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10:41:57 1 MR. CAMPBELL: Please. Okay.
10:41:57 2 Please ask her the question I just
3 asked on the record.
4 (Record read as follows:)
5 "Q. So you don't know whether
6 or not you have known Lisa Rizzolo longer
7 than five years?"
10:42:20 8 THE WITNESS: Say it again, please.
10:42:22 9 (Record reread.)
10:42:24 10 THE WITNESS: I don't remember.
10:42:24 11 BY MR. CAMPBELL:
10:42:25 12 Q. Have you ever engaged in any financial
13 dealings of any kind with Lisa Rizzolo?
10:42:33 14 MR. BAILUS: Objection to form.
10:42:34 15 THE WITNESS: Repeat it again.
10:42:35 16 BY MR. CAMPBELL:
10:42:36 17 Q. Have you ever engaged in any financial
18 transactions or dealings with Lisa Rizzolo?
10:42:42 19 MR. BAILUS: Objection to form.
10:42:43 20 THE WITNESS: No.
10:43:04 21 MR. CAMPBELL: I would like to keep a
22 separate disk, provide me a separate disk of all
23 objections made. One of the objections made by
24 counsel for the witness and one of the objections made
25 by Lisa Rizzolo's attorney. Okay? Thanks.

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10:44:24 1 A. Yes.
10:44:24 2 Q. And do you have Lisa Rizzolo's cell phone
3 number on your phone?
10:44:28 4 A. No.
10:44:34 5 Q. Has she ever called you on your phone,
6 cell phone?
10:44:37 7 A. No.
10:44:39 8 Q. Have you ever called her?
10:44:43 9 A. Don't remember.
10:44:52 10 Q. Do you know where she lives?
10:44:55 11 A. Don't know.
10:44:59 12 Q. Do you know her children?
10:45:01 13 A. Yes.
10:45:03 14 Q. And what are her children's names?
10:45:08 15 A. Monica.
10:45:09 16 Q. Monica. Okay.
10:45:11 17 A. Dominic.
10:45:12 18 Q. Dominic.
10:45:14 19 A. Leslie.
10:45:15 20 Q. Leslie. Okay.
10:45:17 21 How long have you known Monica?
10:45:20 22 A. Don't know. Don't remember.
10:45:22 23 Q. How long have you known Dominic?
10:45:25 24 A. Don't remember.
10:45:26 25 Q. How long have you known Leslie?

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10:43:26 1 BY MR. CAMPBELL:
10:43:27 2 Q. When is the last time you saw Lisa
3 Rizzolo?
10:43:31 4 A. Don't remember.
10:43:31 5 Q. Have you seen her this year?
10:43:35 6 A. Don't remember.
10:43:41 7 Q. When is the last time you spoke to Lisa
8 Rizzolo?
10:43:46 9 A. Don't remember.
10:43:51 10 Q. When you last spoke to Lisa Rizzolo, did
11 you speak to her in person or on the phone?
10:43:58 12 A. Don't remember.
10:44:00 13 Q. Do you have a telephone number at home?
10:44:04 14 A. Who phone number?
10:44:05 15 Q. Your phone number. Do you have a home
16 phone?
10:44:07 17 A. Yes.
10:44:08 18 Q. What is that number?
10:44:09 19 A. 364-9342.
10:44:12 20 Q. Do you have a cell phone?
10:44:13 21 A. Yes.
10:44:13 22 Q. What's your cell phone number?
10:44:14 23 A. 218-4678.
10:44:20 24 Q. Is that -- do you have that cell phone
25 with you today?

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10:45:29 1 A. Don't remember.
10:45:31 2 Q. Have you ever had any financial
3 relationship or engaged in any financial transactions
4 with Dominic Rizzolo?
10:45:42 5 A. Don't remember.
10:45:49 6 Q. Have you ever engaged in any financial
7 transactions or conducted any business with Rick
8 Rizzolo?
10:46:00 9 A. Say it again, please.
10:46:01 10 Q. Have you ever engaged in any --
10:46:03 11 A. What does that mean, "engaged"?
10:46:05 12 Q. Have you ever been involved in any
13 financial transactions or business dealings with Rick
14 Rizzolo?
10:46:15 15 A. No.
10:46:40 16 Q. Have you ever conducted any financial
17 transactions involving Rick Rizzolo in any way on
18 behalf of Bart Rizzolo?
10:46:55 19 A. Explain it.
10:46:56 20 Q. Have you ever conducted any financial
21 transactions for Bart Rizzolo?
10:47:02 22 A. I still don't understand.
10:47:05 23 Q. Have you ever been involved with any money
24 transactions or financial transactions involving legal
25 documents on behalf or for your husband?

10:47:18 1 A. On behalf and for my husband? I still
 2 don't understand.
 10:47:24 3 Q. You don't understand that question?
 10:47:28 4 A. It's little hard for me to understand.
 10:47:31 5 Q. That's a little hard for you to
 6 understand. Let me ask a different question.
 10:47:36 7 A. Simple.
 10:47:37 8 Q. Since your husband died, have you been
 9 involved in any financial transactions involving
 10 moneys?
 10:47:46 11 A. Mean? Mean what?
 10:47:47 12 Q. Meaning have you been involved in any
 13 financial transactions --
 10:47:52 14 A. From me account?
 10:47:53 15 Q. You have to wait. Remember I told you she
 16 has to take down my question --
 10:47:58 17 A. Okay.
 10:47:58 18 Q. -- before you answer.
 10:47:59 19 A. Okay.
 10:48:00 20 Q. Okay. Since your husband Bart died, have
 21 you been involved in any financial transactions
 22 involving moneys to which he is supposedly entitled?
 10:48:20 23 A. Don't understand.
 10:48:21 24 Q. Don't understand, okay.
 10:48:23 25 Have you been involved in any

1 transactions where you got money since your husband
 2 died?
 10:48:35 3 A. I don't understand quite what you want to
 4 know.
 10:48:37 5 Q. Well, what I want to know is have you ever
 6 been involved in any transaction regarding --
 10:48:43 7 A. What is that? I'm sorry.
 10:48:45 8 Q. You don't know what the word "transaction"
 9 means?
 10:48:47 10 MR. SACHS: No, I think "involved" is the
 11 word that she is confused about. It's confusing me as
 12 well.
 10:48:52 13 MR. CAMPBELL: Well --
 10:48:53 14 THE WITNESS: Involved with transaction?
 10:48:55 15 MR. CAMPBELL: I don't doubt that it might
 16 confuse you.
 10:48:58 17 BY MR. CAMPBELL:
 10:48:58 18 Q. But I'm only concerned with what you
 19 understand or don't understand. So is the word
 20 "involved" is, is that in some way not understood by
 21 you?
 10:49:14 22 A. I don't understand that.
 10:49:15 23 Q. You don't understand that word?
 10:49:17 24 A. What you mean.
 10:49:19 25 Q. You don't understand what the word

1 "involved" means?
 10:49:22 2 A. Right.
 10:49:23 3 Q. Okay.
 10:49:27 4 Have you participated --
 10:49:29 5 A. I don't understand either.
 10:49:30 6 Q. You don't know what the word "participate"
 7 means?
 10:49:33 8 A. No.
 10:49:36 9 Q. Have you been part of any financial
 10 transaction since Bart Rizzolo died?
 10:49:53 11 A. I don't understand what you mean, though.
 10:49:56 12 Q. Okay. Then perhaps what we are going to
 13 do is we are going to suspend this deposition because
 14 you don't understand the questions anymore, and I will
 15 get a translator who will translate exactly what I am
 16 asking into Vietnamese, and then we will translate
 17 back your answers to me in English.
 10:50:22 18 A. I --
 10:50:22 19 MR. SACHS: Okay.
 10:50:23 20 MR. CAMPBELL: Okay.
 10:50:24 21 MR. SACHS: But now if we go off the
 22 record, I think what you're asking --
 10:50:28 23 MR. CAMPBELL: No, no, no. This is all on
 24 the record, so...
 10:50:30 25 MR. SACHS: Oh, all right. I'll put it on

1 the record if you want to.
 10:50:33 2 MR. CAMPBELL: That's fine. She doesn't
 3 understand these questions anymore.
 10:50:36 4 MR. SACHS: You know, the way, what you're
 5 asking --
 10:50:39 6 MR. CAMPBELL: No, I don't want --
 10:50:38 7 MR. SACHS: Ask it in simple language.
 10:50:40 8 MR. CAMPBELL: I don't want --
 10:50:40 9 MR. SACHS: I'm not giving you words.
 10:50:40 10 MR. CAMPBELL: Excuse me. I don't want
 11 speaking objections, please.
 10:50:44 12 THE WITNESS: I want to say that your
 13 question, I don't feel you ask me straight.
 10:50:49 14 MR. CAMPBELL: Okay.
 10:50:50 15 THE WITNESS: I think you ask me some way
 16 around.
 10:50:53 17 MR. CAMPBELL: Okay. Then --
 10:50:53 18 THE WITNESS: So if you can use a simple
 19 word.
 10:50:56 20 MR. CAMPBELL: I don't know any other
 21 word. And --
 10:50:59 22 MR. SACHS: I can help you if you want.
 10:51:01 23 MR. CAMPBELL: Yeah. Then why don't you
 24 help me.
 10:51:03 25 MR. SACHS: That's what I tried to do a

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1 moment ago but you stopped me.
 10:51:07 2 But I think what you're asking her
 3 is did she receive any moneys. If you ask in those
 4 simple words, she can answer.
 10:51:11 5 MR. CAMPBELL: No, no, that's not what I'm
 6 asking. I'm not asking that at all. I've already
 7 asked her about all of the moneys that she's received.
 10:51:18 8 MR. SACHS: No, you want to know if she
 9 was involved with any, any financial transactions --
 10:51:21 10 MR. CAMPBELL: That's, that's right.
 10:51:21 11 MR. SACHS: -- on behalf of Bart.
 10:51:24 12 MR. CAMPBELL: If she doesn't understand
 13 the question, that's fine. I've already asked her
 14 that question, she's answered that question.
 10:51:30 15 THE WITNESS: What do, what do you want?
 10:51:32 16 BY MR. CAMPBELL:
 10:51:33 17 Q. I want to know whether or not you were
 18 involved in any other business deals since your
 19 husband died.
 10:51:41 20 A. Business deal, no.
 10:51:43 21 Q. Any other transactions or dealings with
 22 other people where you got money on behalf of your
 23 husband?
 10:51:56 24 A. On behalf of my husband? What does that
 25 mean?

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10:52:00 1 Q. That maybe your husband was allegedly or
 2 supposedly entitled to?
 10:52:10 3 A. Don't know.
 10:52:11 4 Q. You don't know. Okay. Do you understand
 5 the question?
 10:52:19 6 A. Just the one you just explained it to me,
 7 I understand that part.
 10:52:23 8 Q. Have you ever received any moneys that
 9 Mr. Rick Rizzolo was entitled to receive?
 10:52:36 10 MR. SACHS: Rick or Bart?
 10:52:37 11 THE WITNESS: Rick or Bart?
 10:52:38 12 BY MR. CAMPBELL:
 10:52:39 13 Q. Rick. Rick.
 10:52:39 14 A. I don't know.
 10:52:40 15 Q. You don't know. Okay.
 10:52:47 16 MR. CAMPBELL: Let's go with this one
 17 first.
 10:52:51 18 MR. ERWIN: The request.
 10:52:54 19 MR. CAMPBELL: Let's mark this as first in
 20 order, please.
 10:52:56 21 I got it, no problem.
 10:52:56 22 (Plaintiffs' Exhibit No. 1 marked.)
 10:53:37 23 MR. CAMPBELL: Next in order.
 10:53:39 24 (Plaintiffs' Exhibit No. 2 marked.)
 10:53:39 25 ///

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10:53:40 1 BY MR. CAMPBELL:
 10:53:40 2 Q. Showing you Exhibit No. 1. Have you ever
 3 seen this document before?
 10:54:00 4 A. Don't remember.
 10:54:01 5 Q. Don't remember.
 10:54:04 6 Okay. I'm going to turn to the
 7 second page.
 10:54:06 8 Wait a second, I showed you the
 9 wrong one. Excuse me. Here's Exhibit 1. I showed
 10 you Exhibit 2.
 10:54:22 11 Okay. Showing you Exhibit 1.
 10:54:23 12 MR. SACHS: Is that the First Set of
 13 Request for Production?
 10:54:27 14 MR. CAMPBELL: That's correct.
 10:54:28 15 Exhibit 2 is this.
 10:54:30 16 BY MR. CAMPBELL:
 10:54:31 17 Q. Have you ever seen that document before,
 18 Exhibit 1?
 10:54:34 19 A. Don't remember.
 10:54:35 20 Q. You don't remember if you saw this, all
 21 right.
 10:54:37 22 Turn to the second page. Right
 23 under here where it says -- can you read that word in
 24 bold at line No. 9?
 10:54:48 25 A. Request No. 1.

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10:54:50 1 Q. All right. Would you read the paragraph
 2 that follows that. Out loud.
 10:55:01 3 A. "Produce all documents, including but
 10:55:07 4 not limited to statements of account with
 5 securities brokerage firms, dividends --
 6 dividend statements, earnings reports or
 7 similar documents which reflects, refer or
 8 relate to any to -- relate to any stocks,
 9 bond, debentures, certificate of deposit, or
 10 any other security owned by you either alone
 11 or jointly with another person, at any time
 12 since January 1, 2005 to the present date."
 10:56:07 13 Q. All right. Have you -- you have not seen
 14 this document or this request before, correct?
 10:56:15 15 A. Don't remember.
 10:56:16 16 Q. You don't remember, okay.
 10:56:19 17 Well, irrespective, or putting aside
 18 for the moment your claim that you don't remember,
 19 have you gathered those documents and produced those
 20 documents to your lawyer?
 10:56:36 21 A. No.
 10:56:38 22 Q. Has anyone asked you to produce those
 23 documents to your lawyer?
 10:56:42 24 A. No.
 10:56:43 25 Q. All right. Would you look at Request

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1 No. 2.
10:56:47 2 A. Yes.
10:56:48 3 Q. Okay. You can just read it to yourself.
4 Just read it to -- no, you don't have to read it out
5 loud.
10:56:56 6 A. (Witness complies.)
10:57:12 7 Q. Have you finished reading it?
10:57:15 8 A. Not yet.
10:57:17 9 Q. Okay.
10:57:23 10 A. I did.
10:57:24 11 Q. All right. Has anyone asked you to
12 produce those documents to your lawyer?
10:57:30 13 A. No.
10:57:33 14 Q. All right.
10:57:40 15 I'm going to show you what's been
16 marked as Exhibit No. 2.
10:57:47 17 MR. SACHS: That's the First Set of
18 Interrogatories?
10:57:50 19 MR. CAMPBELL: Yes.
10:57:52 20 BY MR. CAMPBELL:
10:57:52 21 Q. Have you ever seen this document before?
10:57:57 22 A. Don't remember.
10:58:00 23 Q. Would you turn to -- can I have a copy of
24 it, please. Thank you.
10:58:11 25 Would you turn to page 5.

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10:58:19 1 A. (Witness complies.)
10:58:23 2 Q. Would you read the first line at No. 3.
10:58:26 3 A. For myself or aloud?
10:58:36 4 Q. Aloud.
10:58:39 5 A. "Interrogatory No. 1: State the full
10:58:47 6 name and present address of each person with
7 whom you have engaged in any partnership,
8 business enterprise or business venture since
9 January 1, '05."
10:59:12 10 Q. Have -- has anyone asked you to write down
11 or to give an answer to that question?
10:59:24 12 A. I don't understand this question.
10:59:25 13 Q. You don't understand?
10:59:27 14 A. "State the full name and present
10:59:31 15 address to each person."
10:59:34 16 Who's each person?
10:59:38 17 MR. SACHS: He is not asking that. Listen
18 to his question, answer his question.
10:59:42 19 BY MR. CAMPBELL:
10:59:43 20 Q. Has anyone asked you to answer this
21 question?
10:59:45 22 A. No.
10:59:46 23 Q. Okay.
11:00:16 24 Would you go to page 7.
11:00:24 25 MR. SACHS: Page 7.

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11:00:40 1 BY MR. CAMPBELL:
11:00:41 2 Q. Do you see Interrogatory No. 16?
11:00:49 3 A. Yes.
11:00:50 4 Q. Would you read it out loud.
11:00:55 5 A. "Identify if you have, at any time
11:01:00 6 since January 1st, 2005, enter into any
7 transaction with Bartholomew Rizzolo, Rick
8 Rizzolo, Lisa Rizzolo or any other relate
9 involve the transfer, con- --" I don't know
10 that word.
11:01:26 11 Q. Conveyance.
11:01:28 12 A. "-- conveyance, assignment, gift or
11:01:31 13 other deposition (sic) of real or personal
14 property and describe the term thereof."
11:01:42 15 Q. Has anyone asked you that question before?
11:01:46 16 A. I don't understand this question.
11:01:47 17 Q. You don't understand this question?
11:01:49 18 MR. SACHS: That's not what he asked you.
19 Listen to his question.
11:01:52 20 BY MR. CAMPBELL:
11:01:52 21 Q. You don't understand the question; is that
22 correct?
11:01:54 23 A. Correct.
11:01:55 24 Q. Okay. Has anyone asked you to provide
25 information as a result of that interrogatory?

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11:02:05 1 A. What is that? What --
11:02:08 2 Q. You don't understand that?
11:02:10 3 A. What interrog- --
11:02:15 4 Q. Interrogatory No. 16. Has anyone ever
5 asked you to identify if you have been involved in any
6 transaction, since January 1st of 2005, with Bart
7 Rizzolo, Rick Rizzolo, Lisa Rizzolo or any other
8 relative --
11:02:28 9 A. No.
11:02:29 10 Q. -- involving a transfer or assignment or
11 gift or any other such arrangement of --
11:02:40 12 A. No.
11:02:40 13 Q. -- any sort of property?
11:02:41 14 A. Don't remember.
11:02:42 15 Q. You don't remember, okay.
11:03:24 16 (Plaintiffs' Exhibit No. 3 marked.)
11:03:26 17 BY MR. CAMPBELL:
11:03:27 18 Q. I'm going to show you Exhibit No. 3. Have
19 you ever seen Exhibit No. 3 before?
11:03:46 20 A. Yes.
11:03:49 21 Q. When did you first see Exhibit No. 3?
11:03:55 22 A. Don't remember.
11:03:56 23 Q. Who created Exhibit No. 3?
11:04:00 24 A. Me.
11:04:01 25 Q. Did you type this?

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11:04:03 1 A. Yes.

11:04:05 2 Q. Where did you type this?

11:04:06 3 A. On my computer.

11:04:09 4 Q. Where is that computer located?

11:04:12 5 A. At home.

11:04:13 6 Q. It's the same computer?

11:04:17 7 A. No.

11:04:18 8 Q. It's not the same computer?

11:04:20 9 A. Don't remember.

11:04:21 10 Q. So have you -- so you have bought a new

11 11 computer since May 6th, 2010?

11:04:28 12 A. No.

11:04:29 13 Q. Okay. So it's the same computer?

11:04:32 14 A. No.

11:04:34 15 Q. All right. Explain.

11:04:36 16 A. They fix it.

11:04:37 17 Q. They fixed your computer?

11:04:39 18 A. Broken, because it's broken. Because it's

19 19 virus attack.

11:04:46 20 Q. And so it was fixed?

11:04:49 21 A. I don't know what they do. But it's on

22 22 again.

11:04:53 23 Q. And did you take it to get it fixed

24 24 someplace?

11:04:56 25 A. No.

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11:06:50 1 Q. Why don't you know?

11:06:52 2 A. Because my husband doing it. I don't

3 3 know.

11:06:55 4 Q. Well, have you been appointed by the

5 5 courts as an executor?

11:07:01 6 A. I don't go to court.

11:07:03 7 Q. That's not the question.

11:07:05 8 Has the Court named you as and

9 9 approved you as an executor for the estate of

10 10 Bartholomew Rizzolo?

11:07:19 11 A. How do I know?

11:07:22 12 Q. I'm asking you the question.

11:07:25 13 A. How do I know the Court do it, because I

14 14 don't go to court.

11:07:29 15 Q. Have you had an attorney appoint -- have

16 16 you had an attorney work to do that on your behalf?

11:07:36 17 A. Bart attorney do that.

11:07:38 18 Q. Bart's attorney did that?

11:07:41 19 A. The, the will.

11:07:42 20 Q. And who -- what attorney was that?

11:07:45 21 A. Steven Scow.

11:07:49 22 Q. Did he tell you you were executor?

11:07:52 23 A. Yes.

11:07:54 24 Q. Did you tell -- did Steven Scow know that

25 25 you were doing this?

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11:04:58 1 Q. But you still have that computer?

11:04:59 2 A. Yes.

11:05:00 3 Q. Okay.

11:05:04 4 Read Exhibit No. 3 into the record.

11:05:09 5 A. Where is it? Oh, this one.

11:05:12 6 "Dear Jodi, Shepherdson,

11:05:17 7 My name is Kimtran Rizzolo, Bart Rizzolo's

8 8 wife. This letter is to notify you that Bart

9 9 recently pass away. I also request my name

10 10 be put on all further checks since I am the

11 11 executor of Bart's living trust. If you have

12 12 any further concern or question, please feel

13 13 free to contact me through e-mail

14 14 (ktran3140@gmail.com) or on my cell phone,

15 15 (702-218-4678).

11:06:03 16 "Thank you.

11:06:04 17 "Kimtran Rizzolo."

11:06:06 18 Q. All right. What is an executor?

11:06:16 19 A. What does that mean, executor?

11:06:20 20 Q. I'm asking you.

11:06:22 21 A. Oh, that is executor. You say executor, I

22 22 don't understand. Executor. Mean my name in the will

23 23 and everything belong to my husband is go to me.

11:06:44 24 Q. Has that will been filed with the courts?

11:06:48 25 A. No. I don't know.

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11:07:57 1 A. No.

11:07:58 2 Q. Why not?

11:07:59 3 MR. SACHS: We are getting into privilege

4 4 matters.

11:08:01 5 MR. CAMPBELL: No, because it doesn't

6 6 relate to a privileged communication that's

7 7 specifically designed to respond to a request for

8 8 legal advice.

11:08:12 9 I'm asking whether or not something

10 10 was done, that's all I'm asking.

11:08:16 11 MR. SACHS: The question before asks for a

12 12 statement.

11:08:19 13 BY MR. CAMPBELL:

11:08:20 14 Q. Go ahead.

11:08:21 15 A. Repeat your question, please.

11:08:23 16 MR. CAMPBELL: Please do so.

10:20:56 17 (Record read as follows:)

11:07:54 18 "Q. Did Steven Scow know that you

19 19 were doing this?

11:07:57 20 "A. No.

11:07:57 21 "Q. Why not?"

11:08:40 22 MR. SACHS: Objection. You're asking her

23 23 to read into the mind of somebody else.

11:08:44 24 THE WITNESS: I don't know.

11:08:44 25 ///

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11:08:45 1 BY MR. CAMPBELL:
11:08:45 2 Q. You don't know. That's fine. And you,
3 and you may say you don't know.
11:08:54 4 What is a living trust?
11:09:00 5 A. I don't understand really your question.
11:09:02 6 Q. All right. Do you know what a living
7 trust is?
11:09:06 8 A. What is a living trust?
11:09:08 9 Q. Yes.
11:09:10 10 A. Yes.
11:09:11 11 Q. What is a living trust?
11:09:13 12 A. What is a living trust? Living trust? I
13 don't know.
11:09:20 14 Q. Okay. Do you have a living trust?
11:09:21 15 A. Yes.
11:09:22 16 Q. All right. And what is it? Tell me what
17 it is.
11:09:28 18 A. I don't know.
11:09:29 19 Q. How do you know you have a living trust?
11:09:32 20 A. Everybody says so.
11:09:35 21 Q. Who has told you you have a living trust?
11:09:38 22 A. Everybody.
11:09:38 23 Q. Who is everybody? Name every person who
24 has told you that you have a living trust.
11:09:45 25 A. The people I talk to. Whoever.

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11:09:48 1 Q. No. I'm asking you names.
11:09:51 2 A. Name? I don't remember.
11:09:53 3 Q. You don't know the name of any person --
11:09:55 4 MR. SACHS: She said she doesn't remember.
11:09:58 5 MR. CAMPBELL: Excuse me.
11:09:59 6 BY MR. CAMPBELL:
11:09:59 7 Q. You don't remember the name of any
8 person --
11:10:01 9 A. No.
11:10:01 10 Q. -- who has ever told you that you have a
11 living trust?
11:10:04 12 A. Don't remember.
11:10:05 13 Q. Okay. Who is Jodi Shepherdson?
11:10:21 14 A. I don't know.
11:10:24 15 Q. Did you mail this?
11:10:26 16 A. I did.
11:10:27 17 Q. You put it in a mail, in an envelope and
18 you mailed it?
11:10:31 19 A. Yes.
11:10:32 20 Q. Who did you mail it to?
11:10:34 21 A. I don't remember.
11:10:36 22 Q. Where did you mail it?
11:10:39 23 A. Don't remember.
11:10:42 24 (Plaintiffs' Exhibit No. 4 marked.)
11:10:42 25 ///

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11:11:06 1 BY MR. CAMPBELL:
11:11:06 2 Q. I'm going to show you what's been marked
3 as Exhibit No. 4.
11:11:13 4 Have you ever seen this document
5 before?
11:11:17 6 A. Don't remember.
11:11:22 7 Q. Does your handwriting appear anywhere on
8 that document?
11:11:26 9 A. Yes.
11:11:27 10 Q. Where does it appear?
11:11:34 11 A. Ask me question again, please.
11:11:36 12 Q. Where does, where does your handwriting
13 appear in the document?
11:11:39 14 A. Right here.
11:11:39 15 Q. And what does it say?
11:11:40 16 A. "Dear Jodi.
11:11:43 17 "Please issue this check
11:11:44 18 under my name.
11:11:47 19 "Thank you.
11:11:50 20 "Kimtran Rizzolo."
11:11:53 21 Q. All right. Please explain this financial
22 transaction.
11:12:00 23 A. Don't know.
11:12:01 24 Q. What were you asking Jodi to do?
11:12:13 25 A. Because this is not my name here, pay to

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1 the order. I don't know what it is.
11:12:26 2 Q. Do you know what Lion's Limited
3 Partnership is?
11:12:29 4 A. No.
11:12:30 5 Q. Have you ever heard of it before?
11:12:31 6 A. No.
11:12:35 7 Q. Are you sure?
11:12:38 8 A. Don't remember.
11:12:39 9 Q. Okay. And why did you tell her to put it
10 in your name?
11:12:45 11 A. Because come to my house with this name.
12 I can't do anything with that.
11:12:55 13 Q. Did you ever talk to Jodi?
11:12:59 14 A. Don't remember.
11:13:03 15 Q. Do you know what this check relates to?
11:13:07 16 A. Don't know.
11:13:08 17 Q. Where was this -- where was this money
18 coming from?
11:13:12 19 A. I don't know.
11:13:13 20 Q. Had you ever seen a check like this before
21 from Vincent Piazza?
11:13:19 22 A. Don't remember.
11:13:20 23 Q. Did you ever get any other check from
24 Vincent Piazza?
11:13:25 25 A. Don't remember.

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11:13:30 1 Q. Was this check reissued to you?
 11:13:34 2 A. Don't remember.
 11:13:39 3 Q. Did anyone assist you in this transaction?
 11:13:45 4 A. No.
 11:13:46 5 Q. You did this all yourself?
 11:13:49 6 A. Yes.
 11:13:50 7 Q. Why was Vincent Piazza sending this check?
 11:13:55 8 A. I don't know.
 11:13:57 9 Q. Was this check sent to you at your Bronco
 10 address?
 11:14:05 11 A. Don't remember.
 11:14:06 12 Q. How did you get this check?
 11:14:09 13 A. In my Bronco, but I don't know my name or
 14 my husband name, I don't remember.
 11:14:14 15 Q. But in any -- but whether -- when you say
 16 in your husband's name, or your name you don't
 17 remember, you mean this, this check came in an
 18 envelope, correct?
 11:14:25 19 A. Yes.
 11:14:26 20 Q. And you got it from your mail?
 11:14:28 21 A. Yes.
 11:14:29 22 Q. All right. And so when you opened it,
 23 when it was in your mailbox and you opened it --
 11:14:37 24 A. Yes.
 11:14:37 25 Q. -- you saw that it was made out to Lion's

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1 Limited Partnership --
 11:14:42 2 A. Yes.
 11:14:43 3 Q. -- is that right?
 11:14:43 4 A. Yes.
 11:14:44 5 Q. And so you want -- so you don't know what
 6 Lion's Limited Partnership is, correct?
 11:14:50 7 A. Correct.
 11:14:50 8 Q. And so you sent it back; is that correct?
 11:14:55 9 A. Don't remember.
 11:14:55 10 Q. Well, it says:
 11:14:56 11 "Dear Jodi,
 11:14:57 12 "Please issue this check under
 13 my name.
 11:15:02 14 "Thank you --"
 11:15:03 15 A. I wrote it.
 11:15:03 16 Q. "-- Kimtran Rizzolo."
 11:15:05 17 A. Yes.
 11:15:05 18 Q. All right. So you wrote that out?
 11:15:07 19 A. Yes.
 11:15:07 20 Q. And then after you wrote that out and put
 21 it on this check, what did you do with it?
 11:15:14 22 A. I mail it, I guess.
 11:15:15 23 Q. Who did you mail it to?
 11:15:17 24 A. I don't remember.
 11:15:18 25 Q. Okay. What was this money for? Why was

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1 this money sent to you?
 11:15:28 2 A. I don't know.
 11:15:46 3 (Plaintiffs' Exhibit No. 5 marked.)
 11:16:17 4 BY MR. CAMPBELL:
 11:16:17 5 Q. I'm going to show you Exhibit No. 5.
 6 Exhibit No. 5 has a number of pages attached to it.
 7 You will see up at the top in the right-hand corner it
 8 has a number. Do you see right here?
 11:16:42 9 A. I see the number.
 11:16:42 10 Q. It says 1 of 11. Do you see that?
 11:16:43 11 A. No.
 11:16:43 12 Q. Right there. It has says 1/11. Do you
 13 see that number?
 11:16:47 14 A. Not clear.
 11:16:47 15 Q. Okay. Well, I'll remind you of it.
 11:16:50 16 A. Okay.
 11:16:50 17 Q. All right. Showing you the first page of
 18 Exhibit No. --
 11:16:54 19 A. 5.
 11:16:54 20 Q. -- 5.
 11:16:57 21 Tell me what this document is.
 11:17:01 22 A. The check send it to me.
 11:17:12 23 Q. Tell me what this document is.
 11:17:16 24 A. I answered already.
 11:17:17 25 Q. Could you answer it again. I didn't

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1 understand.
 11:17:20 2 A. This a check paid to me.
 11:17:23 3 Q. And what was this -- why was this check
 4 paid to you?
 11:17:41 5 A. Why they pay it to me? Why they pay it to
 6 me? For my husband name to me.
 11:18:03 7 Q. What -- I don't understand what you're
 8 saying.
 11:18:06 9 Why? Why did they pay this money to
 10 you?
 11:18:12 11 A. After I tell her send it to my name, so
 12 she send it to my name.
 11:18:20 13 Q. Okay. So after you sent Exhibit No. 4,
 14 then they sent this; is that correct? Is that what
 15 you're saying?
 11:18:32 16 A. Not sure is right, but I think --
 11:18:35 17 Q. That can't be right, can it, Miss Rizzolo?
 11:18:38 18 That's not right because this is in,
 19 wasn't that check sent to you in October? Right? And
 20 this, what you just said, that, that you received
 21 after you sent this, this is actually before. This is
 22 in April, right?
 11:18:57 23 So you -- so it couldn't have been
 24 sent to you because of Exhibit No. 4, right?
 11:19:07 25 A. I don't remember.

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11:19:07 1 Q. You don't remember. All right. Well, let
 2 me reask the question then and think about it.
 11:19:14 3 Why were you getting this money?
 11:19:19 4 A. The money for my husband.
 11:19:25 5 Q. What money for your husband?
 11:19:27 6 A. Somebody owe my husband money.
 11:19:30 7 Q. Who owed your husband money?
 11:19:34 8 A. Rick owed my husband money.
 11:19:36 9 Q. Rich who?
 11:19:38 10 A. Rick Rizzolo.
 11:19:39 11 Q. How do you know Rick Rizzolo owed your
 12 husband money?
 11:19:41 13 A. My husband told me.
 11:19:43 14 Q. What did he tell you?
 11:19:46 15 A. Just Rick owe him money.
 11:19:48 16 Q. How much money?
 11:19:50 17 A. I don't know.
 11:19:51 18 Q. And did you ever see any loan agreement?
 11:19:58 19 A. I don't, I don't. I don't.
 11:20:02 20 Q. You don't?
 11:20:03 21 A. Hum-um.
 11:20:04 22 Q. Do you, do you know of any document that
 23 showed that Rick Rizzolo owed Bart Rizzolo money?
 11:20:14 24 A. I don't remember.
 11:20:18 25 Q. Did you ever sign any such document?

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11:20:21 1 A. No.
 11:20:24 2 Q. So this was just your husband told you,
 3 "Rick owes me money," and that's all you knew?
 11:20:30 4 A. Yes.
 11:20:32 5 Q. How did you, how did you find out that
 6 this was that money that was owed?
 11:20:41 7 A. From -- my husband told me somebody will
 8 pay you the money. So I guess that's what it is.
 11:20:50 9 Q. How much money?
 11:20:51 10 A. He don't tell me how much.
 11:20:54 11 Q. All right. When did he tell you "Someone
 12 will pay you money"?
 11:20:58 13 A. I don't remember.
 11:21:01 14 Q. How long before he died did he tell you
 15 "Someone will pay you money"?
 11:21:05 16 A. I don't remember.
 11:21:07 17 Q. You did not get money until he died?
 11:21:10 18 A. Yes.
 11:21:11 19 Q. All right.
 11:21:16 20 When you got this check for \$92,000,
 21 what did you do with it?
 11:21:26 22 A. Spend.
 11:21:29 23 Q. You spend? In other words, you spent it
 24 all?
 11:21:34 25 A. Not all --

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11:21:35 1 Q. Okay.
 11:21:35 2 A. -- I spend it.
 11:21:36 3 Q. Tell me -- let's stop, slow down.
 11:21:38 4 You got this check for \$92,000,
 5 correct?
 11:21:42 6 A. Correct.
 11:21:44 7 Q. When you got the check, what did you do
 8 with the check?
 11:21:47 9 A. Deposit it.
 11:21:48 10 Q. Where?
 11:21:49 11 A. At Bank of America.
 11:21:51 12 Q. In your checking account at Bank of
 13 America?
 11:21:54 14 A. Yes.
 11:21:55 15 Q. All right. How much is in that Bank of
 16 America account today?
 11:22:03 17 A. Don't remember.
 11:22:04 18 Q. Is it more or less than \$92,000?
 11:22:09 19 A. Don't remember.
 11:22:10 20 Q. You have no idea how much is in that
 21 account?
 11:22:13 22 A. No.
 11:22:15 23 Q. When you got this check, you put it right
 24 in the Bank of America account; is that correct?
 11:22:20 25 A. Correct.

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11:22:21 1 Q. And you say you spent all this?
 11:22:24 2 A. Don't remember.
 11:22:25 3 MR. SACHS: Objection. Objection.
 4 Objection.
 11:22:26 5 BY MR. CAMPBELL:
 11:22:27 6 Q. Okay. Did you -- so you don't know what
 7 happened with this money?
 11:22:30 8 A. I said I spend it.
 11:22:32 9 Q. So it's not there anymore?
 11:22:36 10 A. I -- it's still there. I don't remember
 11 how much you ask me. I don't remember.
 11:22:43 12 Q. You don't remember?
 11:22:44 13 A. How much.
 11:22:45 14 Q. Okay. Is that your signature on the back
 15 of this check?
 11:22:58 16 A. Yes.
 11:23:01 17 Q. Go to the next page, No. 2.
 11:23:08 18 You received this account, or this
 19 amount of money, \$57,500?
 11:23:16 20 A. Yes.
 11:23:17 21 Q. What did you do with that money?
 11:23:22 22 A. Spend it.
 11:23:24 23 Q. What did you physically do with this
 24 check?
 11:23:28 25 A. Deposit it.

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11:23:31 1 Q. And where did you deposit it?
 11:23:33 2 A. Bank of America.
 11:23:34 3 Q. And is that your signature on this check?
 11:23:36 4 A. Yes.
 11:23:38 5 Q. All right. And is that money still in the
 6 account at Bank of America?
 11:23:45 7 A. Don't remember.
 11:23:48 8 Q. Go to the next page, No. 3.
 11:23:56 9 Do you remember receiving this check
 10 on or about --
 11:23:59 11 A. Yes.
 11:23:59 12 Q. -- June of 2010? Specifically on or about
 13 June 7th, 2010?
 11:24:08 14 A. Yes.
 11:24:09 15 Q. And what did you do with this check?
 11:24:11 16 A. Deposit it.
 11:24:13 17 Q. And is that your signature where you
 18 endorsed the check --
 11:24:18 19 A. Yes.
 11:24:18 20 Q. -- on the back there?
 11:24:19 21 A. Yes.
 11:24:19 22 Q. And where did you deposit this money?
 11:24:21 23 A. Bank of America.
 11:24:23 24 Q. And is that money still there today?
 11:24:25 25 A. Don't remember.

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11:25:20 1 Q. And what did you do with it?
 11:25:21 2 A. Deposit it.
 11:25:23 3 Q. And is that your endorsement on the back
 4 of that check?
 11:25:26 5 A. Yes.
 11:25:27 6 Q. All right. And you again deposited this
 7 in Bank of America?
 11:25:33 8 A. Yes.
 11:25:35 9 Q. Go to next page, No. 5.
 11:25:39 10 This is a check in the amount again
 11 of \$55,482.22. Do you see that?
 11:25:47 12 A. Say it again.
 11:25:47 13 Q. This check is in the amount of \$55,482.
 14 Do you see that?
 11:25:54 15 A. Yes.
 11:25:55 16 Q. Okay. And you received this check in
 17 around August of 2010?
 11:26:03 18 A. Yes.
 11:26:04 19 Q. And what did you do with this check?
 11:26:06 20 A. Deposit it.
 11:26:11 21 Q. And you deposited this to your Bank of
 22 America account?
 11:26:14 23 A. Yes.
 11:26:17 24 Q. Is that money still there?
 11:26:18 25 A. Don't remember.

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11:24:28 1 Q. Go to check, go to the fourth page.
 11:24:32 2 A. I'm cold.
 11:24:33 3 Q. You're cold?
 11:24:35 4 A. Yes.
 11:24:35 5 Q. All right. Mr. Irwin will take care of
 6 that.
 11:24:40 7 Do you recall receiving this
 8 check --
 11:24:40 9 A. I need --
 11:24:40 10 Q. -- in or about --
 11:24:41 11 A. I need the blanket or something. I'm
 12 cold.
 11:24:44 13 Q. I'm sorry, I don't have a blanket here.
 14 We will turn down the air. We have a pillow, we gave
 15 you a pillow. We don't have a blanket, I'm sorry.
 11:24:56 16 This is in July of 2010, correct?
 11:24:58 17 A. Which one?
 11:25:00 18 Q. On page 4.
 11:25:07 19 A. July.
 11:25:10 20 Q. July 5th.
 11:25:12 21 A. July 8th or 5th, I don't see it.
 11:25:14 22 Q. All right. That's fine.
 11:25:15 23 But in July of 2010, you received
 24 this check, correct?
 11:25:20 25 A. Correct.

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11:26:20 1 Q. Go to the next page.
 11:26:24 2 Did you receive this check on or
 3 about September of 2010 in the amount of \$57,500?
 11:26:36 4 A. Yes.
 11:26:38 5 Q. And what did you do with this check when
 6 you received it?
 11:26:41 7 A. Deposit it.
 11:26:43 8 Q. And where was it deposited?
 11:26:45 9 A. Bank of America.
 11:26:47 10 Q. And is that your signature on the back of
 11 the check endorsing the check?
 11:26:51 12 A. Yes.
 11:26:51 13 Q. And depositing into the Bank of America
 14 account?
 11:26:54 15 A. Yes.
 11:26:55 16 Q. Is that money still there?
 11:26:57 17 A. Don't remember.
 11:26:59 18 Q. Go to the next document.
 11:27:02 19 Did you receive this check on or
 20 about October 19th, 2010?
 11:27:08 21 A. Yes.
 11:27:09 22 Q. This is in the amount of \$30,000; is that
 23 correct?
 11:27:13 24 A. Correct.
 11:27:14 25 Q. Why is it in that amount?

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11:27:16 1 A. I don't know.

11:27:17 2 Q. Why is the amount different?

11:27:19 3 A. I don't know.

11:27:21 4 Q. All of the other checks were in excess of

5 that amount and most of them were about \$57,000. Why

6 was this check --

11:27:31 7 MR. SACHS: Objection. Asked and answered

8 nine times.

11:27:34 9 BY MR. CAMPBELL:

11:27:34 10 Q. Why was --

11:27:35 11 A. I don't know.

11:27:35 12 Q. Why was this check less than all of the

13 previous checks?

11:27:40 14 A. I don't know.

11:27:42 15 Q. Okay. Did you ever inquire as to why it

16 was less?

11:27:45 17 A. No.

11:27:46 18 Q. Did anyone help you at all with any of

19 these checks or the finances relating to these checks

20 or the money you were receiving?

11:27:54 21 A. No.

11:27:55 22 Q. Just you?

11:27:55 23 A. Yes.

11:27:57 24 Q. And what did you do with this money?

11:28:00 25 A. Deposit it.

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11:28:52 1 Q. All right. Next.

11:28:58 2 Did you receive this check dated

3 12/21/2010 in the amount of \$30,000?

11:29:05 4 A. Yes.

11:29:06 5 Q. And what did you do with his check?

11:29:09 6 A. Deposit it.

11:29:10 7 Q. Where?

11:29:10 8 A. Bank of America.

11:29:11 9 Q. And is that your endorsement?

11:29:13 10 A. Yes.

11:29:14 11 Q. On the back of the check?

11:29:16 12 A. Yes.

11:29:16 13 Q. Go to the next document.

11:29:19 14 Did you receive this check on or

15 about January 17th of 2011?

11:29:29 16 A. Yes.

11:29:30 17 Q. And why is this check in the amount of

18 20,000?

11:29:33 19 A. I don't know.

11:29:34 20 Q. Excuse me, 30,000?

11:29:36 21 A. 20.

11:29:37 22 Q. Well, no, it's --

11:29:39 23 A. 30?

11:29:40 24 Q. The -- it looks like it's 20. I misread

25 it as well. But the amount you'll see typed out is

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11:28:02 1 Q. And you endorsed the back of the check?

11:28:04 2 A. Yes.

11:28:05 3 Q. And what did you -- and is that money

4 still there?

11:28:09 5 A. Don't know.

11:28:10 6 Q. Is it -- and you put it in Bank of

7 America?

11:28:13 8 A. Yes.

11:28:13 9 Q. All right. Would you go to the next

10 check.

11:28:21 11 This is a check for November of 2010

12 and this too is in the amount of \$30,000. Do you know

13 why this was less than the other amounts previously

14 received up through and including September?

11:28:36 15 A. I don't know.

11:28:37 16 Q. What did you do this with check?

11:28:38 17 A. Deposit it.

11:28:40 18 Q. And is that your endorsement on the back

19 of the check?

11:28:42 20 A. Yes.

11:28:43 21 Q. And what did you do -- and where did you

22 deposit the check?

11:28:46 23 A. Say again.

11:28:48 24 Q. Where did you deposit this check?

11:28:50 25 A. Bank of America.

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1 30,000 and zero cents.

11:29:52 2 A. Right.

11:29:52 3 Q. All right. And do you know why this was

4 \$30,000?

11:29:55 5 A. Don't know.

11:29:56 6 Q. And what did you do with this check?

11:29:59 7 A. Deposit it.

11:30:01 8 Q. And where did you deposit this check?

11:30:03 9 A. Bank of America.

11:30:04 10 Q. And is that money still there?

11:30:06 11 A. Don't know.

11:30:06 12 Q. Did you ever receive any other checks?

11:30:10 13 A. I don't know. Don't remember.

11:30:12 14 Q. Did you ever have any sort of disputes or

15 disagreements with anyone that was sending you these

16 checks?

11:30:20 17 A. Say it again, please.

11:30:22 18 Q. Did you ever have any disputes or

19 disagreements about how much you were owed or the

20 amount that was sent to you?

11:30:31 21 A. Who dispute?

11:30:32 22 Q. Disputes? Did you have, ever have any

23 arguments or disagreements? You don't understand the

24 word "argument"?

11:30:40 25 A. But whom?

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11:30:40 1 Q. I'm asking you with anyone --

11:30:41 2 A. No.

11:30:42 3 Q. -- concerning any of this?

11:30:43 4 A. No.

11:30:44 5 Q. All right.

11:31:10 6 (Plaintiffs' Exhibit No. 6 marked.)

11:31:13 7 BY MR. CAMPBELL:

11:31:14 8 Q. I show you Exhibit No. 6, the second page.

11:31:18 9 Do you remember receiving that

10 document?

11:31:22 11 A. Don't remember.

11:31:23 12 Q. You don't remember.

11:31:26 13 What is the date of this document?

11:31:30 14 A. March 25th, 2011.

11:31:34 15 Q. All right. So this year. Last spring you

16 received this document, is that --

11:31:41 17 MR. SACHS: She said she didn't remember.

11:31:43 18 MR. CAMPBELL: I understand. I'm going to

19 withdraw. I was just about to withdraw.

11:31:46 20 MR. SACHS: Okay.

11:31:47 21 BY MR. CAMPBELL:

11:31:47 22 Q. This document is dated in the spring of

23 2011, correct? Right?

11:31:51 24 A. March.

11:31:52 25 Q. 25th.

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11:32:41 1 Q. Piazza.

11:32:41 2 And who is this from?

11:32:46 3 A. Piazza Management Company.

11:32:48 4 Q. Did you believe that this document is

5 related in any way to the moneys that you were

6 receiving?

11:32:55 7 A. I don't know.

11:32:57 8 Q. Okay. Read it into the record, please.

11:33:06 9 A. Out loud or by myself?

11:33:09 10 Q. Out loud.

11:33:09 11 A. "As you are aware, you have received

11:33:13 12 certain checks related to a transaction

11:33:17 13 involving your late husband as follows:

11:33:23 14 "Check 1352, November 11, 2011,

15 30,000.

11:33:35 16 "Check No. 1395, December 21st,

11:33:42 17 2011, 30,000.

11:33:44 18 "Check No. 1423, dated

11:33:49 19 January 17th, 2011, 30,000.

11:33:53 20 "Check No. 1441, date

11:33:58 21 February 15, 2011, 30,000.

11:34:03 22 "Total amount, \$120,000.

11:34:09 23 "Please be advised that these

24 checks were sent to you due to a bookkeeping

25 error. The above amount must be returned

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11:31:52 1 A. 25th.

11:31:53 2 Q. It was sent to you by overnight delivery;

3 is that correct?

11:31:58 4 A. Correct.

11:32:01 5 Q. And it is addressed to you, Kimtran

6 Rizzolo?

11:32:04 7 A. Yes.

11:32:05 8 Q. And 3140 South Bronco Street is where you

9 live, correct?

11:32:09 10 A. Correct.

11:32:11 11 Q. Read -- and where -- who is this from?

11:32:18 12 A. I don't know.

11:32:18 13 Q. Was does it say?

11:32:18 14 A. Piazza Management Company.

11:32:21 15 Q. All right. And you had been receiving

16 checks from Piazza for many months, correct?

11:32:30 17 A. I don't remember.

11:32:31 18 Q. You don't remember --

11:32:32 19 A. This is two different things.

11:32:34 20 MR. SACHS: Right.

11:32:34 21 MR. CAMPBELL: Okay. I'm not asking you.

11:32:36 22 MR. SACHS: But she answered.

11:32:37 23 BY MR. CAMPBELL:

11:32:38 24 Q. Who did you receive a check from?

11:32:40 25 A. Vincent Piazza.

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1 immediately. Please send a check in the

2 amount of \$120,000 payable to Vince Piazza

3 immediately."

11:34:29 4 Q. Who is Vince Piazza?

11:34:31 5 A. I don't know.

11:34:32 6 Q. What's the name on this check?

11:34:34 7 A. That's Vince Piazza.

11:34:36 8 Q. Okay. So you understood that this is

9 related to this, or this check?

11:34:42 10 A. Yes.

11:34:43 11 Q. Okay. When did you, when did you come to

12 that understanding?

11:34:50 13 A. When they said this amount.

11:34:51 14 Q. All right. The 120,000?

11:34:54 15 A. Check number and the --

11:34:55 16 Q. The check numbers. Okay.

11:34:56 17 A. -- and the date.

11:34:57 18 Q. The check numbers?

11:34:58 19 A. And the date.

11:34:59 20 Q. All right. So you did understand when you

21 received this document that this did in fact relate to

22 the checks you were receiving from Vince Piazza?

11:35:09 23 A. They say payable to Vince, Vince Piazza,

24 so I know it's related to this one.

11:35:14 25 Q. Right. And why did you tell me you didn't

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1 know that?

11:35:17 2 A. Because this one, Piazza Management
 3 Company, and this Vincent Piazza, so I don't know this
 4 one will go together. I don't know.

11:35:25 5 Q. But it says right in the body of the
 6 letter, doesn't it?

11:35:30 7 A. The bottom say, now I read it, it says
 8 "Vincent Piazza immediately." You ask me who is
 9 Piazza Management, I don't know who is.

11:35:38 10 Q. I did not ask that question.

11:35:40 11 MR. SACHS: Let's not get argumentative
 12 about this.

11:35:43 13 MR. CAMPBELL: That's right. I agree with
 14 you entirely.

11:35:44 15 BY MR. CAMPBELL:

11:35:44 16 Q. So don't argue with me. I did not ask you
 17 to -- ask you that question. My question is very
 18 straightforward.

11:35:50 19 MR. SACHS: I believe you did.

11:35:51 20 THE WITNESS: You did. You asked --

11:35:51 21 BY MR. CAMPBELL:

11:35:52 22 Q. I asked whether or not it was connected.
 23 Did you believe that this was connected to this? And
 24 you said you didn't know. Not a big argument. I
 25 don't want to argue with you. Okay?

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11:37:08 1 Q. Well, now you gave me two answers to the
 2 same question.

11:37:12 3 A. I don't remember --

11:37:12 4 Q. Just a second.

11:37:12 5 The first answer was "No." And then
 6 you say, "I don't remember." Which is it?

11:37:16 7 A. I don't remember.

11:37:17 8 Q. Okay. What did you do after you got this
 9 letter from Piazza Management Company dated
 10 March 25th, 2011?

11:37:33 11 A. Don't remember.

11:37:34 12 Q. Well, they, they told you that you
 13 received \$120,000 that you were not entitled to,
 14 correct?

11:37:40 15 A. Correct.

11:37:41 16 Q. Did you send that money back?

11:37:42 17 A. No.

11:37:43 18 Q. Why not?

11:37:45 19 A. I don't have money.

11:37:47 20 Q. You don't have money?

11:37:48 21 A. Yes. To send back.

11:37:51 22 Q. So you don't have 120,000 to send back; is
 23 that correct?

11:37:55 24 A. No.

11:37:56 25 Q. Did you communicate that to them?

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11:36:00 1 A. Yes.

11:36:00 2 Q. All right. Next question.

11:36:02 3 All right. All right. It says:
 11:36:04 4 "Please call me if you have any
 5 questions."
 6 Did you ever call them?

11:36:06 7 A. No.

11:36:08 8 Q. So you never called anyone at Piazza
 9 Management Company or anyone connected with
 10 Mr. Piazza; is that correct?

11:36:20 11 A. You ask the wrong question.

11:36:22 12 Q. No. I asked the right question.

11:36:25 13 MR. SACHS: Can we have the question
 14 repeated.

11:36:27 15 MR. CAMPBELL: Sure.
 10:20:56 16 (Record read as follows):
 11:36:35 17 "Q. So you never called anyone
 18 at Piazza Management Company or anyone
 19 connected with Mr. Piazza; is that correct?"

11:36:45 20 THE WITNESS: Don't remember.

11:36:50 21 BY MR. CAMPBELL:

11:36:50 22 Q. Who is Richard D. Orlow?

11:36:54 23 A. I don't know.

11:36:56 24 Q. Have you ever spoken to Richard D. Orlow?

11:36:59 25 A. No. Don't remember.

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11:37:58 1 A. No.

11:37:58 2 Q. All right. So you didn't tell them that
 3 you had CDs?

11:38:06 4 A. I don't remember.

11:38:09 5 Q. But you do have CDs. You have, you have
 6 the money to pay that \$120,000 back, don't you?

11:38:15 7 A. I do. But I don't have -- the CD is not
 8 mature. I cannot get the money to pay them.

11:38:21 9 Q. And you receive money from an annuity
 10 every month; is that correct?

11:38:26 11 A. Yes.

11:38:27 12 Q. And you have other cash accounts; is that
 13 correct?

11:38:30 14 A. Yes.

11:38:31 15 Q. But you haven't sent that money back,
 16 correct?

11:38:34 17 A. Correct.

11:38:35 18 Q. Is that -- is it your intention to pay
 19 that money back?

11:38:39 20 A. I -- no.

11:38:40 21 Q. Why?

11:38:41 22 A. I don't have money now.

11:38:43 23 Q. You don't have money now. Okay.
 11:38:59 24 (Plaintiffs' Exhibit No. 7 marked.)
 11:38:59 25 ///

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11:39:22 1 BY MR. CAMPBELL:
 11:39:22 2 Q. Do you know who Dominic Gentile is?
 11:39:29 3 A. Dominic Gentile? I do.
 11:39:33 4 Q. Who is he?
 11:39:36 5 A. He's a lawyer.
 11:39:38 6 Q. And when did you first meet him?
 11:39:42 7 A. Don't remember.
 11:39:43 8 Q. How long ago did you first meet him?
 11:39:45 9 A. Don't remember.
 11:39:48 10 Q. When is the last time you spoke to him?
 11:39:52 11 A. Don't remember.
 11:39:55 12 Q. What did you speak to him about?
 11:39:58 13 A. I don't remember.
 11:40:19 14 Q. Have you ever seen that document?
 11:40:39 15 A. Ask the question again.
 11:40:41 16 Q. Have you ever seen that document before?
 11:40:43 17 A. No.
 11:40:46 18 (Plaintiffs' Exhibit No. 8 marked.)
 11:41:05 19 BY MR. CAMPBELL:
 11:41:05 20 Q. Showing you what has been marked in this
 21 action as Exhibit No. 8 consisting of four pages.
 11:41:14 22 Would you look at that document and
 23 tell me if you've ever seen any of those documents
 24 before.
 11:41:27 25 A. No.

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11:42:28 1 A. Ask the question again, please.
 11:42:30 2 Q. You've never seen any of the documents in
 3 Exhibit No. 8?
 11:42:33 4 A. No.
 11:42:34 5 Q. All right. Who is John Dawson?
 11:42:37 6 A. I don't know.
 11:42:37 7 Q. Have you ever -- you don't know? Have you
 8 ever heard of his name before?
 11:42:43 9 A. No.
 11:42:43 10 Q. Okay.
 11:44:04 11 MR. SACHS: If you are uncomfortable, you
 12 can stand up.
 11:44:08 13 THE WITNESS: Yeah.
 11:44:15 14 BY MR. CAMPBELL:
 11:44:16 15 Q. Do you recall the last time you actually
 16 spoke to Lisa Rizzolo?
 11:44:24 17 A. Don't remember.
 11:44:26 18 Q. Do you recall the last thing you talked
 19 about, the last subject?
 11:44:32 20 A. Don't remember.
 11:44:40 21 Q. Are you -- withdraw.
 11:44:45 22 With respect to Exhibit No. 6,
 23 page 2, did you give this document to any person?
 11:45:01 24 A. Don't remember.
 11:45:04 25 MR. SACHS: I'm going to object to her

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11:41:28 1 Q. Have you -- what conversations have you
 2 ever had -- withdraw.
 11:41:33 3 What was the topic of conversations,
 4 of any conversations that you've had with Dominic
 5 Gentile?
 11:41:42 6 A. Ask the question again, please.
 11:41:46 7 Q. You've spoken to Dominic Gentile?
 11:41:51 8 A. I don't remember, though.
 11:41:52 9 Q. You don't remember what you spoke to him
 10 about?
 11:41:54 11 A. No.
 11:41:55 12 Q. You don't remember how many times you
 13 spoke to him?
 11:41:57 14 A. No.
 11:41:58 15 Q. Don't remember where you spoke to him?
 11:42:00 16 A. No.
 11:42:02 17 Q. All right. Don't remember for how long
 18 you spoke to him?
 11:42:04 19 A. No.
 11:42:05 20 Q. And you don't remember what you spoke to
 21 him about, correct?
 11:42:10 22 A. No.
 11:42:11 23 Q. Okay.
 11:42:18 24 And you have never seen any of the
 25 documents in Exhibit No. 8, correct?

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1 answer to whether or not she had seen the document --
 11:45:10 2 MR. CAMPBELL: She's already answered it.
 11:45:12 3 MR. SACHS: Well, you can't ask these
 4 trick questions.
 11:45:14 5 MR. CAMPBELL: There is no trick question
 6 here.
 11:45:16 7 MR. SACHS: Sure, you asked her --
 11:45:17 8 MR. CAMPBELL: That's a speaking
 9 objection. If you have a problem, then we can get the
 10 judge on the phone.
 11:45:22 11 MR. SACHS: We can't have a problem unless
 12 you and I talk first and decide that we have a
 13 problem.
 11:45:26 14 MR. CAMPBELL: No, you're speaking -- you
 15 are giving a speaking objection.
 11:45:34 16 It's almost noon. I think we have
 17 come to an end for today. Hold on a second.
 11:46:01 18 (Discussion held off the record.)
 11:46:07 19 MR. CAMPBELL: We have a few more
 20 questions, but we'd like to find out when we are going
 21 to get the documents and interrogatories.
 11:46:20 22 MR. SACHS: I spoke with somebody
 23 yesterday from your office. I would say you are going
 24 to get responses by the middle of next week.
 11:46:32 25 MR. CAMPBELL: Okay. All right. You know

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1 they are due.

11:46:38 2 MR. SACHS: Yes.

11:46:38 3 MR. CAMPBELL: So you're going to get them

4 to us when?

11:46:42 5 MR. SACHS: By the -- I'm trying to get

6 them by Wednesday of next week.

11:46:45 7 MR. CAMPBELL: Okay.

11:46:45 8 MR. SACHS: If I can get them there

9 sooner, I will get them sooner.

11:46:48 10 MR. CAMPBELL: Okay.

11:46:48 11 MR. SACHS: As I looked over the

12 interrogatories, I mean, notice to produce, I might

13 get them sooner. Because as I just peruse them, I

14 think the answer is going to be no documents that she

15 has.

11:46:59 16 MR. CAMPBELL: Well, she's already told us

17 that she has those documents.

11:47:02 18 MR. SACHS: Some documents what she has.

11:47:03 19 MR. CAMPBELL: I mean, we've gotten no

20 documents from you.

11:47:05 21 MR. SACHS: No.

11:47:05 22 MR. CAMPBELL: You don't have anything on

23 any estate.

11:47:08 24 MR. SACHS: No.

11:47:08 25 MR. CAMPBELL: Apparently, no estate has

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1 When is the last time you saw Rick Rizzolo?

11:48:09 2 A. Don't remember.

11:48:14 3 Q. What was the last thing you talked to him

4 about?

11:48:20 5 A. Don't remember.

11:48:24 6 Q. Have you ever given Rick Rizzolo any

7 money?

11:48:28 8 A. No.

11:48:30 9 Q. Have you ever given him any checks?

11:48:35 10 A. To whom?

11:48:35 11 Q. Rick Rizzolo?

11:48:36 12 A. No.

11:48:38 13 Q. Have you ever arranged for any money to go

14 to Rick Rizzolo?

11:48:43 15 A. What is that question?

11:48:44 16 Q. Have you -- you don't understand that

17 question? "Arranged," you don't know what that means?

11:48:48 18 A. No. Ask the whole question again.

11:48:53 19 Q. Have you ever arranged for moneys to be

20 transferred to Rick Rizzolo?

11:48:56 21 A. No.

11:48:58 22 Q. Have you ever arranged for moneys to be

23 transferred to Lisa Rizzolo?

11:49:03 24 A. No.

11:49:03 25 Q. Or Dominic Rizzolo?

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1 been opened of any kind.

11:47:11 2 MR. SACHS: I have no idea about that.

11:47:12 3 MR. CAMPBELL: Well, I mean, that's your

4 job to produce these with her.

11:47:14 5 MR. SACHS: If she has them, yes.

11:47:17 6 MR. CAMPBELL: And she says that you

7 haven't even tried to do that yet, so...

11:47:20 8 MR. SACHS: That's true.

11:47:21 9 MR. CAMPBELL: Okay. So she has another

10 attorney, Mr. Scow, and so -- you know, she is getting

11 money from all these other sources. This is a

12 fraudulent transfer case. We are entitled to all this

13 information. We haven't gotten any of it.

11:47:35 14 So if it turns up that we don't have

15 any, you know, information that we are entitled to and

16 that she spoke about, you know, well, we will address

17 it at that time.

11:47:42 18 BY MR. CAMPBELL:

11:47:42 19 Q. But for now, we don't have the ability to

20 ask you about any of that additional information

21 because you don't remember and you have not looked at

22 the documents.

11:47:54 23 So I would like to talk to you then

24 just about Mr. Rizzolo at this point.

11:48:02 25 When is the last -- Rick Rizzolo.

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11:49:05 1 A. No.

11:49:06 2 Q. Or any of the Rizzolos' daughters?

11:49:10 3 A. No.

11:49:11 4 Q. All right. Have you ever arranged for

5 moneys to be distributed or to be given to Rick

6 Rizzolo or for Rick Rizzolo at any time?

11:49:23 7 A. No.

11:49:26 8 Q. Okay. Has Rick Rizzolo ever given you

9 moneys?

11:49:32 10 A. No.

11:49:33 11 Q. Has he ever deposited money or arranged

12 financial moneys or credits to your accounts?

11:49:44 13 A. No.

11:50:04 14 Q. Is your daughter on any of your accounts?

11:50:10 15 A. Yes.

11:50:12 16 Q. On what accounts?

11:50:18 17 A. Don't remember.

11:50:20 18 Q. Have you engaged in any financial

19 transactions involving more than \$10,000 in the last

20 year?

11:50:28 21 A. I don't remember.

11:50:32 22 Q. Do you have any problem with your memory

23 ordinarily?

11:50:41 24 A. What does that mean?

11:50:42 25 Q. Do you have any medical problem that

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1 affects your memory?
 11:50:48 2 A. That is diagnosed?
 11:50:50 3 Q. Yes. Have you been diagnosed with any
 4 medical problem that affects your memory?
 11:50:54 5 A. No.
 11:50:55 6 Q. All right. Do you believe that you have a
 7 problem with your memory?
 11:50:57 8 A. I do believe.
 11:50:59 9 Q. And why do you believe that?
 11:51:06 10 A. Old age.
 11:51:07 11 Q. Old age. And you are how old now?
 11:51:07 12 A. 60.
 11:51:08 13 Q. Are you on any medication?
 11:51:08 14 A. No.
 11:51:08 15 Q. Do you have a physician? Who's, who's
 16 your doctor?
 11:51:13 17 A. Dr. Lewis, Michelle Lewis.
 11:51:16 18 Q. And what type of doctor?
 11:51:18 19 A. Gynecology.
 11:51:18 20 Q. All right. Any other doctors?
 11:51:21 21 A. No.
 11:51:22 22 Q. Okay. Are you in good health otherwise?
 11:51:26 23 A. So-so.
 11:51:27 24 MR. CAMPBELL: Okay. All right. We are
 25 going to, we are not going to terminate this

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11:52:27 1 MR. CAMPBELL: No. I don't know. So we
 2 are going to get a translator to make sure. It's just
 3 going to make it easier for you and easier for me.
 11:52:34 4 THE WITNESS: Easier for me, but don't
 5 pretend like I don't want to answer.
 11:52:39 6 MR. CAMPBELL: We don't, we don't make
 7 that determination. That will be made by the jury in
 8 your case.
 11:52:45 9 THE WITNESS: What you just said. I
 10 pretend don't remember.
 11:52:49 11 MR. CAMPBELL: No, I didn't say you
 12 pretended not to remember. I didn't say that.
 11:52:54 13 THE WITNESS: You did.
 11:52:54 14 MR. CAMPBELL: No. No, I'm sorry. You
 15 misunderstood me. And I'm sorry if you misunderstood
 16 me. Okay.
 11:53:02 17 THE VIDEOGRAPHER: This concludes the
 18 videotaped deposition of Kimtran Rizzolo consisting of
 19 two tapes.
 11:53:08 20 The original tapes of today's
 21 testimony will remain in the custody of Las Vegas
 22 Legal Video.
 11:53:13 23 The time is approximately 11:53 a.m.
 24 We are going off the record.
 11:53:19 25 COURT REPORTER: Mr. Sachs, would you like

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1 deposition at this time. At least for now we are
 2 going to recess it to possibly resume it. Depends on
 3 what we get.
 11:51:39 4 MR. SACHS: Okay.
 11:51:40 5 MR. CAMPBELL: And if we do resume, we are
 6 definitely resuming it with a -- with an interpreter
 7 because. She says that she --
 11:51:49 8 MR. SACHS: I have no objection.
 11:51:50 9 MR. CAMPBELL: She says she doesn't
 10 understand a lot of very simple words that we, you
 11 know, we believe that she should understand but she
 12 says she doesn't.
 11:52:02 13 THE WITNESS: Why you say that? Being
 14 mean?
 11:52:06 15 MR. CAMPBELL: No. No. Not being mean.
 16 We just --
 11:52:08 17 THE WITNESS: Why I pretend?
 11:52:10 18 MR. CAMPBELL: I don't know. I don't
 19 know. But I think we need a translator.
 11:52:15 20 THE WITNESS: Because you pretend to ask
 21 me and so why? You think I pretend to answer?
 11:52:20 22 MR. CAMPBELL: No. What I, what I think
 23 is that a translator would help. That's what I mean.
 11:52:25 24 THE WITNESS: You don't say what you're
 25 not sure.

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1 a copy of this deposition?
 11:53:23 2 MR. SACHS: Maybe at the end I might want
 3 it.
 11:53:26 4 MR. BAILUS: I'm going to want a copy.
 11:53:29 5 (Whereupon, the deposition concluded at 11:53 a.m.)
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1 CERTIFICATE OF DEPONENT

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1 REPORTER'S DECLARATION

2

3 STATE OF NEVADA }
4 COUNTY OF CLARK } ss

5

6 I Denise R. Kelly, CCR #252, RPR, do hereby
declare:

7 That I reported the taking of the deposition of
the witness, KIMTRAN "KIM" RIZZOLO, commencing on
8 Wednesday, October 12, 2011, at the hour of 9:11 a.m.

9 That prior to being examined, the witness was
by me duly sworn to testify to the truth, the whole
truth, and nothing but the truth.

10 That I thereafter transcribed my said shorthand
notes into typewriting and that the typewritten
11 transcript of said deposition is a complete, true, and
accurate transcription of my said shorthand notes
12 taken down at said time.

13 During the deposition the deponent was
advised of the opportunity to read and sign the
deposition transcript. The deponent will be notified
14 by letter of the availability to read and sign the
transcript. After 30 days the original transcript will
15 be sent to Donald J. Campbell, Esq.

16 I further certify that I am not a relative
or employee of an attorney or counsel of any of
the parties, nor a relative or employee of any
17 attorney or counsel involved in said action,
nor a person financially interested in the
18 action.

Dated this 15th day of October, 2011.

19

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23

Denise R. Kelly
CCR #252, RPR

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1 CERTIFICATE OF DEPONENT

2 PAGE LINE CHANGE REASON

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15 *****
16 I, KIMTRAN "KIM" RIZZOLO, deponent herein, do
hereby certify and declare under penalty of perjury
the within and foregoing transcription to be my
17 deposition in said action; that I have read, corrected
18 and do hereby affix my signature to said deposition.

19

20

21 KIMTRAN "KIM" RIZZOLO

Deponent

22

23

24 This _____ day of _____, 2011.

25

REPORTED BY: DENISE R. KELLY, CCR #252, RPR
CSR ASSOCIATES OF NEVADA (702)382-5015

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