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BEFORE THE WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

SHUTTLE EXPRESS, INC.,)
) Docket Nos. TC-143691
Petitioner and)
) TC-160516
Complainant,)
) TC-161257
vs.)
SPEEDISHUTTLE WASHINGTON,)
)
LLC,)
)
Respondent.)

DEPOSITION UPON ORAL EXAMINATION

OF

JACK ROEMER

9:30 a.m.

March 28, 2017

2801 Alaskan Way

Seattle, Washington

REPORTED BY: Margaret Walkky, CCR, RPR, RMR, CRR
Court Reporter, License No. 2540

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A P P E A R A N C E S

FOR PETITIONER AND COMPLAINANT:

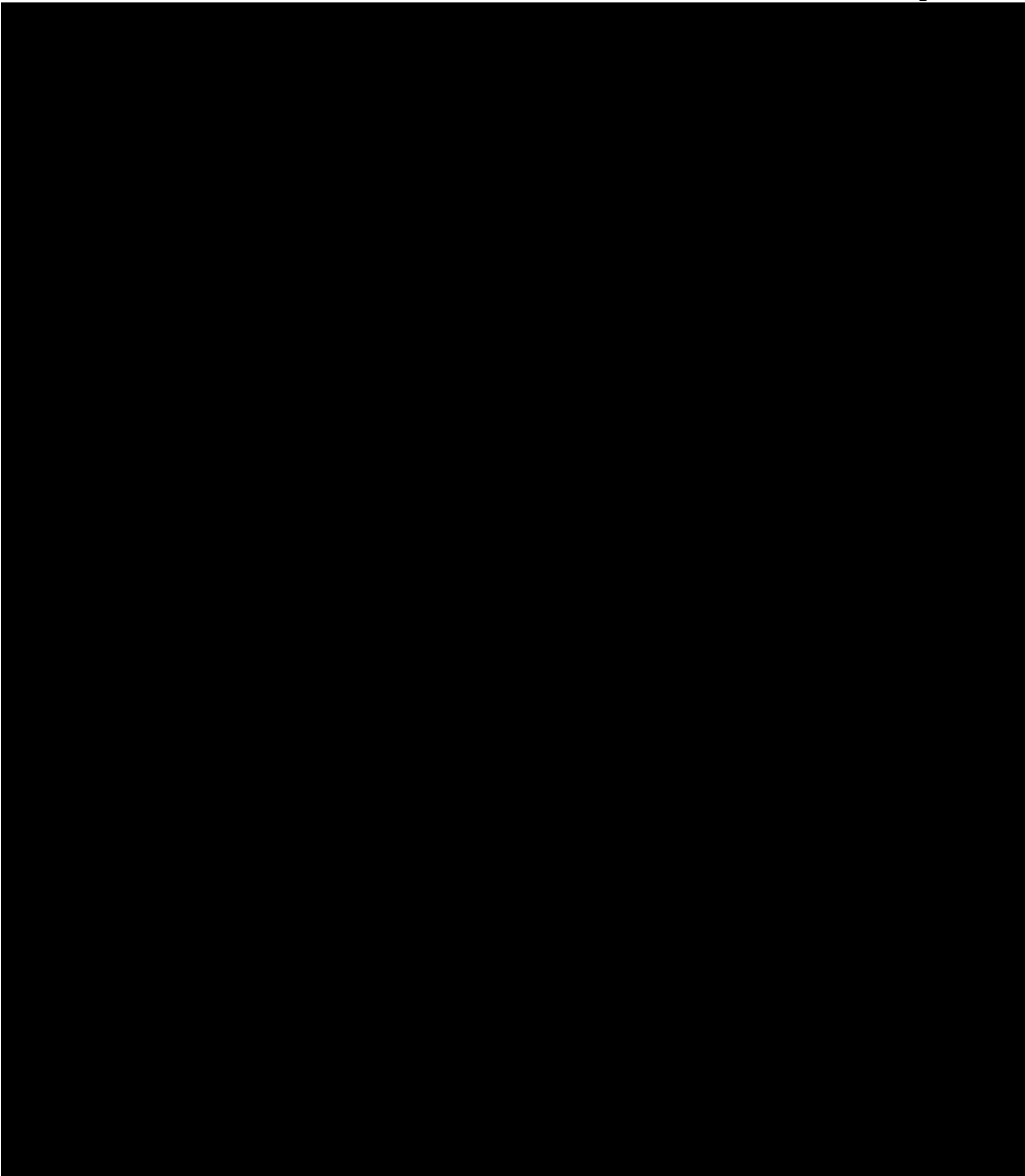
BROOKS E. HARLOW
Lukas LaFuria, Gutierrez & Sachs
8300 Greensboro Dr., Ste 1200
Tysons, Virginia 22102
703-584-8680
bharlow@fcclaw.com

FOR RESPONDENT:

BLAIR L. FASSBURG
DAVID W. WILEY
Williams Kastner & Gibbs
601 Union, Ste 4100
Seattle, Washington 98101
206-628-6600
bfassburg@williamskastner.com
dwiley@williamskastner.com

ALSO PRESENT:

Wes Marks
Don Wood (by phone)



25

Q. What is your title with the company,

1 SpeediShuttle? I'm calling it the company here or
2 SpeediShuttle.

3 MR. FASSBURG: I'm going to object to
4 form because you need to indicate which company
5 you're referring to.

6 Q. SpeediShuttle Washington LLC, what is
7 your title?

8 A. Chief financial officer.

9 Q. And do you have any other title with
10 that particular company?

11 A. No.

12 Q. Do you have a title with SpeediShuttle
13 of Hawaii?

14 A. There isn't a company called
15 SpeediShuttle of Hawaii.

16 Q. I don't know the name of it. What's
17 the name of it, please?

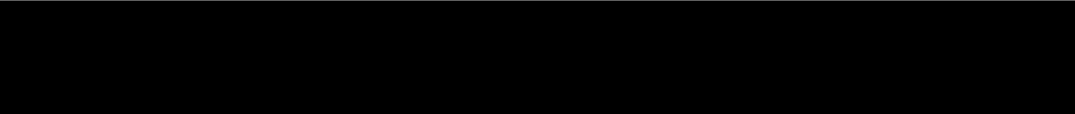
18 A. SpeediShuttle LLC.

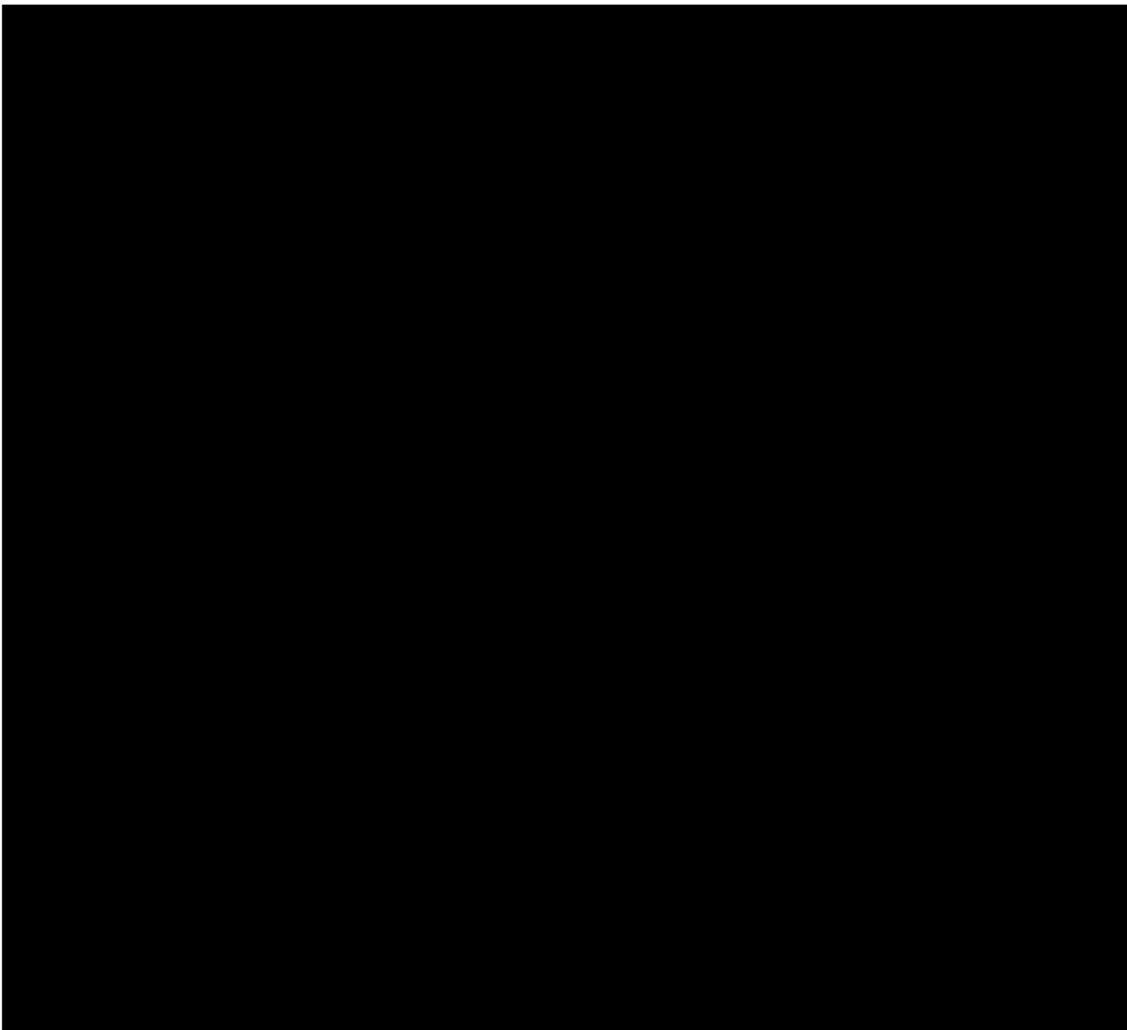
19 Q. Do you have a title with
20 SpeediShuttle LLC?

21 A. Chief financial officer.

22 Q. And so I take it you're an officer of
23 both companies?

24 A. That's correct.





16 Q. What are your duties with SpeediShuttle
17 Seattle as the chief financial officer?

18 A. Well, I suppose on paper I'm
19 responsible for finance, accounting, IT, legal, human
20 resources, regulatory compliance.

21 Q. When you say "legal," are you an
22 attorney?

23 A. No, I'm not.

24 Q. Have you ever gone to law school?

25 A. Yes, I have.

1 Q. Where did you go law school?

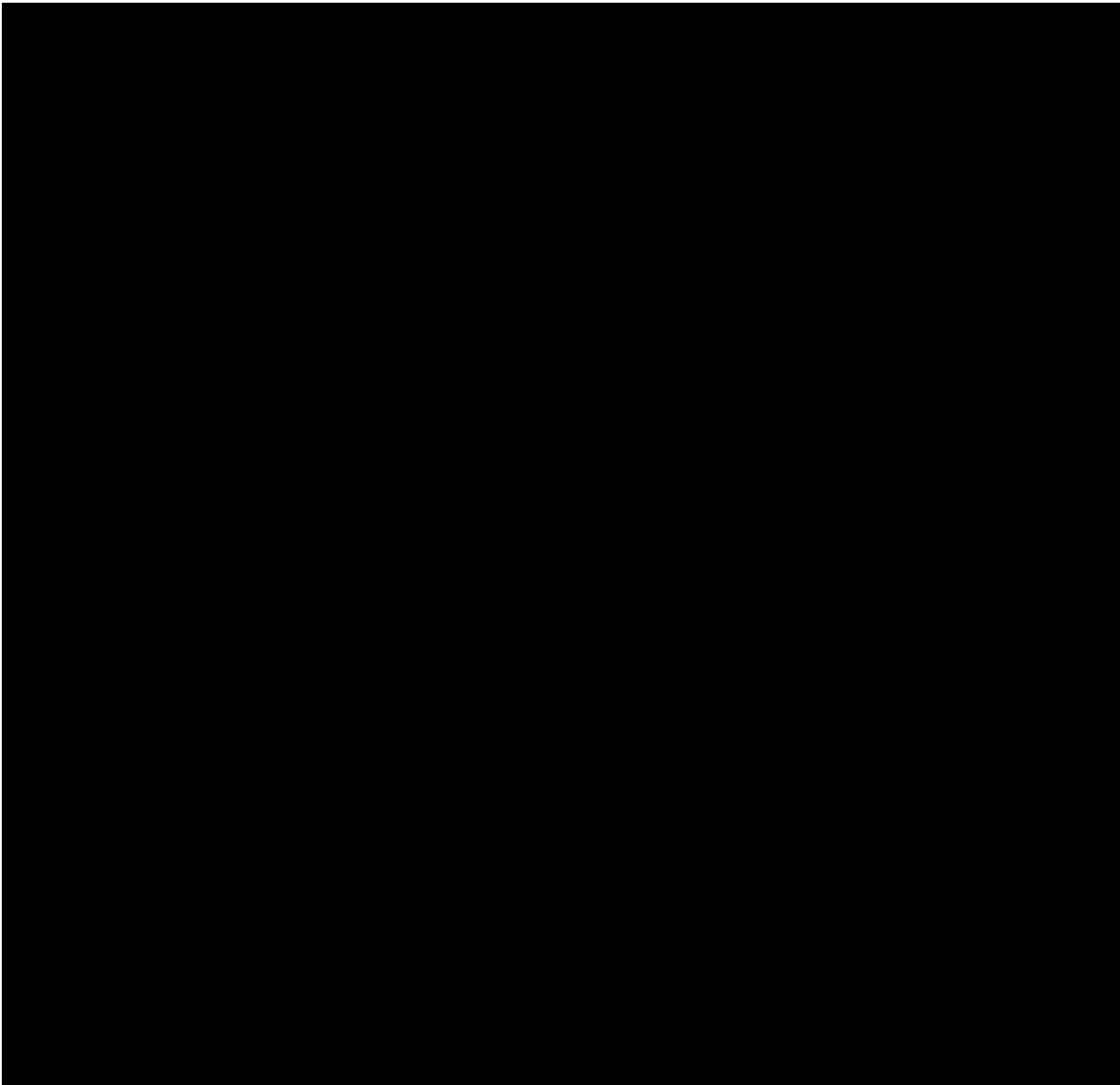
2 A. University of Utah.

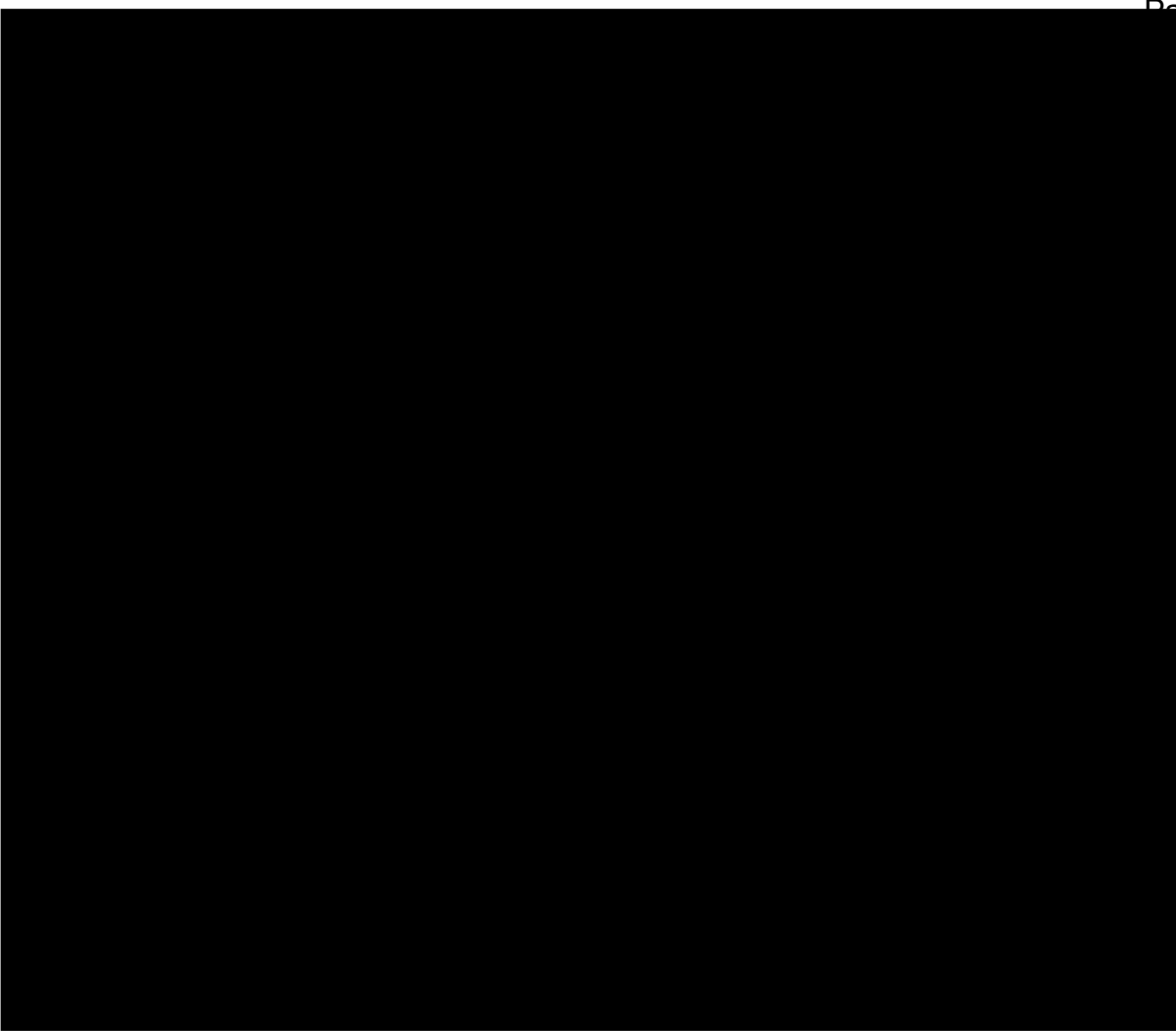
3 Q. How long did you go?

4 A. I think one semester.

5 Q. Have you had any other legal training
6 besides your semester in Utah?

7 A. Tax law.





16 Q. You filed an application and you
17 proposed to offer share ride auto transportation
18 service. Do you recall that?

19 A. Yeah. We did file an application, yes.

20 Q. Okay.

21 A. That's correct.

22 Q. Then by the time of the hearing, you
23 had some kind of a business plan that you wanted to
24 present to the Commission to support that
25 application; would that be a fair statement?

1 MR. FASSBURG: Objection, form.

2 A. No. I don't think we had a business
3 plan, no. I think that's a term that you are using.
4 We didn't have a business plan. We had a service
5 offering that we proposed to bring to the market.

6 Q. Describe your service offering as you
7 understand it.

8 A. Our service offering I think is best
9 described exactly the way we described it in our
10 application during the briefly adjudicated
11 proceeding. We use luxury vehicles. We provide
12 amenities that other operators don't provide. We
13 provide multilingual support for non-English speaking
14 guests. We provide free Wi-Fi. We provide
15 SpeediShuttle TV for tourists coming into the market.

16 Q. You mentioned amenities. Then you
17 mentioned multi-lingual, Wi-Fi, TV, luxury vehicles.
18 Can you think of any other amenities besides the ones
19 that you've mentioned so far?

20 A. I would have to refer back to the
21 testimony to get a complete list and I don't have it
22 in front of me.

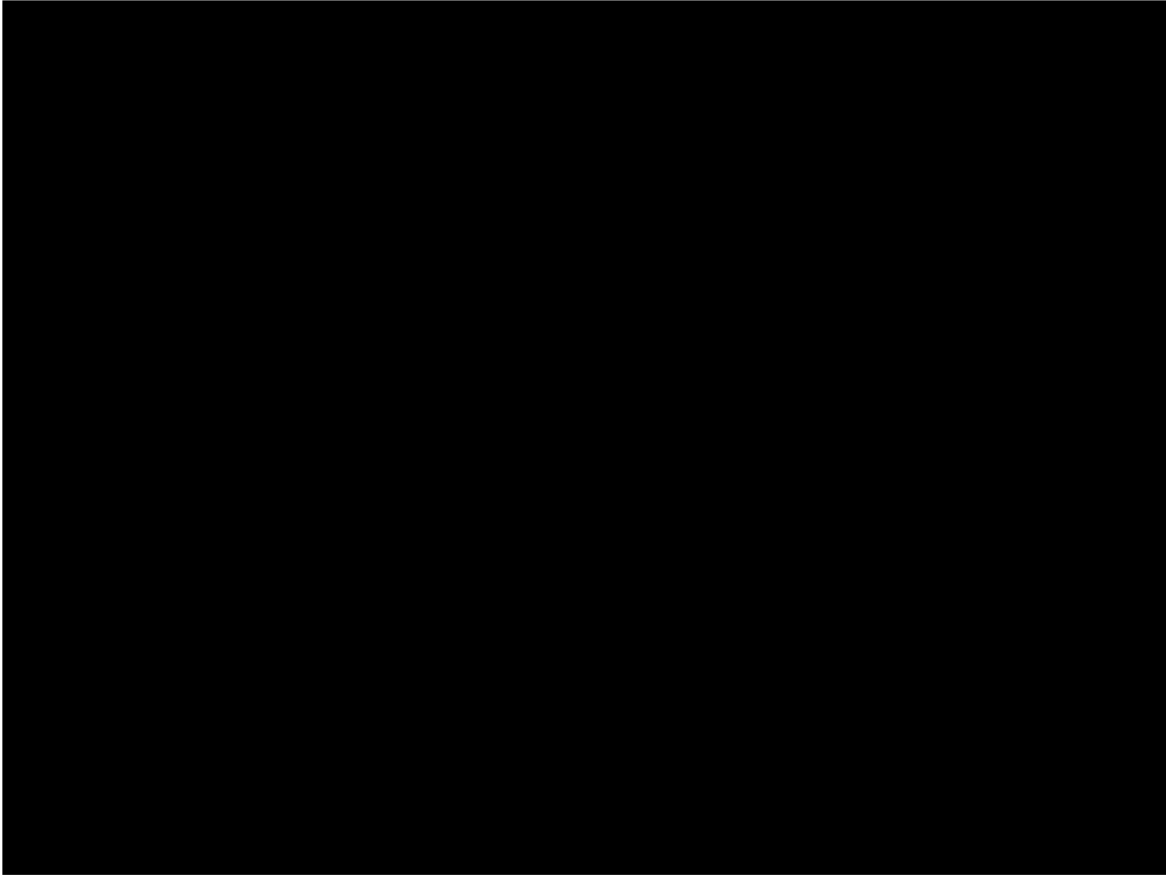
23 Q. What can you remember without having it
24 in front of you?

25 A. I just told you what I remember.

1 Q. Nothing else you can remember today?

2 A. I didn't say the list was definitive.

3 I said that is what I remember.



17 Q. Let's go back to your finance
18 responsibilities as the CFO of SpeediShuttle of
19 Washington. Do you have check signing authority for
20 the company?

21 A. No.

22 Q. Do you get access to the bank account
23 records of the company?

24 A. Yes.

25 Q. Who has check signing authority for the

1 company?

2 A. Cecil Morton.

3 Q. Who initiates a check, do you make a
4 request or does someone else make a request to
5 Mr. Morton or does he initiate them on his own?

6 A. Cecil doesn't initiate checks. We're a
7 business, okay? It's not you and your wife.

8 Q. Well, didn't you testify he's not
9 involved in the day-to-day operations of
10 SpeediShuttle Washington? Maybe I didn't ask you
11 that.

12 Is Mr. Morton involved in the
13 day-to-day operations of SpeediShuttle of Washington?

14 A. What is "involved"? Explain
15 what "involved" is. Is he aware of it, does he --

16 Q. Things like paying vendors with checks.

17 A. For Christ's sake, no.

18 Q. He does not do that?

19 A. He doesn't do it, no.

20 Q. But he signs the checks --

21 A. Right.

22 Q. So how does he know --

23 A. He has signature authority.

24 Q. -- that he needs to sign a check?

25 A. He has signature authority for the

1 checks.

2 Q. Okay.

3 A. He also has signature stamps.

4 Q. How does he know that he's supposed to
5 sign a check?

6 A. He doesn't actually sign them. We have
7 signature stamps.

8 Q. So who stamps them?

9 A. Today --

10 Q. Yes.

11 A. -- or six months ago, or when?

12 Q. Today. Let's start with today.

13 A. For Seattle, Phil Broderick.

14 Q. Does Mr. Broderick ask Mr. Morton
15 before he puts his stamp on it?

16 A. No, that comes from accounting, usually
17 from our controller.

18 Q. Okay. Who is your controller?

19 A. Alika Rogers. He's controller for
20 SpeediShuttle LLC. He's not controller of the
21 SpeediShuttle Washington. He just provides some
22 service.

23 Q. Such as check authorizations?

24 A. Uh-huh.

25 Q. Okay.

1 A. Accounts payable, --

2 Q. I'm just trying to understand.

3 A. -- accounts receivable.

4 Q. Okay. I just want to get the facts
5 straight.

6 So does SpeediShuttle of Washington
7 have a bank account in the State of Washington?

8 A. Yes.

9 Q. More than one?

10 A. Yes.

11 Q. How many?

12 A. Two.

13 Q. And what are they, are they purposed
14 for anything in particular?

15 A. One is our general account and the
16 other one is the payroll account.

17 Q. Do you have access to the ledgers and
18 statements of both of those accounts?

19 A. Yes.

20 Q. You testified in your testimony that
21 the company is, the company meaning SpeediShuttle of
22 Washington, is still losing money. Do you recall
23 that?

24 A. Yes.

25 Q. So is someone putting money into the

1 account from outside to pay costs of the operations?

2 A. We have different sources of funds,

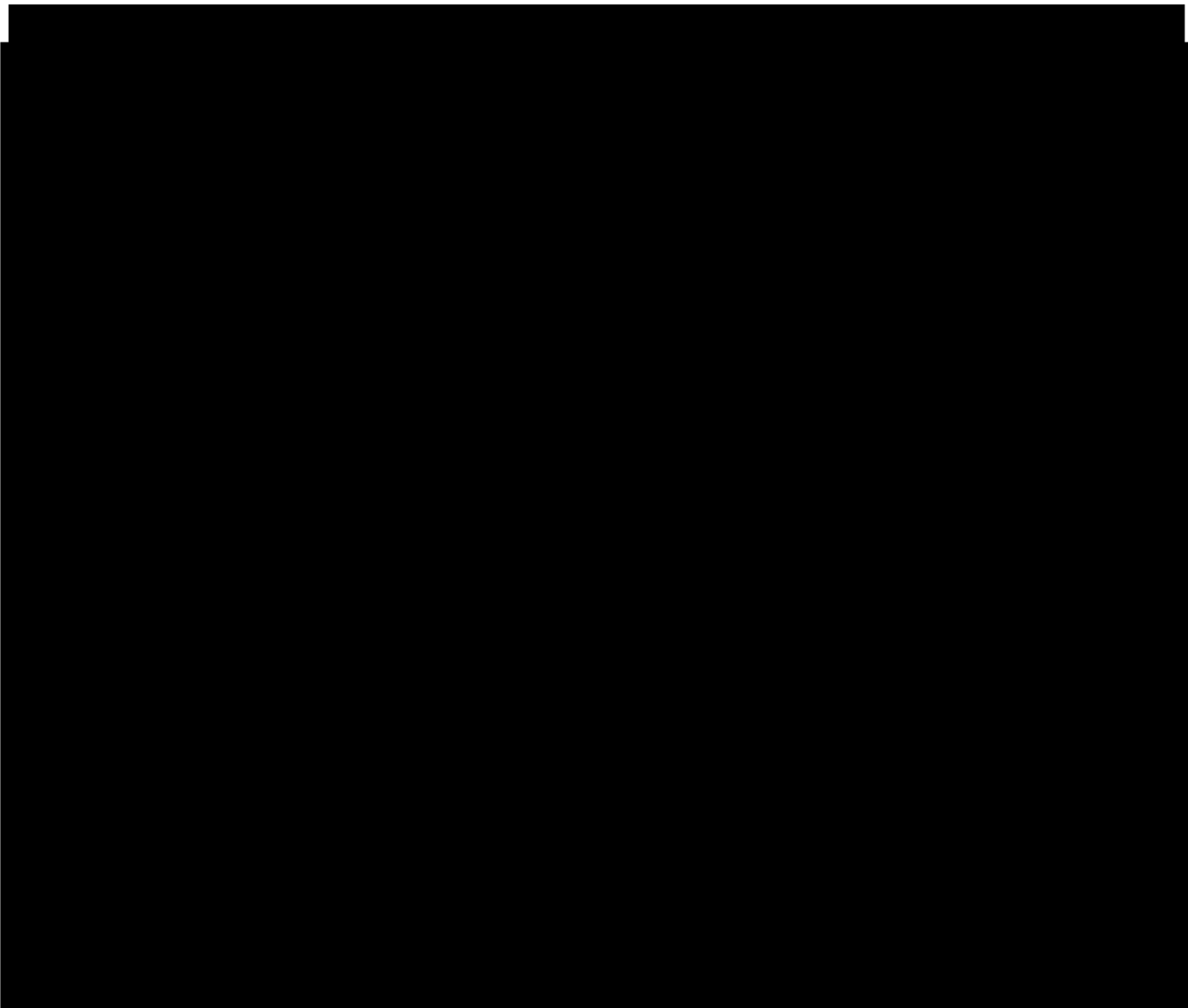
3 yes.

4 Q. And what are those sources of funds?

5 A. The sources of funds are a bank line of
6 credit and our members.

7 Q. Who are your members?

8 A. Cecil Morton and Patricia Morton.





6 Q. That's my question. What's the basis
7 for determining, --

8 A. You didn't ask that question.

9 Q. -- for setting a fare?

10 I'm asking you now?

11 A. Zip code.

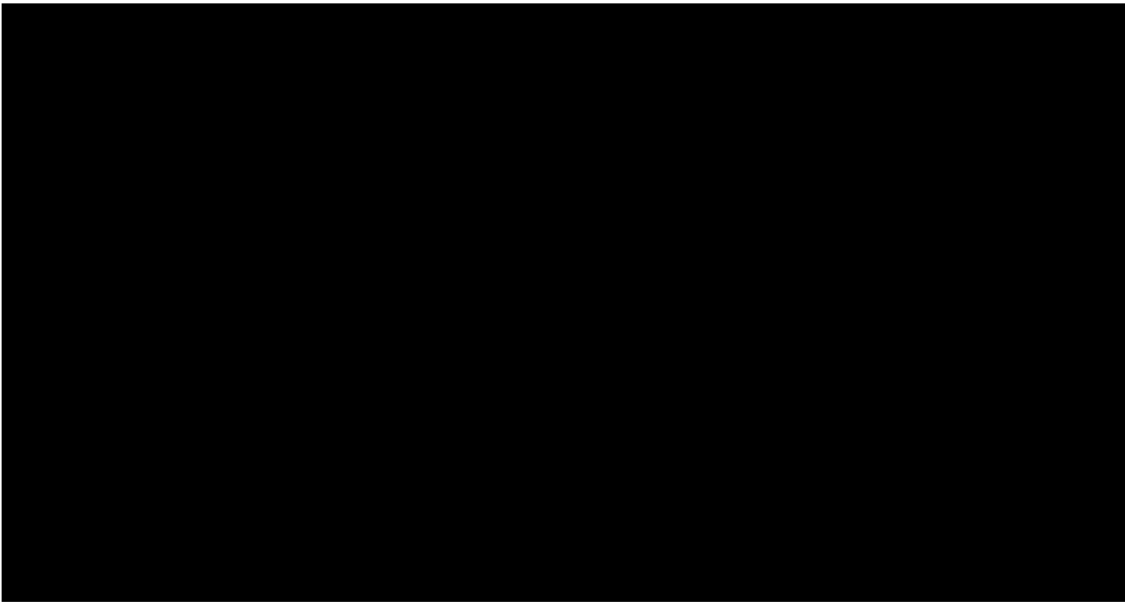
12 Q. Okay, the zip code, thank you.

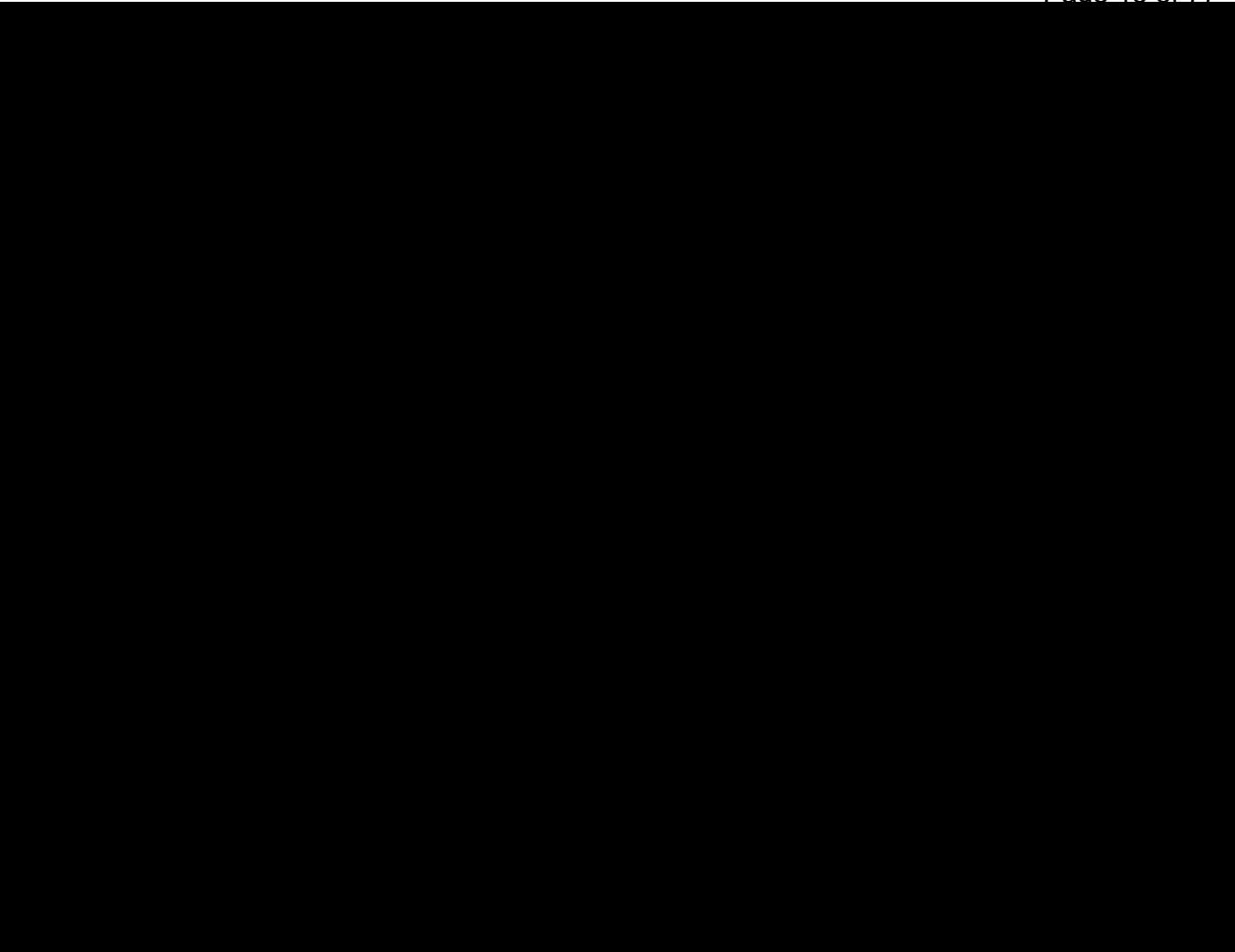
13 Are all your fares specific to a
14 particular zip code?

15 A. All our fares are by zip code.

16 Q. Okay.

17 A. That's correct.





17 Q. After you perform a trip and collect
18 the revenue, is there a financial record created?

19 A. I don't know what that means.

20 Q. Okay. Do you track your revenues on
21 some basis in your internal financial statements?

22 A. Do we record revenues on our financial
23 statements?

24 Q. Do you extract them?

25 A. Do we record them? We record revenue

1 on our financial statements.

2 Q. But do you track them in some way?

3 A. What does "track" mean?

4 Q. Do you have like a spreadsheet or a
5 financial statement that shows where the revenues
6 came from --

7 A. No.

8 Q. -- and for what?

9 A. No.

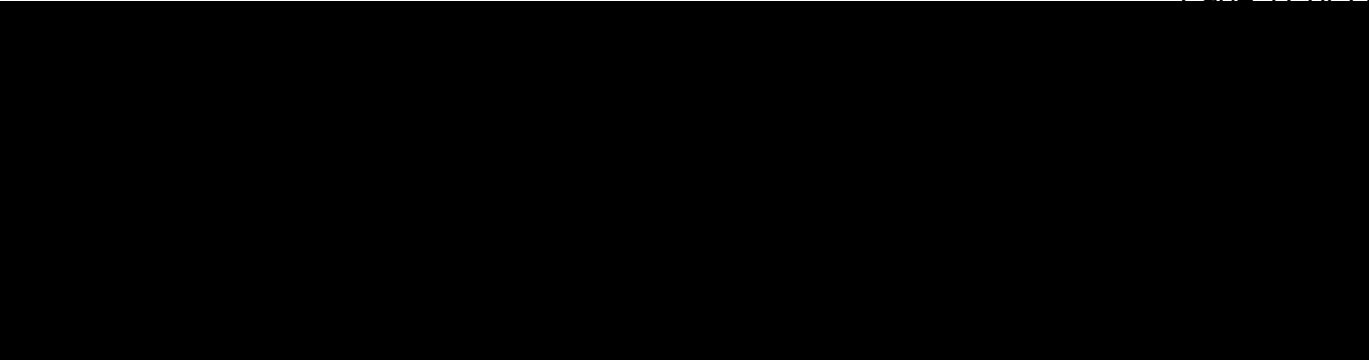
10 Q. For example, would you know or be able
11 to extract from your financial data the total number
12 of fares you collected last month from 98004,
13 nonhotels?

14 A. We don't track the information that
15 way.

16 Q. How do you track it?

17 A. We track the information by shared ride
18 arrival, shared ride departure, on-demand arrival,
19 on-demand departure, charter.





6 Q. Let's stick with 98004, nonhotels, do
7 you believe you're making any money in that zip code
8 based on the current fares?

9 A. I wouldn't know.

10 Q. Why would you not know?

11 A. We don't track our business the way you
12 want to us track our business.

13 Q. I'm not telling you how I want you to
14 track your business. I'm trying to find out how you
15 were tracking your business. What way are you not
16 tracking it?

17 A. We're not trying to track the
18 profitability of the specific zip code --

19 Q. Is there any --

20 A. -- on a shared ride basis.

21 Q. Is there any zip code in this exhibit
22 that you know whether or not you were making money?

23 A. No, we don't try to track profitability
24 on a specific zip code. I'm not sure how you could.

25 Q. Do you track your costs on the basis of

1 zip code?

2 A. No, we do not.

3 Q. Let me try to understand this better.

4 Let's say you have -- you allow people to call in to
5 make reservations, correct?

6 A. If they want to, yeah.

7 Q. Let's say I call you from 98004 and I
8 say I'm not in a hotel. I'm in my home. I'd like
9 you to pick me up and take me to the airport. Do you
10 have that scenario in mind?

11 A. I don't know where you're calling from.
12 You could be calling from Timbuktu. I don't know
13 where you're calling from.

14 Q. I'm just asking if you have that
15 scenario in mind?

16 A. I understand I think what you're trying
17 to say, but that's not what you said. Go ahead.

18 Q. Thank you.

19 So I ask for that reservation. What
20 will the person on the phone do?

21 Would you call them a reservationist,
22 or a reservation clerk, what do you call them?

23 A. We call them the reservationist.

24 Q. What would the reservationist do after
25 I make that request?

1 A. They would probably ask you how many
2 passengers.

3 Q. Okay. What else?

4 A. They would ask you what time your
5 flight is.

6 Q. What else?

7 A. I don't know what else you're looking
8 for, sir.

9 Q. Would they ask me my address, where I'm
10 supposed to be picked up?

11 A. Absolutely.

12 Q. Okay.

13 A. They would first ask you the zip code.
14 That would be the first thing they would ask you.

15 Q. Okay, and why would they ask me the zip
16 code first?

17 A. Our fares are by zip code.

18 Q. Okay. Now, are they entering
19 information into a computer while I'm answering these
20 questions?

21 A. Yes.

22 Q. And would they enter in my address?

23 A. They don't need to enter your specific
24 address to get the fare. They will specifically
25 enter the specific address for the driver.

1 Q. Do they enter the zip code?

2 A. They enter the zip code in order to

3 determine the fare.

4 Q. Would they enter the zip code in order

5 for pickup purposes?

6 A. Zip code is automatically entered for

7 pickup purposes.

8 Q. Now, what system are they entering this

9 information into?

10 A. Our reservation system.

11 Q. And is that a homegrown system or is

12 that something you have acquired from somewhere else?

13 A. It's Hudson Ground Transportation

14 System, I believe is what they call it.

15 Q. And would this process go on for all of

16 the calls that come in?

17 A. Yes.

18 Q. What about outbound from the airplane?

19 Let's say I walk up to your kiosk and ask for

20 transportation back to my house. Would I again be

21 giving my address and my zip code to someone?

22 A. First thing they would ask for is the

23 zip code or hotel.

24 Q. Okay.

25 A. Hotel or zip code.

1 Q. Now, will the kiosk enter that
2 information at the airport?

3 A. Yes.

4 Q. Will it go into the same Hudson Ground
5 Transportation System?

6 A. Yes. Different interface, but same
7 system.

8 Q. What if I book a reservation online,
9 where does the information go in that instance?

10 A. Same thing, you'll have to select
11 either a hotel or zip code.

12 Q. But where will the information go after
13 I put it on the web?

14 A. Goes into the Hudson system.

15 Q. Pardon?

16 A. It goes into the Hudson system.

17 Q. The Hudson system again. What if I did
18 it on one of your mobile apps?

19 A. It goes into the Hudson system.

20 Q. Are there any reservations that don't
21 go into the Hudson system?

22 A. Not for shared ride.

23 Q. What about walkups, do all of those go
24 into the Hudson system as well?

25 A. If it's shared ride.

1 Q. Okay. Now, after I'm picked up, let's
2 say it's an inbound to the airport, I'm picked up at
3 my house, is there any additional information that is
4 entered into the Hudson system by someone?

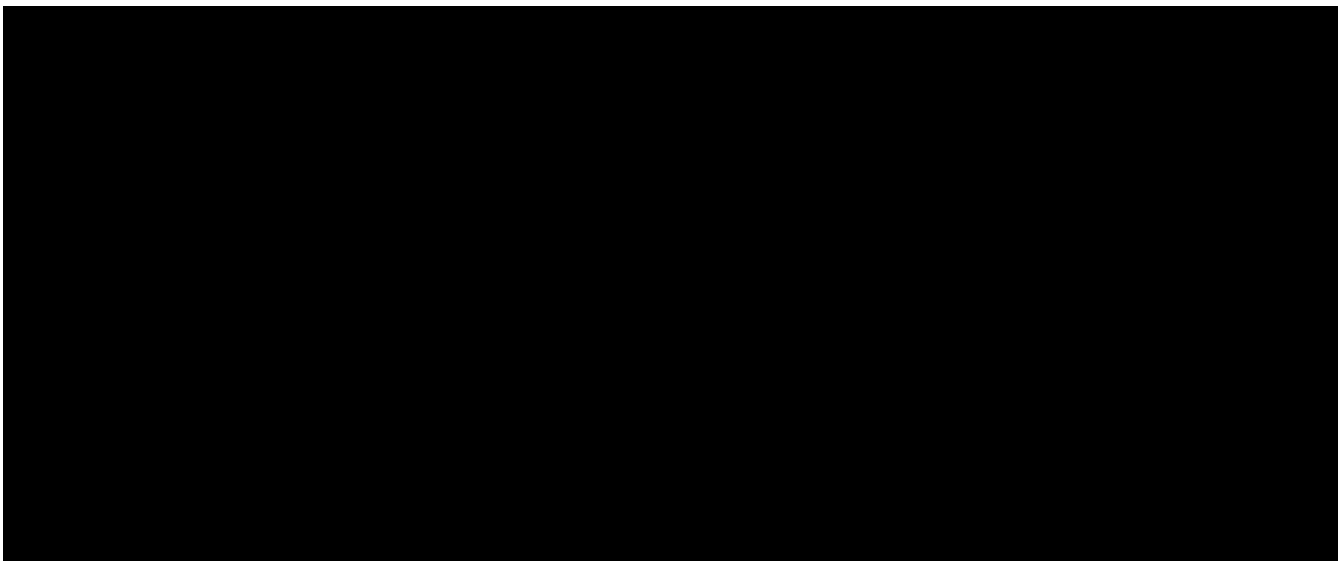
5 A. After you're picked up from the house?

6 Q. As I'm being picked up, just before,
7 just after, when, if any?

8 A. Well, the dispatcher will mark -- first
9 of all, will put in the trip. It might include other
10 reservations in the same trip. They would then
11 dispatch it, first route it and dispatch it, and when
12 the driver reports that the passengers are on board
13 or the dispatcher would mark it as on board, and then
14 when the driver reports it's complete, the dispatcher
15 would mark it as complete.

16 Q. That all goes into the Hudson system?

17 A. It all goes in the Hudson system.



1 asked you --

2 A. Are you asking me --

3 Q. I asked if they made it available to
4 you.

5 A. I have no idea. We don't request
6 reports from Hudson.

7 Q. You provided some passenger count and
8 revenue data to the Commission as part of your annual
9 report?

10 A. That's correct.

11 Q. Where do you get those numbers from?

12 A. Hudson, the Hudson system.

13 Q. Am I missing something? Is that not
14 some kind of a report from the Hudson system?

15 A. You asked if Hudson provided it, the
16 Hudson Group provided it. You're talking about the
17 Hudson Group. They don't provide us with reports.

18 Q. How do you get it?

19 A. We write our own reports.

20 Q. How do you get the information to write
21 the reports?

22 A. The report, the information is a SQL
23 database.

24 MR. HARLOW: Can you read back that
25 answer, please.

1 (Record read as requested.)

2 Q. Where is the SQL database maintained?

3 A. In a server farm somewhere. I don't

4 know where.

5 Q. Is the Hudson Group server farm or one

6 of your groups --

7 A. Yeah, Hudson hosts the servers for us.

8 Q. So you have access to the SQL database,

9 correct?

10 A. That's correct.

11 Q. All right. What kind of information

12 can you extract from the SQL database?

13 A. What kind of information can you

14 extract from the SQL database? Any information that

15 is in the database could be extracted.

16 Q. So you can extract total number of

17 passengers, for example?

18 A. The SQL database doesn't have total

19 number of passengers. It has detail for every single

20 individual reservation. You would have to extract

21 the data and sum it.

22 Q. What's the difference between the

23 reservations and the passengers?

24 A. A reservation can have more than one

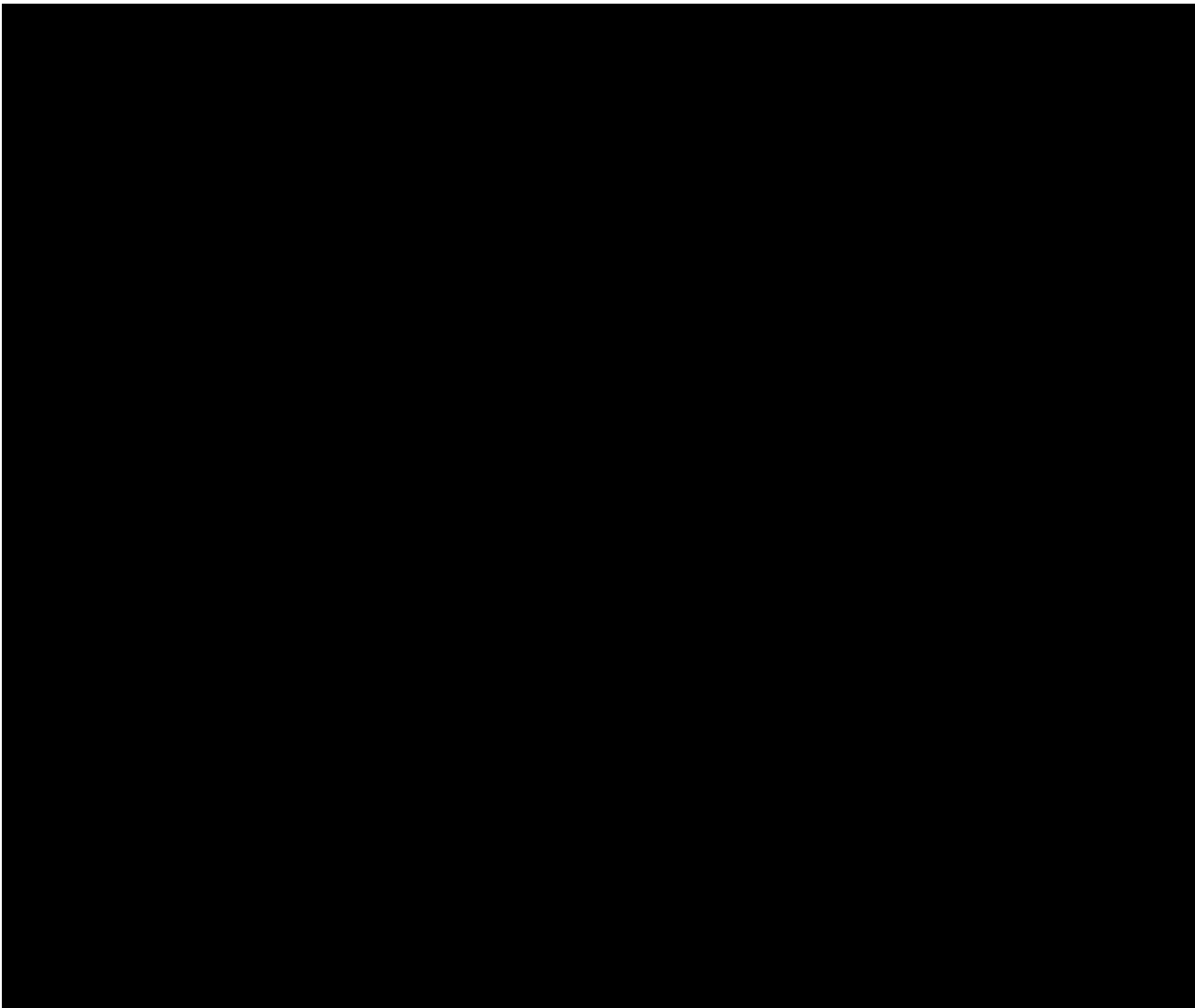
25 passenger.

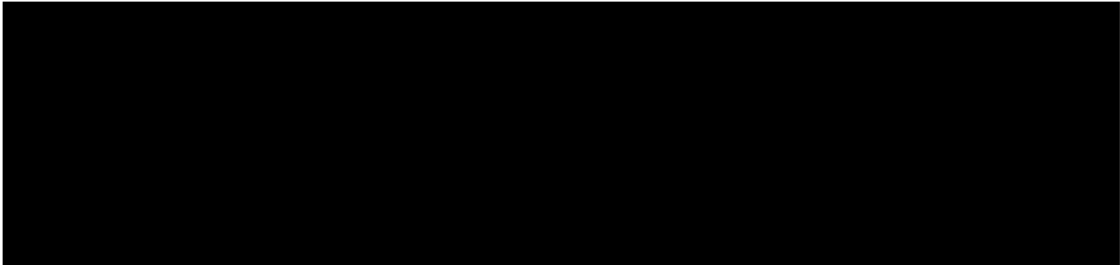
1 Q. Does the SQL database show the number
2 of passengers per reservation?

3 A. It does.

4 Q. So you can extract the number of
5 passengers and the number of reservations, correct?

6 A. You would have to extract each
7 individual reservation and you would have to extract
8 the passenger count associated with that, with each
9 of those reservations, and then you could count both.





4 Q. Can you extract the number of
5 reservations from 98004?

6 A. I can.

7 Q. Can you extract the number of
8 passengers from 98004?

9 A. I can.

10 Q. Can you do that for a time period, say,
11 the month of September?

12 A. I can.



1 company's profit or loss before taxes.

2 Q. How often do you -- can I call them
3 P&L's and balance sheets?

4 A. You can.

5 Q. How often do you provide P&Ls and
6 balance sheets to your lenders?

7 A. Quarterly.

8 Q. And are these financial statements on a
9 quarterly basis or a monthly basis?

10 A. Quarterly.

11 Q. When is the last one you provided to a
12 lender?

13 A. Third quarter, 2016.

14 Q. In your opinion as a CPA, are those
15 quarterly financial statements that you provide to
16 your lenders consistent with generally accepted
17 accounting principles, which I'll call GAAP, G-A-A-P?

18 A. They are consistent in terms of the
19 application of accounting principles period to
20 period. They do not include disclosures required by
21 GAAP.

22 Q. Are these financial statements
23 consistent with the financial statement that you
24 provided in this litigation under the nondisclosure
25 agreement?

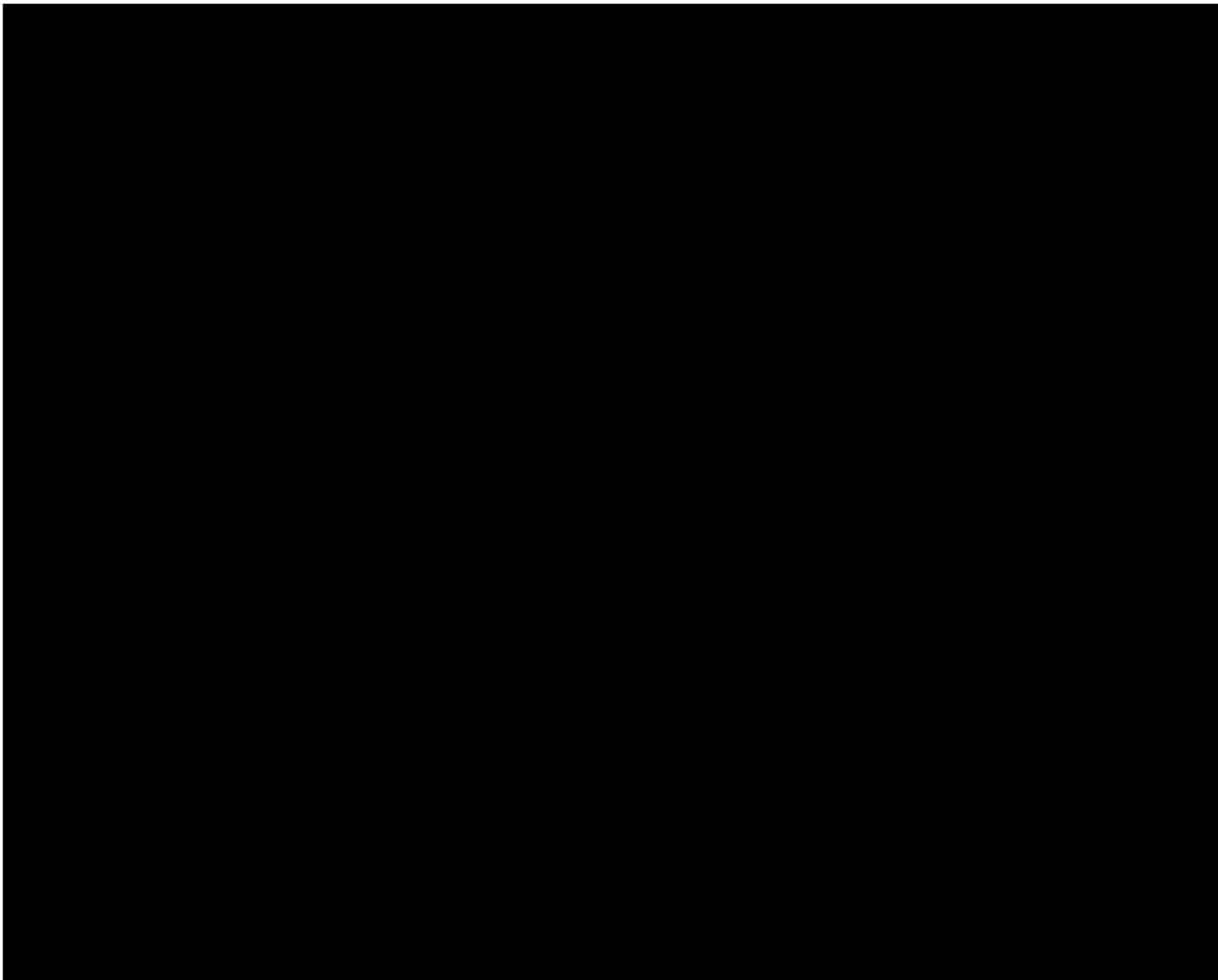
1 A. They are.

2 Q. When is the fourth quarter financial
3 statement due to be provided to the lenders?

4 A. April 15.

5 Q. What is the earliest period financial
6 statement you provided to the lenders?

7 A. The third quarter of 2015. We've been
8 -- well, we've had inception to 9-30. We did not do
9 one in June because we just started operating in May.



1 Q. What's the most current month that
2 you've prepared financials for internal use for the
3 Washington market?

4 A. February.

5 Q. What is the profitability status as of
6 February according to those financials in the
7 Washington market?

8 MR. FASSBURG: Object to the form. By
9 "status," do you mean are they or are they not
10 profitable?

11 Q. That would be another way be to put it.
12 I'm trying to ask it broadly--

13 A. That is the question?

14 Q. -- so you have room to answer it.

15 A. So what is the question?

16 Q. What is the current status of the
17 company's profitability in the Washington market as
18 of your last financials, February 2017?

19 A. Is your question whether or not we had
20 a profit in February?

21 Q. Yes.

22 A. No, we did not have a profit in
23 February.

24 Q. Did you have a profit in February of
25 2016?

1 A. That's what you just asked.

2 Q. No, I asked 2017.

3 A. 2017.

4 No, I'm sure we did not, not in

5 February.

6 Q. Did you compare the profitability of

7 February 2017 to the profitability of 2016?

8 A. Yes.

9 Q. What was the difference?

10 A. I don't remember. I don't recall.

11 Q. Which one was less of a loss?

12 A. I don't recall.

13 Q. You have that data back at the office

14 somewhere?

15 A. We have our financial statements.

16 Q. Okay, and they would show profitability

17 overall by months?

18 A. They would show --

19 Q. Profit or loss by month?

20 A. They would show net income by month.

21 Q. How long has it been since you've

22 looked at the February statements?

23 A. I don't know, couple, three weeks.

24 Q. Approximately what was the loss for

25 February of 2017?

1 A. I don't recall.

2 Q. If you would turn to your prefiled
3 testimony, please, at page 40 or 50-something, page
4 56, lines 3 to 6, I'll give you a moment to read
5 that.

6 A. Okay.

7 Q. For the record, the 17-month period,
8 what period is that that you're talking about there?

9 A. That is the period created by
10 Mr. Kajanoff. That is not a period on which we
11 report, not a period which would comply with GAAP in
12 any way, shape or form.

13 Q. I'm just asking you what months are
14 covered in that 17 months?

15 A. Those are the periods that he said were
16 included in his numbers.

17 Q. Let me be more specific. Would that be
18 May of 2015 through August of 2016?

19 A. If that's 17 months and then the period
20 he said. These are not my numbers, these are his.

21 Q. According to your testimony, the losses
22 of the company in that time period were 35 cents per
23 dollar of revenue. Am I understanding that
24 correctly?

25 A. The combined 17-month loss is \$702,000

1 on 1,988,000 of revenue or 35 cents per dollar.

2 Q. Was the loss in February of 2017
3 greater or less than 35 cents per dollar of revenue?

4 A. I don't know, since that is not an
5 analysis we normally do. This was done, this
6 analysis was done in response to a statement made by
7 Mr. Kajanoff. This is not something we do.

8 Q. Is that something that you can
9 calculate by looking at top line revenue and
10 comparing that to the bottom line profit or loss?

11 A. Presumably, it is. It is not a
12 statistic that we report.

13 Q. Okay. In general, do you have a sense
14 of whether the company's losses are increasing or
15 decreasing over the last full 12 months?

16 A. They're increasing because of legal
17 fees.

18 Q. What if you take out legal fees?

19 A. My guess is probably they're
20 decreasing, but that's just a guess.

21 Q. That's just a guess, but your financial
22 statement would show that; is that correct?

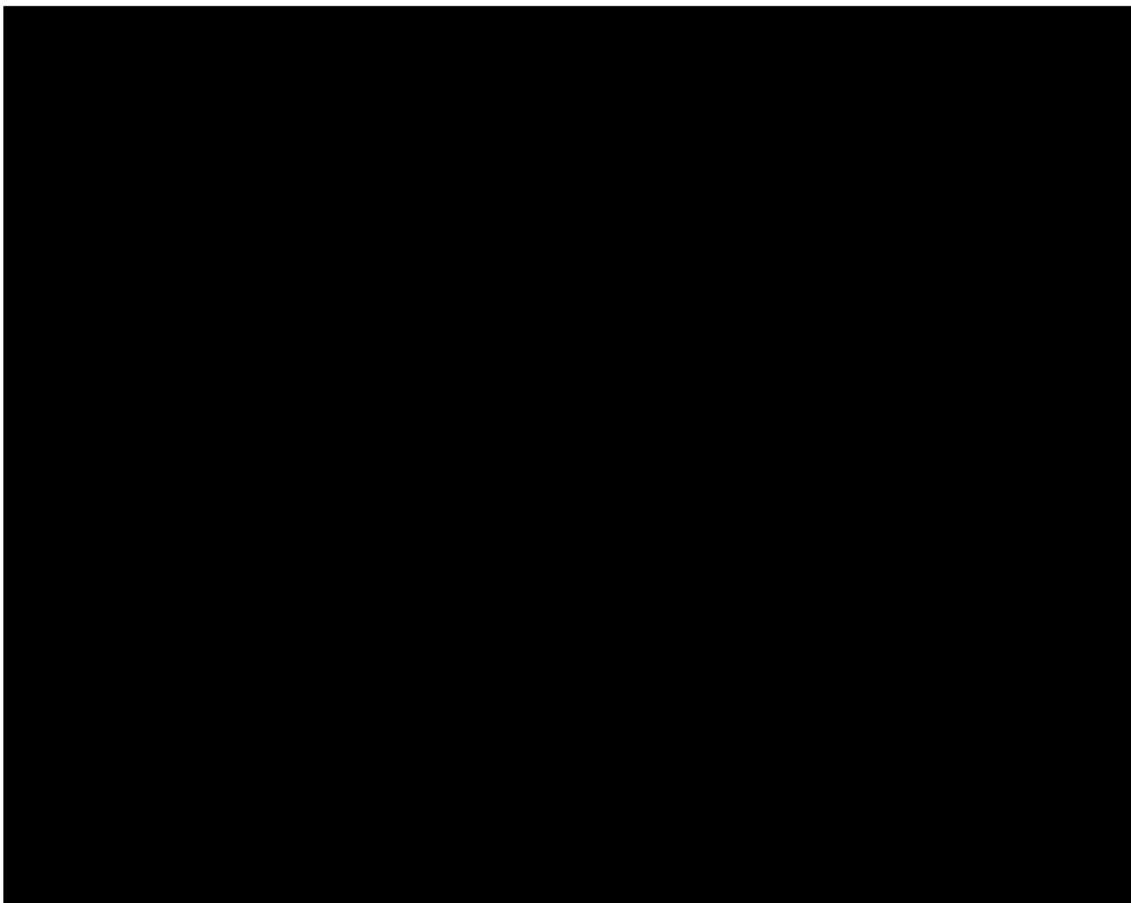
23 A. They're clearly increasing because of
24 legal fees. Losses are increasing because of legal
25 fees.

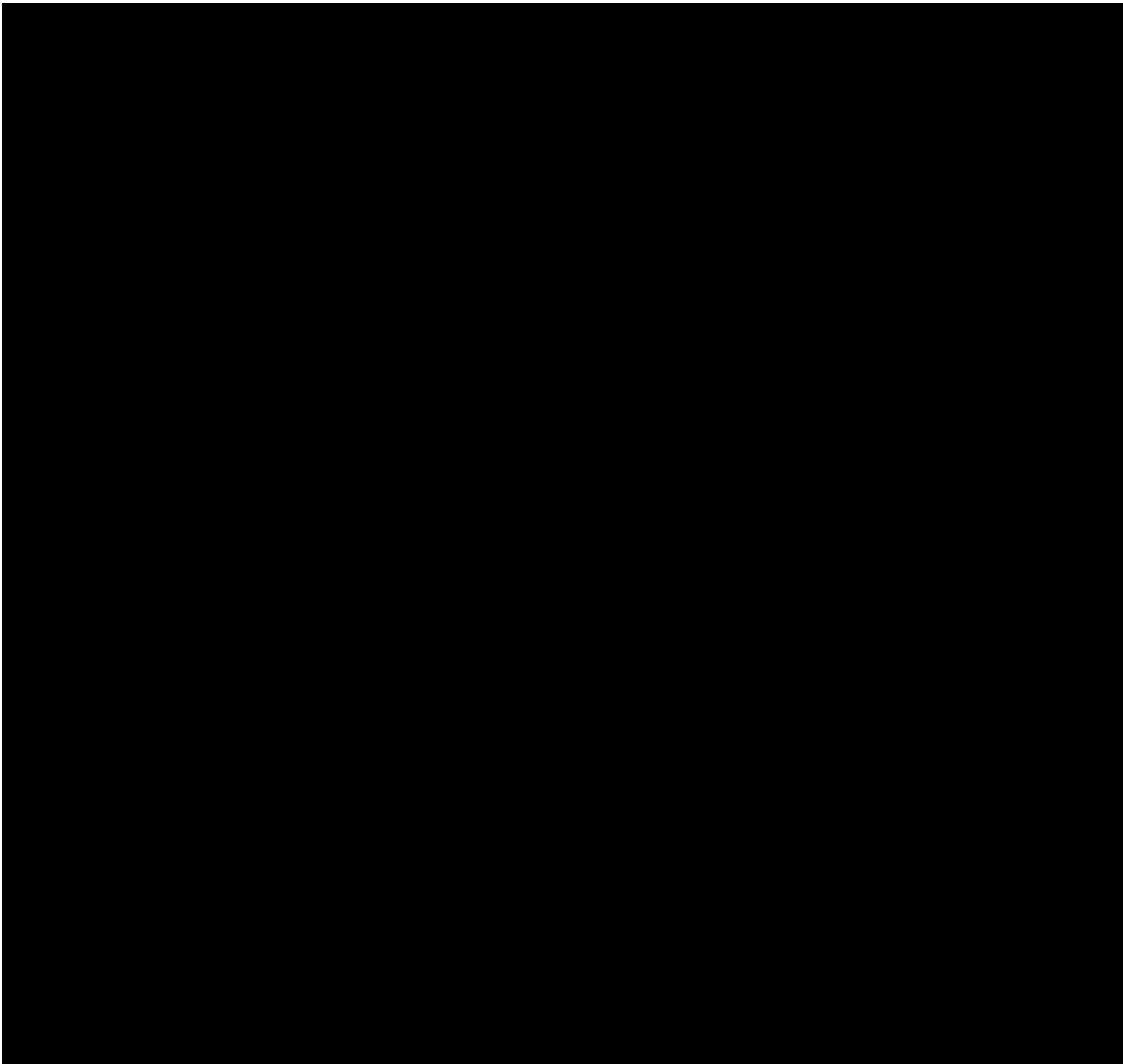
1 Q. Are the legal fees shown as a separate
2 line item in your internal financial statements?

3 A. Yes.

4 Q. So we could back those out and
5 determine what your operating loss trends are if we
6 had your financial statements; is that correct?

7 A. I guess if you had our financial
8 statements and if we highlighted that, if you had our
9 detailed internal financial statements and if we
10 highlighted that line for you, you could make
11 adjustments to support your argument whatever it
12 might be by rejiggering the numbers, yes.





20 Q. That's the question.

21 And what is depreciation cost on these
22 vehicles?

23 A. Well, that would depend on the useful
24 life that you establish for accounting purposes.

25 Q. What useful life do you use for these

1 vehicles?

2 A. We use five-year useful life for
3 accounting purposes.

4 Q. Is there a salvage or residual value?

5 A. No.

6 Q. So I can figure out the depreciation
7 cost by dividing five into the total price of the
8 vehicle?

9 A. Yeah, you could.

10 Q. Is the depreciation cost shown in
11 Exhibit-3 in that proforma we were talking about a
12 minute ago?

13 A. I'm sorry?

14 Q. Is the depreciation cost that I just
15 asked you about shown somewhere in the --

16 A. There's a proforma estimated
17 depreciation of \$5500 a month.

18 Q. And is that based on five vehicles?

19 A. I don't recall how many vehicles we
20 used for this, I honestly don't.

21 Q. In your application, at the hearing you
22 said you were going to use five vehicles. Do you
23 recall that?

24 MR. FASSBURG: Objection, I think that
25 misstates the testimony.

1 THE WITNESS: Sorry?

2 MR. FASSBURG: I think that misstated
3 the testimony.

4 MR. HARLOW: I'll withdraw it.

5 Q. If you turn, please, to Exhibit-3,
6 sixth page, I'm sorry, I didn't get these paginated,
7 at the top it says 2015 on that page.

8 A. I don't know where you are.

9 Q. Exhibit-3, the sixth page, it's just
10 above section 7, section 6 of the application form.

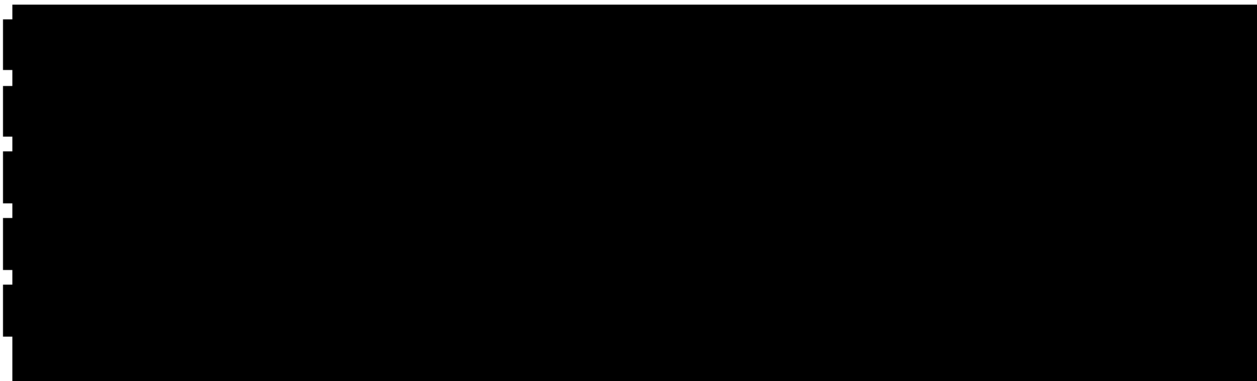
11 A. Okay.

12 Q. Do you see the asterisk just below the
13 number 2015?

14 A. "Five shuttles at the commencement of
15 service."

16 Q. Going back to the proforma, accumulated
17 depreciation in the first month of 5500, would that
18 be consistent with five vehicles?

19 A. Presumably it is, since that's what the
20 footnote says. I'm sure it's all consistent.





16 Q. How often are you advertising on
17 Craig's List and Indeed.com for receptive teams?

18 A. When we need additional team members.

19 Q. Is that typically every month?

20 A. No.

21 Q. Do you remember the last time you
22 advertised online?

23 A. Oh, we're advertising right now because
24 we're getting ready for cruise season, no question
25 about it.

1 Q. Okay. And does that mean you're going
2 to increase the number of receptive team employees
3 during the cruise season?

4 A. Absolutely.

5 Q. From what to what?

6 A. I'm sorry, I don't have the head count
7 of the greeters.

8 Q. How many are you going to try to add?

9 A. I don't manage the greeters.

10 Q. How many are you going to try to have?

11 A. I don't know what the goal is. I'm not
12 the manager of that department.

13 Q. Who is the manager of greeters?

14 A. The new manager is -- what's her name?
15 Bischoff, B-I-S-C-H-O-F-F.

16 Q. The cruise season, your increased
17 hiring for the cruise season, does that indicate that
18 your business in this market is seasonal?

19 A. Yes.

20 Q. Please tell me what the high seasons
21 are and the low seasons.

22 A. I think it's reflected in the proforma
23 that we filed with our original application.

24 Q. Do you know it off the top of your
25 head?

1 A. Cruise season starts in April and ends
2 sometime in mid October.

3 Q. And about how much does your business
4 increase during the cruise season?

5 A. I don't know. Related to what,
6 compared to what?

7 Q. Compared to noncruise season.

8 A. I don't know because we don't add up
9 noncruise season and cruise season and compare them,
10 because it's not -- it's not -- it doesn't work in a
11 calendar like that.

12 Q. How did Ms. Bischoff determine how many
13 greeters, or receptive teams that you call them, to
14 add for the cruise season?

15 A. I'm not the manager of that department
16 so I don't determine how many she needs.

17 Q. Who supervises Ms. Bischoff?

18 A. Phil Broderick.

19 Q. Who supervises Mr. Broderick?

20 A. Cecil Morton.

21 Q. Who do you supervise?

22 A. I supervise our accounting, IT, human
23 resources.

24 Q. Is hiring not under human resources?

25 A. Human resources doesn't do the hiring.

1 Maybe in a law firm human resources hires, but our
2 managers do the hiring.

3 Q. Do you supervise budgeting for the
4 company?

5 A. We don't really have a budgeting
6 department.

7 Q. Well, you supervise financial, correct?

8 A. Yeah, I said accounting.

9 Q. You're trying to work on profitability;
10 is that correct?

11 A. Yeah, it's obvious.

12 Q. What's your biggest cost for the
13 company?

14 A. Labor.

15 Q. And so that would include these
16 receptive teams?

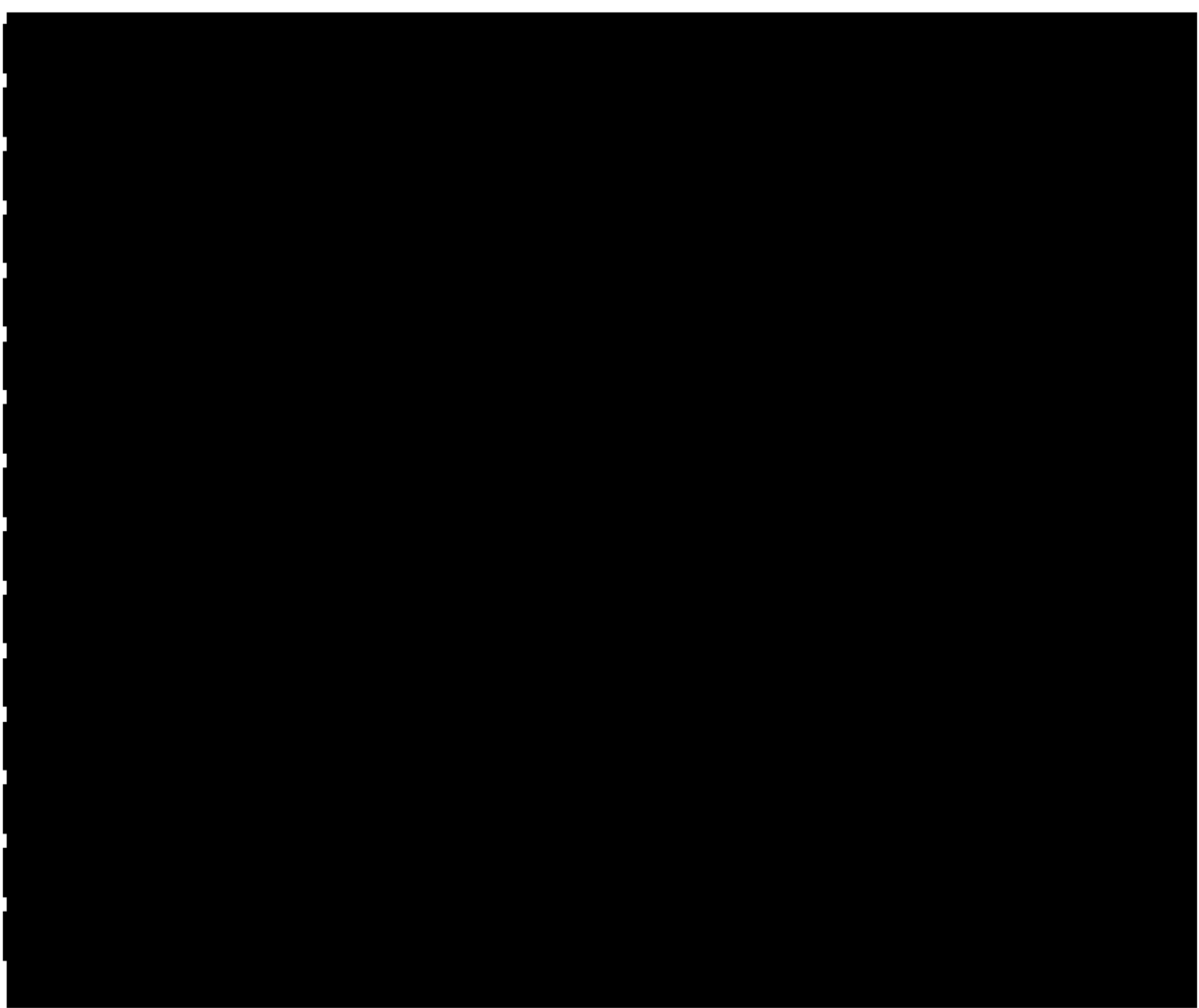
17 A. We include all labor.

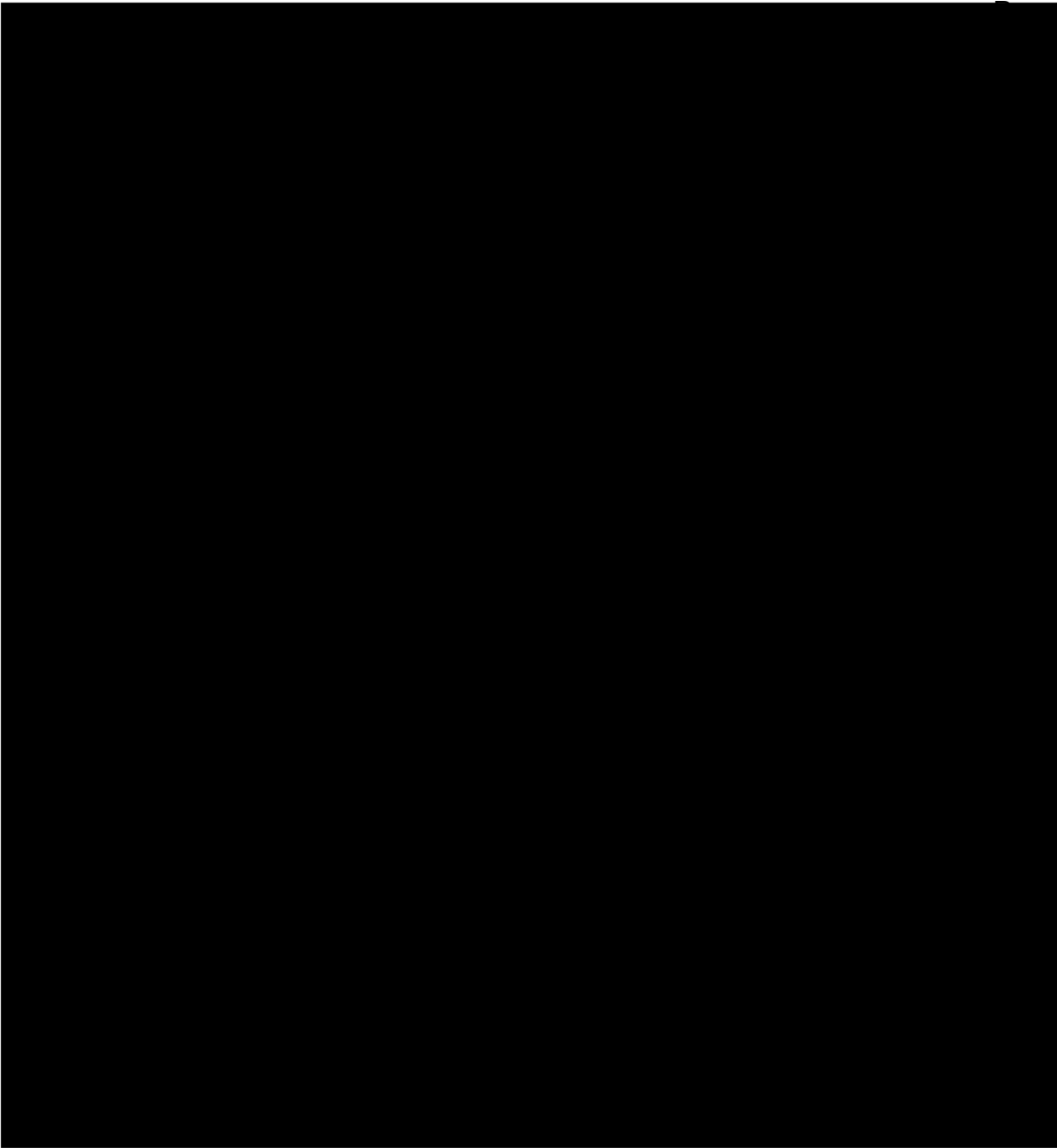
18 Q. So would you look at -- as part of your
19 profitability, would you look at what the need is for
20 more or fewer receptive teams?

21 A. If I managed every department, I would
22 manage every single head in every single department,
23 and I do not do that.

24 Q. How many greeters does the company have
25 today for the cruise season?

1 A. I don't know.
2 Q. How many of them speak a language other
3 than English?
4 A. I don't know.
5 Q. How many of them speak Japanese?
6 A. I don't know.
7 Q. How many of them speak Korean?
8 A. I don't know.
9 Q. How many of them speak Chinese?
10 A. I don't know.





20 Q. So how many vehicles do you currently
21 have?

22 A. This wasn't about us. This was about
23 Shuttle Express.

24 Q. That's okay. I can ask a different
25 question.

1 Do you still have 18 vehicles?

2 A. We have 18 vehicles. But this was
3 relating to Mr. Wood's comment.

4 Q. And is 18 vehicles sufficient to carry
5 the demand that you're getting from passengers today?

6 A. Absolutely.

7 Q. Do you have any projections to purchase
8 any more vehicles this summer, for example,
9 starting --

10 A. No, we do not.

11 Q. Do you have any plans or projections to
12 decrease the number of vehicles?

13 A. No, we do not.

14 Q. Are you expecting the company to become
15 profitable this year?

16 A. Yes, I am.

17 Q. And how will that be accomplished?

18 A. By generating more revenue than
19 expense.

20 Q. And will that mean you need to generate
21 more revenue than last year?

22 A. Yes.

23 Q. How will you generate more revenue than
24 last year?

25 A. By carrying more passengers.

1 Q. Where are you going to get those
2 passengers from?

3 A. The ground transportation folks at
4 SeaTac produce a monthly report of airport arrival
5 transfers by a myriad of providers that provide
6 airport transportation. Those numbers are growing
7 like crazy, so there's ample additional market to be
8 tapped.

9 Q. So you're not planning to do it by
10 reducing your fleet size?

11 A. No. Oh, no, our fleet will be the
12 highest utilized it has been since we got here.

13 Q. And by what measure do you determine
14 the utilization as you use that term?

15 A. Number of passengers per trip.

16 Q. What's it been so far?

17 A. I don't know off the top of my head.

18 Q. What do you expect it to be when you
19 turn profitable?

20 A. I actually don't know that off the top
21 of my head.

22 Q. Have you done any proformas that show
23 the number of passengers per vehicle and show a
24 profitable financial statement?

25 A. We don't do proformas.

1 Q. Have you done any estimates to
2 accomplish that?

3 A. No, we don't do proformas and
4 estimates.

5 Q. So if you don't, what's the basis of
6 your testimony that you believe the company is going
7 to be profitable?

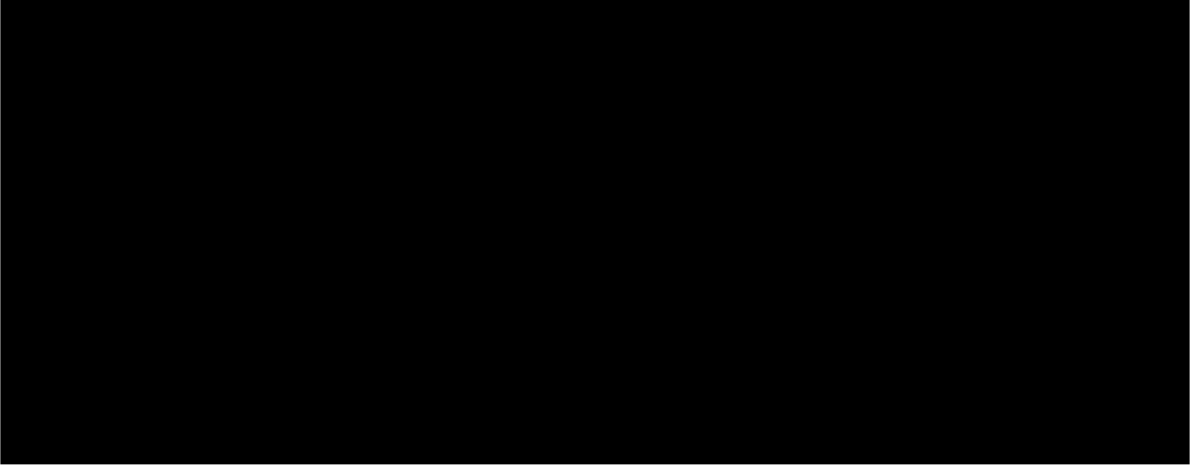
8 A. The basis is my nine years of
9 experience in the shared ride business.

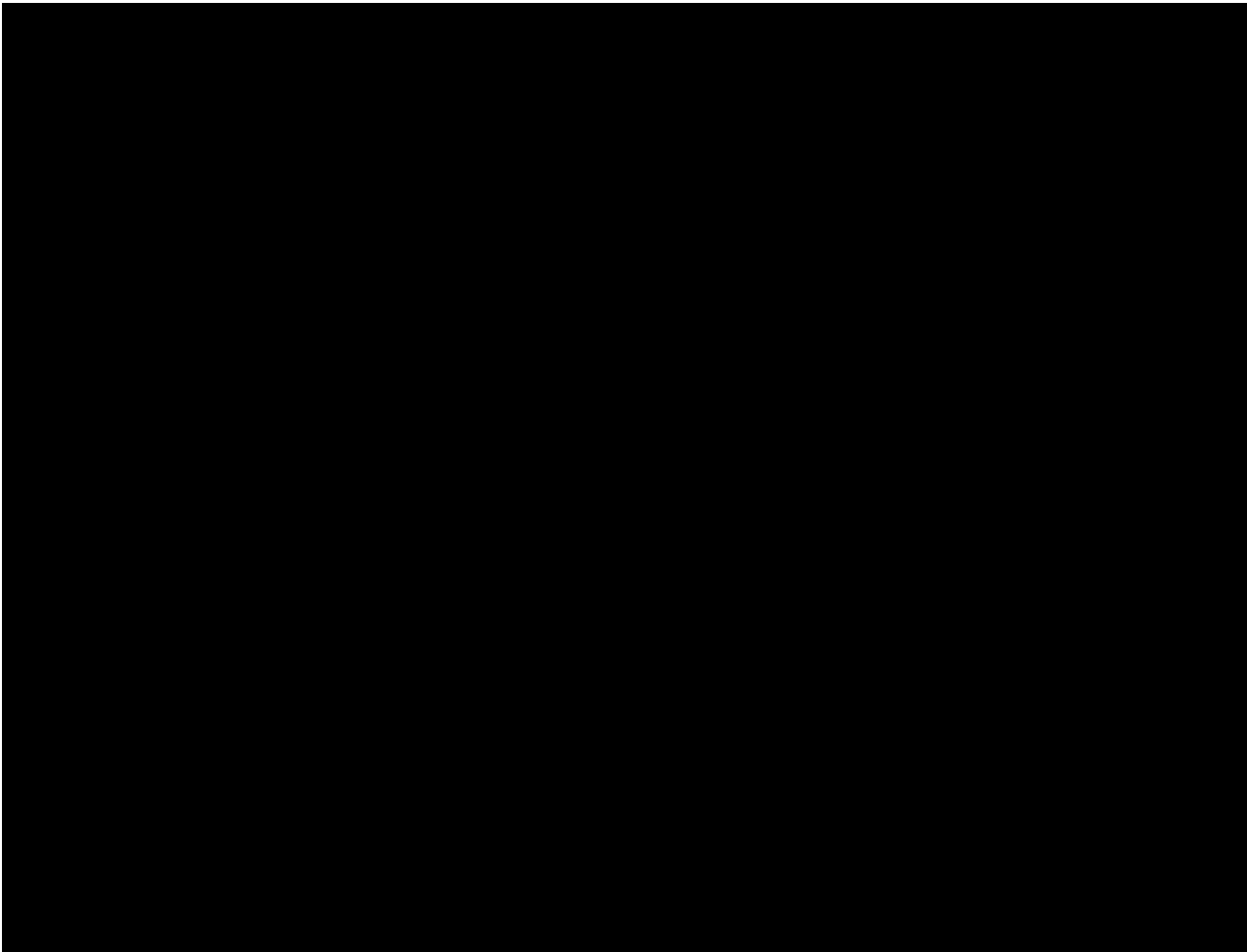
10 Q. So would that be based on your
11 profitability levels in Hawaii?

12 A. It would be based on my nine years of
13 experience in the shared ride business. In addition
14 to my experience with Hawaii, we've looked at a
15 number of acquisitions in other markets including
16 central and south Texas, Los Angeles, San Diego.

17 Q. Do you have any direct experience in
18 the shared ride market other than Hawaii?

19 A. No, I do not.





15 Q. How does seasonality impact your
16 proforma when you're --

17 A. Seasonality affects proforma by
18 resulting in lower customer counts than you have if
19 you did not have seasonality in those periods when
20 it's down.

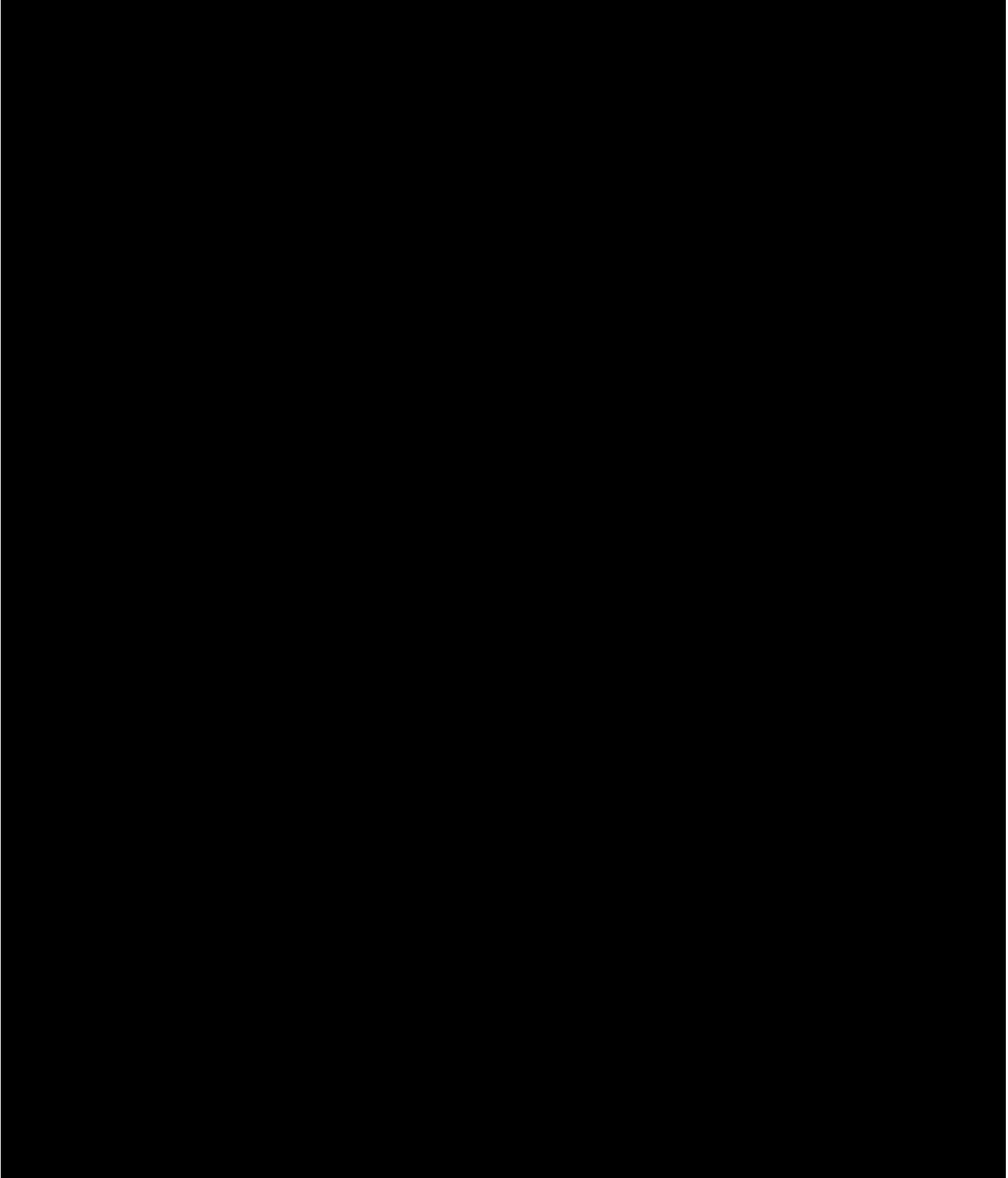
21 Q. Is there seasonality in Hawaii?

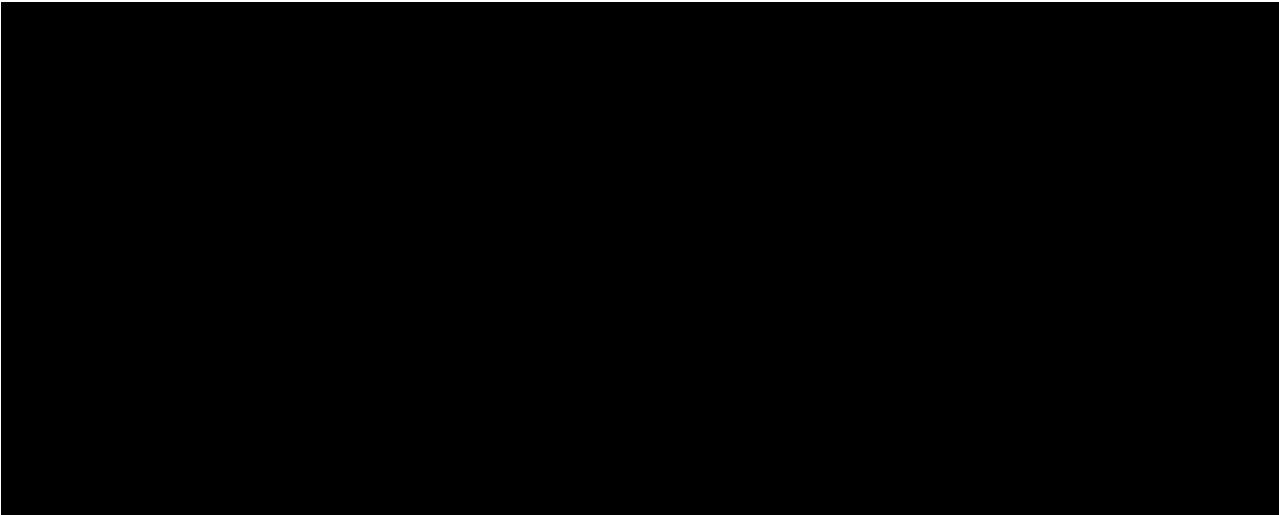
22 A. Not in the same way in Seattle.

23 Q. How is it different?

24 A. I'm not sure how that's relevant. How
25 is it different? It's different. It's different.

1 Hawaii is a year-round destination. Seattle is not.





9 Q. Page 52, line 10, you were asked if
10 SpeediShuttle has increased its revenue to the point
11 where it can make a profit when comparing revenues to
12 variable costs and you answer, "We have come very
13 close."

14 A. I should have just said no because it's
15 the same answer. No, we have not.

16 Q. All right. In your last answer you
17 said we don't know our average variable costs, so
18 what is that answer based on?

19 A. We don't know our average variable
20 cost. So the answer should have been no, not we have
21 come very close. That means no in any event.

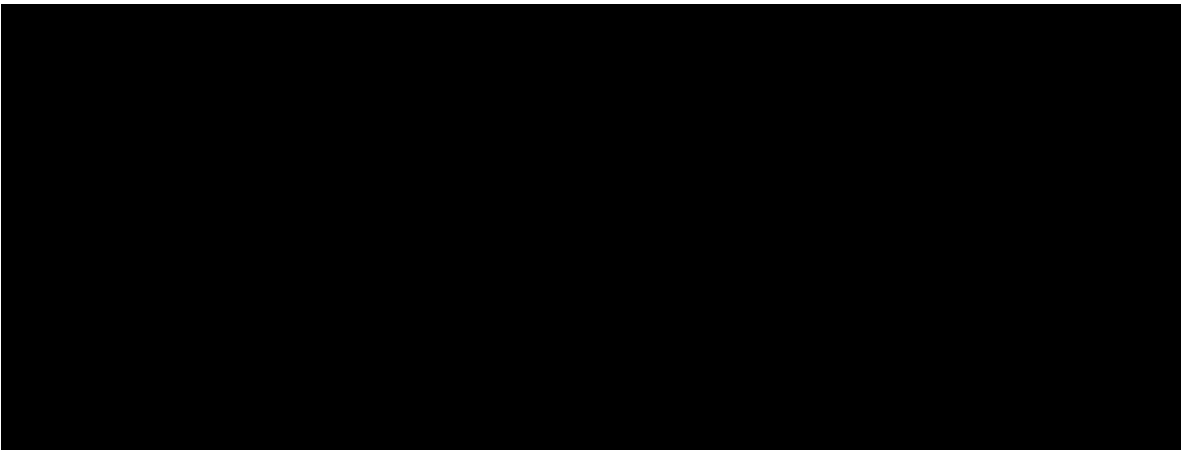
22 Q. When you said earlier you were
23 projecting that by the end of this year, you will be
24 profitable, was your statement based on variable
25 costs that you were talking about here on page 52 or

1 was it based on some other measure of costs?

2 A. Your question was whether or not we
3 thought we would get to a profitability this year.
4 Profitability would be at the bottom of the page.

5 Q. That would be based on your existing
6 in-house financial statements?

7 A. Yeah, that would be revenue minus
8 expenses is greater than zero.



16 Q. All right. The document I've handed
17 you, what is this? Describe it in some way we can
18 identify it later if we need to.

19 A. It's a SpeediShuttle Washington income
20 statement for its full year of operations and then
21 for the five months following that.

22 Q. What's your understanding of how we got
23 this?

24 A. It was provided by us.

25 Q. Did you prepare this document?

1 A. Yeah.

2 Q. What did you use as the source material
3 for preparing this document?

4 A. I used our financial statements.

5 Q. These would be the monthlies that we
6 talked about earlier?

7 MR. FASSBURG: I think that's not what
8 he told you existed. You're misstating his
9 testimony.

10 A. I used our financial statements.

11 Q. I'm asking, I'm not stating anything.

12 A. I used our financial statements. I
13 didn't say I added up the monthlies. I said I used
14 our financials.

15 Q. What financials did you use to generate
16 this document?

17 A. I used financials prepared for the
18 period 5-1-2015 through 4-30-2016 for the five months
19 beginning May of 2016 and ending September of 2016.

20 Q. There are a lot of dollar numbers on
21 this income statement. Where did you get those
22 dollar numbers from?

23 A. Those numbers come from our accounting
24 system.

25 Q. Okay.

1 A. You may not understand that, but we
2 have an accounting system and it has numbers in it.

3 Q. Do these numbers correlate in any way
4 to the monthly financial statements that you've been
5 talking about earlier in this deposition?

6 MS. FASSBURG: I don't think he told
7 you he had monthly financial statements.

8 MR. HARLOW: Yes, he did. Let the
9 record speak for itself.

10 A. I told him that we produced internal
11 monthly financial statements.

12 Q. So do these numbers on this income
13 statement that you gave us correlate to those
14 internal monthly financial statements?

15 A. Of course they do.

16 Q. Okay.

17 A. Do you think I just made these up?

18 Q. I don't know. I'm just asking you.

19 A. You know, we don't lie.

20 Q. So when you prepared --

21 MR. FASSBURG: Just answer the
22 question.

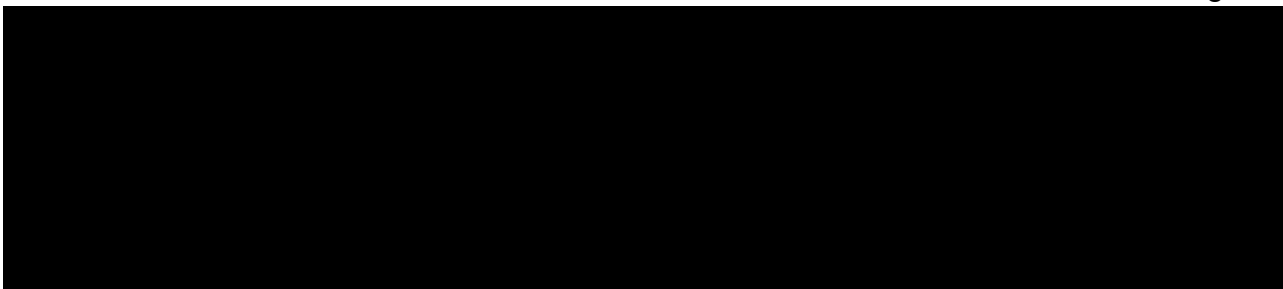
23 Q. -- the income statement that you gave
24 us under the nondisclosure agreement, did you derive
25 the numbers from the internal financial statements?

1 A. No, we ran separate financial
2 statements for the periods that we wanted to from our
3 accounting system.

4 Q. If I assume hypothetically I were to
5 use the internal monthly financial statements let's
6 just say for the five months ended September 30,
7 2016, would the sum of the internal financial
8 statements total revenue equal the total revenue
9 shown on the document?

10 A. Of course they would.





5 Q. Okay. So would the variable costs
6 shown on the document in front of you correlate to
7 the variable costs as you used it on page 52 of your
8 testimony?

9 A. Perhaps, I don't know. I haven't
10 really related the two.

11 Q. Can you think of any differences in
12 your opinion that should exist between the variable
13 costs shown on the financial statement you gave us
14 and the variable cost as that term is used in your
15 testimony?

16 A. No. Based on the footnote definition
17 here, I think that's probably what I would include if
18 I were doing the analysis.

19 Q. Give me a minute. I think we're
20 getting close to lunch.

21 Still on page 52 of your prefiled
22 testimony, lines 4 to 12, the question is how do you
23 become profitable and you talk about a certain number
24 of vehicles. What's the assumption of the number of
25 vehicles that the company will need to be profitable

1 in the Washington market?

2 MR. FASSBURG: I'm going to object and
3 instruct him not to answer. I think you're getting
4 into his internal profitability analysis strategy, et
5 cetera. I think that's all proprietary subject to
6 the judge's ruling. I'm not going to allow him to
7 answer that.

8 Q. How many trips per day per vehicle on
9 average would you need to become profitable in the
10 Washington market?

11 MR. FASSBURG: Same objection, same
12 instruction. Don't answer.

13 Q. What mix of passengers would you need
14 between, say, downtown Seattle and the rural routes
15 to be profitable in the Washington market?

16 MR. FASSBURG: Same objection, same
17 instruction.

18 Q. How does the number of vehicles impact
19 economies of scale?

20 MR. FASSBURG: Objection to form. You
21 can answer that. He's speaking relatively.

22 THE WITNESS: Yeah, I know he is.

23 A. How does the number of vehicles do
24 what?

25 Q. Impact the economies of scale that

1 you're talking about on line 4 of page 52.

2 A. Well, within a range, the cost of the
3 vehicles themselves is fixed, so the more passengers
4 you carry in the vehicles, the more profitable you
5 are.

6 Q. You go on to state if you lose
7 customers or during slow seasons you might not want
8 to operate at full capacity in order to trim
9 expenses. Does that mean you would cut down on the
10 number of vehicles operating?

11 A. Park them.

12 Q. Okay.

13 A. Park them, do not drive them.

14 Q. Has the company done that yet?

15 A. Yeah, during the winter.

16 Q. How many vehicles are you operating
17 this month?

18 A. I don't know.

19 Q. How many did you operate last month?

20 A. I don't know.

21 Q. Do your internal financial statements
22 reflect how many vehicles you operated?

23 A. No, they do not.

24 Q. What happens to your drivers when you
25 park the vehicles?

1 A. Your drivers are paid hourly.

2 Q. You stop paying them?

3 A. They stop working. We don't have them
4 come in. What happens to Shuttle Express's drivers
5 in the slow season?

6 MR. FASSBURG: Just stick to answering
7 questions.

8 THE WITNESS: Okay.

9 MR. HARLOW: No, keep going.

10 MR. FASSBURG: It's a good point, we're
11 just here to answer.

12 THE WITNESS: Okay, but if you just
13 said something happens there.

14 MR. FASSBURG: You're okay.

15 Q. In that same area, line 9, page 52,
16 talking about trimming expenses, other than parking
17 vehicles, has SpeediShuttle done anything to trim
18 expenses in the Washington market?

19 A. We're always looking for trimming
20 expenses where we can without it affecting customer
21 service.

22 Q. Have you done anything else besides
23 parking vehicles?

24 A. Yeah, in the wintertime our dispatch is
25 not open 24 hours a day. We close at midnight.

1 Q. Anything else?

2 MR. FASSBURG: Object to the form.

3 A. Not that I can think of off the top of
4 my head, but I'm sure there's many things. Got rid
5 of our controller, moved all of the accounting to
6 Hawaii.

7 Q. Moved all what to Hawaii?

8 A. Accounting, it's all being done in
9 Hawaii.

10 Q. Okay. Is there an internal entry in
11 the books to reflect a pro rata share of the Hawaii
12 expenses from Washington?

13 A. No, we're not required to do that under
14 UCC rules.

15 Q. So would your internal financial
16 statements that we talked about, those monthly
17 statements, am I understanding they would not show
18 accounting anymore?

19 A. They wouldn't show a controller
20 anymore. They wouldn't show the controller salary
21 anymore.

22 Q. But the controller is doing work for
23 the Seattle market?

24 A. No, the controller is not doing work
25 for the Seattle market. The accounting staff in

1 Hawaii are doing things like enter accounts payable.

2 Q. Is there anything booked to the expense
3 of SpeediShuttle Washington for those functions?

4 A. No, absolutely not, absolutely not.

5 Q. Are there any other functions that are
6 being done in Hawaii that aren't booked to the
7 Seattle financial statement?

8 A. Probably, but I don't know what they
9 are.

10 Q. How would you find out?

11 A. I don't intend to find out because it
12 doesn't matter to me.

13 Q. If the judge ordered you to find out,
14 how would you do that?

15 A. If the judge ordered it, I'll have to
16 start asking questions. But the judge hasn't ordered
17 me to find out.

18 Q. Can you look at the financials between
19 Hawaii and Seattle and determine what cost elements
20 are not included in Seattle?

21 A. No.



1 On page 7 at line 23, starting on line
2 22, you say, "We offer what we believe is superior
3 customer service, shorter wait times."

4 I want to ask you about shorter wait
5 times.

6 A. Okay.

7 Q. First of all, what's a shorter wait
8 time in terms of minutes? And secondly, shorter than
9 what?

10 MR. FASSBURG: Objection to the
11 compound question.

12 MR. HARLOW: It's two questions.

13 MR. FASSBURG: Okay, I object to you
14 asking him two questions at the same time.

15 Q. Just take them one at a time.

16 A. Okay. What's the first question?

17 Q. What's the shorter wait time? What's
18 your wait time, in other words, that you offer?

19 A. Our target wait time is 20 minutes and
20 that answers your question.

21 Q. What are you comparing that to when you
22 say that's shorter than something?

23 A. We believe that's a shorter wait time
24 than is targeted by most operators. We believe it's
25 a shorter wait time than had been targeted by Shuttle

1 Express.

2 Q. So your testimony there is based purely
3 on targets, not based on actual wait times of either
4 carrier; is that correct?

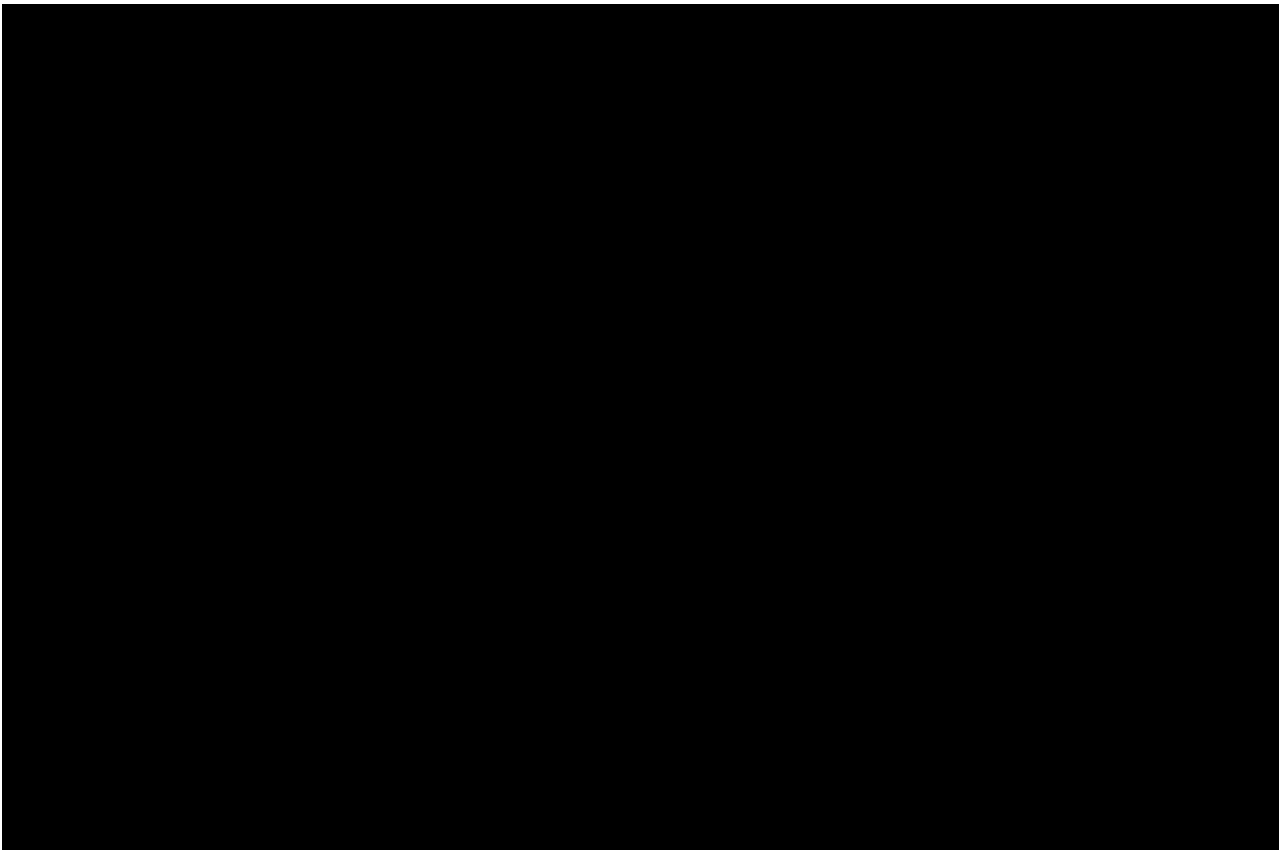
5 A. That's the question you asked.

6 Q. I'm just trying to clarify with the
7 follow-up.

8 A. That's the question you asked, yeah.

9 Q. So the answer would be yes?

10 A. Uh-huh.



24 Q. How many passengers did SpeediShuttle
25 carry to those two zip codes last year?

1 THE WITNESS: Do you have my responses?

2 MR. FASSBURG: No.

3 A. 98045 is none, 98022 is not none.

4 MR. WILEY: It's in his testimony, but
5 I don't know where.

6 MR. FASSBURG: It's not in the
7 testimony.

8 A. It's in the responses that we haven't
9 yet delivered to the data request.

10 Q. I'm heartened you're drafting responses
11 with numbers in it.

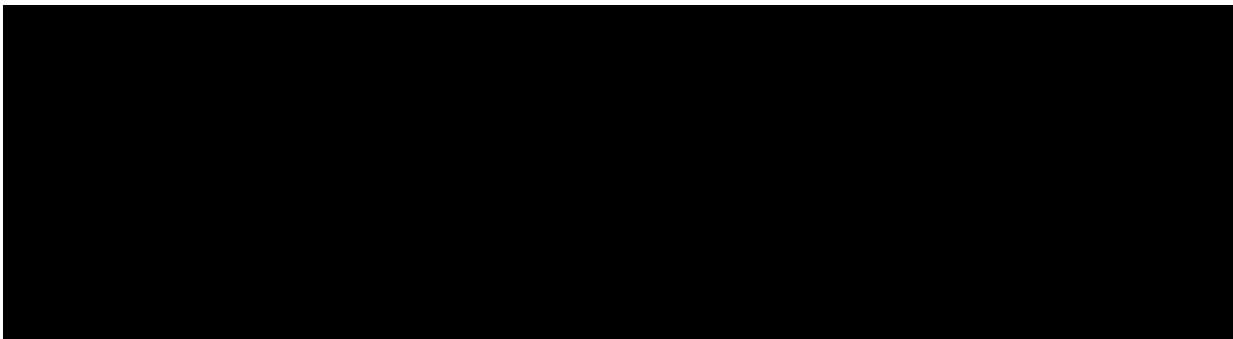
12 A. But I don't remember the number.

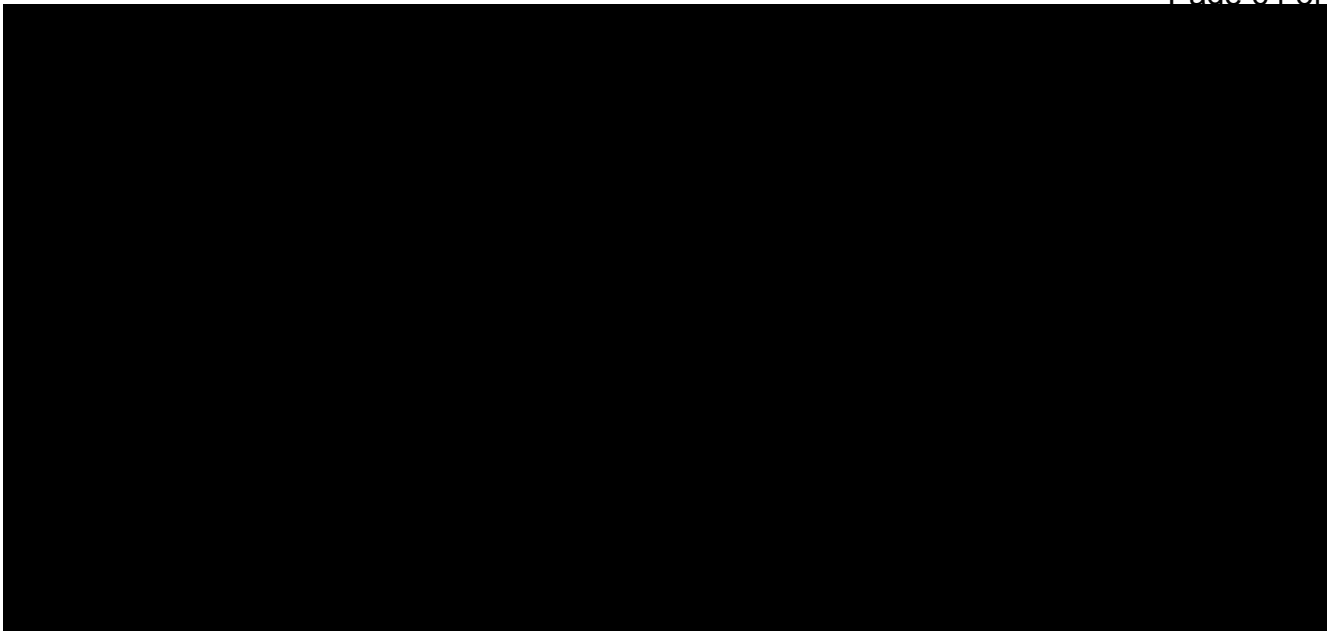
13 Q. Okay.

14 A. There is a number.

15 Q. All right. Do you know how many
16 passengers you transported to the portion of 98022
17 zip code that Shuttle Express does not serve?

18 A. No, I do not, because we don't track
19 what Shuttle Express does not serve in our system.
20 We don't differentiate.





10 Q. Do you feel like you are competing
11 Shuttle Express successfully?

12 A. We feel like we're competing in the
13 market successfully. We don't target Shuttle Express
14 any more than we target anybody else. We're
15 competing in the market and there's a wide variety of
16 options for the consumer in the market and we're
17 competing with all those options including Shuttle
18 Express.

19 Q. You feel like you've been able to
20 attract passengers who either previously took Shuttle
21 Express or would take Shuttle Express if you weren't
22 competing in the market?

23 A. We don't know whether customers
24 previously took Shuttle Express or whether they would
25 take Shuttle Express if they didn't take us, because

1 we don't ask.

2 Q. So you couldn't rule it out?

3 A. I couldn't rule it in.

4 Q. Or out?

5 A. I can't form an opinion one way or the
6 other because we don't ask our customers.

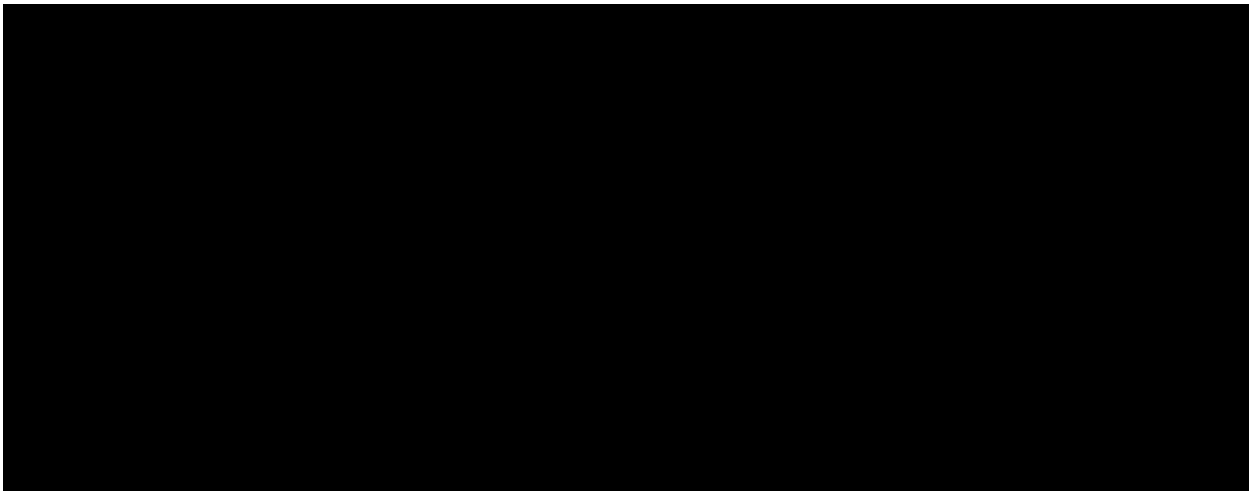
7 Q. Thank you for clarifying.

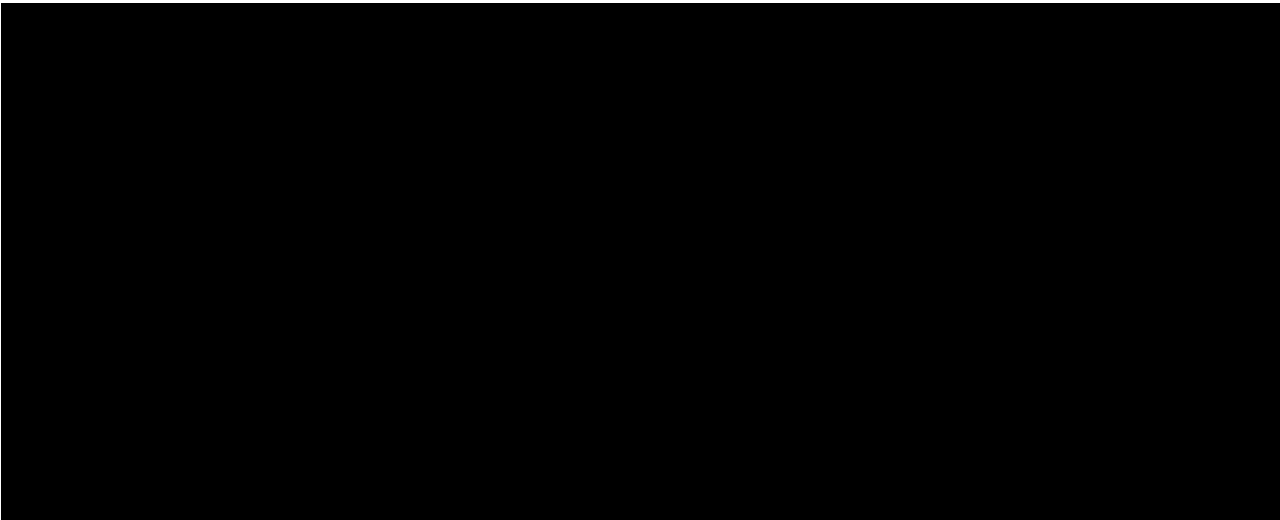
8 Next I'd like to draw your attention to
9 page 14, lines 10 to 11, where you say you believe
10 you're appealing to international travelers. Do you
11 see that?

12 A. Yes.

13 Q. On what do you base your belief that
14 you're appealing to international travelers?

15 A. We have travelers call into our
16 drivers. We don't document those, so it's all --
17 it's all just hearsay I think in your view, that they
18 appreciate free Wi-Fi.





9 Q. Let me just frame that as a
10 hypothetical. Assume I'm talking about Washington
11 unless I say Hawaii.

12 A. Okay.

13 Q. So assume I'm Japanese and I go to your
14 Japanese web page that has all that information in
15 Japanese that we talked about.

16 A. Uh-huh.

17 Q. Now I click on something that says
18 book?

19 A. Uh-huh, in Japanese.

20 Q. In Japanese. Now, what happens
21 technologically behind the scenes? The passenger
22 doesn't see it. What's happening when I start
23 booking?

24 A. Now you're talking to the Hudson
25 booking engine, but we've translated all of that into

1 Japanese as well.

2 Q. All right. Does the Hudson booking
3 engine track me as booking on your Japanese --

4 A. Yes.

5 Q. Okay. So you do know how many people
6 have booked in Japanese from the Hudson data?

7 A. Correct.

8 Q. Same for Chinese?

9 A. Yeah.

10 Q. Same for Korean?

11 A. Yeah.

12 Q. Do you get that information
13 periodically from Hudson?

14 A. No, we have to get it ourselves.
15 Hudson doesn't give it to us.

16 Q. I take it you've done that?

17 A. Yeah, we've done it.

18 Q. All right.

19 A. We don't do it routinely.

20 Q. All right. When is the last time you
21 checked how many Hudson bookings from Washington you
22 had in one of those three Asian languages?

23 A. That would be the last time we did a
24 data request that I had to answer that said none.

25 Q. That said no what?

1 A. That said none.

2 Q. None?

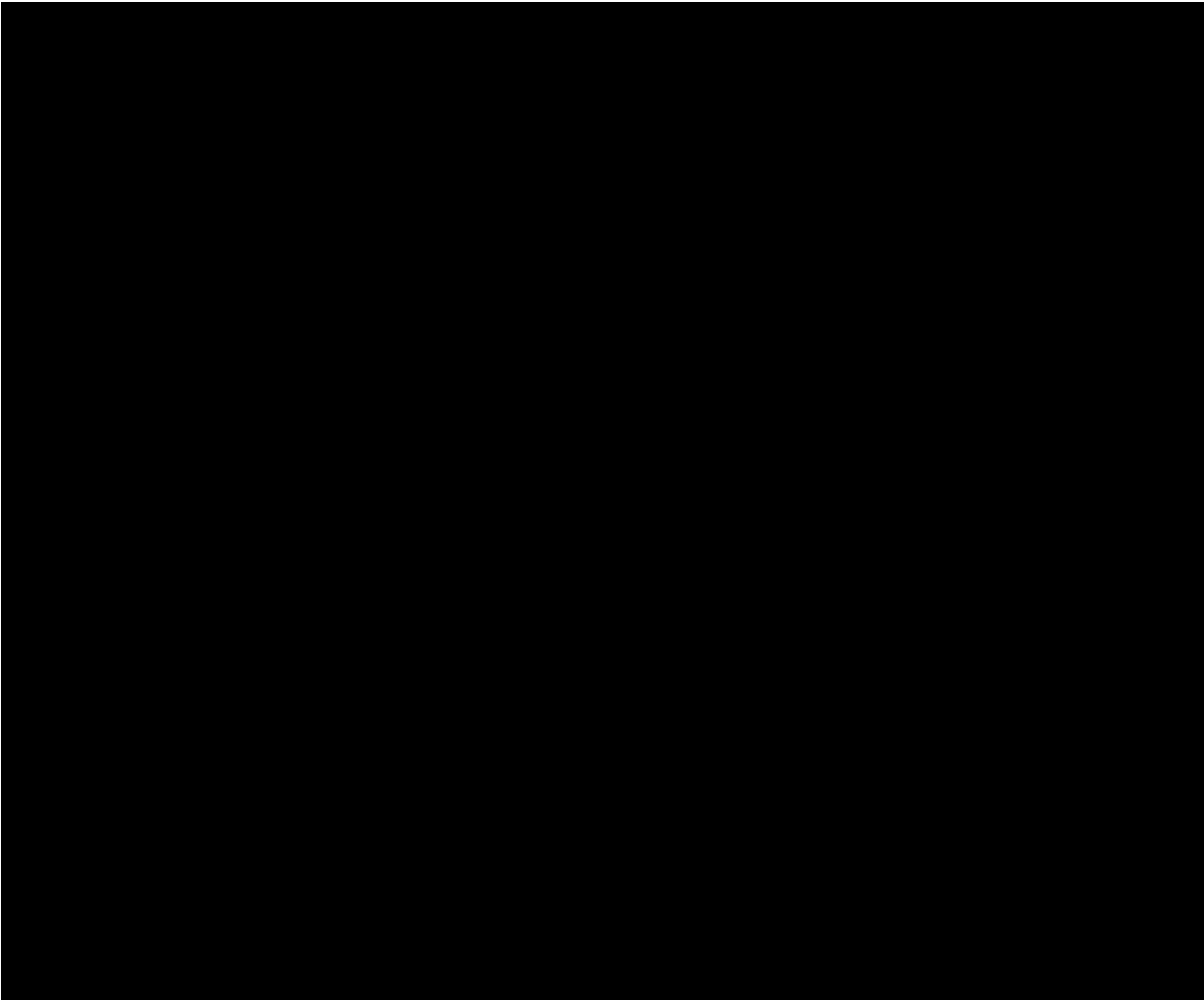
3 A. Yeah.

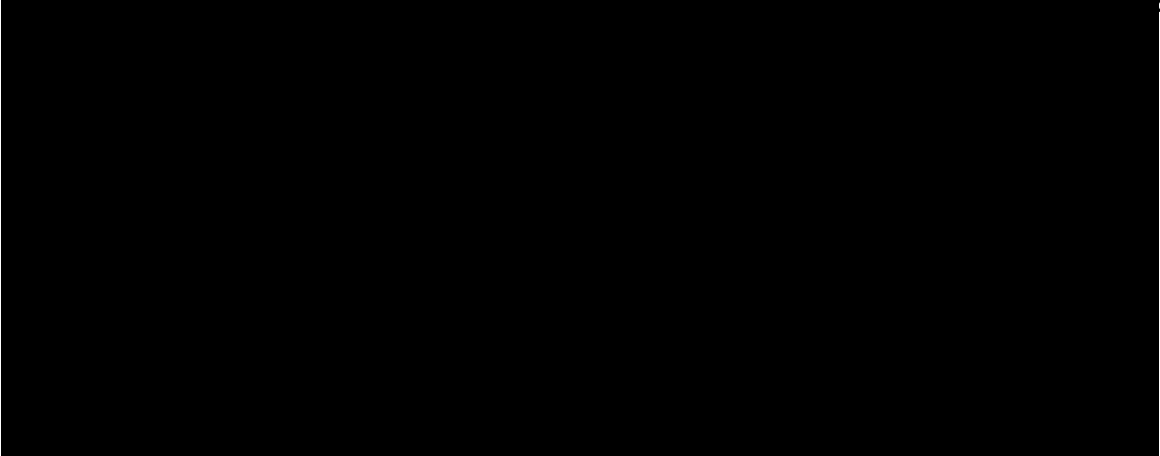
4 Q. Okay.

5 A. You submitted a data request. The
6 answer was none.

7 Q. You checked the Hudson data and there
8 were none?

9 A. Yeah, I did it then and I haven't done
10 it since.





7 A. From my lawyer.

8 Q. Thank you.

9 Let's turn to page 41, please. Then on
10 line 5, you are talking about the GO Group. What
11 percent of your overall passengers are from the
12 GO Group referrals or bookings?

13 MR. FASSBURG: Once again, I'm going to
14 instruct the witness not to answer your question. To
15 try to probe into SpeediShuttle's business
16 operations, it's proprietary information, as you have
17 objected yourself with respect to questions about
18 Shuttle Express's information of a similar nature.
19 He's not going to answer that question.

20 MR. HARLOW: For the record, if you did
21 ask relevant questions, I will give you the
22 proprietary information. We have done that and we
23 will do so.

24 MR. FASSBURG: You haven't done it a
25 single time.

1 MR. HARLOW: Not true.

2 Q. Have you obtained any wholesale
3 bookings from the GO Group for passengers that don't
4 speak English?

5 A. I don't know.

6 Q. Do you know what the GO Group's website
7 looks like for passengers to book transportation?

8 A. No.

9 Q. So you wouldn't know if they have any
10 Asians languages?

11 A. I don't know. They're a wholesaler.

12 Q. For any of your wholesalers, do you
13 know if they have booked non-English speaking
14 passengers for you?

15 A. Not directly, no.

16 Q. How about indirectly?

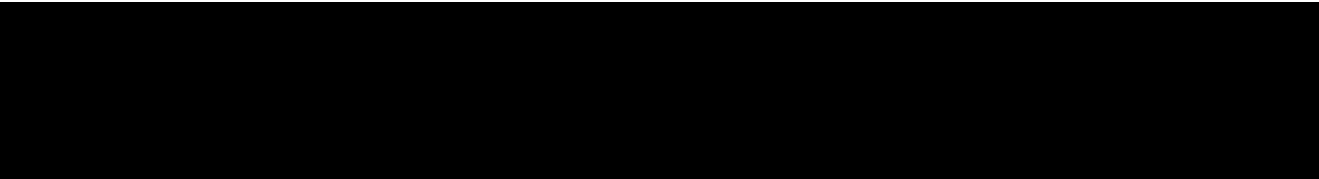
17 A. Indirectly, yes.

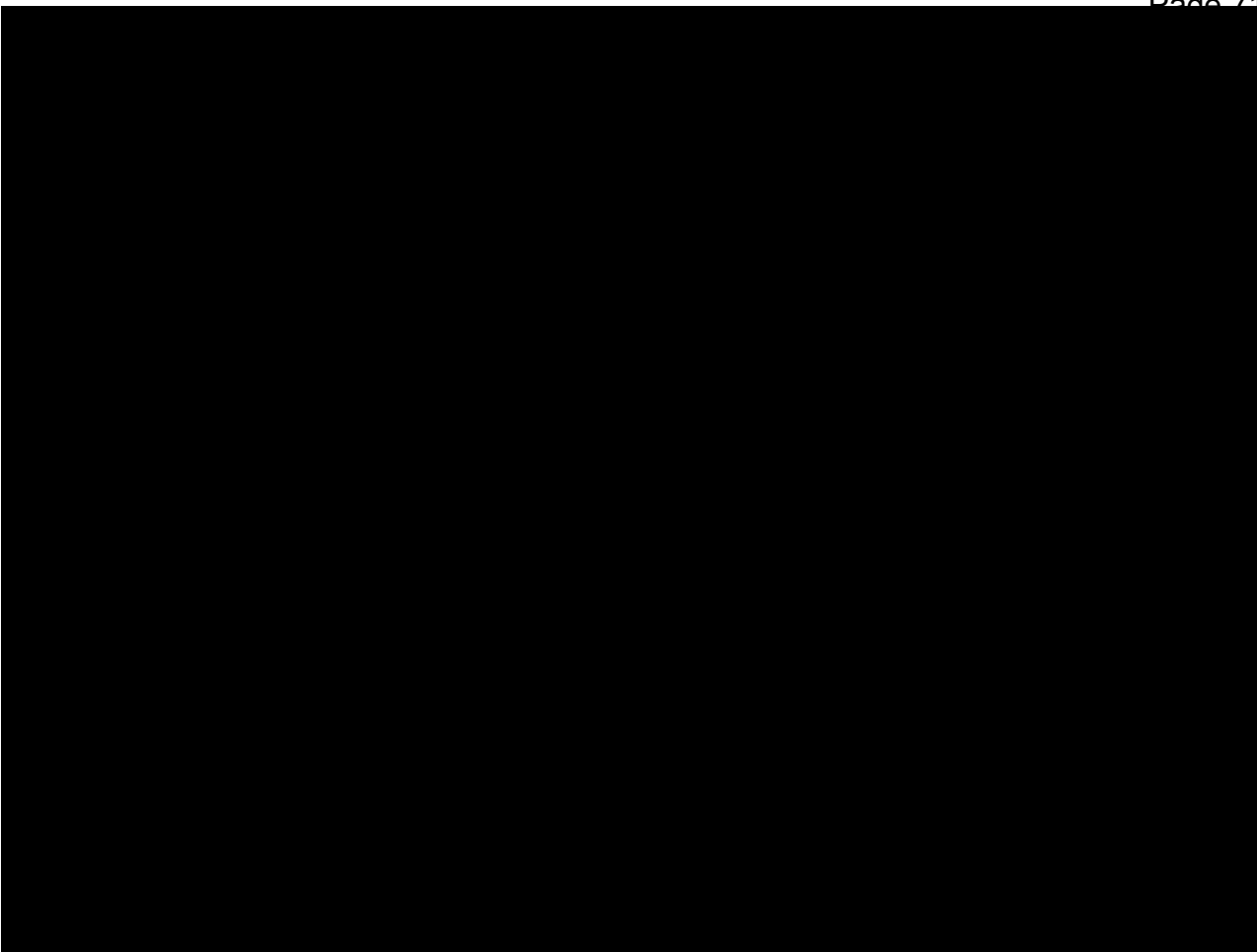
18 Q. How do you know that?

19 A. Expedia has told us informally.

20 Q. And have they told you how many
21 they've --

22 A. No, they don't. They don't disclose
23 that information.





15 Q. Turn, please, to page 55 of your
16 prefiled testimony.

17 A. Okay.

18 Q. At line 15, you say, "We lost 55 cents
19 on every dollar." At line 16 you say, "14 cents per
20 dollar for the subsequent five months."

21 Do you see those numbers?

22 A. Yeah.

23 Q. Where do those numbers come from?

24 A. Those come from the financial
25 statements that we provided you under the

1 nondisclosure.

2 Q. Would that track to your monthly
3 financial statements?

4 A. Yes, the numbers are the same.

5 Q. What about the -- turn to the top of
6 page 56. Line 4 and line 5, you talk about a
7 combined loss of \$702,000 on \$1.988 million of
8 revenue. Do you see that?

9 A. Uh-huh.

10 Q. And then the next line you talk about
11 35 cents per dollar of revenue. Do you see that?

12 A. Right.

13 Q. Where do those numbers come from?

14 A. Same place.

15 Q. Again, those would be tracked and added
16 to, would track and match your numbers in your
17 monthly financial statements?

18 A. That's correct.

19 Q. That 35 cents per dollar, that's a
20 loss, unprofitable amount of 35 percent, that's a
21 loss?

22 A. Yes.



2 Q. On page 55, rather, you show the loss
3 for the first 12-month period of 55 cents and then
4 for the next five-month period after that period of
5 14 cents per dollar?

6 A. Okay.

7 Q. Is that 14 cents per dollar accurately
8 representative of the full year performance for that
9 year?

10 A. That's not a full year period. It's a
11 five-month period.

12 Q. Do you have full year data yet for that
13 year, which I believe is 2016?

14 A. No, it would have to go from May 1 to
15 April 30, 2017. No, we wouldn't have that yet.

16 Q. Do you have full year data for the
17 calendar year 2016?

18 A. Yeah, but I don't have full year data
19 for the period calendar year 2015 because we weren't
20 in operation for --

21 Q. What was the loss per dollar for the
22 full year calendar 2016?

23 A. I don't know. It's not a number we
24 track.

25 Q. Wouldn't you just add up the numbers

1 from the 12 --

2 A. We don't do that.

3 Q. You haven't done it, but could you do
4 it from the monthly financial statements you do
5 track?

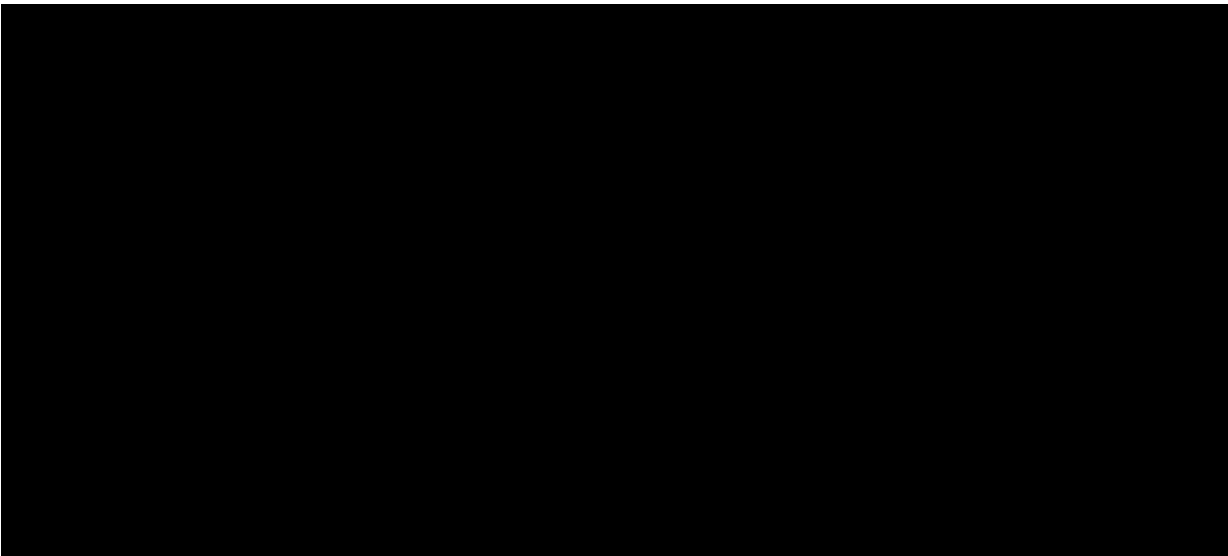
6 A. But we don't because we don't have any
7 use for it.

8 Q. Could you also figure the most recent
9 12-month period? Say, for the period of April of
10 2016 through February of 2017, could you do 12 months
11 from March of 2016 through February of 2017?

12 A. What's the relevance of that period?

13 Q. I'm just asking you if you could do
14 12-month period for that period?

15 A. I could do any period I want. Whether
16 I would or not is a different question, because
17 what's -- how is that useful?





5 (Exhibit-31 marked.)

6 Q. Have you ever seen that email?

7 A. My guess is probably.

8 Q. You see the second paragraph discussing
9 financial statements and GAAP again?

10 A. Uh-huh.

11 Q. And do you see where it says, "You
12 could show five months from 5-1-15 ending 9-30-15
13 plus 12 months from 10-1-15 and ending 9-30-16."

14 Do you see that?

15 A. I see that.

16 Q. And then it says, "We could accept
17 that."

18 Were you ever asked to provide
19 financial statements for those time periods?

20 A. No, I was asked -- I was asked if we
21 would be willing to do that and I said no.

22 Q. Why were you unwilling to do that?

23 A. Because that subperiod has no basis in
24 any sort of relative advances that I could think of.
25 The period 5-1-15 to 9-30-15 makes no sense. It

1 doesn't relate to anything. There's no basis for
2 cutting off the financial statements at that date.

3 Q. Could you have provided that, those
4 months if you had wanted to?

5 A. Of course.

6 Q. All right. Prior to that it says,
7 "GAAP," which is defined, "would have year end 2015
8 and then year to date 2016."

9 Were you ever asked to provide those
10 financial statements for those periods?

11 A. We didn't have a full period in any way
12 we looked at it, so I said without having a full
13 period, you can't tell anything.

14 Q. Did you have year end 2015?

15 A. Yeah. Oh, yeah. We had year end 2015.

16 Q. What about year to date 2016, did you
17 have that?

18 A. Yeah, but those aren't comparable
19 periods.

20 Q. Okay. So you were asked to provide
21 those and declined to do so; is that correct?

22 A. I was asked if I thought it was
23 reasonable to provide them and I said no.

24 Q. Okay. And you --

25 A. You can define the periods to try and

1 prove your point, but that doesn't make the periods
2 relevant.

3 Q. The next to the last sentence in that
4 paragraph says, "We could accept that, something
5 consistent with GAAP, or a monthly spreadsheet."

6 Were you ever asked to provide
7 generally something consistent with GAAP or with a
8 monthly spreadsheet?

9 A. I provided something. I provided
10 something consistent with GAAP. I provided the first
11 full 12 months of our operation and the subperiod to
12 date through for the subsequent period.

13 Q. So you felt you had already done that?

14 A. I have already done that.

15 Q. Were you ever asked to provide a
16 monthly spreadsheet?

17 A. No, I'm sure that the -- we have -- I
18 remember what the judge said too.

19 Q. Do you recall in the most recent data
20 requests you've been asked to provide monthly
21 financial statements?

22 A. Oh, yeah.

23 Q. Is it your intention to do that at this
24 time?

25 A. No.