

**DEPOSITION OF FREDRICK J. RIZZOLO, VOLUME II**

**AUGUST 18, 2010**

**HENRY**

**V. RIZZOLO, ET AL.**

**REPORTED BY: CINDY M. LOHNING, CCR #626, CSR #10691**

**CSR ASSOCIATES OF NEVADA 702.382.5015**

Page 173		Page 175	
1	UNITED STATES DISTRICT COURT	1	I N D E X
2	DISTRICT OF NEVADA	2	Examination Page
3		3	By Mr. Campbell 178
4	KIRK and AMY HENRY,	4	
5	Plaintiffs,	5	E X H I B I T S
6	v. CASE NO.: 2:08-CV-635-PMP-GWF	6	Exhibit Description Page
7	FREDRICK RIZZOLO aka RICK RIZZOLO,	7	1 Copy of Wells Fargo Credit Card Account statement, 1 page 181
8	an individual; LISA RIZZOLO,	8	2 Copy of Power of Attorney, 2 pages 183
9	individually and as trustee of The Lisa M. Rizzolo Separate Property Trust and as successor trustee of The Rick J. Rizzolo Separate Property Trust; THE RICK AND LISA RIZZOLO FAMILY TRUST; THE RICK J. RIZZOLO SEPARATE PROPERTY TRUST; THE LISA M. RIZZOLO SEPARATE PROPERTY TRUST; THE RLR TRUST; and THE LMR TRUST,	9	3 Copy of Las Vegas Sun article dated February 20, 2003, 3 pages 185
10		10	4 Copy of Las Vegas Review-Journal article dated February 21, 2003, 2 pages 188
11		11	5 Copy of Las Vegas Sun article dated February 22, 2003, 2 pages 189
12	Defendants.	12	6 Copy of Las Vegas Sun article dated February 21, 2003, 4 pages 193
13		13	7 Copy of Las Vegas Review-Journal article dated January 20, 2005, 4 pages 196
14		14	8 Copy of article by George Knapp, 1 page 199
15		15	9 Copy of Las Vegas Sun article dated August 5, 2005, 1 page 202
16		16	10 Copy of Decree of Divorce, 10 pages 203
17	VIDEOTAPED DEPOSITION OF FREDRICK J. RIZZOLO	17	11 Copy of Life Insurance policy, 4 pages 210
18	VOLUME II, PAGES 173 THROUGH 311	18	
19	Taken on Wednesday, August 18, 2010	19	
20	9:26 a.m.	20	
21	At 700 South Seventh Street Las Vegas, Nevada	21	
22		22	
23		23	
24		24	
25	Reported by Cindy M. Lohning, CCR #626, CSR #10691	25	
Page 174		Page 176	
1	APPEARANCES:	1	12 Copies of tax returns, 90 pages 213
2	For Plaintiff Kirk Henry:	2	13 Copy of letter dated May 18, 2001, 5 pages 227
3	DONALD J. CAMPBELL, ESQ.	3	14 Copy of The Rick and Lisa Rizzolo Family Trust Dated August 30, 2001, with attachments, 56 pages 229
4	PHILIP R. ERWIN, ESQ.	4	
5	NATHANAEAL R. RULIS, ESQ.	5	15 Copy of Trust Agreement made on 5-2, 2007 with attachment, 31 pages 234
6	Campbell & Williams	6	
7	700 South Seventh Street Las Vegas, Nevada 89101 Telephone: 702.382.5222 Facsimile: 702.382.0540	7	16 Copy of Certificate of Registry of an International Trust with attachments, 61 pages 235
8	For Plaintiff Amy Henry:	8	
9	C. STANLEY HUNTERTON, ESQ.	9	17 Copy of bank documents, 11 pages 246
10	Hunterton & Associates	10	
11	333 South Sixth Street Las Vegas, Nevada 89101 Telephone: 702.388.0098 Facsimile: 702.388.0361	11	18 Copies of World MasterCard Statement, 22 pages 251
12	For Defendant Fredrick J. Rizzolo:	12	
13	DOMINIC P. GENTILE, ESQ.	13	19 Copy of American Express statements, 5 pages 261
14	Gordon & Silver, Ltd.	14	
15	3960 Howard Hughes Parkway Ninth Floor Las Vegas, Nevada 89169-5978 Telephone: 702.796.5555 Facsimile: 702.369.2666	15	20 Copies of checks, 5 pages 263
16		16	21 Copy of check, 1 page 273
17	For Defendant Lisa M. Rizzolo:	17	
18	MARK B. BAILUS, ESQ.	18	22 Copy of Fax Cover Sheet with attachments dated July 7, 2008, 7 pages 275
19	Bailus, Cook & Kelesis, Ltd.	19	
20	400 South Fourth Street Suite 300 Las Vegas, Nevada 89101 Telephone: 702.737.7702 Facsimile: 702.737.7712	20	23 Copy of Fax Cover Sheet dated July 8, 2008, 1 page 281
21		21	24 Copy of Certificate of Title with attachment, 2 pages 282
22	Also Present:	22	
23	SHANE GODFREY, VIDEOGRAPHER	23	
24	***	24	
25		25	

1 THE VIDEOGRAPHER: Today is Wednesday,  
2 August 18th, 2010. This begins the continuing video  
3 deposition of Fredrick Rizzolo, Volume II. The time is  
4 approximately 9:26 a.m.

5 We are located at the law offices of Campbell  
6 & Williams, 700 South Seventh Street, Las Vegas,  
7 Nevada 89101.

8 This is a case number as stated in the  
9 previous volume taken yesterday. This video deposition  
10 is requested by the attorneys for the plaintiffs.

11 Counsel and all present will please identify  
12 themselves for the record.

13 MR. CAMPBELL: Donald Jude Campbell,  
14 Phil Erwin, Nate Rulis, Campbell & Williams, on behalf  
15 of Kirk Henry.

16 MR. HUNTERTON: Stan Hunterton for Amy Henry.

17 MR. GENTILE: Dominic Gentile on behalf of  
18 Rick Rizzolo.

19 MR. BAILUS: And Mark Bailus on behalf of  
20 Lisa Rizzolo.

21 MR. CAMPBELL: Thank you.

22 THE VIDEOGRAPHER: The witness may now be  
23 sworn in by Cindy Lohning with CSR Associates.

24 ///

25 ///

1 FREDRICK J. RIZZOLO,  
2 having been first duly sworn,  
3 was examined and testified as follows:

4 EXAMINATION

5 BY MR. CAMPBELL:

6 Q. Mr. Rizzolo, you understand that the same  
7 admonitions that were given to you yesterday apply with  
8 equal force here today with respect to the oath that  
9 you've just taken?

10 A. Yes.

11 Q. All right. Mr. Rizzolo, do you have any  
12 other jewelry that's available to you for sale?

13 A. Yes.

14 Q. And what jewelry do you have?

15 A. This watch.

16 Q. What kind of watch is that?

17 A. That's a Rolex.

18 Q. All right.

19 A. There's a couple crosses, some miscellaneous  
20 cufflinks and stuff like that, another watch. I'm not  
21 sure what it is. I think it's a -- you know, like an  
22 old watch, like an antique watch. I'm not sure of the  
23 make of that watch.

24 A ring, a diamond ring that's RR -- you know,

1 it says RR on it. Probably, you know -- like there's a  
2 gold key chains, stuff like that.

3 Q. What would you estimate the aggregate value  
4 of all that jewelry is?

5 A. I really don't even know. I mean, I know  
6 jewelry now is not worth anything like what it used to  
7 be.

8 Q. So maybe less than \$10,000?

9 A. No. It's got to be worth more than that.

10 Q. Between 10 and 20?

11 A. Maybe 30.

12 Q. Maybe \$30,000?

13 A. (Witness nods head)

14 Q. Where do you keep this jewelry?

15 A. My house.

16 Q. Are there any other assets that you have  
17 other than what we've --

18 A. My car.

19 Q. Right.

20 A. Do you consider clothes? Just some clothes  
21 and stuff like that.

22 Q. Anything else?

23 A. I probably have stuff from my office. You  
24 know, I don't even know what's there. I haven't seen  
25 it in years. You know, it's in boxes at my dad's

1 garage.

2 Q. Like what stuff?

3 A. You know, like, you know, the stuff that was  
4 on the shelves and stuff like that in the office.

5 Q. Other than personal effects I'm talking  
6 about. Any other assets other than personal effects?

7 Personal effects includes, like you were  
8 explaining, pictures, that sort of thing.

9 A. That's what I was going to say, whatever was  
10 in my office.

11 Q. Do you have any fine art?

12 A. I don't know about fine art. You mean like  
13 real expensive stuff?

14 Q. Well, yes.

15 A. No, not really. I think there's -- well,  
16 there was a Mike Piazza painting. I don't know what  
17 that's worth. You know, it's a print, so I don't know  
18 what that's worth.

19 There was some -- what else was in there?  
20 Books, you know, stuff like that.

21 Q. But nothing of any significant value?

22 A. No, I don't think so.

23 Q. Have you now --

24 A. I mean, I'd have to look to see. I could  
25 open up all those boxes, I guess.

Page 181

1 Q. Have you now shared with me all of the  
2 information you have on assets presently in your  
3 possession?  
4 A. Yeah, I believe so.  
5 Q. You've identified them all?  
6 A. Yes.  
7 MR. CAMPBELL: Okay. Let's go with this as  
8 Exhibit 1 for Mr. Rizzolo's deposition.  
9 THE REPORTER: Exhibit 1.  
10 (Exhibit 1 marked)  
11 BY MR. CAMPBELL:  
12 Q. I'm going to show you what has been marked as  
13 Exhibit No. 1 in these proceedings.  
14 A. Okay.  
15 Q. Have you ever seen this document before?  
16 A. No.  
17 Q. Have you ever seen a document like this  
18 before?  
19 A. No.  
20  
21  
22  
23  
24  
25

Page 182

1 A.  
2 Q.  
3 A.  
4 Q.  
5  
6  
7 A.  
8 Q.  
9  
10  
11  
12 Q.  
13 A.  
14 Q.  
15  
16 A.  
17 Q.  
18  
19  
20 A.  
21 Q.  
22 A.  
23 Q. Are you still on this account?  
24 A. I don't know. I've never seen it.  
25 THE REPORTER: Exhibit 2.

Page 183

1 (Exhibit 2 marked)  
2 BY MR. CAMPBELL:  
3 Q. Showing you Exhibit No. 2, are you familiar  
4 with this power of attorney?  
5 A. Yeah, I guess so. I signed it.  
6 Q. All right. Kindly turn to the second page of  
7 the exhibit.  
8 A. Okay.  
9 Q. Is this your signature?  
10 A. Yes. It looks like it.  
11 Q. And that was notarized by Leslye Roman on  
12 May 18th, 2007?  
13 A. I can't read the last name, but, yeah.  
14 Q. You'll see that there's a stamp there.  
15 A. Oh, okay. Yeah.  
16 Q. Do you know who Leslye Roman is?  
17 A. No.  
18 Q. And do you recall executing, signing this  
19 document?  
20 A. Not off the top of my head, but it's my  
21 signature. So --  
22 Q. This power of attorney was given in favor of  
23 Lisa Rizzolo; is that correct?  
24 A. Yes.  
25 Q. And that you did make and appoint

Page 184

1 Lisa Rizzolo your true and lawful attorney to act in  
2 your place and stead; is that correct?  
3 MR. BAILUS: Objection as to form.  
4 THE WITNESS: Yes.  
5 BY MR. CAMPBELL:  
6 Q. And you gave Lisa Rizzolo this power of  
7 attorney to act on your behalf on or about May 18th,  
8 2007?  
9 MR. BAILUS: Objection as to form.  
10 MR. GENTILE: I'm going to object to the form  
11 of the question. I think it assumes a fact that is not  
12 present on this document.  
13 BY MR. CAMPBELL:  
14 Q. Go ahead, sir.  
15 A. Could you ask that again?  
16 Q. Certainly.  
17 You gave Lisa Rizzolo this power of attorney  
18 on May 18th, 2007?  
19 MR. BAILUS: Objection as to form.  
20 MR. GENTILE: Adopt that objection.  
21 THE WITNESS: Yeah. It says May 18th.  
22 BY MR. CAMPBELL:  
23 Q. Who prepared this document?  
24 A. No idea.  
25 Q. Why was this document prepared?



1 A. I believe this is when I was getting ready to  
2 go to jail and she was going to take care of the sale  
3 of the club. There was a sale pending on the club.  
4 Q. And by that time a divorce decree had been  
5 entered?  
6 A. Yes. Yeah, like two years before, I think.  
7 Q. Thank you.  
8 THE REPORTER: Exhibit 3.  
9 (Exhibit 3 marked)  
10 BY MR. CAMPBELL:  
11 Q. I'm going to show you what's been marked as  
12 Exhibit 3 in this proceeding. You'll see that this is  
13 a copy of a newspaper, front page, from the Las Vegas  
14 Sun dated Thursday, February 20th, 2003.  
15 A. Uh-huh.  
16 Q. Do you see that?  
17 MR. BAILUS: Another clarification. It's a  
18 copy that has been redacted, at least the one that you  
19 have provided me.  
20 BY MR. CAMPBELL:  
21 Q. Do you recall seeing this front-page  
22 headline?  
23 A. Not really.  
24 Q. Okay. Did you subscribe to Las Vegas papers  
25 in 2003?

1 A. I don't think so.  
2 Q. So you never saw this headline?  
3 A. You said do I recall seeing it. I don't  
4 recall seeing it, no.  
5 Q. You were interviewed for this article, and in  
6 that regard, I would like to call your attention to the  
7 third page of Exhibit No. 3.  
8 A. I was interviewed?  
9 Q. Yes. Yes, sir.  
10 And specifically the portion of the second  
11 column that states, Rizzolo has acknowledged that he  
12 once was close friends with Cusumano, who is listed in  
13 Nevada's Black Book of undesirables banned from  
14 casinos, but Rizzolo has insisted he no longer  
15 associates with him.  
16 A. That doesn't sound like an interview. That  
17 sounds like something --  
18 Q. Did you give that comment?  
19 A. I don't remember giving it, no.  
20 Q. Well, was that the case in February of 2003,  
21 that you no longer associated with Joseph Cusumano?  
22 MR. GENTILE: Objection to the form of the  
23 question.  
24 MR. BAILUS: I'll join you.  
25 THE WITNESS: No. I know -- you know, I knew

1 him, yeah.  
2 BY MR. CAMPBELL:  
3 Q. Did you associate with him in February of  
4 2003?  
5 MR. GENTILE: Objection to the form of the  
6 question.  
7 MR. BAILUS: Objection to the form also.  
8 MR. GENTILE: Vague.  
9 THE WITNESS: Yeah. I'm sure we saw each  
10 other, yeah.  
11 BY MR. CAMPBELL:  
12 Q. You continued to communicate with him by  
13 phone?  
14 MR. BAILUS: Objection to the form.  
15 THE WITNESS: In '03?  
16 BY MR. CAMPBELL:  
17 Q. Yes, sir.  
18 A. Probably.  
19 Q. You continued to dine with him?  
20 A. That I don't remember if we did or not.  
21 Q. He would meet with you on social occasions  
22 including occasions that you were with your children?  
23 A. Yeah, yeah. He would -- I'm sure he would do  
24 that because he's their godfather. So --  
25 THE REPORTER: Exhibit 4.

1 (Exhibit 4 marked)  
2 BY MR. CAMPBELL:  
3 Q. I'm showing you Exhibit No. 4, which is a  
4 front-page story of the Las Vegas Review-Journal,  
5 B section, February 21st, 2003, Raid Looks for Mobster  
6 Link.  
7 Do you see that, sir?  
8 A. Yes.  
9 Q. Did you ever see this?  
10 A. Not that I recall, no.  
11 Q. Now --  
12 MR. GENTILE: Counsel, can I stop you for  
13 just a second?  
14 MR. CAMPBELL: Certainly.  
15 MR. GENTILE: I'm just looking for something  
16 that says Las Vegas Review-Journal on it. Can you  
17 point it out?  
18 MR. CAMPBELL: Certainly. It's right under  
19 Carri Geer byline, Las Vegas Review-Journal.  
20 MR. GENTILE: Okay.  
21 BY MR. CAMPBELL:  
22 Q. And this was a front page. I think I said B  
23 section. It was the A section story.  
24 Do you recall seeing this?  
25 A. Not off the top of my head, no.

Page 189

1 Q. Well, you certainly recall this event. This  
 2 is the event that the FBI raided your club?  
 3 A. Oh, yeah.  
 4 Q. You were on a family vacation with your wife  
 5 and children in Newport Beach and flew back?  
 6 A. I was in Newport Beach. I don't recall who I  
 7 was with. Probably them.  
 8 Q. Well, you told me yesterday you were on a  
 9 family vacation.  
 10 A. Oh, okay. All right.  
 11 Q. Did your wife fly back with you?  
 12 A. No.  
 13 Q. She stayed?  
 14 A. I don't recall. I know she didn't fly back  
 15 with me, so if she was there, she didn't fly back with  
 16 me.  
 17 Q. Did your children fly back with you?  
 18 A. No.  
 19 Q. They stayed there as well?  
 20 A. If they were there, they stayed there.  
 21 Are we done with this one?  
 22 Q. We're done with it, yes, sir.  
 23 THE REPORTER: Exhibit 5.  
 24 (Exhibit 5 marked)  
 25 ///

Page 190

1 BY MR. CAMPBELL:  
 2 Q. I'm showing you what has been marked as  
 3 Exhibit 5 in these proceedings, a story from  
 4 February 22nd, 2003. And there's actually multiple  
 5 stories here, it looks like, but the one I'm referring  
 6 to appears on the first page. It says, Club Owner  
 7 Calls Raid Unwarranted; Crazy Horse Too's Rizzolo Says  
 8 Authorities Targeting Him Because of Past Associations.  
 9 And specifically I call your attention to the  
 10 following paragraph: Rick Rizzolo spoke out Friday  
 11 about the raid at his topless club, speculating that  
 12 law enforcement officials are targeting him because of  
 13 his longtime friendship with mob associate  
 14 Joey Cusumano. Rizzolo, 44, said he has known Cusumano  
 15 for nearly three decades but the two have no business  
 16 relationship.  
 17 Do you see that, sir?  
 18 A. Yes.  
 19 Q. Was it your view that you were being targeted  
 20 by the FBI because of your association with  
 21 Joseph Cusumano?  
 22 A. Was it my -- yeah, I believed at the time,  
 23 yeah.  
 24 Q. So would that have been an additional reason  
 25 why you were targeted?

Page 191

1 I asked you yesterday, if you'll recall, and  
 2 you said, I believe I have been targeted for all of  
 3 these years by the FBI because I'm of Italian ancestry  
 4 and I ran a gentlemen's club.  
 5 A. Right.  
 6 Q. Would this have been an additional reason why  
 7 you believe you were targeted for investigation for all  
 8 those years by the FBI?  
 9 A. Definitely.  
 10 Q. Mr. Cusumano is the godfather of your  
 11 children?  
 12 A. Yes.  
 13 Q. He is a member of -- not a member.  
 14 He has been placed in Nevada's Black Book of  
 15 undesirables?  
 16 MR. BAILUS: Objection as to form.  
 17 THE WITNESS: Yes.  
 18 BY MR. CAMPBELL:  
 19 Q. Do you know Fred Pascente?  
 20 A. Yes.  
 21 Q. Fred Pascente is also in the Black Book?  
 22 A. I don't know that he is or he isn't.  
 23 Q. Was Fred Pascente arrested in your presence?  
 24 A. At the airport.  
 25 Q. When was that?

Page 192

1 A. I don't remember.  
 2 Q. Do you know what Fred Pascente was convicted  
 3 of?  
 4 A. No.  
 5 Q. Did you realize that he was a former Chicago  
 6 police officer?  
 7 A. Yes. That's when I knew him, when he was a  
 8 policeman.  
 9 Q. Did you know that he was convicted of a  
 10 felony?  
 11 A. I know -- yeah. I don't know what for  
 12 though.  
 13 Q. Well, did anyone ever tell you that he was  
 14 involved in corrupt activities as a police officer?  
 15 A. No.  
 16 Q. Okay. Go to the next page, which is -- which  
 17 appeared on Page 4A of the Las Vegas Review-Journal,  
 18 February 22nd, 2003.  
 19 And if I could, Mr. Rizzolo, I'm going to  
 20 direct your attention to the first column where you're  
 21 quoted as saying, quote, They've been looking at me for  
 22 20 years, Rizzolo said.  
 23 He denied having any involvement in criminal  
 24 activity and said his club makes more than \$10 million  
 25 a year.



Page 193

1 Do you recall making that comment?  
 2 A. No.  
 3 Q. Nevertheless, it's consistent with your  
 4 recollection of how long the FBI had been looking at  
 5 you; correct?  
 6 A. Oh, yeah. Definitely, yeah.  
 7 Q. Okay. Excuse me. I apologize.  
 8 THE REPORTER: Exhibit 6.  
 9 (Exhibit 6 marked)  
 10 BY MR. CAMPBELL:  
 11 Q. Handing you Exhibit No. 6. You'll see that  
 12 this is a Las Vegas Sun article dated Friday,  
 13 February 21st, 2003, again bearing the headline, Links  
 14 to Organized Crime Sought in Strip Club Raid.  
 15 A. Correct.  
 16 Q. Did you see this article at the time it was  
 17 published?  
 18 A. Not that I recall.  
 19 Q. Calling your attention to the second page of  
 20 the article, the penultimate, or second-to-last,  
 21 paragraph of the article which states, Rizzolo has been  
 22 linked over the years to several organized crime  
 23 figures including Joseph Cusumano, once a top  
 24 lieutenant of slain mob kingpin Anthony Spilotro.  
 25 Rizzolo has said he no longer associates with Cusumano.

Page 194

1 Do you see that, sir?  
 2 A. Right.  
 3 Q. And was that the case in 2003, that you were  
 4 no longer associating with Joseph Cusumano?  
 5 MR. GENTILE: Objection to the form of the  
 6 question.  
 7 MR. BAILUS: I'll join.  
 8 THE WITNESS: I don't know -- can you clarify  
 9 what you mean by associate? I mean, if you mean did I  
 10 talk to him anymore?  
 11 BY MR. CAMPBELL:  
 12 Q. Yes, sir.  
 13 A. Oh, no. I talked to him.  
 14 Q. Okay.  
 15 A. I'm talking about when we were hanging out.  
 16 Q. Right.  
 17 A. Yeah.  
 18 Q. Socialized with him, that sort of thing?  
 19 A. Right.  
 20 Q. You knew Mr. Cusumano when, in fact, he was  
 21 associated with Mr. Spilotro; correct?  
 22 MR. BAILUS: Objection as to form.  
 23 MR. GENTILE: Yeah. Objection as to form,  
 24 assumes a fact not in evidence.  
 25 ///

Page 195

1 BY MR. CAMPBELL:  
 2 Q. Go ahead, sir.  
 3 A. Yeah, I guess I did.  
 4 Q. You knew Anthony Spilotro yourself?  
 5 A. Met him once or twice.  
 6 Q. You had been in his presence along with  
 7 Joseph Cusumano on occasion; correct?  
 8 MR. BAILUS: Objection as to form.  
 9 THE WITNESS: Charity events.  
 10 BY MR. CAMPBELL:  
 11 Q. Excuse me?  
 12 A. Charity events.  
 13 Q. Charity events.  
 14 Your wife knows Joseph Cusumano?  
 15 MR. BAILUS: Objection as to form, lack of  
 16 foundation.  
 17 THE WITNESS: Yes.  
 18 BY MR. CAMPBELL:  
 19 Q. Knows him extremely well?  
 20 MR. BAILUS: Objection as to form,  
 21 foundation.  
 22 MR. GENTILE: Objection as to the form.  
 23 THE WITNESS: Correct.  
 24 BY MR. CAMPBELL:  
 25 Q. In fact, your children call him Uncle Joey;

Page 196

1 is that correct?  
 2 A. Yes.  
 3 Q. When was it that your wife was first  
 4 introduced to Joseph Cusumano?  
 5 MR. GENTILE: Objection. Foundation.  
 6 MR. BAILUS: Objection. As to form, lack of  
 7 foundation.  
 8 THE WITNESS: I don't know.  
 9 BY MR. CAMPBELL:  
 10 Q. Ballpark it.  
 11 MR. BAILUS: Objection as to form, lack of  
 12 foundation.  
 13 THE WITNESS: Probably when we got married.  
 14 BY MR. CAMPBELL:  
 15 Q. 25 years ago?  
 16 A. Well, we were married 27 years, so 30 years  
 17 ago.  
 18 Q. Okay.  
 19 THE REPORTER: Excuse me.  
 20 (Discussion off the record)  
 21 THE REPORTER: Exhibit No. 7.  
 22 (Exhibit 7 marked)  
 23 BY MR. CAMPBELL:  
 24 Q. Showing you Exhibit No. 7, you'll see this is  
 25 a front-page story of January 20th, 2005?

1 A. Yes.  
 2 Q. This is when an indictment had been returned;  
 3 is that correct?  
 4 A. On who?  
 5 Q. Well --  
 6 A. What do you mean, an indictment?  
 7 Q. Let me withdraw the question.  
 8 A. Oh.  
 9 Q. Okay?  
 10 Do you recall seeing this front-page article?  
 11 A. Yeah, I remember this one.  
 12 Q. And why is it that you remember this one?  
 13 A. The picture. I remember the picture.  
 14 Q. And this is when Robert D'Apice was arrested?  
 15 A. Looks like it, right.  
 16 Q. And do you know what he was arrested for?  
 17 A. I don't remember, no.  
 18 Q. Were you generally familiar with the fact  
 19 that he was arrested for engaging in acts of violence  
 20 while working at the Crazy Horse on your behalf?  
 21 MR. BAILUS: Objection as to form.  
 22 THE WITNESS: I don't remember what he was  
 23 arrested for.  
 24 BY MR. CAMPBELL:  
 25 Q. Okay. You were aware, however, that

1 Mr. D'Apice himself before this arrest was an ex-felon;  
 2 correct?  
 3 A. I believe he was, yeah.  
 4 Q. And do you recall what he was an ex-felon  
 5 for?  
 6 A. No.  
 7 Q. Did you read this article?  
 8 A. You want me to read it right now?  
 9 Q. No.  
 10 I say did you read it when you first saw it  
 11 on or about January 20th?  
 12 A. I don't remember it. I was just looking and  
 13 it doesn't look familiar to me. I remember the picture  
 14 though.  
 15 Q. Okay.  
 16 A. Do you want me to read it now?  
 17 Q. No, sir.  
 18 Mr. Anthony Sgro, Tony Sgro, represented you  
 19 during this period of time?  
 20 A. Yes.  
 21 Q. He was your lawyer. He was authorized to  
 22 speak on your behalf; is that correct?  
 23 MR. GENTILE: Objection to the form of that  
 24 question.  
 25 MR. BAILUS: And I'll join in.

1 BY MR. CAMPBELL:  
 2 Q. Go ahead, sir.  
 3 A. Well, I don't know what you mean, authorized  
 4 to speak on my behalf.  
 5 MR. GENTILE: Overbroad.  
 6 BY MR. CAMPBELL:  
 7 Q. He was authorized to speak on your behalf  
 8 with respect to legal matters?  
 9 MR. BAILUS: Objection as to form.  
 10 THE WITNESS: You mean -- I don't really  
 11 understand the question.  
 12 BY MR. CAMPBELL:  
 13 Q. He was your attorney?  
 14 A. Yes.  
 15 Q. He was authorized to speak on your behalf  
 16 with respect to legal matters?  
 17 MR. BAILUS: Objection as to form.  
 18 THE WITNESS: Well, I guess so.  
 19 BY MR. CAMPBELL:  
 20 Q. Okay.  
 21 A. He was my lawyer.  
 22 Q. Right.  
 23 THE REPORTER: Exhibit 8.  
 24 (Exhibit 8 marked)  
 25 MR. GENTILE: I need to eat something because

1 of these meds.  
 2 MR. CAMPBELL: Go ahead.  
 3 MR. GENTILE: So I just wanted to let you  
 4 know. I'm not being rude.  
 5 MR. CAMPBELL: No, no. Go ahead.  
 6 BY MR. CAMPBELL:  
 7 Q. I'm going to show you Exhibit No. 8. This is  
 8 an article that was written by George Knapp.  
 9 Do you know Mr. Knapp?  
 10 A. Yes, met him.  
 11 Q. How long have you known Mr. Knapp?  
 12 A. 20 years.  
 13 Q. Mr. Knapp conducted a number of interviews of  
 14 you over the years; is that correct?  
 15 A. I think two.  
 16 Q. You know him to be a journalist here in  
 17 Las Vegas, Nevada, that works for -- or is a journalist  
 18 that is employed by Channel 8, the CBS affiliate?  
 19 A. Right.  
 20 Q. And also writes a column?  
 21 A. Yeah. I don't know about this, but I know  
 22 about Channel 8.  
 23 Q. In this particular column January -- in the  
 24 January 27th to February 2nd edition of the Mercury  
 25 Mr. Knapp wrote as follows, Lawyers for Crazy Horse



Page 201

1 owner Rick Rizzolo have been told to expect some kind  
 2 of definitive word about a pending indictment fairly  
 3 soon, probably around the end of March. Federal  
 4 prosecutors have given assurances that they will have a  
 5 sitdown with Rizzolo's attorneys a full 30 days before  
 6 any indictment is handed down, presumably to give  
 7 Rizzolo time to ponder a possible deal. As of this  
 8 week, the clock is not yet ticking.  
 9 Did you ever have a sitdown with federal  
 10 prosecutors?  
 11 MR. BAILUS: Objection as to form.  
 12 THE WITNESS: No.  
 13 BY MR. CAMPBELL:  
 14 Q. Did your attorneys?  
 15 A. Yes.  
 16 Q. And when did that first occur?  
 17 A. They were -- I don't know the dates. They  
 18 were talking to him for like three years.  
 19 Q. Okay. When you say talking to him for  
 20 three years, from three years after the initial raid?  
 21 A. Yeah. It went on for a long -- I don't know  
 22 the exact timing, but like from the raid, it was  
 23 like -- it seemed like every couple of months they  
 24 would all sit down, sit down together and, you know, go  
 25 over stuff.

Page 202

1 Q. All right.  
 2 A. I wasn't ever there.  
 3 Q. Mr. Knapp went on to report, Records show  
 4 that the first FBI request for electronic surveillance  
 5 of Rizzolo was made back in 1996, which means the  
 6 actual investigation had to start even earlier.  
 7 10 years of wire taps, bugs, hidden cameras, undercover  
 8 operatives, and confidential informants and yet there  
 9 has been no indictment.  
 10 All right. Is that in accord with your  
 11 recollection as well, that you would have been picked  
 12 up on a wiretap on or about 1996?  
 13 MR. BAILUS: Objection as to form.  
 14 BY MR. CAMPBELL:  
 15 Q. Go ahead, sir.  
 16 A. I don't know about the dates, but it was a  
 17 long time, yeah.  
 18 Q. Sounds about right?  
 19 A. Remember I told you yesterday like 10, 12,  
 20 15 years?  
 21 Q. Right. Okay.  
 22 THE REPORTER: Exhibit 9.  
 23 (Exhibit 9 marked)  
 24 BY MR. CAMPBELL:  
 25 Q. I'm going to show you Exhibit 9. It's the

Page 203

1 article from the Las Vegas Sun on August the 5th of  
 2 2005 written by Mr. Jeff German.  
 3 A. Uh-huh.  
 4 Q. Styled Sweet Deal for Rizzolo's Ex May Not Be  
 5 All About Love.  
 6 Do you see that, sir?  
 7 A. Yes.  
 8 Q. Do you remember reading this article?  
 9 A. No.  
 10 Q. Did anybody speak to you about this article?  
 11 A. Not that I recall.  
 12 Q. Okay.  
 13 THE REPORTER: Exhibit 10.  
 14 (Exhibit 10 marked)  
 15 BY MR. CAMPBELL:  
 16 Q. I'll show you what's been marked as  
 17 Exhibit 10 in these proceedings. This is a decree of  
 18 divorce in the matter of the marriage of the marriage  
 19 of Lisa Rizzolo and Fredrick Rizzolo.  
 20 A. Yes.  
 21 Q. Who represented you in this divorce action?  
 22 A. I don't think anybody did.  
 23 Q. No one represented you?  
 24 A. I don't believe so.  
 25 Q. Who represented your wife?

Page 204

1 A. I think Dean Patti and John Norheim.  
 2 Q. Of the firm Patti & Sgro?  
 3 A. Right.  
 4 Q. The same firm that was representing you in  
 5 the criminal investigation?  
 6 A. Right.  
 7 Q. Could I have you turn to Page 7. It's the  
 8 last page, sir. I'm sorry.  
 9 Is that your signature that appears?  
 10 A. Yes.  
 11 Q. And this was your verification that you  
 12 signed, subscribed, and swore to?  
 13 A. Yes, I guess.  
 14 Q. Yes?  
 15 A. Yeah.  
 16 Q. And it reads, Fredrick Rizzolo, being first  
 17 duly sworn on oath deposes and says, and you understand  
 18 that you were under oath there just as you are here;  
 19 correct?  
 20 A. Yes.  
 21 Q. Okay. That he is the plaintiff in the  
 22 above-entitled matter, that he has read the above and  
 23 foregoing complaint for divorce and knows the contents  
 24 thereof, and that the same are true of his knowledge,  
 25 except for those matters stated upon information and

Page 205

1 belief, and as to those matters, he believes them to be  
2 true.

3 Now, Mr. Rizzolo, do you know where you  
4 signed that document?

5 MR. BAILUS: Objection as to form.

6 THE WITNESS: Do I know where I -- no, I  
7 don't remember.

8 BY MR. CAMPBELL:

9 Q. Were you in the presence of your wife when  
10 this document was signed?

11 MR. BAILUS: Objection as to form.

12 THE WITNESS: Don't remember.

13 BY MR. CAMPBELL:

14 Q. Okay. Could you go to the third page?

15 MR. BAILUS: Counsel, for a point of  
16 clarification, Exhibit 10 that I've been handed has  
17 two --

18 MR. CAMPBELL: Yes. It's an aggregate  
19 exhibit, that's correct.

20 MR. BAILUS: Correct, so are we talking about  
21 the page of the decree of divorce or the third page of  
22 the --

23 MR. CAMPBELL: It's the one that he has in  
24 front of him right now, exactly what I just said.

25 MR. BAILUS: I'm not sure what --

Page 206

1 MR. CAMPBELL: Well, if you'll give me a  
2 chance, I'll be happy to put it on the record.

3 MR. BAILUS: Thank you, sir.

4 BY MR. CAMPBELL:

5 Q. On the third page of Exhibit No. 10, you'll  
6 see that there is another signature line.

7 Do you see that, sir?

8 A. Yes.

9 Q. And you'll see that this is a signature line  
10 that is for the decree of divorce; is that correct?

11 A. Yes.

12 Q. And do you recall signing your name on that  
13 signature line?

14 A. I signed it. I don't remember the exact  
15 thing, but I signed it.

16 Q. Do you know where you were when you signed  
17 it?

18 A. No.

19 Q. Going back to the next page, you'll see that  
20 the -- in sequence, that this was your Joint Petition  
21 for Summary Decree of Divorce?

22 A. Yes.

23 Q. That I earlier had pointed out to you had  
24 been notarized, that you swore to the contents of.

25 Do you recall that?

Page 207

1 A. Right.

2 Q. Calling your attention to Page 3 of that  
3 document, paragraph Roman numeral X.

4 A. Yes.

5 Q. It states, The petitioners agree that the  
6 value of the community business is speculative.

7 The community business that they're talking  
8 about there is the Crazy Horse Too; correct?

9 A. I guess so, yeah.

10 Q. The parties also understand that there may be  
11 potential debts assessed against the community business  
12 in the future, specifically, but not limited to, a  
13 civil suit Henry versus Powerhouse Company, Case  
14 No. A440740, potential criminal fines, tax impositions  
15 both current and in the future and any and all current  
16 and future debts which may be incurred, and that was  
17 your understanding on or about the 24th day of May of  
18 2005; correct?

19 A. Yeah.

20 MR. BAILUS: And for the record, counsel has  
21 only read a portion of Paragraph Roman numeral X.

22 BY MR. CAMPBELL:

23 Q. Is that correct?

24 A. Yes.

25 Q. The paragraph goes on to state that, The

Page 208

1 parties have agreed that petitioner, Fredrick Rizzolo,  
2 will be responsible for any and all debts and  
3 impositions of fines and/or liens against the community  
4 business and against himself personally and hold  
5 Lisa Rizzolo completely harmless from all such debts.

6 Do you see that, sir?

7 A. Yes.

8 Q. Going on to Paragraph XI, it states that, The  
9 petitioner Fredrick Rizzolo agrees to pay  
10 Lisa Rizzolo's spousal support in the amount of \$83,333  
11 for a period of 60 months which will commence no later  
12 than January 5th, 2006.

13 Have you ever paid any spousal support to  
14 Lisa Rizzolo?

15 MR. BAILUS: Objection as to form.

16 THE WITNESS: I don't know. I don't think  
17 so.

18 BY MR. CAMPBELL:

19 Q. Has she ever sought to enforce her right to  
20 spousal support in any court action?

21 MR. BAILUS: Objection as to form, lack of  
22 foundation.

23 THE WITNESS: Yes. Yes.

24 BY MR. CAMPBELL:

25 Q. And when did she do that?



1 A. About a month ago, I guess.  
 2 Q. After her deposition was taken?  
 3 A. I don't know when her deposition was taken.  
 4 Q. Okay. But between the period of time that  
 5 you signed off on this divorce decree and the period of  
 6 time that you were sued in this action, she never  
 7 engaged in any attempt to sue you for back alimony; is  
 8 that correct?  
 9 MR. BAILUS: Objection as to form, lack of  
 10 foundation.  
 11 MR. GENTILE: Objection. Foundation.  
 12 THE WITNESS: No.  
 13 BY MR. CAMPBELL:  
 14 Q. Thank you.  
 15 MR. CAMPBELL: Let's go to the next document.  
 16 BY MR. CAMPBELL:  
 17 Q. Are you a smoker, Mr. Rizzolo?  
 18 A. Yes.  
 19 Q. How many packs of cigarettes do you smoke a  
 20 day?  
 21 A. I never keep track.  
 22 Q. More than one?  
 23 A. Oh, yeah.  
 24 Q. How many years have you smoked?  
 25 A. On and off for 25 years.

1 Q. Okay.  
 2 THE REPORTER: Just give me a moment to mark  
 3 the document.  
 4 MR. CAMPBELL: Oh, I'm sorry.  
 5 THE REPORTER: That's okay. This is  
 6 Exhibit 11.  
 7 (Exhibit 11 marked)  
 8 BY MR. CAMPBELL:  
 9 Q. This is from the John Hancock Life Insurance  
 10 Company. You'll see that this document was prepared  
 11 September 13th, 2007. It lists you as insured.  
 12 Do you see that, sir?  
 13 A. Yes.  
 14 Q. And it lists the policy premium, frequency of  
 15 premium payments, annually. Scheduled annual premium,  
 16 \$100,000.  
 17 A. Yes.  
 18 Q. Total current annualized premium, \$100,000.  
 19 Do you see that, sir?  
 20 A. Yes.  
 21 Q. It states that policy value is \$363,294.87.  
 22 Do you see that?  
 23 A. Yes.  
 24 Q. That the cash surrender value is \$311,490.23?  
 25 A. Yes.

1 Q. And that no withdrawals have been made; is  
 2 that correct?  
 3 A. Right. That's what it -- that I know of.  
 4 Q. Is this the insurance policy that you  
 5 discussed in your testimony yesterday?  
 6 A. Yeah.  
 7 Q. Could you turn to the next page.  
 8 Who is Dominic Rizzolo?  
 9 A. That's my son.  
 10 Q. And how old is Dominic Rizzolo?  
 11 A. Dominic is 27.  
 12 Q. And what is his date of birth?  
 13 A. Oh, boy. I think April 10th.  
 14 Q. Calling your attention to the next document  
 15 in order of this exhibit, you'll see that this is a  
 16 document that has a tag line, a fax tag line at the  
 17 top, but the document itself is dated September 12th,  
 18  
 19  
 20 That's the residence that you and your wife  
 21 lived in during the course of your marriage?  
 22 MR. BAILUS: Objection as to form.  
 23 THE WITNESS: Yes.  
 24 BY MR. CAMPBELL:  
 25 Q. It states, This letter will serve as

1 authorization for Lionel, Sawyer & Collins to disburse  
 2 the amount of \$100,000 to John Hancock from my Lionel  
 3 Sawyer & Collins trust account.  
 4 Do you see that, sir?  
 5 MR. BAILUS: Objection as to form. Lack of  
 6 foundation.  
 7 THE WITNESS: Yes.  
 8 BY MR. CAMPBELL:  
 9 Q. And it's signed Lisa M. Rizzolo?  
 10 A. Right.  
 11 MR. BAILUS: Objection as to form, lack of  
 12 foundation.  
 13 MR. CAMPBELL: The reason I'm asking these  
 14 questions is to establish a foundation.  
 15 MR. BAILUS: Oh. Go ahead, Counsel.  
 16 MR. CAMPBELL: I will. Thank you.  
 17 Appreciate it.  
 18 BY MR. CAMPBELL:  
 19 Q. What knowledge do you have concerning  
 20 Lisa Rizzolo directing her attorneys to pay a \$100,000  
 21 premium on your life insurance policy?  
 22 A. None.  
 23 MR. BAILUS: Objection as to form.  
 24 BY MR. CAMPBELL:  
 25 Q. I didn't hear you.



1 A. Oh. None.  
 2 Q. Did you know that she did that?  
 3 A. No.  
 4 Q. You've never discussed that with her?  
 5 A. No.  
 6 THE REPORTER: Exhibit 12.  
 7 (Exhibit 12 marked)  
 8 (Discussion off the record)  
 9 BY MR. CAMPBELL:  
 10 Q. I'm going to show you tax returns that your  
 11 attorneys turned over consistent with an order by the  
 12 judge to produce these following a motion to compel  
 13 that we filed, and you'll see that specifically this is  
 14 the 2005 tax return that I'm looking at here.  
 15 MR. GENTILE: Counsel?  
 16 MR. CAMPBELL: Sure.  
 17 MR. GENTILE: I'm not sure I have the same  
 18 one.  
 19 MR. CAMPBELL: Yeah, you do.  
 20 MR. RULIS: They're all in there.  
 21 MR. CAMPBELL: If you'd hand it to Phil, Phil  
 22 will find the exact page number.  
 23 MR. GENTILE: Never mind. I get it. Thank  
 24 you.  
 25 MR. CAMPBELL: Let me know when you get

1 there, Dominic. I'm going to go off the front page.  
 2 If you want, I can find it for you, too.  
 3 MR. GENTILE: No. I'll -- just let me have a  
 4 second to look through it and I'll find it.  
 5 Could you identify for the record who was  
 6 counsel when this was disclosed? Would you mind doing  
 7 that?  
 8 MR. CAMPBELL: Yes. I think it was  
 9 Mr. Frizzell.  
 10 MR. GENTILE: Frizzell, okay.  
 11 MR. CAMPBELL: I believe.  
 12 MR. GENTILE: Okay. I have the '05 -- I have  
 13 the first page of the '05.  
 14 MR. CAMPBELL: Okay.  
 15 BY MR. CAMPBELL:  
 16 Q. I'd like to call your attention, Mr. Rizzolo,  
 17 to this tax return from '05, and as I understand it,  
 18 you had retained Bookkeeping & Tax Clinic to prepare  
 19 your tax return that year?  
 20 A. They did it for years.  
 21 Q. For years, yes.  
 22 What's the name of the person that had done  
 23 it for years?  
 24 A. Ed Elliott.  
 25 Q. And in that regard, how many years was it

1 that Mr. Elliott had performed those services on your  
 2 behalf at your request?  
 3 A. Probably 20 years.  
 4 Q. I'm going to call your attention to  
 5 Schedule B, Interest and Ordinary Dividends.  
 6 Do you see that, sir?  
 7 A. Yes.  
 8 Q. Let me find it in mine.  
 9 MR. CAMPBELL: Okay. Thanks, Phil.  
 10 MR. ERWIN: Uh-huh.  
 11 BY MR. CAMPBELL:  
 12 Q. Would you go to Part III of that document  
 13 down here, sir. You'll see Part III, Foreign Accounts  
 14 and Trusts.  
 15 It states, You must complete this part if you  
 16 had over 1,500 of taxable interest or ordinary  
 17 dividends or had a foreign account or received a  
 18 distribution from or were a grantor of or a transferor  
 19 to a foreign trust. It states, At any time during --  
 20 and you answered that no; is that correct?  
 21 A. Well, it says, yes, no, but it's not checked.  
 22 MR. GENTILE: This is a Schedule D?  
 23 MR. CAMPBELL: B as in baker.  
 24 MR. GENTILE: D as in Dominic?  
 25 MR. CAMPBELL: No. B as in baker.

1 MR. GENTILE: B as in baker, okay.  
 2 MR. CAMPBELL: Do you see that?  
 3 MR. GENTILE: I do now.  
 4 MR. CAMPBELL: Okay.  
 5 BY MR. CAMPBELL:  
 6 Q. You checked that you did not have any foreign  
 7 account. Do you see that? Under no, there was an X.  
 8 Right here, sir.  
 9 A. Oh, this one. Yeah.  
 10 Q. You did have a foreign account, as we  
 11 established yesterday through your testimony and  
 12 exhibits, so I ask you, why did you say -- why did you  
 13 tell the government you did not have a foreign account  
 14 when, in fact, you did?  
 15 MR. BAILUS: Objection as to form, and also  
 16 calls for a legal conclusion.  
 17 MR. GENTILE: I'm going to assert -- I'm  
 18 going to advise Mr. Rizzolo at this point that he  
 19 should assert his attorney-client privilege because I  
 20 believe that this -- well, I could be wrong, but if --  
 21 if this was discussed -- and I think I can give him  
 22 this advice on the record.  
 23 If this was discussed with you by a lawyer in  
 24 addition to Mr. Elliott, then I'm going to tell you to  
 25 assert your attorney-client privilege and not answer

Page 217

1 it. If it was not, then it more likely than not is not  
 2 privileged and then you would have to answer it, but I  
 3 don't know.  
 4 THE WITNESS: I don't really remember.  
 5 BY MR. CAMPBELL:  
 6 Q. Then fine. Answer the question then, please.  
 7 A. Well, I didn't fill this out. The accountant  
 8 did. You said I filled it out. I didn't.  
 9 Q. This is your tax return; correct?  
 10 A. Right.  
 11 Q. You're responsible that everything is true  
 12 and correct in this tax return; correct?  
 13 MR. BAILUS: Objection as to form. Calls for  
 14 a legal conclusion.  
 15 THE WITNESS: Right.  
 16 BY MR. CAMPBELL:  
 17 Q. All right.  
 18 A. I guess.  
 19 Q. And on this tax return, you were asked  
 20 whether or not you held any foreign accounts and it was  
 21 checked no; correct?  
 22 MR. GENTILE: Counsel, I object to the form  
 23 of that question because this says foreign accounts and  
 24 trusts.  
 25 ///

Page 218

1 BY MR. CAMPBELL:  
 2 Q. Is that correct, sir?  
 3 MR. GENTILE: Objection.  
 4 MR. BAILUS: I'll join in.  
 5 BY MR. CAMPBELL:  
 6 Q. Sir, is that correct?  
 7 A. Could you ask me that again?  
 8 Q. Certainly.  
 9 It asked you whether or not you had any  
 10 foreign account or trusts; correct?  
 11 A. Yes.  
 12 Q. And this document, your tax return, reflected  
 13 that you did not; correct?  
 14 A. Yes.  
 15 Q. And that, in fact, was false, wasn't it?  
 16 MR. BAILUS: Objection as to form, and also  
 17 calls for a legal conclusion.  
 18 MR. GENTILE: That calls for a legal  
 19 conclusion.  
 20 BY MR. CAMPBELL:  
 21 Q. That was false, wasn't it?  
 22 MR. GENTILE: I object to that.  
 23 MR. BAILUS: Same objection.  
 24 THE WITNESS: I don't know if there was.  
 25 ///

Page 219

1 BY MR. CAMPBELL:  
 2 Q. You did have a foreign account and a trust,  
 3 didn't you?  
 4 MR. GENTILE: Objection. That's compound.  
 5 MR. BAILUS: Objection as to form, and also  
 6 calls for a legal conclusion.  
 7 MR. CAMPBELL: I'd like, Shane, to mark this  
 8 portion of the transcript, and I want a clip of this.  
 9 BY MR. CAMPBELL:  
 10 Q. You did have a foreign account, didn't you?  
 11 MR. BAILUS: Objection as to form, and calls  
 12 for a legal conclusion.  
 13 THE WITNESS: I think so. I don't really  
 14 know.  
 15 BY MR. CAMPBELL:  
 16 Q. You told me yesterday you did; correct?  
 17 MR. BAILUS: Objection as to form.  
 18 MR. GENTILE: Objection --  
 19 THE WITNESS: I don't remember.  
 20 MR. GENTILE: -- form of the question.  
 21 THE WITNESS: If I did, I did. I mean, I  
 22 gave you all that stuff. Are you saying I had one?  
 23 BY MR. CAMPBELL:  
 24 Q. No. You told me you had one.  
 25 MR. BAILUS: Objection as to form.

Page 220

1 THE WITNESS: I thought --  
 2 MR. GENTILE: Counsel --  
 3 THE WITNESS: -- on a piece of paper.  
 4 MR. GENTILE: I have an objection. I think  
 5 you're misstating his testimony from yesterday.  
 6 MR. CAMPBELL: Okay. Thank you. Your  
 7 objection is noted. And I find both of these constant  
 8 objections to be obstreperous and extreme.  
 9 MR. BAILUS: Counsel, I'm making them as  
 10 quickly as I can.  
 11 BY MR. CAMPBELL:  
 12 Q. Mr. Rizzolo, why did you not tell the  
 13 government that you had a foreign account in 2005?  
 14 MR. BAILUS: Objection as to form.  
 15 THE WITNESS: I don't know. I don't know.  
 16 They -- you know, they get together with the lawyers  
 17 and they figure out what to do. I don't know. Maybe  
 18 because there was no money in it. I have no idea.  
 19 BY MR. CAMPBELL:  
 20 Q. That's not what it asked, is it?  
 21 A. I have no idea.  
 22 Q. Well, you can read, can't you?  
 23 MR. GENTILE: Counsel, again, I impose an  
 24 objection. I think this really does call for a legal  
 25 conclusion on Mr. Rizzolo's part.

Page 221

1 MR. CAMPBELL: Your objection is noted.  
 2 Thank you.  
 3 BY MR. CAMPBELL:  
 4 Q. You read English; correct?  
 5 A. Yes.  
 6 Q. You can read?  
 7 A. I'm going to assert attorney-client privilege  
 8 because I don't know what they did with this.  
 9 Q. You're asserting attorney-client privilege?  
 10 A. Yes.  
 11 Q. On what basis?  
 12 A. That he got together with my trust attorneys  
 13 and did my tax returns.  
 14 Q. Who got together?  
 15 A. Ed Elliott and John Dawson.  
 16 Q. Your attorney-client privilege with  
 17 Mr. Dawson has been waived, hasn't it?  
 18 A. I don't know.  
 19 Q. Okay.  
 20 A. It has?  
 21 Q. You signed this tax return?  
 22 MR. GENTILE: By the way, if it has, I need  
 23 to be made aware of that because I don't know that.  
 24 That would change my advice to him. If he has waived  
 25 it, then I'm going to tell him to answer it.

Page 222

1 Mr. Campbell?  
 2 MR. CAMPBELL: I believe it has been waived.  
 3 MR. GENTILE: All right. If you can  
 4 establish that, then I don't -- you know, then I'm not  
 5 going to tell him not to answer it if there's been a  
 6 valid waiver, but for now, until it's established, I'm  
 7 going to tell him not to answer it.  
 8 BY MR. CAMPBELL:  
 9 Q. Do you know whether or not this was submitted  
 10 to the United States of America, the United States  
 11 Department of Treasury?  
 12 A. I'm sure it was submitted on my behalf.  
 13 Q. When was the last time you filed a tax  
 14 return?  
 15 A. I think '07.  
 16 Q. So the last tax return you filed was for the  
 17 calendar year of '07?  
 18 MR. GENTILE: Do you understand that  
 19 question?  
 20 THE WITNESS: No.  
 21 BY MR. CAMPBELL:  
 22 Q. Fine. I'll --  
 23 MR. GENTILE: Then ask him --  
 24 BY MR. CAMPBELL:  
 25 Q. Did you file a tax return in '07 for '06 or

Page 223

1 in '08 for '07?  
 2 A. That I'm not sure about.  
 3 Q. Did you file one for 2009?  
 4 A. No.  
 5 Q. Did you file one for 2008?  
 6 A. No.  
 7 Q. Why?  
 8 A. My accountant told me I didn't have to  
 9 because I didn't make any money.  
 10 Q. You didn't make any money. Okay.  
 11 A. I believe we sent you that letter. You asked  
 12 for that stuff and we didn't have it, so he sent you a  
 13 letter.  
 14 Q. Did you gamble in 2008 or 2009?  
 15 A. Yeah, probably.  
 16 Q. Did you have gambling winnings?  
 17 A. No.  
 18 Q. You never won on any occasion?  
 19 A. No. I broke even.  
 20 Q. So you had -- you had winnings but then you  
 21 had losses that canceled them out?  
 22 A. Right.  
 23 Q. In what amount?  
 24 A. No idea.  
 25 Q. Did you keep records of your gambling

Page 224

1 activity?  
 2 A. No. It was too minute. It was -- it was,  
 3 you know, it wasn't -- you know, I was gambling for a  
 4 bunch of other people.  
 5 Q. You were gambling for a bunch of other  
 6 people?  
 7 A. (Witness nods head).  
 8 Q. Who were you gambling for?  
 9 A. A bunch of different people all the time.  
 10 Like we go out to dinner and, you know, everybody would  
 11 throw in a couple hundred dollars and I'd gamble for  
 12 everybody.  
 13 Q. So when you were placing those bets, you  
 14 weren't placing those bets just for yourself but for  
 15 other people?  
 16 A. Yeah. Oh, yeah. Definitely, yeah.  
 17 Q. So the actual bets that you were placing  
 18 insofar as what you had at risk would have been far  
 19 less than the pile of chips that was in front of you  
 20 that you were actually betting.  
 21 Is that what you're saying?  
 22 A. Oh, yeah, definitely.  
 23 Q. I see.  
 24 And who was it that you were betting on  
 25 behalf of besides yourself?



1 A. Different people all the time.  
 2 Q. Well, tell me who. Name some of them.  
 3 A. That I remember off the top of my head,  
 4 Cliff Diamond. A guy named William. There was guys  
 5 that were friends of theirs that would go that I didn't  
 6 even know that they would throw money in. A lot of  
 7 these people I didn't even know. They were friends of  
 8 other people.  
 9 Q. Who else?  
 10 A. That's all I remember off the top of my head.  
 11 Q. So people you didn't even know would give you  
 12 money to gamble on their behalf?  
 13 A. Well, they were friends of people I was with.  
 14 Q. Right. People you didn't know?  
 15 A. Right.  
 16 Q. Would give you money to gamble on their  
 17 behalf?  
 18 A. Yes.  
 19 Does that sound strange?  
 20 Q. I'll leave that for others to judge.  
 21 A. Oh, okay.  
 22 MR. ERWIN: The 2004 is in there. Just flip  
 23 it. The 2004 tax return also gets Schedule B. I'll  
 24 get it. The first page?  
 25 MR. CAMPBELL: Just the -- the second.

1 BY MR. CAMPBELL:  
 2 Q. I'll show you the Schedule B from the 2004  
 3 tax return that you and Lisa filed that year.  
 4 Do you see that, sir?  
 5 A. Uh-huh.  
 6 Q. And, again, you answered the questions under  
 7 part III, foreign accounts and trusts, in the negative  
 8 as well that year; is that correct?  
 9 A. Yes.  
 10 Q. I'll show you the Schedule B for you and  
 11 Lisa Rizzolo for '03 and, again, consistent with the  
 12 other returns I've shown you, the questions that you  
 13 were asked with respect to the foreign accounts and  
 14 trusts you answered negatively in 2003; correct?  
 15 A. Yes.  
 16 Q. Showing you Schedule B from 2002, the tax  
 17 return of Rick J. and Lisa M. Rizzolo, and again  
 18 directing your attention to the inquiry by the  
 19 Department of the Treasury on this Internal Revenue  
 20 Service Form 1040, Part III, foreign accounts and  
 21 trusts, you answered again negatively; is that correct?  
 22 A. This is an inquiry?  
 23 Q. Yes, on this tax return.  
 24 A. Yes, it says no, yeah.  
 25 Q. And again showing you the return from '01 for

1 Rick J. and Lisa M. Rizzolo, again calling your  
 2 attention to Part III, foreign accounts and trusts, you  
 3 answered in the negative with respect to the questions  
 4 involving foreign accounts and trusts; correct?  
 5 A. Yes.  
 6 MR. CAMPBELL: We have to take a break to  
 7 change the tape. Let's take 10 minutes.  
 8 THE VIDEOGRAPHER: This is the end of tape  
 9 No. 1 in the video deposition of Fredrick Rizzolo,  
 10 Volume II. The time is approximately 10:25 a.m.  
 11 We're going off the record.  
 12 (Recess taken)  
 13 THE VIDEOGRAPHER: This begins tape No. 2 in  
 14 the video deposition of Fredrick Rizzolo, Volume II.  
 15 The time is approximately 10:50 a.m.  
 16 We're back on the record.  
 17 MR. BAILUS: Counsel, if I may, as to the  
 18 joint tax returns contained in Exhibit 12, I would  
 19 designate those as confidential.  
 20 THE REPORTER: Exhibit 13.  
 21 (Exhibit 13 marked)  
 22 BY MR. CAMPBELL:  
 23 Q. Have you ever seen Exhibit 13 before?  
 24 A. Not off the top of my head.  
 25 Q. This was a letter written to you by

1 John Dawson who was an attorney that represented you;  
 2 is that correct?  
 3 A. Yes.  
 4 Q. Turn to the second page of that document.  
 5 You'll see in Paragraph No. 5 it says, A Cook Islands  
 6 offshore trust which is created to provide a second  
 7 layer of asset protection.  
 8 Do you see that, sir?  
 9 A. Okay.  
 10 Q. Did you engage Mr. Dawson to assist you in  
 11 asset protection?  
 12 A. No. Estate planning.  
 13 Q. Go down to the bottom of the page, the last  
 14 sentence. In fact, the last paragraph. It reads, If  
 15 you would like to have an Oppenheimer Account held  
 16 directly by the Offshore Trust, they charge .35 basis  
 17 points per year. This would be approximately \$3,500  
 18 per \$1 million. The advantage of this is that in the  
 19 event a U.S. judge froze any of your assets, the funds  
 20 in the Oppenheimer account would be totally protected  
 21 and would not be subject to being frozen.  
 22 Why was that important to you?  
 23 MR. GENTILE: Objection. Assumes a fact not  
 24 in evidence.  
 25 MR. BAILUS: I would join in.

1 THE WITNESS: It wasn't.  
 2 BY MR. CAMPBELL:  
 3 Q. Why was that important to you?  
 4 That wasn't important to you?  
 5 A. (Witness shakes head)  
 6 Q. Why were you discussing that?  
 7 MR. GENTILE: Objection. Again, assumes a  
 8 fact not in evidence. The letter speaks for itself  
 9 that it came from Dawson.  
 10 MR. CAMPBELL: That's a disfavored objection.  
 11 BY MR. CAMPBELL:  
 12 Q. Go ahead.  
 13 MR. BAILUS: Join in the objection.  
 14 THE WITNESS: What does that mean?  
 15 MR. GENTILE: That means that --  
 16 BY MR. CAMPBELL:  
 17 Q. It's not important.  
 18 A. Oh.  
 19 It wasn't important to me. He was doing, you  
 20 know, estate planning, so whatever he said to do,  
 21 that's what I did.  
 22 THE REPORTER: Exhibit 14.  
 23 (Exhibit 14 marked)  
 24 BY MR. CAMPBELL:  
 25 Q. I'm going to direct your attention to Exhibit

1 No. 14, and this is an aggregate exhibit. You'll see  
 2 this is The Rick and Lisa Rizzolo Family Trust Dated  
 3 August 30th, 2001.  
 4 Do you see that, sir?  
 5 A. Yes.  
 6 MR. BAILUS: Counsel, if I may ask that  
 7 documents designated confidential will maintain that  
 8 designation.  
 9 BY MR. CAMPBELL:  
 10 Q. Do you see that, sir?  
 11 A. Where it says confidential?  
 12 Q. No.  
 13 A. Oh.  
 14 Q. The Rick and Lisa Rizzolo Family Trust Dated  
 15 August 30, 2001?  
 16 A. Oh, yes.  
 17 Q. This was your family trust; is that correct?  
 18 A. I believe so.  
 19 Q. Could you turn to -- you'll see there's  
 20 what's known as Bates stamps at the bottom. In fact,  
 21 what I'm going to do is we're going to do this for you.  
 22 MR. GENTILE: What's the number?  
 23 MR. CAMPBELL: LR00611.  
 24 BY MR. CAMPBELL:  
 25 Q. Do you see there's an assignment of assets in

1 connection with this document? Do you see that?  
 2 A. Yes.  
 3 Q. You signed this document?  
 4 A. Yes.  
 5 Q. Your wife signed it?  
 6 A. I believe that's her signature.  
 7 Q. This was notarized by John Dawson; is that  
 8 correct?  
 9 A. Yes.  
 10 Q. And your intent by executing this document  
 11 was to memorialize the grant, transfer and assignment  
 12 and delivery of certain assets to this trust, correct,  
 13 jewelry, pictures, books, silverplate, linen, china,  
 14 coin collections, glassware, all of those assets  
 15 identified in the document; correct?  
 16 A. Right.  
 17 Q. And why did you assign those assets to this  
 18 trust in 2001?  
 19 A. Why did he have us do this?  
 20 Q. Yes.  
 21 A. I don't know. That was part of the estate  
 22 planning.  
 23 Q. You don't know?  
 24 A. No. Why it was done, no.  
 25 Q. Would you go to the next page. All right.

1 This is a Promissory Note of -- dated March 11th of  
 2 '02.  
 3 Do you see that, sir?  
 4 A. Yes.  
 5 Q. It says, For good and valuable consideration,  
 6 the receipt and sufficiency of which is hereby  
 7 acknowledged, the undersigned Rick J. Rizzolo and  
 8 Lisa M. Rizzolo, Trustees of The Rick and Lisa Rizzolo  
 9 Family Trust, collectively, maker, promises to pay to  
 10 Lions Limited Partnership, holder, or order, at  
 11 Las Vegas, Nevada, the principal sum of \$1,500,000  
 12 without interest thereon.  
 13 Do you see that, sir?  
 14 A. Yeah.  
 15 Q. What was the purpose of this promissory note?  
 16 A. I have no idea. I don't even remember this.  
 17 Q. You don't remember this at all?  
 18 A. No.  
 19 Q. Is that your signature?  
 20 A. Yes.  
 21 Q. Is that your wife's signature?  
 22 A. I believe so.  
 23 Q. I now show you -- I'm sorry, Mr. Rizzolo --  
 24 promissory note --  
 25 MR. GENTILE: What's the Bates number, Don?



Page 233

1 MR. CAMPBELL: There's actually two on them.  
 2 MR. GENTILE: Yeah, I see that, but which  
 3 one? Pick either one. I don't care.  
 4 MR. CAMPBELL: The top one is P000563. The  
 5 lower is 01000051.  
 6 BY MR. CAMPBELL:  
 7 Q. This is a promissory note of March the 11th  
 8 of 2002.  
 9 Do you see that, sir?  
 10 A. Yes.  
 11 Q. And that's your signature on it?  
 12 A. Yes.  
 13 Q. And that's --  
 14 A. Ex-wife, Lisa.  
 15 Q. -- Lisa Rizzolo's signature?  
 16 And this was a promissory note in the amount  
 17 of \$1.2 million?  
 18 A. Yes.  
 19 Q. And this was -- this was a promissory note  
 20 that memorialized a \$1.2 million loan; is that correct?  
 21 A. I guess so, yeah.  
 22 Q. And what was the purpose of this loan?  
 23 A. No idea.  
 24 This is from '03? This is the same one --  
 25 Q. I'm sorry?

Page 234

1 A. -- that we just did? Is this a different  
 2 one?  
 3 Q. Yes, sir.  
 4 A. From '02?  
 5 Q. This is -- yes, sir. This is 1.2 million.  
 6 A. Oh, okay.  
 7 Q. You can't tell me anything about this?  
 8 A. No.  
 9 Q. Okay. Thank you, sir.  
 10 THE REPORTER: Exhibit 15.  
 11 (Exhibit 15 marked)  
 12 BY MR. CAMPBELL:  
 13 Q. I'm going to show you Exhibit 15, which is  
 14 the Trust Agreement of the Rick J. Rizzolo Separate  
 15 Property Trust dated May the 2nd of 2007.  
 16 Why was this trust agreement created?  
 17 A. I believe this was created for the sale of  
 18 the club.  
 19 Q. And why was it created for the sale of the  
 20 club?  
 21 A. Because I was going to be -- I was going to  
 22 be gone when the sale was completed.  
 23 Q. Where were you? Where were you going to be?  
 24 A. Oh, that's when I went to jail.  
 25 Q. When you were incarcerated?

Page 235

1 A. Right.  
 2 Q. Okay.  
 3 A. And so he had created a trust, and so from  
 4 the proceeds from the sale, after everybody got paid,  
 5 the rest was supposed to go into a trust until I got  
 6 out.  
 7 Q. Would you turn to -- in fact, I'll just have  
 8 Mr. Erwin find it. This is Bates stamped LR00692.  
 9 Do you see that?  
 10 A. Yes.  
 11 Q. Is that your signature on that document?  
 12 A. Yes.  
 13 Q. And did you sign your signature on that  
 14 document on or about May 2nd of 2007 before you went to  
 15 prison?  
 16 A. It looks like it, yes.  
 17 THE REPORTER: Exhibit 16.  
 18 (Exhibit 16 marked)  
 19 BY MR. CAMPBELL:  
 20 Q. I'll show you Exhibit No. 16, a Certificate  
 21 of Registration of an International Trust certifying  
 22 the RLR Trust.  
 23 Do you see that, sir?  
 24 A. Yes.  
 25 Q. Have you ever seen this document before?

Page 236

1 A. Not that I know of.  
 2 Q. Let's turn to the second page of that trust.  
 3 MR. GENTILE: The second page of the trust?  
 4 MR. CAMPBELL: The second page of this  
 5 document, I should say.  
 6 MR. GENTILE: Okay.  
 7 BY MR. CAMPBELL:  
 8 Q. This is the Certificate of Registration of  
 9 the trust.  
 10 Do you see that, sir?  
 11 A. Yes.  
 12 Q. It says, This deed of settlement is made on  
 13 the 2nd day of November, 2001, between Rick J. Rizzolo,  
 14 also known as Fredrick J. Rizzolo, and Lisa M. Rizzolo,  
 15 hereinafter referred to as the settlors or collectively  
 16 as settlor, and Southpac Trust International, Inc., a  
 17 company duly incorporated in the Cook Islands, and  
 18 John E. Dawson, hereinafter referred to as cotrustees  
 19 or collectively trustee.  
 20 Do you see that, sir?  
 21 A. Yes.  
 22 Q. This is your -- this is the international --  
 23 the documentation that you produced with respect to  
 24 your international -- withdraw that question.  
 25 This is the documentation that memorializes



1 the certificate of registration of the international  
 2 trust established pursuant to the RLR trust; correct?  
 3 A. Can you repeat that?  
 4 Q. Sure.  
 5 This is the Cook Islands account; is that  
 6 correct?  
 7 MR. GENTILE: Objection to the form of that  
 8 question. I know you're trying to help him out, but  
 9 I'm going to object to the form of that question.  
 10 BY MR. CAMPBELL:  
 11 Q. Go ahead.  
 12 A. I think so, yeah.  
 13 Q. And this is when your account was established  
 14 in the Cook Islands; correct?  
 15 MR. GENTILE: Same objection.  
 16 THE WITNESS: I believe so.  
 17 MR. BAILUS: Can we --  
 18 BY MR. CAMPBELL:  
 19 Q. Why did you establish an account in the  
 20 Cook Islands on November 2nd, 2001?  
 21 A. I don't know. That was all part of the  
 22 estate planning.  
 23 Q. Where are the Cook Islands?  
 24 A. I'm not really sure, to tell you the truth.  
 25 Q. Let's go to -- I'll find it for you, sir.

1 A. Thanks.  
 2 MR. BAILUS: For the record, we would  
 3 designate Exhibit 16 as confidential.  
 4 MR. GENTILE: We join in all those, by the  
 5 way. We have a standing --  
 6 MR. CAMPBELL: I'm not going to fuss and  
 7 fight with you about, you know, when it was  
 8 confidential, when it wasn't, what you declared, what  
 9 you didn't declare. By not arguing with you, I'm not  
 10 acquiescing on any of this with respect to the  
 11 declarations of confidentiality.  
 12 BY MR. CAMPBELL:  
 13 Q. With respect to LR00731, is that your  
 14 signature on that document?  
 15 A. Yes.  
 16 Q. And the styling of that document is The Money  
 17 Laundering Control Act; correct?  
 18 A. Yes.  
 19 Q. And you signed this document after reading  
 20 this money laundering control act; correct?  
 21 A. I guess so.  
 22 Q. And where did you execute this document?  
 23 Where did you sign it? Was it in Mr. Dawson's office?  
 24 A. No idea.  
 25 Q. Would you go to Bates stamp No. 736?

1 A. Okay.  
 2 Q. You'll see that it states, Intended name of  
 3 any partnership in which the trust may acquire an  
 4 interest, and it states that that would be Lions  
 5 Limited Partnership.  
 6 Do you see that, sir?  
 7 A. Yes.  
 8 Q. What is Lions Limited Partnership?  
 9 A. I think it's an LLC.  
 10 Q. And what is it used for?  
 11 A. I'm not really sure. That was, you know,  
 12 part of the stuff that John Dawson set up for the  
 13 estate planning stuff.  
 14 Q. My recollection is that you told me yesterday  
 15 that one of the assets of Lions Limited Partnership was  
 16 the Mercedes Benz that you're driving; is that correct?  
 17 A. I believe so, yeah.  
 18 Q. And --  
 19 A. I think that's the only asset.  
 20 Q. Is that the only asset?  
 21 A. I believe so, yeah.  
 22 Q. And you control Lions Limited Partnership, as  
 23 you told me yesterday; correct?  
 24 MR. GENTILE: Objection to the form of the  
 25 question. I don't remember what he said yesterday, but

1 I object to the form of the question.  
 2 BY MR. CAMPBELL:  
 3 Q. That's all right.  
 4 Who controls it?  
 5 A. I'm not sure. I don't know.  
 6 Q. Oh, you don't know?  
 7 A. I don't know.  
 8 Q. Tell me, there are names of partners and  
 9 interests held. It says general partner, Domole LLC.  
 10 Am I pronouncing that correctly?  
 11 A. Right.  
 12 Q. What is Domole LLC?  
 13 A. Another LLC he set up.  
 14 Q. What does the word Domole mean?  
 15 A. That's Dominic, Monica, and Leslie. It's my  
 16 three kids.  
 17 Q. And why was that LLC set up?  
 18 A. I have no idea.  
 19 Q. Would you go to Page 738. Is that your  
 20 signature?  
 21 A. Yes.  
 22 Q. And this foreign trust account was  
 23 established on or about 11/2 of '01, is that correct,  
 24 when you signed this?  
 25 MR. BAILUS: Objection as to form.

1 MR. GENTILE: Objection to the form of the  
2 question.  
3 BY MR. CAMPBELL:  
4 Q. Okay. You signed this on November the 2nd,  
5 '01?  
6 A. Yes.  
7 Q. Along with your wife, your then-wife;  
8 correct?  
9 A. I believe so.  
10 Q. Why did you establish this foreign account in  
11 November of '01?  
12 MR. GENTILE: Objection to the form of the  
13 question.  
14 MR. BAILUS: Objection to form.  
15 MR. GENTILE: Assumes a fact not proven.  
16 BY MR. CAMPBELL:  
17 Q. Why?  
18 A. That's when we were doing the estate planning  
19 stuff, so I don't know why he established any of this  
20 stuff.  
21 Q. Could you go up to the paragraph at the very  
22 top of that page?  
23 MR. GENTILE: What page are we on?  
24 MR. CAMPBELL: Excuse me. I'm sorry. 738,  
25 the signature page.

1 BY MR. CAMPBELL:  
2 Q. 21. There's an inquiry and it states, Have  
3 you or any company of which you have been an officer,  
4 director, or a 10 percent or more shareholder ever been  
5 convicted of a crime other than a minor traffic  
6 violation including speeding. Let's just stop there.  
7 Had you ever been convicted of any crime as  
8 of November 2nd, '01?  
9 A. No.  
10 Q. Were you ever convicted of any crime in  
11 connection with your arrest for assault with a deadly  
12 weapon, specifically a baseball bat?  
13 A. I think it was a misdemeanor.  
14 Q. And what was the crime that you were  
15 convicted of?  
16 A. I don't remember.  
17 Q. It was a criminal offense but a misdemeanor  
18 criminal offense?  
19 A. Yes.  
20 Q. It says, Indicted or been the subject of any  
21 investigation.  
22 Now, you knew you had been under  
23 investigation for about 20 years at this point;  
24 correct?  
25 A. Not officially.

1 Q. Oh, not officially?  
2 A. No. Nobody ever notified me I was under  
3 investigation.  
4 Q. So you're now making a distinction between  
5 something officially --  
6 A. Absolutely.  
7 Q. -- and something unofficially? I see.  
8 As you stated earlier, you knew you were  
9 under investigation by the FBI for a period of  
10 20 years?  
11 A. Assumed.  
12 MR. GENTILE: Um --  
13 MR. CAMPBELL: Okay -- withdraw.  
14 BY MR. CAMPBELL:  
15 Q. You had been interviewed in connection with  
16 investigative bodies before, had you not, before this  
17 date? The IRS -- had the IRS ever interviewed you on  
18 or before November 2nd, '01?  
19 A. No.  
20 Q. Had the FBI ever interviewed you --  
21 A. I don't believe so.  
22 Q. -- on or before?  
23 You had appeared before a federal grand jury  
24 investigating criminal activity here in Las Vegas,  
25 Nevada?

1 A. As a witness.  
2 Q. Uh-huh, okay.  
3 Now, to that question, you responded no to  
4 all of those; correct?  
5 A. Right.  
6 Q. Could you go to the page preceding that.  
7 No. 16 says, Are there, to your knowledge, any actions  
8 filed or threatened to be filed against you or against  
9 any person who you intend naming as a beneficiary from  
10 any source for damages, and again you checked no?  
11 A. Right.  
12 Q. Why did you check no?  
13 A. It's true.  
14 Q. What was true?  
15 A. That to my knowledge, there's no action filed  
16 or threatened to be filed against you.  
17 Q. So no lawsuits were pending against you or  
18 threatened against you, is that correct --  
19 A. No.  
20 Q. -- at that time? Okay.  
21 Could you go to Page 736. No. 11 asks  
22 whether or not you wish the protector to receive a  
23 monthly statement or a contemporaneous notification of  
24 each transaction in your trust and you said yes; is  
25 that correct?



1 A. Yes.  
 2 Q. Why was that your desire?  
 3 A. I don't know. That's what John Dawson  
 4 wanted.  
 5 Q. No. 12 asked for details of assets that are  
 6 to be placed in a trust and it listed two things.  
 7 What were they?  
 8 A. Which two? You mean the A, B, C, D?  
 9 Q. Yeah.  
 10 A. It says, Description of assets, current  
 11 approximate value of assets.  
 12 Q. And what were they?  
 13 A. Oh, here. It says cash, securities.  
 14 Q. Okay. Could you go to Page 740. All right.  
 15 That's styled Affidavit of Solvency?  
 16 A. Yes.  
 17 Q. And that's your signature?  
 18 A. Yes.  
 19 Q. And you signed this document before a notary  
 20 public, specifically Mr. Dawson, on November 2nd of  
 21 2001; correct?  
 22 A. Yes.  
 23 Q. Paragraph 2 attests, That there are no  
 24 pending or threatened claims or proceedings that I  
 25 reasonably anticipate may result in a judgment against

1 me, and I am not a named defendant in any lawsuit or  
 2 involved in any administrative proceedings as of this  
 3 date or a judgment debtor other than disclosed in this  
 4 affidavit, and was that true?  
 5 A. Yes.  
 6 Q. And No. 6, That I have read and understand  
 7 the annexed description of unlawful activities and  
 8 confirm and represent that none of the assets which I  
 9 may transfer to the trust have been derived from any of  
 10 the activities described therein.  
 11 A. Yes.  
 12 Q. Okay. And was that true?  
 13 A. Yes.  
 14 Q. What day were you released from the  
 15 Metropolitan Correctional Center?  
 16 A. I'm not sure.  
 17 Q. Give me your best recollection.  
 18 A. Seven months short of two years ago.  
 19 Q. Take all the time you feel is necessary.  
 20 Just try to give me the best date that you can come up  
 21 with.  
 22 A. It was probably March or April of '08, I  
 23 think, or '07. I don't remember.  
 24 THE REPORTER: Exhibit 17.  
 25 (Exhibit 17 marked)

1 BY MR. CAMPBELL:  
 2 Q. Showing you Exhibit 17, are you familiar with  
 3 this document?  
 4 A. No. It doesn't look familiar.  
 5 Q. It states at the top Lions Limited  
 6 Partnership,  
 7 Isn't that the address that you're presently  
 8 residing at?  
 9 A. Yes.  
 10 Q. Or your testimony is that --  
 11 A. Yeah. That's Cliff Diamond's house, yeah.  
 12 Q. When did you begin residing at  
 13 Cliff Diamond's house?  
 14 A. When I got out. When I got out of prison.  
 15 Q. Okay. And you got out of prison?  
 16 A. And I was there before, too. I just went  
 17 back there.  
 18 Q. When were you there before?  
 19 A. The date?  
 20 Q. That's right.  
 21 When did you begin living with Cliff Diamond  
 22 at that address?  
 23 A. I'm not sure.  
 24 Q. And you provided the address of Lions Limited  
 25 Partnership at ; is that correct?

1 A. No.  
 2 Q. You didn't?  
 3 A. I don't think so.  
 4 Q. Who did?  
 5 A. I don't know.  
 6 Q. All right.  
 7 A. I think these were statements that you asked  
 8 for and the bank had to mail them to an address.  
 9 Aren't these statements you asked for?  
 10 Q. I'm not answering your questions.  
 11 A. Oh. Sorry.  
 12 Q. Okay.  
 13 A. I think they were just mailed to this  
 14 address.  
 15 Q. When were they mailed?  
 16 A. I don't know. Well, this says 4/30/08. I  
 17 don't know if that's when they were mailed.  
 18 Q. Okay. You were out of prison by 4/30/08;  
 19 right?  
 20 A. Right.  
 21 Q. You were released, I think, the second day of  
 22 April of '08.  
 23 Does that sound about right?  
 24 A. Yeah. That's what I was saying, March or  
 25 April.



1 Q. You'll see that this records a transaction,  
2 that million-dollar transaction that we talked about  
3 yesterday.  
4 Do you see that?  
5 A. Okay, yes.  
6 Q. Okay? So that million-dollar transaction  
7 took place on the 31st of March of '08?  
8 A. Okay.  
9 Q. So right on the eve of your release from  
10 prison, you got -- you were involved in a transaction  
11 involving \$1 million; correct?  
12 A. No. I was already in the halfway house.  
13 Actually, probably then I was at home arrest.  
14 Q. That's fine.  
15 After your release from the Metropolitan  
16 Correctional Center, all right, right on the eve of  
17 that, you were involved in a million-dollar  
18 transaction; correct?  
19 A. What do you mean the eve, like the night  
20 before I got out?  
21 Q. Yeah. Just before.  
22 A. No. I was already out for a month.  
23 Q. Okay. So when were you out for a month?  
24 A. Well, remember, I got released from  
25 Metropolitan Detention Center, then I was in a halfway

1 house, then I was on home arrest at that address.  
2 Q. When were you released from the Metropolitan  
3 Correctional Center?  
4 A. I think -- I think March.  
5 Q. You think March?  
6 A. Well, if you said I was released April,  
7 that's when I actually got off, you know, was totally  
8 out, so it was a month before that.  
9 Q. Okay. So --  
10 A. I'm guessing here, you know.  
11 Q. You're guessing?  
12 A. Yeah.  
13 Q. Well, in any event, at or about the same time  
14 you're being released from custody of one form of  
15 another, you're involved in a million-dollar  
16 transaction; right?  
17 A. Yes.  
18 Q. For which you have no paperwork or  
19 documentation; correct?  
20 A. Well, just this stuff, yeah.  
21 Q. Other than this; right?  
22 A. No.  
23 MR. GENTILE: Counsel, yesterday -- we did  
24 provide you those documents yesterday, so --  
25 ///

1 BY MR. CAMPBELL:  
2 Q. Do you recall your testimony yesterday?  
3 A. No.  
4 Q. Concerning what documentation memorialized  
5 that million-dollar transaction?  
6 A. I'm not -- yeah. I wasn't sure whether there  
7 is documentation or not.  
8 Q. Okay.  
9 THE REPORTER: Exhibit 18.  
10 (Exhibit 18 marked)  
11 BY MR. CAMPBELL:  
12 Q. I'm going to show you Exhibit No. 18. What  
13 is that?  
14 A. That looks like my U.S. Airways MasterCard.  
15 Q. Is that the same MasterCard that you read  
16 from yesterday?  
17 A. Yes.  
18 Q. And this has a statement closing date of  
19 May 26th, 2008; is that correct?  
20 Here it is, sir. Mr. Rizzolo, it's up here.  
21 A. Yes.  
22 Q. Go down to the part where it says purchases.  
23 A. Yes.  
24 Q. What is All Storage Peace?  
25 A. I don't know.

1 Q. Well, it's on your credit card, so I was  
2 wondering if you could illuminate for us exactly what  
3 that --  
4 A. I don't know what that is.  
5 Q. -- expenditure entailed?  
6 A. (Witness shakes head)  
7 Q. No?  
8 A. No.  
9 Q. There's an expenditure of \$500 at Hard Rock  
10 Body English?  
11 A. Yes.  
12 Q. What is Hard Rock Body English?  
13 A. A nightclub.  
14 Q. And were you at that nightclub?  
15 A. I guess so.  
16 Q. And did you have a \$500 tab?  
17 A. I guess so.  
18 Q. And who were you with at that nightclub?  
19 A. I don't remember.  
20 Q. When you had that \$500 tab on May the 5th,  
21 you don't remember who you were with?  
22 A. No.  
23 Q. How many times have you been to Hard Rock  
24 Body English?  
25 MR. GENTILE: Objection to form of the

1 question. Time frame?  
 2 BY MR. CAMPBELL:  
 3 Q. Yeah. How many times have you ever been  
 4 there?  
 5 A. Oh, since it opened?  
 6 Q. Yes, sir.  
 7 A. I don't know. Probably a dozen.  
 8 Q. How many times since your release from  
 9 prison?  
 10 A. Once.  
 11 Q. Was that the only time on May 5th?  
 12 A. I believe so, yeah.  
 13 Q. Is that the only time you were in the  
 14 Hard Rock since your release from prison?  
 15 A. No. I've been there before.  
 16 Q. You've gambled at the Hard Rock, have you  
 17 not, since your release from prison?  
 18 A. I don't know if I gambled there. I know I  
 19 ate there a couple times.  
 20 Q. So you have no recollection of having gambled  
 21 at the Hard Rock since your release from prison?  
 22 A. Not really.  
 23 Q. Go to the next page. You charged \$443 for  
 24 the Venetian showroom, tickets, May 15th; is that  
 25 correct?

1 A. Yeah.  
 2 Q. What was that for? Was that Jersey Boys?  
 3 A. Either that or that Chazz Palminteri thing.  
 4 Q. Go to -- you can skip the next page. Go to  
 5 the next credit card summary for August 21st, 2008.  
 6 It appears that you charged or incurred a  
 7 charge of \$604.60 on August the 1st?  
 8 A. Yeah.  
 9 Q. On or about August 1st?  
 10 A. Yeah. That was Cliff Diamond's birthday.  
 11 Q. That was Cliff Diamond's birthday?  
 12 A. Yeah.  
 13 Q. And you took him to the Mirage?  
 14 A. Yeah. A bunch of us took him.  
 15 Q. At the Samba Grill?  
 16 A. Right.  
 17 Q. And you say "a bunch of us took him." Who is  
 18 "a bunch of us"?  
 19 A. There was probably six, eight people there.  
 20 Q. And who was there?  
 21 A. Amy Bishop. A guy named Scotty. A guy named  
 22 R.J. A girl named Lindsay. A girl named Sara.  
 23 David Bishop. And myself.  
 24 Q. Scotty, Sara, Lindsay, R.J.  
 25 Do you know any of their last names?

1 A. I think R.J. is Denman or something like  
 2 that. Scotty, I'm not sure what his last name is.  
 3 Q. And does he work at the Red Rock?  
 4 A. Yeah.  
 5 Q. And what's his position at the Red Rock?  
 6 A. I'm not sure. Marketing.  
 7 Q. Is he a friend of yours?  
 8 A. Yes.  
 9 Q. How long have you been friends with R.J.?  
 10 A. Probably 10 years.  
 11 Q. And how is it that you became acquainted with  
 12 R.J.?  
 13 A. I think he was a host at the Hard Rock when I  
 14 met him, or I met him coming in the club. He might  
 15 have been coming over to the club. That's when I first  
 16 met him.  
 17 Q. You first met him when he used to come to --  
 18 A. Crazy Horse.  
 19 Q. -- Crazy Horse Too?  
 20 A. Yeah.  
 21 Q. Okay. You'll see that there's a recurring  
 22 charge there for All Storage?  
 23 A. Yes.  
 24 Q. And does that refresh your recollection as to  
 25 what that expenditure was for?

1 A. No.  
 2 Q. Okay. You'll see the date up here is  
 3 September 22nd, 2008?  
 4 A. Yes.  
 5 Q. And, again, let's go down to the transaction  
 6 activity for Rick John Rizzolo card. All right?  
 7 Again, it has All Storage Peace, \$285?  
 8 A. Yeah.  
 9 Q. And that does not help refresh your  
 10 recollection as to what that expenditure was for?  
 11 A. No.  
 12 Q. And, parenthetically, it shows Shell Oil,  
 13 \$77, and I presume that's for filling up your car?  
 14 A. Right.  
 15 Q. Is that about what it costs to fill your car?  
 16 A. I guess so. It depends on how much gas was  
 17 at the time.  
 18 Q. Right. Okay.  
 19 Now, you'll see at the bottom of the page it  
 20 lists you as Rick John Rizzolo?  
 21 A. Yes.  
 22 Q.  
 23  
 24 A.  
 25 Q. And that was your marital home?