/16 124/8
Transportation [1] 82/24
trash [1] 47/12
trial [9] 1/15 24/4 24/7
104/22 126/1 130/19 139/16
140/1 143/3
tried [1] 112/24
triples [1] 85/2
trouble [1] 84/14
truck [19] 37/11 37/13 37/15
37/23 37/24 38/1 38/21 38/24
81/19 81/20 81/22 82/18
85/20 87/22 88/1 88/13 89/13
106/2 106/5
trucker [2] 106/2 106/5
trucking [14] 38/18 80/1
81/12 81/16 81/17 81/19 82/5
82/17 88/9 89/8 103/25 108/5
111/9 119/17
trucks [7] 82/12 82/16 82/19
82/21 83/2 83/13 85/21
true [11] 32/15 33/16 34/22
58/25 59/1 59/1 66/24 131/9
139/17 143/18 150/5
Trump [3] 110/16 110/22
110/25
trust [1] 32/19
truth [5] 144/24 145/3 145/4
145/10 145/11
truths [5] 144/11 144/15
144/17 144/18 145/17
try [10] 21/24 45/6 45/6
46/14 84/17 86/1 97/13
109/11 110/8 145/21
trying [5] 9/11 49/14 69/2
75/23 145/13
Turks [2] 26/3 60/24
turn [2] 76/8 133/16
turned [1] 56/8
TV [3] 108/9 110/16 110/21
Twelfth [1] 2/6
twice [1] 121/8
two [37] 19/1 46/3 57/20
60/22 73/20 74/11 75/8 75/13

76/14 76/19 79/12 79/13
82/23 83/12 83/10 87/14
109/21 122/8 127/3 127/10
127/11 127/21 128/9 128/14
129/17 131/2 131/3 131/10
131/10 134/10 136/7 142/19
143/4 146/4 146/15 147/16
149/6
two-and-a-half [1] 60/22
type [5] 8/4 9/17 53/24
53/24 85/4
U
U.S [3] 1/21 2/4 2/4
Uh [2] 117/16 123/14
Uh-huh [2] 117/16 123/14
ultimately [5] 126/4 133/11
133/14 138/9 142/24
unable [2] 32/20 51/20
unclear [1] 97/4
uncover [1] 31/2
under [4] 6/12 77/3 122/18
123/24
underlying [7] 22/14 72/1
72/2 72/4 72/8 72/15 72/18
understand [5] 15/17 16/10
18/12 22/12 146/17
understanding [11] 8/25 12/4
13/18 22/19 23/14 34/3 44/10
72/23 142/21 144/11 144/14
understood [2] 70/11 136/25
unfairly [1] 126/5
UNITED [8] 1/1 1/4 1/6 2/3
134/18 135/2 150/5 150/9
universal [1] 11/12
unless [3] 26/17 105/16
146/16
unnecessary [1] 61/7
unremarkable [2] 143/18
143/20
unsure [2] 8/18 8/19
until [11] 10/5 25/3 58/13
70/21 105/3 109/24 115/11
116/2 140/11 148/19 149/1
up [56] 6/18 7/12 9/3 9/4
9/22 11/8 13/1 13/2 13/5
14/9 16/2 18/8 19/17 20/24
20/25 25/10 26/10 26/25 27/3
27/6 29/23 58/16 61/9 61/16
62/22 63/1 63/3 63/24 64/15
64/21 65/8 65/16 65/18 67/25
69/10 70/2 72/10 73/6 74/24
79/17 80/5 84/20 89/25
102/10 105/21 106/8 106/14
110/10 112/13 112/17 116/23
119/8 120/5 132/15 141/11
143/14
upfront [1] 109/19
uploaded [1] 21/9
upon [1] 141/2
upper [4] 45/21 91/13 92/5
94/21
URL [1] 8/19
us [17] 2/9 19/22 44/9 44/18
44/23 49/5 49/10 65/13 65/15
67/22 70/16 73/10 80/21
80/25 112/4 114/2 141/7
use [14] 87/18 87/21 89/19
102/22 102/24 103/25 106/3
106/4 106/6 115/22 120/5
132/20 141/11 148/10
used [17] 50/1 51/12 73/1
73/3 74/16 74/17 74/19 76/1
89/25 104/14 121/23 133/22
137/7 137/12 138/18 138/18
148/10
user [2] 21/2 23/5
using [4] 41/19 44/12 50/17
144/25

usually [2] 87/23 88/1	ways [3] 126/9 131/3 131/3	127/25 131/4 132/14 133/16
utilities [1] 138/20	we [117]	134/3 135/16 136/24 137/2 142/1
utilizing [1] 44/16	wear [1] 107/28	143/3 145/14
V	web [1] 9/7	while [2] 89/25 140/11
Vague [5] 15/15 22/9 23/18 34/19 39/6	website [6] 7/23 8/5 8/13 9/3 9/23 40/23	who [60] 11/19 13/23 16/20 21/14 21/17 25/1 31/11 32/5 32/12 36/24 40/15 41/24 42/3 42/9 45/3 45/3 45/6 45/7 49/4 49/5 49/14 51/20 54/3 72/10 72/10 77/7 79/7 82/25 83/16 84/10 88/5 88/12 92/18 93/7 94/24 105/6 109/5 109/7 109/9 115/7 117/2 124/12 127/17 128/6 128/18 129/21 129/24 130/1 130/8 130/25 130/25 134/11 134/15 134/16 135/3 137/5 140/1 140/16 141/17 145/1
VAHE [13] 3/18 39/21 40/2 40/7 40/9 118/13 125/17 138/25 139/19 140/15 140/19 140/21 145/7	Weddington [4] 31/20 43/5 61/17 78/15	whole [2] 59/20 59/20
value [1] 131/6	WEDNESDAY [2] 1/17 5/1	whom [1] 140/16
variety [1] 47/12	week [3] 52/7 109/20 129/24	whose [27] 55/10 90/18 91/3 91/15 92/10 93/17 94/1 96/17 97/2 97/22 98/13 98/25 99/7 99/14 99/21 99/23 100/8 100/15 100/17 100/23 101/4 101/6 101/13 101/20 101/22 103/16 104/3
various [6] 34/3 44/12 83/18 104/11 106/6 135/19	week-and-a-half [1] 129/24	why [24] 15/25 16/4 24/22 30/23 41/12 44/8 45/12 45/14 48/25 53/7 59/18 59/19 61/4 61/6 62/23 64/5 65/2 70/12 82/23 103/18 106/12 143/22 146/11 146/17
Vaughan [1] 3/7	weeks [3] 107/4 119/24 122/8	wife [27] 40/13 40/17 79/2 87/6 87/11 88/9 88/15 92/19 96/18 97/3 97/23 98/14 99/1 99/8 99/15 99/24 100/9 102/1 105/7 107/18 109/6 115/8 117/3 117/17 117/24 119/6 119/12
Vehicles [1] 38/13	weight [1] 44/16	wife's [6] 90/8 95/6 117/3 117/18 117/19 117/21
ven [1] 11/24	well [41] 8/8 10/9 10/17 15/12 23/5 35/24 36/10 42/15 46/12 47/15 47/20 48/1 49/2 50/23 54/22 55/6 57/9 57/24 61/16 63/22 64/1 64/20 69/17 70/24 71/20 85/25 86/13 97/11 99/25 106/13 109/13 111/2 111/7 126/15 133/6 133/21 134/6 135/13 136/23 143/14 149/8	will [35] 10/12 17/3 18/6 18/17 19/14 24/6 52/10 57/19 58/5 58/18 59/22 60/2 61/9 69/10 69/15 69/22 71/24 77/16 77/17 77/21 102/19 108/10 116/14 116/23 117/5 120/6 125/17 125/19 125/20 127/24 131/15 132/14 138/17 143/4 148/20
Venmo [8] 11/13 11/23 11/25 12/1 12/3 12/7 73/5 75/6	Wells [1] 14/11	Williams [2] 3/4 3/7
Ventura [1] 7/14	went [22] 35/14 35/18 40/11 51/16 53/14 79/16 80/13 80/15 81/16 82/19 83/7 86/14 86/20 105/4 107/9 107/11 110/5 133/11 138/1 139/21 139/23 141/25	WILSON [1] 1/3
venture [2] 89/14 142/18	were [117]	wire [8] 49/23 49/25 53/2 114/24 140/18 140/21 140/24 141/1
ventures [3] 66/24 67/6 131/13	weren't [3] 83/20 83/21 86/17	wires [1] 51/20
versus [1] 141/7	West [3] 1/22 2/14 3/8	Wirsching [1] 3/12
very [13] 34/17 62/8 62/10 66/13 67/14 72/24 79/14 86/18 88/14 107/22 112/4 119/15 145/21	WESTERN [1] 1/2	withdrawal [1] 122/6
victims [3] 43/22 46/7 46/11	what [165]	withdrawals [1] 27/4
Victoria [4] 41/9 41/20 48/20 130/5	whatever [7] 14/25 18/20 58/2 104/24 109/16 126/25 140/24	within [3] 75/2 75/3 75/15
video [3] 42/2 42/6 42/8	wheel [1] 84/19	without [3] 43/24 69/10 76/21
view [5] 46/1 132/3 139/3 141/14 148/25	wheeler [1] 82/17	witness [40] 4/3 6/1 6/10 6/11 8/9 10/11 11/9 25/9 28/6 29/2 31/12 33/21 35/22 37/20 37/21 50/12 51/9 52/12 53/9 57/9 59/17 59/20 59/24 61/11 67/13 67/14 67/23 69/3 69/6 69/6 69/9 69/11 69/22 77/13 77/17 77/19 77/22 89/22 116/15 125/23
visit [1] 40/25	when [56] 13/2 13/5 19/17 21/24 25/10 28/13 32/15 34/2 35/14 35/17 42/16 42/21 42/25 43/18 46/24 51/23 53/1 56/1 61/16 63/5 63/17 63/25 70/23 70/25 71/1 71/2 76/25 79/16 79/21 80/22 82/17 84/17 86/20 102/18 102/19 103/21 104/14 105/18 106/7 106/20 107/13 108/7 110/10 110/11 111/12 111/13 111/17 112/23 113/3 124/20 128/25 134/8 134/20 138/11 141/24 145/11	witness's [1] 6/19
visits [1] 117/7	wheel [1] 84/19	witnesses [5] 54/12 54/15 54/17 57/24 147/17
voice [1] 80/5	wheeler [1] 82/17	wonderful [1] 79/13
voided [1] 108/16	when [56] 13/2 13/5 19/17 21/24 25/10 28/13 32/15 34/2 35/14 35/17 42/16 42/21 42/25 43/18 46/24 51/23 53/1 56/1 61/16 63/5 63/17 63/25 70/23 70/25 71/1 71/2 76/25 79/16 79/21 80/22 82/17 84/17 86/20 102/18 102/19 103/21 104/14 105/18 106/7 106/20 107/13 108/7 110/10 110/11 111/12 111/13 111/17 112/23 113/3 124/20 128/25 134/8 134/20 138/11 141/24 145/11	word [3] 66/7 75/3 142/9
VOLUME [1] 1/16	where [33] 8/20 22/16 22/23 23/11 23/17 23/19 27/3 27/10 27/15 61/13 64/15 68/10 74/15 74/18 75/18 76/12 78/12 87/11 105/15 106/13 107/23 118/17 130/11 136/6 137/8 137/21 138/1 138/12 138/19 141/1 141/16 144/15 144/18	words [6] 51/2 52/1 127/1 129/11 145/13 146/12
voluminous [2] 71/12 74/14	whereabouts [2] 105/3 115/10	
Vostanikyan [1] 113/16	whether [25] 9/22 17/22 26/22 27/14 35/9 35/20 36/4 36/15 37/10 38/2 38/6 38/11 38/23 46/6 46/10 51/4 56/13 57/4 58/21 59/13 60/6 62/3 66/22 74/17 147/10	
Voyage [4] 40/7 139/14 139/21 142/4	which [45] 16/20 17/2 18/24 20/14 20/18 20/25 21/12 32/2 55/23 62/18 62/22 64/16 64/17 65/12 71/13 72/18 74/6 76/15 77/5 85/9 85/20 91/9 97/5 98/6 98/18 99/2 99/9 100/10 100/25 101/15 108/17 120/15 123/11 123/23 126/23	
VPNs [1] 48/21		
W		
wait [2] 142/21 148/18		
waiting [1] 149/1		
walked [2] 42/13 70/9		
wall [1] 104/11		
walls [2] 104/17 104/19		
Wang [1] 88/6		
want [16] 6/18 13/8 16/14 30/1 67/23 82/15 88/13 103/19 104/4 105/17 107/1 111/25 119/18 126/20 127/7 143/16		
wanted [9] 11/8 33/9 33/10 33/11 39/22 92/22 109/23 110/8 112/8		
wanting [1] 124/12		
warehouse [1] 106/8		
warmed [1] 141/11		
warrant [6] 29/15 30/4 30/6 30/11 32/10 136/22		
warrants [2] 47/11 57/23		
was [239]		
wash [1] 79/24		
Washington [2] 2/10 2/23		
wasn't [6] 28/11 40/12 50/22 119/3 128/6 139/16		
wasting [2] 18/25 69/10		
way [15] 28/21 49/8 73/24 76/21 76/23 76/24 79/17 107/12 132/5 132/9 134/5 143/25 144/14 144/16 149/7		

#10729

W
work [7] 46/13 46/14 79/19
82/1 86/18 88/18 140/25
working [12] 47/11 57/5
57/25 79/20 79/21 82/11
85/18 86/17 106/14 106/16
112/10 144/6
works [3] 60/13 87/12 117/24
world [1] 85/25
worry [1] 105/20
would [59] 5/14 9/7 9/18
22/23 22/25 23/3 23/8 23/21
24/10 25/4 28/18 28/19 31/11
32/3 35/16 40/5 40/19 41/16
41/17 42/12 43/4 43/18 43/22
46/14 48/24 49/5 50/12 52/7
58/7 68/1 70/18 71/5 72/5
77/7 89/22 92/22 99/3 101/24
114/10 116/22 125/5 126/5
128/21 128/22 129/4 129/17
130/6 132/5 135/13 136/4
136/8 136/15 138/12 138/13
141/18 141/22 145/15 147/3
148/21
wrap [1] 61/9
writing [5] 91/16 92/11
93/13 98/2 98/3
wrong [4] 107/10 112/23
113/4 114/12
wrongdoing [1] 106/1
www.Runyantax.com [1] 40/24

Y
yeah [12] 8/11 13/16 16/8
23/24 24/3 26/7 45/25 86/25
103/21 103/24 110/12 112/12
year [3] 47/3 82/5 104/15
years [15] 21/21 78/11 79/11
79/21 79/22 80/13 85/11
87/10 90/9 111/18 111/21
113/3 145/2 146/4 146/15
yes [346]
yesterday [10] 6/5 18/20
29/3 56/13 58/16 59/9 69/7
70/3 70/11 70/13
yet [5] 28/5 67/25 120/5
131/19 132/17
York [2] 2/10 2/18
you [763]
you review [1] 29/9
your [293]
yours [3] 91/17 94/3 94/13
yourself [2] 32/12 81/20

Z
Zahva [1] 117/8
Zhadko [17] 26/12 27/8 49/18
50/16 50/17 51/22 52/24
52/25 55/11 63/10 130/12
130/16 133/3 133/23 138/5
138/7 138/18
Zhakdo [1] 55/12