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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,
vs.

DOCKET NO.
1:20-CR-00296-JPB-5-20
VOLUME 4 (AM SESSION)

CARLA JACKSON and
TELDRIN FOSTER,

Defendants.

TRANSCRIPT OF JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE J.P. BOULEE
UNITED STATES DISTRICT COURT JUDGE
THURSDAY, FEBRUARY 8, 2024

Appearances:

For the Government: Tal C. Chaiken, Esq.
Samir Kaushal, Esq.
Babasijibomi Moore, Esq.

For Defendant Jackson: David D. Marshall, Esq.

For Defendant Foster: Leigh Ann Webster, Esq.
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STENOGRAPHICALLY REPORTED OFFICIAL COURT TRANSCRIPT

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(Court was called to order at 8:44 a.m.)

THE COURT: Good morning. Hope everyone is well this morning.

I thought we moved very efficiently that first day of trial on Tuesday, with jury selection and whatnot. I even went so far as to compliment counsel for their work that day.

I thought yesterday was less efficient in several ways. I think it's possible to represent your client to the fullest, whether your client's the Government of the United States, Mr. Foster, or Ms. Jackson, but still move a case efficiently.

Presiding over trials is actually the favorite part of the job for me so I don't really care how many days or weeks we're here. I mean, heck, I would just as soon be presiding over trials every day of my life.

However, we do have 14 citizens of the Northern District of Georgia here with us and they have jobs, they have families. They have other places they might rather be. And so I think, I'm not sure about a legal duty, but I think we at least have an ethical duty to move as efficiently as we can.

And I would ask every attorney in this room to think about that and make sure that they're taking actions in

1 this case such that we can move efficiently.

2 All right. Having said that, let's move to the
3 issue regarding Government's Exhibit 2250.

4 Let's go off the record for one moment.

5 (Off-the-record discussion, and proceedings
6 continued.)

7 THE COURT: Back on the record.

8 Let's just take these in order.

9 Let's go to page 32.

10 All right. Pages -- 2250D, pages -- page 22, line
11 5 to 33, line 3, "Utwuan your buddy; right?"

12 "Yeah."

13 "You guys grew up together?"

14 "Um-h'm."

15 The objection is relevance.

16 So, Ms. Webster, tell me why you think that's not
17 relevant and then I'll hear from the government as to why
18 they think it is.

19 MS. WEBSTER: Your Honor, there's been -- do you
20 mind if I sit?

21 THE COURT: I'm happy for you to sit.

22 MS. WEBSTER: Okay. Thank you.

23 There's been no evidence or discussion of anyone
24 named Utwuan. It just seems irrelevant to anything that's
25 been discussed. So we do not know why those four lines are

1 relevant to anything that's being introduced at trial.

2 MS. CHAIKEN: Your Honor, Utwuan is someone
3 identified on one of the fake payroll spreadsheets for
4 Bellator, so the fact that he knows Teldrin Foster is
5 relevant to that.

6 THE COURT: Ms. Webster.

7 MS. WEBSTER: I think there are lots of people on
8 the payroll spreadsheets that he doesn't know.

9 But, it's fine, Your Honor.

10 THE COURT: So that objection is withdrawn?

11 MS. WEBSTER: Sure. Yes.

12 THE COURT: Very well.

13 Let's go back to the rule of completeness issue
14 later. Let's move to, instead, 2250I, which is page 59, line
15 19 to 63, line 19.

16 It looks like, particularly, the objection is on
17 page 61.

18 "Before somebody -- like some shit happened to
19 him."

20 Ms. Webster?

21 MS. WEBSTER: Your Honor, I think that's more
22 unduly prejudicial and it outweighs any probative value from
23 that -- those six or seven words.

24 I feel like we're concerned that it's going to read
25 like a threat to Darrell Thomas. So when he says, "When he

1 realized that I," meaning Mr. Foster, "knew that Darrell
2 Thomas had money --

3 (Transcript was read.)

4 So that's our concern. I don't think that it's any
5 probative value. I don't think that that particular phrase
6 has any probative value. And also would be outweighed by the
7 potential -- that the jurors would see that as a threat from
8 Mr. Foster.

9 THE COURT: One moment.

10 Ms. Chaiken.

11 MS. CHAIKEN: Your Honor, it's not even clear what
12 Mr. Foster is talking about. It's a fleeting reference.

13 We do not see any prejudice there, but just for
14 purposes of moving us forward, we have created a redacted
15 copy of this recording, if the Court thinks this is something
16 that needs to be stricken.

17 THE COURT: All right. Anything else, Ms. Webster?

18 MS. WEBSTER: No, Your Honor.

19 THE COURT: All right. I think the probative value
20 does seem to be very, very slight and I think it is
21 substantially outweighed by unfair prejudice, I think a juror
22 could read that as a threat.

23 So let's use the redacted version, please,
24 Ms. Chaiken.

25 MS. CHAIKEN: Yes, Your Honor. So that will be

1 2250W, will replace 2250I. Because we can't have two
2 exhibits with the same number, so we had to put a new number.

3 THE COURT: Very well.

4 All right. Let's move to the rule of completeness.

5 And we'll go off the record for one moment.

6 (Off-the-record discussion, and proceedings
7 continued.)

8 THE COURT: Back on the record.

9 All right. Rule of completeness. The first one is
10 on page 58.

11 MS. CHAIKEN: Your Honor, the first highlighting we
12 have is on page 5. I wasn't sure if you were referencing --

13 THE COURT: Well, they've got the -- I'm looking at
14 the objection rule of completeness to 2250H. They have got
15 58/15 to 59/1.

16 And I assume for that, that we're looking at the
17 green that follows that, that you want to add to complete; is
18 that right, Ms. Webster?

19 MS. WEBSTER: Yes. Yes, the green that starts at
20 the bottom of page 56.

21 Is that what you said? I'm sorry.

22 THE COURT: I was looking at -- I'm just looking at
23 an email where the objection to 2250H was rule of
24 completeness, it references lines -- page 58, line 15, to
25 59/1.

1 MS. WEBSTER: Yes. We want the part that -- so the
2 government is playing the part that starts on 58, ends on 59
3 and then another part that's on the bottom of 59 and 60.

4 So some of the other portions that we have
5 highlighted go to the same issue, which is basically under
6 the government's exhibits, they are -- they suggest -- they
7 talk about the fact that he received funds from Darrell
8 Thomas.

9 And so Mr. Foster, obviously, admits that he got
10 funds from Darrell Thomas, but what you will see is that he
11 is saying, "I didn't know it was PPP funds and he told me it
12 was from the stock market. And he was" --

13 Some of the other clips are relevant to saying that
14 he felt like he was owed a debt from Darrell Thomas, so
15 that's why he was receiving money.

16 So if you just let in the statements where he says,
17 "Yes, I got money from Darrell Thomas," then it seems like
18 he's admitting to getting funds from the PPP loans. And
19 that's not an accurate reflection of the statement.

20 So under Rule 106, we don't feel that the isolated
21 portions that the government has chosen give a full and
22 complete picture.

23 And I understand that the Court -- or the
24 government has raised hearsay issues and the self-serving
25 hearsay issue, but the rule of completeness was recently

1 amended to make very clear that that rule of completeness
2 outweighs a hearsay objection.

3 That is that you can get in hearsay, even
4 self-serving hearsay if it's necessary for the fair
5 consideration of the statements.

6 And so that's our position on these and on this
7 portion and on several other portions that we have
8 highlighted.

9 MS. CHAIKEN: Your Honor, this is exactly the type
10 of situation that was in the Santos case that we cited in the
11 brief we filed last night. That's a binding Eleventh Circuit
12 case where the defendant was charged with procuring
13 naturalization unlawfully because he had answered no to a
14 question on a naturalization application about whether he had
15 previously been convicted of a crime.

16 And when he was interviewed after he was arrested,
17 he was asked, "Were you previously convicted of a crime?" He
18 answered, "Yes," he had been convicted of manslaughter in
19 another country.

20 Later in the interview he was asked about his
21 answer to the question and he said, "I thought it was asking
22 only about domestic, only about arrests in the U.S., that's
23 why I answered no."

24 So he explained his answer. And the Eleventh
25 Circuit affirmed the introduction of the statement that his

1 admission that he had previously been convicted of a crime
2 and affirmed the exclusion of the later portion explaining
3 it, because it said those are different topics.

4 The fact that he had previously been convicted is a
5 different topic from why he had previously been convicted.

6 And the same thing is true here. We have admitted
7 a statement to show that Teldrin Foster got money from
8 Darrell Thomas. The reason why he got money from Darrell
9 Thomas is not why we're offering it. We're proving that
10 through other circumstantial evidence and if Mr. Foster wants
11 the jury to hear about him being hustled and about Darrell
12 Thomas owing him money and about him not knowing what the
13 money was for, he needs to testify to that.

14 But what they're seeking to admit here is actually
15 double hearsay because he's mostly talking about what Darrell
16 Thomas told him and it's about why he got the money. And the
17 only portions we're seeking to admit are to prove that he did
18 get money.

19 It's also not responsive in the interview at all.
20 And you can see that because the agents go back to, after he
21 talks about a full paragraph about what Darrell told him
22 about the stock market and about, you know, "talking crazy
23 shit" and his appearance changed, and then the agents go back
24 to just confirming that he got money, which is the purpose
25 why we're offering that statement.

1 And I don't think that Mr. Foster has met his
2 burden of showing that there is anything misleading about
3 what he said -- about what we're playing of what he said.

4 It would be misleading if the next line was --
5 wait, no, actually it wasn't 50 or 60 grand, sorry, I
6 misspoke, it was 30 grand or whatever it was. Then playing a
7 portion of that could be arguably misleading.

8 But his just nonresponsive explanation of why are
9 separate topics.

10 THE COURT: All right. Well, I guess I need to
11 know -- I see here on -- and just so this discussion makes
12 sense for somebody that might want to look through it down
13 the road, let's have a copy of the attachment sent to the
14 email, the second email, Ms. Lee, that has the highlights in
15 it marked as a Court's Exhibit 2, I think we're at.

16 I don't know if there's a way -- I don't know that
17 the Court has a colored printer but I'm looking down at the
18 government, it looks like their printouts are in color.
19 Maybe we could get a color printout marked as an exhibit so
20 that someone will be able to tell what's green and what's
21 peach, Ms. Lee.

22 Okay. Thank you.

23 So I was about to say, I see the portion here on
24 the middle of -- starting on line 2 of 59, to line 18 of 59.

25 MS. WEBSTER: Your Honor, I have several responses

1 to the government's position, so whenever you're ready.

2 THE COURT: Let me ask my question and then I'll
3 let you have your reply.

4 MS. WEBSTER: Yes, thank you.

5 THE COURT: So, I guess what I want to know is from
6 page 59 there, from lines 2 to 18, what else in here do you
7 think comes in via the rule of completeness because of this
8 current issue about why he was getting money from Mr. Thomas?

9 MS. WEBSTER: Your Honor, it's on page 56 to 57;
10 right above that.

11 THE COURT: And what's the line range?

12 MS. WEBSTER: Yes, sir. It is page 56, from line
13 25 down to 57, line 19.

14 And that comes, you know, in between two of the
15 sections that the government would like to play, so it's sort
16 of completing that story or that conversation.

17 And then the part at page 6 that starts on line
18 14 --

19 THE COURT: One moment. Let me get there.

20 Okay. 6, line 14 to?

21 MS. WEBSTER: Page 7, line 2.

22 And above that, on page 5, lines 11 through 24.

23 THE COURT: All right. Let me read those now that
24 I have this context and I'll allow you to add to your
25 argument, which I know you want to do.

1 MS. WEBSTER: Sorry. I was having to scroll
2 through.

3 And on page 71, lines 10 through 24.

4 THE COURT: All right.

5 (Pause.)

6 THE COURT: And go ahead with your additional
7 argument.

8 MS. WEBSTER: Yes, Your Honor. The government is
9 citing the Santos decision, that decision is from 2020, but
10 the rule was amended, as I mentioned earlier, in 2023. And
11 so the rule now says, "If a party introduces all or a part of
12 a statement, an adverse party may require the introduction at
13 that time of any other part or any other statement that in
14 fairness ought to be considered at the same time."

15 And then the part that's been amended says, "The
16 adverse party may do so over a hearsay objection."

17 So that amendment I think is, sort of abrogates
18 the -- the cases the government is relying on because it was
19 amended for the purpose of making sure that people could get
20 in statements over hearsay objections.

21 And when the rule talks about fairness, that's a, I
22 think, and issue of due process. So while the government
23 might say that it's not going to argue that this statement
24 means that he knows that he got money from the PPP loan, I
25 think the obvious inference that the jury is going to take if

1 we do not get that additional explanation where he says
2 throughout the interview, I didn't know it was PPP funds, he
3 was paying me back money that he hustled me out of,
4 basically.

5 And so we think it should be admitted for those
6 reasons.

7 And as to the government's argument that it's
8 double hearsay, again, first of all, it gets in over a
9 hearsay objection, but the second layer, the stuff from
10 Darrell Thomas is certainly not being offered for the truth
11 of matter because we know what he's saying wasn't true. It
12 wasn't from the stock market. Like, that is just not
13 accurate and so it's not being offered for the truth of the
14 matter.

15 It's being offered to show that that's -- he was
16 lying, he was deceiving Mr. Foster.

17 And that Mr. Foster had -- or was -- it's offered
18 to show the effect on the listener.

19 THE COURT: All right. Do we know if we have all
20 the jurors here?

21 COURT SECURITY OFFICER: I'll check.

22 THE COURT: Can you go check for me. All right.

23 And I understand we have a witness we're going to
24 take out of order by consent of all the parties; is that
25 right?

1 MS. CHAIKEN: Yes, Your Honor. We would appreciate
2 that.

3 THE COURT: Okay. That's fine.

4 Is that witness here and ready?

5 MS. CHAIKEN: Yes, Your Honor.

6 THE COURT: Okay. If the jury is all here, I'm
7 going to bring them in and get-going on that.

8 And then we can revisit this issue in conjunction
9 with a break or at some point.

10 But anything else on this first issue while we're
11 waiting on the jury?

12 Ms. Chaiken?

13 MS. CHAIKEN: Your Honor, we just want to make
14 clear for the record, since our memorandum is in the record,
15 that our memorandum was addressing the first transcript which
16 I don't think is going to be made a court exhibit. But we
17 just wanted to be clear that we had not seen the new
18 transcripts before we filed our memorandum.

19 THE COURT: Okay. I would be happy to make the
20 first transcript -- I think that would probably be a waste of
21 paper thought; right?

22 MS. CHAIKEN: Yes.

23 THE COURT: The record will reflect that the first
24 transcript had a lot more highlights on it.

25 Ready? Okay. Let's bring them in.

1 (Jury enters the courtroom at 9:10 a.m.)

2 THE COURT: You all can be seated.

3 Thank you. Good morning, ladies and gentlemen of
4 the jury. I hope you are all well.

5 We're going to mix things up a little bit this
6 morning. We have one witness who is out of town, who has
7 some personal issues to attend to such that we need to get
8 them on the stand and off the stand today.

9 And so we're going to take a break from Agent
10 Stites' testimony, with consent of the parties -- thank you
11 all, parties -- and hear from another witness for a while
12 this morning.

13 MR. KAUSHAL: Thank you, Your Honor.

14 The government calls Nissen Liddiard to the stand.

15 NISSEN LIDDIARD,

16 Having been first duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. KAUSHAL:

19 Q. Good morning, Ms. Liddiard.

20 Could you please state and spell your name for the
21 record.

22 A. Yes, it's Nissen Liddiard. The first name is
23 N-I-S-S-E-N. My last name is, L-I-D-D-I-A-R-D.

24 Q. Ms. Liddiard, where are you employed?

25 A. Celtic Bank.

1 Q. And where is Celtic Bank located?

2 A. Salt Lake City, Utah.

3 Q. How long have you been employed at Celtic bank?

4 A. Six and a half, seven years.

5 Q. And what is your role at Celtic Bank?

6 A. I am the executive vice president and compliance
7 officer.

8 Q. And how long have you been the executive vice
9 president and compliance officer?

10 A. Since 2021.

11 Q. Were you with -- was Celtic Bank involved in the
12 PPP program --

13 A. Yes.

14 Q. -- with the SBA?

15 A. Yes.

16 Q. Were you involved in the oversight of that
17 program's administration at Celtic Bank?

18 A. Yes.

19 Q. Did you oversee compliance for the PPP program at
20 Celtic Bank?

21 A. I did, yes.

22 Q. Was Celtic Bank FDIC insured in 2020?

23 A. Yes.

24 Q. Can you briefly walk the jury through how somebody
25 could apply for a PPP loan with Celtic Bank.

1 A. Yes. We had several, various online applications
2 where a customer could go online, apply for the PPP loan and
3 then it would come through Celtic Bank and we would approve
4 it and then it would move on to the SBA for approval.

5 Q. So I'm going to unpack that just a little bit.

6 There is some sort of, was there an online website
7 where you could apply with Celtic Bank?

8 A. Yes.

9 Q. And was the information that was submitted by the
10 applicant, would that be the type of information that goes in
11 the standard PPP application?

12 A. Yes. We built the online application to mirror the
13 2483 form.

14 Q. And that's the PPP application form, the 2483?

15 A. Yes.

16 Q. And after the applicant submits that information,
17 the bank then submits it to the SBA?

18 A. Correct.

19 Q. Or submits some of the information to the SBA?

20 A. Yes.

21 Q. The bank servers, Celtic Bank servers, where are
22 those located?

23 A. Salt Lake City, Utah.

24 Q. Now, when somebody submits an application, a PPP
25 application to Celtic Bank, is there -- are supporting

1 documents required to be produced?

2 A. Yes. The supporting documents were evidence of
3 payroll and that the business existed on February 15, 2020.

4 Q. Is one form of supporting documents an IRS 941, Tax
5 Form 941?

6 A. Yes.

7 Q. And what about bank statements, is that something
8 that would be accepted as a supporting document for a PPP
9 application?

10 A. Yes.

11 Q. Now, when Celtic Bank received applications from
12 applicants, did it rely on the applicant to tell me the truth
13 when those -- when the application came through?

14 A. Yes. The SBA's interim final rule for PPP allowed
15 for the lender to rely on certification by the borrower.

16 Q. And the application required the applicant to
17 certify that everything in the application was accurate;
18 correct?

19 A. Correct.

20 Q. And is it important that the applicant tell the
21 truth in that application?

22 A. Yes.

23 Q. Does the bank rely on the applicant to tell me the
24 truth?

25 A. Yes.

1 Q. If the application contained false information,
2 would the bank have approved the PPP loan?

3 A. No.

4 Q. Is the number of employees that is listed in the
5 PPP loan application an important fact to be evaluated when
6 determining whether a loan should be approved?

7 A. Yes.

8 Q. Are the applicants, if they submit a Form 941, is
9 that important to determining whether a loan should be
10 approved?

11 A. Yes.

12 Q. Same question for the applicant's bank statements.
13 If they submitted supporting documents of bank
14 statements, are those important to the bank in determining
15 whether a loan should be approved?

16 A. Yes.

17 MR. KAUSHAL: Your Honor, if I could have a moment.
18 (Pause.)

19 MR. KAUSHAL: I don't have any further questions.

20 MS. DURRETT: We have no questions, Your Honor.

21 MR. MARSHALL: No questions.

22 THE COURT: Ma'am, you can step down. Safe
23 travels.

24 THE WITNESS: Thank you.

25 THE COURT: All right. Is it time to put Agent

1 Stites back on the stand?

2 MS. CHAIKEN: Yes, Your Honor.

3 THE COURT: Okay. I know there is a pending
4 motion, a pending objection as to part of his testimony. I
5 assume that there are large swaths we can go over before we
6 get to that?

7 MS. CHAIKEN: I think so, Your Honor. I'll let you
8 know if we get to it.

9 THE COURT: All right. Thank you.

10 MS. CHAIKEN: Thank you.

11 We recall Agent Stites.

12 THE COURT: Good morning.

13 THE WITNESS: Good morning.

14 CONTINUED DIRECT EXAMINATION

15 BY MS. CHAIKEN:

16 Q. Morning, Agent Stites.

17 A. Morning.

18 Q. Yesterday, in the afternoon, we had admitted
19 various WhatsApp communications that Darrell Thomas had
20 exchanged with Teldrin Foster; do you remember that?

21 A. Yes, I do.

22 Q. And we had admitted various emails between Darrell
23 Thomas and two of Teldrin Foster's email accounts?

24 A. Yes.

25 Q. And we had started to go through some of their

1 conversations in the early part of the PPP program?

2 A. Yes.

3 Q. Okay. And we'll spend today going through the rest
4 of that. Okay?

5 A. Okay.

6 MS. CHAIKEN: If we could pull up Government's
7 Exhibit 3000, please, Ms. Holland.

8 BY MS. CHAIKEN:

9 Q. Okay. Are these the 14 loans that we admitted
10 exhibits related to?

11 A. Yes, they are.

12 Q. And we'll go through each one of these.

13 A. Okay.

14 MS. CHAIKEN: All right. Let's start with Bellator
15 Phront Group.

16 Ms. Holland, could you please publish Government's
17 Exhibit 2403.

18 BY MS. CHAIKEN:

19 Q. What's Government's Exhibit 2403?

20 A. This is an email from Teldrin Foster's iCloud
21 account to Darrell Thomas, on April 7, 2020, at 9:41 p.m.

22 MS. CHAIKEN: Ms. Holland, could you please publish
23 2403A, page 3.

24 BY MS. CHAIKEN:

25 Q. Was this the attachment to the email?

1 A. Yes, it is.

2 Q. And what was that attachment?

3 A. It's a Form 941 for 2020, for the first quarter.
4 For Bellator Phront Group.

5 Q. How many employees did it say that Bellator Phront
6 Group had?

7 A. 70.

8 Q. What did it say the wages, tips and other
9 compensation was, on line 2?

10 A. \$1,204,326.

11 MS. CHAIKEN: Ms. Holland, could you please publish
12 Government's Exhibit 2404.

13 BY MS. CHAIKEN:

14 Q. What was this email, 2404?

15 A. This is an email from Teldrin Foster iCloud account
16 to Darrell Thomas on April 8, 2020, at 9:42 a.m.

17 Q. And is this email the next day, after the one we
18 just looked at?

19 A. Yes.

20 MS. CHAIKEN: Ms. Holland, if you could please go
21 to 2404A, page 3.

22 BY MS. CHAIKEN:

23 Q. Was this the attachment to that email?

24 A. Yes.

25 Q. And what was the attachment?

1 A. It's a Form 941 for 2020, first quarter, for
2 Bellator Phront Group, Inc.

3 MS. CHAIKEN: Ms. Holland, could you please publish
4 2403A side by side with 2404A, and go to page 3 of both of
5 those.

6 BY MS. CHAIKEN:

7 Q. Are these the two attachments that Teldrin Foster
8 sent to Darrell Thomas one day apart?

9 A. Yes, they are.

10 Q. Okay. And were they both for the same business and
11 for the same quarter?

12 A. Yes.

13 Q. Did they record the same number of employees?

14 A. They did.

15 Q. Did they record the same number of wages?

16 A. No.

17 Q. So the numbers changed in these forms?

18 A. Yes, they did.

19 MS. CHAIKEN: Ms. Holland, could you please publish
20 2307.

21 BY MS. CHAIKEN:

22 Q. Are these WhatsApp messages between Teldrin Foster
23 and Darrell Thomas?

24 A. Yes.

25 Q. And just to remind the jury, who's in green and

1 who's in blue?

2 A. Darrell Thomas is in green and Teldrin Foster is in
3 blue.

4 Q. What did Darrell Thomas say on April 12?

5 A. He said, "How we looking?"

6 Q. Okay. And then going down. What was Teldrin
7 Foster's response?

8 A. It's the third one there and it says, "I should be
9 finished tonight."

10 MS. CHAIKEN: Can we go to page 2 and 3, please,
11 Ms. Holland. Bottom of page 2, top of page 3.

12 BY MS. CHAIKEN:

13 Q. Did Darrell Thomas send Teldrin Foster three
14 documents on April 13?

15 A. Yes.

16 MS. CHAIKEN: And if you could please publish
17 2307A, Ms. Holland.

18 BY MS. CHAIKEN

19 Q. Was this the first attachment?

20 A. Yes.

21 Q. And what was it?

22 A. It's a Bank of America statement for a company
23 called Cintamen Services, Inc. It's for the month of January
24 of 2020. And it's for account ending 6340.

25 Q. Okay. And were all three attachments different

1 bank statements for the Cintamen Services account?

2 A. Yes.

3 MS. CHAIKEN: Okay. If we could go back to 2307,
4 page 4, please.

5 BY MS. CHAIKEN:

6 Q. After Darrell Thomas sent those documents to
7 Teldrin Foster, what did Teldrin Foster say?

8 If you could pull out all the messages, the bottom
9 three messages.

10 A. Teldrin Foster said, "It's over 780,000. Is that
11 straight?"

12 And then there was an outgoing call.

13 And then Teldrin Foster responded 795 -- or
14 "795,913.68."

15 Q. Okay. And then going down to page 5, what was
16 Darrell Thomas's response?

17 A. "Perfect."

18 MS. CHAIKEN: And then if you can go down to bottom
19 of page -- I'm sorry, bottom of page -- page 6.

20 BY MS. CHAIKEN:

21 Q. What did Darrell Thomas send on April 13?

22 A. Darrell Thomas sent a business name, Bellator
23 Phront Group, with an account number and a routing number
24 with an address.

25 Q. Okay. And then what did Teldrin Foster say?

1 A. "Okay."

2 Q. And was there another message?

3 A. "Can't nothing else be add this 97K shit a bit to
4 add in it."

5 MS. CHAIKEN: Could you please go to 2308, page 5,
6 and 2308B, side by side.

7 2308, page 5, and 2308B.

8 BY MS. CHAIKEN:

9 Q. Okay. Do you see at the top there an image that
10 Darrell Thomas sent to Teldrin Foster?

11 A. Yes.

12 Q. Did that on April 15 of 2020?

13 A. Yes, it was.

14 Q. And what was that image?

15 A. It was a listing of names with Social Security
16 numbers and then an amount ranging anywhere from, it looks
17 like 2K up to 10K next to the names. And all the names were
18 numbered.

19 Q. Okay. And below that, what was Darrell Thomas's
20 next message?

21 A. Send me -- wait, it was a URL to a
22 fountainheadcc.com with -- to a PPP folder. And then it
23 said, "Send me the numbers you got so I can start the
24 application for BPG."

25 Q. What does BPG stand for?

1 A. Bellator Phront Group.

2 MS. CHAIKEN: Could you please publish 2309 and
3 2309A side by side.

4 BY MS. CHAIKEN:

5 Q. Okay. Are these, again, WhatsApp messages between
6 Darrell Thomas and Teldrin Foster?

7 A. Yes.

8 Q. And what did Darrell Thomas send to Teldrin Foster
9 on April 15, later that evening?

10 A. A Bank of America statement for Bellator Phront
11 Group for the month of February, 2020, with account ending
12 3940.

13 Q. Is that the same account information that Darrell
14 Thomas had earlier sent to Teldrin Foster?

15 A. Yes.

16 MS. CHAIKEN: If you could please go to 2405.

17 BY MS. CHAIKEN:

18 Q. Is this an email from Teldrin Foster to Darrell
19 Thomas?

20 A. Yes. On April 16, 2020, at 11:39 a.m.

21 Q. Was that the next morning after Darrell Thomas sent
22 the bank statement to Teldrin Foster?

23 A. Yes.

24 MS. CHAIKEN: And, Ms. Holland, if you could go to
25 2405A, please.

1 BY MS. CHAIKEN:

2 Q. And was this the attachment to Teldrin Foster's
3 email?

4 A. Yes.

5 Q. Okay. And what was it?

6 A. It's a Bank of America bank statement for Bellator
7 Phront Group for the month of February, 2020, account number
8 3940.

9 MS. CHAIKEN: And, Ms. Holland, could you publish
10 2309A side by side with 2405A.

11 BY MS. CHAIKEN:

12 Q. Is 2309A the bank statement that Darrell Thomas
13 sent to Teldrin Foster via WhatsApp?

14 A. Yes.

15 Q. And is 2405A the document that Teldrin Foster
16 emailed to Darrell Thomas the next morning?

17 A. Yes.

18 Q. Are those bank statements for Bellator Phront
19 Group?

20 A. Yes.

21 Q. Are they both for the same account number?

22 A. Yes.

23 Q. Are they both for the same statement period?

24 A. Yes.

25 Q. And are those bank statements the same?

1 A. No.

2 Q. Did the numbers change from the version that
3 Darrell Thomas sent to Teldrin Foster to the version that
4 Teldrin Foster sent to Darrell Thomas?

5 A. Yes, that's correct.

6 Q. In your experience, do bank statements from the
7 past change over time?

8 A. No.

9 Q. Over the next few days after this, after April 15,
10 did Darrell Thomas and Teldrin Foster exchange multiple
11 different copies of bank statements for Bellator?

12 A. Yes, they did.

13 MS. CHAIKEN: Could you please publish 2411 and
14 2411A side by side.

15 BY MS. CHAIKEN:

16 Q. Is this an email that Darrell Thomas sent to
17 Teldrin Foster on April 22?

18 A. Yes.

19 Q. What did he write in that email?

20 A. He wrote, "Edited."

21 Q. And what was attached to the email?

22 A. A Bank of America bank statement for Bellator
23 Phront Group for the month of February 2020, account
24 number 3490.

25 Q. And did the numbers in this bank statement change

1 yet again?

2 A. Yes, it did.

3 MS. CHAIKEN: Please publish 2313.

4 BY MS. CHAIKEN:

5 Q. Did Darrell Thomas send Teldrin Foster a document
6 on April 24?

7 A. Yes.

8 MS. CHAIKEN: Okay. And if we could scroll down to
9 page 2.

10 BY MS. CHAIKEN:

11 Q. Did he send him another document on April 24?

12 A. Yes.

13 Q. And another one down at the bottom?

14 A. Yes.

15 Q. Okay.

16 MS. CHAIKEN: If we could please publish 2313B and
17 2313C.

18 BY MS. CHAIKEN:

19 Q. Were these the two documents that Darrell Thomas
20 sent to Teldrin Foster via WhatsApp?

21 A. Yes.

22 Q. And were they both bank statements for the same
23 account?

24 A. Yes.

25 Q. Were they both for the same month?

1 A. Yes.

2 Q. Were they the same or were they different?

3 A. They are different.

4 Q. And at this point in time, were Darrell Thomas and
5 Teldrin Foster exchanging these bank statements both over
6 email and over WhatsApp?

7 A. Yes, that's correct.

8 MS. CHAIKEN: Please publish Government Exhibit
9 2425.

10 BY MS. CHAIKEN:

11 Q. What is 2425?

12 A. This is an email on from Darrell Thomas to Teldrin
13 Foster iCloud account on April 25, 2020, at 2:03 p.m. And it
14 is a listing showing a beginning balance, deposits and
15 withdrawals, checks, service fees and an ending balance with
16 an average balance listed.

17 And then a series of dates and looks like balances
18 from February 1, through February 28, with some transaction
19 information listed.

20 MS. CHAIKEN: If you could please go to 2426.

21 BY MS. CHAIKEN:

22 Q. Was this an email that Teldrin Foster sent to
23 Darrell Thomas?

24 A. Yes. On April 25, 2020, at 5:08 p.m.

25 MS. CHAIKEN: And could you please publish 2426A

1 side by side with 2425.

2 BY MS. CHAIKEN:

3 Q. Is 2426A what was attached to that email we just
4 looked at from Teldrin Foster to Darrell Thomas?

5 A. Yes.

6 Q. And is 2425 the email we looked at right before
7 that with the values from Darrell Thomas?

8 A. Yes.

9 Q. Okay. Looking at this first page, do the values on
10 this page for the beginning balance, deposits, withdrawals,
11 checks and service fees and ending balance match the values
12 that Darrell Thomas had emailed to Teldrin Foster?

13 A. Yes, they do.

14 MS. CHAIKEN: Could you go to page 6 of 2426A,
15 please, Ms. Holland.

16 BY MS. CHAIKEN:

17 Q. Does this page show the daily ledger balances for
18 the Bellator Phront Group account bank statements?

19 A. Yes, they do.

20 Q. And do those daily ledger balances match what was
21 in Darrell Thomas's email?

22 A. Yes, they do.

23 Q. Okay. So for example, just looking at the last
24 date, February 28, does the number in the email match the
25 number in the bank statements?

1 A. Yes. 630,519.11.

2 MS. CHAIKEN: And if you can go to page 3 of 2426A,
3 please. Just scroll up.

4 BY MS. CHAIKEN

5 Q. And if you look at the deposits, do the dates and
6 amounts of those deposits match the dates and amounts that
7 are listed in Darrell Thomas's email?

8 A. Yes, they do.

9 Q. And was this statement, again, different than the
10 ones that Teldrin Foster and Darrell Thomas exchanged earlier
11 that month via WhatsApp and email?

12 A. Yes.

13 Q. Was this bank statement real?

14 A. No.

15 Q. Did Bellator end up actually submitting this bank
16 statement with its loan application?

17 A. No.

18 Q. Okay. But your investigation showed that they
19 worked together to prepare it?

20 A. Yes.

21 Q. During your interview of Mr. Foster, did you ask
22 him about these emails that he exchanged with Darrell Thomas
23 about the bank statements?

24 A. Yes, we did.

25 MS. CHAIKEN: Ms. Holland, would you please publish

1 Government's Exhibit 2250C.

2 (Audio was played.)

3 BY MS. CHAIKEN:

4 Q. Did Mr. Foster tell you he just looked over the
5 bank statements but he didn't change anything?

6 A. Yes.

7 Q. Was that consistent with what you saw in the emails
8 and the WhatsApp messages?

9 A. No.

10 MS. CHAIKEN: Could you please publish 2413 and
11 2413A.

12 BY MS. CHAIKEN

13 Q. Who was this email from and to?

14 A. This is an email from Teldrin Foster iCloud account
15 to Darrell Thomas on April 23, 2020, at 6:45 p.m.

16 Q. And was it an email that was forwarded from --

17 A. Yes. It was an email that was forwarded from
18 Teldrin Foster Yahoo account to Teldrin Foster iCloud
19 account.

20 Q. And what was the attachment?

21 A. It's a Form 940 for 2019 for Bellator Phront Group.

22 Q. And how much did this Form 940 report as payment to
23 employees by Bellator in 2019?

24 A. \$3,482,964.

25 MS. CHAIKEN: If you could go to 2312, please.

1 BY MS. CHAIKEN

2 Q. Is this another set of WhatsApp messages?

3 A. Yes.

4 Q. Okay. And what dates were these messages
5 exchanged?

6 A. 4/23 of 2020.

7 Q. Is that the same date of the email we just looked
8 at with the Form 940?

9 A. Yes.

10 MS. CHAIKEN: And if you can pull out the bottom
11 two messages, please, Ms. Holland.

12 BY MS. CHAIKEN:

13 Q. What did Teldrin Foster say to Darrell Thomas?

14 A. "I am thinking that 2940 got be stamped."

15 Q. And what did Darrell Thomas say?

16 A. "Yes it does from what I see online. But do you
17 think since 2019 hasn't been filed they will let me get away
18 with it not being on there?"

19 MS. CHAIKEN: And scrolling down.

20 BY MS. CHAIKEN:

21 Q. Did Teldrin Foster then call Darrell Thomas?

22 A. Yes.

23 Q. And after that, did Darrell Thomas send Teldrin
24 Foster a picture?

25 A. Yes.

1 Q. And that was via WhatsApp?

2 A. Yes.

3 MS. CHAIKEN: Ms. Holland, could you please publish
4 2312.

5 I'm sorry, 2312A.

6 BY MS. CHAIKEN:

7 Q. Was this the picture that Darrell Thomas sent to
8 Teldrin Foster?

9 A. Yes.

10 Q. And what was that picture?

11 A. It was an IRS Form 7004 for a company called Tupelo
12 Corp., and it had a stamp on the form itself.

13 Q. And does this picture look like it's a screenshot
14 from some kind of image search?

15 A. Yes.

16 MS. CHAIKEN: Could you please publish Government's
17 Exhibit 2417.

18 And if we could blow that up, please.

19 BY MS. CHAIKEN:

20 Q. What was this email?

21 A. It started -- it's an email chain that started with
22 an email from a Daryjuan Cooper to Teldrin Foster iCloud, on
23 April 24, 2020.

24 And then that email was -- became an email from
25 Teldrin Foster iCloud to Darrell Thomas on April 24, 2020, at

1 3:21 a.m.

2 Q. And were these emails the early morning after
3 Darrell Thomas and Teldrin Foster exchanged WhatsApp messages
4 about the 940 needing to be stamped?

5 A. Yes.

6 MS. CHAIKEN: If you could scroll down to page 2.

7 BY MS. CHAIKEN:

8 Q. Was there an attachment embedded within the email?

9 A. Yes.

10 Q. And what was the attachment?

11 A. It's a Form 941 for 2019 for Bellator Phront Group
12 for the first quarter. And on this 941, there's two stamps.

13 MS. CHAIKEN: Okay. And if you can is scroll down.

14 BY MS. CHAIKEN:

15 Q. Did this email include the front pages for all of
16 the 941s for Bellator, for 2019?

17 A. Yes. For each quarter.

18 MS. CHAIKEN: If you could please publish 2313 and
19 2313A.

20 BY MS. CHAIKEN

21 Q. Are these WhatsApp messages from later in the day
22 on April 24?

23 A. Yes.

24 Q. Okay. And did Darrell Thomas send Teldrin Foster a
25 document later that day on April 24?

1 A. Yes.

2 Q. And what was that attachment?

3 A. It's a Form 940 for 2019 for Bellator Phront Group,
4 it's the same 3,482,964. And it has a stamp, a received
5 stamp from the IRS on January 31, 2020.

6 MS. CHAIKEN: Ms. Holland, if you could scroll
7 down, please, on 2313A.

8 BY MS. CHAIKEN:

9 Q. Is this the same first page that Teldrin Foster
10 emailed to Darrell Thomas the day before?

11 A. Yes.

12 MS. CHAIKEN: And if you could scroll down,
13 Ms. Holland.

14 BY MS. CHAIKEN:

15 Q. Has the back page now been -- the second page now
16 been attached, as well?

17 A. Yes. Yes.

18 Q. Okay. So Teldrin Foster emailed Darrell Thomas the
19 front pages with stamps on them, and then Darrell Thomas, via
20 WhatsApp, sent Teldrin Foster the copies of the forms with
21 both pages?

22 A. Yes. That's correct.

23 Q. And did Bellator ultimately submit Form 941 with
24 its PPP loan application?

25 A. Yes.

1 MS. CHAIKEN: Could you please publish 2222 and
2 2417, page 2, side by side.

3 2417, page 2.

4 BY MS. CHAIKEN:

5 Q. Is Government's Exhibit 2417 the front page of the
6 Form 941 that Teldrin Foster emailed to Darrell Thomas?

7 A. Yes.

8 Q. And is Government's Exhibit 2222 the actual Form
9 941 that was submitted with the Bellator PPP loan
10 application?

11 A. Yes, it is.

12 Q. Are those documents the same?

13 A. Yes, they are.

14 Q. When you interviewed --

15 MS. CHAIKEN: Your Honor, I have just gotten to a
16 clip that has an objection to it.

17 THE COURT: Is it on page 58, 65 or 78? Because we
18 handled two -- we handled the objection as to page 32, and as
19 to page --

20 MS. CHAIKEN: It's M, so it's page --

21 THE COURT: Okay. One we haven't dealt with yet.
22 Okay.

23 All right. Ladies and gentlemen of the jury, there
24 is something I need to discuss with the attorneys without
25 your presence. So would you please take a break.

1 I don't know how long the break will be, I'm sorry.

2 (Jury withdrew from the courtroom at 9:42 a.m.)

3 THE COURT: You all can be seated.

4 Off the record one moment.

5 (Off-the-record discussion, and proceedings
6 continued.)

7 THE COURT: All right. Let's finish up our
8 discussion of 2250H before we move onto the next one.

9 First off, I don't think that the -- I don't think
10 we throw out the Santos case just because of the 2023
11 amendments, Ms. Webster.

12 Those amendments, as I see it, did a couple things.

13 It clarified that it wasn't just writing or
14 recorded statements, but that had already been, I think,
15 pretty well clarified by the case law but then it also added
16 the hearsay portion. But I don't think the crux of Santos
17 that the government was citing was effected by the 2023
18 amendments.

19 And what the rule talks about is requiring
20 materials that in fairness ought to be considered at the same
21 time. The advisory committee notes that it's talking about
22 avoiding misimpressions. And the Santos case, as the
23 government cites it, is -- I'm sorry.

24 It's a different part of the government's motion, I
25 was citing the Johnson case, talks about making sure things

1 aren't misleading. So that's, I think, similar to the
2 advisory opinion about the misimpression piece.

3 And I get the government's citation to Santos, but
4 I think an important part of Santos is it talks about the
5 district court being correct in that it was a, quote,
6 separate and different topic.

7 Here, looking at, first off, the additional
8 portions that Mr. Foster wants admitted on pages 57 and 59.
9 First off, on 57 and 59, that's right between clips that the
10 government wants in about what was going into this money.

11 The government's excerpt at the end of 56 ends
12 with, "Mr. Foster, shit, probably, like, as in, like, like, a
13 couple of, like, I got, like, all together probably about
14 close to, like, 45, 50 grand."

15 And then Agent Stites asks, "And that's how much
16 you think," et cetera.

17 And what Mr. Foster wants in ends with, "I'm
18 thinking between 30 plus, 30 plus all together probably I
19 would say the most 60 -- between 50 and 60."

20 And then the government's portion starts with Agent
21 Stites, "So since April 20 you got 50, 60,000?"

22 And then there is an additional discussion that
23 Mr. Foster wants in on page 59 that gives some explanation
24 and then talks about the 30 grand and more of the numbers,
25 before we go back to the government portion on the end of 59,

1 the government wants in, it says, "So you think you got 50 or
2 60 grand from him?"

3 So I think these portions on 56 through 57, and
4 then on 59 and that Mr. Foster wants in should come in. To
5 me it seems to be the same topic and it would arguably, I
6 think, create -- not arguably, but it would create a
7 potential misimpression or be misleading to exclude it.

8 Looking at -- so the objection is sustained as to
9 those pages.

10 MS. WEBSTER: Thank you.

11 THE COURT: Those will be admitted with the other
12 clips.

13 I'm not sure I come out the same way and understand
14 the argument as to what you want in on pages 5, 6 and 7.

15 I mean, particularly the start of page 5. You want
16 him starting on page 11:

17 Special Agent Hale, "Because it was one of the two
18 of you, if not both."

19 Mr. Foster, "Nah."

20 Special Agent Stites, "She says it's all you."

21 Mr. Foster, "No, it ain't nothing to do with the,
22 the, the PPP loan stuff."

23 Special Agent Hale, "All right. Then shed some
24 light on us for us."

25 "Okay. I met Darrell and some people and quote,

1 unquote, we're businesses partners but years ago. Okay. And
2 they hustled me."

3 So the first part of that statement is about who it
4 was, who did it, and it's not until the end of that statement
5 he even breaches the topic of getting hustled.

6 So, Ms. Webster, I guess for this, what's your
7 argument about the first part of that statement? That seems
8 like a different topic.

9 MS. WEBSTER: Well, I think that we could -- I
10 understand the Court's point there. I think if we started at
11 line 20.

12 THE COURT: All right. So you are no longer
13 seeking to admit lines 11 through 19?

14 MS. WEBSTER: No.

15 THE COURT: Okay.

16 MS. CHAIKEN: So are we just looking at 20 to 23
17 now?

18 THE COURT: 20 to 24, I think.

19 MS. CHAIKEN: To 24. Okay.

20 THE COURT: All right. So I'll allow in page 5,
21 line 20 to 24. And then page 6, line 14 to page 7, line 2.

22 And lastly for this one, let's look at page 70,
23 I'll allow -- well, I see the first part of that statement,
24 Ms. Webster, you know, being about "they F'd me out of
25 90,000."

1 But then, what's the relevance of him explaining
2 his -- where his 90,000 came from and what that was from?
3 That seems superfluous.

4 MS. WEBSTER: Your Honor, I think we could -- if we
5 could admit 10 through 17.

6 THE COURT: All right. So you are withdrawing the
7 request for 18 through 24?

8 MS. WEBSTER: Could I have one second?

9 (Pause.)

10 MS. WEBSTER: Yes.

11 THE COURT: Okay. Very well.

12 You are withdrawing the request for 18 through 24,
13 and I'm going to admit lines 10 through 17.

14 All right. So that gets us through 2250H. And I
15 have -- the standing objection and overruled the objection in
16 part as noted.

17 And, Ms. Chaiken, are you or probably more
18 appropriately, your paralegal clear on what I'm admitting and
19 what I'm not admitting?

20 MS. CHAIKEN: I think we are, Your Honor, but we do
21 not have those clips prepared because we prepared our clips.

22 So I would suggest maybe the best thing is for the
23 defense to play those clips in cross-examination. And that
24 way they can have the lunch hour to prepare them, or we can
25 take a break and prepare them.

1 But I don't know how long it will take and I don't
2 know if it will be keyed into the transcript because that
3 takes a while to do.

4 THE COURT: Okay.

5 Ms. Webster?

6 MS. WEBSTER: We're happy to do that but we will
7 need a little bit of time. So we can do it on a break.

8 THE COURT: Okay. Very well.

9 Let's move on to the next one.

10 2250J. And that is on page 65.

11 MS. WEBSTER: Your Honor, we'll withdraw the
12 objection on this one.

13 I didn't highlight the portions that we would ask
14 to be admitted, which are on line 64 -- it's what we would
15 have asked for was on 64, line 21, but I recognize we did not
16 highlight those so we will withdraw them.

17 THE COURT: All right. So no objection to 2250J.

18 All right. And lastly then, 2250M. That's page
19 78, line 21 to 79/18.

20 MS. WEBSTER: Your Honor, we can also withdraw
21 that. But I do anticipate asking the agent about his
22 statements, but we're not seeking to admit Mr. Foster's
23 statements.

24 THE COURT: All right. We'll just cross that
25 bridge when we come to it then in your cross.

1 All right. Very well.

2 Why don't we all take a very short five-minute
3 break so that when the jury comes back in we will have all
4 had a break and be ready to go for another lengthy period.

5 Ms. Chaiken, did you have something first?

6 MS. CHAIKEN: Yes, Your Honor. There were two
7 other pages that were highlighted by Mr. Foster that were not
8 referenced. Or are those withdrawn?

9 THE COURT: I assume they are not moving forward
10 on. I think we have gone through each thing that they wanted
11 with the rule of completeness and I have ruled on it.

12 Is there anything else, Ms. Webster, to discuss?

13 MS. WEBSTER: Your Honor, we had some additional --
14 I guess they didn't correlate directly to an objection to the
15 government's exhibits, but there were additional portions
16 that we would like to play.

17 I don't know if that makes sense. It's not like --
18 so, for example --

19 THE COURT: Well, if there are portions you want to
20 play, I mean, if it's going to be through the rule of
21 completeness, it might be good to address them now.

22 MS. WEBSTER: Okay. Yes.

23 THE COURT: And for you to tell me what you think
24 they are connected to.

25 MS. WEBSTER: Yes.

1 On page 121 and 122 --

2 THE COURT: Let me get there.

3 MS. WEBSTER: The government --

4 THE COURT: One moment.

5 MS. WEBSTER: I'm sorry.

6 THE COURT: Let me just read that. One moment.

7 (Pause.)

8 THE COURT: Go ahead.

9 MS. WEBSTER: The government has indicated or I
10 think has -- or plans to admit various portions where he
11 discusses Bellator and involvement in the Bellator PPP loan.

12 But this portion of the conversation shows that
13 they were conversations about legitimate -- or filing a tax
14 return for Bellator which was unrelated, I think, to the --
15 or unrelated to the PPP application. And.

16 That shows that his involvement and that Gena
17 Pyfrom-Foster was preparing an 1120, which is the corporate
18 tax return.

19 So that is our position on why that would be
20 admissible.

21 THE COURT: Ms. Chaiken?

22 MS. CHAIKEN: Your Honor, this is not tied to
23 anything that we're admitting. It's not necessary to correct
24 any misleading impression that anything we're admitting
25 introduces.

1 And it seems to really be an attempt to get before
2 the jury the agent's statements about what Gena said she did
3 which is in a completely separate interview that the agents
4 were than saying to Mr. Foster.

5 But, I mean, it just -- it really just amounts to a
6 false denial by Mr. Foster thinking that what was going was
7 legitimate.

8 And I think the amendments to Rule 106 made clear,
9 "The mere fact that a defendant denies guilt before later
10 admitting it does not, without more, mandate the admission of
11 his previous denial."

12 This is in the nature of that. They just want to
13 introduce a statement where he denies knowledge of what was
14 happening as supposedly clarifying later admissions that he
15 did know what was happening.

16 We just don't think it's even addressing the same
17 topic.

18 THE COURT: All right. I need to flesh this out a
19 little bit more because I'm not sure I -- obviously, you all
20 have been looking at these documents and statements for
21 months or years. And although I have had quite a few other
22 proceedings involving this greater case, I'm not sure I
23 understand this detail as well as you do.

24 So help me understand the context a little bit more
25 of what -- I understand it's about a tax return that

1 Ms. Foster prepared, but help me understand what they're
2 talking about here and how it's relevant.

3 MS. WEBSTER: So there are other portions of the
4 statement I think the government has admitted where Mr.
5 Foster is saying, I knew about Bellator. Bellator is
6 something I'm familiar with.

7 But I think there are emails that suggest and some
8 of the WhatsApp conversations that suggest that actually,
9 initially, they were talking about preparing a tax return for
10 Bellator.

11 And so that discussion goes to clarify the
12 government's, what I assume is going to be -- or is the
13 government's position that whenever he's talking about
14 Bellator it's all related to the PPP fraud, but when you are
15 talking about the tax returns, an 1120 was not required to
16 submit a PPP loan.

17 THE COURT: All right. I'm going to take this
18 under advisement and just revisit it once I've heard the
19 testimony you say that the government is going to -- or
20 testimony or documents or transcripts that the government is
21 going to play to give me that context.

22 Because I'm starting to kind of color things in but
23 I'm not sure I fully understand it and can make a decision as
24 to the 106 factors based on what I have seen so far.

25 It may or may not come in, Ms. Webster, but let's

1 just revisit it when you get to the point where you would
2 like to admit that portion. And by then, hopefully, I will
3 have heard more about this, the other surrounding pieces.

4 Okay.

5 MS. WEBSTER: Okay.

6 Your Honor, I'm sorry. There was one, it was four
7 lines on page 116. I think it's the last portion.

8 And it just completes the government's -- I'm not
9 sure which exhibit it is, but the government is admitting the
10 vast majority of that page and it's when he is asking -- they
11 are asking Mr. Foster about getting the stamps.

12 And then -- and he sort of says, "You don't know
13 any of these people they just move off money."

14 And then the part that we would like to admit, is
15 Agent Stites asking, "I mean, do you remember where you find
16 those people?"

17 And Mr. Foster saying, "I don't know."

18 And so --

19 THE COURT: Let me see if Ms. Chaiken objects to
20 that part.

21 MS. CHAIKEN: Your Honor, we don't have it as part
22 of our clip. I'm happy to just follow up with Agent Stites
23 and read from this and say, did you ask him if he knows where
24 he found these people? And he can say I don't know.

25 I mean, to us it just repeats. He's asked, "Do you

1 remember who that was?" And he says, "Uh-uh," which you can
2 see in the transcript, but he gives a negative response and
3 then he's asked the same thing again.

4 We don't have a problem with it, we just don't have
5 it.

6 THE COURT: All right. So that objection is
7 sustained without really -- by consent almost.

8 How would you like to handle that one, Ms. Webster?
9 Would you like Ms. Chaiken just to follow up and say, hey,
10 although we do not have that part of the transcript ready,
11 you then asked X, Special Agent Stites then asked blank, and
12 Mr. Foster then said blank?

13 MS. WEBSTER: Yes.

14 THE COURT: Okay. Let's do that, Ms. Chaiken,
15 please.

16 All right. Let's take that five-minute comfort
17 break and then we'll bring the jury back in -- I'm sorry. We
18 had one quick little thing.

19 You all can remain seated.

20 I know there is an additional stipulation, trial
21 stipulation regarding the designation and indictment and the
22 entities that you passed up.

23 Thank you for working through that stipulation.

24 I guess we just need to decide administratively how
25 we are going to handle -- I know there has been this one and

1 there have been at least one or two others already.

2 How do we want those marked? I assume we -- I
3 assume you want them to go back to the jury in deliberations?

4 Do you want to mark them all as court's exhibits,
5 and then we'll make sure that only some of the courts'
6 exhibits, obviously, go back with the jury and some don't?

7 MS. CHAIKEN: I think that's fine.

8 COURTROOM DEPUTY: Or a joint exhibit.

9 THE COURT: Ms. Lee is suggesting a joint exhibit,
10 which I think makes more sense because we can separate them
11 from the Court's exhibits and avoid the potential of
12 inadvertently other Court's exhibits going back.

13 MS. CHAIKEN: Sure.

14 THE COURT: Okay. So this will be Joint Exhibit 1,
15 and then to the extent you have a couple other trial
16 stipulations, if you'll give those to Ms. Lee and she will
17 mark those as Joint Exhibits 2, 3, et cetera.

18 MS. CHAIKEN: Okay. I think the one you have has
19 the UTC, the EDT one on the back. Because they're part of
20 the same --

21 THE COURT: Oh, yes. It does. So it's just one at
22 this point, then?

23 MS. CHAIKEN: Yes.

24 THE COURT: All right. Joint Exhibit No. 1, in and
25 of itself.

1 MS. CHAIKEN: Your Honor, as far as that, the
2 stipulation about the anatomization, is that something that
3 you want us to present to the jury as part of our case or
4 should we just let me know it's going back to them?

5 THE COURT: Let me take another look at it,
6 Ms. Lee, please.

7 Off the record.

8 (Off-the-record discussion, and proceedings
9 continued.)

10 THE COURT: Back on the record.

11 I think it might make the most sense when I'm
12 giving them their instructions, and I'm saying you are going
13 to have a copy of the indictment, to explain it then. If
14 anyone disagrees?

15 MS. CHAIKEN: That's fine with us, Your Honor.

16 THE COURT: Okay. Hearing no one, we'll do that.

17 Just remind me to do that when I'm doing the
18 instructions.

19 All right.

20 MR. MARSHALL: Your Honor, you're going to read
21 those right before and then submit them and let them take
22 them back to the jury room?

23 THE COURT: Yes.

24 MR. MARSHALL: Okay.

25 THE COURT: All right. Thank you.

1 Let's take our break.

2 (There was a recess at 10:07 a.m., and proceedings
3 continued as follows at 10:15 a.m.):

4 COURTROOM DEPUTY: Judge, defense has a scheduling
5 issue.

6 THE COURT: Yes.

7 MS. WEBSTER: Your Honor, I just wanted to ask
8 about --

9 THE COURT: You all can be seated.

10 MS. WEBSTER: -- our expectations for when we will
11 begin calling witnesses.

12 Obviously, when we started the trial, we thought
13 the government's case was going to take 10 days. It feels
14 like we're moving pretty efficiently but -- I understand the
15 Court's comments about yesterday, but I'm not sure, his --
16 Mr. Persinger has limited availability. It looks like maybe
17 Wednesday has opened up next week.

18 THE COURT: Sorry? Who has limited availability?

19 MS. WEBSTER: Mr. Persinger, our expert witness.

20 THE COURT: Okay.

21 MS. WEBSTER: So I just wanted to sort of flag that
22 he's not available Tuesday, maybe is not available Monday. I
23 think could be available on Wednesday.

24 So I just wanted to flag that could be an issue,
25 depending on when the government rests.

1 MS. CHAIKEN: Your Honor, we anticipate that being
2 an issue. We never said our case was going to be two weeks;
3 we had said we expected the whole trial to be up to two
4 weeks.

5 That was -- that's what we told the jury. That's
6 what we told the Court, and that was before we lost both
7 Mr. Gaines and Mr. Baptiste.

8 We definitely think Mr. Persinger is going to be
9 needed to testify before Wednesday.

10 And it sounds like he is unavailable for 80 percent
11 of the second week of the two-week trial. I don't know what
12 to do with that.

13 Obviously, the defense was going to present its
14 case during the second week of trial, so I don't know why we
15 are learning about these conflicts now, but I definitely
16 think we're going to rest in time for him to testify before
17 Wednesday.

18 THE COURT: What is, Ms. Chaiken, your best
19 estimate as to when you will rest your case?

20 MS. CHAIKEN: I think we will know about better
21 after we see how long the cross-examination of Agent Stites
22 takes, but I would expect that we will rest sometime either
23 tomorrow or Monday.

24 THE COURT: All right.

25 Thank you.

1 Remind me where Mr. Persinger is?

2 MS. WEBSTER: He lives in Atlanta. He's available
3 tomorrow. But I didn't know or anticipate that the
4 government would be finished or potentially rest tomorrow.

5 So, we can have him -- I think we can have him here
6 tomorrow. I don't know if the -- if the government has not
7 rested, if they would be willing to let him go out of order
8 to accommodate the issue.

9 I think he's available Wednesday through Friday
10 now. But I also was not aware of all of his conflicts until
11 recently.

12 THE COURT: Okay. I recall that yesterday evening
13 the government reached out to you as to Ms. Liddiard and her
14 scheduling conflict and you were able to accommodate the
15 government in that regard, so I would be happy to hear from
16 the government now whether or not they are going to
17 accommodate you in the same way.

18 MS. CHAIKEN: That's fine, Your Honor.

19 THE COURT: Very well. Sounds like we should have
20 Mr. Persinger here tomorrow.

21 MS. WEBSTER: Thank you.

22 THE COURT: I appreciate the professional courtesy
23 that the defense showed the government yesterday and that the
24 government just showed Ms. Webster today.

25 MR. MARSHALL: Your Honor, I also have a witness we

1 intend to call, john Gaines, is attending a family funeral.

2 I mean, he's available, but not knowing exactly
3 when the government was going to close their case out, we
4 only -- we get the witnesses for the next day.

5 I don't know how many total witnesses the
6 government still has. That would be helpful to know because
7 then I can kind of gauge it with my client and make sure he's
8 available -- not my client, my witness.

9 THE COURT: All right. I'll let you just
10 coordinate with Ms. Chaiken at maybe the next break and I'm
11 sure she can do her best to let you know when, about, you
12 might need Mr. Gaines. I'll let you all discuss that off the
13 record.

14 If there is any conflict or issues or lack of
15 ability to work through together, let me know.

16 MR. MARSHALL: Thank you, Judge.

17 THE COURT: Thank you.

18 Officer, now, please, bring out the jury.

19 Thank you.

20 (Jury enters the courtroom at 10:19 a.m.)

21 THE COURT: You all can be seated.

22 (Off-the-record discussion, and proceedings
23 continued.)

24 THE COURT: Back on the record.

25 Ms. Chaiken, go ahead.

1 MS. CHAIKEN: Thank you, Your Honor.

2 BY MS. CHAIKEN:

3 Q. Agent Stites, before we --

4 THE COURT: Oh, and just for the record, I
5 sustained in part and overruled in part various objections as
6 to document number --

7 MS. CHAIKEN: 2250.

8 THE COURT: -- 2250 and its supplements.

9 Thank you.

10 Go ahead.

11 BY MS. CHAIKEN:

12 Q. Agent Stites, before the break we had been looking
13 at some Form 941s that Darrell Thomas and Teldrin Foster
14 exchanged; is that right?

15 A. That's correct.

16 Q. When you interviewed Teldrin Foster, did you ask
17 him about the form 941s?

18 A. Yes, we did.

19 MS. CHAIKEN: Ms. Holland, would you please publish
20 Government's Exhibit 2250M, as in Mary.

21 (Audio was played.)

22 BY MS. CHAIKEN:

23 Q. Did Teldrin Foster tell you that he and Darrell
24 Thomas created the 941s together?

25 A. Yes, he did.

1 MS. CHAIKEN: Could you please publish Government's
2 Exhibit 2437.

3 BY MS. CHAIKEN:

4 Q. If you could walk through from the bottom of the
5 chain, what this email chain is?

6 A. Sure. It starts with a Teldrin Foster email on
7 April 28 of 2020. And then that email was forwarded from
8 Daryjuan Cooper to Teldrin Foster Yahoo on April 29, 2020.

9 And then that email was then forwarded from Teldrin
10 Foster Yahoo to Teldrin Foster iCloud account.

11 And then finally, the main part of the email there
12 is Teldrin Foster iCloud to Darrell Thomas on April 29, 2020,
13 at 2:21 a.m.

14 Q. And is Daryjuan Cooper the same person who
15 previously emailed those Form 941s with stamps -- or Form 941
16 with a stamp on it?

17 A. Yes.

18 Q. And do you see that this email has several
19 attachments?

20 A. Yes.

21 Q. What were -- could you just read out some of the
22 names of those attachments?

23 A. Yes. Backup_image_stamped03. Image -- you know,
24 the same, saying backup_image_stamped04. And there's various
25 versions of that, 02, 01.

1 MS. CHAIKEN: Ms. Holland, could you please publish
2 Government's Exhibit 2437A and B, side by side.

3 BY MS. CHAIKEN:

4 Q. Were these two of the attachments that were
5 attached to Teldrin Foster email?

6 A. Yes.

7 Q. And what were the attachments?

8 A. Stamps that appeared to be IRS "received" stamps.

9 Q. When you interviewed Teldrin Foster, did you ask
10 him about where he got these stamps?

11 A. Yes, we did.

12 MS. CHAIKEN: Ms. Holland, could you please publish
13 Government's Exhibit 2250V, as in Victor.

14 (Audio played.)

15 BY MS. CHAIKEN:

16 Q. And after this portion we just listened to, did you
17 then say, "Well, do you get, I mean, do you remember where
18 you find these people?"

19 A. Yes.

20 Q. And did he say, "I don't know"?

21 A. Yes.

22 MS. CHAIKEN: Please publish Government's Exhibit
23 2414.

24 BY MS. CHAIKEN:

25 Q. Was this an email that Darrell Thomas sent to

1 Teldrin Foster?

2 A. Yes. To his iCloud on April 23, 2020, at 7:31 p.m.

3 Q. What was the subject line?

4 A. "Employee Sheet."

5 MS. CHAIKEN: And if you could please publish
6 2414A.

7 BY MS. CHAIKEN:

8 Q. What was the attachment?

9 A. Bellator Phront Group New Average Monthly Qualified
10 Payroll Cost Report.

11 It was basically a table consisting of a listing of
12 names and then some columns associated with some earnings and
13 payroll costs that all had zeros in them.

14 Q. Who was the first employee listed?

15 A. Teldrin Foster.

16 Q. Did you see any evidence in your investigation that
17 Teldrin Foster was an employee of Bellator Phront Group?

18 A. No.

19 Q. Who was the third employee listed?

20 A. Daryjuan Cooper.

21 Q. Did you ask Mr. Foster about Daryjuan Cooper in
22 your interview with him?

23 A. We did.

24 Q. What did he say about Daryjuan Cooper?

25 A. That he was a friend from Florida. Somebody he

1 grew up with.

2 Q. Going down, do you see the name Chastity Waire down
3 in the middle of the page?

4 A. Yes, I do.

5 Q. Is that one of the names that was on some of the
6 payroll spreadsheets we looked at yesterday?

7 A. Yes.

8 Q. And do you see the name Julia Kneeland?

9 A. I do.

10 Q. Is that another person whose name was on the
11 payroll -- several of the payroll spreadsheets we looked at
12 yesterday?

13 A. Yes.

14 Q. Those are the ones where the names kept changing?

15 A. That's correct.

16 MS. CHAIKEN: If you could please publish
17 Government's Exhibit 2420.

18 BY MS. CHAIKEN

19 Q. And tell me what that exhibit is?

20 A. This is an email from Teldrin Foster iCloud account
21 to Darrell Thomas on April 24, 2020, at 1:58 p.m., and
22 entitled -- the subject is, "Forwarding of a 2019 Payroll
23 Summary."

24 Q. And who was that forwarded email from?

25 A. From a -- it was from a Nikki Pyfrom, which is

1 email GJpyfrom@gmail.com to Teldrin Foster iCloud account.

2 Q. Did you determine who Nikki Pyfrom is?

3 A. Yes.

4 Q. Who is that?

5 A. That's Gena Pyfrom-Foster.

6 Q. Okay. That's Mr. Foster's wife?

7 A. Correct.

8 Q. Okay. And the email address GJPyfrom, is "G" the
9 first letter of Gena?

10 A. Yes.

11 Q. So this is an email that Gena Pyfrom-Foster sent to
12 the Teldrin Foster iCloud account, and then the Teldrin
13 Foster iCloud account sent to Darrell Thomas?

14 A. Yes.

15 Q. And if Gena Pyfrom-Foster had access to Teldrin
16 Foster's iCloud account, would there have been a reason for
17 her to email the iCloud account instead of emailing Darrell
18 Thomas directly?

19 A. I wouldn't think so.

20 MS. CHAIKEN: If you could go to 2428, please.

21 BY MS. CHAIKEN:

22 Q. Was that the attachment to the email that Teldrin
23 Foster forwarded to Darrell Thomas?

24 A. Yes.

25 Q. And what was that attachment?

1 A. It was an Excel payroll spreadsheet for Bellator
2 Phront Group for the first quarter of 2019.

3 Q. Did you review the metadata associated with this
4 Excel spreadsheet?

5 A. Yes.

6 Q. And who was listed as the author on this Excel
7 spreadsheet?

8 A. Gena Pyfrom.

9 Q. If you could go -- and on this first page, do you
10 recognize those first four names as names we have looked at
11 before on other payroll spreadsheets?

12 A. Yes, I do.

13 MS. CHAIKEN: If you could go to page 9, please.

14 BY MS. CHAIKEN:

15 Q. Is Teldrin Foster listed as an employee of Bellator
16 Phront Group?

17 A. Yes, he is.

18 Q. And did all of the names on this spreadsheet match
19 the names that Darrell Thomas had emailed to Teldrin Foster
20 on that blank payroll document?

21 A. Yes.

22 Q. So Darrell Thomas emails a list of names to Teldrin
23 Foster, and then Gena Pyfrom-Foster sent Teldrin Foster a
24 spreadsheet with those names, that was then forwarded to
25 Darrell Thomas?

1 A. Yes, that's correct.

2 MS. CHAIKEN: If you could please go to 2421.

3 BY MS. CHAIKEN:

4 Q. And what is this email?

5 A. This is -- it starts -- it's an email chain that
6 starts with a -- an email from Nikki Pyfrom, which is Gena
7 Pyfrom-Foster, to Teldrin Foster iCloud account, and then
8 that email is forwarded from Gena Pyfrom-Foster to Darrell
9 Thomas with a cc to Teldrin Foster's iCloud account on April
10 24, 2020, at 2:00 p.m.

11 Q. Was the attachment to this email the same payroll
12 spreadsheet we just looked at?

13 A. Yes.

14 Q. Okay. So Gena Pyfrom-Foster sent the email to
15 Mr. Foster and then both she and Mr. Foster, separately,
16 forwarded the email to Darrell Thomas?

17 A. Yes.

18 Q. And when she forwarded it to Darrell Thomas, she
19 cc'd Teldrin Foster; correct?

20 A. Yes. On his iCloud account.

21 MS. CHAIKEN: If you could please publish
22 Government 2428.

23 BY MS. CHAIKEN

24 Q. Is this an email on -- a couple days later, April
25 26, from Gena Pyfrom-Foster to Darrell Thomas?

1 A. Yes, it is.

2 Q. And did she attach a couple of payroll
3 spreadsheets?

4 A. Yes, she did.

5 Q. And after she sent the email to Darrell Thomas, did
6 she then respond and also cc Teldrin's iCloud account?

7 A. Yes.

8 Q. And were payroll spreadsheets attached to this
9 email in both Excel and PDF form?

10 A. Yes.

11 Q. Does this indicate to you that the three of them;
12 Darrell Thomas, Gena Pyfrom-Foster and Teldrin Foster worked
13 together on this?

14 A. Yes.

15 Q. Was Teldrin Foster being cc'd on this email in any
16 way indicative of Darrell Thomas and Gena Foster doing
17 something behind his back?

18 A. No.

19 Q. And, again, did Teldrin Foster tell you that this
20 iCloud account is his email account?

21 A. Yes, he did.

22 Q. Did he tell you anybody else had access to it?

23 A. No.

24 Q. Did you get bank records for Teldrin Foster as part
25 of your investigation?

1 A. Yes.

2 Q. Have you previously reviewed Government's Exhibits
3 2865 through 2879?

4 A. Yes.

5 Q. And are those the bank records from Navy Federal
6 Credit Union for Teldrin Foster?

7 A. Yes, they are.

8 MS. CHAIKEN: Your Honor, I move to admit
9 Government's Exhibits 2865 through 2879 pursuant to Rule
10 902(11).

11 MS. WEBSTER: I have an objection under 403
12 grounds, Your Honor.

13 THE COURT: All right. Go ahead.

14 MS. WEBSTER: I would like to make that argument
15 outside the presence of the jury.

16 THE COURT: All right.

17 Members of the jury, if you'll please step out for
18 a moment.

19 (Jury withdrew from the courtroom at 10:34 a.m.)

20 THE COURT: You all can be seated.

21 And off the record for a moment while I dig out
22 those documents.

23 (Off-the-record discussion, and proceedings
24 continued.)

25 THE COURT: Back on the record.

1 All right. Ms. Webster, you were about to state a
2 403 objection.

3 MS. WEBSTER: Yes, Your Honor.

4 In one of the bank statements, it reflects a
5 deposit from Washington state unemployment insurance. And
6 then in a subsequent statement it looks like there is an
7 adjustment for that to reflect that that money was returned.

8 And I think that that is, I guess, one, unnoticed
9 404(b) conduct to the extent they are suggesting that
10 Mr. Foster somehow requested or received Washington state
11 unemployment insurance.

12 And then I also think that it's, under 403, unduly
13 prejudicial because it has nothing to do with this case and
14 the probative value is minimal.

15 And also it looks like it was some sort of incident
16 that did not involve wrongdoing on Mr. Foster's part.

17 So I think the probative value is zero and the
18 prejudicial value is very high because it implies to the jury
19 or suggests to the jury that he is engaged in additional
20 fraud.

21 THE COURT: Okay. Just so the record is clear, can
22 you share with me which document number, or numbers?

23 MS. WEBSTER: Yes. It should --

24 MS. CHAIKEN: 2871, Your Honor.

25 MS. WEBSTER: Thank you. And I think 2872 is, that

1 shows --

2 THE COURT: '71 is the charge and '72 is the
3 reversal of the charge?

4 MS. WEBSTER: Yes.

5 THE COURT: Okay. Let me hear from Ms. Chaiken.
6 It may be that they just want to redact that and we don't
7 have an issue.

8 I don't know.

9 MS. CHAIKEN: Your Honor, this is intrinsic
10 evidence. There's not really a way to redact because that
11 money is then spent down and the money, the account has \$7 in
12 it before that transaction comes in, and it's the first
13 deposit. That money is then spent down and then there is
14 \$34,500 --

15 THE COURT: Sorry. You are way, way ahead of me.

16 MS. CHAIKEN: Sorry, Your Honor.

17 If you look at 2871.

18 THE COURT: I'm on 2817.

19 MS. CHAIKEN: If you look at the second page, which
20 has the details in it of that statement period. The account
21 has \$7 in it.

22 It then received the \$6,950 deposit from Washington
23 State Employee Sec UI Benefit, and to be clear, we're not
24 planning on presenting evidence from the Washington state,
25 whatever department administers this. We're not planning on

1 arguing that he committed unemployment insurance fraud or
2 anything.

3 But that money is then spent down in the account
4 until there is a \$34,500 deposit and that's the deposit from
5 Bellator Phront Group.

6 THE COURT: And where on '72 is the -- is it taken
7 back out?

8 Ms. Webster, I think you mentioned it was in --
9 went in '71 and went out on '72. I'm flipping through '72,
10 and I'm not seeing \$6,950 quickly, so help me.

11 MS. WEBSTER: Sorry, Your Honor. It might be 2873.
12 Yes. 2873, on page 2.

13 THE COURT: 2873. Okay.

14 Well that doesn't even say anything about
15 Washington state, does it?

16 MS. WEBSTER: It doesn't, Your Honor. But I made
17 that point to show that it was taken back out of his account.
18 Like, this is not money that he, like, had access to forever.
19 Like, it was taken from him.

20 So I think there are two points in response to the
21 government's statements. One is you could just redact the
22 reference, even if you show the money coming in.

23 And then two is while they are saying they're not
24 going to present any evidence, that Washington state
25 unemployment insurance is listed in a summary chart that they

1 want to admit based on these records and we have alerted them
2 previously to this objection.

3 That's proposed Exhibit 3006. And that is, I
4 think, that puts -- they want to put it right in front of the
5 jury that he received Washington state unemployment
6 insurance.

7 And you do not have to present any additional
8 evidence that it's not incorrect or, like, improper that he
9 has it because he doesn't live in Washington state. So the
10 inference is clear, they don't have to put up anything else
11 to show it.

12 THE COURT: All right. Ms. Chaiken.

13 MS. CHAIKEN: Your Honor, I think it's misleading
14 to redact where the money came from because it would suggest
15 that maybe it came from some employment he had or from some
16 legitimate source.

17 We're not going to say anything, one way or the
18 other, about whether he committed fraud in Washington state.

19 But the only legitimate -- the only money that came
20 into the account during this statement period was the check
21 deposit from Bellator, and he has no other account activity
22 for months before that.

23 And I think the jury needs to understand that
24 without being misled into thinking that he got almost \$7,000
25 from elsewhere and had other money.

1 MS. WEBSTER: We're not going to argue that it
2 would be legitimate, Your Honor. We're not going to argue
3 anything about it.

4 THE COURT: Okay. So I guess I'm just wondering,
5 does the government care whether the language from WAST
6 Employee Security UI Benefit 01AFD1 is there or not?

7 I guess I'm just wondering what relevance -- I see
8 the relevance of the \$6,950 coming into the account from
9 somewhere. So if it's not there, it's confusing as to why
10 the account was being drawn down if there wasn't the money
11 that went in.

12 But I guess I'm just wondering if you don't -- if
13 you are not intending to do anything about Washington State
14 Employment Security, why we couldn't just have it as deposit
15 ACH paid, and then redact who it was from?

16 MS. CHAIKEN: Because the jury would then have the
17 incorrect impression that this was actual income or money
18 coming into Mr. Foster's account.

19 THE COURT: Well, it was money coming into his
20 account, wasn't it?

21 MS. CHAIKEN: Right. But it was then taken out
22 because it wasn't legitimate money that he was entitled to
23 into his account.

24 THE COURT: How do any of us know it was or it was
25 not legitimate money?

1 MS. CHAIKEN: Well, it was taken out. So if they
2 want to stipulate that there was a \$6,950 deposit that was
3 later taken back from the account, we're happy to redact the
4 reference.

5 But I think it would be misleading to suggest to
6 the jury to that this \$7,000 was money that Mr. Foster got
7 and was entitled to use because it was, then, removed.

8 So we're happy to resolve that by addressing the
9 reality of the situation, which is it was not actual income
10 to him, it was not money that should have been in his
11 account.

12 THE COURT: All right. Ms. Webster, do you want to
13 accept the government's offer and take your single or double,
14 or do you want to go for a home run and ask for my ruling?

15 MS. WEBSTER: Can I have a preview, Your Honor?
16 I'm just kidding.

17 Can I have one second.

18 (Pause.)

19 MS. CHAIKEN: Your Honor, as an alternative, we
20 could redact the part that said "Washington state," which
21 would remove the inference Ms. Webster identified that
22 because he doesn't live in Washington state it must be
23 fraudulent. And then the jury could just think that it's
24 unemployment benefits -- which may or may not be fraudulent.

25 THE COURT: Well, I thought that's what I was

1 suggesting and you declined earlier.

2 MS. CHAIKEN: I'm sorry. I thought you were
3 suggesting redacting the entire thing.

4 THE COURT: No. I was saying why couldn't we just
5 redact the "from Washington State Employment Security UI
6 Benefit 01AFD1," therefore, it would still show a deposit ACH
7 paid coming in, in the amount coming in, and then the amount
8 coming out.

9 MS. CHAIKEN: Okay. What I'm suggesting is that we
10 just redact "Washington state." Because Ms. Webster said the
11 inference of fraud comes from the fact that Mr. Foster
12 doesn't live in Washington, so therefore it must be fraud
13 because he lives in Georgia.

14 But the fact that someone gets unemployment
15 benefits is not indicative of any kind of fraud and I think
16 that would remove the 403 issue.

17 Your Honor, I would also just add the fact that he
18 was getting unemployment benefits is relevant because he is
19 listed as being an employee of Bellator on payroll
20 spreadsheets and that -- so the jury's understanding that he
21 got an unemployment benefit during that time period is
22 relevant as well to their understanding that he's not
23 actually an employee of Bellator.

24 MS. WEBSTER: Your Honor, we're going to request a
25 ruling on it because I think that it is, again, we have not

1 received a 404(b) notice. It's not intrinsic.

2 We don't have any documents to suggest that it's
3 from Washington state. And we agree with Your Honor's
4 suggestion that the Washington state employment security
5 benefit should be redacted.

6 THE COURT: Well, I wasn't saying it should be
7 redacted. I was just suggesting an alternative that the
8 parties might agree on so I didn't have to rule on anything,
9 which sometimes happens.

10 MS. WEBSTER: And, also, just to address the last
11 point, no one is going to argue or suggest that Mr. Foster
12 was a Bellator employee.

13 THE COURT: All right.

14 MS. WEBSTER: That is not a point that we were
15 going to make.

16 THE COURT: All right. Well, let's explore in a
17 little more detail, then, whether or not this is 404(b) or
18 not or whether or not it's intrinsic.

19 Ms. Chaiken, you mentioned that it's intrinsic
20 earlier, so let's explore that and help me better understand
21 that issue.

22 I'm having trouble seeing -- I see the relevance of
23 the credit and the debit, that seems like relevant evidence.

24 I'm having a hard time understanding why the
25 probative value of that would be substantially outweighed by

1 any unfair prejudice.

2 So I'm not inclined to kick it out on 403 grounds.
3 But as far as 404(b), I'm not sure I see that either, but
4 help me understand the intrinsic value of it in a little more
5 detail, other than over and above just the debit/credit issue
6 which in and of itself makes sense to me.

7 MS. CHAIKEN: So, Your Honor, 404(b) evidence is
8 evidence of another wrong or act that's being introduced to
9 prove that a person, you know, acted in conformity with
10 that -- or I guess 404 prohibits it for purposes of showing
11 that they acted in conformity with that on another
12 indication, 404(b) allows it for another purpose.

13 We are not seeking here to prove that he committed
14 unemployment insurance fraud. And if we redact the part that
15 says "Washington state" there would be no indication at all
16 to the jury that there is any fraud involved here at all
17 because the bank records suggest that he was unemployed
18 during this time, because there's no activity in them.

19 So the jury I think would just look at that and
20 see, okay, he's unemployed, he got an unemployment insurance
21 check.

22 And so we're not putting on affirmative proof that
23 he committed unemployment insurance fraud in order to say
24 that because he committed unemployment insurance fraud he
25 must have committed PPP fraud. That would be a 404(b) issue.

1 Here, it's really just a matter of the fact that
2 it's on the same bank statement. And in order for the jury
3 to understand what happened in this account during this
4 month, which is the only month really that has activity, the
5 first month that has activity in 2020, the jury needs to see
6 that there was no employment income, you know, no salary, no
7 nothing.

8 And if we redact where the deposit came from, the
9 jury is just going to be left not understanding what his
10 financial situation was in this time period where he got this
11 massive check from Bellator Phront Group.

12 THE COURT: All right. Thank you.

13 Ms. Webster, I tend to agree with what Ms. Chaiken
14 has said, but tell me why she is wrong.

15 MS. WEBSTER: Your Honor, if -- there is some
16 disagreement over here, but I think that if -- I don't --
17 well, I think if the government is willing to redact the
18 "Washington state," we could live with that.

19 We have never and are not suggesting that the
20 entire amount be -- that line or deduction be taken out. We
21 just wanted that one part redacted.

22 If they take out the "Washington state," then I
23 think we could live with that so long as the summary chart
24 also reflects that redaction.

25 THE COURT: All right. So as I understand it you

1 are withdrawing your objection and you're just consenting to
2 the idea of just redacting "Washington state"; correct?

3 MS. WEBSTER: Yes, Your Honor.

4 THE COURT: All right. Very well, the government's
5 consented to that, so that's what we will do.

6 MS. CHAIKEN: Thank you, Your Honor.

7 THE COURT: So let's bring out the jury.

8 (Jury enters the courtroom at 10:55 a.m.)

9 THE COURT: You all can be seated. Thank you.

10 All right. We have -- the objection has been
11 withdrawn and the parties have made an agreement as to the
12 admissibility of the document. So it's admitted as agreed by
13 the parties.

14 MS. CHAIKEN: Thank you, Your Honor.

15 2865 through 2879.

16 THE COURT: All of those are admitted. And 2871 is
17 admitted as agreed to by the parties.

18 (Government's Exhibit 2865 through 2879 admitted
19 into evidence.)

20 MS. CHAIKEN: Ms. Holland, could you please publish
21 2865.

22 BY MS. CHAIKEN:

23 Q. Is this the membership agreement that you got from
24 Navy Federal for this account?

25 A. Yes, it is.

1 Q. Who is the member for this account?

2 A. Teldrin Foster.

3 Q. And when was the account opened?

4 A. 6/28 of 2020.

5 MS. CHAIKEN: Can we zoom in on the date please,
6 Ms. Holland.

7 BY MS. CHAIKEN:

8 Q. Is that 6/28 of '18?

9 A. Yes. I'm sorry.

10 Q. And is there a joint owner identified for the
11 account?

12 A. No.

13 Q. Okay. So it's just Teldrin Foster?

14 A. Yes.

15 Q. Okay.

16 MS. CHAIKEN: Could you please publish 2866. And
17 if we could pull out the top section.

18 BY MS. CHAIKEN:

19 Q. Is this the account application for that account?

20 A. Yes, it is.

21 Q. Do you see at the top, the date that it says it was
22 filled out?

23 A. Yes. 5/17 of '18.

24 Q. And who is listed, what's listed in the membership
25 eligibility section?

1 A. The sponsoring member, who is Gena Pyfrom-Foster or
2 Gena Pyfrom.

3 Q. And are only certain people eligible to open
4 accounts at Navy Federal Credit Union?

5 A. Yes.

6 Q. And was Gena Pyfrom someone who was eligible for
7 that?

8 A. Yes.

9 Q. And was that because she was a federal employee?

10 A. Correct.

11 MS. CHAIKEN: Could you pull out the general
12 information on the second half of page 1, please.

13 BY MS. CHAIKEN:

14 Q. What is listed as Teldrin Foster's phone number?

15 A. 678-559-8218.

16 Q. Is that the same phone number you used to
17 communicate with Teldrin Foster?

18 A. Yes.

19 Q. Is that the same phone number we have been looking
20 at the WhatsApp for?

21 A. Yes.

22 Q. Is that the phone number he told you he uses?

23 A. Yes.

24 Q. Okay. And according to this, was that his phone
25 number for at least, approximately, two years before April of

1 2020?

2 A. Yes.

3 Q. And what is listed as his email address that he
4 provided to his bank?

5 A. Teldrin23@iCloud.com.

6 Q. Is that the same email address we have been looking
7 at emails from?

8 A. Yes.

9 Q. Is that the same email address that Teldrin Foster
10 was using to email Darrell Thomas?

11 A. Yes.

12 MS. CHAIKEN: Going to page 3.

13 BY MS. CHAIKEN:

14 Q. In the section that's titled "Joint Owners," was
15 there a joint owner that was added to the account -- I'm
16 sorry.

17 Sorry. It's the bottom half of the page.

18 Was there a joint owner added to the account?

19 A. No.

20 Q. Okay. So Gena Pyfrom-Foster was not a joint owner
21 on this account?

22 A. No.

23 Q. Okay. She was just a sponsor?

24 A. Just a sponsor.

25 MS. CHAIKEN: If you could please go to 2867.

1 BY MS. CHAIKEN:

2 Q. Is this the bank statement for that account for
3 January 11, 2020, to February 11 of -- February 10 of 2020?

4 A. Yes, it is.

5 Q. What was the balance in the account that month?

6 A. Between the two accounts, the checking and the
7 savings, the balance was -- the ending balance was \$5.12.

8 Q. And was that the beginning balance, as well?

9 A. Yes, it was.

10 MS. CHAIKEN: Okay. Could you please go to 2868.

11 BY MS. CHAIKEN:

12 Q. Is this the bank statement for February 11, 2020,
13 to March 10 of 2020?

14 A. Yes, it is.

15 Q. And was the account balance below \$10 that entire
16 month?

17 A. Yes. \$9.86.

18 MS. CHAIKEN: Could you please go to 2869.

19 BY MS. CHAIKEN:

20 Q. Was the account balance under \$10 in March 11,
21 2020, to April 10, of 2020?

22 A. Yes.

23 MS. CHAIKEN: Could you please go to 2870.

24 BY MS. CHAIKEN:

25 Q. Was the account balance about \$12.07 in that

1 account at the end of May 10, 2020?

2 A. Yes.

3 MS. CHAIKEN: Ms. Holland, if we could publish
4 2871, please.

5 BY MS. CHAIKEN:

6 Q. Is this Teldrin Foster's account statement for
7 May 11, 2020, to June 10, 2020?

8 A. Yes.

9 Q. What was the beginning balance between his two
10 accounts on May 11, 2020?

11 A. \$12.11.

12 MS. CHAIKEN: If you could go to page 2, please.

13 BY MS. CHAIKEN:

14 Q. Was there a deposit on May 13 of 2020?

15 A. Yes.

16 Q. And was that for \$6,950?

17 A. Yes.

18 Q. Okay. And did Teldrin Foster have another deposit
19 on May 26 of 2020?

20 A. Yes.

21 Q. What was the amount of that deposit?

22 A. \$34,500.

23 MS. CHAIKEN: If you could please publish
24 Government's Exhibit 2879.

25 BY MS. CHAIKEN:

1 Q. Is this the check that was deposited in Teldrin
2 Foster's account on May 26 of 2020?

3 A. Yes.

4 Q. Who was that check from?

5 A. Bellator Phront Group.

6 Q. And what did the memo line say?

7 A. Roswell Road Office.

8 Q. When you interviewed Teldrin Foster, did he tell
9 you about his involvement with the Bellator PPP loan?

10 A. Yes.

11 MS. CHAIKEN: Could you please publish 2250L.

12 (Audio was played.)

13 BY MS. CHAIKEN:

14 Q. Did Teldrin Foster tell you that he knew what he
15 and Darrell Thomas did with the loan was wrong?

16 A. Yes.

17 Q. Did he tell you at that it involved manipulating
18 paperwork?

19 A. Yes.

20 Q. And did he tell you that he didn't help him, he
21 just assisted him by feeding him bullshit?

22 A. That's what he said.

23 MS. CHAIKEN: Okay. Could you please publish
24 2250S.

25 (Audio was played.)

1 BY MS. CHAIKEN:

2 Q. Did Teldrin Foster tell you that to get the money
3 was fraud?

4 A. Yes, he did.

5 Q. And did he tell you that he had a whole plan for
6 how to use the money to make it look more presentable?

7 A. Yes.

8 Q. Okay. And he had a plan for how to make it so that
9 they could pay it back?

10 A. Yes.

11 Q. Okay. And did he tell you that he knew it was
12 wrong --

13 A. Yes.

14 Q. -- but he thought they could make it maybe right on
15 the back end by paying it back?

16 A. That's what he said.

17 Q. All right. Let's move on and talk about some of
18 these other loans that were on your chart.

19 Let's talk about Impact Creations.

20 Could you please publish Government's 2311.

21 Okay. Is this a series of WhatsApp messages that
22 Darrell Thomas sent to Teldrin Foster on April 22?

23 A. Yes.

24 Q. And were both of them pictures?

25 A. Yes.

1 MS. CHAIKEN: Could you please publish Government's
2 Exhibit 2311B.

3 BY MS. CHAIKEN

4 Q. Okay. Was this one of the attachments or one of
5 the pictures that Darrell Thomas sent to Teldrin Foster via
6 WhatsApp?

7 A. Yes.

8 Q. And what is that attachment or that a picture?

9 A. It's a JPMorgan Chase bank statement for Impact
10 Creations LLC for the month of February -- actually, February
11 13, 2020, through March 11, 2020, for the account number of
12 -- can you highlighted that? 2292.

13 Q. Is Impact Creations one of the businesses that
14 submitted a PPP loan application?

15 A. Yes.

16 Q. And did you obtain bank records for this 2292
17 account?

18 A. Yes.

19 Q. Was this a real bank statement for impact
20 creations?

21 A. No, it -- actually, in the watermark it says
22 "fake."

23 Q. Okay. And you are talking about --

24 Can we pull out that water mark, Ms. Holland?

25 Okay.

1 So Darrell Thomas sent Teldrin Foster this bank
2 statement that had a watermark that said "fake" on it?

3 A. Yes.

4 MS. CHAIKEN: Okay. Could we go to 2314, please.

5 BY MS. CHAIKEN:

6 Q. Is this another series of WhatsApp conversations
7 between Darrell Thomas and Teldrin Foster?

8 A. Yes.

9 Q. May 1 of 2020?

10 A. That's correct.

11 Q. And did Darrell Thomas send a document to Teldrin
12 Foster?

13 A. Yes.

14 MS. CHAIKEN: If you could please publish
15 Government's Exhibit 2314A.

16 BY MS. WEBSTER

17 Q. Was this the document that was attached?

18 A. Yes.

19 Q. And what was that document?

20 A. A Paycheck Protection Program borrower application
21 form for Impact Creations LLC.

22 Q. And did that application list any numbers for
23 number of employees or average monthly payroll?

24 A. No. They were blank.

25 MS. CHAIKEN: If you could go to 2439, please.

1 BY MS. CHAIKEN

2 Q. Is this an email from Teldrin Foster to Darrell
3 Thomas on May 1 of 2020?

4 A. Yes.

5 Q. Was this email sent later in the afternoon on the
6 same day as the WhatsApp message we just looked at?

7 A. Yes.

8 Q. Okay. So Darrell Thomas sent the blank PPP
9 application via WhatsApp and then Teldrin Foster, later that
10 day, emailed him?

11 A. That's correct.

12 Q. Okay. And what did the attachments, what were they
13 called?

14 A. They were Form 941s for 2019 and 2020 for Impact.

15 MS. CHAIKEN: Ms. Holland, could you please publish
16 2439B and C side by side.

17 BY MS. CHAIKEN:

18 Q. Were these two of the attachments to Teldrin
19 Foster's email?

20 A. Yes.

21 Q. And did these 941s list the same business
22 information as what was on the PPP application that Darrell
23 Thomas sent to Teldrin Foster?

24 A. Yes.

25 Q. And looking at the numbers that are listed on these

1 941s, looking on the right at Q1 2019, Exhibit 2439C, how
2 many employees and how much -- how many wages did this 941
3 report?

4 A. 57 employees, and 815,954 for the wages.

5 Q. Are those the exact same numbers that were reported
6 on the 941s for Gaines Reservation and Travel?

7 A. Yes.

8 Q. The same numbers as what was reported on 941 for
9 Bellator Phront Group?

10 A. Yes.

11 Q. Are these the same numbers as what we saw for those
12 seven businesses that all had identical numbers?

13 A. Yes.

14 Q. And were the attachments also other 941s for other
15 quarters?

16 A. Yes.

17 Q. Were these 941s stamped?

18 A. No, they were not.

19 MS. CHAIKEN: Can you please publish Government's
20 Exhibit 2460.

21 BY MS. CHAIKEN:

22 Q. And what's 2460?

23 A. It's an email from Teldrin Foster iCloud to Darrell
24 Thomas on May 16, 2020, at 9:21 p.m.

25 Q. And what is the subject line?

1 A. Impact Stamped.

2 MS. CHAIKEN: And if you could please publish 2460B
3 and C side by side.

4 BY MS. CHAIKEN

5 Q. Were these two of the attachments?

6 A. Yes.

7 Q. And are these the same form 941s that Mr. Foster
8 had sent to Darrell Thomas on May 1?

9 A. Yes.

10 Q. And now have they been stamped?

11 A. They have.

12 MS. CHAIKEN: If you could please publish 2131 side
13 by side with 2460C.

14 BY MS. CHAIKEN:

15 Q. On the left, 2131, is that the Form 941 that was
16 submitted with the Impact Creations' PPP loan application?

17 A. Yes, it is.

18 Q. And on the right, 2460C, is that the Form 941 that
19 Teldrin Foster emailed to Darrell Thomas?

20 A. Yes, it is.

21 Q. Are those the same documents?

22 A. They are.

23 MS. CHAIKEN: Could you go to 2325, please.

24 Ms. Holland, if you could just scroll through this
25 exhibit.

1 BY MS. CHAIKEN:

2 Q. Is this a series of pictures that Darrell Thomas
3 sent to Teldrin Foster on May 17 of 2020?

4 A. Yes.

5 Q. Okay. Just a series of images?

6 A. Yes.

7 Q. Okay.

8 MS. CHAIKEN: Ms. Holland, could you please publish
9 2325A.

10 BY MS. CHAIKEN:

11 Q. Was this the first picture?

12 A. Yes.

13 Q. And what was it?

14 A. It was a message, looks like from Bluevine to --
15 and it was addressed to Kahlil, "Your application was sent to
16 the SBA to be processed. Based on capacity, the SBA may take
17 up to a few days to process your application. We cannot
18 guarantee loans will be approved before PPP funding runs out.
19 If and when processing is complete by the SBA, the SBA will
20 send you an email with instructions to accept and sign your
21 loan offer."

22 Q. Do you recognize the name Kahlil?

23 A. I do.

24 Q. Who is Kahlil?

25 A. Kahlil is the business owner for Impact Creations.

1 Q. He's the person whose name was on the application?

2 A. Name on the application, correct.

3 MS. CHAIKEN: Okay. If you could please go to
4 2325B.

5 BY MS. CHAIKEN:

6 Q. What was the second picture that Darrell Thomas
7 sent to Teldrin Foster?

8 A. Another message from Bluevine to Kahlil saying,
9 "The SBA has finished reviewing your application. You have
10 been approved for your Paycheck Protection Program loan.
11 Accept your offer to access more information including the
12 next steps."

13 MS. CHAIKEN: If you could go to 2325C, please.

14 BY MS. CHAIKEN:

15 Q. What was the third picture?

16 A. Another image from Bluevine, "Accept your offer,
17 click accept to sign." And it shows below the loan amount of
18 830,000, with the terms of the loan.

19 Q. Was \$830,000 the amount of the PPP loan that Impact
20 Creations got?

21 A. Yes.

22 MS. CHAIKEN: If you could please go to 2325D.

23 And if you can just pull out the bottom page.

24 BY MS. CHAIKEN

25 Q. What was this image?

1 A. This is just the resolution of borrower, some of
2 the closing documents, I guess, for the PPP loan for Impact
3 Creations, going through the DocuSign, process of signing,
4 electronically signing for the loan.

5 Q. Who is listed as the borrower?

6 A. Kahlil Green.

7 Q. I'm sorry. The borrower, up at the top?

8 A. Sorry. Impact Creations LLC.

9 Q. And then Kahlil Green is listed as the owner?

10 A. Yes, he's the owner.

11 Q. And is this a resolution to borrow \$830,000?

12 A. Yes, that's correct.

13 Q. So was Darrell Thomas sending Teldrin Foster these
14 screenshots as he was going through the DocuSign process for
15 these loan documents?

16 A. Yes.

17 MS. CHAIKEN: If you could go to 2325H.

18 BY MS. CHAIKEN:

19 Q. What is that picture that Darrell Thomas sent to
20 Teldrin Foster?

21 A. Another message from Bluevine saying,
22 "Congratulations, your loan was approved. Loan amount
23 \$830,000, with the terms of the loan."

24 And below it says, "An ACH deposit will be made to
25 your account," which was Chase account ending in 2292.

1 Q. Okay. So this picture indicated that the loan was
2 going to be funded soon?

3 A. Yes.

4 Q. Okay. And so when this loan was approved, Darrell
5 Thomas shared that information with Teldrin Foster via
6 WhatsApp?

7 A. Yes. Via WhatsApp.

8 MS. CHAIKEN: Could you -- we need to unplug and go
9 back to 2871.

10 BY MS. CHAIKEN:

11 Q. Is this Teldrin Foster's bank statement that we
12 looked at previously from May 11, 2020, to June 10, 2020?

13 A. It is.

14 MS. CHAIKEN: If you could go down to page 3,
15 please, Ms. Holland.

16 And if you could pull out that savings section at
17 the bottom.

18 BY MS. CHAIKEN:

19 Q. What was the beginning balance in the savings
20 account for Teldrin Foster on May 11?

21 A. \$5.

22 Q. Did Teldrin Foster receive any deposits during this
23 statement period?

24 A. Yes. Received two deposits on 5/29 and 6/4.

25 Q. And who were those deposits from?

1 A. They were ACH payments from Impact Creations
2 payroll. They were both for 2,754.36.

3 Q. Okay. So Mr. Foster got about \$5,500 in payroll
4 payments from Impact Creations?

5 A. He did.

6 Q. Okay. Did you see any evidence in his bank records
7 or anywhere else that he was ever an employee of Impact
8 Creations?

9 A. I did not.

10 Q. Did you see any evidence that Impact Creations had
11 any employees at all?

12 A. No.

13 Q. When you interviewed Teldrin Foster, did you ask
14 him about Impact Creations and some of the other businesses
15 that were involved in the investigation?

16 A. We did.

17 MS. CHAIKEN: Could you please publish 2250P.

18 (Audio was played.)

19 BY MS. CHAIKEN:

20 Q. Did Mr. Foster tell you that he didn't know Impact
21 Creations and these other businesses got PPP loans?

22 A. That's what he said.

23 Q. Did the WhatsApp messages show that Darrell Thomas
24 sent him the loan approval documents for Impact Creations?

25 A. Yes.

1 Q. And yesterday did we look at WhatsApp messages
2 where Darrell Thomas sent him the approval for Gaines
3 Reservation and Travel?

4 A. Yes.

5 Q. And did Mr. Foster's bank records show that he got
6 payroll payments from Impact Creations?

7 A. He did.

8 MS. CHAIKEN: Moving on to Gaines Reservation and
9 Travel.

10 If you could please publish Government's Exhibit
11 2438.

12 BY MS. CHAIKEN:

13 Q. What's 2438?

14 A. This is an email from Teldrin Foster iCloud to
15 Darrell Thomas on May 1, 2020, 7:34 a.m. Subject is
16 "Gaines."

17 MS. CHAIKEN: Could you please publish 2438A and B
18 side by side.

19 BY MS. CHAIKEN:

20 Q. Are these two of the attachments to Teldrin
21 Foster's email?

22 A. Yes. They're both Form 941s for 2019. The one on
23 right is for the first quarter, and the one on the left is
24 for the third quarter.

25 Q. Are these the same numbers that we have been

1 looking at that were identical across all the forms, across
2 seven forms?

3 A. Yes.

4 MS. CHAIKEN: Okay. If you could please go to
5 2445.

6 BY MS. CHAIKEN:

7 Q. Is this an email on May 7, 2020, from Mr. Foster?

8 A. Yes. From Mr. Foster's iCloud to Darrell Thomas on
9 May 7, 2020, at 7:38 p.m., with the subject of "2019
10 Payroll."

11 Q. And is this the email we looked at yesterday that
12 had the various payroll spreadsheets that were all very
13 similar?

14 A. Yes.

15 MS. CHAIKEN: Could you please publish 2420A side
16 by side with 2445D.

17 BY MS. CHAIKEN

18 Q. Okay. So 2420A, is that the exhibit we looked at
19 earlier this morning that Gena Pyfrom-Foster sent to Darrell
20 Thomas and to Teldrin Foster?

21 A. Yes.

22 Q. Okay. So this is the payroll spreadsheet that she
23 was listed as being the author --

24 A. Correct.

25 Q. -- of the metadata?

1 A. Correct.

2 Q. Okay. And then on the right, is that one of the
3 payroll spreadsheets that Teldrin Foster emailed to Darrell
4 Thomas?

5 A. It is.

6 Q. And did the numbers change on these payroll
7 spreadsheets?

8 A. No, they didn't.

9 Q. Okay. So looking, for example, at the first
10 employee on each, on each one. How much did Sabrina
11 Gillespie report as having for total gross pay on this
12 spreadsheet in 2420A?

13 A. Sabrina Gillespie reported 53,685.92.

14 Q. Okay. And then what about Johnny Gillespie on the
15 right, on 2445D?

16 A. The exact same amount. 53,685.92.

17 Q. Okay. And so is this the exact same spreadsheet
18 that Gena Pyfrom-Foster emailed to Darrell Thomas and Teldrin
19 Foster but some of the names have been changed?

20 A. Yes.

21 Q. Okay. All the numbers are exactly the same?

22 A. And the other thing is the header, the name on the
23 top changed.

24 Q. Okay. So the business name changed?

25 A. Yes.

1 Q. Okay. And was that the same for all of the
2 spreadsheets that were attached to all of the PDF documents
3 that were attached to this email?

4 A. Yes. Yes.

5 Q. Okay. They all were based on this template that
6 Gena Pyfrom-Foster prepared?

7 A. Yes.

8 THE COURT: Ms. Chaiken?

9 MS. CHAIKEN: Yes.

10 THE COURT: I know that the jury has more recently
11 had a break, but it occurs to me that counsel, staff and most
12 importantly probably our court reporter haven't had a break
13 in approximately an hour and a half, so if you get to a good
14 stopping point in the next couple of minutes.

15 MS. CHAIKEN: We can stop now.

16 THE COURT: Let's do that. Let's take a short
17 comfort break everyone.

18 Ladies and gentlemen of the jury, you are reminded
19 of your instructions for breaks.

20 Thank you.

21 (Jury withdrew from the courtroom at 11:27 a.m.)

22 (Court recessed at 11:27 a.m., and proceedings
23 continued as follows at 11:40 a.m.)

24 (Jury enters the courtroom at 11:40 a.m.)

25 THE COURT: All right. You all can be seated.

1 And Ms. Chaiken, please proceed.

2 MS. CHAIKEN: Thank you, Your Honor.

3 BY MS. CHAIKEN:

4 Q. Agent Stites, we were just looking at these
5 spreadsheets, the one on the left is the one that Gena
6 Pyfrom-Foster emailed, and then the one on the right is the
7 one that Teldrin Foster emailed?

8 A. Yes.

9 Q. Okay. And did Teldrin Foster send Darrell Thomas a
10 series of these payroll spreadsheets that all had the exact
11 same numbers as Gena Pyfrom-Foster's payroll spreadsheets?

12 A. Yes.

13 Q. Did you ask Teldrin Foster about these payroll
14 spreadsheets when you interviewed him?

15 A. We did.

16 MS. CHAIKEN: Could you please publish 2250N, as in
17 November.

18 (Audio was played.)

19 BY MS. CHAIKEN:

20 Q. Did Mr. Foster tell you that he and Darrell Thomas
21 worked together on Darrell Thomas's laptop?

22 A. Yes.

23 Q. Did he tell you that his Yahoo account was on
24 Darrell Thomas's computer?

25 A. Yes.

1 Q. Did he tell you that that account was put there
2 without his knowledge?

3 A. No.

4 Q. Did he tell you that he and Darrell Thomas worked
5 together on that computer?

6 A. Yes. That's what he said.

7 Q. And did he tell you ever that his iCloud account
8 was on Darrell Thomas's computer?

9 A. No.

10 Q. Did he tell you that the reason why he emailed
11 documents to the iCloud account was that so he would have a
12 copy of that when he wasn't with Darrell Thomas?

13 A. Yes.

14 MS. CHAIKEN: Could you please publish 22500.

15 (Audio was played.)

16 BY MS. CHAIKEN:

17 Q. Did Teldrin Foster tell you that Gena Pyfrom-Foster
18 gave him the formula for the payroll spreadsheet?

19 A. Yes. Gave him the formulas to put in and how to
20 calculate the items on the payroll spreadsheet.

21 Q. And is that consistent with what you saw in the
22 emails with Gena Pyfrom-Foster emailing to Darrell Thomas and
23 Teldrin Foster a payroll spreadsheet?

24 A. Yes.

25 Q. Okay. And then in the payroll email that we looked

1 at that Teldrin Foster sent to Darrell Thomas, did he use
2 that same template and just change the names for the
3 businesses and the employees?

4 A. Yes.

5 Q. Did he change the formulas at all?

6 A. I don't believe so.

7 Q. Okay. And did he say in his interview he didn't
8 know how to change the formulas?

9 A. Yes.

10 Q. That's why Gena Pyfrom-Foster helped him?

11 A. Yes.

12 MS. CHAIKEN: Could you please go to 2326 and 2326A
13 side by side, please.

14 BY MS. CHAIKEN:

15 Q. Was this a message that Darrell Thomas sent to
16 Teldrin Foster on WhatsApp on May 18 of 2020?

17 A. Yes.

18 Q. Okay. And did it include a document and then a
19 text message?

20 A. Yes.

21 Q. Okay. What was the document?

22 A. The document is a Form 941 for 2019, first quarter
23 for Gaines Reservation and Travel.

24 Q. Okay. And then what did Darrell Thomas say in his
25 message when he sent that document?

1 A. "Just the first page."

2 Q. Okay. And looking at the first page of 2326A, this
3 document that's up, do you see the EIN that's listed there?

4 A. I do.

5 Q. That's the Employer Identification Number?

6 A. Yes, it is.

7 Q. What were the last two digits of that Employer
8 Identification Number?

9 A. 66.

10 Q. And if you could go down to the second page of this
11 document. Do you see the Employer Identification Number
12 that's listed in the top corner there?

13 A. Yes, I do.

14 Q. What were the last two digits?

15 A. 06.

16 Q. Were those the same?

17 A. No.

18 Q. Okay. So did it look like Darrell Thomas was
19 asking Teldrin Foster to do something with the first page?

20 A. Yes.

21 MS. CHAIKEN: Could you please go to Government
22 Exhibit 2116.

23 BY MS. CHAIKEN:

24 Q. Is this the Form 941 that was actually filed with
25 Gaines Reservation's and application?

1 A. Yes, it is.

2 Q. And on the first page, what is the last two digits
3 of the EIN?

4 A. 06.

5 Q. Okay. So did the first page get changed?

6 A. Yes, it did.

7 MS. CHAIKEN: And if you could go to 2326, page 2,
8 and 2326B, please.

9 BY MS. CHAIKEN

10 Q. Was this a WhatsApp message from Darrell Thomas to
11 Teldrin Foster on May 18, 2020?

12 A. Yes.

13 BY MS. CHAIKEN:

14 Q. And what was the picture that he sent?

15 A. It's a picture of a Bluevine message that says,
16 "Congratulations, your loan was approved. Loan amount was
17 806,710." It had the terms of the loan and below it said,
18 "An ACH deposit will be made to your Chase account ending in
19 6500 within a few business days."

20 Q. What did Teldrin Foster say?

21 A. "LOL bet."

22 MS. CHAIKEN: And if you could scroll down,
23 Ms. Holland.

24 BY MS. CHAIKEN:

25 Q. What did Darrell Thomas say?

1 A. "Black Jesus."

2 Q. Okay. And, again, when you interviewed Teldrin
3 Foster, did he tell you he didn't know any of the loans other
4 than Bellator Phront Group were actually approved?

5 A. Yes.

6 Q. Did he talk about this loan approval with Darrell
7 Thomas via WhatsApp?

8 A. Yes.

9 MS. CHAIKEN: Let's go on to Transportation
10 Management Services.

11 If you could please publish 2316 and 2316A.

12 BY MS. CHAIKEN:

13 Q. Is this a series of documents that Darrell Thomas
14 sent to Teldrin Foster on May 5 of 2020?

15 A. Yes.

16 Q. And what was the first document?

17 A. It's an IRS Employer Identification Number form,
18 informing -- for Transportation Management Services.

19 Q. Does it list the business information for
20 Transportation Management Services, like address and name?

21 A. Yes.

22 Q. Does it list the Employer Identification Number on
23 the top right-hand corner?

24 A. It does.

25 Q. And if you look to the paragraph under where it

1 says -- or where is says "after our review" -- sorry.

2 The paragraph that starts "After our review"?

3 A. Yes.

4 Q. You see where it says, "We have determined you have
5 not filed tax returns for the above-mentioned tax periods
6 dating as far back as 1997"?

7 A. Yes. That's what it says.

8 MS. CHAIKEN: Okay. Could you please --

9 BY MS. CHAIKEN:

10 Q. Sorry. What was the date on this message from
11 Darrell Thomas to Teldrin Foster?

12 A. That was 5/5 of 2020.

13 MS. CHAIKEN: If you could go to 2444, please.

14 BY MS. CHAIKEN:

15 Q. Is this an email from May 7, 2020?

16 A. Yes.

17 Q. Is that a couple of days after the WhatsApp message
18 we just looked at?

19 A. Yes. Two days later.

20 Q. Okay. And who is it from and to?

21 A. Teldrin Foster's iCloud, to Darrell Thomas.

22 Q. What's the subject line?

23 A. "Transportation."

24 MS. CHAIKEN: If you can please publish 2444A and
25 2444B.

1 BY MS. CHAIKEN:

2 Q. What were the attachments to the email?

3 A. Form 941s for 2019, the first quarter and the
4 second quarter for Transportation Management Services, Inc.

5 Q. And were the rest of the quarters attached as well?

6 A. Yes.

7 Q. Did these 941s match the 941s for Bellator, Impact
8 Creations and Gaines Reservation and Travel?

9 A. They did.

10 Q. Okay. All the ones we have looked at so far?

11 A. Yes.

12 Q. And did they have stamps?

13 A. Yes, they did.

14 Q. Did they have the exact same date, exact same
15 stamps as the other documents we have looked at?

16 A. Yes.

17 Q. When you interviewed Teldrin Foster, did you ask
18 him about Transportation Management and some of these other
19 companies?

20 A. Yes.

21 MS. CHAIKEN: Could you please publish 2250E.

22 (Audio was played.)

23 MS. CHAIKEN: Could you please publish 2250F, as in
24 Frank.

25 (Audio was played.)

1 BY MS. CHAIKEN:

2 Q. What did Mr. Foster say to explain the emails going
3 back and forth between him and Darrell Thomas related to
4 these businesses?

5 A. That he was just feeding him the bullshit.

6 Q. Okay. Did he say they weren't his emails?

7 A. No.

8 Q. Did he say he didn't know what you were talking
9 about?

10 A. No.

11 Q. So just bullshit going back and forth?

12 A. Feeding him bullshit.

13 Q. And during this time period, just going back to
14 what we covered yesterday, were Darrell Thomas and Teldrin
15 Foster talking on the phone every single day?

16 A. Yes.

17 Q. Okay. Did you see anything in their messages from
18 the time period after the PPP program was announced where
19 they talked about anything other than PPP?

20 A. No.

21 MS. CHAIKEN: Could you please publish 2250J.

22 (Audio was played.)

23 BY MS. CHAIKEN:

24 Q. Did Mr. Foster tell you that he only knows about
25 Bellator being submitted?

1 A. Yes.

2 Q. And did we look at WhatsApp messages where Darrell
3 Thomas was messaging him approvals for other companies?

4 A. Yes.

5 MS. CHAIKEN: Could you please publish 2250K.

6 (Audio was played.)

7 BY MS. CHAIKEN:

8 Q. Did he tell you that all of these documents that
9 were going back and forth were just him looking over things?

10 A. Yes.

11 MS. CHAIKEN: Could you please publish 2250R.

12 (Audio was played.)

13 BY MS. CHAIKEN:

14 Q. Did Mr. Foster tell you that he didn't know Darrell
15 Thomas was going to submit the other loan applications?

16 A. That's what he said.

17 Q. Did he tell you he thought they were preparing the
18 documents for the business owners to do their own loan
19 applications?

20 A. Yes.

21 Q. Did he ever tell you that he didn't know what you
22 were talking about when you were asking him about all these
23 business documents going back and forth?

24 A. No.

25 Q. Did he ever tell you he didn't do them?

1 A. I mean, he -- he tried to say at the beginning,
2 but, I mean, he started with Bellator, and then as we got
3 through some of the other ones.

4 Q. And was his explanation for why those emails were
5 going back and forth was just bullshit?

6 A. Yes. Just feeding the bullshit.

7 Q. Did he ever give you an explanation of what those
8 documents had anything to do with anything him and Darrell
9 were doing other than PPP?

10 A. No.

11 Q. Did you see anything in their WhatsApp messages or
12 their emails that would explain why those documents were
13 being traded back and forth other than the PPP program?

14 A. No.

15 MS. CHAIKEN: Let's move on to Lee Operations.

16 BY MS. CHAIKEN

17 Q. Is that another business involved in the
18 investigation?

19 A. Yes.

20 MS. CHAIKEN: Please publish 2319, page 2, and
21 2319B side by side.

22 BY MS. CHAIKEN:

23 Q. Is this a document that Darrell Thomas sent to
24 Teldrin Foster via WhatsApp on May 5 of 2020?

25 A. It is.

1 Q. And what was that document?

2 A. It's an IRS Employer Identification Number letter
3 for Lee Operations. Edward D. Lee, sole member.

4 Q. And does it list the address and EIN for Lee
5 Operations?

6 A. It does.

7 MS. CHAIKEN: If you can scroll down on 230-- I'm
8 sorry. On 2319.

9 I'm sorry. Scroll down. Okay.

10 If you would go to 2323 and 2323A.

11 BY MS. CHAIKEN:

12 Q. Is this another WhatsApp message on May 16 of 2020?

13 A. Yes.

14 Q. Did Darrell Thomas send Teldrin Foster a picture?

15 A. Yes.

16 Q. And what was that picture?

17 A. It's a picture that has the business name Lee
18 Operations LLC with the address, the contact name of Edward
19 Lee, the phone number and the EIN.

20 Q. And did Teldrin Foster respond?

21 A. Yes, he did.

22 Q. What did he say?

23 A. "Okay. Bet."

24 MS. CHAIKEN: Could you please publish 2458.

25 BY MS. CHAIKEN:

1 Q. Was this an email on May 16, 2020, from Teldrin
2 Foster to Darrell Thomas?

3 A. Yes.

4 Q. Is May 16 the same date as the WhatsApp message we
5 just looked at?

6 A. Yes, it is.

7 Q. What did Teldrin Foster email to Darrell Thomas?

8 A. 9:41.

9 Q. And what was the subject line?

10 A. "Lee."

11 MS. CHAIKEN: Could we please go to 2458B and C.

12 BY MS. CHAIKEN:

13 Q. Were these two of the attachments to that email?

14 A. Yes.

15 Q. What were they?

16 A. Form 941s for 2019, for the quarters -- the first
17 quarter and the third quarter for Lee Operations, LLC.

18 Q. And were they stamped?

19 A. Yes.

20 Q. Were they stamped with the same stamps that have
21 been on all the documents we've looked at so far?

22 A. Yes.

23 Q. And did these Form 941s include the same business
24 information in that top section that was included in Darrell
25 Thomas's message to Teldrin Foster on WhatsApp?

1 A. Yes.

2 Q. So on the same day after Darrell Thomas sent that
3 information to Teldrin Foster via WhatsApp, Teldrin Foster
4 then emailed Darrell Thomas these 941s with that information
5 included?

6 A. That's correct.

7 Q. And were stamped Form 941s ultimately submitted
8 with the Lee Operation PPP loans?

9 A. Yes.

10 Q. And were the numbers in those forms the same as all
11 the numbers we have looked at so far that have been
12 identical?

13 A. Yes.

14 MS. CHAIKEN: Go on to RK Painting. Can you please
15 publish 2435.

16 BY MS. CHAIKEN:

17 Q. What's 2435?

18 A. It's an email from Teldrin Foster iCloud to Darrell
19 Thomas on April 27, 2020, at 5:58 p.m. The subject is --
20 it's a forwarding of a message, but the subject is "RK." And
21 it's a forwarding of a message from Teldrin Foster Yahoo to
22 Teldrin Foster iCloud.

23 MS. CHAIKEN: And if you could please publish 2435B
24 and C.

25 BY MS. CHAIKEN

1 Q. Were these the attachments to those -- to that
2 email?

3 A. Yes.

4 Q. Two of the attachments?

5 A. Yes.

6 Q. And what were they?

7 A. Form 941s for 2019 for the first quarter and second
8 quarter for RK Painting Company.

9 Q. Were these stamped or unstamped?

10 A. Unstamped.

11 Q. And did these Form 941s have identical numbers to
12 all the ones we've seen so far?

13 A. Yes.

14 MS. CHAIKEN: Could you please publish 24- -- 2504
15 and 2504A.

16 BY MS. CHAIKEN:

17 Q. Is this an email from the Teldrin Foster Yahoo
18 account to Darrell Thomas?

19 A. Yes, it is.

20 Q. What was the attachment?

21 A. It's a Form 1120, a corporate income tax return for
22 RK Painting Company.

23 Q. Okay. And did you -- was there also an Excel
24 version of that document attached to the email?

25 A. Yes.

1 Q. And what did the 1120 report as the gross receipts
2 for RK Painting for 2019?

3 A. 5,247,389.

4 MS. CHAIKEN: Could you go to 2446 and 2446A,
5 please.

6 BY MS. CHAIKEN

7 Q. Is this an email from Teldrin Foster's iCloud
8 account to Darrell Thomas on the same day, May 8 of 2020?

9 A. Yes.

10 Q. What was the subject line?

11 A. "RK."

12 Q. And what was the attachment?

13 A. It is a Form 1120S, U.S. Income Tax for an S
14 Corporation, RK Painting, for 2018.

15 Q. And did it have a stamp on it?

16 A. It did.

17 MS. CHAIKEN: Could you please go to 2321 and
18 2321B.

19 BY MS. CHAIKEN:

20 Q. In the middle there, is that a document that
21 Darrell Thomas sent via WhatsApp to Teldrin Foster?

22 A. Yes, it is.

23 Q. And what was the document that he sent?

24 A. A business registration out of Michigan, for
25 RK Painting.

1 Q. And what was the date of that message that Darrell
2 Thomas sent, that middle one?

3 A. 5/12 of 2020.

4 Q. Okay. And it was just after 3:00 a.m., so
5 converting to Eastern Daylight Time, it was --

6 A. 11.

7 Q. -- about 11 p.m. on May 11?

8 A. Correct.

9 MS. CHAIKEN: If you could please go to 2450 and
10 2450A.

11 BY MS. CHAIKEN:

12 Q. Is this an email from the Teldrin Foster iCloud
13 account to the Darrell Thomas -- to Darrell Thomas?

14 A. Yes.

15 Q. And what time was it at, sent at?

16 A. May 12, 2020, at 12:18 a.m.

17 Q. Is that about an hour after the WhatsApp message we
18 just looked at?

19 A. Yes.

20 Q. And what was the attachment?

21 A. It's a W-3 Transmittal of Wage and Tax Statement
22 for 2019.

23 Q. Which company is it for?

24 A. RK Painting Company.

25 Q. Okay. So about an hour after Darrell Thomas

1 WhatsApp's Teldrin Foster business information for
2 RK Painting Company, Teldrin Foster emailed Darrell Thomas
3 this document?

4 A. Yes.

5 MS. CHAIKEN: If you could go to 2328, page 5, and
6 2328D, please.

7 BY MS. CHAIKEN:

8 Q. On May 26, did Darrell Thomas send Teldrin Foster
9 an image?

10 A. Yes.

11 Q. And what was that image?

12 MS. CHAIKEN: If you could blow up the right side,
13 please, Ms. Holland, 2328D.

14 THE WITNESS: It's a letter from Bluevine to RK
15 Painting Company, attention Ricky Dixon, a decision notice.

16 And it's basically saying that the application was
17 rejected.

18 BY MS. CHAIKEN:

19 Q. And Darrell Thomas sent this denial to Teldrin
20 Foster via WhatsApp?

21 A. Yes.

22 Q. Okay. Did Teldrin Foster, when you interview him,
23 tell you that he didn't know Darrell Thomas submitted any
24 other loan applications?

25 A. That's what he said.

1 Q. Did RK Painting ultimately submit an application to
2 a different processor?

3 A. They did.

4 Q. And was that loan approved?

5 A. Yes.

6 Q. Did that application include the same Form 941s
7 that Teldrin Foster prepared?

8 A. Yes.

9 Q. Let's talk about Continuing Success.

10 Is that another business involved in your
11 investigation?

12 A. Yes.

13 MS. CHAIKEN: Could you please publish 2317 and
14 2317A.

15 And if you could pull out the top message,
16 Ms. Holland.

17 BY MS. CHAIKEN:

18 Q. Is this a WhatsApp message on May 5 of 2020?

19 A. Yes.

20 Q. And what was the attachment to it?

21 I'm sorry. What was the document that was
22 included?

23 A. It's an IRS Employer Identification Number form for
24 Continuing Success Inc., in care of David Belgrave.

25 Q. And did it list the address and EIN and owner for

1 Continuing Success?

2 A. Yes.

3 MS. CHAIKEN: Could you please publish 2320.

4 BY MS. CHAIKEN:

5 Q. Are these WhatsApp messages from the next day, May
6 of 2020?

7 A. Yes.

8 Q. What does Teldrin Foster say, down in the bottom
9 left message?

10 A. "Can you send Continuing Success Inc. Regional G
11 Power."

12 MS. CHAIKEN: Could you please publish 2442.

13 BY MS. CHAIKEN

14 Q. What's the date of this email.

15 A. May 7, 2020, at 1:40 a.m.

16 Q. And is that basically the night after May 6?

17 A. Yes.

18 Q. After those WhatsApp messages we just looked at?

19 A. Yes.

20 Q. Okay. And who is the email from and to?

21 A. Teldrin Foster iCloud to Darrell Thomas.

22 Q. What was the subject line?

23 A. "Continuing."

24 MS. CHAIKEN: If you could please publish 2442A and

25 B.

1 BY MS. CHAIKEN:

2 Q. Were these two of the attachments to that email?

3 A. Yes.

4 Q. And for all these emails we're looking at that have
5 these 941s attached, do they include more 941s than just the
6 ones we're looking at?

7 A. Yes.

8 Q. They include all four quarters?

9 A. Yes.

10 Q. Okay. Which business are these Form 941s for?

11 A. These are for Continuing Success Inc.

12 Q. And were these two for the same quarter that were
13 sent?

14 A. Yes. Both first quarter.

15 Q. Okay. And did they report -- did this Form 941 for
16 Q1 report the same numbers that we've been looking at that
17 have been identical across all the forms so far?

18 A. Yes.

19 MS. CHAIKEN: Could you please go to 2445 and
20 2445E.

21 BY MS. CHAIKEN:

22 Q. Is this that May 7th email we've looked at before
23 that has several payroll spreadsheets attached to it?

24 A. Yes, it is.

25 Q. And what is this attachment, 2445E?

1 A. This is a payroll report for Continuing Success.

2 Q. And did it report -- was it the same identical
3 spreadsheet to the one that was prepared by Gena
4 Pyfrom-Foster for Bellator?

5 A. Yes.

6 Q. Did Teldrin Foster tell you he didn't know how to
7 change the numbers in the formula?

8 A. He didn't know how to change the formula.

9 MS. CHAIKEN: Could you please publish Government's
10 Exhibit 2510.

11 BY MS. CHAIKEN:

12 Q. What's Government's Exhibit 2510?

13 A. It's an email from teldrinfoster@yahoo.com to
14 Darrell Thomas, on June 13, 2020, at 9:43 p.m.

15 Q. What was the subject line?

16 A. "Continuing Success."

17 Q. And did that email attach payroll spreadsheets and
18 a 941 for the first quarter of Continuing Success?

19 A. Yes.

20 Q. I'm sorry. The first quarter of 2020 for
21 Continuing Success?

22 A. Is that -- I believe that's what you said the first
23 time. Yes.

24 Q. Okay. Did this teldrinfoster@yahoo account send
25 new 941s for 2019?

1 A. Yes.

2 Q. Just looking at the attachment name, did it send
3 2019 payroll reports?

4 A. Yes.

5 Q. Okay. Were there 2019 Form 941s?

6 A. On this email, no.

7 Q. Okay. Was there a point in time, based on your
8 review of Darrell Thomas' devices, that he began
9 communicating via WhatsApp with Gena Pyfrom-Foster?

10 A. Yes.

11 Q. When was that?

12 A. Beginning of June of 2020.

13 MS. CHAIKEN: Your Honor, I'm going to move to
14 admit 2345, which was previously authenticated by Candace
15 Hunter.

16 MS. WEBSTER: No objection.

17 THE COURT: Sorry. Mr. Marshall?

18 MR. MARSHALL: I'm still looking, Judge.

19 23 -- what's the number again, please?

20 MS. CHAIKEN: 2345.

21 MR. MARSHALL: 2345.

22 No objection, Judge.

23 THE COURT: It's admitted.

24 (Government's Exhibit 2345 admitted into evidence.)

25 MS. CHAIKEN: Could you please publish 2345.

1 BY MS. CHAIKEN:

2 Q. What's Government's Exhibit 2345?

3 A. This is an extraction report from the Cellebrite
4 software for Darrell Thomas's device, and it's an extraction
5 of the WhatsApp conversation and messages between Darrell
6 Thomas and Gena Pyfrom-Foster.

7 Q. Okay. And is this the very beginning of their
8 conversation?

9 A. Yes.

10 Q. What was the first message, what was the date of
11 the first message?

12 A. The date is 6/6 of 2020.

13 Q. And how does Darrell Thomas have
14 Ms. Pyfrom-Foster's name in his phone?

15 A. It's spelled, G-I-N-A, Gina.

16 Q. Is that how she spells her name?

17 A. She doesn't. It's, G-E-N-A.

18 Q. And is him having her name misspelled consistent
19 with your determination that they didn't know each other
20 before this?

21 A. Yes.

22 Q. And do you see where it says, "Conversation instant
23 messages 1859"?

24 A. Yes.

25 Q. What does that mean?

1 A. That's just the count, the number of messages in
2 the WhatsApp that was downloaded was 1,859 messages.

3 Q. And does that include both WhatsApp calls and
4 messages?

5 A. Yes.

6 Q. Okay. So Gena Pyfrom-Foster and Darrell Thomas
7 exchanged approximately 1859 events or contacts, whether that
8 be a message or a call?

9 A. That's correct.

10 Q. Okay. And were all of those from WhatsApp after
11 June 6 of 2020?

12 A. Yes.

13 Q. When you reviewed the emails in this case, did you
14 notice a pattern that changed after June 6 of 2020, in the
15 emails related to the PPP?

16 A. Yes.

17 Q. And what was that?

18 A. The pattern was that the 941s, the numbers were
19 changing, the numbers were different. And then we were
20 seeing a lot more emails from yahoo.com,
21 telldrinfoster@yahoo.com account.

22 Q. And when you reviewed the messages between Darrell
23 Thomas and Gena Pyfrom-Foster on WhatsApp, were you able to
24 line up the messages with activity that was happening in one
25 or both of Teldrin Foster's email accounts?

1 A. Yes.

2 Q. Which one?

3 A. The Teldrin Foster Yahoo --

4 teldrin_foster@yahoo.com.

5 Q. Okay. Did you determine based on your review of
6 the messages that at least in June of 2020, Gena
7 Pyfrom-Foster had access to Teldrin Foster's yahoo account?

8 A. Yes.

9 Q. Were you able to match up the activity in the
10 WhatsApp messages between Darrell Thomas and Gena
11 Pyfrom-Foster to activity in the Teldrin Foster iCloud
12 account?

13 A. No.

14 MS. CHAIKEN: If you could please go to 2506.

15 BY MS. CHAIKEN:

16 Q. Is this an email from the Teldrin Foster Yahoo
17 account to Darrell Thomas?

18 A. Yes, it is. On June 5, 2020, at 12:47 p.m.

19 Q. And is that right around the time that Gena
20 Pyfrom-Foster and Darrell Thomas started communicating via
21 WhatsApp?

22 A. Yes.

23 Q. And were there various Excel attachments to this
24 email?

25 A. Yes.

1 Q. Did you review the metadata for these Excel
2 attachments?

3 A. Yes.

4 Q. And who was listed as the author?

5 A. Gena Pyfrom.

6 MS. CHAIKEN: Could we pull up 2506A.

7 BY MS. CHAIKEN:

8 Q. Was this one of the attachments to that email?

9 A. Yes.

10 Q. Okay. And does it have a blank up at the top for
11 the company name?

12 A. Yes. Just says "company name."

13 Q. Okay.

14 MS. CHAIKEN: And then if you could go to 2506B,
15 please.

16 BY MS. CHAIKEN

17 Q. Is this another payroll spreadsheet that was
18 attached to the email?

19 A. Yes.

20 Q. And did this one have the same or different numbers
21 from the last payroll spreadsheet?

22 A. Different numbers.

23 Q. And, again, did it have a blank at the top for name
24 of company?

25 A. Yes.

1 Q. Okay.

2 MS. CHAIKEN: Can you go back to 2506, please.

3 BY MS. CHAIKEN

4 Q. Okay. So were there various payroll -- based on
5 the titles here of the attachments, were there various
6 payroll spreadsheets that had different amounts listed in
7 them?

8 A. Yes. They were like templates.

9 Q. Okay. And, again, June 5, is this right around the
10 time that Gena Pyfrom-Foster started working directly with
11 Darrell via WhatsApp?

12 A. Yes.

13 Q. And before this time in early June, did you see the
14 numbers changing on forms?

15 A. No. They were all the same.

16 Q. Did Teldrin Foster tell you that he knew how to
17 update formulas?

18 A. He said he didn't.

19 Q. Did Gena Pyfrom-Foster -- where did she work?

20 A. She worked for the IRS.

21 Q. Okay. So based on your review of all this evidence
22 we have just talked about, you have determined at this point
23 in time, June 2020, Gena Pyfrom-Foster had access to this
24 Yahoo account?

25 A. Yes.

1 Q. Okay. And in your interview with Teldrin Foster,
2 did he tell you that other people had access to his Yahoo
3 account?

4 A. Yes.

5 MS. CHAIKEN: If you could please go to
6 Government's Exhibit 2470.

7 BY MS. CHAIKEN:

8 Q. Is this a June 15 email from the Teldrin Foster
9 iCloud account?

10 A. Yes. To Darrell Thomas, subject line is,
11 "Continuing."

12 Q. Okay.

13 MS. CHAIKEN: If you could pull out 2470A and B,
14 please.

15 2470. I'm sorry. 2470A and B. This looks like
16 2471.

17 BY MS. CHAIKEN:

18 Q. What were the attachments to the email?

19 A. They are Form 941s for 2019, quarters 3 and 1 --
20 first and third quarter for Continuing Success Inc.

21 Q. And are these the same forms that Teldrin Foster
22 had previously emailed to Darrell Thomas?

23 A. Yes.

24 Q. And now are they stamped?

25 A. Yes.

1 MS. CHAIKEN: Okay. Could you please pull up 2470C
2 and D.

3 BY MS. CHAIKEN:

4 Q. Were these the other two 941s that were attached to
5 the Teldrin@iCloud email?

6 A. Yes.

7 Q. Did these forms list the same Zip code?

8 A. No.

9 Q. What did they say?

10 A. The second quarter, the one on the left, the Zip
11 code is 29223. And then for the fourth quarter, the one on
12 the right, was 29073.

13 MS. CHAIKEN: Could you please publish 2335 and
14 2335A.

15 BY MS. CHAIKEN:

16 Q. And do you see the bottom message there that
17 Darrell Thomas sent a WhatsApp message with a document?

18 A. Yes.

19 Q. And what was that document?

20 A. That was the Form 941 for 2019 for Continuing
21 Success, fourth quarter.

22 MS. CHAIKEN: And if you could scroll down, please.

23 BY MS. CHAIKEN:

24 Q. What did Darrell Thomas say? The first two
25 messages, please.

1 A. He says, "Zip code should be 29223. Bank asking
2 for this now."

3 Q. And when Darrell Thomas wanted the Zip code to be
4 changed, who did he send that message to on WhatsApp?

5 A. He sent that to Teldrin Foster.

6 Q. At this point in time, in June of 2020, was Darrell
7 Thomas already communicating via WhatsApp with Gena
8 Pyfrom-Foster?

9 A. Yes, he was.

10 Q. If he wanted to reach Gena Pyfrom-Foster about this
11 stamped documents, could he have WhatsApp'd her?

12 A. Yes.

13 Q. And did he WhatsApp her 1800 times, approximately?

14 A. He did. He did.

15 Q. Okay. And did he say, "Bank asking for this now"?

16 A. He did.

17 MS. CHAIKEN: If you could please go to 2473 and
18 2437A.

19 BY MS. CHAIKEN:

20 Q. Is this an email from later that day, June 24 of
21 2020?

22 A. Yes.

23 Q. And what was the attachment to it?

24 A. It is a Form 941 for 2019, fourth quarter, for
25 Continuing Success Inc.

1 Q. And was the Zip code changed from 29073 to 29223?

2 A. Yes.

3 Q. Is that what Darrell Thomas asked Teldrin Foster to
4 do?

5 A. Yes.

6 Q. And did this email come from the Yahoo account or
7 from the iCloud account?

8 A. It came from the iCloud account.

9 MS. CHAIKEN: Your Honor, would this be a good time
10 for a break?

11 THE COURT: Why don't you go another 10 minutes,
12 since we didn't get off our last break until close to noon.

13 MS. CHAIKEN: Okay. Could I have just one moment,
14 Your Honor?

15 (Pause.)

16 MS. CHAIKEN: Thank you, Your Honor.

17 BY MS. CHAIKEN:

18 Q. Okay. We're going to move on to All Star Room and
19 Board. Okay?

20 A. Okay.

21 Q. Is that another business that was involved in your
22 investigation?

23 A. Yes.

24 MS. CHAIKEN: Could you please publish 2310.

25 BY MS. CHAIKEN:

1 Q. Are these WhatsApp messages between Darrell Thomas
2 and Teldrin Foster?

3 A. Yes.

4 Q. And what did Darrell Thomas send to Teldrin Foster
5 on WhatsApp of April 16 of 2020? And I should say, is it
6 actually the late night of April 15 of 2020?

7 A. Yes. That would be accurate.

8 Q. Okay. And what did he send?

9 A. He sent a user name of
10 CRedding@AllStarRoomandBoard.com with a password of
11 CHAR1014\$.

12 Q. Do you know what C Redding is?

13 A. Yes.

14 Q. What?

15 A. Charmaine Redding.

16 Q. Okay. Who is Charmaine Redding?

17 A. She is the business owner for All Star Room and
18 Board.

19 Q. Okay. And was Darrell Thomas sending Teldrin
20 Foster some kind of username and password related to All Star
21 Room and Board?

22 A. Yes.

23 Q. What's Government's Exhibit 2430 -- sorry.

24 MS. CHAIKEN: Can you please publish Government
25 Exhibit 2430.

1 BY MS. CHAIKEN

2 Q. What's this exhibit?

3 A. This is an email from Teldrin Foster iCloud account
4 to Darrell Thomas on April 27, 2020, at 3:29 p.m. The
5 subject is -- it's a forwarding, subject "All Star."

6 And it's a forwarded message from the
7 TeldrinFoster@yahoo account to the TeldrinFoster@iCloud
8 account.

9 MS. CHAIKEN: And if we could pull up of 2430A and
10 B, please.

11 BY MS. CHAIKEN

12 Q. What were the attachments?

13 A. Form 941s for 2019 for All Star Room and Board
14 Services of Michigan.

15 Q. And were these forms the same numbers we've been
16 looking at?

17 A. Yes.

18 MS. CHAIKEN: Could you go to 2445 and 2445B,
19 please.

20 BY MS. CHAIKEN:

21 Q. Is this the same email we've looked at before with
22 the many payroll spreadsheets attached?

23 A. Yes.

24 Q. And was there a payroll spreadsheet created for All
25 Star Room and Board?

1 A. Yes.

2 Q. And did that spreadsheet use the same numbers that
3 were in Gena Pyfrom-Foster's templet, just changed the name?

4 A. Yes.

5 MS. CHAIKEN: Could you go to 2321 and 2321A,
6 please.

7 And if you could pull out the top message, please.

8 BY MS. CHAIKEN

9 Q. Was this a WhatsApp message that Darrell Thomas
10 sent to Teldrin Foster on May 12, or the late night of
11 May 11?

12 A. Yes.

13 Q. And what was the attachment or the document?

14 A. It's a Michigan business registration form for All
15 Star Room and Board. The owner's name is Charmaine Redding.

16 MS. CHAIKEN: Could you please publish 2451.

17 BY MS. CHAIKEN:

18 Q. What's the date of this email?

19 A. May 12, 2020, 12:47 a.m.

20 Q. Is that shortly after the message we just looked at
21 on WhatsApp?

22 A. Yes.

23 Q. And who was it from and to?

24 A. Teldrin Foster iCloud to Darrell Thomas.

25 Q. And what was the subject?

1 A. "All Star 941 Finish."

2 MS. CHAIKEN: If you could please publish 2451A and
3 B.

4 BY MS. CHAIKEN

5 Q. What were the attachments?

6 A. Form 941s for 2019 for All Star Room and Board
7 Services of Michigan for quarters, the first quarter and the
8 second quarter.

9 Q. And were these the same forms, were the numbers in
10 these forms the same numbers we've have been looking at that
11 have been identical across all the forms?

12 A. Yes.

13 Q. And are these documents stamped?

14 A. Yes.

15 MS. CHAIKEN: Please go to 2328.

16 BY MS. CHAIKEN:

17 Q. Are these messages that Darrell Thomas sent to
18 Teldrin Foster on the late night of May 25, 2020?

19 MS. CHAIKEN: If you could scroll down.

20 Yeah, there.

21 If you could pull out that green message there.

22 BY MS. CHAIKEN

23 Q. Is this a document that Darrell Thomas sent to
24 Teldrin Foster on kind of the middle of the night, May 25,
25 shortly after midnight on the 26th?

1 A. Yes.

2 Q. And if you scroll up, was there another document
3 that Darrell Thomas sent earlier that night?

4 A. Yes.

5 Q. Okay.

6 MS. CHAIKEN: Could you please publish 2328A.

7 BY MS. CHAIKEN

8 Q. What was the first document that Darrell Thomas
9 sent to Teldrin Foster?

10 A. A JPMorgan Chase bank account statement for Gaines
11 Reservation and Travel for the month of February 2020,
12 account ending 6500.

13 Q. Is that the bank statement we looked at earlier
14 that was submitted with Gaines Reservation and Travel's PPP
15 loan?

16 A. Yes.

17 Q. Was that a real bank statement?

18 A. No.

19 MS. CHAIKEN: And if you could please publish
20 Government's Exhibit 2328B.

21 BY MS. CHAIKEN

22 Q. What was the second document that Darrell Thomas
23 sent to Teldrin Foster?

24 A. Okay. It is a JPMorgan Chase bank statement for
25 All Star Room and Board Services of Michigan, for the month

1 of February 2020, with account ending 1886.

2 Q. And did Darrell Thomas send Teldrin Foster both of
3 these documents on the night between May 25 and May 26?

4 A. Yes.

5 MS. CHAIKEN: Could you please publish 2466.

6 BY MS. CHAIKEN

7 Q. What's 2466?

8 A. It's an email from Teldrin Foster iCloud to Darrell
9 Thomas on May 26, 2020, at 6:37 a.m.

10 Q. Was that a few hours after the messages we've just
11 looked at?

12 A. Yes.

13 MS. CHAIKEN: And if you can please publish 2466A
14 side by side with 2328A.

15 BY MS. CHAIKEN

16 Q. Was 2466A the attachment to Teldrin Foster's email?

17 A. It was.

18 Q. And is 2328A the document we just looked at that
19 Darrell Thomas sent to Teldrin Foster on WhatsApp?

20 A. Yes.

21 Q. And are those bank statements virtually the same?

22 A. They are except for the business information and
23 the account number.

24 Q. Okay. And so Darrell Thomas sent via WhatsApp to
25 Teldrin Foster the fake Gaines Reservation and Travel bank

1 statement and a bank statement showing All Star's account
2 number?

3 A. Yes.

4 Q. And then Teldrin's iCloud account emailed Darrell
5 Thomas this All Star bank statement?

6 A. Yes.

7 Q. Did you review the bank records for All Star Room
8 and Board Services of Michigan?

9 A. I did.

10 Q. Was this a real bank statement?

11 A. No.

12 MS. CHAIKEN: If you could go to 2509, please.

13 BY MS. CHAIKEN

14 Q. What was 2509?

15 A. This was an email from Teldrin Foster Yahoo account
16 to Darrell Thomas on June 11, 2020, at 3:26 a.m.

17 Q. And June 11, 2020, is this the time period after
18 Gena Pyfrom-Foster began communicating via WhatsApp with
19 Darrell Thomas?

20 A. Yes.

21 MS. CHAIKEN: And if you could please publish 2509A
22 and B.

23 BY MS. CHAIKEN

24 Q. Were these two of the attachments that were
25 attached to the emails in the Teldrin Foster Yahoo account?

1 A. Yes.

2 Q. And in these 941s that were sent from the Yahoo
3 account, did the numbers in the 941s change?

4 A. Yes, they did.

5 Q. Are these numbered different than the numbers that
6 were sent by the Teldrin Foster iCloud account?

7 A. No.

8 Q. These are different than the Form 941s that were
9 prepared and emailed by the Teldrin Foster iCloud account?

10 A. Yes.

11 MS. CHAIKEN: Could you go to 2509F, please.

12 BY MS. CHAIKEN:

13 Q. Was this a payroll spreadsheet that was also
14 attached to that Teldrin@yahoo email to Darrell Thomas?

15 A. Yes, it was.

16 Q. And in this payroll spreadsheet, have the numbers
17 changed from the template that was previously used?

18 A. Yes.

19 Q. Okay. So these are now numbers now?

20 A. Yes.

21 Q. And did this all happen after Gena Pyfrom-Foster
22 became involved with communicating with Darrell Thomas
23 directly?

24 A. Yes.

25 MS. CHAIKEN: If you could go to 2468, please.

1 BY MS. CHAIKEN

2 Q. What's Government's Exhibit 2468?

3 A. An email from Teldrin Foster iCloud account to
4 Darrell Thomas on June 11, 2020, at 10:16 p.m., and the
5 subject is "All Star."

6 Q. Is this later at night, after the Form 941s were
7 sent?

8 A. Yes.

9 MS. CHAIKEN: And if you could please publish 2468A
10 and 2468B.

11 THE COURT: Ms. Chaiken, whenever you get to that
12 good stopping point.

13 MS. CHAIKEN: Yes. Just a couple more questions,
14 Your Honor.

15 THE COURT: Great.

16 MS. CHAIKEN: Thank you.

17 BY MS. CHAIKEN:

18 Q. Okay. Are these Form 941s that were attached to
19 the Teldrin@iCloud email to Darrell Thomas?

20 A. Yes.

21 Q. And did these forms have stamps on them?

22 A. Yes.

23 Q. Did the ones that the Yahoo account sent have
24 stamps on them?

25 A. They did not.

1 Q. Okay. So the Yahoo email account sent Darrell
2 Thomas new forms, and then the iCloud account stamped them?

3 A. Yes.

4 MS. CHAIKEN: I'm at a good stopping point, Your
5 Honor.

6 THE COURT: Okay. Thank you.

7 Counsel, do you anticipate there will be anything
8 for us to discuss before we bring the jury back in after
9 lunch?

10 I know we had an unexpected delay yesterday.
11 Anything like that anyone anticipates over the lunch hour
12 today?

13 MS. WEBSTER: Not anything nearly so lengthy as
14 yesterday, but we do have a few issues to discuss.

15 THE COURT: A five-minute issue or a 15-minute
16 issue?

17 MS. WEBSTER: Five.

18 THE COURT: Okay. All right. Hearing no one else,
19 ladies and gentlemen of the jury, why don't you plan to come
20 back, it's right at about 12:45, why do not you plan to come
21 back at 1:45.

22 Okay. And, counsel, why don't you plan to come
23 back at 1:35 and if five minutes becomes 10, we'll still be
24 ready to go at 1:45.

25 All right. Everyone enjoy your lunch. And ladies

1 and gentlemen of the jury, you are reminded of your
2 instructions for breaks.

3 Thank you.

4 (Jury withdrew from the courtroom at 12:47 p.m.)

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6 (Lunch recess commenced at 12:47 p.m.)
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2 CERTIFIED STENOGRAPHIC REPORTER'S CERTIFICATE
34 I, Judith M. Wolff, a stenographic reporter,
5 Certified Realtime Reporter and Official Court Reporter for
6 the United States District Court for the Northern District of
7 Georgia, with offices at Atlanta, do hereby certify:
89 That I reported on the Stenograph machine the
10 proceedings held in open court on Thursday, February 8, 2024,
11 in the matter of United States of America v. Carla Jackson
12 and Teldrin Foster, Case No. 1:20-cr-00296-JPB-5-20;
1314 That said proceedings in connection with the
15 hearing were reduced to typewritten form by me;
1617 And that the foregoing transcript is a true and
18 accurate record of the proceedings.
1920 This the 8th day of February, 2024.
21
2223 /s/ Judith M. Wolff, RPR, CRR
24 Official Court Reporter
25

BY MR. KAUSHAL: [1] 15/18 BY MS. CHAIKEN: [120] 20/15 21/8 21/18 21/24 22/13 22/22 23/6 23/21 24/12 25/5 25/20 26/8 27/4 27/17 28/1 28/11 29/15 30/4 30/10 30/18 31/10 31/21 32/2 32/16 34/3 35/12 35/20 36/6 36/19 37/7 37/14 38/8 38/14 39/4 58/2 58/11 58/22 59/3 60/3 60/15 60/24 61/7 63/21 64/14 65/3 78/22 79/7 79/18 80/13 81/13 82/1 82/11 82/19 82/24 83/5 83/13 83/25 84/13 85/1 87/5 88/17 89/21 90/14 91/1 91/10 92/5 92/14 93/18 94/10 94/18 95/19 96/12 96/19 97/6 100/3 100/19 101/16 102/14 103/23 104/13 104/24 105/12 106/9 106/14 107/1 108/1 108/23 109/7 109/13 110/22 111/11 111/25 112/12 113/16 114/16 115/19 116/11 117/7 117/18 118/17 119/4 120/1 120/21 121/11 123/1 125/15 126/7 128/7 128/17 129/3 129/15 129/23 130/19 131/17 131/25 133/20 134/17 135/16 139/12 140/17 COURT SECURITY OFFICER: [1] 13/21 COURTROOM DEPUTY: [2] 52/8 54/4 MR. KAUSHAL: [3] 15/13 19/17 19/19 MR. MARSHALL: [7] 19/21 53/20 53/24 56/25 57/16 122/18 122/21 MS. CHAIKEN: [204] MS. DURRETT: [1] 19/20 MS. WEBSTER: [57] 3/19 3/22 4/7 4/11 4/21 5/18 6/19 7/1 10/25 11/4 11/9 11/12 11/21 12/1 12/8 42/10 43/9 43/14 44/4 44/8 44/10 45/6 45/11 45/20 46/13 46/22 46/25 47/3 47/5 47/9 49/3 50/5 51/13 54/7 54/10 54/19 54/21 56/2 56/21 67/11 67/14 68/3 68/23 68/25 69/4 70/11 70/16 72/1 73/15 74/24 75/10 75/14 77/15 78/3 122/16 141/13 141/17 THE COURT: [124] 2/4 3/7 3/21 4/6 4/10 4/12 5/9 5/17 5/19 6/3 6/8 6/13 6/22 10/10 11/2 11/5 11/11 11/19 11/23 12/4 12/6 13/19 13/22 14/3 14/6 14/19 14/23 15/2 19/22 19/25 20/3 20/9 20/12 39/17 39/21 40/3 40/7 42/11 43/12 43/15 43/18 43/20 44/6 44/11 45/4 45/8 45/17 45/24 46/9 46/19 46/23 47/2 47/4 47/6 47/8 47/21 48/18 49/17 50/19 51/6 51/14 52/9 52/14 52/21 52/24 53/5 53/10 53/16 53/23 53/25 54/6 54/9 54/18 54/20 55/18 55/24 56/12 56/19 56/22 57/9 57/17 57/21 57/24 58/4 58/8 67/13 67/16 67/20 67/25 68/21 69/2 69/5 69/15 69/18 70/6 70/13 71/12 72/4 72/19 72/24 73/12 73/25 74/4 75/6 75/13 75/16 77/12 77/25 78/4 78/7 78/9 78/16 99/8 99/10 99/16 99/25 122/17 122/23 131/11 140/11 140/15 141/6 141/15 141/18 THE WITNESS: [3] 19/24 20/13 117/14	/ /s [1] 143/23 0 01 [1] 59/25 01AFD1 [2] 72/6 74/6 02 [1] 59/25 06 [2] 103/15 104/4 1 1,859 [1] 124/2 10 [12] 12/3 44/5 44/13 54/13 82/3 82/13 82/21 83/1 83/7 94/12 131/11 141/23 106 [3] 7/20 48/8 49/24 10:07 [1] 54/2 10:15 [1] 54/3 10:16 [1] 140/4 10:19 [1] 57/20 10:34 [1] 67/19 10:55 [1] 78/8 10K [1] 26/17 11 [20] 11/22 42/16 43/13 67/10 82/3 82/3 82/12 82/20 83/7 83/10 86/11 94/12 94/20 116/6 116/7 116/7 134/11 138/16 138/17 140/4 1120 [4] 47/17 49/15 114/21 115/1 1120S [1] 115/13 116 [1] 50/7 11:27 [2] 99/21 99/22 11:39 [1] 27/20 11:40 [2] 99/23 99/24 12 [5] 24/4 116/3 116/16 134/10 134/19 121 [1] 47/1 122 [1] 47/1 12:18 [1] 116/16 12:45 [1] 141/20 12:47 [4] 125/18 134/19 142/4 142/6 13 [5] 24/14 25/21 83/14 86/11 121/14 1317 [1] 1/24 14 [5] 2/18 11/18 11/20 21/9 43/21 15 [8] 6/15 6/24 18/3 26/12 27/9 29/9 128/8 132/6 15-minute [1] 141/15 16 [6] 27/20 89/24 111/12 112/1 112/4 132/5 17 [4] 44/5 44/13 79/23 91/3 18 [7] 10/24 11/6 44/7 44/12 45/19 102/16 104/11 1800 [1] 130/13 1859 [2] 123/23 124/7 1886 [1] 137/1 19 [4] 4/15 4/15 11/13 43/13 1914 [1] 1/23 1997 [1] 106/6 1:20-CR-00296-JPB-5-20 [2] 1/5 143/12 1:35 [1] 141/23 1:40 [1] 119/15 1:45 [2] 141/21 141/24 1:58 [1] 62/21	116/3 116/16 118/18 119/6 119/15 121/14 121/20 122/12 123/12 124/11 124/14 125/6 125/18 127/23 130/6 130/21 132/5 132/6 133/4 134/19 135/18 136/11 137/1 137/9 138/16 138/17 140/4 2021 [1] 16/10 2023 [3] 12/10 40/10 40/17 2024 [3] 1/12 143/10 143/20 21 [2] 45/15 45/19 2116 [1] 103/22 2131 [2] 90/12 90/15 215-1317 [1] 1/24 22 [3] 3/10 29/17 85/22 2222 [2] 39/1 39/8 2250 [3] 3/3 58/7 58/8 2250C [1] 34/1 2250D [1] 3/10 2250E [1] 107/21 2250F [1] 107/23 2250H [4] 6/14 6/23 40/8 44/14 2250I [2] 4/14 6/1 2250J [3] 45/10 45/17 108/21 2250K [1] 109/5 2250L [1] 84/11 2250M [2] 45/18 58/20 2250N [1] 100/16 2250O [1] 101/14 2250P [1] 95/17 2250R [1] 109/11 2250S [1] 84/24 2250V [1] 60/13 2250W [1] 6/1 2292 [3] 86/12 86/16 93/25 23 [5] 34/15 35/6 43/16 61/2 122/19 230 [1] 111/7 2307 [2] 23/20 25/3 2307A [1] 24/17 2308 [2] 26/5 26/7 2308B [2] 26/6 26/7 2309 [1] 27/2 2309A [3] 27/3 28/10 28/12 2310 [1] 131/24 2311 [1] 85/20 2311B [1] 86/2 2312 [2] 34/25 36/4 2312A [1] 36/5 2313 [2] 30/3 37/18 2313A [2] 37/19 38/7 2313B [1] 30/16 2313C [1] 30/17 2314 [1] 87/4 2314A [1] 87/15 2316 [1] 105/11 2316A [1] 105/11 2317 [1] 118/13 2317A [1] 118/14 2319 [2] 110/20 111/8 2319B [1] 110/21 2320 [1] 119/3 2321 [2] 115/17 134/5 2321A [1] 134/5 2321B [1] 115/18 2323 [1] 111/10 2323A [1] 111/10 2325 [1] 90/23 2325A [1] 91/9 2325B [1] 92/4 2325C [1] 92/13 2325D [1] 92/22 2325H [1] 93/17 2326 [2] 102/12 104/7 2326A [2] 102/12 103/2 2326B [1] 104/8 2328 [2] 117/5 135/15 2328A [3] 136/6 137/14 137/18 2328B [1] 136/20 2328D [2] 117/6 117/13 2335 [1] 129/13 2335A [1] 129/14 2345 [6] 122/14 122/20 122/21 122/24 122/25 123/2 24 [17] 11/22 12/3 30/6 30/11 36/23 36/25 37/22 37/25 43/18 43/19 43/21 44/7 44/12 62/21 65/10 114/14 130/20 2403 [2] 21/17 21/19 2403A [2] 21/23 23/4
\$ \$1,204,326 [1] 22/10 \$10 [2] 82/15 82/20 \$12.07 [1] 82/25 \$12.11 [1] 83/11 \$3,482,964 [1] 34/24 \$34,500 [3] 69/14 70/4 83/22 \$5 [1] 94/21 \$5,500 [1] 95/3 \$5.12 [1] 82/7 \$6,950 [5] 69/22 70/10 72/8 73/2 83/16 \$7 [2] 69/11 69/21 \$7,000 [2] 71/24 73/6 \$830,000 [3] 92/19 93/11 93/23 \$9.86 [1] 82/17 ' '18 [2] 79/8 79/23 '71 [2] 69/2 70/9 '72 [4] 69/2 70/6 70/9 70/9	2 2,754.36 [1] 95/2 20 [7] 1/5 41/21 43/11 43/16 43/18 43/21 143/12 2018 [1] 115/14 2019 [26] 34/21 34/23 35/17 37/11 37/16 38/3 62/22 64/2 88/14 89/1 96/22 97/9 102/22 107/3 112/16 114/7 115/2 116/22 121/25 122/3 122/5 128/19 129/20 130/24 133/13 135/6 2020 [91] 12/9 16/22 18/3 21/21 22/3 22/16 23/1 24/24 26/12 27/11 27/20 28/7 29/23 31/13 31/24 34/15 35/6 36/23 36/25 38/5 59/7 59/8 59/12 61/2 62/21 65/10 77/5 79/4 81/1 82/3 82/3 82/12 82/13 82/21 82/21 83/1 83/7 83/7 83/10 83/14 83/19 84/2 86/11 86/11 87/9 88/3 88/14 89/24 91/3 94/12 94/12 96/15 97/7 97/9 102/16 104/11 105/14 106/12 106/15 110/24 111/12 112/1 113/19 115/8	2754.36 [1] 95/2 20 [7] 1/5 41/21 43/11 43/16 43/18 43/21 143/12 2018 [1] 115/14 2019 [26] 34/21 34/23 35/17 37/11 37/16 38/3 62/22 64/2 88/14 89/1 96/22 97/9 102/22 107/3 112/16 114/7 115/2 116/22 121/25 122/3 122/5 128/19 129/20 130/24 133/13 135/6 2020 [91] 12/9 16/22 18/3 21/21 22/3 22/16 23/1 24/24 26/12 27/11 27/20 28/7 29/23 31/13 31/24 34/15 35/6 36/23 36/25 38/5 59/7 59/8 59/12 61/2 62/21 65/10 77/5 79/4 81/1 82/3 82/3 82/12 82/13 82/21 82/21 83/1 83/7 83/7 83/10 83/14 83/19 84/2 86/11 86/11 87/9 88/3 88/14 89/24 91/3 94/12 94/12 96/15 97/7 97/9 102/16 104/11 105/14 106/12 106/15 110/24 111/12 112/1 113/19 115/8

2	2873 [3] 70/11 70/12 70/13 2879 [5] 67/3 67/9 78/15 78/18 83/24 29 [3] 59/8 59/12 94/24 29073 [2] 129/12 131/1 29223 [3] 129/11 130/1 131/1 2940 [1] 35/14 2:00 [1] 65/10 2:03 [1] 31/13 2:21 [1] 59/13 2K [1] 26/17	8 80 [1] 55/10 806,710 [1] 104/17 815,954 [1] 89/4 8218 [1] 80/15 830,000 [1] 92/18 8:44 [1] 2/2 8th [1] 143/20
2404 [2] 22/12 22/14 2404A [2] 22/21 23/4 2405 [1] 27/16 2405A [3] 27/25 28/10 28/15 2411 [1] 29/13 2411A [1] 29/14 2413 [1] 34/10 2413A [1] 34/11 2414 [1] 60/23 2414A [1] 61/6 2417 [4] 36/17 39/2 39/3 39/5 2420 [1] 62/17 2420A [3] 97/15 97/18 98/12 2421 [1] 65/2 2425 [4] 31/9 31/11 32/1 32/6 2426 [1] 31/20 2426A [4] 31/25 32/3 32/14 33/2 2428 [2] 63/20 65/22 2430 [2] 132/23 132/25 2430A [1] 133/9 2435 [2] 113/15 113/17 2435B [1] 113/23 2437 [1] 59/2 2437A [2] 60/2 130/18 2438 [2] 96/11 96/13 2438A [1] 96/17 2439 [1] 87/25 2439B [1] 88/16 2439C [1] 89/1 2442 [1] 119/12 2442A [1] 119/24 2444 [1] 106/13 2444A [1] 106/24 2444B [1] 106/25 2445 [3] 97/5 120/19 133/18 2445B [1] 133/18 2445D [2] 97/16 98/15 2445E [2] 120/20 120/25 2446 [1] 115/4 2446A [1] 115/4 2450 [1] 116/9 2450A [1] 116/10 2451 [1] 134/16 2451A [1] 135/2 2458 [1] 111/24 2458B [1] 112/11 2460 [2] 89/20 89/22 2460B [1] 90/2 2460C [2] 90/13 90/18 2466 [2] 137/5 137/7 2466A [2] 137/13 137/16 2468 [2] 139/25 140/2 2468A [1] 140/9 2468B [1] 140/10 2470 [2] 128/6 128/15 2470A [2] 128/13 128/15 2470C [1] 129/1 2471 [1] 128/16 2473 [1] 130/17 2483 [2] 17/13 17/14 25 [6] 11/13 31/13 31/24 135/18 135/24 137/3 2504 [1] 114/14 2504A [1] 114/15 2506 [2] 125/14 127/2 2506A [1] 126/6 2506B [1] 126/14 2509 [2] 138/12 138/14 2509A [1] 138/21 2509F [1] 139/11 2510 [2] 121/10 121/12 26 [6] 65/25 83/19 84/2 117/8 137/3 137/9 26th [1] 135/25 27 [2] 113/19 133/4 28 [5] 31/18 32/24 59/7 79/4 79/8 2817 [1] 69/18 2865 [5] 67/3 67/9 78/15 78/18 78/21 2866 [1] 79/16 2867 [1] 81/25 2868 [1] 82/10 2869 [1] 82/18 2870 [1] 82/23 2871 [5] 68/24 69/17 78/16 83/4 94/9 2872 [1] 68/25	3 3,482,964 [1] 38/4 30 [4] 10/6 41/18 41/18 41/24 3000 [1] 21/7 3006 [1] 71/3 30303-3361 [1] 1/24 31 [1] 38/5 32 [2] 3/9 39/18 33 [1] 3/11 3361 [1] 1/24 3490 [1] 29/24 3940 [2] 27/12 28/8 3:00 [1] 116/4 3:21 [1] 37/1 3:26 [1] 138/16 3:29 [1] 133/4	9 90 [1] 1/7 90,000 [2] 43/25 44/2 902 [1] 67/10 940 [5] 34/21 34/22 35/8 37/4 38/3 941 [22] 18/4 18/5 19/8 22/3 23/1 37/11 37/12 38/23 39/6 39/9 59/15 89/2 89/8 90/15 90/18 102/22 103/24 120/15 121/18 129/20 130/24 135/1 941s [38] 37/16 58/13 58/17 58/24 59/15 88/14 88/21 89/1 89/6 89/14 89/17 90/7 96/22 107/3 107/7 107/7 112/16 112/23 113/4 113/7 114/7 114/11 118/6 120/5 120/5 120/10 121/25 122/5 124/18 128/19 129/4 133/13 135/6 139/2 139/3 139/8 140/6 140/18 97K [1] 26/3 9:10 [1] 15/1 9:21 [1] 89/24 9:41 [2] 21/21 112/8 9:42 [2] 22/16 40/2 9:43 [1] 121/14
	4 4/23 [1] 35/6 403 [5] 67/11 68/2 68/12 74/16 76/2 404 [9] 1/24 68/9 75/1 75/17 76/3 76/7 76/10 76/12 76/25 45 [1] 41/14	A a.m [23] 2/2 15/1 22/16 27/20 37/1 40/2 54/2 54/3 57/20 59/13 67/19 78/8 96/15 99/21 99/22 99/23 99/24 116/4 116/16 119/15 134/19 137/9 138/16 ability [1] 57/15 able [4] 10/20 56/14 124/23 125/9 about [86] 2/21 2/25 5/12 7/7 8/14 8/20 8/22 8/22 9/11 9/11 9/12 9/15 9/16 9/21 9/21 9/22 9/22 10/2 10/3 10/23 11/8 12/21 18/7 33/22 33/23 37/4 40/19 40/21 40/25 41/2 41/4 41/10 41/13 41/24 43/3 43/7 43/24 45/21 47/13 48/2 48/25 49/2 49/5 49/9 49/13 49/15 50/3 50/11 53/2 54/8 54/15 55/15 55/20 57/11 58/17 60/10 61/21 61/24 68/1 70/14 71/18 72/3 72/13 82/25 84/9 85/17 85/19 86/23 95/3 95/14 98/14 100/13 105/6 107/18 108/9 108/19 108/24 109/22 109/22 116/7 116/17 116/25 118/9 127/22 130/10 141/20 above [4] 11/10 11/22 76/5 106/5 above-mentioned [1] 106/5 abrogates [1] 12/17 accept [5] 73/13 91/20 92/11 92/16 92/17 accepted [1] 18/8 access [7] 63/15 66/22 70/18 92/11 125/7 127/23 128/2 accommodate [3] 56/8 56/14 56/17 according [1] 80/24 account [102] 21/21 22/15 24/24 25/1 25/23 27/11 27/13 28/7 28/21 29/23 30/23 31/13 32/18 34/14 34/18 34/19 59/10 62/20 63/1 63/12 63/13 63/16 63/17 65/7 65/9 65/20 66/6 66/20 66/20 69/11 69/20 70/3 70/17 71/20 71/21 72/8 72/10 72/18 72/20 72/23 73/3 73/11 77/3 78/24 79/1 79/3 79/11 79/19 79/19 81/15 81/18 81/21 82/2 82/5 82/15 82/20 82/25 83/1 83/6 84/2 86/11 86/17 93/25 93/25 94/20 100/23 101/1 101/7 101/11 104/18 114/18 115/8 116/13 121/24 124/21 125/7 125/12 125/17 127/24 128/3 128/9 131/6 131/7 131/8 133/3 133/7 133/8 136/10 136/12 137/1 137/23 138/1 138/4 138/15 138/25 139/3 139/6 139/9 140/3 140/23 141/1 141/2 accounts [5] 20/23 80/4 82/6 83/10
	5 5,247,389 [1] 115/3 5/12 [1] 116/3 5/17 [1] 79/23 5/29 [1] 94/24 5/5 [1] 106/12 50 [5] 10/5 41/14 41/19 41/21 42/1 53,685.92 [2] 98/13 98/16 56 [5] 6/20 11/9 11/12 41/11 42/3 57 [6] 11/9 11/13 41/8 41/9 42/3 89/4 58 [4] 6/10 6/24 7/2 39/17 58/15 [1] 6/15 59 [11] 4/14 7/2 7/3 10/24 10/24 11/6 41/8 41/9 41/23 41/25 42/4 59/1 [2] 6/15 6/25 5:08 [1] 31/24 5:58 [1] 113/19	
	6 6/28 [2] 79/4 79/8 6/4 [1] 94/24 6/6 [1] 123/12 60 [5] 7/3 10/5 41/19 41/19 42/2 60,000 [1] 41/21 61 [1] 4/17 63 [1] 4/15 630,519.11 [1] 33/1 6340 [1] 24/24 64 [2] 45/14 45/15 65 [2] 39/17 45/10 6500 [2] 104/19 136/12 66 [1] 103/9 678-559-8218 [1] 80/15 6:37 [1] 137/9 6:45 [1] 34/15	
	7 70 [2] 22/7 43/22 7004 [1] 36/11 71 [1] 12/3 75 [1] 1/23 78 [2] 39/17 45/19 780,000 [1] 25/10 79/18 [1] 45/19 795 [1] 25/13 795,913.68 [1] 25/14 7:31 [1] 61/2 7:34 [1] 96/15 7:38 [1] 97/9 7th [1] 120/22	

A accounts... [1] 124/25 accurate [5] 7/19 13/13 18/17 132/7 143/18 ACH [5] 72/15 74/6 93/24 95/1 104/18 across [4] 97/1 97/1 120/17 135/11 act [1] 76/8 acted [2] 76/9 76/11 actions [1] 2/25 activity [7] 71/21 76/18 77/4 77/5 124/24 125/9 125/11 actual [3] 39/8 72/17 73/9 actually [11] 2/14 9/14 10/5 33/15 49/8 74/23 86/10 86/21 103/24 105/4 132/6 add [5] 6/17 11/24 26/3 26/4 74/17 added [3] 40/15 81/15 81/18 additional [9] 12/6 13/1 41/7 41/22 46/13 46/15 51/20 68/19 71/7 address [11] 25/24 46/21 63/8 75/10 81/3 81/6 81/9 105/20 111/4 111/18 118/25 addressed [1] 91/15 addressing [3] 14/15 48/16 73/8 adjustment [1] 68/7 administers [1] 69/25 administration [1] 16/17 administratively [1] 51/24 admissibility [1] 78/12 admissible [1] 47/20 admission [2] 9/1 48/10 admissions [1] 48/14 admit [12] 9/14 9/17 43/13 44/5 44/13 45/22 47/10 50/2 50/14 67/8 71/1 122/14 admits [1] 7/9 admitted [15] 9/6 13/5 20/18 20/22 21/9 41/8 42/11 45/14 49/4 78/12 78/16 78/17 78/18 122/23 122/24 admitting [7] 7/18 44/18 44/19 47/23 47/24 48/10 50/9 adverse [2] 12/12 12/16 advisement [1] 49/18 advisory [2] 40/21 41/2 affirmative [1] 76/22 affirmed [2] 8/25 9/2 after [33] 1/11 8/16 9/20 17/16 22/17 25/6 27/21 29/9 29/9 35/23 37/2 55/21 60/16 66/5 106/1 106/2 106/17 108/18 113/2 116/4 116/17 116/25 119/16 119/18 124/10 124/14 134/20 135/25 137/10 138/17 139/21 140/6 141/8 afternoon [2] 20/18 88/5 again [11] 13/8 27/5 30/1 33/9 51/3 66/19 74/25 105/2 122/19 126/23 127/9 agent [17] 15/9 19/25 20/11 20/16 41/15 41/20 42/17 42/20 42/23 45/21 50/15 50/22 51/11 55/21 58/3 58/12 100/4 agent's [1] 48/2 agents [3] 9/20 9/23 48/3 ago [1] 43/1 agree [3] 75/3 75/8 77/13 agreed [2] 78/12 78/17 agreement [2] 78/11 78/23 ahead [6] 12/6 47/8 57/25 58/10 67/13 69/15 AI [1] 1/18 ain't [1] 42/21 alerted [1] 71/1 all [122] 3/2 3/10 5/17 5/19 6/4 6/9 9/19 10/10 11/23 12/4 12/11 13/8 13/19 13/19 13/22 13/24 14/6 15/2 15/4 15/11 19/25 20/9 21/14 24/25 25/8 26/17 37/15 39/23 40/3 40/7 41/13 41/18 42/20 42/23 43/12 43/20 44/6 44/14 45/17 45/18 45/24 46/1 46/2 46/3 48/18 48/19 49/14 49/17 51/6 51/16 51/19 52/4 52/24 53/19 53/25 54/9 55/24 56/10 57/9 57/12 57/21 61/13 64/18 67/13 67/16 67/20 68/1 71/12 73/12 75/13 75/16 76/15 76/16 77/12 77/25 78/4 78/9 78/10 78/16 85/17 89/12 95/11 97/1 97/12	98/21 99/1 99/2 99/5 99/25 99/25 100/10 102/5 107/10 109/8 109/22 112/21 113/10 114/12 120/4 120/8 120/17 124/10 127/15 127/21 131/18 132/17 132/20 133/5 133/13 133/24 134/14 135/1 135/6 135/11 136/25 138/1 138/5 138/7 139/21 140/5 141/18 141/25 allow [3] 11/24 43/20 43/23 allowed [1] 18/14 allows [1] 76/12 AllStarRoomandBoard.com [1] 132/10 almost [2] 51/7 71/24 already [3] 40/14 52/1 130/7 also [15] 5/6 9/19 40/15 45/20 56/10 56/25 66/6 68/12 68/15 74/17 75/10 77/24 89/14 114/23 139/13 alternative [2] 73/19 75/7 although [2] 48/21 51/10 am [3] 1/5 16/6 35/14 amended [4] 8/1 12/10 12/15 12/19 amendment [1] 12/17 amendments [4] 40/11 40/12 40/18 48/8 AMERICA [6] 1/4 24/22 27/10 28/6 29/22 143/11 amount [10] 26/16 74/7 74/7 77/20 83/21 92/17 92/19 93/22 98/16 104/16 amounts [4] 33/6 33/6 48/5 127/6 anatomization [1] 53/2 Ann [1] 1/19 announced [1] 108/18 another [25] 7/3 8/19 15/11 26/2 30/11 30/13 35/2 46/4 53/5 62/10 76/8 76/11 76/12 83/18 87/6 92/8 92/16 93/21 110/17 111/12 118/10 126/17 131/11 131/21 136/2 answer [2] 8/21 8/24 answered [3] 8/13 8/18 8/23 anticipate [4] 45/21 55/1 56/3 141/7 anticipates [1] 141/11 any [27] 1/13 4/22 5/4 5/6 5/13 12/13 12/13 19/19 47/24 50/13 57/14 61/16 66/15 70/24 71/7 72/24 74/15 75/2 76/1 76/16 87/22 94/22 95/6 95/10 95/11 105/3 117/23 anybody [1] 66/22 anyone [3] 3/23 53/14 141/11 anything [24] 3/24 4/1 5/17 10/2 14/10 34/5 46/12 47/23 47/24 70/2 70/14 71/10 71/17 72/3 72/13 75/8 108/17 108/19 110/8 110/8 110/11 141/7 141/11 141/13 anywhere [2] 26/16 95/7 apart [1] 23/8 appearance [1] 9/23 Appearances [1] 1/15 appeared [1] 60/8 applicant [6] 17/10 17/16 18/12 18/16 18/20 18/23 applicant's [1] 19/12 applicants [2] 18/12 19/8 application [34] 8/14 17/11 17/12 17/14 17/24 17/25 18/9 18/13 18/16 18/17 18/21 19/1 19/5 26/24 33/16 38/24 39/10 47/15 79/19 86/14 87/20 87/22 88/9 88/22 90/16 91/15 91/17 92/1 92/2 92/9 103/25 117/16 118/1 118/6 applications [5] 17/1 18/11 109/15 109/19 117/24 apply [3] 16/25 17/2 17/7 appreciate [2] 14/1 56/22 appropriately [1] 44/18 approval [4] 17/4 95/24 96/2 105/6 approvals [1] 109/3 approve [1] 17/3 approved [11] 19/2 19/6 19/10 19/15 91/18 92/10 93/22 94/4 104/16 105/4 118/4 approximately [4] 80/25 99/13 124/7 130/13 April [34] 21/21 22/16 24/4 24/14 25/21 26/12 27/9 27/20 29/9 29/17 30/6 30/11 31/13 31/24 34/15 36/23 36/25 37/22 37/25 41/21 59/7 59/8 59/12 61/2 62/21 65/9 65/24 80/25	82/21 85/22 113/19 132/5 132/6 133/4 are [90] 1/12 3/25 4/7 7/6 7/13 9/3 9/17 10/8 10/18 15/4 15/24 17/21 17/25 19/8 19/14 20/5 21/9 21/11 23/7 23/9 23/22 27/5 28/18 28/21 28/23 28/25 31/3 33/7 37/21 39/12 39/13 43/12 43/16 44/6 44/12 44/17 44/20 45/14 46/8 46/9 46/19 46/24 49/3 49/7 49/14 50/11 51/25 53/12 55/15 56/16 62/14 67/5 67/7 68/9 69/15 70/20 70/23 72/13 76/13 77/19 78/1 78/16 80/3 86/23 88/25 89/5 89/11 90/7 90/21 90/22 96/20 96/25 98/21 99/18 119/5 120/10 120/11 128/19 128/21 128/24 132/1 135/13 135/17 137/21 137/22 139/5 139/8 139/19 140/18 142/1 aren't [1] 41/1 arguably [3] 10/7 42/5 42/6 argue [4] 12/23 72/1 72/2 75/11 arguing [1] 70/1 argument [6] 11/25 12/7 13/7 42/14 43/7 67/14 around [2] 125/19 127/9 arrested [1] 8/16 arrests [1] 8/22 ask [13] 2/24 11/2 33/21 45/13 50/23 54/7 58/16 60/9 61/21 73/14 95/13 100/13 107/17 asked [8] 8/17 8/20 45/15 50/25 51/3 51/11 51/11 131/3 asking [9] 8/21 45/21 50/10 50/11 50/15 103/19 109/22 130/1 130/15 asks [1] 41/15 assisted [1] 84/21 associated [2] 61/12 64/3 assume [6] 6/16 20/5 46/9 49/12 52/2 52/3 ATLANTA [4] 1/2 1/24 56/2 143/7 attach [2] 66/2 121/17 attached [19] 1/9 29/21 32/3 38/16 60/5 66/8 87/17 99/2 99/3 107/5 114/24 120/5 120/23 126/18 129/4 133/22 138/25 139/14 140/18 attaching [1] 1/12 attachment [25] 10/13 21/25 22/2 22/23 22/25 24/19 28/2 34/20 37/8 37/10 38/2 61/8 63/22 63/25 65/11 86/8 114/20 115/12 116/20 118/20 120/25 122/2 130/23 134/13 137/16 attachments [25] 23/7 24/25 59/19 59/22 60/4 60/7 86/4 88/12 88/18 89/14 90/5 96/20 107/2 112/13 114/1 114/4 120/2 125/23 126/2 126/8 127/5 128/18 133/12 135/5 138/24 attempt [1] 48/1 attend [1] 15/7 attending [1] 57/1 attention [1] 117/15 attorney [1] 2/24 attorneys [1] 39/24 Audio [13] 34/2 58/21 60/14 84/12 84/25 95/18 100/18 101/15 107/22 107/25 108/22 109/6 109/12 authenticated [1] 122/14 author [3] 64/6 97/23 126/4 availability [2] 54/16 54/18 available [7] 54/22 54/22 54/23 56/2 56/9 57/2 57/8 average [3] 31/16 61/9 87/23 avoid [1] 52/11 avoiding [1] 40/22 aware [1] 56/10 away [1] 35/17
		B Babasijibomi [1] 1/17 back [42] 3/7 4/13 6/8 9/20 9/23 13/3 20/1 25/3 38/15 41/25 46/3 51/17 52/3 52/6 52/12 52/19 53/4 53/10 53/22 57/24 66/17 67/25 70/7 70/17 73/3 85/9 85/15 85/15 94/9 106/6 108/3 108/11 108/13 109/9 109/23 110/5 110/13 127/2 141/8 141/20 141/21 141/23 backup [2] 59/23 59/24

B	108/3 123/5 124/22 125/10 132/1 137/3	certainly [1] 13/10
balance [14] 31/14 31/15 31/16 32/10 32/11 82/5 82/7 82/7 82/8 82/15 82/20 82/25 83/9 94/19	binding [1] 8/11	CERTIFICATE [1] 143/2
balances [3] 31/17 32/17 32/20	bit [6] 15/5 17/5 26/3 45/7 48/19 48/24	certification [1] 18/15
bank [71] 15/25 16/1 16/3 16/5 16/11 16/17 16/20 16/22 16/25 17/3 17/7 17/17 17/21 17/21 17/25 18/7 18/11 18/23 19/2 19/12 19/13 19/14 24/22 25/1 27/10 27/22 28/6 28/6 28/12 28/18 28/25 29/6 29/11 29/22 29/22 29/25 30/22 31/5 32/18 32/25 33/13 33/15 33/23 34/5 66/24 67/5 68/4 76/17 77/2 81/4 82/2 82/12 86/9 86/16 86/19 87/1 94/11 95/6 96/5 130/1 130/15 136/10 136/13 136/17 136/24 137/21 137/25 138/1 138/5 138/7 138/10	Black [1] 105/1	certify [2] 18/17 143/7
Baptiste [1] 55/7	blank [7] 51/11 51/12 64/20 87/24 88/8 126/10 126/23	cetera [2] 41/16 52/17
based [8] 49/24 71/1 91/16 99/5 122/7 125/5 127/4 127/21	blow [2] 36/18 117/12	Chaiken [20] 1/16 5/10 5/24 14/12 44/17 46/5 47/21 50/19 51/9 51/14 55/18 57/10 57/25 69/5 71/12 75/19 77/13 99/8 100/1 140/11
basically [5] 7/5 13/4 61/11 117/16 119/16	blue [2] 24/1 24/3	chain [4] 36/21 59/5 59/5 65/5
be [87] 1/5 1/6 2/16 2/20 5/6 5/16 5/20 5/25 10/4 10/7 10/20 12/14 13/5 14/16 14/17 14/19 14/20 15/2 17/10 18/1 18/8 19/5 19/6 19/9 19/15 24/8 26/3 35/14 37/4 40/1 40/3 40/20 42/5 42/7 42/11 45/2 45/14 46/4 46/20 46/21 47/19 48/1 49/12 52/14 54/9 54/23 54/24 55/2 55/3 55/8 56/4 56/7 56/15 57/6 57/21 60/8 67/20 69/6 69/23 70/11 72/2 73/5 73/22 73/24 74/12 75/5 75/6 75/25 76/15 76/25 77/9 77/20 77/20 78/9 91/16 91/18 93/24 94/2 99/25 104/18 124/8 130/1 130/3 131/9 132/7 141/7 141/23	Bluevine [6] 91/14 92/8 92/16 93/21 104/15 117/14	change [11] 29/2 29/7 29/25 34/5 98/6 102/2 102/5 102/8 121/7 121/8 139/3
became [2] 36/24 139/22	Board [9] 131/19 132/18 132/21 133/13 133/25 134/15 135/6 136/25 138/8	changed [11] 9/23 23/17 98/19 98/23 98/24 104/5 124/14 130/4 131/1 134/3 139/17
because [35] 6/1 8/13 9/3 9/15 9/20 11/7 12/18 13/11 39/17 40/10 42/17 44/21 45/2 48/19 49/22 52/10 52/19 57/6 68/13 68/18 69/10 71/9 71/14 72/16 72/22 73/7 73/22 74/10 74/13 74/18 74/25 76/17 76/18 76/24 80/9	borrow [1] 93/11	changing [3] 62/14 124/19 127/14
becomes [1] 141/23	borrower [5] 18/15 87/20 93/1 93/5 93/7	CHAR1014 [1] 132/11
been [36] 3/19 3/23 3/25 8/15 8/18 9/1 9/4 9/5 12/15 15/16 16/3 16/8 35/17 38/15 38/16 40/14 48/20 51/25 52/1 58/12 63/16 73/10 78/10 80/19 81/6 90/10 92/10 96/25 98/19 112/21 113/11 120/16 120/17 133/15 135/10 135/11	both [19] 23/4 23/10 28/21 28/23 30/22 30/25 31/5 38/21 42/18 55/6 65/15 66/9 85/24 95/2 96/22 120/14 124/3 124/25 137/2	charge [2] 69/2 69/3
before [26] 1/11 4/18 14/18 20/5 32/6 38/10 40/8 41/25 48/1 48/9 53/21 55/6 55/9 55/16 58/3 58/12 64/11 69/12 71/22 80/25 91/18 120/22 123/20 127/13 133/21 141/8	bottom [14] 6/20 7/3 24/11 25/8 25/18 25/19 30/13 35/10 59/4 81/17 92/23 94/17 119/8 129/16	charged [1] 8/12
began [2] 122/8 138/18	BOULEE [1] 1/11	Charmaine [3] 132/15 132/16 134/15
begin [1] 54/11	BPG [2] 26/24 26/25	chart [3] 70/25 77/23 85/18
beginning [8] 31/14 32/10 82/8 83/9 94/19 110/1 122/12 123/7	breaches [1] 43/5	Chase [5] 86/9 93/25 104/18 136/10 136/24
behind [1] 66/17	break [17] 14/9 15/9 39/25 40/1 44/25 45/7 46/3 46/4 51/17 54/1 57/10 58/12 99/11 99/12 99/17 131/10 131/12	Chastity [1] 62/2
being [17] 4/1 9/11 13/10 13/13 13/15 35/18 41/5 43/24 55/1 66/15 71/24 72/10 74/19 76/8 97/23 108/25 110/13	breaks [2] 99/19 142/2	check [7] 13/21 13/22 71/20 76/21 77/11 84/1 84/4
Belgrave [1] 118/24	bridge [1] 45/25	checking [1] 82/6
believe [2] 102/6 121/22	brief [1] 8/11	checks [2] 31/15 32/11
Bellator [46] 4/4 21/14 22/4 22/5 23/2 25/22 27/1 27/10 28/6 28/18 29/11 29/22 32/18 33/15 34/21 34/23 37/11 37/16 38/3 38/23 39/9 47/11 47/11 47/14 49/5 49/5 49/10 49/14 61/9 61/17 64/1 64/15 70/5 71/21 74/19 74/23 75/12 77/11 84/5 84/9 89/9 105/4 107/7 108/25 110/2 121/4	briefly [1] 16/24	chosen [1] 7/21
below [5] 26/19 82/15 92/17 93/24 104/17	bring [6] 14/7 14/25 51/17 57/18 78/7 141/8	Cintamen [2] 24/23 25/1
benefit [5] 69/23 72/6 74/6 74/21 75/5	buddy [1] 3/11	Circuit [2] 8/11 8/25
benefits [3] 73/24 74/15 74/18	built [1] 17/12	circumstantial [1] 9/10
best [3] 44/22 55/18 57/11	bullshit [6] 84/21 108/5 108/11 108/12 110/5 110/6	citation [1] 41/3
bet [2] 104/21 111/23	burden [1] 10/2	cite [1] 1/9
better [2] 55/20 75/20	business [21] 18/3 23/10 25/22 88/21 91/25 98/24 104/19 105/19 109/18 109/23 110/17 111/17 112/23 115/24 117/1 118/10 120/10 131/21 132/17 134/14 137/22	cited [1] 8/10
between [16] 11/14 20/22 23/22 27/5 41/9 41/18 41/19 82/6 83/9 87/7	businesses [7] 43/1 86/13 89/12 95/14 95/21 102/3 108/4	cites [1] 40/23
	C	citing [3] 12/9 40/17 40/25
	calculate [1] 101/20	citizens [1] 2/18
	call [4] 25/12 35/21 57/1 124/8	City [2] 16/2 17/23
	called [4] 2/2 24/23 36/11 88/13	clarified [2] 40/13 40/15
	calling [1] 54/11	clarify [1] 49/11
	calls [2] 15/14 124/3	clarifying [1] 48/14
	came [7] 18/13 44/2 71/14 71/15 71/19 77/8 131/8	clear [9] 5/11 8/1 14/14 14/17 44/18 48/8 68/21 69/23 71/10
	can [51] 2/23 3/1 8/3 9/20 13/22 14/8 15/2 16/24 19/22 20/5 24/10 25/18 26/23 33/2 35/10 37/13 40/3 44/24 44/24 45/7 45/20 49/23 50/24 51/1 51/19 52/10 54/9 56/5 56/5 57/7 57/11 57/21 67/20 68/21 73/15 73/17 78/9 79/5 86/12 86/24 89/19 92/23 99/15 99/25 106/24 111/7 113/14 119/10 127/2 132/24 137/13	click [1] 92/17
	can't [2] 6/1 26/3	client [3] 2/10 57/7 57/8
	Candace [1] 122/14	client's [1] 2/11
	cannot [1] 91/17	clip [2] 39/16 50/22
	capacity [1] 91/16	clips [6] 7/13 41/9 42/12 44/21 44/21 44/23
	care [3] 2/15 72/5 118/24	close [3] 41/14 57/3 131/12
	CARLA [2] 1/6 143/11	closing [1] 93/2
	case [18] 2/12 3/1 8/10 8/12 40/10 40/15 40/22 40/25 48/22 53/3 54/13 55/2 55/14 55/19 57/3 68/13 124/13 143/12	CM [2] 1/5 1/6
	cases [1] 12/18	CM/ECF [2] 1/5 1/6
	cc [2] 65/9 66/6	code [5] 129/7 129/11 130/1 130/3 131/1
	cc'd [2] 65/19 66/15	color [3] 10/18 10/19 49/22
	Cellebrite [1] 123/3	colored [1] 10/17
	Celtic [14] 15/25 16/1 16/3 16/5 16/11 16/17 16/20 16/22 16/25 17/3 17/7 17/21 17/25 18/11	columns [1] 61/12
	certain [1] 80/3	come [9] 17/3 42/4 42/13 45/25 49/25 131/6 141/19 141/20 141/22
		comes [5] 11/7 11/14 46/3 69/12 74/11
		comfort [2] 51/16 99/17
		coming [7] 70/22 72/8 72/18 72/19 74/7 74/7 74/8
		commenced [1] 142/6
		comments [1] 54/15
		committed [6] 70/1 71/18 76/13 76/23 76/24 76/25
		committee [1] 40/21
		communicate [1] 80/17
		communicating [5] 122/9 125/20 130/7 138/18 139/22
		communications [1] 20/19
		companies [2] 107/19 109/3
		company [11] 24/22 36/11 114/8 114/22 116/23 116/24 117/2 117/15 126/11 126/12 126/24
		compensation [1] 22/9
		complete [3] 6/17 7/22 91/19
		completely [1] 48/3
		completeness [10] 4/13 6/4 6/9 6/14 6/24 7/25 8/1 11/7 46/11 46/21
		completes [1] 50/8

C	completing [1] 11/16 compliance [3] 16/6 16/9 16/19 compliment [1] 2/8 computer [3] 100/24 101/5 101/8 concern [1] 5/4 concerned [1] 4/24 conduct [1] 68/9 confirming [1] 9/24 conflict [2] 56/14 57/14 conflicts [2] 55/15 56/10 conformity [2] 76/9 76/11 confusing [1] 72/9 Congratulations [2] 93/22 104/16 conjunction [1] 14/8 connected [1] 46/24 connection [1] 143/14 consent [3] 13/24 15/10 51/7 consented [1] 78/5 consenting [1] 78/1 consideration [1] 8/5 considered [2] 12/14 40/20 consistent [3] 34/7 101/21 123/18 consisting [1] 61/11 contact [1] 111/18 contacts [1] 124/7 contained [1] 19/1 context [3] 11/24 48/24 49/21 continued [9] 3/6 6/7 20/14 40/6 53/9 54/3 57/23 67/24 99/23 Continuing [14] 118/9 118/24 119/1 119/10 119/23 120/11 121/1 121/16 121/18 121/21 128/11 128/20 129/20 130/25 conversation [5] 11/16 47/12 123/5 123/8 123/22 conversations [4] 21/1 47/13 49/8 87/6 converting [1] 116/5 convicted [6] 8/15 8/17 8/18 9/1 9/4 9/5 Cooper [6] 36/22 59/8 59/14 61/20 61/21 61/24 coordinate [1] 57/10 copies [2] 29/11 38/20 copy [4] 5/15 10/13 53/13 101/12 corner [2] 103/12 105/23 Corp [1] 36/12 corporate [2] 47/17 114/21 Corporation [1] 115/14 correct [24] 17/18 18/18 18/19 29/5 31/7 38/22 41/5 47/23 58/15 62/15 63/7 65/1 65/19 78/2 80/10 87/10 88/11 92/2 93/12 97/24 98/1 113/6 116/8 124/9 correlate [1] 46/14 Cost [1] 61/10 costs [1] 61/13 could [161] couldn't [2] 72/14 74/4 counsel [4] 2/8 99/11 141/7 141/22 count [1] 124/1 country [1] 8/19 couple [8] 40/12 41/13 52/15 65/24 66/2 99/14 106/17 140/13 court [22] 1/6 1/11 1/13 1/17 1/19 1/1 1/11 1/22 1/22 2/2 5/15 7/23 10/17 14/16 41/5 55/6 99/12 99/22 143/5 143/6 143/10 143/24 court's [6] 10/15 43/10 52/4 52/11 52/12 54/15 courtesy [1] 56/22 Courthouse [1] 1/23 courtroom [8] 15/1 40/2 57/20 67/19 78/8 99/21 99/24 142/4 courts' [1] 52/5 covered [1] 108/14 cr [2] 1/5 143/12 crazy [1] 9/22 create [2] 42/6 42/6 created [3] 5/14 58/24 133/24 creations [18] 85/19 86/10 86/13 86/20 87/21 91/25 92/20 93/3 93/8 95/1 95/4 95/8 95/10 95/14 95/21 95/24 96/6 107/8 Creations' [1] 90/16	CRedding [1] 132/10 credit [4] 67/6 75/23 76/5 80/4 crime [3] 8/15 8/17 9/1 cross [4] 44/23 45/24 45/25 55/21 cross-examination [2] 44/23 55/21 CRR [2] 1/22 143/23 crux [1] 40/16 current [1] 11/8 customer [1] 17/2	district [8] 1/19 1/1 1/1 1/11 2/19 41/5 143/6 143/6 DIVISION [1] 1/2 Dixon [1] 117/15 do [75] 2/18 3/19 3/25 5/13 11/6 11/25 12/16 13/1 13/19 20/20 20/21 26/9 29/6 32/9 32/13 32/19 32/20 32/22 33/5 33/8 35/16 42/21 44/20 45/3 45/6 45/7 45/21 48/23 50/15 50/25 51/10 51/14 52/2 52/4 53/16 53/17 55/12 57/11 59/18 60/17 60/17 62/2 62/4 62/8 62/9 64/9 64/12 68/13 71/7 72/13 72/24 73/12 73/14 78/5 79/21 91/22 91/23 99/16 103/3 103/4 103/11 103/13 103/19 109/18 109/25 110/8 120/5 123/22 129/16 131/4 132/12 141/7 141/14 141/20 143/7 docket [2] 1/10 1/4 document [35] 1/13 18/8 28/15 30/5 30/11 37/25 58/6 64/20 68/22 78/12 87/11 87/17 87/19 102/18 102/21 102/22 102/25 103/3 103/11 105/16 110/23 111/1 114/24 115/20 115/23 117/3 118/21 129/17 129/19 134/13 135/23 136/2 136/8 136/22 137/18 documents [29] 18/1 18/2 18/4 19/13 24/14 25/6 30/19 39/12 48/20 49/20 67/22 75/2 90/21 93/2 93/15 95/24 99/2 101/11 105/13 107/15 109/8 109/18 109/23 110/8 110/12 112/21 130/11 135/13 137/3 DocuSign [2] 93/3 93/14 does [22] 5/20 18/23 26/25 32/17 32/24 35/16 36/13 48/10 52/21 66/11 70/15 72/5 105/19 105/22 105/24 111/4 111/6 119/8 123/13 123/25 124/3 126/10 doesn't [7] 4/8 70/14 70/16 71/9 73/22 74/12 123/17 doing [3] 53/17 66/16 110/9 domestic [1] 8/22 don't [40] 2/15 5/4 5/5 7/20 10/1 10/16 10/16 14/16 19/19 40/1 40/9 40/9 40/16 45/1 45/1 46/2 46/17 48/16 50/12 50/17 50/21 50/24 51/4 51/4 52/6 55/11 55/14 56/6 57/5 60/20 69/6 69/8 71/10 72/12 75/2 77/16 102/6 131/11 141/19 141/22 double [3] 9/15 13/8 73/13 down [28] 10/12 10/17 11/13 19/22 24/6 25/15 25/18 30/8 30/13 35/19 37/6 37/13 38/7 38/12 62/2 62/2 69/11 69/13 70/3 72/10 94/14 103/10 104/22 111/7 111/9 119/8 129/22 135/19 downloaded [1] 124/2 drawn [1] 72/10 Drive [1] 1/23 due [1] 12/22 duly [1] 15/16 during [8] 33/21 55/14 71/20 74/21 76/18 77/3 94/22 108/13 Durrett [1] 1/19 duty [2] 2/21 2/22
	D daily [2] 32/17 32/20 Darrell [191] Daryjuan [6] 36/22 59/8 59/14 61/20 61/21 61/24 date [12] 32/24 35/7 79/5 79/21 106/10 107/14 112/4 116/1 119/14 123/10 123/12 134/18 dates [4] 31/17 33/5 33/6 35/4 dating [1] 106/6 David [2] 1/18 118/24 day [17] 2/6 2/8 2/17 22/17 23/8 37/21 37/25 38/10 57/4 88/6 88/10 108/15 113/2 115/8 119/5 130/20 143/20 Daylight [1] 116/5 days [9] 1/7 2/15 29/9 54/13 65/24 91/17 104/19 106/17 106/19 dealt [1] 39/21 debit [2] 75/23 76/5 debit/credit [1] 76/5 debt [1] 7/14 deceiving [1] 13/16 decide [1] 51/24 decision [4] 12/9 12/9 49/23 117/15 declined [1] 74/1 deduction [1] 77/20 defendant [4] 1/18 1/19 8/12 48/9 Defendants [1] 1/8 defense [4] 44/23 54/4 55/13 56/23 definitely [2] 55/8 55/15 delay [1] 141/10 deliberations [1] 52/3 denial [3] 48/6 48/11 117/19 denies [2] 48/9 48/13 department [1] 69/25 depending [1] 54/25 deposit [15] 68/5 69/13 69/22 70/4 70/4 71/21 72/14 73/2 74/6 77/8 83/14 83/18 83/21 93/24 104/18 deposited [1] 84/1 deposits [7] 31/14 32/10 33/5 33/6 94/22 94/24 94/25 designation [1] 51/21 detail [3] 48/23 75/17 76/5 details [1] 69/20 determination [1] 123/19 determine [2] 63/2 125/5 determined [2] 106/4 127/22 determining [3] 19/6 19/9 19/14 device [1] 123/4 devices [1] 122/8 did [195] didn't [22] 7/11 13/2 34/5 45/13 46/14 56/3 75/8 84/20 95/20 98/8 102/7 105/3 108/8 109/14 109/21 109/25 117/23 121/6 121/8 123/19 127/18 131/12 different [17] 9/3 9/5 24/25 29/11 31/2 31/3 33/9 40/24 41/6 43/8 118/2 124/19 126/20 126/22 127/6 139/5 139/8 dig [1] 67/21 digits [3] 103/7 103/14 104/2 DIRECT [2] 15/17 20/14 directly [4] 46/14 63/18 127/10 139/23 disagreement [1] 77/16 disagrees [1] 53/14 discuss [5] 39/24 46/12 57/12 141/8 141/14 discussed [1] 3/25 discusses [1] 47/11 discussion [11] 3/5 3/23 6/6 10/11 40/5 40/8 41/22 49/11 53/8 57/22 67/23	E each [6] 21/12 37/17 46/10 98/10 98/10 123/19 earlier [8] 12/10 27/14 33/10 74/1 75/20 97/19 136/3 136/13 early [3] 21/1 37/2 127/13 earnings [1] 61/12 Eastern [1] 116/5 ECF [2] 1/5 1/6 Edited [1] 29/20 EDT [1] 52/19 Edward [2] 111/3 111/18 effect [1] 13/18 effected [1] 40/17 efficient [1] 2/9 efficiently [5] 2/6 2/13 2/22 3/1 54/14 EIN [5] 103/3 104/3 111/4 111/19 118/25 either [2] 55/22 76/3 electronically [1] 93/4	

E	125/23 126/1	64/2 64/9 64/10 69/12 77/5 91/11 96/23 98/9 102/22 103/1 103/2 103/19 104/2 104/5 105/16 107/3 112/16 114/7 120/14 121/18 121/20 121/22 123/10 123/11 128/20 129/24 135/7 136/8
Eleventh [2] 8/11 8/24	except [1] 137/22	five [5] 46/2 51/16 141/15 141/17 141/23
eligibility [1] 79/25	except [1] 41/11	five-minute [3] 46/2 51/16 141/15
eligible [2] 80/3 80/6	exchange [1] 29/10	flag [2] 54/21 54/24
else [9] 5/17 11/6 14/10 26/3 46/12 66/22 71/10 95/7 141/18	exchanged [7] 20/20 33/10 33/22 35/5 37/3 58/14 124/7	fleeing [1] 5/12
elsewhere [1] 71/25	exchanging [1] 31/5	flesh [1] 48/18
email [116] 6/23 10/14 10/14 20/23 21/20 21/25 22/14 22/15 22/17 22/23 27/18 28/3 29/16 29/19 29/21 31/6 31/12 31/22 32/3 32/6 32/21 32/24 33/7 33/11 34/13 34/14 34/16 34/17 35/7 36/20 36/21 36/22 36/24 36/24 37/8 37/15 59/5 59/6 59/7 59/9 59/11 59/18 60/5 60/25 62/20 62/24 63/1 63/8 63/11 63/17 63/22 65/4 65/5 65/6 65/8 65/11 65/14 65/16 65/24 66/5 66/9 66/15 66/20 81/3 81/6 81/9 81/10 88/2 88/5 88/19 89/23 91/20 96/14 96/21 97/7 97/11 99/3 101/25 106/15 107/2 112/1 112/7 112/13 113/18 114/2 114/17 114/24 115/7 116/12 119/14 119/20 120/2 120/22 121/13 121/17 122/6 124/25 125/16 125/24 126/8 126/18 128/8 128/18 129/5 130/20 131/6 133/3 133/21 134/18 137/8 137/16 138/15 139/14 140/3 140/19 141/1	exclude [1] 42/7	flipping [1] 70/9
emailed [19] 28/16 32/12 38/10 38/18 39/6 59/15 64/19 88/10 90/19 98/3 98/18 100/6 100/7 101/10 113/4 117/2 128/22 138/4 139/9	exclusion [1] 9/2	Florida [1] 61/25
emailing [2] 63/17 101/22	executive [2] 16/6 16/8	folder [1] 26/22
emails [17] 20/22 33/22 34/7 37/2 49/7 64/22 81/7 101/22 108/2 108/6 110/4 110/12 120/4 124/13 124/15 124/20 138/25	exhibit [46] 3/3 10/15 10/19 14/16 21/7 21/17 21/19 22/12 31/8 34/1 36/17 39/5 39/8 50/9 52/8 52/9 52/14 52/24 58/20 59/2 60/2 60/13 60/22 62/17 62/19 71/3 78/18 83/24 86/2 87/15 89/1 89/20 90/25 96/10 97/18 103/22 121/10 121/12 122/24 123/2 128/6 132/23 132/25 133/2 136/20 140/2	follow [2] 50/22 51/9
embedded [1] 37/8	Exhibit 1 [1] 52/14	following [1] 1/3
employed [2] 15/24 16/3	Exhibit 2 [1] 10/15	follows [4] 6/17 15/16 54/3 99/23
employee [13] 61/4 61/14 61/17 61/19 64/15 69/23 72/6 74/19 74/23 75/12 80/9 95/7 98/10	Exhibit 2439C [1] 89/1	foregoing [1] 143/17
employees [9] 19/4 22/5 23/13 34/23 87/23 89/2 89/4 95/11 102/3	Exhibit 2510 [2] 121/10 121/12	forever [1] 70/18
Employer [7] 103/5 103/7 103/11 105/17 105/22 111/2 118/23	Exhibit 2879 [1] 83/24	form [54] 17/13 17/14 18/4 18/5 19/8 22/3 23/1 34/21 34/22 35/8 36/11 36/12 37/11 38/3 38/23 39/6 39/8 58/13 58/17 59/15 59/15 66/9 87/21 88/14 90/7 90/15 90/18 96/22 102/22 103/24 105/17 107/3 112/16 112/23 113/7 114/7 114/11 114/21 115/13 118/6 118/23 120/10 120/15 122/5 128/19 129/20 130/24 133/13 134/14 135/6 139/8 140/6 140/18 143/15
employment [5] 71/15 72/14 74/5 75/4 77/6	Exhibit 3006 [1] 71/3	Form 1120S [1] 115/13
end [6] 33/15 41/11 41/25 43/4 83/1 85/15	exhibits [11] 6/2 7/6 21/10 46/15 52/4 52/6 52/11 52/12 52/17 67/2 67/9	Form 940 [3] 34/21 34/22 35/8
ending [9] 24/24 27/11 31/15 32/11 82/7 93/25 104/18 136/12 137/1	existed [1] 18/3	Form 941 [11] 18/5 19/8 23/1 37/11 38/23 39/6 90/18 102/22 103/24 129/20 130/24
ends [3] 7/2 41/11 41/17	expect [1] 55/22	Form 941s [15] 58/13 59/15 96/22 107/3 112/16 112/23 113/7 114/7 114/11 118/6 122/5 128/19 133/13 140/6 140/18
engaged [1] 68/19	expectations [1] 54/10	forms [15] 23/17 38/20 97/1 97/2 113/10 120/17 127/14 128/21 129/7 133/15 135/9 135/10 135/11 140/21 141/2
enjoy [1] 141/25	expected [1] 55/3	formula [3] 101/18 121/7 121/8
enters [4] 15/1 57/20 78/8 99/24	experience [1] 29/6	formulas [4] 101/19 102/5 102/8 127/17
entire [3] 74/3 77/20 82/15	expert [1] 54/19	forth [6] 108/3 108/11 109/9 109/23 110/5 110/13
entities [1] 51/22	explain [3] 53/13 108/2 110/12	forward [2] 5/14 46/9
entitled [3] 62/22 72/22 73/7	explained [1] 8/24	forwarded [11] 34/16 34/17 59/7 59/9 62/24 63/23 64/24 65/8 65/16 65/18 133/6
entry [1] 1/10	explaining [2] 9/2 44/1	forwarding [4] 62/22 113/20 113/21 133/5
Esq [6] 1/16 1/16 1/17 1/18 1/19 1/19	explanation [5] 10/8 13/1 41/23 110/4 110/7	foster [253]
estimate [1] 55/19	explore [2] 75/16 75/20	Foster's [26] 20/23 21/20 24/7 28/2 45/22 63/6 63/16 65/9 68/16 72/18 80/14 83/6 84/2 88/19 94/11 96/5 96/21 97/8 100/11 106/21 115/7 123/14 124/25 125/7 134/3 137/16
et [2] 41/16 52/17	extent [2] 52/15 68/9	found [1] 50/24
et cetera [2] 41/16 52/17	extraction [2] 123/3 123/4	fountainheadcc.com [1] 26/22
ethical [1] 2/22	F	four [4] 3/25 50/6 64/10 120/8
evaluated [1] 19/5	F'd [1] 43/24	fourth [3] 129/11 129/21 130/24
even [7] 2/7 5/11 8/3 43/5 48/16 70/14 70/22	fact [9] 4/4 7/7 9/4 19/5 48/9 74/11 74/14 74/17 77/1	Frank [1] 107/24
evening [2] 27/9 56/12	factors [1] 49/24	fraud [13] 49/14 68/20 70/1 71/18 74/11 74/12 74/15 76/14 76/16 76/23 76/24 76/25 85/3
events [1] 124/7	fair [1] 8/4	fraudulent [2] 73/23 73/24
ever [5] 95/7 101/7 109/21 109/25 110/7	fairness [3] 12/14 12/21 40/20	Friday [1] 56/9
every [3] 2/17 2/24 108/15	fake [4] 4/3 86/22 87/2 137/25	friend [1] 61/25
everyone [3] 2/4 99/17 141/25	false [2] 19/1 48/6	front [4] 37/15 38/19 39/5 71/4
everything [1] 18/17	familiar [1] 49/6	full [3] 1/12 7/21 9/21
evidence [16] 3/23 9/10 18/2 61/16 69/10 69/24 70/24 71/8 75/23 76/7 76/8 78/19 95/6 95/10 122/24 127/21	families [1] 2/20	fullest [1] 2/11
exact [6] 89/5 98/16 98/17 100/10 107/14 107/14	family [1] 57/1	fully [1] 49/23
exactly [3] 8/9 57/2 98/21	far [10] 2/8 49/24 53/1 76/3 106/6 107/10 112/21 113/11 114/12 120/17	funded [1] 94/2
examination [4] 15/17 20/14 44/23 55/21	favorite [1] 2/14	funding [1] 91/18
example [3] 32/23 46/18 98/9	FDIC [1] 16/22	funds [5] 7/7 7/10 7/11 7/18 13/2
Excel [7] 64/1 64/4 64/6 66/9 114/23	FEBRUARY [17] 1/12 18/3 27/11 28/7 29/23 31/18 31/18 32/24 82/3 82/3 82/12 86/10 86/10 136/11 137/1 143/10 143/20	funeral [1] 57/1
	federal [4] 67/5 78/24 80/4 80/9	further [1] 19/19
	feeding [4] 84/21 108/5 108/12 110/6	G
	feel [2] 4/24 7/20	G-E-N-A [1] 123/17
	feels [1] 54/13	G-I-N-A [1] 123/15
	fees [2] 31/15 32/11	Gaines [13] 55/7 57/1 57/12 89/6 96/2 96/8 96/16 102/23 103/25 107/8
	felt [1] 7/14	
	few [6] 29/9 48/21 91/17 104/19 137/10 141/14	
	filed [8] 1/5 1/11 1/13 8/11 14/18 35/17 103/24 106/5	
	filing [1] 47/13	
	filled [1] 79/22	
	final [1] 18/14	
	finally [1] 59/11	
	financial [1] 77/10	
	find [2] 50/15 60/18	
	fine [5] 4/9 14/3 52/7 53/15 56/18	
	finish [2] 40/7 135/1	
	finished [3] 24/9 56/4 92/9	
	first [53] 2/6 6/9 6/11 13/8 14/10 14/15 14/20 14/23 15/16 15/22 22/3 23/1 24/19 32/9 37/12 38/9 40/9 41/7 41/9 43/3 43/7 43/23 46/5 61/14 63/9	

G	greater [1] 48/22	helped [1] 102/10
Gaines... [3] 136/10 136/14 137/25	green [8] 6/17 6/19 10/20 23/25 24/2	helpful [1] 57/6
gand.uscourts.gov [1] 1/25	93/6 93/9 135/21	her [7] 56/13 57/11 63/17 123/16
gauge [1] 57/7	grew [2] 3/13 62/1	123/18 130/11 130/13
gave [2] 101/18 101/19	gross [2] 98/11 115/1	here [19] 2/16 2/19 9/6 9/14 10/11
Gena [43] 47/16 48/2 63/5 63/9 63/11	grounds [2] 67/12 76/2	10/23 11/6 13/20 14/4 14/6 41/7 49/2
63/15 64/8 64/23 65/6 65/8 65/14	Group [23] 21/15 22/4 22/6 23/2	56/5 56/20 76/13 76/16 77/1 77/16
65/25 66/12 66/16 80/1 80/2 80/6	25/23 27/1 27/11 28/7 28/19 29/23	127/5
81/20 97/19 98/18 99/6 100/5 100/11	32/18 34/21 37/11 38/3 61/9 61/17	hereby [1] 143/7
101/17 101/22 102/10 121/3 122/9	64/2 64/16 70/5 77/11 84/5 89/9	hey [1] 51/9
123/6 124/6 124/23 125/6 125/10	105/4	high [1] 68/18
125/19 126/5 127/10 127/19 127/23	guarantee [1] 91/18	highlight [2] 45/13 45/16
130/7 130/10 134/3 138/18 139/21	guess [11] 10/10 11/5 43/6 46/14	highlighted [4] 7/5 8/8 46/7 86/12
general [1] 80/11	51/24 68/8 72/4 72/7 72/12 76/10	highlighting [1] 6/11
gentlemen [5] 15/3 39/23 99/18	93/2	highlights [2] 10/14 14/24
141/19 142/1	guilt [1] 48/9	him [42] 4/19 9/11 9/12 9/12 9/16
GEORGIA [5] 1/1 1/24 2/19 74/13	guys [1] 3/13	9/21 30/11 33/22 42/2 42/16 44/1
143/7		50/23 55/16 56/5 56/5 56/7 58/17
get [23] 8/3 9/18 10/19 11/19 12/19	H	60/10 61/22 70/19 73/10 84/20 84/21
13/1 14/7 15/7 20/6 20/8 35/17 41/3	h'm [1] 3/14	84/21 88/10 95/14 95/24 96/2 100/14
47/2 48/1 50/1 57/4 60/17 66/24 85/2	had [52] 5/2 6/2 8/13 8/14 8/18 9/1	101/18 101/19 102/10 107/18 108/3
99/13 104/5 131/12 140/11	9/4 9/5 13/17 14/17 14/24 17/1 20/18	108/5 108/12 109/3 109/9 109/22
get-going [1] 14/7	20/19 20/22 20/25 22/6 27/14 32/12	110/8 117/22 123/18
gets [3] 13/8 44/14 74/14	36/12 40/14 46/4 46/13 48/21 51/18	his [38] 8/20 8/24 8/25 9/23 10/1
getting [5] 7/18 11/8 43/5 50/11	55/3 58/12 61/13 63/15 64/19 66/22	10/8 20/4 44/2 44/2 45/21 47/16
74/18	70/18 71/15 71/25 85/5 85/8 87/2	48/11 54/15 56/10 61/2 65/20 66/17
Gillespie [3] 98/11 98/13 98/14	89/12 90/8 95/10 97/12 99/11 99/12	66/20 70/17 72/19 72/23 73/10 77/9
Gina [1] 123/15	100/10 104/17 110/8 125/7 127/6	80/24 81/3 81/4 83/9 84/9 95/6
give [4] 7/21 49/21 52/16 110/7	127/23 128/2 128/22 141/10	100/23 101/2 101/7 102/7 102/24
gives [2] 41/23 51/2	had some [1] 46/13	108/6 110/4 123/14 128/2
giving [1] 53/12	Hale [2] 42/17 42/23	Holland [31] 21/7 21/16 21/22 22/11
GJpyfrom [2] 63/1 63/8	half [4] 16/4 80/12 81/17 99/13	22/20 23/3 23/19 24/11 24/17 27/24
gmail.com [1] 63/1	hand [1] 105/23	28/9 32/15 33/25 35/11 36/3 38/6
go [81] 3/4 3/9 4/13 6/5 7/5 9/20	handle [2] 51/8 51/25	38/13 58/19 60/1 60/12 78/20 79/6
9/23 12/6 13/22 17/2 20/5 20/25	handled [2] 39/18 39/18	83/3 86/24 88/15 90/24 91/8 94/15
21/12 22/20 23/4 24/10 25/3 25/18	happen [1] 139/21	104/23 117/13 118/16
26/5 27/16 27/24 31/20 32/14 33/2	happened [2] 4/18 77/3	home [1] 73/14
34/25 41/25 46/4 47/8 52/3 52/6 56/7	happening [3] 48/14 48/15 124/24	Honor [64] 3/19 4/2 4/9 4/21 5/11
57/25 58/10 63/20 64/9 64/13 65/2	happens [1] 75/9	5/18 5/25 6/11 8/9 10/25 11/9 12/8
67/13 73/14 81/25 82/10 82/18 82/23	happy [7] 3/21 14/19 45/6 50/22	14/1 14/5 14/13 15/13 19/17 19/20
83/12 87/4 87/25 90/23 92/3 92/13	56/15 73/3 73/8	20/2 20/7 39/15 44/4 44/20 45/11
92/22 93/17 94/8 94/14 97/4 102/12	hard [1] 75/24	45/20 46/6 46/13 47/22 50/6 50/21
103/10 103/21 104/7 105/9 106/13	has [37] 1/11 5/6 7/21 7/24 10/1	53/1 53/15 53/20 54/7 55/1 56/18
111/10 112/11 113/14 115/4 115/17	10/14 10/17 15/6 38/4 38/15 39/16	56/25 58/1 67/8 67/12 68/3 68/24
116/9 117/5 120/19 125/14 126/14	47/9 47/10 49/4 51/25 52/18 54/4	69/9 69/16 70/11 70/16 71/13 72/2
127/2 128/5 130/17 131/11 133/18	54/16 54/17 54/18 56/6 57/6 59/18	73/15 73/19 74/17 74/24 76/7 77/15
134/5 135/15 138/12 139/11 139/25	68/13 69/11 69/20 69/21 71/9 71/21	78/3 78/6 78/14 100/2 122/13 131/9
141/24	77/4 77/5 77/14 78/10 92/9 99/10	131/14 131/16 140/14 141/5
goes [2] 17/10 49/11	111/17 120/23	Honor's [1] 75/3
going [55] 4/24 12/23 12/25 13/23	hasn't [1] 35/17	HONORABLE [1] 1/11
14/7 14/7 14/16 15/5 15/9 17/5 21/3	have [107] 2/18 2/19 2/20 2/20 2/22	hope [2] 2/4 15/4
24/6 25/15 41/10 44/13 46/20 48/6	5/14 6/1 6/12 6/14 7/4 8/7 9/6 10/13	hopefully [1] 50/2
49/12 49/17 49/19 49/21 51/25 52/12	10/25 11/3 11/24 13/19 13/23 15/6	hour [5] 44/24 99/13 116/17 116/25
53/4 53/12 53/20 54/13 55/2 55/8	16/3 16/8 19/2 19/17 19/19 19/20	141/11
55/13 55/16 56/16 57/3 62/2 70/24	39/15 44/8 44/15 44/21 44/24 45/15	hours [1] 137/10
71/17 72/1 72/2 74/24 75/11 75/15	46/3 46/5 46/10 46/11 48/20 48/21	how [30] 2/15 16/3 16/8 16/24 22/5
77/9 81/12 93/3 93/14 94/2 108/2	49/24 50/3 50/21 51/4 51/4 51/10	24/5 34/22 40/1 41/15 45/1 49/2 51/8
108/11 108/13 109/9 109/15 109/23	52/1 52/15 52/18 53/13 56/5 56/5	51/24 52/2 55/21 57/5 72/24 85/6
110/5 122/13 131/18	56/19 56/25 63/16 64/10 67/2 67/11	85/8 89/1 89/2 89/2 98/10 101/19
gone [1] 46/10	69/7 71/1 71/7 71/10 72/14 72/16	102/8 121/6 121/8 123/13 123/16
good [10] 2/4 15/3 15/19 20/12 20/13	73/10 73/15 73/17 74/25 75/2 75/8	127/16
46/21 99/13 131/9 140/12 141/4	76/25 77/19 78/10 78/11 80/19 81/6	however [2] 1/12 2/18
got [26] 6/13 6/14 7/9 7/17 9/7 9/8	83/18 90/10 90/11 92/9 96/25 98/19	Hunter [1] 122/15
9/16 9/24 12/24 26/23 35/14 41/13	101/11 106/4 106/4 107/10 107/12	hustled [4] 9/11 13/3 43/2 43/5
41/21 42/1 60/10 71/24 73/6 74/21	107/14 107/15 112/20 113/11 113/11	
76/20 77/10 78/23 92/20 95/3 95/21	114/11 115/15 120/4 120/17 123/13	I
96/5 110/2	126/10 126/20 126/23 127/22 127/22	I'll [9] 3/17 11/2 11/24 13/21 20/7
gotten [1] 39/15	130/11 131/13 135/10 135/11 139/16	43/20 43/23 57/9 57/12
government [39] 1/16 2/11 3/17 7/2	140/21 140/23 141/14	I'm [57] 2/21 3/21 6/13 6/21 6/22
7/21 7/24 10/18 11/15 12/8 12/18	haven't [2] 39/21 99/12	10/17 14/6 17/5 25/19 36/5 40/1
12/22 15/14 31/8 40/17 40/23 41/10	having [7] 3/2 12/1 15/16 75/22	40/23 41/17 42/13 44/13 44/18 44/19
41/25 42/1 47/3 47/9 49/4 49/19	75/24 98/11 123/18	47/5 48/19 48/22 49/6 49/17 49/22
49/20 50/9 54/25 56/4 56/6 56/13	he [184]	49/23 50/6 50/8 50/22 51/17 53/11
56/15 56/16 56/23 56/24 57/3 57/6	he's [15] 7/18 9/15 13/11 49/13	53/12 53/17 54/15 57/10 69/18 70/9
65/22 72/5 77/17 103/21 132/24	50/25 51/3 54/22 56/2 56/9 57/2 57/7	70/10 72/4 72/7 72/12 73/16 74/2
government's [47] 3/3 7/6 11/1 13/7	74/22 76/20 92/1 93/10	74/9 75/22 75/24 76/2 76/3 79/9
21/6 21/16 21/19 22/12 34/1 36/16	header [1] 98/22	81/15 93/7 111/7 111/9 118/21 121/20
39/5 39/8 40/24 41/3 41/11 41/20	hear [5] 3/17 9/11 15/11 56/15 69/5	122/13 122/18 128/15 141/4
46/15 49/12 49/13 50/8 54/13 58/20	heard [2] 49/18 50/3	I've [1] 49/18
59/1 60/2 60/13 60/22 62/17 67/2	hearing [3] 53/16 141/18 143/15	iCloud [47] 21/20 22/15 31/13 34/14
67/9 70/21 73/13 78/4 78/18 83/24	hearsay [11] 7/24 7/25 8/2 8/3 8/4	34/18 36/22 36/25 59/10 59/12 61/2
85/20 86/1 87/15 89/19 96/10 121/9	9/15 12/16 12/20 13/8 13/9 40/16	62/20 63/1 63/12 63/13 63/16 63/17
121/12 122/24 123/2 128/6 132/23	heck [1] 2/16	65/7 65/9 65/20 66/6 66/20 89/23
136/20 140/2	held [1] 143/10	96/14 97/8 101/7 101/11 106/21
grand [5] 10/5 10/6 41/14 41/24 42/2	help [6] 48/24 49/1 70/10 75/20 76/4	113/18 113/22 115/7 116/12 119/21
Great [1] 140/15	84/20	125/11 128/9 129/5 131/7 131/8 133/3

I iCloud... [9] 133/7 134/24 137/8 138/4 139/6 139/9 140/3 140/19 141/2 iCloud.com [1] 81/5 idea [1] 78/2 identical [7] 89/12 97/1 113/12 114/11 120/17 121/2 135/11 identification [7] 103/5 103/8 103/11 105/17 105/22 111/2 118/23 identified [3] 4/3 73/21 79/10 image [10] 26/9 26/14 36/14 59/23 59/23 59/24 92/16 92/25 117/9 117/11 images [1] 91/5 impact [21] 85/19 86/9 86/13 86/19 87/21 88/14 90/1 90/16 91/25 92/19 93/2 93/8 95/1 95/4 95/7 95/10 95/14 95/20 95/24 96/6 107/7 implies [1] 68/18 important [5] 18/20 19/5 19/9 19/14 41/4 importantly [1] 99/12 impression [2] 47/24 72/17 improper [1] 71/8 inadvertently [1] 52/12 inc [8] 23/2 24/23 107/4 118/24 119/10 120/11 128/20 130/25 incident [1] 68/15 inclined [1] 76/2 include [7] 37/15 102/18 112/23 118/6 120/5 120/8 124/3 included [3] 112/24 113/5 118/22 including [1] 92/11 income [5] 72/17 73/9 77/6 114/21 115/13 incorrect [2] 71/8 72/17 indicate [1] 66/11 indicated [2] 47/9 94/1 indication [2] 76/12 76/15 indicative [2] 66/16 74/15 indictment [2] 51/21 53/13 inference [4] 12/25 71/10 73/21 74/11 information [17] 17/9 17/10 17/16 17/19 19/1 27/13 31/19 80/12 88/22 92/11 94/5 105/19 112/24 113/3 113/4 117/1 137/22 informing [1] 105/18 initially [1] 49/9 instant [1] 123/22 instead [2] 4/14 63/17 instructions [5] 53/12 53/18 91/20 99/19 142/2 insurance [9] 68/5 68/11 70/1 70/25 71/6 76/14 76/20 76/23 76/24 insured [1] 16/22 intend [1] 57/1 intending [1] 72/13 interim [1] 18/14 interview [9] 8/20 9/19 13/2 33/21 48/3 61/22 102/7 117/22 128/1 interviewed [9] 8/16 39/14 58/16 60/9 84/8 95/13 100/14 105/2 107/17 intrinsic [5] 69/9 75/1 75/18 75/19 76/4 introduce [1] 48/13 introduced [2] 4/1 76/8 introduces [2] 12/11 47/25 introduction [2] 8/25 12/12 investigation [7] 33/18 61/16 66/25 95/15 110/18 118/11 131/22 involve [1] 68/16 involved [9] 16/11 16/16 76/16 84/17 95/15 110/17 118/10 131/21 139/22 involvement [3] 47/11 47/16 84/9 involving [1] 48/22 irrelevant [1] 3/24 IRS [8] 18/4 36/11 38/5 60/8 105/17 111/2 118/23 127/20 is [314] isolated [1] 7/20 issue [19] 3/3 4/13 7/5 7/25 11/8 12/22 14/8 14/10 54/5 54/24 55/2 56/8 69/7 74/16 75/21 76/5 76/25 141/15 141/16 issues [4] 7/24 15/7 57/14 141/14 it [239]	it's [90] 2/10 4/9 4/24 5/4 5/11 5/12 8/4 9/16 9/19 11/9 11/15 12/23 13/7 13/13 13/15 13/17 15/22 22/3 23/1 24/8 24/22 24/23 24/24 25/10 28/6 34/21 36/13 36/21 37/11 38/3 38/4 39/20 39/20 40/21 40/24 42/20 43/4 45/14 46/17 46/20 47/23 48/16 48/25 49/2 49/14 50/7 50/10 52/21 53/4 65/5 68/12 69/12 71/8 71/13 72/9 72/9 73/23 75/1 75/2 75/18 75/19 77/1 77/2 78/12 79/13 81/17 86/9 89/23 104/15 105/17 111/2 111/17 113/18 113/20 113/21 114/21 116/21 117/14 117/16 118/23 121/13 122/23 123/4 123/15 123/17 133/5 133/6 134/14 137/8 141/20 items [1] 101/20 its [4] 33/16 38/24 55/13 58/8 itself [3] 36/12 52/25 76/6 J J.P [1] 1/11 JACKSON [4] 1/6 1/18 2/12 143/11 January [3] 24/23 38/5 82/3 Jesus [1] 105/1 job [1] 2/15 jobs [1] 2/19 john [1] 57/1 Johnny [1] 98/14 Johnson [1] 40/25 joint [10] 52/8 52/9 52/14 52/17 52/24 79/10 81/14 81/15 81/18 81/20 JPB [2] 1/5 143/12 JPMorgan [3] 86/9 136/10 136/24 JUDGE [5] 1/11 54/4 57/16 122/18 122/22 judith [4] 1/22 1/25 143/4 143/23 Julia [1] 62/8 June [17] 83/7 94/12 121/14 122/12 124/11 124/14 125/6 125/18 127/9 127/13 127/23 128/8 130/6 130/20 138/16 138/17 140/4 juror [1] 5/21 jurors [2] 5/7 13/20 jury [47] 1/10 2/7 9/11 12/25 14/6 14/11 15/1 15/4 16/24 23/25 39/23 40/2 46/3 48/2 51/17 52/3 52/6 53/3 53/22 55/5 57/18 57/20 67/15 67/17 67/19 68/18 68/19 71/5 71/23 72/16 73/6 73/23 76/16 76/19 77/2 77/5 77/9 78/7 78/8 99/10 99/18 99/21 99/24 141/8 141/19 142/1 142/4 jury's [1] 74/20 just [106] 2/16 3/8 3/24 5/13 6/22 7/16 9/24 10/8 10/11 13/12 14/13 14/17 17/5 22/18 23/25 32/3 32/23 33/3 34/4 35/7 39/15 40/10 40/13 43/16 45/24 47/6 48/5 48/5 48/12 48/16 49/18 50/1 50/8 50/13 50/22 50/25 51/4 51/9 51/24 52/21 53/4 53/17 54/7 54/21 54/24 56/24 57/9 58/4 59/21 60/16 65/12 68/21 69/6 70/21 72/4 72/7 72/12 72/14 73/16 73/23 74/4 74/10 74/17 75/7 75/10 76/5 76/19 77/1 77/9 77/21 78/1 78/2 79/13 81/23 81/24 84/21 88/6 90/24 91/5 92/23 93/1 100/4 102/2 103/1 106/18 108/5 108/11 108/13 109/9 110/5 110/6 112/5 116/4 116/18 119/18 120/5 122/2 124/1 126/12 127/22 131/13 134/3 134/20 137/10 137/18 140/13 K Kahlil [7] 91/15 91/22 91/24 91/25 92/8 93/6 93/9 Kaushal [1] 1/16 kept [1] 62/14 keyed [1] 45/2 kick [1] 76/2 kidding [1] 73/16 kind [6] 36/14 49/22 57/7 74/15 132/20 135/24 Kneeland [1] 62/8 knew [5] 5/1 49/5 84/14 85/11 127/16 know [55] 3/25 4/8 7/11 9/22 10/11	10/16 10/16 11/5 11/14 11/25 13/2 13/11 13/19 20/3 20/8 40/1 43/24 45/1 45/2 46/17 48/15 50/12 50/17 50/24 51/20 51/25 53/4 55/11 55/14 55/20 56/3 56/6 57/5 57/6 57/11 57/15 59/23 60/20 69/8 72/24 76/9 77/6 95/20 99/10 102/8 105/3 108/8 109/14 109/21 117/23 121/6 121/8 123/19 132/12 141/10 knowing [2] 9/12 57/2 knowledge [2] 48/13 101/2 knows [4] 4/4 12/24 50/23 108/24 L L-I-D-D-I-A-R-D [1] 15/23 lack [1] 57/14 ladies [5] 15/3 39/23 99/18 141/19 141/25 Lake [2] 16/2 17/23 language [1] 72/5 laptop [1] 100/21 large [1] 20/5 last [10] 8/11 15/23 32/23 50/7 75/10 103/7 103/14 104/2 126/21 131/12 lastly [2] 43/22 45/18 late [3] 132/6 134/10 135/18 later [15] 4/14 8/20 9/2 27/9 37/21 37/25 48/9 48/14 65/24 73/3 88/5 88/9 106/19 130/20 140/6 law [1] 40/15 layer [1] 13/9 learning [1] 55/15 least [4] 2/22 52/1 80/25 125/6 ledger [2] 32/17 32/20 Lee [14] 10/14 10/21 52/9 52/16 53/6 110/15 111/3 111/3 111/4 111/17 111/19 112/10 112/17 113/8 left [6] 77/9 90/15 96/23 100/5 119/9 129/10 legal [1] 2/21 legitimate [7] 47/13 48/7 71/16 71/19 72/2 72/22 72/25 Leigh [1] 1/19 lender [1] 18/15 lengthy [2] 46/4 141/13 less [1] 2/9 let [19] 7/16 11/2 11/3 11/19 11/23 20/7 35/17 47/2 47/6 50/19 53/4 53/5 53/21 56/7 57/9 57/11 57/12 57/15 69/5 let's [28] 3/2 3/4 3/8 3/9 4/13 4/14 5/23 6/4 10/13 14/25 21/14 40/7 43/22 45/9 49/25 51/14 51/16 54/1 75/16 75/20 78/7 85/17 85/19 99/16 99/16 105/9 110/15 118/9 letter [3] 63/9 111/2 117/14 Liddiard [6] 15/14 15/15 15/19 15/22 15/24 56/13 life [1] 2/17 light [1] 42/24 like [43] 4/16 4/18 4/24 4/25 7/14 7/17 10/18 11/15 13/12 26/17 31/17 36/13 41/12 41/12 41/12 41/13 41/13 41/14 43/8 46/16 46/17 50/2 50/14 51/8 51/9 54/14 54/16 55/10 56/19 67/14 68/6 68/15 70/18 70/18 70/19 71/8 75/23 91/14 103/18 105/20 127/8 128/15 141/11 limited [2] 54/16 54/18 line [34] 1/10 3/10 3/11 4/14 4/15 6/24 10/4 10/24 10/24 11/11 11/12 11/13 11/17 11/20 11/21 22/9 43/11 43/21 43/21 43/21 45/14 45/15 45/19 61/3 77/20 84/6 89/25 106/22 112/9 115/10 119/22 121/15 124/24 128/10 lines [8] 3/25 6/24 11/6 11/22 12/3 43/13 44/13 50/7 list [8] 64/22 87/22 88/21 105/19 105/22 111/4 118/25 129/7 listed [22] 19/4 31/16 31/19 33/7 61/14 61/19 64/6 64/15 70/25 74/19 79/24 79/24 80/14 81/3 88/25 93/5 93/9 97/23 103/3 103/12 126/4 127/6 listened [1] 60/16 listener [1] 13/18
--	---	--

L	134/11 134/19 135/18 135/24 137/3 137/3 137/9 May 1 [1] 88/3 May 11 [6] 83/7 83/10 94/12 94/20 116/7 134/11 maybe [7] 10/19 44/22 54/16 54/22 57/10 71/15 85/14 me [40] 2/15 3/16 7/11 11/2 11/19 11/23 13/3 13/3 13/22 18/12 18/23 26/21 26/23 35/17 42/5 43/2 43/24 46/23 47/2 47/6 48/24 49/1 49/21 50/19 53/4 53/5 53/17 56/1 57/15 62/19 68/22 69/5 69/15 70/10 75/20 76/4 76/6 77/14 99/11 143/15 mean [11] 2/16 42/15 46/20 48/5 50/15 50/25 57/2 60/17 110/1 110/2 123/25 meaning [1] 5/1 means [1] 12/24 member [3] 79/1 80/1 111/3 Members [1] 67/17 membership [2] 78/23 79/24 memo [1] 84/6 memorandum [3] 14/14 14/15 14/18 mentioned [4] 12/10 70/8 75/19 106/5 mere [1] 48/9 message [34] 26/2 26/20 88/6 91/14 92/8 93/21 102/15 102/19 102/25 104/10 104/15 106/10 106/17 111/12 112/4 112/25 113/20 113/21 116/1 116/17 118/15 118/18 119/9 123/10 123/11 124/8 129/16 129/17 130/4 133/6 134/7 134/9 134/20 135/21 messages [31] 23/22 25/8 25/9 27/5 34/8 35/2 35/4 35/11 37/3 37/21 85/21 95/23 96/1 108/17 109/2 110/11 119/5 119/18 123/5 123/23 124/1 124/2 124/4 124/22 124/24 125/6 125/10 129/25 132/1 135/17 137/10 messaging [1] 109/3 met [2] 10/1 42/25 metadata [3] 64/3 97/25 126/1 Michigan [6] 115/24 133/14 134/14 135/7 136/25 138/8 middle [5] 10/24 62/3 115/20 116/2 135/24 midnight [1] 135/25 might [8] 2/20 10/12 12/23 46/21 53/11 57/12 70/11 75/8 mind [1] 3/20 minimal [1] 68/14 minute [4] 46/2 51/16 141/15 141/15 minutes [3] 99/14 131/11 141/23 mirror [1] 17/12 misimpression [2] 41/2 42/7 misimpressions [1] 40/22 misleading [8] 10/2 10/4 10/7 41/1 42/7 47/24 71/13 73/5 misled [1] 71/24 misspelled [1] 123/18 misspoke [1] 10/6 mix [1] 15/5 moment [11] 3/4 5/9 6/5 11/19 19/17 40/4 47/4 47/6 67/18 67/21 131/13 Monday [2] 54/22 55/23 money [34] 5/2 7/15 7/17 9/7 9/8 9/12 9/13 9/16 9/18 9/24 11/8 12/24 13/3 41/10 50/13 68/7 69/11 69/11 69/13 70/3 70/18 70/22 71/14 71/19 71/25 72/10 72/17 72/19 72/22 72/25 73/6 73/10 85/2 85/6 month [14] 24/23 27/11 28/7 29/23 30/25 33/11 77/4 77/4 77/5 82/5 82/16 86/10 136/11 136/25 monthly [2] 61/9 87/23 months [2] 48/21 71/22 Moore [1] 1/17 more [17] 4/21 14/24 41/24 44/17 48/10 48/19 48/24 50/3 52/10 75/17 76/4 85/6 92/11 99/10 120/5 124/20 140/13 morning [14] 2/4 2/5 15/3 15/6 15/12 15/19 20/12 20/13 20/16 20/17 27/21 28/16 37/2 97/19 most [3] 41/19 53/11 99/11 mostly [1] 9/15 motion [2] 20/4 40/24	move [15] 2/12 2/22 3/1 3/2 4/14 6/4 17/4 40/8 45/9 50/13 67/8 85/17 110/15 122/13 131/18 moved [1] 2/6 moving [4] 5/14 46/9 54/14 96/8 Mr [2] 49/4 96/5 Mr. [54] 2/12 5/1 5/8 5/12 7/9 9/10 10/1 11/8 13/16 13/17 33/21 34/4 41/8 41/12 41/17 41/23 42/4 42/19 42/21 45/22 46/7 48/4 48/6 50/11 50/17 51/12 54/16 54/19 55/7 55/7 55/8 56/1 56/20 57/12 61/21 63/6 65/15 65/15 68/10 68/16 72/18 73/6 74/11 75/11 90/7 95/3 95/20 97/7 97/8 100/20 108/2 108/24 109/14 122/17 Mr. Baptiste [1] 55/7 Mr. Foster [39] 2/12 5/1 5/8 5/12 7/9 9/10 10/1 13/16 13/17 33/21 34/4 41/8 41/12 41/17 41/23 42/4 42/19 42/21 46/7 48/4 48/6 50/11 50/17 51/12 61/21 65/15 65/15 68/10 73/6 74/11 75/11 90/7 95/3 95/20 97/7 100/20 108/2 108/24 109/14 Mr. Foster's [5] 45/22 63/6 68/16 72/18 97/8 Mr. Gaines [2] 55/7 57/12 Mr. Marshall [1] 122/17 Mr. Persinger [5] 54/16 54/19 55/8 56/1 56/20 Mr. Thomas [1] 11/8 Ms [18] 10/21 15/19 21/22 22/11 22/20 23/3 23/19 24/11 24/17 27/24 28/9 32/15 33/25 35/11 36/3 38/6 46/5 91/8 Ms. [62] 2/12 3/16 4/6 4/20 5/10 5/17 5/24 6/18 10/14 14/12 15/24 21/7 21/16 38/13 40/11 43/6 43/24 44/17 45/5 46/12 47/21 49/1 49/25 50/19 51/8 51/9 51/14 52/9 52/16 53/6 55/18 56/13 56/24 57/10 57/25 58/19 60/1 60/12 68/1 69/5 70/8 71/12 73/12 73/21 74/10 75/19 77/13 77/13 78/20 79/6 83/3 86/24 88/15 90/24 94/15 99/8 100/1 104/23 117/13 118/16 123/14 140/11 Ms. Chaiken [18] 5/10 5/24 14/12 44/17 47/21 50/19 51/9 51/14 55/18 57/10 57/25 69/5 71/12 75/19 77/13 99/8 100/1 140/11 Ms. Foster [1] 49/1 Ms. Holland [16] 21/7 21/16 38/13 58/19 60/1 60/12 78/20 79/6 83/3 86/24 88/15 90/24 94/15 104/23 117/13 118/16 Ms. Jackson [1] 2/12 Ms. Lee [4] 10/14 52/9 52/16 53/6 Ms. Liddiard [2] 15/24 56/13 Ms. Pyfrom-Foster's [1] 123/14 Ms. Webster [19] 3/16 4/6 4/20 5/17 6/18 40/11 43/6 43/24 45/5 46/12 49/25 51/8 56/24 68/1 70/8 73/12 73/21 74/10 77/13 much [4] 34/22 41/15 89/2 98/10 multiple [1] 29/10 must [3] 73/22 74/12 76/25 my [7] 2/17 11/2 15/23 57/7 57/8 57/8 73/14
M	Ma'am [1] 19/22 machine [1] 143/9 made [6] 14/16 48/8 70/16 78/11 93/24 104/18 main [1] 59/11 majority [1] 50/10 make [13] 2/25 8/1 14/13 14/19 49/23 52/5 53/11 57/7 67/14 75/15 85/6 85/8 85/14 makes [4] 10/11 46/17 52/10 76/6 making [2] 12/19 40/25 Management [5] 105/10 105/18 105/20 107/4 107/18 mandate [1] 48/10 manipulating [1] 84/17 manslaughter [1] 8/18 many [6] 2/15 22/5 57/5 89/2 89/2 133/22 March [3] 82/13 82/20 86/11 mark [3] 52/4 52/17 86/24 marked [3] 10/15 10/19 52/2 market [3] 7/12 9/22 13/12 Marshall [2] 1/18 122/17 Mary [1] 58/20 massive [1] 77/11 match [7] 32/11 32/20 32/24 33/6 64/18 107/7 125/9 materials [1] 40/20 matter [4] 13/11 13/14 77/1 143/11 may [51] 1/5 1/9 12/12 12/16 49/25 49/25 69/6 73/24 73/24 83/1 83/7 83/10 83/14 83/19 84/2 87/9 88/3 89/24 90/8 91/3 91/16 94/12 94/20 96/15 97/7 97/9 102/16 104/11 105/14 106/15 110/24 111/12 112/1 112/4 115/8 116/7 116/16 117/8 118/18 119/5 119/15 119/16 120/22 134/10	N N-I-S-S-E-N [1] 15/23 Nah [1] 42/19 name [25] 15/20 15/22 15/23 25/22 62/2 62/8 62/10 91/22 92/1 92/2 98/22 98/24 105/20 111/17 111/18 122/2 123/14 123/16 123/18 126/11 126/12 126/23 132/9 134/3 134/15 named [1] 3/24 names [15] 26/15 26/17 26/17 59/22 61/12 62/5 62/14 64/10 64/10 64/18 64/19 64/22 64/24 98/19 102/2 naturalization [2] 8/13 8/14 nature [1] 48/12 Navy [3] 67/5 78/24 80/4 nearly [1] 141/13 necessary [2] 8/4 47/23

N	40/5 40/9 41/7 41/9 50/13 53/7 53/8 57/12 57/22 67/21 67/23 131/12 offer [4] 73/13 91/21 92/11 92/16 offered [4] 13/10 13/13 13/15 13/17 offering [2] 9/9 9/25 Office [1] 84/7 officer [3] 16/7 16/9 57/18 offices [1] 143/7 official [8] 1/3 1/5 1/6 1/11 1/19 1/22 143/5 143/24 Oh [2] 52/21 58/4 okay [153] once [1] 49/18 one [61] 3/4 4/3 5/9 6/5 6/9 11/19 15/6 18/4 21/12 22/17 23/8 24/8 30/13 39/21 40/4 40/8 42/17 43/22 44/8 45/9 45/12 47/4 47/6 50/6 51/8 51/18 51/25 52/1 52/18 52/19 52/21 53/16 62/5 68/4 68/8 70/21 71/17 73/17 75/11 77/21 86/4 86/4 86/13 96/22 96/23 98/2 98/10 100/5 100/5 100/6 100/7 116/2 121/3 124/24 125/2 126/8 126/20 129/10 129/11 131/13 141/18 ones [7] 33/10 62/14 107/10 110/3 114/12 120/6 140/23 online [5] 17/1 17/2 17/6 17/12 35/16 only [12] 1/5 1/10 8/22 8/22 9/17 52/5 57/4 71/19 71/19 77/4 80/3 108/24 open [2] 80/3 143/10 opened [2] 54/17 79/3 Operation [1] 113/8 Operations [5] 110/15 111/3 111/5 111/18 112/17 opinion [1] 41/2 order [6] 2/2 3/8 13/24 56/7 76/23 77/2 other [39] 2/20 7/4 7/13 8/7 9/10 12/13 12/13 22/8 42/11 46/7 48/21 49/3 50/3 52/12 52/15 64/11 71/18 71/21 71/25 76/5 85/18 89/14 89/14 95/14 95/21 98/22 105/3 107/15 107/18 108/19 109/3 109/15 110/3 110/9 110/13 117/24 123/19 128/2 129/4 others [1] 52/1 ought [2] 12/14 40/20 our [18] 5/4 8/6 14/14 14/15 14/18 40/7 44/21 47/19 50/22 53/3 54/1 54/10 54/19 55/2 99/12 106/1 106/2 131/12 out [38] 13/3 13/24 15/6 25/8 35/10 40/10 42/13 43/24 48/18 56/7 56/13 57/3 57/18 59/21 67/17 67/21 70/7 70/9 70/17 72/21 73/1 74/8 76/2 77/20 77/22 78/7 79/17 79/22 80/11 86/24 91/18 92/23 94/16 115/24 118/15 128/13 134/7 135/21 outgoing [1] 25/12 outside [1] 67/15 outweighed [3] 5/6 5/21 75/25 outweighs [2] 4/22 8/2 overruled [2] 44/15 58/5 oversee [1] 16/19 oversight [1] 16/16 owed [1] 7/14 owing [1] 9/12 own [1] 109/18 owner [9] 79/10 81/15 81/18 81/20 91/25 93/9 93/10 118/25 132/17 owner's [1] 134/15 owners [2] 81/14 109/18	38/9 38/15 38/15 39/2 39/3 39/5 39/17 39/18 39/19 39/20 41/23 42/15 42/16 43/20 43/21 43/21 43/22 45/10 45/18 47/1 50/7 50/10 62/3 64/9 64/13 69/19 70/12 80/12 81/12 81/17 83/12 92/23 94/14 103/1 103/2 103/10 103/19 104/2 104/5 104/7 110/20 117/5 pages [9] 3/10 3/10 37/15 38/19 38/21 41/8 42/9 42/14 46/7 paid [2] 72/15 74/7 Painting [10] 113/14 114/8 114/22 115/2 115/14 115/25 116/24 117/2 117/15 118/1 paper [1] 14/21 paperwork [1] 84/18 paragraph [3] 9/21 105/25 106/2 paralegal [1] 44/18 part [30] 2/14 7/1 7/2 7/3 11/17 12/11 12/13 12/15 20/4 21/1 40/24 41/4 43/3 43/7 43/23 44/16 50/14 50/20 50/21 51/10 52/19 53/3 58/5 58/5 59/11 66/24 68/16 73/20 76/14 77/21 partial [1] 1/12 particular [1] 5/5 particularly [2] 4/16 42/15 parties [7] 13/24 15/10 15/11 75/8 78/11 78/13 78/17 partners [1] 43/1 party [3] 12/11 12/12 12/16 passed [1] 51/22 password [2] 132/10 132/20 past [1] 29/7 pattern [2] 124/14 124/18 Pause [6] 12/5 19/18 44/9 47/7 73/18 131/15 pay [2] 85/9 98/11 Paycheck [2] 87/20 92/10 paying [2] 13/3 85/15 payment [1] 34/22 payments [3] 95/1 95/4 96/6 payroll [44] 4/3 4/8 18/3 61/10 61/13 62/6 62/11 62/11 62/22 64/1 64/11 64/20 65/11 66/2 66/8 74/19 87/23 95/2 95/3 96/6 97/10 97/12 97/22 98/3 98/6 100/10 100/11 100/13 101/18 101/20 101/23 101/25 120/23 121/1 121/17 122/3 126/17 126/21 127/4 127/6 133/22 133/24 139/13 139/16 PDF [3] 1/3 66/9 99/2 peach [1] 10/21 pending [2] 20/3 20/4 people [9] 4/7 12/19 42/25 50/13 50/16 50/24 60/18 80/3 128/2 percent [1] 55/10 Perfect [1] 25/17 period [11] 1/7 28/23 46/4 69/20 71/20 74/21 77/10 94/23 108/13 108/18 138/17 periods [1] 106/5 Persinger [5] 54/16 54/19 55/8 56/1 56/20 person [4] 59/14 62/10 76/9 92/1 personal [1] 15/7 phone [8] 80/14 80/16 80/19 80/22 80/24 108/15 111/19 123/14 phrase [1] 5/5 Phront [23] 21/15 22/4 22/5 23/2 25/23 27/1 27/10 28/7 28/18 29/23 32/18 34/21 37/11 38/3 61/9 61/17 64/2 64/16 70/5 77/11 84/5 89/9 105/4 picture [16] 7/22 35/24 36/7 36/10 36/13 86/8 91/11 92/6 92/15 93/19 94/1 104/14 104/15 111/14 111/16 111/17 pictures [3] 85/24 86/5 91/2 piece [1] 41/2 pieces [1] 50/3 places [1] 2/20 plan [5] 85/5 85/8 141/19 141/20 141/22 planning [2] 69/24 69/25 plans [1] 47/10 play [5] 11/15 44/23 46/16 46/20
O	objection [25] 3/15 4/10 4/16 6/14 6/23 8/2 12/16 13/9 20/4 39/16 39/18 42/8 44/15 44/15 45/12 45/17 46/14 51/6 67/11 68/2 71/2 78/1 78/10 122/16 122/22 objections [2] 12/20 58/5 objects [1] 50/19 obtain [1] 86/16 obvious [1] 12/25 obviously [5] 7/9 48/19 52/6 54/12 55/13 occurs [1] 99/11 off [18] 3/4 3/5 6/5 6/6 15/8 40/4	
P	p.m [17] 21/21 31/13 31/24 34/15 61/2 62/21 65/10 89/24 97/9 113/19 116/7 121/14 125/18 133/4 140/4 142/4 142/6 page [78] 1/10 3/9 3/10 4/14 4/17 6/10 6/12 6/20 6/24 11/6 11/9 11/12 11/17 11/21 11/22 12/3 21/23 22/21 23/4 24/10 24/11 24/11 25/4 25/15 25/19 25/19 25/19 26/5 26/7 30/9 32/9 32/10 32/14 32/17 33/2 37/6	

P		36/16 37/18 39/1 58/19 59/1 60/1 60/12 60/22 61/5 62/16 65/21 78/20 79/16 83/3 83/23 84/11 84/23 85/20 86/1 87/14 88/15 89/19 90/2 90/12 91/8 95/17 96/10 96/17 97/15 100/16 101/14 105/11 106/24 107/21 107/23 108/21 109/5 109/11 110/20 111/24 113/15 113/23 114/14 118/13 119/3 119/12 119/24 121/9 122/25 129/13 131/24 132/24 134/16 135/2 136/6 136/19 137/5 137/13 138/21 140/9 pull [15] 21/6 25/8 35/10 79/17 80/11 86/24 92/23 94/16 118/15 126/6 128/13 129/1 133/9 134/7 135/21 purpose [3] 9/24 12/19 76/12 purposes [2] 5/14 76/10 pursuant [1] 67/9 put [6] 6/2 19/25 71/4 71/10 101/1 101/19 puts [1] 71/4 putting [1] 76/22 Pyfrom [44] 47/17 62/25 63/2 63/5 63/11 63/15 64/8 64/23 65/6 65/7 65/8 65/14 65/25 66/12 80/1 80/2 80/6 81/20 97/19 98/18 99/6 100/6 100/11 101/17 101/22 102/10 121/4 122/9 123/6 123/14 124/6 124/23 125/7 125/11 125/20 126/5 127/10 127/19 127/23 130/8 130/10 134/3 138/18 139/21 Pyfrom-Foster [34] 47/17 63/5 63/11 63/15 64/23 65/7 65/8 65/14 65/25 66/12 80/1 81/20 97/19 98/18 99/6 100/6 101/17 101/22 102/10 121/4 122/9 123/6 124/6 124/23 125/7 125/11 125/20 127/10 127/19 127/23 130/8 130/10 138/18 139/21 Pyfrom-Foster's [2] 100/11 134/3	recognize [3] 45/15 64/10 91/22 record [26] 3/4 3/5 3/7 6/5 6/6 6/8 14/14 14/14 14/23 15/21 23/13 23/15 40/4 40/5 53/7 53/8 53/10 57/13 57/22 57/24 58/4 67/21 67/23 67/25 68/21 143/18 recorded [1] 40/14 recording [1] 5/15 records [8] 66/24 67/5 71/1 76/17 86/16 95/6 96/5 138/7 redact [12] 69/6 69/10 70/21 71/14 72/15 73/3 73/20 74/5 74/10 76/14 77/8 77/17 redacted [5] 5/14 5/23 75/5 75/7 77/21 redacting [2] 74/3 78/2 redaction [1] 77/24 Redding [4] 132/12 132/15 132/16 134/15 reduced [1] 143/15 reference [3] 5/12 70/22 73/4 referenced [1] 46/8 references [1] 6/24 referencing [2] 1/10 6/12 reflect [2] 14/23 68/7 reflection [1] 7/19 reflects [2] 68/4 77/24 regard [1] 56/15 regarding [2] 3/3 51/21 Regional [1] 119/10 registration [2] 115/24 134/14 rejected [1] 117/17 related [5] 21/10 49/14 108/3 124/15 132/20 relevance [5] 3/15 44/1 72/7 72/8 75/22 relevant [8] 3/17 4/1 4/5 7/13 49/2 74/18 74/22 75/23 rely [3] 18/12 18/15 18/23 relying [1] 12/18 remain [1] 51/19 remember [4] 20/20 50/15 51/1 60/17 remind [3] 23/25 53/17 56/1 reminded [2] 99/18 142/1 remove [2] 73/21 74/16 removed [1] 73/7 repeats [1] 50/25 replace [1] 6/1 reply [1] 11/3 report [10] 34/22 61/10 89/3 98/11 115/1 120/15 120/16 121/1 121/2 123/3 reported [4] 89/5 89/8 98/13 143/9 reporter [10] 1/6 1/11 1/17 1/22 1/22 99/12 143/4 143/5 143/5 143/24 REPORTER'S [1] 143/2 reports [1] 122/3 represent [1] 2/10 request [3] 44/7 44/12 74/24 requested [1] 68/10 require [1] 12/12 required [3] 18/1 18/16 49/15 requiring [1] 40/19 Reservation [8] 89/6 96/3 96/8 102/23 107/8 136/11 136/14 137/25 Reservation's [1] 103/25 resolution [2] 93/1 93/11 resolve [1] 73/8 respond [2] 66/6 111/20 responded [1] 25/13 response [4] 24/7 25/16 51/2 70/20 responses [1] 10/25 responsive [1] 9/19 rest [6] 21/3 55/16 55/19 55/22 56/4 107/5 rested [1] 56/7 restricted [1] 1/6 rests [1] 54/25 return [5] 47/14 47/18 48/25 49/9 114/21 returned [1] 68/7 returns [2] 49/15 106/5 reversal [1] 69/3 review [8] 64/3 106/1 106/2 122/8 125/5 126/1 127/21 138/7 reviewed [3] 67/2 124/13 124/22 reviewing [1] 92/9
play... [1] 49/21 played [13] 34/2 58/21 60/14 84/12 84/25 95/18 100/18 101/15 107/22 107/25 108/22 109/6 109/12 playing [3] 7/2 10/3 10/6 please [146] plus [2] 41/18 41/18 point [14] 14/9 31/4 43/10 50/1 52/22 70/17 75/11 75/14 99/14 122/7 127/22 130/6 140/12 141/4 points [1] 70/20 portion [12] 1/9 8/7 9/2 10/7 10/23 40/16 41/20 41/25 47/12 50/2 50/7 60/16 portions [11] 7/4 7/21 8/7 9/17 41/8 42/3 45/13 46/15 46/19 47/10 49/3 position [4] 8/6 11/1 47/19 49/13 possible [1] 2/10 potential [3] 5/7 42/7 52/11 potentially [1] 56/4 Power [1] 119/11 PPP [41] 7/11 7/18 12/24 13/2 16/12 16/19 16/25 17/2 17/11 17/14 17/24 18/8 18/14 19/2 19/5 21/1 26/22 38/24 39/9 42/22 47/11 47/15 49/14 49/16 76/25 84/9 86/14 88/8 88/22 90/16 91/18 92/19 93/2 95/21 108/18 108/19 110/9 110/13 113/8 124/15 136/14 PPP loan [15] 12/24 16/25 17/2 19/2 19/5 38/24 39/9 42/22 47/11 49/16 84/9 86/14 90/16 92/19 93/2 PPP loans [3] 7/18 95/21 113/8 prejudice [3] 5/13 5/21 76/1 prejudicial [3] 4/22 68/13 68/18 preparation [1] 1/18 prepare [3] 33/19 44/24 44/25 prepared [7] 44/21 44/21 49/1 99/6 118/7 121/3 139/9 preparing [3] 47/17 49/9 109/17 presence [2] 39/25 67/15 present [4] 53/3 55/13 70/24 71/7 presentable [1] 85/6 presenting [1] 69/24 president [2] 16/6 16/9 presiding [2] 2/14 2/17 pretty [2] 40/15 54/14 preview [1] 73/15 previous [1] 48/11 previously [12] 8/15 8/17 9/1 9/4 9/5 59/15 67/2 71/2 94/12 122/14 128/22 139/17 printer [1] 10/17 printout [1] 10/19 printouts [1] 10/18 probably [6] 14/20 41/12 41/13 41/18 44/17 99/12 probative [7] 4/22 5/5 5/6 5/19 68/14 68/17 75/25 problem [1] 51/4 proceed [1] 100/1 proceedings [13] 1/10 3/5 6/6 40/5 48/22 53/8 54/2 57/22 67/23 99/22 143/10 143/14 143/18 process [4] 12/22 91/17 93/3 93/14 processed [1] 91/16 processing [1] 91/19 processor [1] 118/2 procuring [1] 8/12 produced [1] 18/1 professional [1] 56/22 program [7] 16/12 16/19 21/1 87/20 92/10 108/18 110/13 program's [1] 16/17 prohibited [1] 1/12 prohibits [1] 76/10 proof [1] 76/22 proposed [1] 71/3 Protection [2] 87/20 92/10 prove [3] 9/17 76/9 76/13 provided [1] 81/4 proving [1] 9/9 publish [76] 21/16 21/22 22/11 23/3 23/19 24/16 27/2 28/9 29/13 30/3 30/16 31/8 31/25 33/25 34/10 36/3	Q Q1 [2] 89/1 120/16 Qualified [1] 61/9 quarter [26] 22/3 23/1 23/11 37/12 37/17 64/2 96/23 96/24 102/22 107/3 107/4 112/17 112/17 114/7 114/8 120/12 120/14 121/18 121/20 128/20 129/10 129/11 129/21 130/24 135/7 135/8 quarters [6] 89/15 107/5 112/16 120/8 128/19 135/7 question [4] 8/14 8/21 11/2 19/12 questions [4] 19/19 19/20 19/21 140/13 quick [1] 51/18 quickly [1] 70/10 quite [1] 48/21 quote [2] 41/5 42/25	R raised [1] 7/24 range [1] 11/11 ranging [1] 26/16 rather [1] 2/20 reach [1] 130/10 reached [1] 56/13 read [8] 4/24 5/3 5/22 11/23 47/6 50/23 53/20 59/21 ready [6] 11/1 14/4 14/25 46/4 51/10 141/24 real [4] 33/13 86/19 136/17 138/10 reality [1] 73/9 realized [1] 5/1 really [7] 2/15 48/1 48/5 51/7 69/10 77/1 77/4 Realtime [1] 143/5 reason [3] 9/8 63/16 101/10 reasons [1] 13/6 recall [2] 20/11 56/12 receipts [1] 115/1 receive [1] 94/22 received [9] 7/7 18/11 38/4 60/8 68/10 69/22 71/5 75/1 94/24 receiving [1] 7/15 recently [3] 7/25 56/11 99/10 recess [2] 54/2 142/6 recessed [1] 99/22	

R	scheduling [2] 54/4 56/14	70/17 70/22 71/11 74/6 95/23 96/5
revisit [3] 14/8 49/18 50/1	screenshot [1] 36/13	showed [3] 33/18 56/23 56/24
Ricky [1] 117/15	screenshots [1] 93/14	showing [4] 10/2 31/14 76/10 138/1
right [73] 3/2 3/10 3/11 5/17 5/19	scroll [14] 12/1 30/8 33/3 37/6	shows [4] 47/12 47/16 69/1 92/17
6/4 6/9 6/18 10/10 11/10 11/23 12/4	37/13 38/6 38/12 90/24 104/22 111/7	side [33] 23/4 23/4 26/6 26/6 27/3
13/19 13/22 13/25 14/21 19/25 20/9	111/9 129/22 135/19 136/2	27/3 28/10 28/10 29/14 29/14 32/1
21/14 32/6 39/23 40/7 41/9 42/23	scrolling [1] 35/19	32/1 39/2 39/2 60/2 60/2 88/16 88/16
43/12 43/20 44/6 44/14 45/17 45/18	search [1] 36/14	90/3 90/3 90/12 90/13 96/18 96/18
45/24 46/1 48/18 49/17 51/6 51/16	seated [8] 15/2 40/3 51/19 54/9	97/15 97/16 102/13 102/13 110/21
52/24 53/19 53/21 53/25 55/24 57/9	57/21 67/20 78/9 99/25	110/21 117/12 137/14 137/14
58/14 67/13 67/16 68/1 71/4 71/12	Sec [1] 69/23	sign [2] 91/20 92/17
72/21 73/12 75/13 75/16 77/12 77/25	second [16] 10/14 13/9 38/15 44/8	signing [2] 93/3 93/4
78/4 78/10 85/14 85/17 89/1 90/18	55/11 55/14 69/19 73/17 80/12 92/6	similar [2] 41/1 97/13
96/23 98/2 98/15 99/25 100/6 105/23	103/10 107/4 114/7 129/10 135/8	since [5] 14/14 16/10 35/17 41/21
117/12 125/19 127/9 129/12 141/18	136/22	131/12
141/20 141/25	section [5] 79/17 79/25 81/14 94/16	single [2] 73/13 108/15
right-hand [1] 105/23	112/24	sir [1] 11/12
RK [12] 113/14 113/20 114/8 114/22	sections [1] 11/15	sit [2] 3/20 3/21
115/2 115/11 115/14 115/25 116/24	security [5] 26/15 72/6 72/14 74/5	situation [3] 8/10 73/9 77/10
117/2 117/14 118/1	75/4	six [2] 4/23 16/4
RK Painting [7] 113/14 114/22 115/2	see [33] 5/7 5/13 7/10 9/20 10/11	slight [1] 5/20
115/14 115/25 117/2 118/1	10/23 26/9 35/16 40/12 43/23 50/19	Social [1] 26/15
road [2] 10/13 84/7	51/2 55/21 59/18 61/16 62/2 62/8	software [1] 123/4
role [1] 16/5	72/7 75/22 76/3 76/20 77/5 79/21	sole [1] 111/3
room [11] 2/24 53/22 131/18 132/17	95/6 95/10 103/3 103/11 106/4 108/17	some [33] 4/18 7/4 7/13 14/9 15/7
132/21 133/13 133/25 134/15 135/6	110/11 123/22 127/13 129/16	17/6 17/19 20/25 31/18 36/14 41/23
136/25 138/7	seeing [3] 70/10 75/22 124/20	42/23 42/25 46/13 49/7 52/5 52/6
Roswell [1] 84/7	seeking [5] 9/14 9/17 43/13 45/22	58/13 59/21 61/12 61/12 62/5 68/15
routing [1] 25/23	76/13	71/15 71/15 77/15 85/17 93/1 95/14
RPR [1] 143/23	seem [1] 5/20	98/19 107/18 110/3 132/20
rule [19] 4/13 6/4 6/9 6/14 6/23	seems [7] 3/24 7/17 42/5 43/7 44/3	somebody [5] 4/18 10/12 16/24 17/24
7/20 7/25 8/1 11/7 12/10 12/11 12/21	48/1 75/23	61/25
18/14 40/19 46/11 46/20 48/8 67/9	seen [3] 14/17 49/24 114/12	somehow [1] 68/10
75/8	selection [1] 2/7	someone [4] 4/2 10/20 74/14 80/6
ruled [1] 46/11	self [2] 7/24 8/4	something [8] 5/15 18/7 39/24 46/5
ruling [2] 73/14 74/25	self-serving [2] 7/24 8/4	49/6 53/2 66/17 103/19
run [1] 73/14	send [21] 24/13 25/21 26/21 26/23	sometime [1] 55/22
runs [1] 91/18	27/8 30/5 30/11 35/23 37/24 87/11	sometimes [1] 75/9
	91/20 100/9 111/14 117/8 119/10	somewhere [1] 72/9
	121/24 122/2 130/4 132/4 132/8 137/2	soon [2] 2/16 94/2
S	sending [2] 93/13 132/19	sorry [29] 6/21 10/5 12/1 25/19 36/5
S.W [1] 1/23	sense [5] 10/12 46/17 52/10 53/11	40/1 40/23 47/5 50/6 51/17 54/18
Sabrina [2] 98/10 98/13	76/6	69/15 69/16 70/11 74/2 79/9 81/16
Safe [1] 19/22	sent [64] 10/13 23/8 25/6 25/22	81/17 93/7 93/8 106/1 106/10 111/8
said [27] 3/2 6/21 8/21 9/3 10/3	26/10 27/14 27/21 28/13 29/3 29/4	111/9 118/21 121/20 122/17 128/15
10/3 24/5 25/10 26/23 48/2 51/12	29/16 30/20 31/22 36/7 38/20 60/25	132/23
55/2 55/3 73/20 74/10 77/14 84/22	63/11 63/13 64/23 65/14 66/5 85/22	sort [6] 11/15 12/17 17/6 50/12
85/16 87/2 95/22 101/6 104/17 109/16	86/5 87/1 88/5 88/8 88/23 90/8 91/3	54/21 68/15
117/25 121/22 127/18 143/14	91/15 92/7 93/19 95/24 96/2 97/19	sounds [2] 55/10 56/19
salary [1] 77/6	102/1 102/15 102/25 104/14 105/14	source [1] 71/16
Salt [2] 16/2 17/23	110/23 113/2 115/21 115/23 116/2	Special [4] 42/17 42/20 42/23 51/11
same [72] 6/2 7/5 9/6 12/14 19/12	116/15 117/19 120/13 129/17 130/5	spell [1] 15/20
23/10 23/11 23/13 23/15 27/13 28/21	132/9 134/10 135/17 135/23 136/3	spelled [1] 123/15
28/23 28/25 30/22 30/25 31/2 35/7	136/9 136/23 137/19 137/24 139/2	spells [1] 123/16
38/4 38/9 39/12 40/20 42/5 42/13	139/6 140/7 140/23 141/1	spend [1] 21/3
48/16 51/3 52/20 56/17 59/14 59/24	separate [4] 10/9 41/6 48/3 52/10	spent [3] 69/11 69/13 70/3
65/11 77/2 80/16 80/19 81/6 81/9	separately [1] 65/15	sponsor [2] 81/23 81/24
88/6 88/21 89/5 89/8 89/11 90/7	series [7] 31/17 85/21 87/6 91/2	sponsoring [1] 80/1
90/21 96/25 98/16 98/17 98/21 99/1	91/5 100/10 105/13	spreadsheet [19] 64/1 64/4 64/7
100/11 102/2 103/16 107/14 107/14	servers [2] 17/21 17/21	64/18 64/24 65/12 97/22 98/12 98/17
112/4 112/20 112/23 113/2 113/10	service [2] 31/15 32/11	101/18 101/20 101/23 121/3 126/17
115/8 118/6 120/12 120/16 121/2	Services [9] 24/23 25/1 105/10	126/21 133/24 134/2 139/13 139/16
126/20 127/15 128/21 129/7 133/15	105/18 105/20 133/14 135/7 136/25	spreadsheets [20] 4/3 4/8 62/6 62/11
133/21 134/2 135/9 135/10 137/21	138/8	64/11 66/3 66/8 74/20 97/12 98/3
Samir [1] 1/16	Services, [1] 107/4	98/7 99/2 100/5 100/10 100/11 100/14
Santos [7] 8/10 12/9 40/10 40/16	Services, Inc [1] 107/4	120/23 121/17 127/6 133/22
40/22 41/3 41/4	serving [2] 7/24 8/4	staff [1] 99/11
Saraliene [1] 1/19	SESSION [1] 1/5	stamp [5] 36/12 38/4 38/5 59/16
savings [3] 82/7 94/16 94/19	set [1] 35/2	115/15
saw [3] 34/7 89/11 101/21	seven [4] 4/23 16/4 89/12 97/2	stamped [13] 35/14 37/4 89/17 90/1
say [35] 10/23 12/23 22/5 22/8 24/4	several [7] 2/9 8/7 10/25 17/1 59/18	90/10 112/18 112/20 113/7 114/9
25/7 25/25 35/13 35/15 41/19 49/19	62/11 120/23	128/24 130/11 135/13 141/2
50/23 50/24 51/9 60/17 60/20 61/24	share [1] 68/22	stamped03 [1] 59/23
70/14 71/17 76/23 84/6 102/7 102/24	shared [1] 94/5	stamped04 [1] 59/24
104/20 104/25 108/2 108/6 108/8	she [20] 42/20 48/2 52/16 57/11	stamps [12] 37/12 38/19 50/11 59/15
110/1 111/22 119/8 129/9 129/24	65/15 65/18 65/18 66/2 66/4 66/5	60/8 60/8 60/10 107/12 107/15 112/20
130/15 132/5	66/6 77/14 80/9 81/23 97/22 123/16	140/21 140/24
saying [14] 7/11 7/13 13/11 48/4	123/17 127/19 127/20 132/17	stand [5] 15/8 15/8 15/14 20/1 26/25
49/5 50/17 53/12 59/24 70/23 74/4	shed [1] 42/23	standard [1] 17/11
75/6 92/8 93/21 117/16	Sheet [1] 61/4	standing [1] 44/15
says [22] 4/25 7/16 12/11 12/15 13/1	shit [4] 4/18 9/23 26/3 41/12	Star [13] 131/18 132/17 132/20 133/5
24/8 42/1 42/20 50/12 51/1 76/15	short [2] 46/2 99/16	133/13 133/25 134/15 135/1 135/6
79/21 86/21 93/24 104/15 106/1 106/1	shortly [2] 134/20 135/25	136/25 138/5 138/7 140/5
106/4 106/7 123/22 126/12 130/1	should [14] 13/5 19/6 19/9 19/15	Star's [1] 138/1
SBA [9] 16/14 17/4 17/17 17/19 91/16	24/8 42/4 53/4 56/19 68/23 73/10	start [3] 21/14 26/23 42/15
91/16 91/19 91/19 92/9	75/5 75/6 130/1 132/5	started [8] 20/25 36/21 36/21 43/10
SBA's [1] 18/14	show [10] 9/7 13/15 13/18 32/17	54/12 110/2 125/20 127/10

S	53/21 54/1 54/13 73/13 77/22 91/16 99/16	26/2 26/9 35/18 37/8 39/23 41/22 43/10 46/6 46/12 46/15 46/19 47/2 49/3 49/7 50/6 51/20 51/25 52/1 54/2 57/14 59/11 63/16 68/6 69/13 70/4 70/20 72/6 72/9 72/10 73/2 76/15 76/16 77/6 77/15 79/10 81/15 81/18 83/14 101/1 103/3 103/12 114/23 115/20 122/5 122/7 125/23 127/4 127/5 129/16 133/24 135/20 135/21 136/2 141/7	
starting [3]	10/24 42/16 49/22	there's [7]	3/19 3/23 10/16 37/12 59/24 69/10 76/18
starts [8]	6/19 7/2 11/17 41/20 59/6 65/5 65/6 106/2	therefore [2]	74/6 74/12
state [22]	15/20 68/1 68/5 68/10 69/23 69/24 70/15 70/24 71/5 71/9 71/18 72/13 73/20 73/22 74/5 74/10 75/3 75/4 76/15 77/18 77/22 78/2	these [76]	3/8 8/6 21/9 21/12 23/7 23/17 23/22 27/5 30/19 31/5 33/22 35/4 37/2 37/21 42/3 48/20 50/13 50/24 55/15 60/4 60/10 60/18 71/1 85/18 88/18 88/21 88/25 89/11 89/17 90/5 90/7 93/13 93/15 95/21 96/20 96/25 98/6 100/4 100/10 100/13 107/7 107/18 108/4 109/8 109/22 112/13 112/23 113/4 114/1 114/9 114/11 119/5 120/2 120/4 120/5 120/10 120/11 120/12 126/1 128/21 129/4 129/7 132/1 133/15 135/9 135/10 135/13 135/17 137/3 138/24 139/2 139/5 139/8 139/19 140/18 140/21
statement [45]	7/19 8/25 9/7 9/25 12/12 12/13 12/23 24/22 27/10 27/22 28/6 28/12 28/23 29/22 29/25 33/9 33/13 33/16 43/3 43/4 43/7 43/23 48/13 49/4 68/6 69/20 71/20 77/2 82/2 82/12 83/6 86/9 86/19 87/2 94/11 94/23 116/21 136/10 136/13 136/17 136/24 138/1 138/1 138/5 138/10	they [94]	2/19 2/19 2/20 2/20 3/18 6/14 7/6 7/6 7/6 19/8 19/13 21/11 23/9 23/10 23/13 23/14 23/15 23/18 28/21 28/23 29/12 30/22 30/25 31/2 31/2 31/3 32/13 32/19 32/22 33/8 33/18 35/17 39/13 43/2 43/24 44/24 46/9 46/10 46/14 46/24 47/13 48/12 49/9 50/10 50/13 56/7 56/16 67/7 68/9 69/6 70/23 70/25 71/4 71/10 73/1 76/11 77/22 85/9 85/14 87/24 88/12 88/14 89/18 90/10 90/11 90/22 95/1 95/2 98/8 99/5 107/9 107/12 107/13 107/14 108/6 108/19 109/17 112/15 112/18 112/20 114/6 118/3 120/5 120/8 120/15 123/19 127/8 127/15 128/19 128/24 129/9 137/22 139/4 140/25
statements [25]	7/16 8/5 12/20 18/7 19/12 19/14 25/1 28/18 28/25 29/6 29/11 30/22 31/5 32/18 32/25 33/23 34/5 40/14 45/22 45/23 48/2 48/20 68/4 70/21 137/21	they're [6]	2/25 9/14 49/1 52/19 70/23 96/22
STATES [7]	1/1 1/4 1/11 1/23 2/12 143/6 143/11	they've [1]	6/13
Stenograph [1]	143/9	thing [7]	9/6 44/22 46/10 51/3 51/18 74/3 98/22
stenographic [3]	1/17 143/2 143/4	things [5]	15/5 40/12 40/25 49/22 109/9
step [2]	19/22 67/17	think [76]	2/10 2/21 2/21 2/25 3/16 3/18 4/7 4/21 5/4 5/5 5/19 5/20 5/21 10/1 10/15 11/7 12/17 12/22 12/25 13/5 14/16 14/20 20/7 35/17 40/9 40/9 40/14 40/16 41/1 41/4 41/16 42/1 42/3 42/6 43/9 43/10 43/18 44/4 44/20 46/10 46/23 47/10 47/14 48/8 48/16 49/4 49/7 50/7 52/7 52/10 52/18 53/11 54/23 55/8 55/16 55/20 56/5 56/9 63/19 68/8 68/12 68/17 68/25 70/8 70/20 71/4 71/13 71/23 73/5 73/23 74/15 74/25 76/19 77/16 77/17 77/23
steps [1]	92/12	thinking [4]	35/14 41/18 48/6 71/24
still [5]	2/12 57/6 74/6 122/18 141/23	thinks [1]	5/15
stipulate [1]	73/2	third [6]	24/8 61/19 92/15 96/24 112/17 128/20
stipulation [4]	51/20 51/21 51/23 53/2	this [200]	
stipulations [1]	52/16	Thomas [178]	
Stites [13]	20/1 20/11 20/16 41/15 41/21 42/20 50/15 50/22 51/11 55/21 58/3 58/12 100/4	Thomas' [1]	122/8
Stites' [1]	15/10	Thomas's [9]	25/16 26/19 32/21 33/7 100/21 100/24 101/8 112/25 123/4
stock [3]	7/12 9/22 13/12	those [48]	3/25 4/23 9/3 11/23 13/5 17/22 18/13 19/14 23/5 25/6 28/18 28/25 32/20 33/6 39/12 40/12 42/9 42/11 44/21 44/23 45/16 46/8 50/16 52/2 52/16 52/17 53/21 59/15 59/22 62/14 64/10 64/24 67/5 67/22 78/16 89/5 89/11 90/21 94/25 103/16 110/4 110/7 110/12 113/10 114/1 119/18 124/10 137/21
stop [1]	99/15	thought [9]	2/6 2/9 8/21 14/21 54/12 73/25 74/2 85/14 109/17
stopping [3]	99/14 140/12 141/4	threat [3]	4/25 5/7 5/22
story [1]	11/16	three [4]	24/13 24/25 25/9 66/11
straight [1]	25/11	through [35]	9/10 10/12 11/22 12/2
stricken [1]	5/16		
stuff [2]	13/9 42/22		
subject [17]	61/3 62/22 89/25 96/15 97/9 106/22 112/9 113/19 113/20 115/10 119/22 121/15 128/10 133/5 133/5 134/25 140/5		
submit [6]	19/8 38/23 49/16 53/21 109/15 118/1		
submits [4]	17/16 17/17 17/19 17/24		
submitted [9]	17/9 19/13 39/9 86/14 90/16 108/25 113/7 117/23 136/14		
submitting [1]	33/15		
subsequent [1]	68/6		
substantially [2]	5/21 75/25		
Success [12]	118/9 118/24 119/1 119/10 120/11 121/1 121/16 121/18 121/21 128/20 129/21 130/25		
such [2]	3/1 15/7		
suggest [9]	7/6 44/22 49/7 49/8 71/14 73/5 75/2 75/11 76/17		
suggesting [7]	52/9 68/9 74/1 74/3 74/9 75/7 77/19		
suggestion [1]	75/4		
suggests [1]	68/19		
summary [3]	62/23 70/25 77/23		
superfluous [1]	44/3		
supplements [1]	58/8		
supporting [5]	17/25 18/2 18/4 18/8 19/13		
supposedly [1]	48/14		
sure [18]	2/21 2/25 4/11 6/12 12/19 40/25 42/13 48/19 48/22 49/23 50/9 52/5 52/13 54/15 57/7 57/11 59/6 76/3		
surrounding [1]	50/3		
sustained [3]	42/8 51/7 58/5		
swaths [1]	20/5		
sworn [1]	15/16		
T			
table [1]	61/11		
take [18]	3/8 12/25 13/24 15/9 39/25 44/25 45/1 46/2 49/17 51/16 53/5		
	53/21 54/1 54/13 73/13 77/22 91/16 99/16		
	taken [7]		
	70/6 70/17 70/19 72/21 73/1 73/3 77/20		
	takes [2]		
	45/3 55/22		
	taking [1]		
	2/25		
	Tal [1]		
	1/16		
	talk [5]		
	7/7 85/17 85/19 105/6 118/9		
	talked [2]		
	108/19 127/22		
	talking [12]		
	5/12 9/15 9/22 40/21 49/2 49/9 49/13 49/15 86/23 108/8 108/15 109/22		
	talks [6]		
	9/21 12/21 40/19 40/25 41/4 41/24		
	tax [11]		
	18/4 47/13 47/18 48/25 49/9 49/15 106/5 106/5 114/21 115/13 116/21		
	technology [1]		
	1/18		
	Ted [1]		
	1/23		
	teldrin [196]		
	Teldrin's [2]		
	66/6 138/4		
	Teldrin23 [1]		
	81/5		
	teldrinfoster [5]		
	121/13 121/24 124/21 133/7 133/7		
	tell [38]		
	3/16 10/20 18/12 18/20 18/23 34/4 46/23 58/23 62/19 66/19 66/22 77/14 84/8 84/14 84/17 84/20 85/2 85/5 85/11 95/20 100/20 100/23 101/1 101/4 101/7 101/10 101/17 105/3 108/24 109/8 109/14 109/17 109/21 109/25 117/23 121/6 127/16 128/2		
	template [3]		
	99/5 102/2 139/17		
	templates [1]		
	127/8		
	templet [1]		
	134/3		
	tend [1]		
	77/13		
	terms [3]		
	92/18 93/23 104/17		
	testified [1]		
	15/16		
	testify [3]		
	9/13 55/9 55/16		
	testimony [4]		
	15/10 20/4 49/19 49/20		
	text [1]		
	102/19		
	than [10]		
	33/9 48/4 76/5 105/4 108/19 110/9 110/13 120/5 139/5 139/8		
	thank [30]		
	3/22 10/22 11/4 15/3 15/10 15/13 19/24 20/9 20/10 42/10 51/23 53/25 55/25 56/21 57/16 57/17 57/19 58/1 58/9 68/25 77/12 78/6 78/9 78/14 99/20 100/2 131/16 140/16 141/6 142/3		
	that [602]		
	that's [58]		
	3/16 3/24 4/1 4/21 5/4 7/3 7/15 7/19 8/6 8/11 8/22 12/15 12/21 13/15 14/3 17/14 29/5 31/7 38/22 41/1 41/9 41/15 45/18 52/7 53/15 55/5 55/5 56/18 58/15 62/15 63/5 63/6 65/1 70/4 71/3 73/25 76/8 78/5 81/14 84/22 85/16 87/10 88/11 93/12 95/22 101/6 102/10 103/3 103/3 103/5 103/12 106/7 109/16 113/6 117/25 121/22 124/1 124/9		
	their [11]		
	2/8 10/18 20/25 53/12 57/3 74/22 108/17 109/18 110/11 110/12 123/7		
	them [26]		
	14/7 14/25 15/8 38/19 44/24 44/25 45/16 46/21 52/3 52/4 52/10 53/4 53/12 53/21 53/21 53/22 61/13 66/11 71/1 76/18 85/24 109/25 127/7 140/21 140/24 141/2		
	then [92]		
	3/17 7/3 7/17 9/23 10/6 11/2 11/17 12/15 14/8 17/3 17/4 17/17 24/6 25/12 25/13 25/15 25/18 25/25 26/16 26/22 31/17 35/21 36/24 38/19 40/15 41/15 41/20 41/22 41/24 42/4 42/23 43/21 44/1 45/18 45/25 50/2 50/12 50/14 51/3 51/11 51/11 51/12 51/17 52/5 52/15 52/22 53/13 53/21 57/7 59/7 59/9 59/9 59/11 60/17 61/12 63/12 64/23 64/24 65/7 65/15 66/6 68/6 68/12 69/11 69/13 69/13 69/22 70/3 70/23 72/15 72/16 72/21 73/7 73/23 74/7 75/17 77/22 88/9 93/9 98/2 98/14 100/6 101/25 102/18 102/24 110/2 113/4 124/19 126/14 129/11 138/4 141/2		
	there [66]		
	4/7 5/13 10/2 11/6 11/19 17/6 17/6 17/25 20/3 20/5 24/8 25/12		

T	77/9	watermark [2] 86/21 87/2
through... [31] 12/3 16/24 17/3	unduly [2] 4/22 68/12	way [9] 10/16 42/13 44/24 56/17
18/13 20/25 21/3 21/12 31/18 42/3	unemployed [2] 76/17 76/20	66/16 69/10 69/15 69/15 71/17
43/13 44/5 44/7 44/12 44/13 44/14	unemployment [13] 68/5 68/11 70/1	ways [1] 2/10
46/10 46/20 51/23 56/9 57/15 59/4	70/25 71/5 73/24 74/14 74/18 74/21	we [192]
67/3 67/9 70/9 78/15 78/18 86/11	76/14 76/20 76/23 76/24	we'll [9] 6/5 21/3 21/12 45/11 45/24
90/24 93/3 93/14 110/3	unexpected [1] 141/10	51/17 52/5 53/16 141/23
throughout [1] 13/2	unfair [2] 5/21 76/1	we're [32] 2/16 4/24 6/16 9/9 9/9
throw [1] 40/10	Union [2] 67/6 80/4	9/17 9/25 10/3 10/15 13/23 14/10
THURSDAY [2] 1/12 143/10	UNITED [7] 1/23 1/4 1/11 1/23 2/11	15/5 15/9 43/1 45/6 45/22 47/23
tied [1] 47/22	143/6 143/11	47/24 54/14 55/16 69/23 69/25 71/17
time [25] 12/13 12/14 19/25 29/7	unlawfully [1] 8/13	72/1 72/2 73/3 73/8 74/24 76/22
31/4 40/21 45/7 55/16 74/21 75/24	unnoticed [1] 68/8	120/4 120/6 131/18
76/18 77/10 108/13 108/18 116/5	unpack [1] 17/5	we've [8] 112/21 114/12 120/16
116/15 121/23 122/7 125/19 127/10	unplug [1] 94/8	120/22 133/15 133/21 135/10 137/10
127/13 127/23 130/6 131/9 138/17	unquote [1] 43/1	website [1] 17/6
times [1] 130/13	unrelated [2] 47/14 47/15	Webster [20] 1/19 3/16 4/6 4/20 5/17
tips [1] 22/8	unstamped [2] 114/9 114/10	6/18 40/11 43/6 43/24 45/5 46/12
titled [1] 81/14	until [4] 43/4 56/10 70/4 131/12	49/25 51/8 56/24 68/1 70/8 73/12
titles [1] 127/5	up [26] 3/13 15/5 21/6 26/17 33/3	73/21 74/10 77/13
today [4] 15/8 21/3 56/24 141/12	33/15 36/18 40/7 50/22 51/9 51/22	Wednesday [5] 54/17 54/23 55/9 55/17
together [9] 3/13 33/19 41/13 41/18	54/17 55/3 62/1 71/10 91/17 93/7	56/9
57/15 58/24 66/13 100/21 101/5	103/3 117/12 124/24 125/9 126/6	week [4] 54/17 55/11 55/11 55/14
told [6] 7/11 9/16 9/21 55/5 55/6	126/10 129/1 133/9 136/2	weeks [3] 2/16 55/2 55/4
80/22	update [1] 127/17	well [28] 2/4 4/12 6/3 6/13 10/10
tomorrow [5] 55/23 56/3 56/4 56/6	URL [1] 26/21	15/4 38/16 40/15 43/9 43/23 44/11
56/20	us [10] 2/19 5/14 42/24 42/24 44/14	45/8 46/1 46/19 48/23 56/19 60/17
tonight [1] 24/9	50/25 53/3 53/15 72/24 141/8	70/14 72/19 73/1 73/25 74/22 75/6
top [13] 24/11 26/9 79/17 79/21 93/7	use [5] 5/23 73/7 85/6 102/1 134/2	75/16 77/17 78/4 82/8 107/5
98/23 103/12 105/23 112/24 118/15	used [3] 1/18 80/16 139/17	went [4] 2/8 70/9 70/9 72/11
126/10 126/23 134/7	user [1] 132/9	were [110] 6/12 8/17 16/11 16/16
topic [6] 9/5 41/6 42/5 43/5 43/8	username [1] 132/20	18/2 23/10 24/25 26/17 30/19 30/22
48/17	uses [1] 80/22	30/25 31/2 31/2 31/4 35/4 37/2 46/6
topics [2] 9/3 10/9	using [1] 81/10	46/7 46/7 46/15 47/13 48/4 49/9
total [2] 57/5 98/11	Utah [2] 16/2 17/23	56/14 59/21 60/4 60/4 60/7 66/8 68/1
town [1] 15/6	UTC [1] 52/19	74/2 75/14 85/18 85/24 87/24 88/12
traded [1] 110/13	Utwuan [3] 3/11 3/24 4/2	88/14 88/18 89/5 89/14 89/17 89/18
transaction [2] 31/18 69/12		90/5 94/25 95/1 95/2 95/15 97/1
transcript [14] 1/3 1/9 1/11 1/13	V	97/12 99/2 99/3 99/5 100/4 103/7
1/19 1/10 5/3 14/15 14/20 14/24 45/2	value [9] 4/22 5/5 5/6 5/19 68/14	103/14 103/16 105/4 107/2 107/5
51/2 51/10 143/17	68/17 68/18 75/25 76/4	108/8 108/14 109/9 109/9 109/17
transcripts [3] 1/5 14/18 49/20	values [3] 32/7 32/9 32/11	109/22 109/22 110/4 110/9 110/12
Transmittal [1] 116/21	various [10] 17/1 20/19 20/22 47/10	112/13 112/15 112/18 112/20 113/7
Transportation [6] 105/9 105/18	58/5 59/24 97/12 125/23 127/4 127/5	113/10 114/1 114/6 114/9 120/2
105/20 106/23 107/4 107/18	vast [1] 50/10	120/12 120/12 122/5 124/10 124/18
Travel [7] 89/6 96/3 96/9 102/23	version [4] 5/23 29/2 29/3 114/24	124/19 124/19 124/23 125/9 125/23
107/8 136/11 137/25	versions [1] 59/25	127/4 127/5 127/8 127/15 128/18
Travel's [1] 136/14	very [15] 2/6 4/12 5/20 5/20 6/3 8/1	129/4 129/4 133/12 133/15 134/3
travels [1] 19/23	44/11 45/8 46/1 46/2 56/19 68/18	135/5 135/9 135/9 138/24 138/24
trial [9] 1/10 2/7 4/1 51/20 52/15	78/4 97/12 123/7	139/2 139/6 139/8 140/6 140/18
54/12 55/3 55/11 55/14	via [21] 11/7 28/13 30/20 33/11 36/1	143/15
trials [2] 2/14 2/17	38/19 86/5 88/9 94/5 94/7 105/7	weren't [1] 108/6
tried [1] 110/1	110/24 113/3 115/21 117/20 122/9	what [173]
trouble [1] 75/22	125/20 127/11 130/7 137/24 138/18	what's [20] 10/20 10/20 11/11 21/19
true [3] 9/6 13/11 143/17	vice [2] 16/6 16/8	43/6 44/1 79/24 89/22 96/13 106/22
truth [5] 13/10 13/13 18/12 18/21	Victor [1] 60/13	113/17 119/14 121/12 122/19 123/2
18/24	virtually [1] 137/21	132/23 133/2 134/18 137/7 140/2
Tuesday [2] 2/7 54/22	VOLUME [1] 1/5	whatever [2] 10/6 69/25
Tupelo [1] 36/11	vs [1] 1/5	whatnot [1] 2/7
Turner [1] 1/23	W	WhatsApp [61] 20/19 23/22 27/5 28/13
two [35] 6/1 11/14 20/23 23/7 30/19	W-3 [1] 116/21	30/20 31/6 33/11 34/8 35/2 36/1 37/3
35/11 37/12 39/18 42/17 46/6 52/1	Wage [1] 116/21	37/21 38/20 49/8 80/20 85/21 86/6
55/2 55/3 55/11 60/4 70/20 70/23	wages [4] 22/8 23/15 89/2 89/4	87/6 88/6 88/9 94/6 94/7 95/23 96/1
80/25 82/6 83/9 88/18 90/5 94/24	Waire [1] 62/2	102/16 104/10 105/7 106/17 109/2
96/20 103/7 103/14 104/2 106/19	wait [2] 10/5 26/21	110/11 110/24 111/12 112/4 112/25
112/13 114/4 120/2 120/12 129/4	waiting [1] 14/11	113/3 115/21 116/17 117/20 118/18
129/24 138/24	walk [2] 16/24 59/4	119/5 119/18 122/9 123/5 124/2 124/3
two-week [1] 55/11	want [20] 6/17 7/1 10/12 11/5 11/25	124/10 124/23 125/10 125/21 127/11
type [2] 8/9 17/10	14/13 42/14 42/15 46/19 48/12 52/2	129/17 130/4 130/7 130/13 132/1
typewritten [1] 143/15	52/3 52/4 53/3 69/6 71/1 71/4 73/2	132/5 134/9 134/21 137/19 137/24
U	73/12 73/14	138/18
U.S [3] 1/19 8/22 115/13	wanted [8] 14/17 46/10 54/7 54/21	WhatsApp'd [1] 130/11
uh [2] 51/1 51/1	54/24 77/21 130/3 130/10	WhatsApp's [1] 117/1
Uh-uh [1] 51/1	wants [7] 9/10 41/8 41/10 41/17	when [42] 4/25 4/25 8/16 12/21 17/24
UI [3] 69/23 72/6 74/5	41/23 42/1 42/4	18/11 18/13 18/13 19/5 39/14 45/25
ultimately [3] 38/23 113/7 118/1	was [320]	46/3 49/14 50/1 50/10 53/11 53/17
Um [1] 3/14	Washington [21] 68/5 68/10 69/22	54/10 54/12 54/25 55/19 57/3 57/11
Um-h'm [1] 3/14	69/24 70/15 70/24 71/5 71/9 71/18	58/16 60/9 65/18 79/3 84/8 91/19
unavailable [1] 55/10	72/13 73/20 73/22 74/5 74/10 74/12	94/4 95/13 100/14 101/12 102/25
under [7] 7/5 7/20 49/18 67/11 68/12	75/3 75/4 76/15 77/18 77/22 78/2	105/2 107/17 109/22 117/22 122/11
82/20 105/25	wasn't [10] 6/12 10/5 13/11 13/12	124/13 124/22 130/3
understand [15] 7/23 13/23 42/13	40/13 72/10 72/20 72/22 75/6 101/12	whenever [3] 11/1 49/13 140/11
43/10 48/23 48/24 48/25 49/1 49/23	WAST [1] 72/5	where [32] 6/23 7/16 8/12 13/1 15/24
54/14 71/23 75/20 76/4 77/3 77/25	waste [1] 14/20	16/1 17/2 17/7 17/21 44/2 47/10
understanding [4] 74/20 74/22 75/24	water [1] 86/24	48/13 49/4 50/1 50/15 50/23 56/1

W where... [3] 109/2 123/22 127/19 whether [11] 2/11 8/14 19/6 19/9 19/15 56/16 71/18 72/5 75/17 75/18 124/7 which [27] 4/14 7/5 9/24 11/25 14/15 45/14 47/14 47/17 48/3 50/9 51/1 52/10 62/25 65/6 68/22 69/19 73/9 73/20 73/24 75/9 76/6 77/4 93/25 116/23 120/10 122/14 125/2 while [6] 12/22 14/10 15/11 45/3 67/21 70/23 who [29] 15/6 15/6 34/13 43/3 43/4 51/1 54/18 59/14 61/14 61/19 62/24 63/2 63/4 64/6 72/15 79/1 79/24 80/1 80/6 84/4 91/24 93/5 94/25 106/20 119/20 126/4 130/4 132/16 134/23 who's [2] 23/25 24/1 whole [2] 55/3 85/5 whose [2] 62/10 92/1 why [28] 3/16 3/17 3/25 7/15 8/23 9/5 9/8 9/9 9/16 9/25 10/8 11/8 46/2 47/19 55/14 72/9 72/14 74/4 75/24 77/14 101/10 102/10 110/4 110/12 131/11 141/19 141/20 141/22 wife [1] 63/6 will [27] 1/6 5/25 6/1 7/10 10/20 14/23 35/17 40/1 42/11 45/1 45/2 45/6 45/16 46/3 50/2 52/14 52/16 54/10 55/19 55/20 55/22 78/5 91/18 91/19 93/24 104/18 141/7 willing [2] 56/7 77/17 withdraw [3] 45/11 45/16 45/20 withdrawals [2] 31/15 32/10 withdrawing [3] 44/6 44/12 78/1 withdrawn [3] 4/10 46/8 78/11 withdrew [4] 40/2 67/19 99/21 142/4 within [2] 37/8 104/19 without [5] 39/24 48/10 51/7 71/24 101/2 witness [7] 13/23 14/4 15/6 15/11 54/19 56/25 57/8 witnesses [3] 54/11 57/4 57/5 wolff [4] 1/22 1/25 143/4 143/23 wondering [3] 72/4 72/7 72/12 words [1] 4/23 work [3] 2/8 57/15 127/19 worked [5] 33/19 66/12 100/21 101/4 127/20 working [2] 51/23 127/10 would [54] 2/16 2/24 5/6 5/7 10/4 11/15 14/1 14/19 14/20 17/3 17/3 17/4 17/10 18/8 19/2 33/25 39/25 41/19 42/5 42/6 44/22 45/13 45/14 46/16 47/19 50/1 50/14 51/8 51/9 55/22 56/4 56/7 56/15 57/6 58/19 63/16 67/14 71/14 72/2 72/16 73/5 73/21 74/6 74/16 74/17 75/25 76/15 76/19 76/25 101/11 110/12 111/10 131/9 132/7 wouldn't [1] 63/19 write [1] 29/19 writing [1] 40/13 wrong [4] 76/8 77/14 84/15 85/12 wrongdoing [1] 68/16 wrote [1] 29/20	4/9 4/21 5/11 5/18 5/25 6/11 8/9 10/25 11/3 11/9 11/24 12/6 12/8 14/1 14/5 14/13 15/13 15/20 16/5 19/17 19/20 20/2 20/7 29/6 33/18 33/21 39/15 39/25 43/6 44/4 44/18 44/20 45/11 45/20 45/25 46/6 46/13 47/22 50/6 50/21 53/1 53/15 53/20 54/7 55/1 55/18 55/19 56/18 56/25 58/1 61/16 61/22 66/25 67/8 67/12 68/3 68/24 69/9 69/16 70/11 70/16 71/13 72/2 73/13 73/15 73/19 74/17 74/24 75/3 76/7 77/15 78/1 78/3 78/6 78/14 85/18 91/15 91/17 91/20 92/9 92/10 92/11 92/16 93/22 93/25 99/19 100/2 104/16 104/18 118/10 122/7 122/13 123/19 125/5 127/21 128/1 131/9 131/14 131/16 131/21 140/14 141/4 141/25 142/1	
Y yahoo [20] 34/18 59/8 59/10 100/23 113/21 114/17 121/24 125/3 125/7 125/16 127/24 128/2 131/6 133/7 138/15 138/25 139/2 139/14 140/23 141/1 yahoo.com [4] 121/13 124/20 124/21 125/4 Yeah [2] 3/12 135/20 years [4] 16/4 43/1 48/21 80/25 yes [374] yesterday [12] 2/9 20/18 54/15 56/12 56/23 62/6 62/12 96/1 97/11 108/14 141/10 141/14 yet [2] 30/1 39/21 you [396] you'll [2] 52/16 67/17 you're [3] 11/1 53/20 78/1 your [109] 2/10 2/11 3/11 3/19 4/2	Z zero [1] 68/17 zeros [1] 61/13 Zip [5] 129/7 129/10 130/1 130/3 131/1 zoom [1] 79/5	