

12

DEPOSITION OF FRED M. DOUMANI, SR.

TUESDAY, AUGUST 17, 2010

HENRY

vs. RIZZOLO, ET AL

REPORTED BY: DENISE R. KELLY, CCR #252, RPR

CSR ASSOCIATES OF NEVADA (702)382-5015

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1 UNITED STATES DISTRICT COURT
 2 DISTRICT OF NEVADA
 3
 4 KIRK and AMY HENRY,)
 5 Plaintiffs,)
 6 vs.) CASE NO.
 7 FREDRICK RIZZOLO aka RICK) 2:08-CV-00635--PMP-GWF
 8 RIZZOLO, an individual; LISA)
 9 RIZZOLO, individually; and)
 10 as trustee of The Lisa M.)
 11 Rizzolo Separate Property)
 12 Trust and as successor trustee)
 13 of the Rick J. Rizzolo)
 14 Separate Property Trust; THE)
 15 RICK AND LISA RIZZOLO FAMILY)
 16 TRUST; THE RICK J. RIZZOLO)
 17 SEPARATE PROPERTY TRUST;)
 18 THE LISA M. RIZZOLO SEPARATE)
 19 PROPERTY TRUST; THE RLR TRUST;)
 20 and the LMR TRUST,)
 21 Defendants.)
 22
 23
 24
 25 VIDEOTAPED DEPOSITION OF FRED M. DOUMANI, SR.
 Taken at the offices of Campbell & Williams
 on Tuesday, August 17, 2010
 at 9:15 a.m.
 at 700 South Seventh Street
 Las Vegas, Nevada
 Reported by: Denise R. Kelly, CCR #252, RPR

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1 APPEARANCES:
 2 For Plaintiff
 3 Kirk Henry: CAMPBELL & WILLIAMS
 4 BY: DONALD J. CAMPBELL, ESQ.
 5 PHILIP R. ERWIN, ESQ.
 NATHANEAL R. RULIS, ESQ.
 6 For Plaintiff
 7 Amy Henry: HUNTERTON & ASSOCIATES
 8 BY: C. STANLEY HUNTERTON, ESQ.
 9 For Defendant
 10 Rick Rizzolo: GORDON SILVER
 11 BY: DOMINIC P. GENTILE, ESQ.
 12 For Defendant
 13 Lisa Rizzolo: BAILUS, COOK & KELESIS
 14 BY: MARK B. BAILUS, ESQ.
 15 Also Present: LAS VEGAS LEGAL VIDEO
 16 SHANE GODFREY
 17 VIDEOGRAPHER
 18 729 South Seventh Street
 19 Las Vegas, Nevada 89101
 20
 21
 22
 23
 24
 25

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1 LAS VEGAS, NEVADA, TUESDAY, AUGUST 17, 2010,
 2 9:15 A.M.
 3 * * * * *
 4 THE VIDEOGRAPHER: Today is Tuesday,
 5 August 17th, 2010. This begins the video deposition
 6 of Fred Doumani. The time is approximately 9:15 a.m.
 7 We are located at Campbell & Williams, 700 South
 8 Seventh Street, Las Vegas, Nevada 89101.
 9 My name is Shane Godfrey, court
 10 videographer of Las Vegas Legal Video, located at
 11 729 South Seventh Street, Las Vegas, Nevada 89101.
 12 This is Case No. 2:08-CV-00635-
 13 PMP-GWF in the District Court of Clark County, Nevada,
 14 entitled Kirk and Amy Henry, plaintiffs, versus
 15 Fredrick Rizzolo aka Rick Rizzolo, an individual; Lisa
 16 Rizzolo, individually and as trustee of the Lisa M.
 17 Rizzolo Separate Property Trust and as successor
 18 trustee of The Rick J. Rizzolo Separate Property
 19 Trust, et al., defendants.
 20 This video deposition is requested
 21 by the attorneys for the plaintiffs.
 22 Counsel and all present will please
 23 identify themselves for the record.
 24 MR. CAMPBELL: Donald Jude Campbell, Phil
 25 Erwin, and Nate Rulis, Campbell and Williams,

1 appearing on behalf of Kirk Henry.
 2 MR. HUNTERTON: Stan Hunterton for Amy
 3 Henry.
 4 MR. GENTILE: Dominic Gentile on behalf of
 5 Rick Rizzolo. Rizzolo. I'm saying it like you guys.
 6 MR. BAILUS: And Mark Bailus on behalf of
 7 Lisa Rizzolo.
 8
 9 FRED M. DOUMANI, SR.,
 10 having been first duly sworn, was
 11 examined and testified as follows:
 12
 13 MR. HUNTERTON: Question for the
 14 videographer.
 15 When you were reading the caption,
 16 did you say Eighth Judicial District Court?
 17 THE VIDEOGRAPHER: I just said U.S.
 18 District Court.
 19 MR. HUNTERTON: U.S. District Court.
 20 Thank you.
 21
 22 EXAMINATION
 23 BY MR. HUNTERTON:
 24 Q. Mr. Doumani, my name is Stan Hunterton. I
 25 represent Amy Henry in this deposition and in these

1 Q. And we are entitled to your best answers.
 2 I don't want you to guess at anything. But as we get
 3 to some things that are in the less recent past, it
 4 may tax your recollection. But we would like your
 5 best recollection of those things.
 6 A. Sure.
 7 Q. If at any time you do not understand the
 8 question, please ask me to rephrase it or restate it
 9 in another way, because I don't want you answering a
 10 question I didn't ask or I didn't mean. That happens
 11 in normal human conversation. Understood?
 12 A. Right.
 13 Q. And to make the court reporter's job
 14 easier and get us the best possible transcript, it's
 15 important that you listen to my question and don't
 16 start answering over it, and that I listen to your
 17 answer and don't start another question over it.
 18 Understood?
 19 A. I will do that.
 20 Q. Okay.
 21 That happens in normal human
 22 conversation, but we have to be careful not to do
 23 that.
 24 A. Yes.
 25 Q. Also, the court reporter cannot make an

1 proceedings.
 2 I note that you are not accompanied
 3 by counsel here today.
 4 A. No, sir. Right.
 5 Q. And that is by your choice?
 6 A. Yes.
 7 Q. You understand that you've been sworn to
 8 tell the truth by the court reporter here?
 9 A. Yes.
 10 Q. And that everything we do here, it is
 11 going to be taken down by the court reporter as well
 12 as the videographer.
 13 A. Yes, sir.
 14 Q. You understand that?
 15 A. I know that.
 16 Q. Have you had your deposition taken before?
 17 A. Hundreds. I mean, that's an exaggeration,
 18 but many, many times.
 19 Q. I will just briefly go through the ground
 20 rules so that we have them on the record here.
 21 The oath that you have taken is
 22 exactly the same one that you would take in a court of
 23 law as if you were testifying in front of a judge
 24 and/or a jury. Do you understand that?
 25 A. Yes.

1 accurate record with a nod or shake of the head, which
 2 we would all understand to mean "yes" or "no," but you
 3 do need to answer audibly.
 4 A. Right.
 5 Q. Understood?
 6 A. Right.
 7 Q. Okay. Anything I've said here that's
 8 confused you so far?
 9 A. No.
 10 Q. Okay. Are you taking any kind of
 11 medication that would prevent you from giving your
 12 best testimony today?
 13 A. I take no medication at all.
 14 Q. Okay.
 15 What is your age, sir?
 16 A. 75.
 17 Q. And your current address?
 18 A. 669 Oakmont Avenue, Unit 3715, 89109.
 19 Q. Las Vegas?
 20 A. Las Vegas.
 21 Q. How long have you lived there?
 22 A. Maybe three years.
 23 Q. Is that an apartment? Condo?
 24 A. It's a condo.
 25 Q. Okay. You own it?

1 should be worth -- it's being repainted, new interior,
2 everything. When it's finished, maybe 20, 25.
3 Q. So you drove this. You didn't like just
4 park it in 1980 and treat it as a collectable?
5 A. Oh, yeah, I quit driving it. I don't
6 think in the last -- in fact, I have classic insurance
7 on it where you're not allowed to drive it over 2,000
8 miles a year.
9 Q. Okay.
10 A. And you only pay like \$100 a year
11 insurance.
12 Q. But before you switched, if you will, you
13 used it as a car for transportation?
14 A. Maybe for -- well, even then it was a
15 second car. I didn't drive it much. It's an '80 and
16 I think it has like 60-, 70,000 miles, which would be
17 2,000 miles. You know, it's hardly driven.
18 Q. When did you get the 1956 Ford
19 Thunderbird?
20 A. Oh, my gosh, must be 1981, '82.
21 Q. And what did you pay for it?
22 A. I paid \$17,000 back then.
23 Q. And it too you treat as a collector's
24 item?
25 A. Oh, yes. That's hardly driven.

1 who's just a perfectionist, that's what he does.
2 Q. Other than these three cars, the
3 Thunderbird, the Lincoln, and the '80 vet, and the
4 Corvette you bought from Mr. Rizzolo, have you owned
5 any other collectable or classic cars?
6 A. No.
7 Q. Do you remember the year of Mr. Rizzolo's
8 Corvette?
9 A. 1958.
10 Q. Okay. How did you come to a price of a
11 hundred thousand dollars?
12 A. Well, he told me he needed money for legal
13 fees. And I think he owed 50-, \$60,000 in legal fees.
14 And he told me if he could, if he could get a hundred
15 thousand, it would be help him.
16 So I get -- my son gets it's called
17 the duPont Registry, and you look into it. And I see
18 them range. You know, since the recession, they've
19 gone down. There was a time -- you know, it only has
20 9,000 miles on it. It looks brand-new. It looks
21 showroom.
22 So I checked around and I was told
23 it's between a low of 85 or 90 and could be worth, to
24 the right guy, because where are you going to find one
25 with 9,000 miles, it could be worth up to a hundred

1 Q. Okay. And the '65 Lincoln?
2 A. The '65 Lincoln was owned by the guy who
3 owned Westgate, all Westgate Plaza. It had hardly any
4 miles, but he died and the car sat out there and the
5 sun had eaten up the interior, the paint, and the top.
6 So it's in now being -- it's been
7 there over a year. The guy does it when he's not --
8 it's being totally ground up. They took the body off
9 the frame. A total ground-up restoration.
10 Q. Where do you store these vehicles?
11 A. Well, they are mostly at Century Auto
12 because he's the guy. He is doing the total
13 restoration of the cars, the '80 Corvette and the
14 other.
15 Q. What's the address of Century Auto?
16 A. Want me to call him? I could get it for
17 you.
18 Q. No. Just give me a part of town, cross
19 streets.
20 A. It's on Industrial Road. I would say -- I
21 would say on the other side of the street of the
22 Crazy Horse, maybe 500 feet further down, further
23 south.
24 Q. So close to the Crazy Horse on Industrial?
25 A. Yes. The man is a German guy from Brazil

1 and a quarter. So a hundred. It's not a bargain but
2 it's not overpriced either.
3 Q. What engine did it have in it when you
4 bought it?
5 A. The same original engine.
6 Q. What was that?
7 A. You know, I don't know. I don't know.
8 Q. You don't know the cubic inches?
9 A. No. What they go by in the collectors, if
10 you don't mind me telling you, the numbers have to
11 match. The number of the engine has to match the
12 number of the vehicle. If it doesn't, the car
13 wouldn't be worth 40,000.
14 So if the car's engine had blown up
15 and you bought another engine and put it in, you would
16 lose. From what collectors tell me, the first thing
17 they look up is matching numbers.
18 Q. And did you look at those numbers?
19 A. Yes.
20 Q. Did you hire anybody to evaluate the car
21 or did you do that yourself?
22 A. No, I did that myself.
23 Q. Okay. And you found the numbers matched?
24 A. Yes.
25 Q. Do you know whether it had fuel injection?

1 A. You know, I think it does. But I wouldn't
 2 swear to it.
 3 Q. Okay. You didn't have it appraised by
 4 anybody?
 5 A. No. But it's -- you know, just to give
 6 you an example. In duPont Registry, they, Chevrolet,
 7 I don't know why, maybe it was custom, built one, just
 8 one that was powder blue and white. And they were
 9 asking 275,000 for that in the duPont Registry. And I
 10 couldn't figure that out.
 11 And I called up and the guy said,
 12 "Well, it's the only car factory -- you know, it
 13 wasn't repainted. Powder blue and white."
 14 And you wouldn't think that a color
 15 change would make -- but, you know, to collectors,
 16 that all -- it all means something.
 17 Q. What color was this when you got it?
 18 A. Red and white.
 19 Q. And was that the original factory color as
 20 far as you know?
 21 A. Yes.
 22 Q. How do you know that?
 23 A. Well, 90 percent were like that. But
 24 checking the color code that's -- that was the
 25 factory.

1 Q. When you bought it, was there anything on
 2 the windshield, any kind of sticker?
 3 A. You know, I don't recall that.
 4 Q. Okay. Where did you find the VIN numbers
 5 that you matched?
 6 A. I forget. I think one's on the title and
 7 I just had -- I just had someone look at it.
 8 Q. Well, you said it was important that the
 9 number on the engine match the number on the body of
 10 the car.
 11 A. Yeah.
 12 Q. Where did you find those two numbers?
 13 A. I forget, but I...
 14 Q. Did you discuss with Mr. Rizzolo whether
 15 or not he reported this transaction to his probation
 16 officer?
 17 A. Of course not. Why? Why would I do that?
 18 Q. He never mentioned whether or not he
 19 reported it?
 20 A. I'm shaking my head. I forgot it has to
 21 be aud- -- no, he never mentioned that.
 22 Q. Okay. You said he owed money in legal
 23 fees. Do you know whether he paid those debts off
 24 with money you gave him?
 25 A. No, I don't.

1 Q. Did you determine whether or not the frame
 2 was the original frame?
 3 A. No. It never even came in my mind.
 4 Q. Did you determine whether or not this car
 5 had ever been in an accident?
 6 A. I never thought much about that. I do
 7 know that -- I'm sure -- I think he paid -- you know
 8 what, I forget what he told me he paid. But thought
 9 it was 75 or 80. So I'm sure he checked it out before
 10 he bought it.
 11 Q. So he didn't buy it new?
 12 A. Oh, no. No.
 13 Q. How long did he have it?
 14 A. I don't know.
 15 Q. Who did he buy it from?
 16 A. You know, I don't know. I have no idea.
 17 Q. What type of paperwork did you get when
 18 you bought it?
 19 A. Title.
 20 Q. Just title?
 21 A. Title. And he made me a bill of sale.
 22 Q. Okay.
 23 A. I think I gave a copy of the title and the
 24 bill of sale and the copy of the cashier's check and
 25 everything.

1 Q. Do you know whether he paid any other
 2 creditors with the money you gave him?
 3 A. Not that I know of.
 4 Q. How did you pay him?
 5 A. Cashier's check. 95 percent cashier's
 6 check, 5 percent personal check. But I -- I tend to
 7 say it was a cashier's check.
 8 Q. When you say 95 and 5, you're indicating
 9 that you're 95 percent sure it was a cashier's check?
 10 A. Cashier's check.
 11 Q. Not that there was one check for 95,000
 12 and another for 5-?
 13 A. No, no, no.
 14 Q. One check?
 15 A. One check for 100.
 16 Q. One check for 100,000?
 17 A. Yes.
 18 Q. But it could have been a personal check?
 19 A. The only reason I'm pretty positive it's a
 20 cashier's, I think I made a copy of the check and gave
 21 it when the judge wanted to see it.
 22 MR. HUNTERTON: Would you mark this as
 23 Exhibit 1, please.
 24 (Deposition Exhibit No. 1 marked.)
 25 ///

1 MR. GENTILE: Just to make the record
 2 clear. I do not represent Mr. Doumani. Those
 3 discussions would not be privileged. You are
 4 absolutely free to inquire if you wish.
 5 MR. HUNTERTON: Thank you.
 6 THE WITNESS: I didn't understand this.
 7 BY MR. HUNTERTON:
 8 Q. He just said for the record he doesn't
 9 mind if I ask about conversations with Mr. Gentile if
 10 you had any.
 11 But I want to go back to
 12 Mr. Rizzolo. What did he tell you about the
 13 circumstances under which he came to represent
 14 Mr. Rizzolo?
 15 A. Well, you know, to go back again, I just
 16 went to law school for one year. So I don't pretend
 17 to be a lawyer. But I think I do know enough about
 18 the law to know when things are really out of kilter.
 19 And in law, when you make a
 20 settlement, you should make a universal settlement.
 21 And I could not understand when Tony Sgro made a deal
 22 with the federal government that he then didn't go to
 23 the City and to all the other, whatever government
 24 agencies, and made sure everything was all right.
 25 So when they closed the club and

1 allowed the license to expire, it destroyed the value
 2 of the club. And by destroying the value of the club,
 3 the \$5 million mortgage went, the \$7 million, to the
 4 federal government went, the \$9 million that should
 5 have gone to Mr. Henry went. And I just thought the
 6 lawyer -- the lawyering in it was just horrendous. I
 7 mean, you just see the value go.
 8 The other thing I was aware of,
 9 because I rent space at the Crazy Horse for all the
 10 office furniture and everything that had been in the
 11 motels and stuff that I had, the marshals were saying
 12 that they had it sold to some guy from Chicago. And I
 13 heard that for over a year. And they weren't taking
 14 bids. They weren't -- you know, I thought it should
 15 have been given to an agent who knows how to sell
 16 clubs.
 17 You know, there are people that just
 18 sell nightclubs. I never saw it marketed correctly.
 19 I saw it stand there and just deteriorate.
 20 And I told Rick, I said, "You know,
 21 I don't understand how all the lawyers are letting the
 22 value of the club go to zero." I said, "You've got to
 23 get a good lawyer."
 24 So then he, then at one point in the
 25 conversation, he said, "Well, you know, Dominic

1 Gentile is a good lawyer."
 2 I said, "The best."
 3 He said, "But I don't have the
 4 money."
 5 I said, "Look, see what he wants.
 6 I'll pay it. I cannot stand to see what's, what's
 7 happening here."
 8 So he said, "Okay." He said, "Let
 9 me talk to Dominic."
 10 Then he called me up and he said
 11 Dominic wanted a certain amount. And I said, "I'll
 12 give it to him."
 13 Q. What was the certain amount?
 14 A. I can't hear you.
 15 Q. What was the amount?
 16 A. 40,000.
 17 Q. Okay.
 18 MR. HUNTERTON: Would you mark this as
 19 Exhibit 3, please.
 20 (Deposition Exhibit No. 3 marked.)
 21 BY MR. HUNTERTON:
 22 Q. The bottom half of Exhibit 3 is a
 23 photocopy of a check on the account of Fred M.
 24 Doumani, Sr. Is that you?
 25 A. Yes, sir.

1 Q. Is this the check you wrote to Gordon &
 2 Silver for \$40,000?
 3 A. Yeah, I'm sure it is.
 4 Q. Okay. And is that the check and the
 5 transaction we've been talking about?
 6 A. Yes, sir.
 7 Q. Okay. Is that your signature on the
 8 check?
 9 A. Yes, sir.
 10 Q. Okay. Do you have an agreement with
 11 Gordon & Silver or Mr. Rizzolo to pay further legal
 12 fees?
 13 A. No.
 14 Q. Okay. This is it?
 15 A. That's it.
 16 Q. You are not going to pay any more?
 17 A. Not that I know of, no.
 18 Q. Has Mr. Rizzolo asked you?
 19 A. No.
 20 Q. Okay. Do you have a written agreement
 21 with Mr. Rizzolo?
 22 A. No. None.
 23 Q. What do you understand the agreement to be
 24 with Mr. Rizzolo, even though it's not in writing? Is
 25 this a gift? A loan? What is it?

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1 A. You know, it's really neither. It's
2 definitely not a loan, because I do know he is not
3 allowed to borrow. And I don't want it back.
4 I told him that the deterioration of
5 this is such a point that he should explore something
6 should be done about it.
7 And let me go back to the Bicycle
8 Club.
9 You know, Mr. Hardy --
10 Q. I'm going to ask you to hold that thought,
11 because the videographer has told me he needs to
12 change tape.
13 A. Sure. Sure.
14 Q. Since we are going to go back to the
15 Bicycle Club, let's take a couple of minutes.
16 MR. GENTILE: Just before he changes the
17 tape, let me object to the answer as being outside the
18 scope of the question, okay.
19 THE VIDEOGRAPHER: This is the end of Tape
20 No. 1 in the video deposition of Fred Doumani. The
21 time is approximately 10:10 a.m. We are now off the
22 record.
23 (Recessed from 10:10 a.m. to 10:23 a.m.)
24 THE VIDEOGRAPHER: This is the beginning
25 of tape No. 2 in the video deposition of Fred Doumani.

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1 The time is approximately 10:24 a.m. We are back on
2 the record.
3 BY MR. HUNTERTON:
4 Q. Mr. Doumani, you understand that you are
5 still under oath, right?
6 A. Yes, I do.
7 Q. When we took that recess to change the
8 tape, you said, "Let me go back to the Bicycle Club."
9 Do you remember your train of
10 thought there?
11 A. Right. Right.
12 Q. Go ahead and finish what you wanted to say
13 about that.
14 A. There is a big legal fee -- legal firm in
15 Washington, D.C., and the head guy was William
16 Buckley. It's a big firm. And Mr. Hardy, who owned a
17 piece of the Bicycle Club, because the government had
18 taken the club from a very successful club to being
19 worth zero, sort of what happened at the Crazy Horse,
20 sued for Mr. Hardy. He won a \$99 million judgment.
21 The 99 million was appealed by the
22 federal government to every court. It stood up. Went
23 to the U.S. Supreme Court, the U.S. Supreme Court
24 wouldn't hear it. So the \$99 million judgment was
25 there with interest, legal fees, and everything else.

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1 It's up to 131 million. And it has to be paid. It
2 might have been paid since.
3 But I never forgot that. Because
4 they -- I was subpoenaed on that too because I was
5 buying the Bicycle Club. And when I saw the
6 99 million, with that I think the government has a
7 certain liability when they take over a property and
8 it goes to zero under their auspices.
9 And like I said, they fooled around
10 for one year with this guy from Chicago. And I have
11 been in business long enough to know when a man
12 commits himself and fools around for one year, you
13 don't have a deal. They never gave it to people that
14 really know how to sell clubs.
15 The other thing that always bothered
16 me, they never made payments on the mortgage. But
17 from the signage and from the warehouse, they were
18 getting enough monthly payment to come very close to
19 making the payment.
20 Q. You are now talking about the government's
21 administration of Crazy Horse Too?
22 A. Right. I think it's pathetic. And so to
23 me, the 40,000 sort an expedition for Mr. Gentile to
24 look at the overall picture and see what liabilities
25 are here that caused it to go to nothing.

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1 Q. You said that it wasn't a loan because it
2 couldn't be. Going back to the --
3 A. And I --
4 Q. -- 40,000.
5 A. And I wasn't going to get it back. You
6 know, I never thought of it as a loan in any way. And
7 he has spent so much in legal fees, I wasn't going to
8 burden him anymore, he's a friend. And I had insisted
9 he gets new counsel. I'm the one who told him. He
10 kept telling me the other people knew the case and he
11 wanted to stay with them. I said, "I don't care if
12 they know the case or not, you know, they messed it up
13 so badly."
14 Q. I understand that. But what I'm trying to
15 take you back to is your comment before the recess
16 that it wasn't a loan because it couldn't be. Why
17 couldn't it be a loan?
18 A. No. You know, I didn't mean it quite that
19 way. I said it wasn't a loan but I also knew it's
20 illegal for him to borrow money unless, I guess, he
21 got court approval or something.
22 Q. Okay. So you understood it was a term of
23 his probation --
24 A. Right.
25 Q. -- that he couldn't take on the debt

1 without some kind of court or parole officer approval?
 2 A. Yes.
 3 MR. GENTILE: I have an objection to the
 4 form of the question. It's leading.
 5 BY MR. HUNTERTON:
 6 Q. In the last year, from August of '09
 7 through today, have you gotten any money from
 8 Mr. Rizzolo?
 9 A. Zero.
 10 Q. None. You're sure?
 11 A. Zero.
 12 Q. No cash? No checks? No nothing?
 13 A. A couple of barbecues I have been invited
 14 to where he lives.
 15 Q. Okay. And where does he live?
 16 A. He lives, I don't know the address, but
 17 it's up in McDonald's -- is it McDonald's Ranch?
 18 Q. McDonald Highlands?
 19 A. Highlands.
 20 Q. Do you own that home he is living in now?
 21 A. No.
 22 Q. Okay. Do you know a guy named Cliff
 23 Diamond?
 24 A. Yes.
 25 Q. Who's he?

1 A. Zero.
 2 Q. -- Mr. Diamond?
 3 A. Zero.
 4 Q. Has Mr. Diamond been in the home buying
 5 and selling business with you since the closure of the
 6 Crazy Horse?
 7 A. I would say from before the closure.
 8 Q. That was something he was doing even while
 9 he was working there?
 10 A. Well, wait a minute. When did it close?
 11 Then I could tell you.
 12 Q. I don't have the date, but it was a couple
 13 of years ago.
 14 A. I started with Cliff Diamond a couple of
 15 years ago.
 16 Q. Okay. Does he have a real estate license?
 17 A. Me?
 18 Q. No. Cliff.
 19 A. No. He works with a lady who does. He
 20 may have one, I don't know.
 21 Q. Do you?
 22 A. No.
 23 Q. You said that you rented some space at the
 24 Crazy Horse Too.
 25 A. Yes.

1 A. He used to valet park at the Crazy Horse.
 2 Q. While Mr. Rizzolo owned it?
 3 A. Yes.
 4 Q. Do you have any business with Mr. Diamond?
 5 A. Yes.
 6 Q. What's your business with Mr. Diamond?
 7 A. I loaned him \$300,000 on a lot that he
 8 owns.
 9 Q. When?
 10 A. A good two years. He pays me 12 percent
 11 interest. I get \$3,000 every month like clockwork.
 12 He's the one that I primarily have bought homes with.
 13 He goes to the auctions, buys a home, I finance it.
 14 He fixes it up. We split the profit.
 15 Q. Does Mr. Diamond have any employment other
 16 than this home buying and selling business with you?
 17 A. I think he still has, if I remember
 18 correctly, don't hold me to it, a couple of valet
 19 places.
 20 Q. The address where I believe Mr. Rizzolo is
 21 living is known as 1760 Amarone or Amarone,
 22 A-m-a-r-o-n-e, Way. Does that sound familiar?
 23 A. I'm sure it is, yeah. Yes, it is.
 24 Q. Did you have anything to do with
 25 Mr. Rizzolo coming to live at that address with --

1 Q. And I believe you said you were using it
 2 for storage?
 3 A. Yes.
 4 Q. What were you storing?
 5 A. Mainly furniture from -- furniture and
 6 things from my wife's home that she sold. Just a lot
 7 of junk in there, really.
 8 Q. Were you, were you using the Crazy Horse
 9 Too for furniture storage while it was still open?
 10 A. Yes. I've had it -- I -- it was
 11 2,000 square feet. I pay \$800 a month. I used to
 12 give the checks to the corporation that owned -- when
 13 Rick had it. I rented it from Rick. I gave him \$800
 14 a month. The federal government said I could keep it,
 15 and I pay them still \$800 a month.
 16 Q. And the furniture is still in there as far
 17 as you know?
 18 A. Oh, yes. It's packed from top to bottom.
 19 Q. I want go back to the Corvette that you
 20 bought from Mr. Rizzolo for a moment.
 21 You said you were 95 percent sure
 22 that you paid for it with a cashier's check. Do you
 23 remember that testimony?
 24 A. Yes. Yes.
 25 Q. Why did you give Rick Rizzolo a cashier's

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1 Q. And, again, that was over the phone; is
2 that correct?
3 A. Yes.
4 Q. And what is your cellular telephone
5 number?
6 A.
7 Q. And what is Mr. Cusumano's?
8 A.
9 Q. And what is Mr. Rizzolo's?
10 A.
11 Q. And could you give me Fred, Jr.'s cell
12 phone number.
13 A.
14
15 Q. I'd like to delve into the transaction
16 that Mr. Hunterton discussed with you concerning your
17 acquisition of the 1958 Corvette from Mr. Rizzolo.
18 All right?
19 A. Yes.
20 Q. And I would like to ask you a series of
21 questions with respect to your, for lack of a better
22 term, due diligence with respect to acquiring this
23 asset.
24 You obviously believe that the
25 automobile was worth \$100,000, as I understand your

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1 testimony; is that correct?
2 A. Within 10 percent either way.
3 Q. All right. And if I understand correctly,
4 you likewise only have two documents in association
5 with this vehicle, that being the title and the bill
6 of sale, correct?
7 A. Yes.
8 Q. Those documents that are, that are
9 presently --
10 A. Yes.
11 Q. -- before you and marked as exhibits in
12 this proceeding, right?
13 A. Yes.
14 Q. You have no service records for the
15 automobile?
16 A. If the car is not driven, no.
17 Q. You have no service records on the
18 automobile?
19 A. Before I answer that, I think it was
20 offered to me, but I'm not sure.
21 Q. Again, you have no --
22 A. No.
23 Q. -- service records on the automobile?
24 A. No. You mean in my possession, no.
25 Q. Right.

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1 You've never seen any service
2 records on the automobile?
3 A. No.
4 Q. You have no records concerning the
5 ownership of the vehicle other than by Mr. Rizzolo
6 that he gave --
7 A. Oh, no.
8 Q. -- the title?
9 A. No, no. He had a title. What more do you
10 need?
11 Q. Other than that title?
12 A. No.
13 Q. You don't know where Mr. Rizzolo acquired
14 the automobile from?
15 A. No.
16 Q. You don't know how many owners possessed
17 the automobile before Mr. Rizzolo acquired it?
18 A. No.
19 Q. You don't know where the automobile was
20 located other than Las Vegas, Nevada; is that correct?
21 A. If it could have been from another place,
22 I don't know.
23 Q. So you don't know, for example, whether or
24 not it was from Florida or from California?
25 A. Well, the main thing you look for is rust,

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1 like it's an Eastern car. The car looks like it just
2 came out of the showroom. If I told you it was just
3 built yesterday, you would believe it.
4 Q. Is the answer to my question that you
5 couldn't tell me whether it was from Florida or
6 California --
7 A. No. No, I couldn't.
8 Q. -- or North Dakota?
9 A. I couldn't tell you.
10 Q. Okay. You don't have that information?
11 A. No, I don't.
12 Q. Did you seek that information?
13 A. No.
14 Q. All right. And with respect to that
15 automobile, you can't tell me it's actual date of
16 production, when it actually rolled off the assembly
17 line at GM's manufacturing plant in Dearborn?
18 A. No.
19 Q. Okay.
20 A. I -- I'm sorry.
21 Q. You don't know the platform number of the
22 automobile, do you?
23 A. No.
24 Q. Do you know what a platform number is?
25 A. No.

1 Q. You never asked for an appraisal of the
 2 automobile; is that correct?
 3 A. No. I did my own work on that.
 4 Q. And as I understand, what you have termed
 5 your own work was picking up a copy of duPont and
 6 looking at the advertisements in duPont; is that
 7 correct?
 8 A. That and I -- and going on the Internet
 9 and looking at what classic Corvettes are selling for.
 10 And I called up. There's a gentleman in Anaheim near
 11 Disneyland. People come from all over the world.
 12 It's called Corvette Mike's. He builds Corvettes
 13 ground up restoration.
 14 And I called up and I asked them, I
 15 described a '58 with 9,000 miles, and they said that's
 16 a very rare car. It's a very -- that and the '63
 17 Corvette with the split window they told me is a very,
 18 very rare car.
 19 And I said, "What is a really good
 20 one worth?"
 21 And he said, "It would be worth
 22 anywhere of a minimum of 85 to a top of 125."
 23 Q. And, again, this was someone that you
 24 spoke to over the phone, correct?
 25 A. Yeah.

1 automobile --
 2 A. Yeah.
 3 Q. -- all right, during the, during the
 4 period of time that you were thinking about buying it,
 5 where did you go to see it for the first time?
 6 A. Oh, I had seen it long before I bought it.
 7 Q. All right. Let me ask maybe a different
 8 question that's more detailed and exact.
 9 When was it that you first saw the
 10 automobile after Mr. Rizzolo had solicited you to buy
 11 it?
 12 A. I'd seen it long before.
 13 Q. I understand that, sir. My question,
 14 however, is defined as to the period of time after
 15 Mr. Rizzolo said "Mr. Doumani, I would like you to buy
 16 my car," or words to that effect.
 17 MR. BAILUS: Objection to form.
 18 THE WITNESS: Let me -- let me -- let me
 19 try and answer that.
 20 When he first bought it, he was very
 21 proud of it and he invited me over to the home to see
 22 it. And I saw the car and it's an unbelievable car.
 23 So -- and then when I would visit him, I would see the
 24 car, so I knew the car.
 25 So when he told me about the car,

1 Q. That you had never -- that had never seen
 2 the automobile as far as you knew?
 3 A. No. I described. I have been to a
 4 showroom there, Corvette Mike's is world famous.
 5 People all --
 6 Q. No, I'm sorry. My question is a little
 7 bit different.
 8 A. Okay.
 9 Q. He had never seen the automobile --
 10 A. No. No.
 11 Q. -- that you had acquired for 100,000; is
 12 that correct?
 13 A. Yes.
 14 Q. Okay. As I understand, this automobile is
 15 now being stored at your son's --
 16 A. Home.
 17 Q. -- home on Quiet Moon?
 18 A. Yes.
 19 Q. Okay.
 20 A. It's there now.
 21 Q. How did you take delivery of the
 22 automobile?
 23 A. I think I took someone with me and we, we
 24 drove it up there.
 25 Q. Well, when you, when you acquired the

1 before I gave him a check, I saw the car. But I
 2 didn't go there on purpose to see the car, I went to
 3 some barbecue at the home.
 4 BY MR. CAMPBELL:
 5 Q. And where did you see the car? That's the
 6 question.
 7 A. In the garage.
 8 Q. Where?
 9 A. Cliff Diamond's home.
 10 Q. And when was that?
 11 A. Gosh, I -- you know, seeing this that I
 12 bought it in October of '08, I would be guessing maybe
 13 two weeks before. You know, I don't -- I can't
 14 remember that.
 15 Q. And how many times did you drive the
 16 automobile before you actually acquired it?
 17 A. I didn't drive it. I didn't want to drive
 18 it.
 19 Q. And how is it that you took delivery of
 20 the automobile?
 21 A. I went there --
 22 Q. To where?
 23 A. To Cliff Diamond's home.
 24 Q. Yes, sir.
 25 A. If memory serves me right, I followed

1 Cliff Diamond or he followed me as I drove to my son's
2 home.

3 Q. Mr. Diamond drove the automobile?

4 A. I believe that.

5 Q. And was this before or after you obtained
6 the cashier's check in the amount of \$100,000?

7 A. Oh, after. After.

8 Q. So you had paid Mr. Rizzolo --

9 A. Right.

10 Q. -- by means of this cashier's check,
11 correct?

12 A. Yes.

13 Q. And then took delivery of the automobile,
14 correct? Correct?

15 A. Yes.

16 Q. And the manner in which you took delivery
17 was that Mr. Diamond followed you over to your son's
18 residence?

19 A. Yes. And the reason I did that, I didn't
20 know how to drive -- you know, I wasn't familiar with
21 the car. And I didn't want to bring someone with me
22 who wasn't. I didn't want to drive it myself. And
23 since Mr. Diamond drives it around to keep the
24 battery, you know, just a little bit, he was the most
25 familiar with it.

1 A. Right.

2 Q. That that would in some fashion violate
3 his terms and conditions of supervised release?

4 A. Well, I made it plain that Mr. -- and I
5 told Mr. Gentile and a lot of people there, I said,
6 "Not only that, I do not want it back from
7 Mr. Rizzolo. And I will not take it back from
8 Mr. Rizzolo."

9 Q. And -- but you said that it wasn't
10 actually a gift either.

11 A. It's maybe to satisfy my own curiosity as
12 to what can be done in the future. And if I see a
13 clear shot of something big like what happened at the
14 Bicycle Club and I know 40,000 wouldn't do that, but I
15 just want to get to test the water to see if
16 there's -- if what could be done to make whole taking
17 a \$30 million business and running it into the ground
18 to nothing.

19 Q. All right. I understand your answer in
20 that regard. I'm moving to strike it because it's not
21 responsive to what I asked. So let me ask the
22 question again.

23 You do not consider this a loan to
24 Mr. Rizzolo, this 40,000?

25 A. Right.

1 Q. Do you know what type of transmission the
2 automobile has?

3 A. Automatic.

4 Q. Is it your testimony that you have never
5 driven the automobile?

6 A. I have never driven the automobile.

7 Q. All right. Now I would like to follow up
8 a little bit with respect to the \$40,000 transaction
9 that you engaged in in order to secure the legal
10 services of Mr. Gentile.

11 A. Yes.

12 Q. Now, you executed a personal check to the
13 law firm that Mr. Gentile is a partner at?

14 A. Right.

15 Q. Gordon & Silver?

16 A. Yes.

17 Q. It's in the amount of \$40,000?

18 A. Yes.

19 Q. All right. And Mr. Hunterton asked you,
20 "What was that? Was that a loan?"

21 And you said, "Well, it couldn't be
22 a loan, because he's not allowed to borrow money."

23 A. Right.

24 Q. And by that you meant Mr. Rizzolo is not
25 allowed to borrow money?

1 Q. Okay. And you do not consider this a
2 gift?

3 A. No.

4 Q. Do you consider this as some sort of seed
5 money for a potential lawsuit against the United
6 States of America?

7 A. No. I don't want to say that either. I
8 don't want to say that either.

9 Q. If there were such a lawsuit, would you
10 seek to in some fashion profit by any recovery?

11 A. No.

12 Q. Have you in the past ever invested or
13 provided seed money or put at risk any funds in
14 pursuit of any causes of action in a civil claim?

15 A. No, I haven't.

16 Q. So it's fair to say that you haven't filed
17 a gift tax return of any kind with respect to this
18 \$40,000?

19 A. No. It's not a gift to him.

20 Q. Right.

21 Is it anticipated that you're going
22 to contribute future sums in support of Mr. Rizzolo's
23 defense in this action?

24 A. No.

25 MR. GENTILE: Sorry. Could you repeat

1 that question?
 2 MR. CAMPBELL: Sure.
 3 MR. GENTILE: I didn't hear it.
 4 MR. CAMPBELL: Happy to.
 5 BY MR. CAMPBELL:
 6 Q. Is it -- do you anticipate contributing
 7 further sums to support, help, aid, or assist
 8 Mr. Rizzolo in presenting his defense to this present
 9 civil action?
 10 A. No.
 11 Q. Did you meet with Mr. Gentile prior to
 12 giving his firm \$40,000?
 13 A. No.
 14 Q. Did you speak with Mr. Gentile?
 15 A. No.
 16 Q. How is it that the \$40,000 check was
 17 actually delivered to the firm of Gordon & Silver?
 18 A. **I think in person. I wrote out the check**
 19 **after speaking to Mr. Gentile.**
 20 Q. All right. I thought I just asked you
 21 that question whether or not you had spoken to
 22 Mr. Gentile, but perhaps --
 23 MR. GENTILE: You said prior.
 24 THE WITNESS: You said prior.
 25 MR. GENTILE: You did say prior.

1 him; and then when he told me he didn't have the
 2 money, it had been a friendship or 30 years. And,
 3 quite frankly, I had sold the motels for a lot of
 4 money. I didn't consider it a loan. I didn't
 5 consider it a gift. I just thought it's something
 6 nice I should do, and I gave him the 40,000.
 7 Q. I appreciate that and I understood that to
 8 be your testimony when you gave it earlier. My
 9 question was a little bit different.
 10 A. Okay.
 11 Q. My question was this.
 12 During that meeting that you had
 13 with Mr. Gentile --
 14 A. Yes.
 15 Q. -- and with Mr. Rizzolo --
 16 A. Right.
 17 Q. -- tell me all that was said during the
 18 course of that discussion.
 19 MR. GENTILE: I'm going to object to the
 20 form of that question. Unless you mean all that you
 21 can remember.
 22 MR. CAMPBELL: That's a disfavored
 23 objection. It's a speaking objection.
 24 BY MR. CAMPBELL:
 25 Q. Just tell me all that was said.

1 MR. CAMPBELL: Right.
 2 BY MR. CAMPBELL:
 3 Q. So obviously, I wasn't as exacting as I
 4 thought I was.
 5 So you did at some point
 6 commensurate with the delivery of this check --
 7 A. Right.
 8 Q. -- talk to Mr. Gentile?
 9 A. Right.
 10 Q. And where was that?
 11 A. **At Mr. Gentile's office.**
 12 Q. And was Mr. Rizzolo there?
 13 A. Yes.
 14 Q. All right. And please share with us what
 15 that conversation was. First of all, how long did it
 16 last?
 17 A. **30, 40 minutes.**
 18 Q. All right. And please share with us now
 19 all that you can recall that was said by the parties
 20 to the conversation.
 21 A. **Mr. Gentile had to look at everything.**
 22 **And he said for 40,000, he would really get -- get**
 23 **into it.**
 24 **And since I had encouraged Rick**
 25 **Rizzolo to get a new attorney and I kept encouraging**

1 A. Well, Mr. Gentile said until he gets into
 2 it, he couldn't really say much. And he said he
 3 needed to get into it.
 4 And, quite frankly, you know, from
 5 having dealt with many attorneys over many years over
 6 many issues, I really thought the 40,000 was a small
 7 amount of money on a case this huge. And I thought
 8 Mr. Gentile was being very helpful to Mr. Rizzolo.
 9 And I have tremendous respect for him as an attorney.
 10 And I listened carefully.
 11 But like I say, I went to law school
 12 for one year, but I certainly don't consider myself
 13 some legal expert. But he made sense. And to all the
 14 things that have to -- you know, he has to look at
 15 everything. He has to look at everything to be able
 16 to know where he's at.
 17 Q. Have you now told me all that you can
 18 recall about the conversations that you had with
 19 Mr. Rizzolo and Mr. Gentile during the course of that
 20 meeting that was held in Mr. Gentile's office?
 21 A. Unless you can pinpoint something, I --
 22 that's about it.
 23 Q. Mr. Doumani, could you kindly tell me when
 24 it was that this meeting took place in Mr. Gentile's
 25 office?

1 relationship of any kind or type with Lisa Rizzolo?
 2 A. No.
 3 Q. Do you have any social relationship with
 4 Lisa Rizzolo?
 5 A. I like Lisa, but there's no -- there
 6 hasn't been occasion, you know, outside,
 7 unfortunately, the two funerals. I can't remember.
 8 Q. Okay. Have you engaged in any financial
 9 transactions with Lisa Rizzolo in the last 10 years?
 10 A. Honestly, not that I can remember.
 11 MR. CAMPBELL: Thank you very much for
 12 answering my questions.
 13 THE WITNESS: Thank you. Thank you.
 14 MR. CAMPBELL: All right, sir.
 15 Pass the witness.
 16 MR. GENTILE: I have no questions.
 17 MR. BAILUS: I have no questions.
 18 THE VIDEOGRAPHER: This concludes the
 19 videotape deposition of Fred Doumani consisting of
 20 three tapes.
 21 The original tapes of today's
 22 testimony will remain in the custody of Las Vegas
 23 Legal Video located at 729 South Seventh Street,
 24 Las Vegas, Nevada 89101.
 25 The time is approximately 11:55 a.m.

1 REPORTER'S DECLARATION
 2
 3
 4 STATE OF NEVADA }
 5 COUNTY OF CLARK } ss
 6
 7 I Denise R. Kelly, an officer of the court,
 8 Clark County, State of Nevada, do hereby declare:
 9 That I reported the taking of the deposition of
 10 the witness, FRED M. DOUMANI, SR., commencing on
 11 Tuesday, August 17, 2010, at the hour of 9:15 a.m.
 12 That prior to being examined, the witness was
 13 by me duly sworn to testify to the truth, the whole
 14 truth, and nothing but the truth.
 15 There being no request by the deponent or party
 16 to read and sign the deposition transcript, signature
 17 is deemed waived. The original transcript will be
 18 forwarded to Donald J. Campbell, Esq.
 19 That I thereafter transcribed my said shorthand
 20 notes into typewriting and that the typewritten
 21 transcript of said deposition is a complete, true, and
 22 accurate transcription of my said shorthand notes
 23 taken down at said time.
 24 I further certify that I am not a relative
 25 or employee of an attorney or counsel of any of
 the parties, nor a relative or employee of any
 attorney or counsel involved in said action,
 nor a person financially interested in the
 action.
 Dated this 19th day of August, 2010.

Denise R. Kelly
 CCR #252, RPR

1 We are now going off the record.
 2 (Whereupon, the deposition concluded at 11:55 a.m.)
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