Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO: 1:21-MD-2989-CMA

IN RE: JANUARY 2021 SHORT SQUEEZE
TRADING LITIGATION
_____/

Zoom Teleconference
Hollywood, FL
Wednesday, April 5, 2023
10:05 a.m. - 4:36 p.m.

VIDEOTAPED DEPOSITION OF AVA BERNARD

Taken remotely before MARIA E. FERNANDEZ, RPR, FPR-C and Notary Public for the State of Florida at Large, pursuant to Notice of Taking Deposition filed in the above cause.

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I N D E X

Ava Bernard		Page
Direct By Mr. Danon		5

EXHIBITS MARKED FOR IDENTIFICATION

Exhibit 5	Amended Complaint	56
Exhibit 31	Request for Production	174
Exhibit 99	P00001313	29
Exhibit 100	Bernard Certification	64
Exhibit 101	New Certification	88
Exhibit 102	New Assignment	93
Exhibit 103	1-26-21 Tweet	127
Exhibit 104	1-27-21 Tweet	134
Exhibit 105	RHMDL97429.001	141
Exhibit 106	rhmdl96959	141
Exhibit 107	1-28-21 Tweet	157
Exhibit 108	1-28-21 Tweet	160
Exhibit 109	1-28-21 Tweet	161
Exhibit 110	1-28-21 Tweet	163
Exhibit 111	2-1-21 Tweet	167
Exhibit 112	2-1-21 Tweet	170

THE VIDEOGRAPHER: Good morning. We are now on the record at 10:05 a.m. on April 5, 2023. Please note that this deposition is being conducted virtually.

Quality of recording depends on the quality of camera and internet connection of participants. What is seen from the witness and heard on screen is what will be recorded. Audio and video recording will continue to take place unless all parties agree to go off the record.

This is media unit one of the video-recorded deposition of Ava Bernard in the matter of In Re: January 2021 Short Squeeze Trading Litigation.

My name is Danny Holguin representing Veritext. I am the videographer. The court reporter is Maria Fernandez Reeder from the firm, Veritext.

Will the court reporter please swear in the witness, and then counsel may proceed. Thank you.

Thereupon:

AVA BERNARD,

A witness named in the notice heretofore filed, being of lawful age and having been first duly sworn, testified on her oath as follows:

THE WITNESS: Yes. I do, the whole truth.

DIRECT EXAMINATION

BY MR. DANON:

Q Good morning, Ms. Bernard. And am I saying that correctly, Bernard?

A Yes, that's correct.

Q My name is Sam Danon, and I'm with the law firm of Hunton, Andrews, Kurth, and I'm actually also sitting here in Miami, downtown Miami, so nearby.

We are one of the firms representing Robinhood in this matter. Just to start off on the record, could you please state your full name and spell it for the court reporter?

A Yes. Full name is -- do you want my middle name, too?

Q Yes.

A Okay. It is Ava, A-V-A, Amanda middle name, A-M-A-N-D-A, and my last name is Bernard, B-E-R-N-A-R-D.

Q Thank you.

A You're welcome.

Q I noticed you are sitting in [redacted]. Could you just tell us for the record your address, your residence address?

A Yes. So it's [redacted]

[redacted]

Q Thank you.

I just wanted to start off with some basics of what a deposition is. I will ask you: Have you ever sat through a deposition before?

A No.

Q Okay. This is your first time?

A That's correct.

Q Have you ever provided any testimony in court or in any other proceeding?

A No.

Q Okay. So today I'll be asking you a series of questions about the lawsuit, and I'll ask you if you don't at any time understand my questions, or you need me to repeat them, or I need to say something clearer, particularly with the video aspect of here, if you can't listen clearly, whatever, just speak up, let us know, then I'll repeat the question and get back to you. I want to make sure you understand the questions as clear as possible.

If there's any technical issue with sound or video, or anyone is frozen, please also speak up. As you saw during this, this is being recorded and will be used in the courts, so we want to make sure that you are able to hear clearly and see, at least myself,

and what's going on with the proceeding. Okay?

A Okay.

Q And if at any time during the deposition here you need a break, either, you know, glass of water, go to the bathroom, whatever it is, just -- also just raise your hand, speak up, and we'll accommodate you on that, okay?

A Okay.

Q Now, you understand you've just given an oath to testify truthfully?

A Yes, I do.

Q Okay. And is there any reason that you're aware of today that you would be unable to testify truthfully or completely and answer my questions as completely as possible?

A Could you repeat that? I'm sorry.

Q Yeah. Is there any reason that you know of as to -- that would prohibit you from testifying today truthfully and completely?

A No.

Q And we ask that just to get a sense of whether there's any -- are you on any medication? Are you not feeling well? Is there anything that would stop you, or, you know, hinder your ability to understand my questions and answer truthfully?

MR. ROSEN: When you are talking about medication, is she taking any type of medication that would interrupt her mental acuity?

MR. DANON: That's exactly -- that was my question.

BY MR. DANON:

Q Anything that you are taking, or anything that you are feeling today or anything that would somehow, you know, impact your ability to testify?

A No.

Q Okay. Thank you. Thank you.

As you -- just to understand, we have a court reporter here that's going to be taking down -- she is creating a transcript of the questions and the answers. The videographer who introduced himself is taking a video here through the Zoom process, so there will be a video also created of that. Do you understand that?

A Yes, I understood.

Q So, one of the things that I would ask you, when we go through here, too, is to try to keep your responses verbal. So because there's a transcript being created, we would like to make sure that, you know, the court reporter can record something. So nodding or, you know, shaking your head that we all --

you know, I fall into that, too, it can happen. That can't be recorded, so we try to keep the answers verbal.

I may ask you that as a follow-up, your counsel may also say something during the course to make sure it's verbal.

Okay, like I said, if you need a break at any time.

So let me start off on -- did you undertake any preparation for your deposition today?

A Yes, I did.

Q Okay. What did you do to prepare for today?

A I reviewed documents that were sent in. I received updates about the case. I took -- I met with my attorneys. I -- yes, so I reviewed the notes, and I -- basically I reviewed the notes, documents that were sent to me.

Q And just following up on that, you said you met with counsel. When did you meet with counsel, your counsel?

A Yesterday.

Q And is that Mr. Rosen who you met with?

A That's correct.

Q Okay. Anyone else other than Mr. Rosen?

A Yes. So Mr. Cohen and Kim.

Q And other than meeting with them yesterday, did you meet before yesterday in order to prepare for the deposition?

A Yes, that's correct.

Q You met -- let me just rephrase that.

How long did you say you met with your attorneys to prepare for the deposition?

A Two hours.

Q Two hours.

A Two hours, give and take -- give or take at that time.

Q Got it.

And you met with them only once for two hours in preparation?

A Yes. That was -- then I met with my -- I met before -- I believe it was last week, Saturday.

Q So you met with them twice --

A That's correct.

Q -- for preparation. Once last week and once yesterday. Okay.

You said you had received some documents from them?

A That's correct.

Q Okay. And you also mentioned notes. Are there notes that you have and that you reviewed in

preparation for the deposition, that are separate or different from the documents that you're talking about?

A Could you repeat? I'm sorry.

Q You mentioned that you had reviewed notes. And then you also mentioned you had reviewed documents. So I'm trying to -- my question really is, are those two separate sets of documents, notes on the one hand and documents on the other?

A Yes.

Q Yes, okay.

When you're talking about notes, are these handwritten notes that you maintained or are they typed-out notes that you had?

A Handwritten.

Q Handwritten. Okay.

A That's correct.

Q And do you know those -- when did you -- when did you prepare those handwritten notes?

A I prepared them yesterday.

Q Yesterday. Okay. So those notes did not exist before yesterday?

A That's correct.

Q Okay. And would these be notes of your conversations with your lawyers yesterday?

A Yes.
Q Okay. Did you speak to anyone other than your lawyers in preparation for your deposition today?
A No.
Q Did you speak to Ms. Cooke at all in preparation for your deposition today?
A No.
Q The documents that you reviewed in preparation for this deposition, do you know if those documents were documents that were collected and produced in this case? I don't know if you understand what I mean by "produced." It's just one of the words we use. In other words, documents that you collected in response to a request for documents that Robinhood provided to you.
A Can you clarify?
Q Yeah. So you testified -- you said that you reviewed some documents, right?
A That's correct.
Q That these documents were provided to -- by your lawyers. Do you know if those documents, as part of this case, were provided to Robinhood, copies of them or these --
A Yes.
Q They were?

A Yes.

Q So all the documents that you reviewed in preparation for today, at least your understanding, are documents that were provided to Robinhood as part of this proceeding?

A That's correct.

Q Okay.

And do you remember -- you know, if you could just identify off the top of your head what those documents were?

MR. ROSEN: Objection. Mr. Danon, I'm not sure you are entitled to know what documents she discussed with her lawyers prior to the deposition. It seems to me that would be covered by privileged work product sort of thing, so on, so I will ask her not to discuss what she discussed with her lawyers.

MR. DANON: Okay.

BY MR. DANON:

Q Without discussing --

MR. DANON: And I appreciate that, Mr. Rosen. I'm not asking her for what she discussed with you. I'm just asking for the --

MR. ROSEN: You are asking what documents she discussed.

MR. DANON: Not the discussions. It's -- just to be clear, I'm asking for documents that she would have reviewed in preparation for the deposition. I -- without revealing or discussing any of the specific discussions that you had with your lawyers.

MR. ROSEN: So Ms. Bernard, you can tell him what documents, if you recall which documents we -- you looked at yesterday during our meeting, you can tell -- identify them to the extent that you are able, but don't discuss exactly the nature of our conversations.

THE WITNESS: Okay, so the document that I recalled is the Complaint filed.

BY MR. DANON:

Q Okay. The Complaint. Any other documents that you recall?

A I don't recall at this moment.

Q Okay. Was there, for instance, an account statement?

A No, I don't recall.

Q Okay. Any certification that would have been attached to the Complaint?

A I don't recall.

Q Okay. But you do recall the Complaint in

the case, right?
A That's correct.
Q Okay. Prior to yesterday, had you seen that Complaint?
A Yes, that's correct.
Q When had you seen the Complaint prior to that, if you recall?
A As I recall initially, it was in 2021, and then they amended it, so -- but initially, 2021.
Q Okay. And other than the Complaint itself, you have no recollection of other documents that you looked at yesterday in preparation?
A I don't recall at this moment.
Q Have -- we talked a little bit about -- or I had asked you before if you had ever been deposed, and you said you had not been deposed, right?
A That's correct.
Q Okay. Have you ever been a party in a lawsuit?
A No.
Q So you've never been sued or filed a lawsuit on your behalf?
A No.
Q Okay. And I'm going to take that also that you've never -- or I'll ask it. I won't make the

conclusion myself.

I ask, have you ever been or attempted to be a class representative in a class action lawsuit?

A Never, no.

Q What is your understanding of what it means to be a class representative in a class action lawsuit?

A Well, I would oversee the class action. I would look out for the interests of the other class members, and work with other -- work with my attorney to maximize their recovery, just working with the attorney and giving them whatever they need from me, and whatever the defendants might need.

Q Okay. Do you --

A Yeah, and make sure the class members are treated equally, fairly.

Q And what is your understanding as to what you will receive if you're successful in this lawsuit?

A I believe that's up to -- could you repeat that? I'm sorry.

Q Yeah. What is your understanding of what you will receive if you are successful in this lawsuit?

MR. ROSEN: Objection. Vague. If you understand the question, you can answer.

BY MR. DANON:

Q You can answer.

A I don't -- can you restate it?

Q Well, you understand that you are serving as a class -- a named class representative in a class action, right?

A That's correct.

Q And you understand a class action is a lawsuit, right?

A That's correct.

Q And you understand that, as a lawsuit, that that lawsuit is seeking relief for a monetary relief from defendant Robinhood, right?

A That's correct.

Q Okay, so my question is: What do you understand, individually, what is your understanding as to what you will receive, personally, if the lawsuit is successful?

A It would depend on the judge, but hopefully, it would be what was -- basically what was lost from the manipulation of Robinhood, the restrictions, basically -- let's see. So basically it would be the -- sorry about that. So basically --

Q That's okay. If you don't know, that's okay.

A -- what was lost. The damages that occurred due to the restrictions imposed by Robinhood.

Q And what do you understand are those damages?

MR. ROSEN: Objection. Calls for a legal conclusion.

BY MR. DANON:

Q You can go ahead and answer.

A Can you repeat? I'm sorry.

Q What do you understand those damages to be.

A Okay. Can you repeat it again? I'm sorry.

Q Yeah, no -- that's no problem. No problem.

What do you understand those damages to be. And let me just say, you said that your understanding is that what would occur if the lawsuit is successful is that you would be awarded damages. So I'm trying to understand, or my question is: What is your understanding of what those damages are?

MR. ROSEN: Objection. Vague. Are you asking for the dollar amount of her personal claim, or are you stating the method of calculating --

MR. DANON: I will ask you, Mr. Rosen to just --

MR. ROSEN: Because it is vague.

MR. DANON: I think you are limited to make an objection. State the objection, and then she can answer it, if she can answer it to the best of her ability. If she cannot answer it, then she can tell me that.

(Simultaneous speaking.)

MR. ROSEN: You asked her this open-ended question that confuses her. So the question is, are you asking her about her personal claim?

MR. DANON: Mr. Rosen, please -- you know the rules.

MR. ROSEN: I know the rules, but I am asking that you make the question clear.

MR. DANON: You know the rules on deposition. I would appreciate it if you would just allow her to answer the questions.

MR. ROSEN: I am going to instruct the witness now. Let me.

So, Ms. Bernard, if you don't understand his question, you are allowed to say to him, "Please tell me what you want."

MR. DANON: Mr. Rosen --

MR. ROSEN: You are allowed to say that -- you are allowed to ask --

(Simultaneous speaking.)

MR. ROSEN: I'm instructing my witness. You will quiet down and let me instruct my witness. When I am done instructing you can reask your question.

MR. DANON: You cannot coach the witness.

MR. ROSEN: I am not coaching the witness.

MR. DANON: Yes, you are.

MR. ROSEN: But she has a right to a clear question. And so I'm instructing her that if she doesn't understand what he means -- this gentleman means, you are entitled to ask him to specify exactly so that you do understand it, because we want a clear record, and we want answers to questions that are understood.

MR. DANON: And I would appreciate --

MR. ROSEN: So if you understand the question, you can answer it, otherwise --

MR. DANON: Talking over each other is not going to work. That's exactly what I went through at the very beginning on the background rules. I asked her if she didn't understand what I said, if she --

MR. ROSEN: You don't have to tell me what you said --

(Simultaneously speaking.)

MR. DANON: I think you need to let her answer the question.

MR. ROSEN: I told her, she can answer the question. And if she doesn't understand it, she can ask it to be more clear in how you ask the question so she can understand it.

MR. DANON: And I can tell her that repeatedly. So I think we need to proceed.

BY MR. DANON:

Q Ms. Bernard, you mentioned that your understanding is if this lawsuit was successful, that the result would be that you would receive damages.

My question is: When you said, on the record, that your understanding is that you would receive damages, what do you understand "damages" to be?

A To be the price of the stocks that I purchased, the restricted stocks, minus the price of the stocks that I sold.

Q Okay. So the -- your testimony would be the difference between what you purchased and what you sold the stocks; is that what you are saying?

A That's correct. The stocks that were restricted by Robinhood, that's correct.

Q And is there a specific time frame as far as

dates, that you understand to be the time frame that is at issue in this case?

A When the stocks were sold?

Q Yes, purchased and sold. Purchased and sold, yeah.

A Any stocks that were held on the -- January the 27th, 2021, and any stocks -- the restricted stocks that were sold between January 28 through February the 4th, 2021.

Q Okay. And do you understand -- is there any time limits on when you would own the stocks on January 27, 2021?

MR. ROSEN: Objection. Vague.

BY MR. DANON:

Q You can answer the question if you understand or if you know.

A Can you repeat again?

Q Do you understand whether or not there were any time restrictions on when you would own stocks on January 27, 2021? In other words, did you have to own the stocks at the close of the trading day, if you understand that, or could you own them at any time that day?

A Yes, you could own them overnight, or you can sell them before the market closed.

Q And what is your understanding of when the market closes?

A I believe it closes after 4. I believe. Eastern time.

Q Eastern?

A Eastern time, that's correct.

Q And just to be clear on the record, is it your understanding -- you said that -- your testimony is that it closes after 4.

A No, I believe it's closed. I don't know if it's 4:30 or 4:00 but I believe that's when it officially closes, but it's after-hours trading.

Q Okay. So your understanding is that there is a time, whether it's 4:00 or 4:30, that the market closes, but that there is after-hours trading; is that right?

A That's correct.

Q Okay.

Are you currently employed?

A Yes, I am.

Q Okay. And what is your job?

A Pharmacy technician.

Q And where do you work as a pharmacy technician?

A Walgreens.

Q Is there a specific --
A Walgreens.
Q Is there a specific Walgreens store or is it -- does it move around?
A It's -- there is a store number, but it's not at a physical location.
Q Okay. And how does that -- if it's a store number, is it an online store or -- I'm just trying to understand, yeah, if it is not a physical location, where --
A I believe it's the shipping of medications and delivery of medications and online support for customers. So it's basically work at home, so to speak.
Q So you, I guess what we'll call today, you work remotely from home --
A That's correct.
Q -- for Walgreens?
A That's correct.
Q And how long have you been a pharmacy tech, technician for Walgreens?
A Since November of 2021.
Q And prior to November of 2021, were you employed anywhere?
A No, I was attending college.

Q Okay. And where did you attend college?
A Miami Dade College.
Q And what campus of Miami Dade Community -- and just to be correct, is that Miami Dade Community College?
A That's correct.
Q Okay, what campus of Miami Dade Community College?
A North campus.
Q Okay. And what -- did you graduate with --
A Yes, I did.
Q -- a degree from Miami Dade Community College?
A Can you repeat that? I'm sorry.
Q Did you graduate with a degree from Miami Dade Community College?
A That's correct.
Q And when did you graduate, and what degree did you earn?
A I graduated in 2020. That would be the associate degree in business.
Q Is that in -- what time frame in 2020 did you graduate?
A At the beginning, January --
Q January?

A -- I believe that is correct.
Q And between your graduation and November of 2021, did you -- were you employed?
A During the time, I believe there was a virus, there was some -- no, I wasn't employed. No.
Q You weren't employed, okay.
And your work for Walgreens, is that currently at the same address that you provided at the beginning of this deposition, [redacted]
A That's correct.
Q And is this a full-time position?
A That's correct.
Q And as full-time, are you -- any -- is there any specific hours during the day that you are on, I guess on call or working with them?
A That's correct.
Q I was -- is there -- in other words, is it a certain period of time, beginning and end? Is it 9 to 5, is it 8 to 4, you know, is it -- what's the workday like for you as far as when it begins and when it ends?
A It begins at 12:30 p.m., noontime, basically, and ends at 11 p.m., and that's four days a week.
Q Four days a week. Okay. Got it.

And does your position as a pharmacy technician require any certifications or -- is it -- what's the certification or license that you have?

A Pharmacy tech license.

Q Okay. And is that a license obtained from the county or the state?

A I believe it's the state.

Q Okay. Is there any testing or -- yeah, any testing involved with that, obtaining that certification -- that license?

A Yes, that's correct.

Q There is. Okay.

And what is the test? Is it a full day, is it something the state administers? What is that test like?

A I believe it's something the states administer. It's not a full day. It's -- basically they give you questions and answers that you would have to know the answers to the questions that they provided, so that's --

Q And how long did you have to sit for the test? How long was the test? A few hours, a day? How long was it?

A My recollection is that -- I believe it was one and a half hours.

Q Okay. All right.

I believe, as part of the production in this case, you provided Robinhood with what would be a copy of a resume?

A That's correct.

Q Do you recall?

MR. DANON: And I just wanted to mark that -- I think we're going to mark it as Exhibit 99?

Mr. Rosen, is that okay with you? That's the sequential numbering that's been going on?

MR. ROSEN: Yeah, I'm looking at Exhibit Share, and I don't see any file folders for this deposition, so I'm not sure how we're going to view these.

MR. DANON: If you hold on one second, we'll figure that out.

MR. ROSEN: All right.

MR. DANON: One second. I guess, if that's okay, Mr. Rosen, we'll go off the record while we're figuring this out.

Okay.

THE VIDEOGRAPHER: Off the record at 10:36 a.m.

(Recess was taken.)

(Exhibit 99 marked.)

THE VIDEOGRAPHER: We are back on the record at 10:58 a.m.

BY MR. DANON:

Q So, Ms. Bernard, I just want to confirm, you have access now to the exhibit, the shared-exhibit folder?

A That's correct.

Q Okay. And just to get some logistics questions, are you currently using a laptop or a computer?

A Yes, a laptop for the Zoom, and then I'm able to access the -- the documents is on my phone.

Q So you're accessing the documents on your phone. Okay. And are you also using the phone for the audio portion of the Zoom meeting?

A No. No.

Q Okay.

A Just the documents.

Q Just the documents?

A For the time.

Q All right. So what we're going to mark as Exhibit 99, and what has been uploaded into the share folder is titled: Resume, Ava Bernard, Hollywood Florida, 33024, the first three lines of the document.

Do you see that?

A Exhibit 0099.

Q Yes.

A Yes, I do.

Q And is this -- and it's -- I don't know if you can see this, but on the bottom right there are some numbers, letters and numbers starting with P00001313, and each page is numbered, that it's on the bottom right. Do you see that?

A Yes, I do.

Q Okay. And this is a three-page document, so those numbers go from 00001313 to 00001315.

Do you see that?

A Yes, I do see that.

Q So is this -- is this a document that you prepared?

A Yes, that's correct.

Q Okay. And when did you prepare this document? I may have missed it, but when I looked at it, I did not see a date of preparation. It's got what you are doing currently and your AA, but when did you prepare this document, date-wise?

A I believe it was last year, but I don't recall. I believe it was last year.

Q Okay. You don't recall a specific date --

A That's correct.
Q -- or a time frame?
Okay. In the exhibit that you are looking at. There is an area that is all in black. It's out right under the "Hollywood, Florida, 33024."
Do you see that?
A Yes, that's correct. Yes.
Q Do you know what was contained in there and what was taken out?
A No, I don't. It could be -- I don't know what that is.
Q Okay. You don't recall if there was -- I guess I was just asking: Was there any specific language or type in there that then has been blocked off?
A No. It could be something with the document, but I can't really say.
Q Okay. Was there any specific reason you prepared your resume here that's shown as Exhibit 99?
A Yes, I believe it was something that Robinhood, the defendants, had requested.
Q Okay. And they -- and what was the request? Do you understand? Was it as part of this case, or was it as part of something else?
A I believe it was part of the case. They

needed certain documents, and I --

Q Okay.

A -- that's correct.

Q So you understood, as part of the case, there was a request for documents that Robinhood had provided, and as part of that, you prepared this document, which is Exhibit 99, which is your resume?

A That's correct.

Q And then you provided that to your counsel who then provided it to Robinhood in this matter; is that your understanding?

A That's correct.

Q Okay. Thank you.

Looking through it, is everything that you have listed on the resume still accurate and current?

A I think it is.

Q Okay. Thank you.

A You're welcome.

Q [redacted]

A [redacted].

Q And, again, based on the four days a week, the 12:30 to 11 time frame that you're -- that is your work schedule; is that right?

A Could you repeat that? I'm sorry.

Q I said, as I understood your work schedule that you identified, it was 12:30 p.m. to 11 p.m., four days a week?

A That's correct.

Q Are those four days sequential? Is it like Monday through Thursday? Does it change on a weekly or monthly basis?

A It can change, because every -- every three months or four months they change it that you would have to change your schedule, but currently it's -- it's -- what's the word -- it's the same, the same -- the same days, the same hours. Nothing has changed. So it's Sunday, Monday, Tuesday, Thursday.

Q Okay. And as part of what you described, you know, you were doing this, when was it -- was the -- filling out prescriptions for mail order; is that correct? Or how did you -- yeah, how would you describe what your day -- day-to-day activities are?

A Well, the patients call in. They want to get their medications filled, so I would take the medications that they want to be filled, I put in a request for it to be filled by the pharmacist. I would ensure that their information is correct, their address, their name, date of birth. I also assist them with website issues they might be having with the

Walgreens website. If they have account issues.

They -- if other tasks that I'm able to do, then I would assist.

Q Okay. So is it fair that during the day you are on the phone with customers, and you are assisting them with their prescription orders by phone?

A That's correct.

Q Do you also assist them through any chat function or any e-mail or kind of using the website, the Walgreens website?

A No, just the phone.

Q Okay. Do you have -- as a pharmacy technician, do you have access to the customers' records or files online through a Walgreens portal?

A That's correct.

Q Okay. And is that something that you would be required to do when they are asking, you have to search exactly what their prescription is, and make sure that you are filling it correctly to the -- or that it's being filled correctly with the pharmacist?

Let me just backtrack on that. That was bad on my part.

I am saying, as part of -- as part of when you are talking to them, you would have to have some access to their Walgreens account, and you have that

access online, on this; is that right?

A That's correct.

Q Okay. And is the computer that you use for working for Walgreens, is it the same one that you are currently using for this deposition?

A No.

Q No. Okay.

So do you have a separate computer that is for the Walgreens job?

A That's correct.

Q Okay. And is that a laptop?

A A desktop.

Q A desktop. Okay.

A That's correct.

Q So do you know -- well, you understand that in this case you have an assignment from Colleen Cooke; do you understand that?

A That's correct.

Q Okay. Who is Colleen Cooke?

A That's my mother.

Q Okay. And does she live with you, or do you live with her?

A Yes, we -- yes, that's correct, I live with her.

Q So you live together at [redacted]

[redacted]

A That's correct.

Q Okay.

And how long have you lived -- well, I will ask you: How long have you lived in that apartment with your mother?

A I believe since last year, June. I don't remember if it's June or July, but last year.

Q Okay, since last year. Before that, before June, July of 2022, were you living -- where were you living?

A I was living at a different address, the [redacted].

Q Okay. And how long did you live at the [redacted]

A I believe it was 2013. I don't know the exact month, but it was 2013.

Q So, from about 2013 to 2022, so that would be almost nine years at the other address?

A I think so.

Q And your mother, Ms. Cooke, how long has she lived at the [redacted]

A The same time frame, which is either July or June of last year.

Q Okay. And prior to that, do you know what

her address was prior to June, July 2022?

A Could you repeat that? I'm sorry.

Q Prior to June or July of 2022, what was your mother's address where she lived?

A It was the same address, the same time frame, 2013 to 2022.

Q Okay. And I just want to be clear, that address, it's [redacted]?

A That's correct.

Q And during that time frame from 2013 to June or July of 2022, were you living -- were the two of you living together in that residence, both lived there?

A Could you repeat that? I'm sorry.

Q During the time frame of 2013 to June, July of 2022, did you both live at the [redacted]

A That's correct.

Q During that time, did you live at -- did you yourself, individually, live in any other location?

A No.

Q Okay.

Did you -- did you discuss this lawsuit with your mother, Ms. Cooke?

A No.

Q You didn't have any discussions with your mother about this lawsuit?

A That's correct. She only knows there's a lawsuit and a deposition. That much, basically.

Q Did you discuss the lawsuit with her prior to the assignment that was signed?

A I'm sorry, could you repeat that?

Q Did you discuss this lawsuit and the Complaint that was filed with your mother prior to the assignment of the claim that was signed?

MR. ROSEN: You mean, did she notify her about it, or did she have in-depth discussions? You have to be precise in your questioning.

BY MR. DANON:

Q You can answer the question, Ms. Bernard.

A Do you mean if I --

Q Did you have discussions with her?

A If it was okay to go ahead with the lawsuit, to sign on with the Rosen law firm?

Q Any -- any discussions, whether it was -- whether it was okay to approve, or what you -- any of the issues in the case. Any discussions with her about the lawsuit?

A She basically was okay with going -- she trusts my judgment, so she -- she allowed me to go

ahead with that, the lawsuit -- going on and signing with the Rosen, if that's what you mean.

Q Did you have any discussions with her, and that is -- I appreciate that. That's definitely one of the things I was wondering.

A Okay.

Q But as part of the question, too, did you have any discussions with her about the shares that were at issue, about Robinhood, about any of the allegations that are in the Complaint?

Do you understand what the allegations of the Complaint are? Let me -- let me -- let me start again.

So you understand the Complaint makes certain assertions or describes certain events, right? That's what the pages of the Complaint are. There are a number of paragraphs, and it talks about -- it makes out -- those are called allegations of the Complaint, what it says happened and what it claims against Robinhood.

Did you -- so my question is, did you discuss with your mother any of those allegations that are presented in the Complaint?

A She did know that we lost money, but in regards to -- my mother really -- really is not

interested in stocks, but I just basically asked her -- I had to get her permission to go ahead and -- and to work with the Rosen law firm. But she doesn't really -- so if I discussed -- so I don't recall any deep discussion or anything regarding the case to all that. Just lost money, the Robinhood, and would like to -- to work with the Rosen law firm to see what we can recover from the manipulation.

Q How did you learn of the Rosen law firm?

A I went online. I was looking to see if I could find a law firm. If there was -- so not anything that was definite, but I was just looking to see if there is a law firm that I could contact to see if they could assist.

Q And when you went online, was it with a specific purpose of finding a law firm in connection with the short squeeze and the purchase and sale of the stocks in 2021?

MR. ROSEN: Objection. You used the term "short squeeze." There's nothing in the record about what a short squeeze is. So that assumes facts not in evidence. So you may want to rephrase that to be proper.

MR. DANON: Mr. Rosen, again, under the rules, you can object, and you can object to

form, but you are not permitted to deal or expand that, you know, in a way that coaches the witness. So I would just appreciate it --

MR. ROSEN: Nobody is coaching the witness. I'm asking you to try to formulate correct questions that are not compound, that are precise and --

(Simultaneously speaking.)

MR. DANON: You can object to form, and it's preserved. So -- anyway.

BY MR. DANON:

Q Ms. Bernard, when you said that you went online to look for a law firm, what time frame -- what time of year, and what year was that?

A It was 2021. I don't remember the month. It was 2021.

Q And you understand this Complaint -- or do you understand that this Complaint alleges, or the allegations of this Complaint are based in a time period which is in January of 2021 to early February?

A That's correct.

Q And you yourself had stated earlier that you understood that the time frame for the sale or purchase and sale of the securities was January 27, 2021, and up to February 3rd of 2021; is that right?

A Can you repeat?

MR. ROSEN: I'm not sure that's what she said, actually.

MR. DANON: You can object, again, Mr. Rosen, but I don't think you can make a statement.

MR. ROSEN: Objection. Mischaracterizes the testimony.

MR. DANON: She can correct me if I am --

MR. ROSEN: Just that --

MR. DANON: -- if I am not right.

MR. ROSEN: -- I just objected.

MR. DANON: Just object, and that's it.

BY MR. DANON:

Q Ms. Bernard?

A Okay.

Q You understand you had previously stated that you understood that to be in the class period in this case was the shares that were held on January 27, 2021, and then sold up to -- after that date, up to February 3, 2021.

Did you understand that, February 4?

A Yes, February the 4th, that's correct.

Q So you understand that time frame, what we're talking about, date-wise, is January 27, 2021,

through February 4th of 2021. Do you understand that?

A Yes. Twenty-seven for when the -- yes, that's correct.

Q So when you went online to find counsel, were you looking for counsel to help you in connection with anything that related to your transaction with stock during that time period of January 27, 2021 to February 4th of 2021?

A I mostly went there to see how I can recover the damages, the loss -- from the loss that -- the loss that I -- from the stocks that the -- the loss from the stocks that Robinhood restricted, the loss -- so I went in to recover those losses, so that was my main reason for seeking out a law firm.

Q And had you read anything online prior to seeking out the Rosen law firm, about any potential lawsuits or any active lawsuits against Robinhood, regarding any sales of securities during the time period of January 28 through February 4, 2021?

A No, that I don't recall now.

Q Had you contacted anyone else about your attempt to seek recovery of losses prior to reaching out to the Rosen law firm?

A No.

Q Had you discussed with your mother the

intention of seeking out counsel prior to reaching out to the Rosen law firm?

A Yes, that's correct.

Q Now, is your mother involved in investing in stocks?

A No.

Q Do you discuss with her on -- do you discuss with her any investments in stocks?

A No.

Q Have you ever discussed with her any investments in stocks?

A No. She is not really interested in any stock -- stocks.

Q So she is not interested in --

A Learning about it and -- I mean, she's okay with it but, yes, that's correct.

Q Just so that I can understand. She is not interested in the investment in stocks?

A In terms of what it takes to select stocks, just the concept, I guess, to -- yeah, she's not -- you know, yeah, that's correct, she's not, you know.

Q I think you finished the answer. I just want to make sure you finished the answer, Ms. Bernard.

A Oh, yes, I'm finished.

Q Okay.

These -- so these -- so the shares that you have identified in this case, the AMC and Nokia shares, and those transactions in the Robinhood account, did your mother, Ms. Cooke, have any involvement in a decision of when to purchase or sell any of those stocks?

A No.

Q Prior to ordering any purchases of the shares that you've identified in your certification, did you have any discussions with your mother?

A No.

Q Prior to ordering any sell or sale of the securities identified in your certification, did you have any conversations with your mother?

A No.

Q Okay, so it's fair to say that you did not have any discussions with her on the decision of whether to buy or sell any stocks that were in your Robinhood account?

A That's correct.

Q Now, you are -- you're seeking to be a class representative in this case. We talked about that earlier. And that you had looked at the Complaint prior to it being filed.

Do you recall the stocks that are involved in this lawsuit and identified in the Complaint?

A Yes, that's correct.

Q Okay. And do you recall them or is it -- can you recall them off the top of your head?

A Yes, I can.

Q Okay. What are those stocks?

A Nokia, GameStop, AMC, BlackBerry, the Bartlein (phonetic), Tootsie Roll, Trivago, and -- am I missing one? Let's see.

Q That's very good.

A Okay.

Q Now, in connection with the claims that you are asserting on behalf of your mother, what are the stocks that you are basing your claims in this case on?

A That would be Nokia and AMC.

Q Okay. And just to be clear, other than Nokia and AMC, there are no other shares or stocks that you're making any claims in this case on; is that correct?

MR. ROSEN: Personally?

THE WITNESS: I'm sorry, can you repeat that?

BY MR. DANON:

Q On behalf of your mother --

A Okay.

Q -- you're not asserting claims based on any other stocks; is that correct?

A Those are the only two stocks.

Q Do you have any claims individually that you would seek to assert in this lawsuit?

MR. ROSEN: Apart from her mother's claims that she's --

MR. DANON: Again, Mr. Rosen, if you have an objection, you can state it.

MR. ROSEN: Well, that's my objection. I don't understand.

MR. DANON: You can use the word "objection." You can say "objection."

MR. ROSEN: Yeah. But when you ask imprecise questions, you get answers to questions that you don't ask, and then --

MR. DANON: You can object.

MR. ROSEN: And then usually --

MR. DANON: You can object and preserve the record.

MR. ROSEN: I'm trying to help you formulate it.

MR. DANON: And I appreciate that. I really do.

(Simultaneously speaking.)

MR. ROSEN: Do your best. Okay. Thank you.

MR. DANON: And you follow the rules and the practice on depositions. State your objection, it's preserved, and then we can proceed.

BY MR. DANON:

Q Ms. Bernard, are you asserting any individual claims on your behalf, other than on behalf of your mother, in connection with any of the stocks that you have identified?

A Just on behalf of my mother.

Q Do you have any accounts in your name, any --

A No.

Q -- trading accounts or investment accounts in your name?

A No.

Q Do you own any stocks in your own individual name?

A No.

Q Have you ever purchased or sold any stocks in your individual name?

A No.

Q So the only stocks or investment that you have undertaken are on behalf of your mother and her -- and within her account?

A That's correct.

Q And understanding she's your mother so you probably have conversations with her, but do you have any formal authorization from your mother to act on her account?

A Verbal.

Q Right. Okay.

When you -- or let's say, do you know, in opening the account at Robinhood, did you assist her with that, or did she do that on her own?

A She gave me the okay to open it for her. She -- yes, that's correct.

Q So you opened the account for her?

A That's correct.

Q Did you fill out all the account-opening information yourself?

A I don't recall what they gave me to open -- to open the account, so I don't recall what --

Q Do you recall when you open an account, you have to provide, right, name, address, some sort of personal details, right?

A I don't recall. It could have been, but I

don't recall.

Q Okay. I didn't want to cut you off.

A No, that's okay.

Q Okay. But you -- do you remember opening an account at Robinhood in your mother's name?

A Yes, but I -- yes, that's correct.

Q So you do remember opening an account in her name?

A That's correct.

Q Okay. And what I was trying to ask is if you remember, at the time you were opening the account, what type of information had to be provided in order to open the account. Do you remember any of that?

A No, I don't recall.

Q But to the extent any information was provided, that was provided by you; is that correct?

A I don't recall if there's anything that she needed to have done. I don't recall if she played a part in that. I don't recall what was required at the time.

Q So you don't know whether or not she provided any of the information that was required?

A That's correct, I don't recall.

Q And when was the account opened, do you

recall?

A I do believe it was in 2020. I don't remember the month, but it was 2020, the later stage. I believe it was either November or October.

Q Of what year? I'm sorry, Ms. Bernard.

A 2020.

Q 2020. Have you -- let me start again.

Does your mother have accounts, investment accounts, with any other firm?

A That would be Stash. That's correct. Stash.

Q And did you also help with opening that account?

A Yes, that's correct.

Q Okay. Did she participate in providing the information that was necessary to open the account at Stash?

A It could be the same thing. I don't recall what was required or what input she had. I don't recall.

Q When opening the Robinhood account, do you recall if all the information was provided online, or did you have to provide any information in writing through the mail?

A Could you repeat that? I'm sorry.

Q I said, in opening the Robinhood account, do you recall if all the information was provided online, you know, through computers, or was it -- or was there any information that you provided through the mail?

A I want to say online, but I don't really recall. I believe it's online, but I don't know if they sent documents through the mail, so I -- it's 2020. I don't recall. I believe it was online.

Q And as part of the Robinhood account, did you create a -- I'd say, an account details, like a user name and a password in order to access your account -- your mother's account, I'm sorry?

A Yes, you would have to have a log-in to access the account.

Q And when you created that log-in, was your mother involved in creating that log-in?

A No. I usually create the log-ins. No.

Q So you created the log-in yourself?

A I usually do that for my mother's account, whether it be anything, because that way I could set up the passwords and so she can easily remember them.

Q Does she know the user name and password for the Robinhood account?

A Like I said, she's not interested in the passwords or the investing, so it's something that she

is not really interested in.

Q So she doesn't know the log-in details?

A No. It's something that she doesn't want to know, but if she wanted to, she would have access to all the information, all the log-in information.

Q But from your understanding, she doesn't know, at this point. She has not asked you for it?

A No, it is something that she's not interested in.

Q Question: How old is your mother?

A She is 63 years old.

Q Okay. And is she employed?

A That's correct.

Q And what does she do?

A Certified nursing assistant. Caregiver.

Q How long has she been a certified nurse assistant?

A I believe it's since 2013.

Q 2013, okay.

A That's correct.

Q And where -- where does she work? Is it a hospital or a facility?

A It's a private -- private home, private -- she works private for an individual that needs -- an individual that needed her father to be taken care of,

so she is currently working private.

Q So it's a private house, and a caregiver, an assistant for somebody, right, privately, one person?

A That's correct.

Q It takes special people to do that, so I respect that a lot.

A Okay.

Q Is -- so she's been doing that since 2013?

A That's correct.

Q Okay. With the same family?

A No. No, different.

Q Different. Is -- when she is looking for families that need assistance, is this -- does she work with an agency? Is she part of a group? Or is it just really kind of an individual basis?

A Previously, it was with an agency, but now it's private.

Q Okay. "Private" being just herself, right?

A Yes, that's correct. She works for an individual person. She doesn't have to go through an agency.

Q And prior to 2013, what is it that she -- was she employed and what did she do?

A Prior to that, I wouldn't say she was a certified nurse, but she basically was there to look

after, like, take care of a household. So there was this elderly lady that she -- she basically was there to keep her company, and look after the home, so it wasn't really healthcare like being certified, so she just did that for part time.

Q Okay, part time.

And how long did she do that prior to 2013?

A I believe it was either one and a half years or two years.

Q Okay. And before that, did she work somewhere else in healthcare? Was she a nurse?

A No, she worked at -- let's see -- school, I believe, a school in terms of preparing lunches for students. Yeah.

Q In Miami? What school was it?

A No, it wasn't in Miami. It was in --

Q Oh, okay.

A Yeah, that's right.

Q Was that in Pennsylvania?

A No.

Q Oh, where was it?

A It was in Kingston, Jamaica.

Q Got it. Okay.

A Okay.

Q Okay. And in -- just to wrap this up, in

the depo I know you mentioned 2013. Did she come from Jamaica in 2013 or before that?

A 2010.

Q 2010, okay.

(Premarked Exhibit 5.)

BY MR. DANON:

Q Let me show you as an exhibit -- and I think it has previously been marked as Exhibit 5, which is the Complaint. And I know you are using your phone to look through this, right, so, it might be a little challenging for you, Ms. Bernard, but -- is it up? Okay.

Is -- do you recall seeing this document? I know you testified earlier that you had seen it, but I just want to make sure for the record. You recall seeing this document that has been marked as Exhibit 5?

A Okay, waiting for it to pop up.

Q Okay. You may need to refresh the screen in order to have it recognize the new exhibit.

A Yes, I do see it.

Q Okay, good.

And do you recognize this Exhibit 5 as the Amended Consolidated Class Action Complaint in this matter?

A That's correct.

Q Okay. And I think previously you said you had looked at this yesterday, at least yesterday. Prior to yesterday, had you seen this document? Do you recognize or does it refresh your recollection as to having seen it before?

A That's correct.

Q Okay. If I can direct your attention to -- you notice how all the paragraphs are numbered, correct?

A That's correct.

Q If you go to page 69, paragraph 128, if you can look at paragraph 128. And do you understand this paragraph to --

A I'm sorry, could you repeat that?

Q Yeah. Paragraph 128, on page 69 of the document?

A It's currently black, so I'm just waiting on the screen to pop up.

Q Yeah, it probably has to load up. Right.

MR. ROSEN: Yeah, it's going slow. It's also taking awhile for me to pull it up.

MR. DANON: Okay.

MR. ROSEN: Paragraph 25, you said?

MR. DANON: 128. 128 on page 69.

THE WITNESS: It is still loading.
MR. DANON: Okay.
THE WITNESS: It is loading one page at a time so...
MR. DANON: So it's taking --
MR. ROSEN: Can she look at the paper copy? Maybe she has the paper copy.
MR. DANON: If she has the paper copy, that's okay, if that's okay with you, Mr. Rosen.
MR. ROSEN: Yeah, it will save us some time and make it easier.
MR. DANON: Yeah.
THE WITNESS: Okay. You said page 69?
BY MR. DANON:
Q Page 69, paragraph 128.
A Okay.
Q Do you -- I don't know if you want to read it, or do you recall reading that paragraph?
A I don't recall exactly what it said, but I read every paragraph.
Q Okay.
A Every --
Q Do you want to -- well, do you understand that paragraph to be the paragraph that identifies the stocks by name and by code symbol?

A That's correct.
Q Identify the stocks that are at issue in the case; is that right?
A That's correct.
Q And you did mention, I think, all but one, so good job on remembering there.
A Thank you.
Q So the shares and the stocks and symbols are identified.
In this paragraph, you understand that there -- the words there are collectively -- they are, "the Affected Stocks."
Do you see that? Right in the middle of the page?
A Yes, I do.
Q So I just point that out so that going forward, when I mention or use the word "Affected Stocks" during the deposition, you would understand that the stocks we're talking about are the stocks identified by name and symbol on paragraph 128.
A Okay.
Q Is that fair?
A Yes, that is fair.
Q And as -- as -- and in this paragraph, it also describes the class or who would be part of the

class that you are seeking to represent; is that right?

A Could you repeat that? I'm sorry.

Q You understand that, as part of a named class, you are seeking to file this case on behalf of a class of people, a group of people; is that right?

A That's correct.

Q And you understand that that class has to have a definition which is a description of who would fall into that class; is that right?

A That's correct.

Q Okay. And do you understand paragraph 128 as describing who would be a member of the class?

A That's correct.

Q Okay. And do you understand that to be a member of the class, as explained in paragraph 128 here, the person has had to have held shares in these Affected Stocks that are identified by name and symbol at the close of trading on January 27, 2021?

A Could you repeat that? I'm sorry.

Q Do you understand that to be a member of the class as described in paragraph 128 of this Complaint, a person has to have held shares in the Affected Stocks, the ones that are identified by name and symbols in paragraph 128, at the close of trading as

of January 27, 2021; is that correct?

A Yes, that's correct.

Q Okay. And then you -- do you also understand that to be a member of this class that's described in paragraph 128, a person would have had to have sold the shares in the Affected Stocks at a loss between January 28 and February 4 of 2021; is that correct?

A Yes, I understand that -- could you repeat that? I'm sorry.

Q Do you understand that to be a member of the class, as described in paragraph 128 of this Complaint, a person would have had to have sold shares in the Affected Stocks -- so the stocks that are listed here by name and symbol in paragraph 128 -- would have sold those shares at a loss between January 28 and February 4th of 2021?

A Yes, that's correct. That's correct.

Q Thank you.

So if you turn to -- you have the paper copy, and on the paper copy, do you see on the top right -- oh, you also have Exhibit A, the Complaint, in paper copy?

A I believe so. Let's see.

I do have it, but I would have to look for

it.

Q Okay. Good.

A Okay, what am I looking for? Can you --

Q Exhibit A to what was the Complaint. And I wanted to direct you to -- do you see at the top right there's in blue, or there should be page numbers, page 4 of 23. I don't know if you have a filed copy or not.

And what I'm --

MR. ROSEN: She may not have the exhibit. I don't know if she has the exhibit.

(Simultaneous speaking.)

MR. DANON: I just want to make sure she has it right. Mr. Rosen, do you want to --

MR. ROSEN: You want her to look at the certification?

MR. DANON: Exactly.

MR. ROSEN: She should have a copy of the certification form somewhere.

THE WITNESS: Do you mean Exhibit 1 or --

MR. DANON: So attached to that --

MR. ROSEN: Yeah, it would be Exhibit 1. It would be labeled Exhibit 1 that we sent to you.

THE WITNESS: I understand.

MR. ROSEN: It's your mother's -- it's your

certification form, and then your mother's assignment. The first version of it that was filed with the court.

THE WITNESS: Okay, so I do see the Exhibit 1. I was looking for Exhibit A. I do see Exhibit 1.

BY MR. DANON:

Q All right, so do you -- do you have in front of you what is certification -- and it's: "Ava Bernard, the plaintiff, authorizes the Rosen law firm to file an action or amend a current action in the federal securities laws," et cetera.

Is that what you are looking at?

A That's correct.

Q And it is executed on the bottom, it has a date, execution date of 11/29/2021?

A That's correct.

MR. DANON: We would like to mark that certification dated 11/29 -- 11/29/2021, as Exhibit 100.

Mr. Rosen, are you okay -- we're going to upload it, but are you okay if she's looking at the paper copy that she has?

MR. ROSEN: Yeah, as long as she got the right document.

MR. DANON: Exactly. That's why I want to make sure we have the right one in front of her.

MR. ROSEN: Sounds like that is her original certification form. As you know, she served -- or we served amended certification form and amended assignment yesterday, I think.

MR. DANON: We received it yesterday afternoon.

MR. ROSEN: All right.

MR. DANON: Yep. I want to mark as Exhibit 100 the 11/29/2021 certification.

(Exhibit 100 marked.)

BY MR. DANON:

Q I just want to make sure, Ms. Bernard -- what you have in front of you, you can look at it now. It's in the shared exhibit folder, but I want to make sure that what you have in front of you as a paper copy is the certification that you signed on November 29, 2021.

A Okay, I do have that.

Q Okay. That is in front of you?

A That's correct.

Q And if you turn to the second page of that certification, that's Schedule A, said: "Ava Bernard assigned from Colleen Cooke." Do you see that?

Ms. Bernard, somehow you got on mute. So I don't know if you --

A I'm sorry about that.

Q That's all right. That's all right.

So do you see that as far as Schedule A --

A That's correct, I do.

Q -- do you see that document? I'm sorry, I was -- I don't know if it -- I didn't hear.

A Yes, I do see it.

Q Okay, perfect.

And on this document it includes purchases, AMC -- two AMC purchases of 500 shares on January 27, 2021; is that correct?

A Could you repeat that? I'm sorry.

Q I'm saying what Schedule A of this certification executed on November 29 of 2021, what it first lists on Schedule A are purchases. It has AMC, the date 1/27/2021. And shares, it has got 500 or two purchases of 500 shares; is that correct?

A That's correct.

Q Okay. And then on the sales, it has one sale on February 2, 2021, of 500 shares, and a second sale on February 3, 2021, of 500 shares; is that correct?

A That's correct.

Q The time you executed this certification, the only stocks or shares that you identified that were part of the claim you were asserting on behalf of your mother, was the AMC shares; is that right?

A That's correct.

Q Okay. And this schedule that lists the shares, is that a schedule that you prepared, or did your attorneys prepare it?

A I'm sorry, could you repeat that?

Q The schedule that is shown on your certification --

MR. ROSEN: The list of purchases and sales?

THE WITNESS: I gave them that information.

BY MR. DANON:

Q Okay. Did you prepare the schedule, or did the lawyers prepare the schedule?

A When you say "prepare the schedule" --

Q Actually drafted the schedule. Put it together.

A My attorneys drafted the schedule, but I gave them the information with the purchases and sales.

Q And did you identify these two purchases and these two sales, or did you provide them with account statements, and they selected the purchases and shares

to list on Schedule A?

A I believe both.

Q Can you explain that?

A Ah, yes, so they asked what --

MR. ROSEN: Objection. Objection. I'm sorry, you can't -- you can't tell them what we asked you.

MR. DANON: Yeah, I don't want to --

MR. ROSEN: It is attorney-client privilege.

BY MR. DANON:

Q Yeah, I don't want to know your conversations with them. I just want to know as to how this document was created and how those four transactions were identified.

Did you identify those four specific transactions, or did you provide an account statement, and the attorneys identified the four transactions?

A I identified those transactions.

Q Did you highlight them in your account statement, or did you provide them verbally?

A Can you --

MR. ROSEN: Objection. Objection. Look, you are not -- these are conversations with her lawyer. I let you go way too far here. She has testified that we prepared the schedules. And

that's about as far as you are going to go as far as her conversations and interactions with her lawyers on this. All right?

MR. DANON: I do not -- I do not want to get into the conversations that she had with lawyers. I do want to know about how the document was provided. And she signed it, so I would like to know how -- you know, what input she had in the document --

MR. ROSEN: She told you -- she told you she gave us the information. We prepared the schedules.

MR. DANON: Okay. Thank you.

BY MR. DANON:

Q If you go to the first page, the certification, this certification, is this something that was provided for you to sign or did you draft the document, paragraphs 1 through 6?

A Could you repeat that again? I'm sorry.

Q Okay. The front portion of this certification includes paragraphs 1 through 6.

Do you see that?

A That's correct.

Q And then at the bottom you signed it, executed on 11/29/2021; that's your signature, right?

A Yes, that's correct.
Q And you DocuSigned it, right, so you signed it electronically?
A Yes, that's correct.
Q Did you draft this certification, or was it a document that was provided to you by counsel, and you signed it?
A Provided to me by counsel, and I signed it. I viewed it and signed it.
Q Okay.
Then there's a -- if I put this sequentially on the exhibit, there's an assignment form that comes after Schedule A, right?
A Could you repeat that?
Q If -- we're just making sure that the exhibits match here. There should be a third page that is the assignment. It's titled "Assignment." It says, "Colleen Cooke, the undersigned, assignor, hereby transfers, et cetera." It's executed also on November 29, 2021, and signed, DocuSigned Colleen Cooke; do you see that?
A Yes, I do see that.
Q We're looking at the same document?
A Yes, I do see that.
Q Okay. What do you understand this document

to be?

A I understand that -- exactly what the document says. It assigns, transfers and sends over to me all rights, title, ownership, and interest of my mother, and any and all claims, demands, and causes of action of any kind whatsoever.

So basically what the document says.

Q Okay. And this document, is this a document that was prepared by your attorneys and you signed it, or did you draft the document?

A It was prepared by my attorneys. I reviewed it, and my mother signed it.

Q Okay. Is -- is your understanding that this assignment gives you any ownership over the stocks themselves?

MR. ROSEN: Objection. Calls for a legal conclusion.

BY MR. DANON:

Q You can go ahead.

MR. ROSEN: And it mischaracterizes the document.

THE WITNESS: I'm sorry, could you repeat?

BY MR. DANON:

Q Do you understand whether or not this assignment gave you any ownership over the shares or

the stocks themselves?

A No.

Q Okay. So your understanding is that this assignment only involves any claims or causes -- demands or causes of actions. So something like just the lawsuit; is that your understanding?

A That's correct.

Q Okay. So the shares, the actual stocks are still held or will always be held in the name of Colleen Cooke, your mother, right?

A That's my understanding.

Q Okay. And the trades that are -- let me start over.

The purchases and sales that are identified on Schedule A, did your mother have any involvement in ordering the purchases or sales that are identified in Schedule A of the certification that you signed and the assignment -- or in connection with the assignment that she signed?

A I'm sorry, could you repeat that again?

Q Yeah, I know, that was long.

So the certification that you signed --

A Okay.

Q -- when we talked about the schedule that is on the second page of that certification, with that

schedule identifies two purchases and two sales. You got that?

A I'm sorry.

Q Yeah.

A Did you say two purchases?

Q Yeah, you're looking at -- just to make sure we're looking at the same thing, Schedule A --

A Okay.

Q -- which is the second page of the certification. It identifies two purchases of AMC, right?

A That's correct.

Q And right to the right of it, two sales of AMC, right?

A That's correct.

Q Right. And I just want to confirm, as far as -- as far as you are aware, your mother did not have any involvement in ordering the purchases or sales of these AMC shares that are listed on Schedule A?

A That's correct.

Q Are you the only individual that was making any of the trades on your mother's Robinhood account or in -- I'm sorry -- in her account?

A Could you repeat that?

Q Are you the only individual that was making the decisions on any of the trades that were undertaken in your mother's Robinhood account?

A That's correct, yes. I was the only one.

Q You were the only one.

Does -- and by that, no one else had log-in information or the ability to make any instructions on that account, on your mother's account in Robinhood?

A That's correct. No one was able to.

Q And do you know whether she authorized anyone, other than you, to make any investment decisions relating to that Robinhood account? Or was that all you? You were the only one authorized by her?

A I was --

Q Yeah, so you were the only one that she -- or that you are aware of, you are the only one that she has authorized to make any of the trades in the Robinhood account, right?

A That's correct.

Q Now, how did -- how did it come about that you are undertaking her trades in the Robinhood account? Did she ask you to do that? Did you ask to do that?

A Could you repeat that?

Q Yeah, how did it come about that you are making the trades in your mother's name in the Robinhood account?

A Could you clarify the question?

Q Sure.

A Okay.

Q Let me ask you: Did you ask her to open a Robinhood account so that you could trade on her behalf?

A That's correct.

Q Okay. And she did not ask you to open up a Robinhood account to trade on her behalf. You are the one who asked her?

A That's correct.

Q Did she ask you about any of the shares or the stocks and the companies, you know, involved before you made any orders to purchase a specific stock?

A Can you repeat that again?

Q Sure. So for instance, with AMC stock, did your mother ever talk to you about buying AMC stock?

A Like I said before, she's not really interested in it, in looking into companies or trading.

Q So it's fair then to say that before any of

the transactions in the Robinhood account in her name, that you did not have any discussions about the stocks that were being purchased and sold?

A That's correct.

Q Okay. And that includes the fact that you didn't have any discussions with her about any specific company that was part of the shares that you were purchasing and selling?

A Could you repeat that again?

Q And that would include the fact that you were not talking to her about any of the companies?

A That's correct.

Q In -- okay -- in the shares that you were buying, right?

A Yes.

Q So, for instance, if you were buying AMC, you did not have any discussions with her about AMC and -- right?

A That's correct.

Q Yeah. And the fact that you made all the decisions and orders in her Robinhood account, is that for the entire period of time that the account was open until today?

A Can you repeat that?

Q So are you the one that made all the

investment decisions in your mother's Robinhood account since the time that it was opened until today?

A That's correct.

Q And you did not discuss with her any of the investment decisions from the time the account was opened till today?

A That's correct.

Q And that would include specifically any of the transactions or trades in your mom's Robinhood account in January and February of 2021?

A That's correct.

Q When did you first hear about a lawsuit against Robinhood regarding any of the shares of these Affected Stocks?

A Could you repeat that?

Q When did you first hear about this lawsuit or a lawsuit against Robinhood in connection with the shares, the affected shares?

A When I went onto the Rosen law website. Like I said, I was just looking in regards to a law firm that -- in regard to recovery, but that's -- when I -- when I officially learned, it could be 2021.

Q In 2021. Do you remember what time period in 2021?

A No, I don't recall.

Q Okay. And at the time that you saw the website, was there a lawsuit already filed, or were there statements about the potential for a lawsuit? I think I --

A I don't recall what I saw on the website. I do recall there was a form that I -- yes, I don't recall what I filled out, but I do know I -- I reached out to them.

Q Just exploring that. You said you filled out something. Do you know what you filled out? Was that something online?

A That's correct. To get more information. So I recall I wanted more information, and I clicked on the form. And, yes, but I don't recall what day, what month or -- yeah, so, I don't recall.

Q And the click, the box that you clicked, how did you find that? Was that an advertisement on something that you were on, or how did you come to click on something for more information?

A I don't recall.

Q Could it have been an advertisement?

A I don't recall.

Q And what you clicked on for more information, if I'm understanding correctly, you correct me, is that it was not the Rosen firm, it was

another law firm, or was it the Rosen firm that you had clicked for more information?

A Yeah, it could be the Rosen law firm. I don't recall a third-party site, I don't believe. So, yes, I do recall dealing with the Rosen law -- the Rosen law firm.

Q Prior to that, I guess, clicking on that website for more information, had you seen any other information online regarding this lawsuit or the potential for a lawsuit?

A Not that I can recall.

Q And at the time that you communicated through this website, do you know if the lawsuit -- a lawsuit had been filed already or not?

A Could you -- I'm sorry, is there a way I can take a bathroom break?

Q Oh, absolutely. You know what -- absolutely. Absolutely.

MR. DANON: You know, it's 12:15. I don't know if we want to break here for 45 minutes or something for lunch. I just propose that out there. If that would --

MR. ROSEN: Yeah, that's fine.

MR. DANON: Okay.

THE VIDEOGRAPHER: We are off the record at

12:15 p.m.

(Recess was taken.)

THE VIDEOGRAPHER: We're back on the record at 1:02 p.m.

BY MR. DANON:

Q Ms. Bernard, I think we were talking about the beginning of the lawsuit before we were -- or how you got involved in the lawsuit before we broke for lunch.

So -- and you recall that about reaching out to the Rosen law firm, right?

A Could you repeat that again? I'm sorry.

Q I said, before we left on the break, I think what we were discussing is how you first got involved or became aware of the lawsuit, and some of the contact that you had, at least the ability to reach out online to the Rosen law firm. Do you remember that?

A I do know we were discussing the -- getting in contact with the Rosen law firm.

Q Yeah, and that's what I was -- we were talking about you getting -- was that -- when you reached out to them, was that the first time you became aware of a potential lawsuit against Robinhood in connection with the Affected Stocks?

A So I was looking at the -- I saw it on their website. I believe I saw it. I don't really recall if -- could you clarify the question again?

Q Yeah, I was just saying, before we went on the break, we were talking, I believe, right, we were talking about how -- about awareness of the lawsuit. And you were saying that you had gone online and had asked for more information from the Rosen law firm.

A That's correct.

Q Okay. Did -- did your mother ask you to reach out to the Rosen law firm for more information, or is that something you did on your own?

A If she -- can you repeat that? I'm sorry.

Q Did your mother ask you to reach out to the Rosen law firm for more information regarding a potential claim against Robinhood?

A I let her know that I was going to reach out.

Q Okay. So is it fair to say that she did not ask you to do that?

A No.

Q Did -- did your mother express any interest to participate in the lawsuit?

A She didn't disapprove. She was okay with it.

Q But did she want to individually participate in it?
A If she wanted to be a part of it, or if she wanted -- if she is okay if I did it on her behalf?
Q So, that's a good follow-up.
Did she -- was she interested in being a plaintiff in the lawsuit?
A Not personally. She was okay with -- if I did it --
Q Okay.
A -- on her behalf.
Q She was okay if you proceeded on her behalf, but she did not want to participate in the lawsuit?
A That's correct.
Q Okay. Did she tell you why not?
A She -- it's something that she is not interested in, and she didn't -- she didn't purchase those stocks, so I did that on her behalf. She's not interested in stock purchases or -- yeah, she's just not interested.
Q And she -- so in addition to not being interested in stock purchases or investing, she was not interested in being a named plaintiff in a class action?
A As well as purchasing the stocks itself, so,

yes.

Q For instance, she was not interested -- as far as you are aware, she was not interested in doing what you're doing today, which is sitting for a deposition in the case, right?

A That's correct.

Q Okay. Now, we talked -- Exhibit 100 was the certification assignment that your mom had provided to you. What -- what are you individually getting in exchange for pursuing these claims?

A I'm not getting anything personally.

Q So if there's any money awarded in this case, you are not getting anything individually?

A That's correct.

Q The assignment that's attached to or included in Exhibit 100, whose idea was it to assign your mother's claim to you?

A Could you repeat that?

Q So you've acknowledged that in Exhibit 1 there's an assignment where your mother signed, right, assigning the claims to you, right?

A That's correct.

Q Okay. Whose idea was it to assign the claims to you?

A Could you clarify that question?

Q Well, did you come up with the idea of your mother assigning the claims to you?

A I believe I did. It wasn't her idea to -- like I said, she's not interested in -- yes, so I would have to say -- so, yes.

MR. ROSEN: And before we go any further, Mr. Danon, please don't invade the attorney-client privilege with any questions that are either directly or indirectly intended to elicit the substance of any communications between Ms. Bernard and her attorneys.

MR. DANON: I -- as I've said repeatedly, I am not going to ask anything into -- that would invade the attorney-client privilege, and I don't believe the question I asked actually invaded the attorney-client privilege.

MR. ROSEN: I didn't say you did, but --

MR. DANON: I think if you want to tell her --

MR. ROSEN: Your follow-up question may go there, so I'm just asking you to --

MR. DANON: Okay, you are anticipating. Come on.

MR. ROSEN: Correct.

MR. DANON: Let me get the question out.

BY MR. DANON:

Q So my question really is, you know, how did it -- how did the idea of an assignment come about? Was that something that you asked -- you proposed to your mother, and she was okay for it? Is that something --

MR. ROSEN: Objection. She just answered that question. She just answered that question. How many times do you want to ask the same question?

BY MR. DANON:

Q Can you answer the question, please?

A Yes, so I would have to get her permission, and since I was the one who traded on her behalf and...

Q I just want to make sure you finished the response.

A Yes, I'm finished.

Q And, by that, you are saying you proposed the assignment to her; is that right? That's what I am trying to understand.

A That's correct.

Q Okay. Had you ever before signed or had her assign over to you any claims?

A No.

Q So prior to this certification and assignment that was signed on November 29, 2021, she had not assigned any rights or claims to you in any other matter or dispute?

A That's correct; no, she never had before.

Q And prior to that assignment being assigned on November 29, 2021, had you ever read about any assignments of claims or had an understanding that she could assign any claims to you?

A I don't recall, but I -- I don't recall.

Q Okay, so you don't recall ever hearing of any assignment of claims, outside of this context, before the November 29, 2021 assignment?

A Could you repeat? Sorry.

Q I just want to make sure, based on your testimony, you had never heard or had not been aware of an assignment or the ability to have someone assign claims to someone else before you signed this assignment?

MR. ROSEN: She didn't sign -- she didn't sign it. Somebody else signed it.

MR. DANON: That's right.

BY MR. DANON:

Q Your mom signed it. Here's the question: Before she signed this assignment, you asked her about

it. Had you ever heard of an assignment of claims?

A No.

Q So this is the first time, you know, you were ever involved in an assignment of claims, where she had assigned to you certain claims, right?

A That's correct.

Q Okay. And you said you asked her about it, and I was just trying to ask you about where you got the idea to ask her --

MR. ROSEN: Objection. Look, this is the fifth time she answered this question. You keep trying to get to some attorney-client privileged information. So --

MR. DANON: Mr. Rosen --

MR. ROSEN: No.

MR. DANON: -- I'm not getting into attorney-client privilege.

MR. ROSEN: You are. You are.

MR. DANON: No, if she can say -- if she can answer around it --

(Simultaneously speaking.)

MR. DANON: -- talking over each other is not going to work. You can't -- if you want to instruct her not to answer, instruct her not to answer.

MR. ROSEN: I'm instructing you. I'm instructing you, Mr. Danon.

MR. DANON: You are not instructing me at all, Mr. Rosen, you really aren't. You can instruct her not to answer, based on privilege, if you have that assertion. If she can answer the question without disclosing any privilege, she can do that, and you can't interrupt and stop her on that.

BY MR. DANON:

Q Sorry about that, Ms. Bernard.

So the question is, prior -- or how did you come up with the idea to ask your mother to sign this assignment?

A So what happened was I reached out to -- I did let her know that I was going to reach out to -- to the Rosen law firm. And so I didn't know much in regards to the legal aspect of it, so I did -- I did -- spoke to someone at the law firm, but that's client privilege, I believe.

Q You cannot tell me what you spoke --

A That's correct, so I can't really --

Q Okay, that's fair.

So can you -- and here's my follow-up, just to be clear on the record. You cannot answer that

question without getting into conversations that you had with your lawyer; is that right?

A That's correct.

Q Okay, thank you very much. Thank you.

So now I would like to mark what's Exhibit 101, which is a certification that was signed yesterday.

Are you aware that -- you are, you said already, you signed a certification yesterday, right?

A That's correct.

Q Okay. And that also included an assignment, correct, that your mom signed, not you. That your mom signed a new assignment?

A That's correct.

Q Okay. And that is on the Exhibit Share, so refresh, or unless you have a hard copy, and Mr. Rosen confirms that that's the hard copy, and she can look at it. I'm okay with that too.

A I'm able to see it on the website.

(Exhibit 101 marked.)

BY MR. DANON:

Q Okay. Good.

Do you know -- just if you can point me to what is different about the first page of Exhibit 101, from the certification that was Exhibit 100, that was

dated November 29, 2021?

A One of the differences is Nokia stock was added.

Q Okay, and that would have been added to the schedule that's attached -- or the second page of the exhibit, right?

A Could you repeat that? I'm sorry.

Q That is added to Schedule A, which is the second page of Exhibit 101; is that correct?

A That's correct.

Q Is there anything in the written portion of the certification that's on page 1, that you recall was different in the April 4th, 2023 certification from the November 29 --

MR. ROSEN: Do you have that document in front of you, Ms. Bernard, the other document? Because he is asking you to compare one document to the other, and you can see what the differences are.

MR. DANON: This is -- I'm asking her questions and you interrupting and coaching her is not going to be helpful.

MR. ROSEN: No, I just think if you ask her to compare two documents, ask her what the difference is between two documents, she should

have the two documents in front of her.

(Simultaneously speaking.)

MR. ROSEN: Are you going to let me speak? If you are not going to let me speak, we can't go forward.

MR. DANON: We can go forward --

MR. ROSEN: If you are going to ask her to compare two documents, put the two documents in front of her. It's that simple. Otherwise, she can't -- how is she going to remember what the document says?

MR. DANON: I think you are very familiar with the rules on depositions, and I think that you know that if you --

MR. ROSEN: I just told you what I would like to see --

(Simultaneous speaking.)

MR. DANON: And you are -- you are not in compliance with the rules.

MR. ROSEN: I don't care what you think. I want her to have available the documents that you are questioning her about. You are questioning her about the documents. She should have that in front off her. And she should have those available. That's all.

BY MR. DANON:

Q Ms. Bernard, do you recall any specific changes to the words of the certification that you signed yesterday, DocuSigned, and any words that were different from the document that you signed on November 29, 2021?

A I don't recall any differences in the wording.

Q Okay. Can you turn to paragraph 4. And now I'd like you to look at paragraph 4 of Exhibit 101, and you can read that to yourself. And you'll let me know when you are finished on paragraph 4 of the one you signed yesterday.

A When you say "paragraph 4," do you mean number 4 that's listed?

Q Yes, paragraph number 4, that's right.

A Okay.

Q Yeah. It reads: "The following is a list of all of the transactions plaintiff has made in the Affected Stocks during the class period set forth in the consolidated Complaint."

And then colon, "see Schedule A." Do you see that?

A Yes, I do see that.

Q And did I read that accurately?

A Yes, that's correct.
Q Okay, now, if you go back to the November 29 certification that's dated -- or that was Exhibit 1, and you go to the same paragraph, is the -- is there any language that is different, upon reading paragraph number 4 of the November 29, 2021 certification?
A Yes, I do see a difference, how it's worded.
Q So you -- okay. And do you have any understanding as to why that language was changed?
A Why it was changed?
Q Yeah, do you know?
MR. ROSEN: Objection. I'm not going to -- I am going to tell her not to say anything about the conversation she had with her lawyer who drafted the certification for her. So she's not going to discuss those conversations or understandings that she got from her lawyers in those discussions.
BY MR. DANON:
Q And just to be clear, I don't want you to answer anything that would come from your conversations with the lawyers.
A Okay.
Q My question is: Do you -- you know, do you know why that language changed, and if you can't

answer that without divulging what your lawyers had told you, then let me know that, and we'll move on.

A Okay. Client privilege.

Q Okay. Now, on the -- comparing the schedules that were on Exhibit 1 and Exhibit 2, the schedules that identify the purchases and sales are different, right?

A That's correct.

Q Yeah. And you can confirm the difference is that there's more information about purchases and sales of the AMC stock, and there's the addition of a sale of Nokia stock; is that correct?

A That's correct.

Q Okay. And same question that I asked before about what was your understanding as to why the schedule was changed, and the same, you know, caveat on the condition of -- you know, do not testify as to anything that your lawyers have told you.

A Okay. Client privilege.

Q Okay. Now, I think we have to mark it as Exhibit 102, which is an assignment signed by your mother on April 4, 2023. That's yesterday. And that's going to be uploaded and maybe you have to refresh to see it.

(Exhibit 102 marked.)

BY MR. DANON:

Q Let me know when it's up and you can see it.

A Okay, I'm still waiting on the page.

Q You're still waiting? Okay.

A That's correct.

Q Yeah, it should be up. I don't know. Do you have a hard copy of the new assignment? I think there was one there earlier.

A Okay, so I do see it.

Q Okay, perfect. Perfect.

And you recognize this as the assignment that was signed yesterday and provided to us; is that correct, Exhibit 102?

A That's correct.

Q Okay. And in this updated assignment, your mom is now assigning all claims related to a number of additional stocks other than AMC. So there's Bed Bath & Beyond, BlackBerry Express, Inc., GameStop, Koss Corp, Tootsie Roll Industries, or Nokia and Trivago.

Do you see that?

A Yes, I do see that.

Q And other than AMC Holdings, those other stocks identified there and symbols, they were not part of the first assignment, correct?

A Are you asking me if they are different from

the previous certification?

Q Correct.

MR. ROSEN: Yeah.

BY MR. DANON:

Q Yeah, the previous assignment that was part of Exhibit --

MR. ROSEN: It's on the back of the first certification. There is a first certification and the first assignment, and the second certification and second assignment from yesterday.

THE WITNESS: Okay, so I do see the difference.

BY MR. DANON:

Q Okay. And the difference being the additional stocks that are listed, right?

A And the -- removed. I would say removed.

Q From the assignment? Okay.

What did -- what do you believe from the stocks was removed from the original assignment that was in the second assignment? And just so you know, I'm missing that. That's why. My question -- let me rephrase the question.

The first assignment only included the AMC entertainment holdings. That's the November 29, 2021

assignment.

The assignment that your mom signed yesterday included AMC, and then additional stocks, including Bed Bath & Beyond, BlackBerry, GameStop, Koss, Tootsie Roll, Nokia, and Trivago; is that correct?

A Can you clarify the question? Clarify the question.

Q Sure, sure.

The assignment that your mother signed on April 4, 2023, included more stocks than the assignment she signed on November 29, 2021; is that correct?

A Do you mean the -- the stocks that -- do you mean the -- the "note" that was added to the AMC, or do you mean the --

Q Let me help you a second.

A Okay.

Q We're looking at just the assignment, right?

A Okay.

MR. ROSEN: Are you back to Exhibit 102 now?

MR. DANON: 102, just the language of the assignment, Exhibit 102. Not the schedule. We already talked --

THE WITNESS: Okay.

BY MR. DANON:

Q So the question is, in that assignment, and in the language of the assignment, which is in Exhibit 102, which is the one that was signed yesterday, that in addition to AMC, it also identifies and lists Bed Bath & Beyond, BlackBerry, Express, Inc., GameStop Corp, Koss Corp, Tootsie Roll Industries, Nokia, and Trivago; is that correct?

A That's correct.

Q Okay, and so those stocks were added from the prior assignment, which was in Exhibit 1, which only listed AMC.

A That's correct.

Q Okay. But when you look at Schedule A of Exhibit 101, and I just want to make clear, that your claims, your mother's claims in this case, only have to do with AMC and Nokia stock. Is that your understanding?

A Could you clarify that?

Q Is it your understanding that the only two stocks that are asserted as part off your mother's claim here are the AMC and Nokia stock?

A That's correct.

Q And do you know why the Nokia stock and the Nokia claims were not included in the November 29,

2021 assignment?

A Client privilege. I discussed it with the attorneys.

Q At the time that you signed the certification in November of 2021, and that your mom signed the first assignment, did you and your mom discuss the assignment of Nokia shares, the -- any claims regarding the transactions over Nokia claims?

A I don't recall. We don't -- I don't recall discussing much in regards to trades made. I don't recall that discussion.

Q You testified earlier that you are the one that logs into your mother's Robinhood account; is that right?

A That's correct.

Q And when you're logging into her account, do you use the Robinhood app?

A That's correct.

Q Okay. And can you tell me what features of the Robinhood app that you use? And do you understand what I mean by "features"? Any sort of lists that they provide, any company-specific information, any news, do you use any of those?

MR. ROSEN: Is there a time frame for this question?

BY MR. DANON:

Q At the time that you were making any trades on your mother's Robinhood account.

A I don't recall.

Q Have you ever used it? You don't -- just to be clear, you don't recall ever looking or using any of the features in the Robinhood account?

A I mostly -- I don't recall. I do know the buy and the sell button, that's what I mostly recall, but I don't recall where I scrolled, where I looked on the app in terms of features that they might have on there, I just don't recall.

Q Okay. So -- okay. And just to be clear on that answer, you don't recall what features -- well, let me ask you.

Do you recall here, sitting here today, any of the specific features on the app?

A That's correct, I don't recall.

Q You don't recall?

A That's correct.

Q Do you know whether on the app you can obtain any news or specific information about a company before you order a transaction on a share?

A Could you repeat that?

Q Do you know, sitting here today, whether or

not there is any information on the app about a company or about any news about a company prior to you putting in any orders, any buy-sell orders?

A I don't remember. I -- like I said, I mostly just know about the buy and sell button. I might have but I don't -- I just don't remember. I just don't.

Q Okay.

A That's correct.

Q You also identify that your mother had a Stash account, right?

A That's correct.

Q And, similarly, you are the individual who logs into that account?

A Yes, that's correct.

Q And did you make any trades on or in that Stash account during January or February of 2021?

A I don't recall. I barely used the account. I don't recall. I might have did the sell, but I don't recall. It's mostly for long-term, so I don't recall.

Q And what you are saying, mostly what you are saying that account is long-term, you are not active on the account on a regular basis?

A That's correct.

Q Did -- did your mother have any other brokerage accounts other than these two --

A No.

Q -- that we identified, the Robinhood and the Stash?

A No.

Q And I think you said this before, but you didn't have any investment accounts in your own name, ever, right?

A That's correct.

Q And when the Stash account was opened, did you also fill out the account-opening information and provide the information that was necessary, on behalf of your mother?

A Could you repeat that?

Q For the opening of the Stash account, did you also provide the account-opening information that was required?

A I don't remember that -- what happened when I was opening the account or what was required, or -- but I was involved. I do know that.

Q You were involved. You are just not --

A Yeah.

Q -- you don't recall what specifically it took --

A That's correct.
Q -- or what you had to do.
But do you recall whether your mother got online and filled out the information, or was that really you that filled out the information?
A Could you repeat that?
Q I'm saying, you don't recall specifically what information was provided or the specific information, but when you opened the account, was that something that you did yourself, or did your mother do, open the account herself?
A I do know that I assisted. I don't know how much of a part she played, if it was just the information I took from her, or what was -- so I don't know exactly what role she played in opening the account, if I needed -- I just don't recall what I -- what information I got from her, or what she -- she -- in signing up for the account.
Q Thanks.
Has -- has your mother ever hired an investment advisor or a financial advisor to assist with any trades?
A No.
Q Have you hired any investment advisor or financial advisor to provide assistance or any

services in connection with any trades that you directed on her behalf?

A No.

Q So, Ms. Bernard, how much -- how much time do you spend investing and in decisions on buying and selling shares? And let's try to put it into like a daily, weekly, or monthly category.

A Maybe daily. Do you mean back then or do you mean --

Q Well, I was going to ask you generally now --

A Oh, generally.

Q -- and then any between now and January, February of 2021.

A I don't remember in regards to 2021, how often I traded. Presently, I don't -- it might have been daily, but I do skip days, so it's not -- it doesn't have to be every day. But I do trade.

Q Okay. So -- and when you're -- currently, let's say, when you do invest, does it take up, you know, more than a couple of hours, three hours? How much in the day do you -- does it take?

A I don't recall how long. I just know that I traded.

Q Okay.

A I don't really calculate.
Q How long?
A That's correct.
Q And is that different from the level of activity that you had trading in January of 2021?
A No, I don't recall. I don't know. I don't recall.
Q In January of 2021, were you more active? Were you trading every day for a period of time? Or would you say it's the same as maybe every other day or --
A I don't recall. I do know that I was trading -- I don't know how much I -- I don't recall, honestly.
Q Okay.
A I don't.
Q Would it -- would you, in trying to kind of remember, was it more active in January of 2021?
MR. ROSEN: Mr. Danon -- Mr. Danon, she has answered this question about eight times.
(Simultaneously speaking.)
MR. ROSEN: Let me explain to you -- Mr. Danon, may I speak?
MR. DANON: If you have an objection you can assert the objection.

MR. ROSEN: So you asked --

MR. DANON: But coaching, no.

MR. ROSEN: This is not a coaching session. This is an explanation to you.

First, you shouldn't ask the same question ten times, which you've done. Right?

Number two, your client has access to every key stroke that she has made in that Robinhood account since the day she opened it.

MR. DANON: Now you are testifying, Mr. Rosen, so I am going --

(Simultaneously speaking.)

MR. ROSEN: -- or harass her. She answered the question ten times, so I will ask you to try to be professional. You have been doing this for a long time. You should know better.

MR. DANON: You know --

MR. ROSEN: Don't ask her the same question ten times.

MR. DANON: The person who needs some professionalism here is on your part on how you interrupt improperly. So let's leave it at that.

BY MR. DANON:

Q Ms. Bernard, you understood the question. Do you recall whether you were more active in your

activities on trading in that Robinhood account of your mom's in January of 2021, than you are currently?

A I don't recall.

Q Okay. When you do invest, do you undertake any research in the specific share that you are looking to put in an order, either purchase or sale on? Do you undertake any research?

A Do you mean today or back then?

Q Well, let's talk about both. Today, when you are looking to buy or sell any stock, do you undertake any research into the company?

A Personally, yes, I do. I try my best to -- that's correct, I do.

Q And what is it that you do? What do you typically do for research?

A I mostly look at news, business news on a company, like if there is any news, positive news that -- out there in regards to a company, it could be whether they have any product out or -- so based on positive news. So that's what I mostly seek out.

Q And is there any specific news source that you like to look at?

A I don't recall much of -- I do, when I search -- Yahoo -- maybe Yahoo business, but another website is the FDA website. So I -- maybe other

websites, but I don't recall any at this moment.

Q Okay. Now -- yeah, go ahead.

A Oh, yes. Other website that might have news on companies that does news -- has news of the companies, whether they maybe partake in a trial, or a buyout, stuff like -- just news that comes in with regards to a company.

Q And the news that comes in would be -- this is mainly online searches?

A Can you clarify? Sorry about that.

Q You said you searched online. Did you do any searches, or were you reading Yahoo Finance?

A So I might have searched in, like, FDA approvals in the search browsers or in a particular site where they give you the news that comes in in regards to different businesses, and news, whether good or bad. And that's about it.

Q And going now to January of 2021, and the beginning of February of 2021, did you undertake any specific news search regarding any of the investment decisions that you were taking in your mom's account?

A So I was pretty new at the time, but I -- so I don't recall what I did, what I might have looked for. I don't know where I went to. I don't know what I -- what -- I don't recall what I did at the time.

Q Okay. And so in connection with the AMC stock or the Nokia stock that -- and the purchase and sales that are identified in the new certification that's Exhibit 101, you do not recall any specific research that you undertook prior to any of those orders for purchases or sales; is that right?

A Can you repeat?

Q I'm saying, when going specifically to the list of purchases and sales on Schedule A of Exhibit 101, do you understand what Exhibit 101 -- do you remember what that was? That was the certification that you signed yesterday.

A That's correct.

Q Okay. And you know that in that schedule there are a list of purchases and a list of sales, correct?

A That's correct.

Q Okay. And so based on what you testified, and that's what I just want to get clarification on, based on what you testified, you do not have any recollection of any research that you undertook before ordering any of the purchases or sales that are shown on Schedule A of Exhibit 101?

A Yes, I don't recall what information I might have received, or what I searched. I just don't

recall. I just know that I'm familiar with the companies. They were popular at the time. And I -- but I don't know what I searched for, or what information I had at the time. I don't recall.

Q Do you recall seeing any statements from the companies? In other words, any of their websites, or anything that they may have filed publicly, talking about any of their sales history, products?

A I don't recall.

Q When you search, and -- going back to your, like, currently -- when you do some of this research, do you retain any copies of the research?

A No.

Q That was "no"?

A That's correct.

Q Okay. Did you -- do you recall during -- going back to January 2021 and early February -- do you recall, at any time during the January 2021 or February 2021 period, discussing with your mother any research regarding AMC or Nokia?

A No. No, we didn't discuss. No.

Q Do you, when you're making a decision on an order, do you look at how the stock price has moved within any specific period of time?

MR. ROSEN: Objection. Vague.

BY MR. DANON:

Q You can answer.

A Could you repeat?

Q Do you, when you're making a decision to put an order for purchase or sale, do you look at the stock price of that company and that symbol and whether it has moved up or down over time?

A Could you clarify?

MR. ROSEN: Up and down over what period of time? The day, the week, the year? Obviously, stock prices move up and down, Mr. Danon.

MR. DANON: Mr. Rosen, again, if you have an objection, you can state it.

MR. ROSEN: My objection is to the way you ask questions.

MR. DANON: You can state --

MR. ROSEN: That's my objection.

MR. DANON: -- your objection and we'll move on. Okay? You can state your objection and we'll move on.

BY MR. DANON:

Q Ms. Bernard, when you are making a decision on ordering a purchase or sale, do you look at what -- how the price of the stock in which you are making that order has moved, whether it has increased or

decreased over any period of time prior to your order?
A I don't recall doing that. I don't recall.
Q Okay, you don't recall ever looking at the history of the price of a stock immediately --
A That's correct.
Q -- prior to your order; is that right?
A That's correct. That's correct. I don't recall.
Q Do you know how you could find that information if you wanted it?
A Could you repeat that?
Q Do you know how you could find the price history of a specific stock prior to your decision to place an order, if you wanted that information?
A I believe it to be online, but I don't recall if I even searched online. I don't recall if I did that. I don't.
Q And whether you recall you did it specifically for this stock or not, I guess my question is more general.
Do you know where you would go online to get that price history?
A It should be able to search in the search engine, and you should be able to have a -- reputable websites that may give you that information. I don't

have a specific website in mind or a specific place, but it should be there.

Q And do you recall ever doing that for any stock, not the specific stocks I mentioned, but do you ever recall looking for price history for any stock?

A I don't recall.

Q Do you look at any, or follow any social media about any specific stock immediately prior to you placing an order to purchase or sell?

A I don't recall. Do you mean today or previous to 2021?

Q Let's start with 2021, January or February of 2021.

A I don't recall.

Q Okay, and what about currently?

A Currently, there's only one that I might follow, just one account. It's...

Q And what account is that?

A Well, it would be a moon market, I believe, that's -- but I don't really -- I just follow. I don't really look at the Twitter, its Twitter feed. So I just -- I might look now and then, but it doesn't really have much influence on me.

Q So it doesn't have much importance to you --

A That's correct.

Q -- but you follow it?
A That's correct.
Q And other than Yahoo news, is there any other, let's say, periodical, news source that you look at for information regarding the stock market, any newspaper, for instance, or magazines, anything along those lines?
A No newspaper. It would have to be online. I don't remember the website. I do remember there are a couple of websites, but I don't recall any of them.
Q Okay. Like Wall Street Journal. CNBC. Anything along those lines?
A Well, they could pop up in -- but I don't recall.
Q Do you maintain any apps on your phone of news -- news sources that are on the stock market?
A No.
Q And I'm going to -- just to clarify the record, based on that, you don't subscribe to any financial magazines or other periodicals that --
A No.
Q -- provide information online?
A No, I don't subscribe to any.
Q What was that again?
A No, I don't subscribe to any.

Q Okay, thank you.

Do you follow any specific podcasts that you would listen to, either about the stock market and/or investing?

A I don't listen to any podcast.

Q Any podcast whatsoever?

A That's correct.

Q All right. Any television shows on the stock market or investing. Do you watch any of those, any specific one?

A No, I only watch -- I am aware that they are there, but I don't watch them.

Q Okay.

Now, you are or you do use Twitter, right?

A That's correct.

Q And your handle is at -- is [redacted] is that correct?

A That's correct.

Q Are you also on social media, like Facebook, Reddit, Instagram, TikTok?

A Do you mean currently or previously?

Q Both. Are you currently on any, and then were you on any in -- well, let's start with that first. Let's break it down so it's not together.

Currently, are you on any other social

media, other than Twitter?

A Only YouTube and Twitter.

Q Only YouTube and Twitter.

Back in January of 2021, and February of 2021, you were on Twitter, right?

A That's correct.

Q Okay. Other than Twitter, were you on any other social media back in 20 -- in January and February of 2021?

A No, only Twitter.

Q And did you -- during January and February of 2021, did you follow any other social media platform other than -- other than Twitter for any information regarding your investments?

A Could you repeat that?

Q Other than --

A Okay --

Q -- Twitter back in January of 2021 and February of 2021, did you follow any other social media?

A No, just Twitter.

Q Just Twitter, okay.

Have you ever traded any options?

A Hmm --

Q Yeah, whether you -- do you do any trading

other than the purchase and sale of stocks?

A You mean, apart from the stocks? Maybe crypto currency, but I don't know if anything else. That's the stocks that I know that I traded mostly.

Q Okay. And these, the crypto is also traded on behalf of your mother in her account?

A That's correct.

MR. ROSEN: So we've been going about an hour. Can we take a break at a logical stopping point?

MR. DANON: We can stop right now.

MR. ROSEN: Okay.

MR. DANON: We can take a --

MR. ROSEN: All right.

MR. DANON: We can do five, ten minutes?

MR. ROSEN: Yes. So we'll come back at 2:10.

MR. DANON: 2:10. Sounds good.

THE VIDEOGRAPHER: Okay. Off the record at 2:01 p.m.

(Recess was taken.)

THE VIDEOGRAPHER: We are back on the record at 2:12 p.m.

MR. DANON: Thank you.

BY MR. DANON:

Q Ms. Bernard, do you still today use the Robinhood app to --

A Yes, I do.

Q Okay. And have you continued to use the Robinhood app from January, February 2021 through today on a regular basis?

A That's correct.

Q And you had mentioned YouTube as one of the other social media sources. Do you post anything on YouTube?

A No. No, I don't.

Q Do you have a YouTube account or handle?

A I didn't have any YouTube in 2021 -- 2021, but currently I do. I don't have that information, that handle.

Q Do you recall when you established that handle on YouTube?

A I believe it was 2022.

Q Sometime in 2022 --

A That's correct.

Q -- do you recall the time frame? Okay.

A I only watch videos. I don't post.

Q You watch the videos on YouTube, is what you are saying?

A Yes, that's correct. Animal videos. Nothing in regards to -- yes, that's correct.

Q Okay. When you're in -- investing, what is your goal in investing? What is your ultimate goal?

A To gain from the stock I purchased, gain money from it. That's the main goal, to gain, not to necessarily lose. That's the main...

Q And are you familiar with the company called GameStop? That's one of the Affected Stocks listed in the Complaint.

A Yes, I do.

Q When you're -- going back to that, when you're looking at, obviously, your ultimate goal to earn money, do you look at any levels of risk with the investment that you're making?

A Could you clarify?

Q Well, do you consider, when you're making the investment to purchase or sell any stock, what the risk might be of you ultimately losing money on that stock?

A Yes, there's always the option that that could happen.

Q Okay. And do you take that risk into consideration when you are deciding to purchase a stock?

A That's correct.
Q Okay. And what considerations do you look into, or take into account in order to make sure that that is a level of risk that you're willing to take when you purchase a stock?
A Could you clarify?
Q Yes. So what you're saying, you understand there is a risk when you purchase a stock, right?
A That's correct.
Q Do you do any sort of analysis, by looking at information, to determine whether a stock is a risky investment for you individually or your mom individually, right? Because you're investing for your mom.
A You mean today or back in 2021?
Q Well, let's talk first about 2021, 2022. Did you do any sort of analysis to analyze the level of risk associated with the purchase of any stock?
A I don't recall. I generally don't recall. I might have done that, but I don't -- I can't say, yes, I 100 percent remember. I just don't recall.
Q And what about currently? Do you do anything to weigh the level of risk associated with the purchase of the stock today?
A What specifically I do? I'm sure there's

not a company that's -- I don't even -- can you rephrase -- rephrase the question?

Q Sure. Do you under -- currently, right, we're currently, do you undertake any analysis to evaluate the risk associated with your decision to purchase any specific stock?

A Can you clarify again? I do apologize.

Q You -- like we talked about it, you agree there's a level of risk that goes with a purchase of a stock, right?

A That's correct.

Q And there are -- I'm trying to see what you do, if anything, to analyze the level of risk that you see when you're making a decision to purchase a stock.

A Do you mean what I do to ensure that the -- that the loss might -- to ensure that I don't lose money --

Q Well --

A -- on a stock?

Q -- that you do not to lose money, what you do today.

A I try to ensure that -- well, I try to my best to make sure it's a good company I'm investing in, that -- their potential of growth. I do believe that's a part of it.

Q And just going back to this, I understand, right, you just said it, you're making these decisions with the ultimate goal of earning some money. You're not looking to lose money.

A That's correct.

Q So since you're not looking to lose money, my question was: What was it that you do, if anything, to, you know, analyze whether that risk associated with, you know, the potential to lose money is something that is acceptable to you in making that decision?

A I look to see -- well, basically to ensure it's a good company, with positive perspectives. I can see how their investors wanted to buy stock in, and it's not something that might -- might drop in price because it's a -- it's a good company and -- for the most part, so that's what I --

Q Okay. And that's what you do currently, right, to make sure we have it in the same time frame?

A That's correct, currently.

Q Back in January of 2021, 2022, did you do anything that would be -- that was similar to what you are doing currently, or was it a different approach?

A I don't recall what I did, what I looked at, what I -- I just don't remember, recall.

Q And now, you know, what you've said about what you do currently in trying to identify what, you had said, one is if other investors were investing. How do you -- how do you find out if other investors are investing?

A Well, like the potential to see that others might be interested, like, for instance, like if -- like, for instance, like if there's a virus or so, and there's a -- and vaccines are needed, then you will know that there will be a demand for testing kits, or stuff like that, so you know it could drop popularity from other traders, because there will be a demand for the product. So stuff like that, I look at, things I know that -- consumers would be drawn to and other stockholders would be thinking the same way like I am thinking with regards to the company will do well because they created a product that is desperately needed, and -- so that's...

Q That's what you undertake? I just want to make sure the answer was completed. I didn't want to cut you off.

A No, that's okay. I'm finished.

Q Okay. And that type of information about a product and the potential demand for a product, is that what you obtained from Yahoo Finance or are there

other sources that you used to get that information?

A It could be Yahoo, or like just, like I said, websites that give news on companies, what they -- whether it be positive, or good news, what they are up to. Just news on companies and --

Q Okay.

A -- basically.

Q Any specific news source you are referring to there other than Yahoo Finance?

A I don't have the name at the moment. No.

Q And you also said you like to make sure that it's a good company, that's one of the factors that you look at.

A Yes.

Q You undertake the same type of search, I would say, by what you -- online or any other sources that you use for the -- for that portion of the analysis as to whether it's a good company or not; it's the same undertaking?

A Could you clarify?

Q You mentioned two things. You said that you look to see if investors are also investing in it; and two, to make sure that it's a good company.

And I'm just trying to follow up and find out how do you go about making your decision on

whether it's a good company that you're willing to invest in.

A A good company? It's established. It's a known company. It's been around for a long time. That would make it a good company. It does -- it's producing stuff that consumers would need, or -- so all I know is that other persons would purchase the stock. Maybe I don't really know, but I guess I -- if I can see why they would be interested in certain stocks because there's a demand for what they provided.

Q And just to follow. The statement of other people wanting to purchase the stock, is that based on any news source that you look at, or is that based on your personal evaluation of information, that you believe other investors would purchase?

A I assume that they would want to -- I don't have the facts if they will do it. I assume that they would because there's a demand by the consumers, and people tend to react good to positive news.

Q And in order to, let's say, confirm your fact that there would be consumer demand for their products, do you look at any sources of information to evaluate the consumer demand?

A I don't recall of any.

Q Okay. And when you're following up on the good company regarding the products that they make or sell, do you look at any company information to confirm your decision?

In other words, do you go to that company's website, or do you look for news stories about that company?

A Do you mean now or back then?

Q I think we are talking about now, yeah.

A Okay, now. Yes, I don't know how often I do it, but I do know that I do go on the website now and then, but I don't know how often I actually go on the company's website.

Q Now, going back to February or January 2021 and February of 2021, did you undertake any of the searches that you just described that you do currently in connection with any of the orders on AMC stock?

A I don't recall.

Q And did you undertake any of these research activities that you just previously described back in January, 2021 and February of 2021 in connection with the Nokia stock?

A I don't recall.

Q Now, I was mentioning GME. Are you familiar with a company called GameStop?

A I know of them but I don't really know a lot about them, but I do know of them.

Q And you do recognize it as one of the stocks that we call the Affected Stocks that are in this -- mentioned in the Complaint, right?

A That's right.

Q Okay. Have you ever done any research into GameStop as a potential investment?

A I don't recall.

Q I think you had said that you're not -- you don't recall knowing anything specific about GameStop as a company, right?

A I do know they are games, and I see them at their stores. That much I know, and I do know that fans of games and so forth, they buy there. But I don't know -- I don't really know, like, much about them.

Q Okay.

A I don't buy their stuff, I don't --

Q Yeah, that's my question. Have you ever been on their website and looked at their -- any of their filings regarding their business plans or anything along those lines?

A I don't recall, but I doubt it. I just don't recall.

Q Back in January of 2021, do you recall seeing or hearing any news about GameStop?
A I don't recall.
Q You don't recall.
Do you recall any news regarding any of the activity within its stock and its stock price on the market back in January of 2021?
A I don't recall.
Q I'm going to show you what is Exhibit 102 -- or 103. I apologize.
(Exhibit 103 marked.)
BY MR. DANON:
Q Exhibit 103, and I think if you can refresh Exhibit 103, is a copy of a tweet or a re-tweet on January 27, 2021, at 11:12 p.m.
BY MR. DANON:
Q And let me know when you are able to see that, Ms. Bernard.
MR. ROSEN: What is the date of the tweet?
MR. DANON: January 27, 2021.
THE WITNESS: Okay.
BY MR. DANON:
Q Do you recall seeing this tweet in January 27, 2021, and re-tweeting it?
A No, I don't recall.

Q But you can confirm that this is your re-tweet of the -- because the original tweet is from Donald Trump, Junior; is that right?

A It shows that it's from him, based on the picture that I see.

Q That is from you, right?

A I don't recall, but if you say that it is, but I don't recall.

Q You don't recall specifically re-tweeting it, but you do acknowledge that the tweet itself says that Ava re-tweeted it, right?

A That's correct. I see that.

Q Can you read the tweet -- the original tweet from Donald Trump, Junior?

A Where he says, "He's not wrong. They just aggregated enough small retail investors in an open forum to move markets, just like the big guys. It's actually amazing to watch."

Q And how does he end it?

A GME, "GME to the moon."

Q Right. And reading this tweet, do you recall what you understood what Mr. Trump, Junior was referring to? What is GME?

A I believe it's GameStop.

Q And what did you understand "GME to the

moon" to mean?

A Just that the price -- that -- well, what I understood -- understand by reading this, it could mean that at the time people assumed that mostly small investors were trying to -- basically that it would open back up.

Q Hoping that the --

(Simultaneously speaking.)

A Right, that the price would open up, that's correct.

Q Yeah. And do you recall -- does this refresh your recollection as to being aware of activity in connection with a GameStop price in January of 2021?

MR. ROSEN: Objection. Vague, confusing, and compound.

BY MR. DANON:

Q You can answer if you understand the question.

A Could you restate it?

Q Does reading this tweet, does it refresh your recollection regarding any news or information related to a price of GameStop back in January of 2021?

A No, I really don't recall. I don't even

have a stake in GameStop. I -- I'm sorry, I don't recall.

Q Okay. Do you recall -- does this refresh your recollection regarding any of -- or any market activity related to the price of GameStop stock back in January of 2021?

A No, I don't recall. I don't even recall the tweet, this particular tweet. I just don't recall.

Q Got it.

Have you ever heard of the term short squeeze?

A If I learned -- if I learned about it back then or do you mean now?

Q Back then, back in January of 2021, had you heard --

A No.

Q -- of the term short squeeze?

A No.

Q Does the tweet from Donald Trump, Junior refresh your recollection of having read anything or discussed anything regarding a possible short squeeze of GameStop?

A I don't know.

Q Do you understand what short squeeze -- or what is your understanding of the term Short Squeeze

now, today --
A Umm --
Q -- if you have an understanding?
A Yeah, I've -- I've come -- I guess my knowledge has increased since back then. Currently, I'd say, this year, I might have -- I learned more about that in regards to -- I believe it's in regards to getting the price of a stock to go up, and that's -- that's what I believe.
Q Okay, and that's what your understanding is?
A Yeah, that's correct. I don't really know much about it. You know, I don't really have an interest in it, actually.
Q You don't have an interest in it, is that what you are saying?
A Yeah, I don't know what it's about, I don't really --
Q Okay.
A -- know that much about it.
Q Okay. Now, AMC is the stock and the symbol that's identified in your certification; is that right?
A That's correct.
Q What do you know about AMC as a company?
A I do know that they are in the movie theater

business. They provide entertainment movies for people to see. I know they've been around a while. So that's what I know about them, so that's what I know.

Q And back in January of 2021, did you -- what did you know about -- do you recall, what did you know about AMC? Is it any different from what you know now?

A It's what I've known before. Movie theater company. They've been around a while. And, yes, so I -- yeah, that's the same thing that I know. They are in -- yeah.

Q Have you -- are you -- or do you recall being aware of anything regarding AMC, any news regarding AMC back in January of 2021?

A I don't recall.

Q And do you recall undertaking any sort of searches to understand if they were undertaking any new products, any new developments, any new strategies?

A I don't recall.

Q Do you recall hearing any news whatsoever back in January of '21 that -- 2021 -- that would impact the value of the AMC stock?

A Could you repeat that?

Q Do you recall hearing or reading any news that would impact the value of AMC stock back in January 2021?

A I don't recall.

Q During the time that you made the decisions to order -- to order the purchase and sell orders of AMC stock that are identified in your certification, was there any significant movements in the stock price of AMC stock that you were familiar with, back in January of --

A Could you repeat that?

Q Okay, going back to the purchases and the sells that you ordered, as represented in the certification, right, which is Exhibit 101, right? So now we're talking about January 27, right, 2021 through February 4, 2021, do you remember seeing any news or any reports any statements regarding the movement of the stock price of AMC stock?

A Could you repeat it again or --

Q Do you remember seeing any news, back in 2021, that made you think that the stock was going to increase in price?

A I don't recall.

Q Do you recall hearing or seeing any news about the potential or a potential short squeeze

regarding AMC stock back in January of 2021?

A I don't -- I don't know what the short squeeze was, so I don't even recall if I have seen anything in regards to a short squeeze.

(Exhibit 104 marked.)

BY MR. DANON:

Q Okay. Let me show you what we're going to mark as Exhibit 104. Go ahead and refresh. And once you've seen that, please let me know.

A Okay, I do see it.

Q Okay, you see that --

A Yes.

Q -- and you recognize this as a tweet dated January 27, 2021 at 7:06 p.m., correct?

A That's correct.

Q And there is a reply that you sent; is that right?

A That's correct.

Q That's your handle that we had talked about before, right?

A That's correct.

Q [redacted]

So can you read Mr. Harsanyi's tweet?

A Yes. He says, "What are some of the other heavily shorted companies? Asking for a friend."

Q Okay. And what did you respond?
A AMC. AMC.
Q And so what was -- what did you know about AMC on January 27, 2021, that allowed you to respond or reply to Mr. Harsanyi's e-mail with AMC?
A So I do know that the price was going up. At the time I didn't know what "shorted" was, so I could have misunderstood what that meant, so I did say AMC. I do know the price was going up.
Q And how did you know that the price was going up?
A I knew -- it was there. I could see it on Robinhood.
Q So you could see it on the Robinhood app that the price was going up, right?
A That's correct.
Q Okay. Was there any other information that you were aware of regarding AMC, other than that the price was going up?
A Could you repeat that?
Q Were you aware of any other information regarding the AMC stock, other than the stock price was going up?
A I don't recall what else I saw in regards to it --

Q So your --
A -- at that time.
Q So your reply -- sorry -- to -- your reply to him was based on the fact that you had seen in the Robinhood app that the stock price for AMC had been going up?
A I don't recall at the time, but I do know that the price was going up and -- at that time. So that's -- yeah, so I do know that the price was going up.
Q Okay.
A And that meant people were interested in it, so I...
Q But you weren't aware of any specific initiatives or company statements or anything along those lines. You just knew the price was going up, right?
A Could you restate that?
Q I'm okay, let me just go on.
A Okay.
Q The other stock that you identify in your certification is Nokia, right, with the symbol NOK?
A That's correct.
Q And do you know what type of company Nokia is, and their product?

A Yes. Mobile phones. They create -- they are in the telecommunications sector, something like that.

Q And back in 2021, in connection with these, the sale transaction that you identified in the -- in the certification, did you undertake any research into Nokia as a potential investment?

A Could you repeat that?

Q In 20 -- January of 2021 and February of 2021, did you undertake any research regarding the finances or profits of Nokia in order to --

A No.

Q -- the decision on the sale transaction indicated on your certification?

A I don't recall.

Q Do you recall hearing or reading about any news regarding Nokia in January of 2021 that would have impacted the transaction as indicated within the certification that you had submitted in connection with this case?

A Could you repeat that?

Q Back in January of 2021, do you recall reading any news or any announcements from the company, Nokia, regarding its operations or business in connection with --

A Go ahead, I'm sorry. I don't recall.

(Simultaneously speaking.)

Q Do you recall seeing any YouTube videos about Nokia in January of 2021?

A I didn't use YouTube back then.

Q You didn't even pull it up and look at anything?

A I don't recall. No, I don't know. No.

Q And do you recall any tweets or anyone else posting anything on Twitter in January of 2021 regarding Nokia?

A I don't recall.

Q Give me just one second here. Just one second.

Ms. Bernard, have you heard of the term, "day trader"?

A If I knew about it back then or today?

Q Let's start with back in January, February 2021, were you familiar with the term "day trader"?

A No.

Q Okay. Are you familiar with that term today?

A Yes. I believe I am.

Q And what is your understanding of what the

term "day trader" means?

A I believe they buy and sell the same day. They don't leave it overnight. They just take the profits or, I guess, the loss, and just exit.

Q Okay. Do you consider yourself a day trader now, based on the understanding that you have?

A I don't think so, no.

Q No. Okay. Why not?

A Because I built overnight a lot, so I don't think I'm a day trader.

Q Looking back at your trades in January '21, and February of 2021, would you consider yourself a day trader back then?

A I don't think so. I don't recall, but I do believe I might have sold overnight. I don't know if I sold before the market closed. I don't recall.

Q When executing or operating trades or ordering trades under your mom's account back in January of 2021, were there any times where you made multiple trades in one day?

A Could you repeat that?

Q When trading in your mother -- on behalf of your mother back in January of 2021, were there any days in which you executed a significant number of trades in one particular day, on one particular

security? Let's say, ten or more.

A It's possible; I just don't recall. It's possible. I believe I did, but I can't say I -- I believe I did, but I...

Q Okay. Is that something that -- let's say, in your current investing that you would also do, which is buy and sell one specific security, you know, more than ten times in one day?

A I'm not sure. I don't recall. Maybe I -- I'm not sure. Currently, I don't think I do, I just don't -- I don't think so. I don't know.

Q Going back to -- and I guess, going back to January of 2021, do you recall that AMC was the stock that you had ordered purchases and sales in one day of more than ten -- more than ten purchases and sales in one day?

A Yes, I believe. Yes.

Q Okay. And why would -- why would you do that? As an investor, why would you do that many trades in one stock on that one day?

A I don't recall my thinking at that time. I really don't know why I would do that. I just don't recall what I was thinking at the time. I really don't.

Q Let me show you what we're going to mark as

Exhibit 105.

(Exhibit 105 marked.)

BY MR. DANON:

Q Again, let us know once you see that. And I will represent to you that it's a spreadsheet of the trades on your mother's account.

A Okay, I do see it.

Q Okay. And do you see on the left column, all the way on the left side, it has got an account number, which I can represent to you is your mom's account number. But do you recognize it as that account number?

A Do I recognize the number? No, I don't recognize the number. I -- yeah, I don't --

Q Let me show you the January account statement. We can mark that as Exhibit 6, just so you can --

A Okay.

Q -- confirm the account numbers. So we're going to post that as Exhibit 6 --

MR. ROSEN: 106.

MR. DANON: 106. Sorry.

(Exhibit 106 marked.)

BY MR. DANON:

Q Is that Exhibit 106 up?

A (Shaking head.)
Q No?
I think, Ms. Bernard, you are on mute, so I don't --
A Do you know how many pages there are for this document?
Q Yeah, 167, I think.
A Yeah, that's why it's probably loading -- not loading.
Q What I would direct you to is the first page on the top right where it's got Colleen Cooke account number. And I just wanted you to be able to confirm that that is your mom's account --
A Okay.
Q -- and her account statement, and then that the account number [redacted] is the account number showing on Exhibit 105.
A I think it is not loading because there's a lot of pages. Not even the first page is loading.
Q Not even. Okay, I think what we might do, just to expedite some things, if we screen share on those, the first page, so you can look at that. If that's --
MR. DANON: Mr. Rosen, are you okay with that?

MR. ROSEN: What do you want to do, screen share on this?

MR. DANON: The exhibit.

MR. ROSEN: Yeah.

MR. DANON: The first page of Exhibit 106, so we can --

MR. ROSEN: Yeah.

BY MR. DANON:

Q So, Ms. Bernard, this is what we marked as Exhibit 106, which is the account statement dated [redacted]

A Is there any way it can be bigger?

Q How's that?

A I see 415.

Q Are you able to --

A Yes, I can see it.

Q Okay. And I noticed here that, again, Colleen Cooke, and the account number, the address is [redacted] That's the address you had identified earlier?

A That's correct.

Q And was that the address where you were living in January of 2021?

A That's correct.

Q Okay. And you will see that that account number is the account number for your mom's account at Robinhood, correct?

A I don't know the number. I --

Q Okay.

A Is there any other way that you want me to confirm?

Q No, just by looking at the account statement. Is this something -- is the account statement something that you would see or look at and review?

A That's correct. I do see it has her name and address and account summary.

Q Okay. So you -- and that's what -- we just want to make sure you don't have any reason to doubt that this is your mom's account number. And that this is a copy of the account statement.

A Yeah, I have no doubt.

Q Okay. And so when we go back to Exhibit 105, I just wanted to make sure that you knew, and also that we can confirm, that the account number, all the way on the left column, is the same, [redacted].

A I can barely see the screen.

Q Okay. Maybe we'll make that larger. How is that?

A Yeah, I do see that.
Q Can you see that that's the same account number as the account number shown on the account statement, which is your mother's account at Robinhood?
A I would have to write down the number first and then go back to the previous screen.
Q Okay, we can do that.
A Okay.
Q Let's go to the previous screen. And, yeah, move it over. Yeah.
A Okay.
Q And then we'll switch now back to 105. Can you see that? Is that large enough, or should we zoom in?
A Could you make it bigger?
Q Yeah, sure.
A Okay. Thank you.
Okay, it matches.
Q Okay, good.
Now, if we turn -- and we'll do the screen share -- if we turn to -- this January of -- January 21, 2021 -- or we're going to go to -- let's just go to January 27 on page 4. I'm going to show you this, Exhibit 105.

When we -- you'll see, as we go through this chart, I hope it's large enough where you can see. It starts with the account number, and then there's a symbol. Can you see the symbol as AMC?

A The screen is blurry. It probably needs to be bigger, I think.

Q Let's see if we can make that bigger.

A Okay.

Q How's that?

A The same.

Q You can't see it?

A It's bigger, but it's blurry.

Q Does that help?

A No.

Q No?

A No.

Q If you open it in your -- I guess you're doing the share on your phone, right?

A Here, on the laptop?

Q Okay. No, no, we're doing the screen share now on your laptop, and you can't -- you cannot see the exhibit well enough?

A That's correct. It is sort of blurry on my end.

MR. ROSEN: Why don't you e-mail it to her.

Maybe if you e-mail it to her, it may make it easier. We can try that.

MR. DANON: If she can open it. Okay.

Why don't we take a -- or just go off the record while we're doing this.

THE VIDEOGRAPHER: Off the record at 3:02 p.m.

(Recess was taken.)

THE VIDEOGRAPHER: We're back on the record at 3:06 p.m.

BY MR. DANON:

Q Thanks. Ms. Bernard, you are able to see what has been marked as Exhibit 105 now; is that right?

A Yes, that's correct.

Q Good. And you see the account number is on the left column. The second column has the stock symbol; is that correct? Do you see that?

A That's correct.

Q And then -- and then there is "order type," "order side." Do you see "order side"?

A That's correct.

Q Order price, order quantity, and then there's an order created at UTC which is the time that the order was made.

Now, I'll ask you if you could -- so, we know from your prior testimony, these trades as this document, as I represented to you, indicates all the trades that were made in this account on AMC and other stocks, but focusing on AMC first, those trades were made by you on behalf of your mother, right?

A That's correct.

Q And if you look at pages 2 through 6 of this exhibit, so starting on page 2, and you can see a little bit just halfway down, you start seeing trades that occur on January 27, 2021. Do you see that?

A Could you repeat that?

Q Yeah, if you look almost halfway down on page 2, you will see a buy order for 1,000 shares of AMC, and it is dated 2021 dash 01 dash 27, do you see that?

A I see three of them, I believe.

Q Okay. Well, if you continue down that page --

A Okay.

Q -- to -- through page 3, all the way to page 6, those represent trades that were done throughout the day of January 1 -- I'm sorry, January 27, 2021.

Do you see that?

A That's correct.

Q Do you recall making that many trades in AMC during that time period?

A I don't recall, but it's there on the paper, but it means I made it, but I don't recall my...

Q Do you recall why you made so many trades of AMC on the 27th of January, 2021?

A No, I don't recall the reason why I made those -- so many of those. I don't recall.

Q Looking at this spreadsheet, does it refresh your recollection regarding any specific news or information that you had seen or read about AMC back in January 27, 2021?

A No.

Q And looking at this document, does it refresh your recollection of whether you were aware of the movement of the stock price of AMC on January 27?

A Could you repeat that?

Q Were you, looking at this document and the trades, the number of trades for that day, does it refresh your recollection as to whether you were aware of any price movement in the price of AMC stock on January 27, 2021?

A I honestly don't remember -- recall.

Q Looking at the orders, was the price increasing? You can look at the order price, right?

A Let's see.

MR. ROSEN: What day are you talking about?

MR. DANON: The 27th of January.

THE WITNESS: Yes, the prices looked like they were increasing.

BY MR. DANON:

Q Okay. And, again, looking at that, and recognizing that, does it jog your memory at all as to -- whether you were aware of it at the time, and whether that was influencing your decisions to order any transactions on the AMC stock?

A I see it, but I don't recall it.

Q Is an increase in the stock price like what you see here occurring on January 27, 2021, is that something that you would look at in order to make a decision to buy or sell a specific stock back in 2021?

A Could you repeat that? I'm sorry.

Q Knowing that a stock price is increasing, similar to what you see occurring on January 27, 2021 on AMC, is that a factor that you would consider in making a decision to buy or sell a specific stock on that day?

A Do you mean currently or 2021?

Q In 2021.

A I don't recall.

Q What about currently?
A Currently, it might go up, but it doesn't mean that -- it doesn't influence -- I don't think it does. I don't recall currently if it does. Just because it goes up doesn't mean it will stay there, so I don't really -- I don't recall doing that now.
Q You don't recall doing that now, right?
A That's correct.
Q Back in 2021, you have no recollection as to how an increase in the specific price of a stock would influence your decision?
A That's correct, I don't recall. That's correct.
Q And if you look at page 6, and just for ease of convenience, there is a number all the way on the bottom right. It may be small, what you are looking at, but there is a number on the bottom right that you may look at. So page 6, in the fourth entry is an order -- a buy order of 500 AMC shares at 1629.
Do you see that?
A On the 27th of January, 2021?
Q Yes.
A Yes, I do see it.
Q And you'll notice under the date where it says "order created," there's a timestamp -- I'll

represent to you that's a timestamp, 22:16:15.

Do you see that?

A Could you repeat that?

Q Okay. That line, number 4, in the column that is identified as order created at UTC, do you understand what UTC is? That's the timestamp.

A Yes, I see it.

Q Okay. And you see that there's an order for 500, the order price is 1629, 16.29?

A That's correct.

Q Yeah, and the time is 22:16:15. Do you see that?

A That's correct.

Q Okay. And looking -- again, I just want to clarify. At the time that this order is made, do you recall being aware of any news regarding AMC stock?

A No, I don't recall.

MR. ROSEN: Objection.

BY MR. DANON:

Q You do recall --

MR. ROSEN: That's the 30th time you have asked that question in various iterations.

(Simultaneously speaking.)

BY MR. DANON:

Q You did re-tweet -- or reply to a tweet on

AMC on that date, right?

A Where they asked -- the one that you showed earlier?

Q Yes. Yeah. So now seeing the documents regarding the trade, the time of the trades, and the activity, and also seeing the tweet regarding AMC, does that refresh your recollection as to any information that you had about the stock price of AMC during that day?

A I see it, but I don't recall it. I understood.

Q I'm just -- I'm just confirming, Ms. Bernard, if any of the documents that we see now refresh your memory.

MR. ROSEN: We've been going a little over an hour. Maybe we can take a break shortly.

MR. DANON: I think I can wrap this up in five minutes, if that's okay, this line.

MR. ROSEN: Okay.

MR. DANON: Or do you want to -- yep.

BY MR. DANON:

Q The -- so --

MR. DANON: You know what, let's take the break now, okay?

MR. ROSEN: Okay.

Come back in ten minutes.

MR. DANON: Okay.

THE VIDEOGRAPHER: Off the record at 3:17 p.m.

(Recess was taken.)

THE VIDEOGRAPHER: We're back on the record at 3:27 p.m.

BY MR. DANON:

Q Ms. Bernard, I know you've stated earlier, when I talked about the Complaint in the case and damages that there were -- part of the claim is about trading restrictions that Robinhood had placed on some stocks; is that right?

A Could you repeat that?

Q Okay. Earlier in the deposition when we talked about the Complaint and your awareness of the Complaint, you acknowledged that part of the allegations of the Complaint have to do with trading restrictions that Robinhood had implemented in certain stocks?

A That's correct.

Q Okay. So in January 2021 and February 2021, when did you first hear about any trading restrictions that Robinhood had placed on stocks?

A I believe that's the night of January the

27th.

Q And how did you hear about the restrictions?

A I believe it was on social media, I believe. I don't recall exactly where, but I believe it was social media.

Q You don't recall which social media?

A Twitter. I just don't remember this one.

Q The specific -- okay.

If you -- we had marked this earlier, which was the Complaint, which was Exhibit 5 from previous depositions, and I think you've had a hard copy there, and we looked at paragraph 128.

If you can look at paragraph 52 on pages 23 and 24.

A Could you repeat that?

Q Yeah. If you could look at the hard copy of the Complaint, and -- which is marked as Exhibit 5 on the continual exhibits, and go to paragraph 52 of the Complaint, paragraph number 52 of the Complaint, which is on page 23 of the Complaint, and let me know when you see that.

MR. ROSEN: Which paragraph?

MR. DANON: Paragraph 52.

THE WITNESS: Okay. I do see it.

BY MR. DANON:

Q If you see on paragraph 52, going over to the next page, there is a post that says, "Robinhood announces you can no longer open GME/AMC positions for Friday."

Do you see that?

A On page 24?

Q Yes. It's on page 24. Do you see that?

A That's correct.

Q Okay. Did you see this Reddit post? Do you recall seeing that?

A Was it on Reddit?

Q Well, let's say it's posted --

A I don't recall. I've never --

Q I don't recall -- it's posted on Twitter --

A Okay.

Q -- is what that says here, at 1:03 a.m. Do you see on paragraph 52, I misspoke there, posted at 1:03 a.m. on Twitter.

A I don't recall seeing this.

Q Okay. Do you recall seeing any other message, either on Twitter or any social media or from Robinhood, regarding the restrictions on any stock positions?

A I don't recall. I don't recall.

Q Okay, but you were -- you do recall being aware of the restrictions?

A That's correct. I was. That's correct.

Q But you don't recall the source of how you became aware of it.

A That's correct.

Q If you look at paragraph 62 of the Complaint on page 29, where paragraph 62 talks about a note that Robinhood sent on the morning of January 28.

Do you see that?

A Yes, I do see it.

Q Do you -- did you recall seeing that on January 28 of 2021?

A I don't recall if I saw it on the 28th. I don't recall.

MR. DANON: Okay. Let me now mark Exhibit 107.

(Exhibit 107 marked.)

THE WITNESS: I do know that they sent an e-mail, but I don't recall.

BY MR. DANON:

Q Okay. So you recall that Robinhood sent an e-mail, but you just don't recall the specifics of the e-mail --

A That's correct.

Q -- when you saw it?

But you do recall having knowledge of restrictions on AMC stock?

A Yes, knowledge about the restrictions. I just don't remember the source.

Q And what was your understanding of what those restrictions were?

A I didn't understand what was going on, but it didn't feel right at the time. It just didn't -- thought it was a platform that we could trade. So at the time I didn't know exactly what was going on.

Q When -- in -- when you say you didn't know what was going on, did you -- did you understand what the restrictions were on what you could do regarding your mom's Robinhood account?

A You can only sell. You can't -- you couldn't buy in the beginning. And then at a certain point they made it that you could buy a limited amount in particular stocks. So that's my understanding.

Q Okay. So you understood that you could sell at any time, but the restrictions were on the purchase?

A That's correct.

Q And as far as you understood, that applied to the AMC stock that you identified in the

certification as well as the Nokia stock that you identified in the certification; is that right?

A That's correct.

Q Okay, is it up?

So if you -- let us know once you can see Exhibit 107.

Were you able to open that one?

A I'm still waiting.

Q You're still waiting?

A Okay, I do see it.

Q Okay. And this is a copy of a tweet on January 28, 2021, at 8:29 a.m.

A That's correct.

Q The original tweet is from Robby Starbuck and it says, "Ava re-tweeted." Do you recall seeing this tweet back in January --

A I don't recall seeing it.

Q And do you recall why you re-tweeted?

A No, but like I said, at the time I didn't know what was going on.

Q You didn't know what was going on, but you did understand that there were restrictions in place on the sale --

A That's correct.

Q -- of the AMC, Nokia, right?

A That's correct.
Q I'm sorry, correction.
You understood there was a restriction on the sale -- no restrictions on the sale of the stock?
A That's correct, only on the buy -- buying of the stocks.
Q Okay, so -- all right. Next exhibit, 108. Wait. I'm going -- wait. And we'll post that one. Let us know when you are able to see it.
(Exhibit 108 marked.)
A I'm still waiting.
Q Okay. Let us know. I'm sure it takes -- it's been taking a few minutes here.
A Okay, I do see it.
Q Okay. And let me know if you recognize Exhibit 108 as a tweet that you re-tweeted on January 28, 2021.
A That's correct.
Q Okay. How did you come to open this tweet? Were you following this individual, or did you have any filters set to pull up any specific information?
A I don't recall following this person. I don't recall how I stumbled upon this tweet. But I do know I didn't know what was going on, and I don't know -- I don't know in regards to this person.

Q Do you recall why you re-tweeted this specific tweet?

A I think it's in regards to the first sentence. I guess they didn't allow -- I guess I was just re-tweeting. I really didn't know what was going on.

MR. DANON: Let me mark Exhibit 109. And again, let us know when that appears on the share file.

(Exhibit 109 marked.)

THE WITNESS: Okay, I do see that.

BY MR. DANON:

Q Okay, good. And you see that as a copy of a tweet, and you are replying to it. And that's dated January 28, 2021 at 11:16 a.m.?

A That's correct. I do see it.

Q And that is your reply to a tweet by Dave Portnoy; is that correct?

A That's correct.

Q Did you follow Dave Portnoy or how is it that you came across this tweet?

A I believe I follow him.

Q And can you read his tweet and then your reply?

A Okay, it says, "And as a reminder, everybody

who sells, you are doing exactly what the scumbags at Robinhood app and Citadel wants you to do. I'd rather die."

I say, "I'm staying too" -- not the dying part, but...

Q But you say, "I'm staying too," correct?

A That's correct. Yeah, I was going to stay. If I had -- if I had sold I would have been at a loss, so I just wanted -- yes, so I stayed.

Q And in -- in Mr. Portnoy's tweet, when he says, "sells," did you understand that to mean that you could sell the shares at that time?

A That's correct.

Q Okay. And did you understand or have an understanding as to what securities or what stock he was referring to in this tweet that you had re-tweeted?

A I don't think I knew all of the stocks. But it has to do with maybe the AMC, Nokia. I don't recall all of the stocks, so it could have been anything. Any one of the stocks --

Q As far as your understanding, it applies --

A -- correction.

Q -- it refers to the stocks that you held at AMC and Nokia?

A Or any other stocks that were restricted.

Q Okay.

And what did you mean by replying that you were staying too?

A That I am not selling at a loss. I guess I was hoping that the price would go up or something, but at the time I had already lost, I had lost, so I'm just -- I would have -- not selling, basically.

Q And when you wrote, "I'm staying too," as the "too" part, were you referring to you and others? Was there a group of people that you were referring to at that point?

A No, just myself.

Q Did you think at the time that you sent this that Robinhood or Citadel were hoping you would sell your shares?

A I didn't know what was going on. There were so many rumors going on out there. I guess because I did not hear much of why Robinhood did what they did. I guessed this was just speculation of what might have occurred.

Q Okay.

MR. DANON: Let me mark Exhibit 110. And let us know when that pops up.

(Exhibit 110 marked.)

THE WITNESS: I'm still waiting.

MR. DANON: Okay, I figured. You tell us when -- you tell us when it hits.

MR. ROSEN: What you might want to do is just e-mail to her the various tweets so that she can just open it up in her e-mail rather than wait for this to load, if you want to save time.

MR. DANON: Yeah, I think it would be faster. That's a good call.

Can we just go off the record for five minutes and let's organize them in e-mail. It will be faster than each one loading.

THE VIDEOGRAPHER: Sure. Off the record at 3:49 p.m.

(Recess was taken.)

THE VIDEOGRAPHER: We're on the record at 3:57 p.m.

BY MR. DANON:

Q Ms. Bernard, we have now e-mailed, and I understand that you now have a copy of Exhibit 110?

A That's correct.

Q And that is a tweet from -- or a re-tweet of a Dave Portnoy tweet on January 28, 2021, at 13:30 a.m.

Do you -- do you recall seeing this tweet

and re-tweeting it?

A I don't recall tweeting or re-tweeting it, but it looks like I did.

Q Okay. So you did re-tweet. You just don't recall, at the time, reading this or why you re-tweeted it?

A I don't recall the reason why I re-tweeted it.

Q Okay. When Mr. Portnoy is saying, "Now speculating is a huge issue," what did you understand "speculating" to mean?

A Making an assumption of something without facts.

Q And how do you think that understanding of "speculating" applies to any of the purchase and sales of the stocks?

A Can you repeat that?

Q When I asked you about speculating as a huge issue, what is your understanding of how speculating is a huge issue, meant to the price of any of the Affected Stocks, the stocks we're talking about in this case?

MR. ROSEN: Objection. Vague. Calls for speculation.

BY MR. DANON:

Q You can answer my question, which is, what's your understanding of what Mr. Portnoy's tweet was regarding speculating in connection with the stocks, the Affected Stocks, as identified in the Complaint?

A I can't really speculate in regards to that.

Q Well, I'm not asking you to speculate. I'm asking you whether you know what --

MR. ROSEN: You're asking him -- you are asking her what Mr. Portnoy meant?

MR. DANON: No, I'm asking her if she had an understanding of it, not to speculate.

BY MR. DANON:

Q You re-tweeted it, so you re-tweeted for a reason, right? I'm trying to understand the reason behind re-tweeting it and when you re-tweeted, you understand you were conveying?

A The only thing I can say in regards to the tweet is the speculation maybe Robinhood was -- was doing it for -- for -- doing it for -- on behalf of someone or something. Like I said, I don't know the reason why they did what they did, and maybe I shouldn't have re-tweeted that at the time. I don't remember why I did. Just that I wasn't -- I don't know what was going on at the time, and so I don't

know what to -- what's in regards to this tweet.

MR. DANON: Okay. Let me now go to what we're going to mark as 111, and I think that was just sent or will be sent right now.

(Exhibit 111 marked.)

THE WITNESS: Will it be to my e-mail or the --

MR. DANON: Your e-mail.

THE WITNESS: Okay.

BY MR. DANON:

Q I hope that's working faster. Did you get the e-mail?

A I'm still waiting.

Okay, I do see the e-mail.

Q Okay, good. Thank you.

A You're welcome.

Q Let me know when you've gotten a chance to see the tweet that we marked as Exhibit 111. Right? Yep.

A Okay, I do see it.

Q Okay. And this, again, is a tweet that you re-tweeted on February 1, 2021 at 12:03.

Do you see that?

A Yes, I do see it.

Q And Brandon Hoffman, is that someone that

you follow, or did you have any sort of search filters or messaging filters to pick up his tweet?

A I don't recall why I saw his tweet. I don't even recall following him but it looks like I re-tweeted it.

Q Okay. And do you know, or do you recall as to what Mr. Hoffman was replying to at Robinhood app that you re-tweeted?

A I don't know at the time. I don't know now in regards to what --

Q What it was?

A That's correct.

Q And do you see on the picture in the tweet on the right-hand or where it says, "Are you winning, Son?" and then it says, "It's not about winning, it's about sending a message," right? And those emojis?

A Yes, I do see it.

Q Do you recall why you re-tweeted this?

A No, I don't recall.

Q What were you trying to say when you re-tweeted this in connection with "It's not about winning, it's about sending a message"?

A I don't recall.

MR. ROSEN: Objection.

BY MR. DANON:

Q You don't know. What was your understanding on what -- what it means by the meme, "It's not about winning, it's about sending a message"?

A I don't recall my thinking at the time, the meme. I just don't recall what it meant at the time.

Q How about now, reading it now?

A I don't want to guess what it means now. I don't -- it could be different from what I thought initially. I don't want to --

Q Does "winning" mean, in this context, making money on an investment?

A I don't know. I honestly don't know.

Q And was the message that you were seeking to send a message to Robinhood?

MR. ROSEN: Objection. Misstating facts not on the record.

BY MR. DANON:

Q You can answer the question.

A Can you repeat that?

Q Yeah, by re-tweeting this, what was the message that you wanted to send? Were you sending a message to Robinhood?

A I don't recall the reason why I re-tweeted it. I don't recall.

MR. DANON: Let's -- now we're doing to send you Exhibit 112. Let us know when you get Exhibit 112.

A Okay.

(Exhibit 112 marked.)

THE WITNESS: I'm still waiting.

MR. DANON: Okay, I think it is a little bit faster than the upload, but not much, maybe a minute.

THE WITNESS: Okay, I do see it. Hold on one moment.

BY MR. DANON:

Q Let me know after you've seen it.

A Okay, I do see it.

Q Okay. And this Exhibit 112 is a tweet, and then a reply that you sent to Robinhood at 12:17 p.m. on February 1, 2021; is that right?

A Can you repeat that?

Q This is a tweet that you sent on -- at 12:17 p.m. on February 1, 2021, which is replying to Robinhood, right?

A That's correct.

Q And can you just read what your reply to Robinhood's tweet was?

A I thought you had money issues.

Q Okay.
A It is spelled wrong, but it's issues.
Q Okay. "Issues" is what you meant to say?
A That's right.
Q What did you mean when you said, "I thought you had money issues" when you sent this response?
A I don't recall why I sent that. I really don't know.
Q Do you recall thinking that Robinhood had money issues?
A I could, but I just don't recall why I -- what prompted me to say -- to tweet that at the time. I don't know what I saw or I just don't know what -- I don't recall.
Q Now, going back to the Complaint in this case. You understand that you are a named plaintiff, right?
A That's correct.
Q And what does that -- what does that mean to you, or what do you understand -- let me strike that and start again.
MR. DANON: Sorry, Maria.
BY MR. DANON:
Q What do you understand are your responsibilities in that role as a named plaintiff?

A Well, I would look out for the best interest of the other -- of the class members, oversee the case, basically the class action. I would work with the lawyers to -- like I said, maximize the recovery, just doing my part to ensure that the case is successful.

Q And do you have any understanding as to whether you will receive any compensation for your involvement in this case?

A No, I won't be receiving anything.

Q And as we said, based on the assignment, you understand that any recovery in this case would be going to your mother; is that the agreement that you had?

A That's correct.

Q And how much time do you expect to spend on the lawsuit, as a named plaintiff?

A A lot of hours. I don't know the exact hours, but a lot of hours, but I don't have the exact hours, but a lot of time.

Q Other than the deposition time today, how much time have you spent on this case, acting as a potential named representative?

A Could you repeat that?

Q Yeah. Other than today --

A Okay.

Q -- how much time have you spent on issues or dealing with this lawsuit in connection with being potentially a named class representative?

A I don't have the exact hours, but it's a lot of time.

Q Has it been more than one full day?

A It could be. I do know there's a lot of time. It seemed like a lot of time. Yes, it could be more.

Q Yeah, and what is that included, that is --

A Whether it be sending out the documents requested, reading the documents sent to us by the -- sent to me by our lawyers. You know, going to meetings with the attorneys, and other plaintiffs, basically that's for the most part.

MR. DANON: Let me mark what we're going to mark as Exhibit 113, which is -- which is the request -- Defendant's First Set of Requests For The Production of Documents and Electronically Stored Information Directly To plaintiffs.

BY MR. DANON:

Q So this is both posted on the -- I guess they are both -- all the exhibits have been posted on the Exhibit Share and will be e-mailed.

A Okay. Thank you.
I'm still waiting on the --
Q This one is a little bit longer.
A Okay. I'm still waiting.
Q Yeah, I apologize for that.
A That's okay.
Okay, I do see it.
Q Okay, good.
Have you seen this document before?
A I have to click on it first, hold on.
Q Yes. Okay. Okay. And this is Exhibit 113. I'm sorry, I'm being corrected. That is Exhibit 31 from prior depositions, just to be clear on the record.
MR. ROSEN: Oh, so it's not being marked as Exhibit 113. It's --
MR. DANON: No, it is Exhibit 31 from prior depositions, right. So I'm not marking it as 113, just so we're all clear.
THE WITNESS: Can you restate, repeat the question?
(Premarked Exhibit 31.)
BY MR. DANON:
Q The question is: Have you seen this document before?

A Yes, that's correct.
Q Okay.
And you were provided a copy of this document. Do you know when you saw it?
A When I saw this?
Q Yes.
A I believe it was either this year or last year. I believe it was this year.
Q Okay. But it was before this deposition and before yesterday?
A Can you repeat that?
Q You saw this document sometime either earlier this year or last year, but it was before today's deposition and yesterday's preparation for your deposition?
A That's correct.
Q And when you received this -- let me start over here.
You understand Exhibit 31 to be a request for documents from you; is that correct?
A That's correct.
Q Okay. And did you undertake any search for documents in connection with this document request?
A That's correct.
Q Yeah, what did you do?

A I went to the places where I know they were. So that could be on the search on the Robinhood website, to my e-mails, my Twitter feed, you know, that's what I did.

Q Any other places where you could have documents? Do you print out any documents and hold hard copies of anything?

A Like the tax return, but, yes. The Section D that was requested?

Q Right.

A Schedule D, sorry.

Q Okay, but other than the tax return, everything else was on computer, on your e-mails or Twitter or other sort of communications by e-mail?

A Yes, on the phone, that's where I mostly go online, on the phone.

Q Did you search any of your mother's records, or computers, or phones to see if there was any information that would be relevant?

A There wouldn't be any on there.

Q Does she have an e-mail account?

A She does, yes.

Q Does she have a computer?

A No.

Q She uses -- does she use one of your

computers?
A No.
Q Or does she use e-mail through her phone?
A Her phone.
Q Okay. So she has a phone and e-mail account; is that right?
A That's correct.
Q Is your mom on social media?
A No.
Q And have you -- have you preserved any of the documents that were related or that were asked for in this document request, that were related to any of the transactions in January and February of 2021?
A Could you repeat that?
Q Have you done anything to make sure that the documents and information you have are not deleted or discarded?
A That's correct. Not deleting it. Preserved, that's correct.
Q That's what I was asking. So you yourself know what -- what to not delete, is that what it is, that's what you are doing yourself?
A That's correct.
Q Does anyone else have access to your in-box or your Twitter account?

A No.

Q Do you have -- what is your e-mail account?

A [redacted].

Q And other than the Yahoo.com email address, do you have another e-mail address that you use?

A Yes, I have a work e-mail address.

Q And in the work e-mail address, did you have any documents or communications regarding any of the activities within the Robinhood account of your mother?

A No, we're not allowed to use the work e-mail for personal.

Q And you -- we've talked about a Twitter handle and Twitter account, and you mentioned YouTube, and I believe what you said is that YouTube was at some point last year, 2022; is that right?

A That's correct.

Q And other than Twitter in 2021 or 2022, did you have any other accounts at any social media app or with any social media app?

A Could you repeat that? I'm sorry.

Q Other than Twitter, did you have any other account or handle with any social media?

A In 2021?

Q Yes, January, February, 2021.
A Just the Twitter.
Q Just the Twitter. Okay.
Do you -- do you receive any -- or do you preserve any hard copies of the account statements you received from Robinhood?
A No, it's just electronically.
Q And what about the account statements from Stash?
A Electronically, also.
Q What kind of smart phone -- do you have a smart phone? And what type is it?
A When you say type.
Q Well, is it obviously an iPhone, is it --
A Okay.
Q Yeah, Android or --
A Android. It's an Android.
Q Okay. Do you use WhatsApp?
A Yes, I do.
Q Did you search any of your messages in WhatsApp in connection with the documents that were requested in Exhibit 31?
A I wouldn't have to go there because it's not a place that I go to for investments or anything. It's just to communicate.

Q And what about any communications regarding investments?

A Could you repeat that?

Q What about any communications regarding the investments, any texts, e-mails between you and others regarding any of the market activity or any of the investments during January and February of 2021?

A No, I never discussed it with everyone, so, no. It is mostly social.

Q Did you -- did you search your text messages in connection for -- with any documents regarding your AMC or Nokia at Robinhood?

A I never really had anyone to text, so I don't really -- it's only for social text messaging, so no.

Q But you did not search it, right? That's what the answer -- you didn't search it. You are explaining how you didn't have any reason to -- I'm just trying to figure out what you searched. So you didn't search texts, you didn't search WhatsApp, right?

A Can you give me a moment while I put in my charger?

Q Yes. Absolutely. Absolutely.

A Thank you.

THE WITNESS: Okay, sorry about that. Could you repeat the --

MR. DANON: Got to make sure you are charging.

BY MR. DANON:

Q I think I was saying, I just wanted to confirm, from what I understand, that you did not undertake any searches in WhatsApp or your text messages?

A That's correct, because it is only family members, and we don't text stocks or anything, so I didn't have any reason to search.

Q And the same would hold true as far as you didn't search any of your mom's texts?

A That's correct.

Q Okay.

When you did search your e-mails, how did you go about searching? Did you put in specific terms, or did you have a special folder where you had preserved messages?

A The only reason why I searched the e-mail was because I knew that Robinhood had sent a message one time, so I just wanted to retrieve that particular message. And I just searched "Robinhood" or -- and I looked throughout the e-mails to see if there's

anything, so I texted most -- I searched "Robinhood" and maybe "stock," but...

Q As far as the terms that you put into the search --

A Yeah, I don't recall what else I placed in, but I believe those are the two main ones that I typed in. I don't recall the rest, if I typed anything else.

Q You said that -- you said Robinhood had sent you an e-mail? Did you personally receive an e-mail from Robinhood?

A No.

Q So then when you mentioned about an e-mail being received and searching for it, was that an e-mail sent to your mother?

A An e-mail sent to her?

Q Yeah, the e-mail that you said that they sent, and you were searching for in the box --

A Oh, yeah.

Q -- who was that email sent to?

(Simultaneously speaking.)

A Yes, they sent it to her e-mail.

Q So in addition to searching her e-mails, did you search your own personal e-mails?

A There wasn't anything sent to my e-mail.

Plus an e-mail that she doesn't really use. It is mostly for trading. That's where mostly -- so it's not her personal. It is for trading and getting information. So she has a separate personal e-mail.

Q Okay. Just so I can be clear. Your mother has, what you are saying, is two e-mail accounts?

A That's correct. She has a personal one, and the other one that I get the messages from Robinhood, that's the one I get for messages for Robinhood.

Q And what are those e-mail addresses?

A The e-mail address that Robinhood sent it to is the [redacted] As for her personal one, I don't have it right now on me, but...

Q Okay. But you can provide that subsequently?

A That's correct.

Q And then you have your own personal e-mail address, right?

A Yes, that's correct.

Q Okay. So when you did the search in connection with this request, I just want to get a clear understanding as to which e-mail in-boxes you searched. You searched your mother's e-mail that you just gave us, the Yahoo one?

A That's correct.

Q Did you search her personal e-mail?
A It couldn't have been on her personal e-mail. That's something that Robinhood doesn't have, or any stock information. That's just on that e-mail.
Q So just the record is clear, you did not undertake a search of her personal in-box?
A No, it wouldn't have been there.
Q And did you undertake a search of your personal in-box?
A My personal? They wouldn't have my e-mail.
Q So you did not search your personal in-box, either, right?
A I don't normally have anything in regards to stock. Only exchanges between my attorneys and myself, but nothing else.
Q But, again, my question -- just to be clear, you didn't search it. Regardless of whether you think there is no information in there or not, you did not search it?
A Ah, no.
Q And when you did search your mother's in-box, the search you ran was "Robinhood" and --
A I don't recall exactly what, but I do know I typed in "Robinhood," and maybe "stock," but I don't recall the exact terms that I used.

Q Did you limit any -- the search by any time frame?

A No. I don't recall there being limits; I don't recall.

Q And do you know whether or not your mom's e-mail in-box is also being preserved?

A Could you repeat that?

Q Do you know whether or not your mom's e-mail in-box or e-mail box is being preserved in connection with events alleged in this lawsuit?

A Do you mean if they are not being deleted, the e-mails?

Q Yes.

A Yes, they are still there.

MR. DANON: All right. If you give me a couple of minutes, I think we're going to wrap up, Ms. Bernard. Just give me one -- I think we don't even have to go off the record, if you can just give me one minute here.

THE WITNESS: Okay.

(Recess was taken.)

BY MR. DANON:

Q Thanks, Ms. Bernard.

I have one other question that would go back to Exhibit 101, which is the certification that you

signed yesterday. And then if you could quickly look up Schedule A in that certification.

A Okay.

Q I don't know if you were able to pull it up from before. You have a hard copy. I'm not sure. Whatever is easier.

A I don't have a hard copy. I just have it on the phone. Let's see if I can --

Q That's good.

A Is there a way that you can resend it?

Q Yeah, that's the certification that you signed yesterday.

A Okay.

Q Yeah, that's Exhibit 101. We can resend right now. Yeah.

A Okay. Thank you.

Q And then we'll resend both and load the e-mail. It is already loaded. Yeah.

Did you get it?

A Yes, I do see it. I'm going to click.

Q So my question goes to Schedule A of Exhibit 101, which is the certification dated 4/4/2023. Do you see that in the -- there's two columns. In the purchases column you have transactions dated February 3, 2021. There's a series of transactions on

AMC. Do you see that?

A That's correct.

Q Okay. And on the second column to the right, under "Sales," there are a series of transactions identified starting February 2, 2021, and ending with a Nokia transaction dated February 3, 2021.

Do you see those?

A That's correct.

Q And I just want to confirm that during the time that you placed these orders, you were aware of the restrictions that Robinhood had in place regarding AMC and Nokia stock, correct?

A That's correct.

MR. DANON: Okay. Thank you.

Mr. Rosen, with that, we are wrapped up.

MR. ROSEN: Okay. Great. I don't have any questions.

Thank you very much, Ms. Bernard, for your time.

MR. DANON: Thank you, Ms. Bernard. Thank you very much. And have a good rest of your day.

THE VIDEOGRAPHER: This concludes the video recorded deposition of Ms. Ava Bernard. We are off the record at 4:36 p.m. Thank you very much.

LAURENCE M. ROSEN, ESQ.

LRosen@rosenlegal.com

April 13, 2023

RE: JANUARY 2021 SHORT SQUEEZE TRADING LITIGATION

4/5/2023, Ava Bernard (#5849883)

The above-referenced transcript is available for review.

Within the applicable timeframe, the witness should read the testimony to verify its accuracy. If there are any changes, the witness should note those with the reason, on the attached Errata Sheet.

The witness should sign the Acknowledgment of Deponent and Errata and return to the deposing attorney. Copies should be sent to all counsel, and to Veritext at cs-ny@veritext.com.

Return completed errata within 30 days from receipt of testimony.

If the witness fails to do so within the time allotted, the transcript may be used as if signed.

Yours,

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