

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE PLATINUM BEECHWOOD
LITIGATION

Master Docket No.
1:18-cv-06658-JSR

MARTIN TROTT *et al.*,

plaintiffs

against

PLATINUM MANAGEMENT (NY) LLC, *et al.*,

defendants.

No. 1:18-cv-10936-JSR

DECLARATION OF S. CHRISTOPHER PROVENZANO

I, S. Christopher Provenzano, attorney for Defendant Ezra Beren and an attorney admitted to practice in this court, state:

1. Attached hereto as **Exhibit A** is a true and correct copy of the December 31, 2019, deposition of Ezra Beren.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 17, 2020



S. Christopher Provenzano
Provenzano Granne & Bader
Attorneys for Defendant Ezra Beren

EXHIBIT A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----)	
IN RE: PLATINUM-BEECHWOOD)	
LITIGATION)	
-----)	
MARTIN TROTT and)	
CHRISTOPHER SMITH, as Joint)	
Official Liquidators and)	
Foreign Representatives of)	
PLATINUM PARTNERS VALUE)	
ARBITRAGE FUND L.P.)	
(in Official Liquidation),)	CASE NO.
and PLATINUM PARTNERS VALUE)	18-CV-6658(JSR)
ARBITRAGE FUND L.P. (in)	CASE NO.
Official Liquidation),)	18-CV-10936(JSR)
)	
Plaintiffs,)	
)	
vs.)	
)	
PLATINUM MANAGEMENT (NY))	
LLC, et al.,)	
)	
Defendants.)	
-----)	

VIDEO DEPOSITION OF EZRA DAVID BEREN

New York, New York

Tuesday, December 31, 2019

Reported Stenographically By:
PATRICIA A. BIDONDE
Registered Professional Reporter
Realtime Certified Reporter
JOB#: 295301

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

December 31, 2019
9:46 a.m.

Video Deposition of EZRA DAVID
BEREN, held at the offices of US Legal
Support, 90 Broad Street, New York, New
York, before Patricia A. Bidonde,
Stenographer, Registered Professional
Reporter, Realtime Certified Reporter,
Certified eDepoze Court Reporter, Notary
Public of the State of New York, and
Notary Public of the State of
Connecticut.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

HOLLAND & KNIGHT, LLP

Attorneys for Plaintiff

31 West 52nd Street

12th Floor

New York, New York 10019

BY: WARREN E. GLUCK, ESQ.

ELLIOT MAGRUDER, ESQ.

CURTIS, MALLETT-PREVOST, COLT & MOSLE, LLP

Attorneys for David Bodner

101 Park Avenue

New York, New York 10178

BY: BETSY FEUERSTEIN, ESQ.

(Via teleconference)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S (CONTINUED)

PROVENZANO GRANNE & BADER LLP

Attorneys for Witness

1130 Avenue of the Americas

Suite 23A

New York, New York 10019

BY: S. CHRISTOPHER PROVENZANO, ESQ.

BY: JENNIFER BADER, ESQ.

ALSO PRESENT:

DARRAK LIGHTY, VIDEOGRAPHER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IT IS HEREBY STIPULATED AND
AGREED, by and between the attorneys for
the respective parties, that all
objections, except as to the form of the
questions, shall be reserved to the time
of the trial.

IT IS FURTHER STIPULATED AND
AGREED that the within examination may
be signed and sworn to before any Notary
Public with the same force and effect as
if signed and sworn to before the court.

IT IS FURTHER STIPULATED AND
AGREED that the filing of the original
transcript of the examination is waived.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

THE VIDEOGRAPHER: This is the 09:46
video deposition of Ezra Beren in the 09:46
matter of Platinum-Beechwood litigation. 09:46
This deposition is being held at the 09:46
offices of US Legal Support, 90 Broad 09:46
Street, New York, New York, on December 09:46
31, 2019. 09:46

My name is Darrack Lighty from US 09:46
Legal Support, and I am the video 09:46
specialist. The court reporter today is 09:46
Patricia Bidonde, also associated with 09:46
US Legal Support. We are going on the 09:46
record at 9:46 a.m. All appearances 09:46
have been noted on record. Will the 09:46
court reporter please affirm the 09:46
witness. 09:46

(Beren Exhibit 1, Binder, marked 09:46
for identification, as of this date.) 09:47

E Z R A D A V I D B E R E N, called as 09:47
a witness, having been duly sworn by a
Notary Public, was examined and

1 E. Beren
2 testified as follows:

3 EXAMINATION BY

4 MR. GLUCK:

5 Q. Good morning, Mr. Beren. 09:47

6 A. Good morning. 09:47

7 Q. My name is Warren Gluck. I 09:47
8 represent -- I am with the law firm of Holland 09:47
9 & Knight LLP. Holland & Knight represents the 09:47
10 joint official liquidators of Platinum 09:47
11 Partners Value Arbitrage Fund LP, which I'll 09:47
12 call PPVA and PPVA and a matter that is 09:47
13 captioned on your exhibit binder for the 09:47
14 Southern District of New York, Judge Rakoff. 09:47

15 First, I'll ask, have you ever 09:47
16 been deposed before? 09:47

17 A. I was briefly, but I was not 09:47
18 there very long. 09:47

19 Q. Okay. And in what contexts were 09:47
20 you deposed? 09:47

21 A. It was in a matter of a former 09:47
22 investment from Beechwood. 09:47

23 Q. Okay. 09:48

24 A. Forgive me. It was not an 09:48
25 investment. It was a matter related to a 09:48

1 E. Beren

2 potential investment that Beechwood was 09:48

3 looking at doing. 09:48

4 Q. Okay. And what was the potential 09:48

5 investment? 09:48

6 A. I don't recall the specifics. 09:48

7 Q. What was the lawsuit about? 09:48

8 A. I don't recall the specifics. 09:48

9 Q. Why were you being deposed? 09:48

10 A. There was a particular company 09:48

11 that had looked for an investment which was 09:48

12 brought to Beechwood. And again, I don't 09:48

13 recall the specifics of why I was brought in, 09:48

14 but I was brought in. 09:48

15 Q. And you don't -- if you don't 09:48

16 remember the name of the company, do you 09:48

17 remember what the company did? 09:48

18 A. I don't recall. 09:48

19 Q. About when was this? 09:48

20 A. I don't recall. 09:48

21 Q. More than a year ago? 09:48

22 A. I don't recall. 09:49

23 Q. Okay. I'm going to ask you to 09:49

24 try to estimate, and I'm going to go over some 09:49

25 ground rules, and then we'll come back to 09:49

1 E. Beren

2 this. 09:49

3 MR. PROVENZANO: Could I ask just 09:49

4 to keep your voice up a little bit, 09:49

5 because I'm having trouble hearing you, 09:49

6 and I -- it might just be too many loud 09:49

7 concerts as a kid. 09:49

8 MR. GLUCK: I'll project. 09:49

9 Q. In this deposition you've just 09:49

10 taken an oath to tell the truth. Do you 09:49

11 understand that? 09:49

12 A. I do. 09:49

13 Q. And as part of your answers here 09:49

14 today, while you are free to provide any 09:49

15 answer you wish, that answer must be the 09:49

16 truth. Do you understand that? 09:49

17 A. I do. 09:49

18 Q. And you understand that if you do 09:49

19 not tell the truth here today or the whole 09:49

20 truth, you could be subject to potential 09:49

21 criminal penalties. 09:49

22 Do you understand that? 09:49

23 A. I do. 09:49

24 Q. I'm going to ask you a series of 09:49

25 questions. If you don't understand the 09:49

1 E. Beren

2 question, you can ask me to rephrase the 09:49

3 question. 09:49

4 A. Okay. 09:49

5 Q. As a general principle, I'm not 09:49

6 going to ask you specifically for 09:49

7 communications you've had with your lawyer. 09:50

8 That's privileged. But if I ask about 09:50

9 something -- so I could say, Did you meet with 09:50

10 your lawyer to prepare for this deposition, 09:50

11 just by way of example. 09:50

12 You could say, Yes. 09:50

13 I could say, How long? 09:50

14 You say, Five hours. 09:50

15 The one thing I will not ask is 09:50

16 what you talked about. Does that make sense? 09:50

17 A. Yes. 09:50

18 Q. Okay. Now, occasionally, I will 09:50

19 try to jog your memory or try to have you 09:50

20 estimate things so as to provide reasonably 09:50

21 accurate answers even if you don't have a 09:50

22 complete or perfect memory of something. And 09:50

23 so what we were just doing when we were asking 09:50

24 about -- when I was asking about the Beechwood 09:50

25 investment was, sort of, that -- and I'm going 09:50

1 E. Beren

2 to show you an example now so that we can use 09:50

3 it in this deposition. 09:51

4 Beechwood, I'll represent to you 09:51

5 that Beechwood was formed in about 2013 -- 09:51

6 okay? -- so my question is going to be: It's 09:51

7 2016 now. So your deposition couldn't have 09:51

8 been more than six years ago, could it? 09:51

9 A. Again, I don't recall when the 09:51

10 deposition was. 09:51

11 Q. Okay. I understand. And now I'm 09:51

12 going to try and say, Well, it couldn't have 09:51

13 been more than six years ago. So it's between 09:51

14 one and six years ago. Right? 09:51

15 A. I guess so. 09:51

16 Q. Okay. I'm going to ask you to 09:51

17 estimate a lot, especially where your memory 09:51

18 is foggy, and that's understandable for things 09:51

19 going back years. But just because you don't 09:51

20 have an initial recollection doesn't mean 09:51

21 we're going to, sort of, stop asking questions 09:51

22 about it. 09:51

23 So between one and six years, is 09:51

24 there any touchstone or point that might serve 09:51

25 as a guide for when the dispute associated 09:51

1	E. Beren	
2	with this investment happened?	09:51
3	A. Again, I couldn't tell you that.	09:51
4	I don't remember.	09:52
5	Q. Okay. Well, let's try it this	09:52
6	way: What year were you born?	09:52
7	A. 1985.	09:52
8	Q. So you don't remember how old you	09:52
9	were. So you're 35 now?	09:52
10	A. 4.	09:52
11	Q. Okay. So were you in your 30s	09:52
12	when you were deposed?	09:52
13	A. Again, I don't remember when I	09:52
14	was deposed.	09:52
15	Q. Okay. Do you have a copy of the	09:52
16	deposition transcript?	09:52
17	A. I do not.	09:52
18	Q. But you think it was a Beechwood	09:52
19	deposition?	09:52
20	A. I believe so.	09:52
21	Q. You think Beechwood was being	09:52
22	sued?	09:52
23	A. No.	09:52
24	Q. Who was being sued?	09:52
25	A. I was a third party.	09:52

1	E. Beren	
2	Q. You were a defendant?	09:52
3	A. No.	09:52
4	Q. Do you remember who was being	09:52
5	sued?	09:52
6	A. I do not.	09:52
7	Q. Do you remember who plaintiff	09:52
8	was?	09:52
9	A. I do not.	09:52
10	Q. But your recollection is that	09:52
11	it's something to do with a Beechwood	09:52
12	investment?	09:52
13	A. No. My recollection is that	09:52
14	another party had called me in as a	09:52
15	third-party witness to an investment that they	09:52
16	did, and again, I don't recall the specifics	09:53
17	after that.	09:53
18	MR. GLUCK: Okay. Well, if this	09:53
19	transcript is within the possession,	09:53
20	custody, or control of the witness --	09:53
21	MR. PROVENZANO: We'll look.	09:53
22	MR. GLUCK: We'll request it.	09:53
23	MR. PROVENZANO: We're not aware	09:53
24	of any, but we'll look.	09:53
25	Q. Other than the deposition which	09:53

1 E. Beren

2 you just mentioned, have you ever given 09:53

3 testimony before? 09:53

4 A. No. 09:53

5 Q. Have you ever signed something 09:53

6 called an "affidavit" before? 09:53

7 A. I don't believe so. 09:53

8 Q. Or a witness statement, a 09:53

9 declaration? 09:53

10 A. I don't believe so. 09:53

11 Q. Where were you born? 09:53

12 A. I was born in Denver, Colorado. 09:53

13 Q. When did you come to New York? 09:53

14 A. I don't remember the exact year. 09:53

15 Maybe 2000 -- give me a second. Maybe 2002 09:53

16 for school. 09:54

17 MR. PROVENZANO: And just one 09:54

18 second, Ezra, I think you're speaking 09:54

19 very quietly too. You got it. Okay. 09:54

20 Oh, I'm covering my mic. Or is he 09:54

21 covering his mic? 09:54

22 MS. BADER: No, no, no. If you 09:54

23 talk to me, cover your mic. 09:54

24 MR. PROVENZANO: Oh, got it. 09:54

25 Okay. Thank you. 09:54

1	E. Beren	
2	BY MR. GLUCK:	09:54
3	Q. And what school did you attend?	09:54
4	A. I attended Yeshiva of Far	09:54
5	Rockaway in Queens, New York.	09:54
6	Q. Okay. And what is your highest	09:54
7	level of education?	09:54
8	A. I have a college degree.	09:54
9	Q. In what?	09:54
10	A. Bachelor's in individualized	09:54
11	studies with a concentration in business.	09:54
12	Q. Okay. And what was your first	09:54
13	job when you graduated from college?	09:54
14	A. I worked at an energy company.	09:54
15	Q. What energy company?	09:54
16	A. Called Viridian Energy.	09:54
17	Q. Okay. And what did you do at	09:54
18	Viridian Energy?	09:55
19	A. Sales.	09:55
20	Q. Is -- was it an energy retail	09:55
21	company?	09:55
22	A. It was an energy servicing	09:55
23	company operated in a deregulated sector.	09:55
24	Q. Okay. And where was the company	09:55
25	located?	09:55

1	E. Beren	
2	A. Connecticut.	09:55
3	Q. Did you report for work every day	09:55
4	in Connecticut?	09:55
5	A. My sales job had me sometimes on	09:55
6	the road, so ...	09:55
7	Q. Who were the customers that you	09:55
8	were selling to?	09:55
9	A. Residential, commercial	09:55
10	customers.	09:55
11	Q. So you get people to sign up?	09:55
12	A. That's correct.	09:55
13	Q. When is the first time that you	09:55
14	met Murray Huberfeld?	09:55
15	A. I don't recall the exact date.	09:55
16	Q. Was it after you moved to New	09:55
17	York?	09:55
18	A. Yes.	09:55
19	Q. Was it in a personal context or	09:55
20	in a business context?	09:55
21	A. Personal.	09:55
22	Q. Had you started dating	09:55
23	Ms. Jessica Beren?	09:55
24	A. No.	09:55
25	Q. So what was the personal context?	09:55

1 E. Beren

2 married, so maybe around -- I had met my wife 09:57

3 the same time I'd met Mr. Huberfeld. 09:57

4 Q. Around that same time? 09:57

5 A. No. At the same time. At this 09:57

6 function. 09:57

7 Q. And would you refer to your 09:57

8 father-in-law, Murray Huberfeld, as "pops"? 09:57

9 A. I refer to him sometimes this, 09:57

10 sometimes that. 09:57

11 Q. Including "pops"? 09:57

12 A. It's possible. 09:57

13 Q. Okay. After you worked for 09:57

14 Viridian, what did you do then? 09:57

15 A. When I left Viridian, I went to 09:57

16 go work for a fund called Pro Player Funding. 09:57

17 Q. Okay. Now, Viridian is a 09:57

18 Platinum-connected fund. Right? 09:57

19 A. No. 09:57

20 Q. Excuse me, it's a Platinum energy 09:57

21 company? 09:58

22 A. I don't know. 09:58

23 Q. Do you know if Platinum owned the 09:58

24 equity there? 09:58

25 A. I was not privy to that. 09:58

1	E. Beren	
2	Q. Okay. Do you remember who the	09:59
3	name of the entity was?	09:59
4	A. His name was Michael Fallquist.	09:59
5	Q. And how long were you with	09:59
6	Viridian?	09:59
7	A. I don't recall the exact time.	09:59
8	Q. Your next job was Pro Player?	09:59
9	A. That is correct.	09:59
10	Q. When was that around?	09:59
11	A. After I left Viridian. Again, I	09:59
12	don't recall the exact dates.	09:59
13	Q. Okay. Around 2010?	09:59
14	A. I don't recall the exact dates.	09:59
15	I don't want to state a date and be wrong.	09:59
16	Q. What do you understand Pro Player	09:59
17	was?	09:59
18	A. Pro Player was -- Pro Player's	09:59
19	focus was to lend money to professional	09:59
20	athletes against their contracts.	09:59
21	Q. It's a PPCO company. Right?	10:00
22	A. I don't know. I worked for	10:00
23	Pro Player.	10:00
24	Q. You got checks from Pro Player?	10:00
25	A. I don't recall who I got checks	10:00

1	E. Beren	
2	from.	10:00
3	Q. You don't remember?	10:00
4	A. I don't.	10:00
5	Q. Where did you report to work?	10:00
6	A. At the same offices as Platinum.	10:00
7	Q. Okay. And you don't know, as you	10:00
8	sit here today, whether Pro Player is a	10:00
9	Platinum subsidiary?	10:00
10	A. It very well could have been.	10:00
11	Q. Okay. And what were you doing	10:00
12	for Pro Player?	10:00
13	A. Trying to originate to loan	10:00
14	opportunities.	10:00
15	Q. Find players who needed to borrow	10:00
16	money?	10:00
17	A. That's correct.	10:00
18	Q. And what was your title when you	10:00
19	were working in Platinum's offices for	10:00
20	Pro Player?	10:00
21	A. So when I left Viridian, I had	10:00
22	asked my boss, who was now at Pro Player --	10:00
23	his name was Darien Dash -- I asked to have	10:01
24	the title of vice president, which would allow	10:01
25	me better optics to originate loan	10:01

1 E. Beren

2 opportunities at Pro Player. 10:01

3 Q. So you were a vice president at 10:01

4 Pro Player? 10:01

5 A. Vice president was just a title 10:01

6 on a card. 10:01

7 Q. Your card said Pro Player, or 10:01

8 your card said Platinum? 10:01

9 A. My card said Pro Player. 10:01

10 Q. Okay. What about Platinum, did 10:01

11 you have any job titles at Platinum? 10:01

12 A. I did have job titles at 10:01

13 Platinum. 10:01

14 Q. Okay. So you were working at 10:01

15 Pro Player and you were working at Platinum? 10:01

16 A. That is not correct. You asked 10:01

17 me, what is -- did I have a job title at 10:01

18 Platinum. 10:01

19 Q. You're saying one is later than 10:01

20 the other? 10:01

21 A. That is correct. 10:01

22 Q. Okay. So you started working at 10:01

23 Pro Player. Who did you report to? 10:01

24 A. Darien Dash. 10:01

25 Q. What about Murray Huberfeld? 10:01

1	E. Beren	
2	A. I did not report to Murray.	10:01
3	Q. Murray wasn't involved in	10:01
4	Pro Player lending?	10:02
5	A. Not with me.	10:02
6	Q. Did you ever have a phone call	10:02
7	with him about any of the loans that you had	10:02
8	made?	10:02
9	A. I don't recall.	10:02
10	MR. PROVENZANO: I didn't hear	10:02
11	that question.	10:02
12	Q. Did you ever have a telephone	10:02
13	call with Murray or a conversation about any	10:02
14	of the Pro Player loans that were being made?	10:02
15	A. I don't recall.	10:02
16	Q. You don't recall?	10:02
17	A. I don't recall.	10:02
18	Q. Okay. Day-to-day, what did you	10:02
19	do at Pro Player?	10:02
20	A. I tried to originate loans.	10:02
21	Q. Okay. And who would you report	10:02
22	to, who would you tell when you originated a	10:02
23	loan to?	10:02
24	A. Darien Dash.	10:02
25	Q. Anyone else?	10:02

1	E. Beren	
2	A. I don't recall.	10:02
3	Q. You just don't recall?	10:02
4	A. I don't recall.	10:02
5	Q. Why don't you recall?	10:02
6	MR. PROVENZANO: That's a very	10:02
7	odd question, "Why don't you recall?"	10:02
8	Can you answer that?	10:02
9	THE WITNESS: You're going back a	10:02
10	long time.	10:02
11	Q. That's fine.	10:02
12	What's your current job?	10:02
13	A. I work at a child care company.	10:02
14	Q. Brightside Academy?	10:02
15	A. That is correct.	10:03
16	Q. What's Brightside Academy?	10:03
17	A. It's an early child and education	10:03
18	company.	10:03
19	Q. What's your role?	10:03
20	A. I'm the president of the company.	10:03
21	Q. Did you found it?	10:03
22	A. Did I -- be more specific.	10:03
23	Q. Did you start the company?	10:03
24	A. What do you mean by "did I start	10:03
25	the company"?	10:03

1 E. Beren

2 Q. Well, did the company exist 10:03

3 before you were involved with it? 10:03

4 A. The company did exist, yes. 10:03

5 Q. Okay. So how did you come to 10:03

6 work for this company? 10:03

7 A. So I -- myself and -- this 10:03

8 company was acquired in a nutshell. 10:03

9 Q. Who was it acquired by? 10:03

10 A. By myself and multiple investors. 10:03

11 Q. Okay. By a special purpose 10:03

12 vehicle that is owned by yourself and multiple 10:04

13 investors? 10:04

14 A. It was acquired by an LLC. 10:04

15 Q. What LLC? 10:04

16 A. There's multiple LLCs consisting 10:04

17 of the ownership group. 10:04

18 MR. PROVENZANO: Can I just 10:04

19 clarify the question? Is your question 10:04

20 who is -- what LLC is the direct owner 10:04

21 of the company? 10:04

22 MR. GLUCK: Well, let's -- 10:04

23 MR. PROVENZANO: Is that what 10:04

24 you're trying to get at? 10:04

25 MR. GLUCK: Yeah, let's start -- 10:04

1 E. Beren

2 yeah. 10:04

3 Q. What's the name of the LLC that 10:04

4 is the owner of Brightside Academy? 10:04

5 A. Brightside Academy Ohio, LLC. 10:04

6 Q. And who are the members of that 10:04

7 LLC? 10:04

8 A. Multiple LLCs. 10:04

9 Q. Which ones? 10:04

10 A. There's a GP entity and there's 10:04

11 an LP entity. 10:04

12 Q. GP entity and a what? 10:04

13 A. And an LP entity. 10:05

14 Q. Well, what's the GP entity? 10:05

15 A. That's for -- general partners 10:05

16 own a percentage of the entity, and then you 10:05

17 have -- 10:05

18 Q. What's the name of the GP entity? 10:05

19 A. Archer Ohio Holdings GP, LLC. 10:05

20 Q. And what is the name of the LP 10:05

21 entity? 10:05

22 A. Archer Ohio Holdings LP, LLC. 10:05

23 Q. Are you a member of the GP 10:05

24 entity? 10:05

25 A. I am not a member. Well, clarify 10:05

1 E. Beren

2 your question. 10:05

3 Q. Is your question because I asked 10:05

4 whether you are -- are you directly or 10:05

5 indirectly a member of the GP? 10:05

6 A. Again, if you could clarify your 10:05

7 question. 10:05

8 Q. Well, let's back it up. 10:05

9 Who are the members of the GP? 10:05

10 A. Multiple LLCs. 10:05

11 Q. What are their names? 10:05

12 A. They escape me off the top of my 10:06

13 head right now. 10:06

14 Q. You can't remember one? 10:06

15 A. Uncle Ez, LLC. 10:06

16 MR. PROVENZANO: Is that Uncle 10:06

17 Ez, E-z, LLC? 10:06

18 THE WITNESS: That is correct. 10:06

19 Q. Okay. Is the "Ez" a reference to 10:06

20 you, Ezra? 10:06

21 A. That is correct. 10:06

22 Q. That's your ownership interest? 10:06

23 A. That is correct. 10:06

24 Q. You're a member of the Uncle Ez, 10:06

25 LLC entity? 10:06

1 E. Beren

2 A. Yes. 10:06

3 Q. What other entities are a member
4 of the GP? 10:06

5 A. I don't recall off the top of my
6 head. 10:06

7 Q. Any entities associated with
8 Mr. Huberfeld? 10:06

9 A. No. 10:06

10 Q. Nothing? 10:06

11 A. Nothing. 10:06

12 Q. Where did you get the money to
13 acquire this company? 10:06

14 A. LP investors. 10:06

15 Q. Who are those wealthy investors? 10:06

16 A. Multiple individuals. 10:07

17 Q. How many? 10:07

18 A. Maybe -- I don't recall the exact
19 number. 10:07

20 Q. Approximately? 10:07

21 MR. PROVENZANO: Can I interject? 10:07

22 Are you a managing member of the Uncle
23 Ez, LLC? 10:07

24 THE WITNESS: Yes. 10:07

25 Q. How many? 10:07

1 E. Beren

2 A. Maybe ten, maybe more. 10:07

3 Q. Ten individual high net-worth 10:07

4 persons? 10:07

5 A. That's correct. 10:07

6 Q. Can you name as many as you can? 10:07

7 A. Multiple of the investors are 10:07

8 through the forms of LLC. The investments are 10:07

9 through LLCs. And again, I don't have that in 10:07

10 front of me, so I don't want to misquote the 10:07

11 exact names. 10:07

12 Q. The record will be what it is, 10:07

13 but I'm asking actually for the human beings, 10:07

14 the ten high-net worth human beings? 10:07

15 A. Well, again, I don't know the 10:08

16 specific human beings behind the LLC. 10:08

17 Q. But you said there were ten 10:08

18 high-net worth investors and -- 10:08

19 A. I said "approximately." 10:08

20 Q. Okay. Approximately. Please 10:08

21 name as many as you can. This is what you're 10:08

22 doing now -- right? -- so you've been doing 10:08

23 this since 2018? 10:08

24 A. That is correct. 10:08

25 Q. Okay. So can you please name as 10:08

1 E. Beren

2 many of your investors for your acquisition as 10:08

3 you can? 10:08

4 MR. PROVENZANO: Is there a 10:08

5 document to which you're referring? 10:08

6 MR. GLUCK: Well, I'm looking at 10:08

7 his LinkedIn profile. 10:08

8 MR. PROVENZANO: Can I -- I mean, 10:08

9 I really don't see what this has to do 10:08

10 with the case. If what you're trying to 10:08

11 get at is whether any of the parties to 10:08

12 the case have a financial interest in 10:08

13 the business, maybe you could just ask 10:08

14 that. 10:08

15 MR. GLUCK: Well, I think -- I 10:08

16 think that's the question. 10:08

17 MR. PROVENZANO: Okay. You're 10:08

18 free to get at it however you like. I'm 10:08

19 just saying maybe we can short-circuit 10:08

20 it. 10:08

21 BY MR. GLUCK: 10:08

22 Q. Could you please name the human 10:08

23 beings, the high-net worth human beings who 10:08

24 provided money to you for the acquisition of 10:09

25 what ultimately is Brightside Academy? 10:09

1	E. Beren	
2	A. There's Jonathan Basquilla, there	10:09
3	is a Jonathan Hayman, there is a Mier Wexler,	10:09
4	there is -- again, some of the names are	10:09
5	escaping me. There is a, I believe, a Mayor	10:09
6	Cohen. I'm escaping the individuals with some	10:09
7	of the LLCs. But that's just a naming of a	10:09
8	couple.	10:09
9	Q. Anyone in your family?	10:09
10	A. Well, I invested.	10:10
11	Q. Anybody else?	10:10
12	A. Yes.	10:10
13	Q. Who?	10:10
14	A. My wife.	10:10
15	Q. Okay. Jessica Beren?	10:10
16	A. That is correct.	10:10
17	Q. Anyone else?	10:10
18	A. No.	10:10
19	Q. Either in her family or in your	10:10
20	family?	10:10
21	A. No.	10:10
22	Q. And what do you day-to-day --	10:10
23	A. Oh, one second, my dad did	10:10
24	invest.	10:10
25	Q. Your father's name?	10:10

1 E. Beren

2 A. Well, it's not my dad, but my 10:10

3 family invested, as in Beren family. 10:10

4 Q. Beren family? 10:10

5 A. That is correct. 10:10

6 Q. And what do you do for -- well, 10:10

7 what do you do day-to-day for Brightside? 10:10

8 A. A whole bunch. Child care is a 10:10

9 very interesting industry. So I run the 10:10

10 operations of the multiple centers that 10:10

11 Brightside is involved with. 10:10

12 Q. Are those centers located in New 10:10

13 York or in Ohio? 10:10

14 A. They're all in Ohio. 10:10

15 Q. Do you live in Ohio? 10:10

16 A. I do not. 10:10

17 Q. Do you manage it remotely? 10:10

18 A. No, I travel to Ohio. 10:11

19 Q. You travel to Ohio? 10:11

20 A. That is correct. 10:11

21 Q. How often do you travel to Ohio? 10:11

22 A. Every week. 10:11

23 Q. Are you also the manager of a 10:11

24 private family office? 10:11

25 A. Not currently. 10:11

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

Q. Were you?

10:11

MR. PROVENZANO: Can I ask you to clarify what you mean by "manager"? Do you mean -- if it's an LLC, do you mean managing member?

10:11

10:11

10:11

10:11

Q. Well, I'm just -- you have a LinkedIn profile. Is that right, Mr. Beren?

10:11

10:11

A. That is correct.

10:11

Q. Okay. And I'm just looking at the experience listed on your LinkedIn profile and right below "President, Brightside Academy" is "Manager, private family office, January 2017 to present."

10:11

10:11

10:11

10:11

10:11

So I'm just asking you, what was the family office, and what were your roles?

10:11

10:11

A. So I put that because I would look for deals and I would essentially, you know, market myself as a private family office, where if a deal would come, I would go to multiple -- it could be anyone -- right? -- that I may or may not have a relationship with, and I would look to source a relationship with and potentially do deals together with them.

10:11

10:11

10:12

10:12

10:12

10:12

10:12

10:12

10:12

1 E. Beren

2 Q. And which family office -- which 10:12
3 family was the family office? 10:12

4 A. Myself, my family, some other 10:12
5 friends. 10:12

6 Q. Mr. Huberfeld? 10:12

7 A. No. 10:12

8 Q. Have you ever had any role 10:12
9 running the Huberfeld Family Foundation? 10:12

10 A. No. 10:12

11 Q. Have you ever had any interaction 10:12
12 with the Huberfeld Family Foundation? 10:12

13 A. No. 10:12

14 Q. What investments did you make -- 10:12
15 well, let's say, is it accurate that you were 10:12
16 involved with this private family office from 10:12
17 approximately January of 2017 -- it says here 10:12
18 through the present, but you've said you're 10:12
19 not doing it anymore. Right? 10:13

20 MR. PROVENZANO: Warren, can I 10:13
21 just ask you to show -- if you have a 10:13
22 printout of his LinkedIn profile -- 10:13

23 MR. GLUCK: Yeah, yeah, sure. 10:13

24 Why don't you flip to Tab A, Tab A. We 10:13
25 have nothing behind Tab A. 10:13

1 E. Beren

2 A. (Document review.) Okay. 10:13

3 Q. Okay. So is it accurate that you 10:13

4 worked there at the private family office from 10:13

5 2017 to the present? 10:13

6 A. When you say "there," what do you 10:13

7 mean? 10:13

8 Q. It says here: "Manager, private 10:13

9 family office, January 2017 to the present." 10:13

10 Is that accurate? 10:13

11 A. Yes. 10:13

12 Q. So you suggested that you were no 10:13

13 longer working at the family office earlier. 10:13

14 Are you still working? 10:13

15 A. Could you explain your question? 10:14

16 Q. I understood one of your answers 10:14

17 was that you were no longer working at this 10:14

18 family office. This says: "Present." 10:14

19 So are you still working at the 10:14

20 family office, or did there come a time when 10:14

21 you stopped working at the family office? 10:14

22 A. So again, to clarify, the family 10:14

23 office was myself as an entity and would go to 10:14

24 others if deals came about. 10:14

25 So if you ask me for clarity 10:14

1 E. Beren

2 specific on the family office -- right? -- 10:14

3 I've now shifted to working at Brightside 10:14

4 full-time. So, you know, for clarification 10:14

5 purposes, I am no longer looking at any other 10:14

6 deals, so I have kept that open. I probably 10:14

7 should change that. 10:14

8 Q. Okay. What was the name of the 10:14

9 entity that is associated with the family 10:14

10 office? 10:14

11 A. I didn't have a specific entity. 10:14

12 MR. PROVENZANO: Warren, are you 10:15

13 asking what, sort of, the master entity 10:15

14 is for their family office? 10:15

15 Q. (Reading.) "Again, to clarify, 10:15

16 the family office was myself as an entity and 10:14

17 would go to others if deals came about." 10:14

18 So I'm asking about what entity 10:15

19 was an entity? 10:15

20 A. I was referring to myself being 10:15

21 that entity, not a entity as in -- 10:15

22 Q. Not a corporation? 10:15

23 A. No. 10:15

24 Q. Okay. So normally, a family 10:15

25 office is an office which manages the capital 10:15

1 E. Beren

2 of a family. Is that true? 10:15

3 A. If that's what you're saying. 10:15

4 Q. Okay. So my question is: Whose 10:15

5 capital were you managing? 10:15

6 A. Again, this family office was a 10:15

7 conceptual thought of bringing deals to 10:15

8 different people. And again, you know, for 10:15

9 myself as an entity from a family office, I 10:15

10 did not do any deals. I only looked for 10:15

11 deals. 10:16

12 Q. Okay. Let's try to go through 10:16

13 the description. "Our primary focus is 10:16

14 private placement of debt and equity 10:16

15 investments." 10:16

16 Did you place any debt or equity 10:16

17 investments during your work in the case this 10:16

18 family office? 10:16

19 A. No. 10:16

20 Q. (Reading.) "Typically providing 10:16

21 financing to mid-market companies." 10:16

22 Did you provide any financing to 10:16

23 mid-market companies? 10:16

24 A. No. 10:16

25 Q. (Reading.) "We have exposures to 10:16

1 E. Beren

2 energy, healthcare, technology, life 10:16

3 insurance, real estate, 10:16

4 aviation/transportation, and specialty 10:16

5 finance." 10:16

6 Is that true? 10:16

7 A. Ask your question again. 10:16

8 Q. Is any of this true? 10:16

9 MR. PROVENZANO: Are you accusing 10:16

10 him of exaggerating his LinkedIn 10:16

11 profile? 10:16

12 MR. GLUCK: No. I am asking if 10:16

13 any portion of it is. 10:16

14 Q. Did your family office -- if you 10:16

15 didn't do any deals, how could your family 10:16

16 office have exposure to -- 10:16

17 MR. PROVENZANO: He said he 10:17

18 didn't do any deals. It doesn't mean 10:17

19 other people didn't do any deals. 10:17

20 Q. Well, who's "we" in this 10:17

21 sentence? 10:17

22 "Our primary" who is "our" and 10:17

23 who is "we"? It says: "Our primary focus is 10:17

24 private placement of debt." 10:17

25 Do you see that? 10:17

1 E. Beren

2 A. I do see that. 10:17

3 Q. Okay. So who -- what does "our"
4 refer to? 10:17

5 A. I was referring to myself. I'm
6 not sure the exact -- what my thought process
7 was as to why I put specific language. 10:17

8 Q. The royal I? Okay. And did you
9 focus -- so the sentence correctly -- you're
10 saying the sentence correctly reads: "I" --
11 "my primary focus is private placement of
12 debt"? 10:17

13 A. Again, I, our, my, maybe the
14 terminology on these words was -- maybe "our"
15 looks a little bit more appropriate as to the
16 general public. 10:18

17 Q. Okay. But let's -- I'm just
18 looking -- you had three years there after you
19 left Beechwood. 10:18

20 Before you -- after you left the
21 asset manager and before? 10:18

22 A. To clarify, I didn't leave, I was
23 fired. 10:18

24 Q. After your work at B Asset
25 Management was terminated and then before your 10:18

1 E. Beren

2 work began with Brightside Academy, did you go 10:18

3 to an office every day? 10:18

4 A. No. 10:18

5 Q. Okay. From where did you work? 10:18

6 A. Mostly from home. 10:18

7 Q. Okay. So you're working from 10:18

8 home. And what were you doing day-to-day? 10:18

9 A. I was trying to originate deals. 10:18

10 Q. For who? 10:18

11 A. I would find a deal, I would look 10:18

12 at a deal, and if a deal looked somewhat 10:18

13 enticing, I would go to various individuals 10:19

14 and potentially, you know, together with them, 10:19

15 look to fund a deal. 10:19

16 Q. Okay. Now, which individuals 10:19

17 would you go to? 10:19

18 A. No, specific persons. You know, 10:19

19 it could have been acquaintances, neighbors, 10:19

20 old business connections. 10:19

21 Q. Murray Huberfeld? 10:19

22 A. I did not go to him with deals, 10:19

23 no. 10:19

24 Q. Did you earn any money from 10:19

25 November 2016 to May of 2018? 10:19

1 E. Beren

2 A. Could you be more specific? 10:19

3 Q. In connection with the activities 10:19

4 that we've been discussing, you're finding 10:19

5 deals in connection with this private office 10:19

6 concept, did you earn any money? 10:19

7 MR. PROVENZANO: Warren, how is 10:19

8 this relevant to any issue in the case? 10:19

9 MR. GLUCK: Well, I think that 10:19

10 this family office was an extension of 10:19

11 the work he was doing previously for 10:19

12 Beechwood and Platinum, and that the -- 10:19

13 I'm hearing answers that are quite 10:20

14 vague. 10:20

15 MR. PROVENZANO: Well, he told 10:20

16 you one that wasn't vague is that he 10:20

17 never took a deal to Murray. 10:20

18 MR. GLUCK: Well, that was -- 10:20

19 we'll probe that. 10:20

20 MR. PROVENZANO: Okay. Go ahead. 10:20

21 MR. GLUCK: 'Cause I'm -- 10:20

22 BY MR. GLUCK: 10:20

23 Q. Did you earn any money between 10:20

24 2016 and -- between November of 2016 and May 10:20

25 of 2018 in connection with your family office 10:20

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

activities?

10:20
10:20
10:20
10:20
10:20
10:20
10:20
10:20
10:21
10:21
10:21
10:21
10:21
10:21
10:21
10:21
10:21
10:21
10:21
10:21
10:21
10:21

A. You asked if I earned any money.

It's a vague question. It's possible I
invested my own money in different places. So
I --

Q. Okay. Well, I'm just trying to
go through what you were doing and your
experience and in your capacity in this family
office to bring deals to people, were you
successful?

A. I would not call myself
successful, no.

Q. Okay. Were you successful in
respect of one particular deal? Was there
even one that closed?

A. No.

Q. No?

A. No.

Q. Okay. So if there -- how were
you -- were you compensated in any way
between, in connection with your role as a
manager of this family office?

A. No.

Q. Okay. Let's go down to where it

1 E. Beren

2 says: "Business Development, Viridian Energy" 10:21

3 on the same tab. 10:21

4 A. Sure. 10:21

5 Q. So that's the energy company you 10:21

6 were referring to earlier? 10:21

7 A. That is correct. 10:21

8 Q. And your next job is vice 10:21

9 president in a multistrategy hedge fund. 10:21

10 A. Okay. 10:21

11 Q. Now, there's no gap between 10:21

12 Viridian and vice president in a multistrategy 10:21

13 hedge fund. Pro Player wasn't a multistrategy 10:22

14 hedge fund. Right? 10:22

15 A. I don't recall how Pro Player 10:22

16 marketed itself in terms of specifics. I can 10:22

17 only tell you what I did at Pro Player was to 10:22

18 originate loans against professional athletes' 10:22

19 contracts. 10:22

20 Q. Did you ever get a paycheck from 10:22

21 Pro Player? 10:22

22 A. Again, I don't recall. 10:22

23 Q. Who did you put down on your tax 10:22

24 forms as your employer, Pro Player? 10:22

25 A. I don't recall. 10:22

1 E. Beren

2 Q. Is Pro Player a multistrategy 10:22

3 hedge fund? 10:22

4 A. Again, I can't tell you 10:22

5 specifics. I don't know -- 10:22

6 Q. This is a reference to 10:22

7 Platinum -- right? -- on this page, the New 10:22

8 York City hedge fund where you worked from 10:22

9 March 2011 to March 2016, and you were a vice 10:22

10 president, that's a reference to Platinum. 10:23

11 Right? 10:23

12 A. Yeah, but, you know, looking back 10:23

13 this is inaccurate. 10:23

14 Q. You were a vice president of 10:23

15 Platinum, though. Right? 10:23

16 A. Again, as I mentioned earlier, 10:23

17 when I was at Pro Player, I had the title vice 10:23

18 president, which I went to my boss at that 10:23

19 point, Darien Dash, and asked for optics to 10:23

20 allow me -- what I felt to, you know, have 10:23

21 better marketability, have the title vice 10:23

22 president, and they said no problem. 10:23

23 Q. But you were also a vice 10:23

24 president at Platinum. Right? 10:23

25 A. So when I left Pro Player and I 10:23

1 E. Beren

2 went to Platinum, I had asked for the same 10:23

3 opportunity to have a business card to allow 10:23

4 me to originate deals. 10:23

5 Q. So between March of 2011 and 10:23

6 December 2015, where do you think that you 10:24

7 left Pro Player and joined Platinum? 10:24

8 A. I don't recall the exact dates. 10:24

9 Q. Okay. And there's no separate 10:24

10 entity for Pro Player here. Right? 10:24

11 A. I did not put one in, no. 10:24

12 Q. To the best of your -- do you 10:24

13 have any reason to dispute that Pro Player is 10:24

14 like an SPV for Platinum? 10:24

15 A. Again, I don't know the 10:24

16 specifics. 10:24

17 Q. One of many SPVs that you know 10:24

18 about and were involved with during your work 10:24

19 at Platinum? 10:24

20 A. Again, I don't know the 10:24

21 specifics. 10:24

22 Q. Do you have any copies of your 10:24

23 Pro Player business card? 10:24

24 A. I don't believe so. 10:24

25 Q. Okay. Would you flip to Tab 2 in 10:24

1 E. Beren

2 your binder, please. 10:24

3 MR. GLUCK: Control is -2347188. 10:25

4 I've never seen this -- -1, it appears. 10:25

5 I'm not sure -- for the record, I've not 10:25

6 seen a dash in our control numbers. If 10:25

7 it's right, it's right. If not, we'll 10:25

8 deal with it. 10:25

9 Q. Have you ever seen the e-mail 10:25

10 that's Tab 2 before? 10:25

11 MR. PROVENZANO: There's no 10:25

12 substance to the e-mail. Is this an 10:25

13 e-mail or a calendar notice? 10:25

14 MR. GLUCK: It looks like an 10:25

15 e-mail, but it could be a calendar 10:25

16 notice. I've seen calendar notices that 10:25

17 have a different format than this. 10:25

18 MR. PROVENZANO: Okay. I'm just 10:25

19 wondering because it has no substance. 10:25

20 Q. Let me rephrase the question. 10:25

21 Have you ever seen this document before? 10:25

22 A. Say that again. 10:25

23 Q. Have you ever seen this document 10:25

24 before? 10:25

25 A. So in discussing with my counsel, 10:25

1 E. Beren

2 I did see this document. 10:26

3 Q. Okay. How did you prepare for 10:26
4 your deposition here today? 10:26

5 A. I met with my counsel for a 10:26
6 couple of hours. 10:26

7 Q. When was that? 10:26

8 A. A couple of days back. 10:26

9 Q. Okay. Did you do anything else 10:26
10 to prepare? 10:26

11 A. No, I did not. 10:26

12 Q. Since you got the deposition 10:26
13 notice? 10:26

14 A. I met with my counsel and 10:26
15 prepared with my counsel. 10:26

16 Q. Did you speak with Ms. Beren 10:26
17 regarding your deposition today? 10:26

18 A. No. 10:26

19 Q. I'm sorry, that was a no? 10:26

20 A. Well, I told her I was going to 10:26
21 the deposition today. 10:26

22 Q. Anything else? 10:26

23 A. No. 10:26

24 Q. Did you speak with Mr. Huberfeld 10:26
25 concerning your deposition? 10:26

1	E. Beren	
2	A. I told him I was going to my	10:26
3	deposition today.	10:26
4	Q. Anything else?	10:26
5	A. No.	10:26
6	Q. Did you speak with Mr. Levy	10:26
7	today?	10:26
8	A. No.	10:26
9	Q. Did you speak with Mr. Bodner	10:26
10	concerning your deposition?	10:26
11	A. No.	10:26
12	Q. Did you speak with a gentleman	10:26
13	named Gabriel Hertzberg concerning your	10:27
14	deposition?	10:27
15	A. Say again.	10:27
16	Q. A gentleman named Gabriel	10:27
17	Hertzberg regarding your deposition?	10:27
18	A. No.	10:27
19	Q. At any time?	10:27
20	A. No.	10:27
21	Q. What about anyone from the firm	10:27
22	Curtis, Mallet?	10:27
23	A. No.	10:27
24	Q. Any lawyers other than the	10:27
25	gentleman and the -- your lawyers in the room	10:27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

today?

MS. BADER: The gentlelady.

MR. GLUCK: The gentlelady.

A. So I met with my counsel at a lawyer's office and it's possible other lawyers walked in and out.

Q. My counsel is these two --

A. (Indicating.)

Q. And other lawyers walking in and out, were they from the same firm or are they from different firms?

MR. PROVENZANO: Just to make it clear, we borrowed Morrison Cohen offices for the prep, and I think Dan Isaacs stopped by to say hello.

Q. Dan Isaacs. What about Donald Chase?

A. No.

Q. Okay. So we're turning to this document, which is Tab 2. Have you seen the document before?

A. I saw this document in -- when I was discussing with my lawyers.

Q. Okay. So you had a Platinum

10:27
10:27
10:27
10:27
10:27
10:27
10:27
10:27
10:27
10:27
10:27
10:27
10:27
10:27
10:27
10:28
10:28
10:28
10:28
10:28
10:28
10:28
10:28

1 E. Beren

2 e-mail address by this time. Right? 10:28

3 MR. PROVENZANO: Are you pointing 10:28

4 him to the "to" line on this? 10:28

5 MR. GLUCK: Correct. 10:28

6 Q. You had a Platinum e-mail 10:28

7 address. Right? 10:28

8 A. Yes. 10:28

9 Q. Did you ever have a Pro Player 10:28

10 e-mail address? 10:28

11 A. I don't recall. 10:28

12 Q. Okay. When you were doing your 10:28

13 work for Pro Player, you'd use your Platinum 10:28

14 e-mail address. Right? 10:28

15 A. I don't believe that's accurate. 10:28

16 Q. Would you use your Gmail address? 10:28

17 A. Again, going back, I believe I 10:28

18 did have a Pro Player e-mail address. 10:28

19 MR. GLUCK: Okay. If there are 10:28

20 any records concerning the work at 10:28

21 Pro Player, which I will represent is a 10:29

22 Platinum entity, we'll request they be 10:29

23 produced. 10:29

24 MR. PROVENZANO: You are aware 10:29

25 that today is the -- 10:29

1	E. Beren	
2	MR. GLUCK: The request can be	10:29
3	made through the end of discovery, and	10:29
4	they can be produced after as per the	10:29
5	court's orders.	10:29
6	MR. PROVENZANO: Okay.	10:29
7	BY MR. GLUCK:	10:29
8	Q. So when was the first time you	10:29
9	met David Bodner?	10:29
10	A. I don't recall.	10:29
11	Q. Around the time you met	10:29
12	Mr. Huberfeld?	10:29
13	A. I don't recall.	10:29
14	Q. While you were working at	10:29
15	Platinum?	10:29
16	A. Again, you asked me when the	10:29
17	first time I met Mr. Bodner, I don't recall.	10:29
18	Q. Well, let's try and figure it	10:29
19	out. Did you meet him before you moved to New	10:29
20	York?	10:29
21	A. No.	10:29
22	Q. So was it after you moved to New	10:29
23	York?	10:29
24	A. That is correct.	10:29
25	Q. Was it during college?	10:29

1 E. Beren

2 A. Again, I don't recall. You asked 10:29

3 when was the first time I met him. 10:29

4 Q. Did you know Mr. Huberfeld while 10:29

5 you were -- excuse me -- Mr. Bodner while you 10:29

6 were working at Viridian? 10:30

7 A. I don't recall. 10:30

8 Q. What about when you were working 10:30

9 at Platinum? 10:30

10 A. Yes, I know Mr. Bodner. 10:30

11 Q. And Pro Player? 10:30

12 A. Yes. 10:30

13 Q. Okay. So looking at this, you 10:30

14 know that Ms. Albanese was Mr. Bodner's 10:30

15 secretary. Right? 10:30

16 A. That's correct. 10:30

17 Q. Okay. He communicated through 10:30

18 Ms. Albanese. Right? 10:30

19 A. I -- 10:30

20 MR. PROVENZANO: What do you mean 10:30

21 "communicated through Ms. Albanese"? 10:30

22 MR. GLUCK: I'm just -- it's a 10:30

23 big feature in this case. 10:30

24 Q. Did Mr. Bodner have his own 10:30

25 e-mail address? 10:30

1	E. Beren	
2	A. I have no idea.	10:30
3	Q. You never e-mailed him	10:30
4	personally?	10:30
5	A. I don't recall.	10:30
6	Q. Had you -- when you communicated	10:30
7	with Mr. Bodner, how do you do it?	10:30
8	A. I don't recall how I	10:30
9	communicated.	10:30
10	Q. Did you call him?	10:31
11	A. Again, I don't recall.	10:31
12	Q. Have you ever had a telephone	10:31
13	call with Mr. Bodner?	10:31
14	MR. PROVENZANO: Are you asking	10:31
15	if he ever called Mr. Bodner?	10:31
16	MR. GLUCK: Yeah, I mean, at this	10:31
17	point -- we're getting a lot of I don't	10:31
18	recalls.	10:31
19	Q. How -- you do communicate with	10:31
20	Mr. Bodner. Correct?	10:31
21	A. What does that mean, "I do	10:31
22	communicate"?	10:31
23	Q. Do you communicate with	10:31
24	Mr. Bodner?	10:31
25	MR. PROVENZANO: You mean	10:31

1 E. Beren

2 currently, like, right now? 10:31

3 Q. Let's start from 2011 onward, 10:31

4 would you communicate with Mr. Bodner? 10:31

5 A. I did speak to Mr. Bodner, yes. 10:31

6 Q. Okay. Now, how would that occur? 10:31

7 Was it in person? 10:31

8 A. I don't recall. It's possible I 10:31

9 met him in an elevator. It's possible I saw 10:31

10 him on the street. It's possible -- again, I 10:31

11 don't recall how I communicated with him. 10:31

12 Q. Okay. Well, you would have 10:31

13 meetings with him. Right? 10:31

14 A. I did meet with Mr. Bodner, yes. 10:31

15 Q. Okay. And would you also have 10:31

16 telephone calls with Mr. Bodner? 10:31

17 A. It is possible I had a telephone 10:31

18 call with Mr. Bodner. 10:31

19 Q. It is possible you had one 10:31

20 telephone call, or would you have more than 10:31

21 one telephone call? 10:32

22 A. I don't recall how many phone 10:32

23 calls I had with Mr. Bodner. 10:32

24 Q. More than one? 10:32

25 A. I don't recall. 10:32

1 E. Beren

2 Q. You don't recall whether it was 10:32
3 more than one? 10:32

4 A. It's possible it is more than one 10:32
5 phone call. 10:32

6 Q. Okay. Well, is it more than 50? 10:32

7 A. I don't recall how many phone 10:32
8 calls I had with Mr. Bodner. 10:32

9 Q. Okay. Well, let's look at this 10:32
10 e-mail. 10:32

11 A. Sure. 10:32

12 Q. Why would you be having a 2 p.m. 10:32
13 meeting with the parenthetical "learning"? 10:32

14 MR. PROVENZANO: Are you asking 10:32
15 him his recollection, or are you asking 10:32
16 him to infer from this document? 10:32

17 Q. Well, let's start -- do you 10:32
18 remember this meeting? 10:32

19 A. I do not. 10:32

20 Q. Okay. So now reading the 10:32
21 document, why would you be having a meeting 10:32
22 with Mr. Bodner with the parenthetical 10:32
23 "learning"? 10:32

24 A. So again, I don't remember this 10:32
25 meeting. So if you want me to speculate, I'm 10:32

1 E. Beren

2 happy to do so. 10:32

3 Q. Speculation is something 10:32

4 different. I'm asking you to look at the 10:32

5 document -- 10:33

6 A. I've looked at it. 10:33

7 Q. -- and consider in your -- based 10:33

8 upon your experience both at Platinum Partners 10:33

9 and interacting with Mr. Bodner why you would 10:33

10 be having a meeting with the parenthetical 10:33

11 "learning." 10:33

12 A. Well, I could tell you seeing the 10:33

13 parentheses "learning," and again, I'm 10:33

14 orthodox observant Jewish, as is Mr. Bodner, 10:33

15 and we would have sessions where we would 10:33

16 learn Talmud and Bible studies. 10:33

17 Q. So this is possibly that? 10:33

18 A. That is correct. 10:33

19 Q. Okay. That's exactly the 10:33

20 format -- when I said I would probably be a 10:33

21 little more explanatory here, that's the exact 10:33

22 format that this would take. 10:33

23 There came a time when you did 10:33

24 become a vice president at Platinum. Right? 10:34

25 A. Are you looking at something? 10:34

1 E. Beren

2 Q. I will be. I'm just asking a 10:34

3 question. Do you know why David Steinberg was 10:34

4 on the e-mail too? 10:34

5 A. What was your question? 10:34

6 Q. This e-mail right here, 2:30. I 10:34

7 see what's going on. Can you flip to Tab 1B, 10:34

8 please? Tab 1B. I was looking at Tab 2. 10:34

9 A. Tab 1B. 10:34

10 MR. PROVENZANO: Tab 1B. 10:34

11 So this is a different e-mail? 10:34

12 MR. GLUCK: Correct. 10:34

13 MR. PROVENZANO: Oh, for the sake 10:34

14 of our colleague on the phone, it's 10:34

15 2346681-1. 10:34

16 (Discussion off the record.) 10:35

17 BY MR. GLUCK: 10:35

18 Q. So looking at Tab 1B, have you 10:35

19 seen this document before? 10:35

20 A. I have not. 10:35

21 Q. Okay. So who's David Steinberg? 10:35

22 A. David Steinberg was my boss at 10:35

23 Platinum. 10:35

24 Q. He was your boss or you were his 10:35

25 boss? 10:35

1 E. Beren

2 A. He was my boss. 10:35

3 Q. You were working at Platinum in 10:35

4 2012. Right? 10:35

5 A. That is correct. 10:35

6 Q. Okay. So why would there be a 10:35

7 request for a 2:30 p.m. meeting with David 10:35

8 Bodner, yourself, and Mr. Steinberg? 10:35

9 A. I have no idea. 10:35

10 Q. Well, was David Bodner at 10:35

11 Platinum? 10:36

12 A. Could you explain your question? 10:36

13 Q. Was David Bodner at Platinum? 10:36

14 A. Was David Bodner at Platinum? 10:36

15 Again, I don't understand. 10:36

16 Q. Did he have an office? 10:36

17 A. Yes, he had an office at 10:36

18 Platinum. 10:36

19 Q. Okay. Did he conduct Platinum 10:36

20 business? 10:36

21 A. I have no idea. 10:36

22 Q. You worked at Platinum. Right? 10:36

23 You're meeting with him? 10:36

24 MR. PROVENZANO: Wait, the 10:36

25 question was: Did he work at Platinum 10:36

1 E. Beren

2 or did David Bodner work at Platinum? 10:36

3 Q. No, no, no. The answer was, "I 10:36

4 have no idea," so I'm just trying to -- 10:36

5 A. You asked, was he at Platinum? 10:36

6 Q. No, I asked, was he conducting 10:36

7 Platinum business? 10:36

8 A. I don't know what business 10:36

9 Mr. Bodner conducted. 10:36

10 Q. But he had an office at Platinum? 10:36

11 A. That is correct. 10:36

12 Q. And he was meeting with you? 10:36

13 A. That's what -- again, I don't 10:37

14 recall the meeting. 10:37

15 Q. Mr. Steinberg worked at Platinum. 10:37

16 Right? 10:37

17 A. Yes. 10:37

18 Q. Okay. So Mr. Bodner -- and what 10:37

19 was Mr. Bodner's job? 10:37

20 A. I could tell you specific to my 10:37

21 interaction with Steinberg, and what I know is 10:37

22 that David was senior to me in our portfolio 10:37

23 management group and he was the co-chief risk 10:37

24 officer at Platinum. 10:37

25 Q. Okay. He didn't have any other 10:37

1 E. Beren

2 jobs. Right? 10:37

3 MR. PROVENZANO: He didn't have 10:37

4 what? 10:37

5 Q. Any other jobs? Steinberg? 10:37

6 A. Not that I know of. 10:37

7 Q. Okay. So why is David Bodner 10:37

8 meeting with you? 10:37

9 MR. PROVENZANO: He did tell you 10:37

10 he has no recollection of this meeting. 10:37

11 Q. Well, I was just saying 10:37

12 generally, I mean, looking at this document, 10:37

13 why would you, during your time working at 10:37

14 Platinum, be having a meeting with David 10:38

15 Steinberg and Mr. Bodner? 10:38

16 A. Again, I don't recall this 10:38

17 meeting. 10:38

18 Q. I'm not asking you about this 10:38

19 particular meeting. I'm saying, why, in 10:38

20 general, would you be having a meeting with 10:38

21 Mr. Steinberg and Mr. Bodner while you were 10:38

22 working at Platinum? 10:38

23 A. Well, again, if I don't recall 10:38

24 the meeting, I don't -- I don't know why. 10:38

25 Q. This wasn't the only meeting you 10:38

1 E. Beren

2 ever had with Mr. Steinberg and Mr. Bodner, 10:38

3 was it? 10:38

4 A. Again, I don't recall. 10:38

5 Q. You don't recall whether you had 10:38

6 any other meetings? 10:38

7 A. It is possible I met with 10:38

8 Mr. Bodner at a different time. 10:38

9 Q. Right. All I'm asking is, why 10:38

10 would you be meeting with Mr. Bodner and 10:38

11 Mr. Steinberg in connection with your work at 10:38

12 Platinum? 10:38

13 A. So Mr. Bodner was a mentor of 10:38

14 mine. And it's very possible went to talk to 10:38

15 him about multiple things. 10:38

16 Q. Related to? 10:38

17 A. I don't recall specifics. 10:38

18 Q. Platinum? 10:38

19 A. No, I've -- I've met with 10:39

20 Mr. Bodner. He was very instrumental in 10:39

21 helping me when I was dating my wife. He was, 10:39

22 kind of, my buffer because it was a little bit 10:39

23 awkward with my father-in-law. So Mr. Bodner 10:39

24 would, kind of, be my go-between. 10:39

25 Q. But Mr. Steinberg wasn't 10:39

1 E. Beren

2 typically involved in that buffer 10:39

3 relationship, was he? 10:39

4 A. No. 10:39

5 Q. So if you were meeting with 10:39

6 Mr. Bodner and Mr. Steinberg, why? Why would 10:39

7 you be doing that, based on all your 10:39

8 experience at Platinum? 10:39

9 A. Again, Mr. Bodner was a mentor. 10:39

10 So, you know, we could have discussed many 10:39

11 different things. 10:39

12 Q. With Mr. Steinberg too? 10:39

13 A. It's possible. 10:39

14 Q. And so you don't -- you didn't -- 10:39

15 you never discussed Platinum business with 10:39

16 Mr. Steinberg and Mr. Bodner? 10:39

17 A. It is possible I discussed 10:39

18 business relative to myself with Mr. Bodner 10:39

19 being a mentor of mine. 10:40

20 Q. Well, let's flip to Tab 3, 10:40

21 please. This appears to be a calendar invite. 10:40

22 MR. PROVENZANO: Got it. Yes. 10:40

23 MR. GLUCK: This is the form that 10:40

24 I'm used to seeing. 10:40

25 Q. Have you seen this document 10:40

1 E. Beren

2 before? 10:40

3 A. No. 10:40

4 Q. Okay. It's also to David 10:40

5 Steinberg. Right? 10:40

6 A. That's what the e-mail says. 10:40

7 Q. You were working at Platinum in 10:40

8 2013. Right? 10:40

9 A. Yes. 10:40

10 Q. Okay. So this is a meeting with 10:40

11 David Bodner about a new deal. Right? 10:40

12 A. Again, that's what the e-mail 10:40

13 says. I don't recall this meeting. 10:40

14 Q. Well, what was your job when you 10:40

15 were at Platinum? 10:40

16 A. So again, I had -- when I left 10:40

17 Pro Player and I started at Platinum, I had 10:40

18 asked, for the sake of originating deals, to 10:40

19 have the title as vice president. 10:40

20 Q. Okay. So this is -- this is you. 10:41

21 This is you originating a new deal -- 10:41

22 right? -- new deal? 10:41

23 A. So, if you don't mind, when I 10:41

24 started working with David Steinberg, my title 10:41

25 then went to being a portfolio manager. 10:41

1 E. Beren

2 Q. Okay. My question is: This 10:41

3 would be exactly your function at Platinum -- 10:41

4 right? -- originating a new deal? 10:41

5 MR. PROVENZANO: Assumes facts 10:41

6 not in evidence. That's not what the 10:41

7 document says. 10:41

8 Q. Okay. Where it says "subject," 10:41

9 do you see that? And then it says: "Meeting 10:41

10 with David Bodner." 10:41

11 Do you see that? 10:41

12 A. Yes. 10:41

13 Q. And it says: Dash, "new deal." 10:41

14 Do you see the, dash, "new deal"? 10:41

15 A. Yes. 10:41

16 MR. GLUCK: Okay. That's the 10:41

17 fact I'm referring to. 10:41

18 MR. PROVENZANO: I understand 10:41

19 that, but it doesn't say anything about 10:41

20 who originated it -- 10:41

21 Q. In fact, that was your job at 10:41

22 Platinum, to originate new deals. Right? 10:41

23 A. Together with David Steinberg, 10:41

24 yes. 10:41

25 Q. Okay. So a meeting like this 10:41

1 E. Beren

2 would be exactly what your job at Platinum 10:41

3 was, to have a meeting to discuss a new deal. 10:41

4 Correct? 10:42

5 A. Well, again, you're asking me 10:42

6 specific to this document, and I don't recall 10:42

7 this meeting. 10:42

8 Q. I'm actually not. I said a 10:42

9 meeting like this, so -- 10:42

10 A. What do you mean, "a meeting like 10:42

11 this"? 10:42

12 Q. Well, a meeting with David Bodner 10:42

13 and David Steinberg to discuss a new deal. 10:42

14 A. Well, again, I don't know -- I 10:42

15 don't recall the meeting. I don't know if the 10:42

16 meeting ever happened. 10:42

17 Q. Okay. In general, would you have 10:42

18 meetings with Mr. Steinberg and Mr. Bodner to 10:42

19 discuss new deals? 10:42

20 A. No. 10:42

21 Q. Why not? 10:42

22 A. Because I would report to David 10:42

23 Steinberg, and we would then go -- or David 10:42

24 would go to Mark Nordlicht or David Levy to 10:42

25 discuss new deals. 10:42

1 E. Beren

2 Q. Okay. So what do you think this 10:42

3 meeting is about? 10:42

4 A. I don't recall. 10:42

5 Q. Just don't recall? 10:42

6 A. I don't recall. 10:42

7 Q. Did you bring new deals to 10:42

8 Platinum? 10:42

9 A. Can you be more specific? 10:42

10 Q. Did you bring deals to Platinum? 10:42

11 A. I tried. And that was my job, to 10:42

12 look to originate deals. 10:43

13 Q. Okay. 10:43

14 MR. PROVENZANO: Were you 10:43

15 asking -- just for clarity, were you 10:43

16 asking whether he attempted to bring new 10:43

17 deals to Platinum or whether he ever 10:43

18 succeeded in bringing -- 10:43

19 MR. GLUCK: Well, let's break 10:43

20 that down. 10:43

21 Q. Did you attempt to bring deals to 10:43

22 Platinum? 10:43

23 A. I did. 10:43

24 Q. Did you successfully bring deals 10:43

25 to Platinum? 10:43

1 E. Beren

2 A. I did not originate any of the 10:43
3 deals -- well, I looked to bring deals. So 10:43
4 again, if you could be more specific in the 10:43
5 question. Sorry. Let's go back again. 10:43

6 Q. It's your counsel's question. 10:43

7 MR. PROVENZANO: Well, no, no, 10:43
8 no. I just -- I think it would be 10:43
9 helpful to distinguish between your 10:43
10 efforts to go out and find deals and 10:43
11 whether you actually ever closed a deal 10:43
12 yourself while you were at Platinum. 10:43

13 Q. So let's flip to Tab 4. 10:43

14 THE WITNESS: Do you want me to 10:43
15 answer that question? 10:43

16 MR. PROVENZANO: It's his 10:43
17 deposition, so I'm just saying that it 10:43
18 might be helpful. 10:43

19 MR. GLUCK: I'm fine moving on. 10:43

20 Q. Let's move to Tab 4 because 10:44
21 it's -- now, this is 2014, so this is not as 10:44
22 long ago. You were working at Platinum in 10:44
23 2014. Right? 10:44

24 A. Yes. 10:44

25 Q. Okay. So this Angela Albanese is 10:44

1 E. Beren

2 David Bodner's secretary. Right? 10:44

3 A. Yes. 10:44

4 Q. And Murray Huberfeld is on this. 10:44

5 Do you see that? 10:44

6 A. I do. 10:44

7 Q. Was Murray Huberfeld at Platinum? 10:44

8 A. Ask your question again. 10:44

9 Q. Was Murray Huberfeld at Platinum? 10:44

10 A. Can you be more specific? 10:44

11 Q. Did he have an office at 10:44

12 Platinum? 10:44

13 A. He did. 10:44

14 Q. Did he work there? 10:44

15 A. I don't know what his capacity 10:44

16 was. 10:44

17 Q. You don't know? 10:44

18 A. I do not. 10:44

19 Q. Never talked about it? 10:44

20 A. I knew that Murray ran a fund 10:44

21 called PPCO, I believe until January of 2011, 10:44

22 and I don't know what his capacity was after 10:44

23 that. 10:44

24 Q. Okay. Well, here's another 10:44

25 e-mail -- this appears to be an e-mail. It's 10:44

1 E. Beren

2 CTRL5096039, so it's yet another meeting with 10:44

3 a high importance. 10:44

4 Do you see that? 10:45

5 A. I see that's what it says on the 10:45

6 paper. 10:45

7 Q. Okay. So why would you be having 10:45

8 a meeting with David Steinberg, Mr. Bodner, 10:45

9 and Murray Huberfeld? 10:45

10 A. I -- 10:45

11 MR. PROVENZANO: No. I was just 10:45

12 going to say, he did just tell you he 10:45

13 does not remember this meeting. 10:45

14 Q. Why would you be? 10:45

15 A. Murray is my father-in-law, and I 10:45

16 would go to him very -- you know, as often as 10:45

17 his schedule would allow to discuss, you know, 10:45

18 different things that I'm working on for 10:45

19 potential help, guidance. 10:45

20 Q. Okay. And why would Murray 10:45

21 Huberfeld and David Steinberg be involved with 10:45

22 that? 10:45

23 A. Well, I worked with David 10:45

24 Steinberg, so I had access to my 10:45

25 father-in-law -- he is my father-in-law and a 10:45

1 E. Beren

2 very smart businessman -- and we took 10:45

3 advantage of the access to get advice on 10:45

4 things. 10:45

5 Q. For Platinum? 10:45

6 A. For myself. 10:46

7 Q. You were working at Platinum. 10:46

8 Right? 10:46

9 A. I was working at Platinum. 10:46

10 Q. So was David Steinberg. Right? 10:46

11 A. David Steinberg was working at 10:46

12 Platinum. 10:46

13 Q. Okay. So you were getting advice 10:46

14 in relation to your work at Platinum. Right? 10:46

15 A. Ask your question again. 10:46

16 Q. So you got advice in relation to 10:46

17 the work you were performing at Platinum. 10:46

18 Right? 10:46

19 A. I got advice -- and again, I 10:46

20 don't remember the substance -- I got advice 10:46

21 from my father-in-law on general business 10:46

22 matters. 10:46

23 Q. What about David Bodner? 10:46

24 A. Again, David Bodner was a mentor 10:46

25 of mine as well. 10:46

1 E. Beren

2 Q. Why would your father-in-law or 10:46
3 David Bodner be giving you advice on general 10:46
4 business matters with David Steinberg in the 10:46
5 room? 10:46

6 A. Well, common sense would be, my 10:46
7 father-in-law wanted to see me succeed. And 10:46
8 again, I had access to my father-in-law and 10:46
9 Mr. Bodner as they were mentors of mine. 10:46

10 Q. Succeed at Platinum. Right? 10:46

11 A. No, succeed in general business. 10:46

12 Q. What were you doing besides 10:47
13 working at Platinum? 10:47

14 A. Well, again, I don't know the 10:47
15 substance of the meeting. I could just tell 10:47
16 you why I would have met with him would be to 10:47
17 discuss, you know -- 10:47

18 Q. Okay. Do you remember -- you 10:47
19 would typically have two-hour meetings? 10:47

20 A. Again, you're referencing this. 10:47
21 I don't recall the meeting. 10:47

22 Q. Why would it be important that 10:47
23 the time slot be completely blocked off from 10:47
24 Mr. Bodner's schedule? 10:47

25 A. I don't recall. 10:47

1 E. Beren

2 MR. PROVENZANO: Warren, can I 10:47

3 see -- this is from David Steinberg? 10:47

4 MR. GLUCK: Yup. 10:47

5 MR. PROVENZANO: Have you -- I 10:47

6 presume you've asked him to explain why 10:47

7 he was asking for this meeting. 10:47

8 Q. David Steinberg's testimony on a 10:47

9 variety of areas is broad. I'm asking 10:47

10 Mr. Beren -- 10:47

11 MR. PROVENZANO: Okay. I 10:47

12 understand. I'm just saying that this 10:47

13 meeting was not requested -- on its 10:47

14 face, it appears it was not requested by 10:47

15 Ezra. 10:47

16 Q. On its face, it requested 10:47

17 Mr. Beren joined on its face. Right? 10:47

18 A. And again, I don't know if I 10:47

19 actually joined this meeting. 10:48

20 Q. Okay. 10:48

21 MR. PROVENZANO: Do you know if 10:48

22 this meeting ever actually happened? 10:48

23 MR. GLUCK: It's my deposition. 10:48

24 MR. PROVENZANO: Okay. 10:48

25 BY MR. GLUCK: 10:48

1 E. Beren

2 Q. Tab 5, please. 10:48

3 Have you ever seen this e-mail 10:48

4 before? 10:48

5 A. I don't recall. 10:48

6 Q. Okay. It seems to be between you 10:48

7 and Mr. Steinberg, this e-mail chain? 10:48

8 A. That's what the e-mail says. 10:48

9 Q. You're doing work together. 10:48

10 Right? 10:48

11 A. Yes, we were. 10:48

12 Q. Okay. And you say he was your 10:48

13 boss, not the other way around? 10:48

14 A. That is correct. 10:48

15 Q. Okay. So he seems to be sending 10:48

16 a message to you saying: "Got a call from 10:48

17 David Bodner and heard from Murray that the 10:48

18 deal is off." 10:48

19 Do you have any idea what deal 10:48

20 he's talking about? 10:48

21 A. I don't know. 10:48

22 Q. Okay. What deal did David Bodner 10:48

23 and Murray have in calling whether Platinum 10:49

24 deals were on or off? 10:49

25 A. Again, I could only discuss what 10:49

1 E. Beren

2 was relevant to me -- 10:49

3 Q. Sure. 10:49

4 A. -- which was, I went to David 10:49

5 Steinberg on deals and David Steinberg would 10:49

6 go to Mark Nordlicht or to David Levy on all 10:49

7 the deals that we did for approvals. 10:49

8 Q. Okay. But this says you -- David 10:49

9 Steinberg went to David Bodner and Murray. 10:49

10 Right? 10:49

11 A. That's what the e-mail says. 10:49

12 Q. Okay. And then you responded to 10:49

13 it and said: "He called me and asked why I 10:49

14 was upset, so I told him we might lose the 10:49

15 deal." 10:49

16 You think you're talking about 10:49

17 "he" being Murray or "he" being David Bodner 10:49

18 there? 10:49

19 A. I have no idea. 10:49

20 Q. Okay. So my question is: Why 10:49

21 was David Steinberg going to David Bodner and 10:49

22 Murray for this particular deal? 10:49

23 A. I don't know what David Steinberg 10:49

24 was thinking. 10:49

25 Q. Did you ask him? 10:49

1	E. Beren	
2	A. I don't recall.	10:49
3	Q. Did you respond in any e-mails	10:49
4	and say, Why would you be bringing a Platinum	10:49
5	deal to Mr. Huberfeld and Mr. Bodner?	10:49
6	A. I don't recall.	10:49
7	Q. Okay. It didn't seem like there	10:50
8	was anything out of the ordinary about this,	10:50
9	did there?	10:50
10	A. Could you ask your question	10:50
11	again?	10:50
12	Q. Yeah. Was this -- does this --	10:50
13	when you got this e-mail, were you surprised	10:50
14	by it?	10:50
15	A. Again, I don't recall this	10:50
16	e-mail.	10:50
17	Q. Okay. Let's flip to the next	10:50
18	tab. Tab 6, please.	10:50
19	A. 6? Okay.	10:50
20	Q. Okay. So this is an e-mail which	10:50
21	does include Mr. Nordlicht. Do you see that?	10:50
22	MR. PROVENZANO: Why don't you	10:50
23	give him a minute to look at it.	10:50
24	MR. GLUCK: Sure.	10:50
25	MR. PROVENZANO: Oh, for the	10:50

1 E. Beren

2 benefit of our remote colleague, it's 10:50

3 -5097898. 10:50

4 A. (Document review.) 10:50

5 Okay. 10:51

6 Q. Have you seen this e-mail before? 10:51

7 A. No. Well, I don't recall, 10:51

8 forgive me. 10:51

9 Q. Okay. But you're on there. 10:51

10 Right? 10:51

11 MR. PROVENZANO: Which e-mail are 10:51

12 you talking about? There's a chain. 10:51

13 MR. GLUCK: The two e-mails on 10:51

14 the front page. That's true. It was 10:51

15 unclear. 10:51

16 A. It says I'm cc'd on this e-mail. 10:51

17 Q. Okay. Who is Pacific Energy 10:51

18 Development? Do you recall that name? PED? 10:51

19 A. I do recall that name. 10:51

20 Q. That's a deal you brought in. 10:51

21 Right? 10:51

22 A. No, that is not correct. 10:51

23 Q. It's a deal you worked on? 10:51

24 A. It was a deal I was involved with 10:51

25 that was originated by David Steinberg from a 10:51

1 E. Beren

2 previous relationship he had with the 10:51

3 management of the PEDEVCO folks. 10:51

4 Q. California energy company? 10:51

5 A. Say that again. 10:51

6 Q. California energy company, PED? 10:51

7 A. What do you mean by California -- 10:51

8 Q. Pacific Energy, was it a 10:52

9 California-based energy company? 10:52

10 A. When you say "based," what do you 10:52

11 mean? 10:52

12 Q. Was it located in California? 10:52

13 A. Was the -- are you asking, was 10:52

14 there an office in California? 10:52

15 Q. What did PED do? What did 10:52

16 Pacific Energy Development do? 10:52

17 A. They were an oil and gas 10:52

18 exploration company. 10:52

19 Q. Okay. And where are their fields 10:52

20 located? 10:52

21 A. I don't recall where all their 10:52

22 fields were. 10:52

23 Q. Do you recall any of them? 10:52

24 A. Colorado. 10:52

25 Q. What about California? 10:52

1 E. Beren

2 A. I don't think that -- I don't 10:52

3 recall. 10:52

4 Q. Okay. 10:52

5 A. Again, I don't think so. 10:52

6 Q. All right. So why don't you go 10:52

7 all the way up to the top of the chain? 10:52

8 A. Okay. 10:52

9 Q. You see the e-mail from David 10:52

10 Steinberg to Mr. Nordlicht copying you? 10:52

11 A. I do. 10:52

12 Q. You were working on the PEDCO and 10:52

13 PEDEVCO deal? 10:53

14 MR. PROVENZANO: For the sake of 10:53

15 our court reporter, PEDEVCO is 10:53

16 P-E-D-E-V-C-O. 10:53

17 A. Ask your question again. 10:53

18 Q. You were working on the PEDCO and 10:53

19 PEDEVCO deal? 10:53

20 A. Again, David Steinberg had 10:53

21 originated and had asked me to assist him and 10:53

22 from the looks of this would copy me on his 10:53

23 correspondence with Mr. Nordlicht. 10:53

24 Q. Do you know who RS is in this 10:53

25 e-mail? It says: "Would you like to join the 10:53

1 E. Beren

2 call with RS tomorrow?" 10:53

3 A. I don't recall. 10:53

4 Q. Is it possible that's Ryder 10:53

5 Scott? 10:53

6 MR. PROVENZANO: Roger who? 10:53

7 MR. GLUCK: Ryder Scott. 10:53

8 MR. PROVENZANO: Ryder Scott, 10:53

9 that's right. 10:53

10 Q. RS, Ryder Scott? 10:53

11 A. Yes. 10:53

12 Q. Do you recall who Ryder Scott is? 10:53

13 A. I do. 10:53

14 Q. Who are they? 10:53

15 A. I believe a third-party oil and 10:53

16 gas valuation company. 10:54

17 Q. Okay. Why would David Bodner be 10:54

18 getting on the call? 10:54

19 A. I have no idea what you're 10:54

20 referencing. 10:54

21 Q. The parenthetical, "would you 10:54

22 like to join the call with RS tomorrow," 10:54

23 quote -- parenthetical, "David Bodner will be 10:54

24 on it." 10:54

25 Do you see that? 10:54

1 E. Beren

2 A. I have no idea. Again, I didn't 10:54
3 write this e-mail. 10:54

4 Q. Was David Bodner involved in 10:54
5 making decisions as to Platinum investments? 10:54

6 A. No. 10:54

7 Q. Then why was he going to be on 10:54
8 this call? 10:54

9 A. Again, I don't know. 10:54

10 Q. You just don't know? 10:54

11 A. I didn't write this e-mail. 10:54

12 Q. Do you have an explanation? 10:54

13 A. Do I have an explanation? 10:54

14 Q. Yeah. Can you explain why David 10:54
15 Bodner would be on this call? 10:54

16 A. I don't know. I didn't -- David 10:54
17 Steinberg originated this deal, and David 10:54
18 Steinberg had sent this e-mail, and I was 10:54
19 simply copied on the e-mail. 10:54

20 Q. Okay. So I asked you a question 10:54
21 about whether David Bodner was involved in 10:54
22 investments at Platinum, and you said the 10:55
23 answer was no. And -- 10:55

24 MR. PROVENZANO: No. I think you 10:55
25 asked him if he knew if David Bodner was 10:55

1 E. Beren

2 making decisions with regard to Platinum 10:55

3 investments, and he said no. 10:55

4 Q. Okay. Was David Bodner making 10:55

5 decisions in regard of Platinum investments? 10:55

6 A. I don't know. 10:55

7 Q. That's what this e-mail would 10:55

8 suggest, though. Right? 10:55

9 MR. PROVENZANO: Are you really 10:55

10 asking him what the e-mail suggests? 10:55

11 MR. GLUCK: An e-mail that he's 10:55

12 on, yeah, sure. 10:55

13 MR. PROVENZANO: Okay. 10:55

14 A. Again, I didn't write the e-mail. 10:55

15 I can't answer that. 10:55

16 Q. Okay. So why would David Bodner 10:55

17 be on a call with Ryder Scott? 10:55

18 A. I don't know. 10:55

19 MR. GLUCK: All right. Let's go 10:55

20 to Tab 7. 10:55

21 MR. PROVENZANO: I think we're 10:55

22 about an hour -- a little more than an 10:55

23 hour in. Could we just take a little 10:55

24 five-minute, stretch-our-legs break? 10:55

25 MR. GLUCK: Yes. Five minutes, 10:55

1	E. Beren	
2	sure.	10:55
3	MR. PROVENZANO: Okay. Get back	10:55
4	at 11 o'clock?	10:55
5	THE VIDEOGRAPHER: Going off the	10:55
6	record. The time is 10:55 a.m.	10:55
7	(Recess taken from 10:55 a.m. to	11:08
8	11:08 a.m.)	11:08
9	THE VIDEOGRAPHER: The time is	11:08
10	11:08 a.m. On the record.	11:08
11	BY MR. GLUCK:	11:08
12	Q. Ezra, was there -- you mentioned	11:08
13	to me there was one or two things you might	11:08
14	have wanted to clarify?	11:08
15	A. There's two things I wanted to	11:08
16	clarify. So you referenced earlier my	11:08
17	LinkedIn profile. So, you know, the private	11:08
18	family office, in reality, I was let go at	11:08
19	Beechwood and I had to have a placeholder	11:08
20	title. So I essentially came up with	11:08
21	something that would look respectable. But in	11:08
22	reality, I did not have a job. It was a very	11:08
23	difficult time for me. I went from being	11:08
24	employed to not being employed.	11:08
25	So I tried to, you know, again,	11:09

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

look respectable in the marketplace, but, you know, we kind of delved into it and, you know, I didn't really have all the answers for you because in reality I didn't have all the answers myself. And, you know, I hope to never go through such a time like that again, but that was the reality.

And one other thing, on the Brightside, it is a little bit confusing because I did mention, you know, we did acquire or I did acquire along with the investors a portfolio which is Ohio focused. So if you do Google Brightside Academy -- right? -- you will see there is a separate entity, no relation to us, that's also called Brightside Academy that -- again, that does operate in, I believe, New York and Pennsylvania. But again, no connection. So those are the two points I just wanted to clarify.

MR. PROVENZANO: I hope that's

all right --

Q. Okay. Turn to Tab 7, Ezra, please.

11:09
11:09
11:09
11:09
11:09
11:09
11:09
11:09
11:09
11:09
11:09
11:09
11:09
11:09
11:09
11:09
11:09
11:09
11:09
11:09
11:09
11:09
11:09
11:09

1 E. Beren

2 MR. PROVENZANO: I just want to 11:09

3 make sure you get a clean answer. 11:09

4 A. Tab 7. Okay. I'm there. 11:10

5 Q. Okay. So have you seen this 11:10

6 e-mail before? It's -5734023. 11:10

7 A. So I have seen this in my 11:10

8 preparation with counsel. 11:10

9 Q. Okay. Who is Benjamin Mayer? 11:10

10 A. Benjamin Mayer was the -- 11:10

11 Benjamin Mayer was a fellow that used -- I 11:10

12 would see him around at the Platinum offices. 11:10

13 Q. Okay. And you're talking about a 11:10

14 potential deal here? 11:10

15 A. Again, I don't recall the 11:10

16 specifics. 11:10

17 Q. Okay. So he's asking if there's 11:10

18 any news or movement, and you respond back to 11:10

19 him and you copy Mr. Steinberg. 11:10

20 Do you see that? 11:10

21 A. Yes, I do. 11:10

22 Q. It says: "I hope to speak to 11:10

23 David Bodner tomorrow." 11:10

24 Do you see that? 11:10

25 A. I do. 11:10

1 E. Beren

2 Q. Okay. So again, why would you be 11:10

3 talking to David Bodner about one of the 11:10

4 deals? 11:10

5 A. I don't recall the specifics of 11:10

6 this e-mail. 11:10

7 Q. Is it because Mr. Bodner approved 11:10

8 deals at Platinum? 11:11

9 A. What was your question, one more 11:11

10 time? 11:11

11 Q. Was it because David Bodner 11:11

12 approved deals at Platinum that you were 11:11

13 bringing in? 11:11

14 A. I don't -- I can't recall the 11:11

15 specifics of this e-mail. 11:11

16 Q. Tab 8. 11:11

17 A. What was that? 11:11

18 Q. Tab 8, please. 11:11

19 A. Okay. 11:11

20 (Document review.) 11:11

21 Okay. 11:11

22 Q. Okay. So this is also a Ben 11:11

23 Mayer e-mail chain, it looks like. Have you 11:11

24 seen this document before? 11:11

25 A. I have in review of -- 11:11

1 E. Beren

2 MS. FEUERSTEIN: What's the 11:11

3 document number? 11:11

4 MR. GLUCK: -5736038. 11:11

5 A. I have in review with my counsel. 11:11

6 Q. Okay. So you just -- you're 11:11

7 copied on it, but you wouldn't have -- you 11:11

8 didn't review it in preparation for today. 11:12

9 Right? 11:12

10 A. No, no, no. I saw it in review 11:12

11 with my counsel. 11:12

12 Q. Oh, okay. So do you recall the 11:12

13 meeting? 11:12

14 A. I do not. 11:12

15 Q. Why would you be having a meeting 11:12

16 with David Bodner regarding a deal with Ben 11:12

17 Mayer? 11:12

18 A. I don't recall. 11:12

19 Q. Is it because David Bodner 11:12

20 approved the deals you brought into Platinum? 11:12

21 A. I don't recall why I would be 11:12

22 having this meeting. 11:12

23 Q. 9, please. Have you seen this 11:12

24 e-mail before? 11:12

25 A. I have in review with my counsel. 11:12

1 E. Beren

2 Q. What is MOBQ? 11:12

3 A. I don't recall. 11:12

4 Q. Now, this is just from you to
5 David Steinberg. Do you see that? 11:12

6 A. I see it on top of the e-mail,
7 correct. 11:13

8 Q. Okay. So you're reporting to
9 him? 11:13

10 A. I did report to David Steinberg,
11 yes. 11:13

12 Q. No. I mean, here are you
13 reporting to him in this e-mail? 11:13

14 A. I don't the recall specific
15 context of this e-mail. 11:13

16 Q. Okay. Let's go through the
17 e-mail. You spoke with David Bodner.
18 Do you see that? 11:13

19 A. That's what the e-mail says. 11:13

20 Q. (Reading.) "He wants to offer a
21 3 million credit facility with a two-year term
22 and a 10 percent coupon." 11:13

23 Do you see that? 11:13

24 A. I see that. That's what it says. 11:13

25 Q. Now, you're working at Platinum 11:13

1 E. Beren

2 at this time. Right? 11:13

3 A. That is correct. 11:13

4 Q. Okay. So did David Bodner have 11:13

5 the authority to set deal terms? 11:13

6 A. I don't know, again, what David 11:13

7 Bodner did or what authority he had. 11:13

8 Q. Why are you relaying this message 11:13

9 from David Bodner to David Steinberg? 11:13

10 A. I don't recall the specifics. 11:13

11 Q. No, but I'm saying, why are you 11:13

12 relaying the message? 11:13

13 A. Again, I'm seeing the e-mail 11:13

14 here, but I don't recall the e-mail. 11:13

15 Q. Okay. Do you dispute that 11:13

16 Mr. David Bodner would dictate Platinum deal 11:13

17 terms to you while you were at Platinum? 11:14

18 A. Ask your question again. 11:14

19 Q. Do you dispute that David Bodner 11:14

20 would dictate Platinum deal terms to you while 11:14

21 you were at Platinum? 11:14

22 A. Would I dispute it? 11:14

23 Q. Yeah. 11:14

24 A. Again, my relationship with 11:14

25 Mr. Bodner was that of a mentor, and it is 11:14

1 E. Beren

2 possible I discussed various business 11:14

3 opportunities and, you know, together with 11:14

4 Mr. Huberfeld would always provide guidance 11:14

5 and help specific to me. 11:14

6 Q. Okay. But let's look at this 11:14

7 very particular e-mail -- 11:14

8 A. Okay. 11:14

9 Q. -- which is a very specific set 11:14

10 of instructions from David Bodner. Do you see 11:14

11 that? Did you come up with these deal terms? 11:14

12 A. I don't recall. 11:14

13 Q. Okay. And you specifically said: 11:14

14 "He wants to offer a \$3 million credit 11:14

15 facility." 11:14

16 Do you see that? 11:14

17 A. I see that's what the e-mail 11:14

18 says. 11:14

19 Q. And you're telling David 11:14

20 Steinberg this, who is a portfolio manager at 11:14

21 Platinum. Right? 11:15

22 A. That's what the e-mail says. 11:15

23 MS. FEUERSTEIN: Again, which 11:15

24 document is this, please? 11:15

25 MR. GLUCK: -5736309. 11:15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

MS. FEUERSTEIN: Thanks.

11:15
11:15
11:15
11:15
11:15
11:15
11:15
11:15
11:15
11:15
11:15
11:15
11:15
11:15
11:15
11:15
11:15
11:15
11:15
11:15
11:16
11:16

Q. So did you serve as a conduit for Mr. Bodner's instructions to David Steinberg?

A. Again, I don't recall this e-mail.

Q. Why didn't Bodner speak to Mr. Steinberg directly?

A. As I mentioned before, I would meet with David Bodner for various reasons, to learn, Bible studies, and he would serve as a mentor to me and be helpful.

Q. Okay. You understand what these terms are, though? I mean, you understand what it means, a \$3 million credit facility with a two-year term and 10 percent coupon? You have an understanding of what that term is from a commercial perspective?

A. Now, looking at it, I do. Back then, I was definitely somewhat of a novice -- why I was partnered with David Steinberg -- so I can't tell you, you know, specific or -- not that I can't. I don't recall if I would remember exactly what these terms were.

Q. Do you know what an equity kicker

1 E. Beren

2 is? 11:16

3 A. I do know what an equity kicker 11:16

4 is. 11:16

5 Q. Okay. Do you know what a convert 11:16

6 feature is? 11:16

7 A. I do. 11:16

8 MR. PROVENZANO: Sorry, what a 11:16

9 what is? 11:16

10 MR. GLUCK: Convert feature. 11:16

11 MR. PROVENZANO: Okay. 11:16

12 MR. GLUCK: The bottom line. 11:16

13 MR. PROVENZANO: Got it. 11:16

14 Q. Do you know what MOBQ is? 11:16

15 A. I do not recall. 11:16

16 Q. So do you dispute that David 11:16

17 Steinberg would dictate the terms -- that 11:16

18 David Bodner would dictate the terms of 11:16

19 Platinum deals you were working on? 11:16

20 A. Would I dispute? Again -- 11:16

21 Q. Yeah. Do you have reason to 11:16

22 dispute what this e-mail seems to indicate? 11:16

23 A. I can't answer that question 11:16

24 because I just -- I don't know whether he 11:16

25 would or would not. 11:16

1 E. Beren

2 Q. Well, does it -- is it contrary 11:16
3 to your understanding that Mr. Bodner would be 11:16
4 dictating deal terms for deals and sending a 11:17
5 message through you? Is it contrary to your 11:17
6 understanding? 11:17

7 MR. GLUCK: Because he's saying 11:17
8 he doesn't remember, but there's a 11:17
9 clear-as-day e-mail in front of us here. 11:17

10 MR. PROVENZANO: You keep saying 11:17
11 it's clear as day or you suggest it, 11:17
12 and, I mean, the e-mail, on its face, 11:17
13 could be, as you seem to suggest, Bodner 11:17
14 told me to demand these things. It 11:17
15 could also be -- 11:17

16 MR. GLUCK: That's what I'm 11:17
17 asking about. 11:17

18 MR. PROVENZANO: It could also 11:17
19 be, I spoke to David Bodner, you know, 11:17
20 for his advice, and here are what he -- 11:17
21 here are some of the things he 11:17
22 suggested. And -- 11:17

23 MR. GLUCK: I'm asking either -- 11:17
24 for either of those possibilities, 11:17
25 whether he either unilaterally -- which 11:17

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

is what I think the first example was --
unilaterally dictated terms or
participated in the formulation of
terms.

THE WITNESS: So again, I don't
know -- this e-mail is in 2014, and I
don't recall what the specifics were.
Other than looking at the e-mail and
seeing it now, I don't know.

BY MR. GLUCK:

Q. Okay. And you asked an important
question. If you were a novice at this time,
would you have been involved in the
formulation of terms like this?

A. I would have discussed everything
with David Steinberg.

Q. And Mr. Bodner?

A. No. I would have discussed any
deal I was involved in with Mr. Steinberg.

Q. Okay. But you would also discuss
this -- deals like this and this deal with
Mr. Bodner. Right?

A. That is not accurate, no.

Q. And then Mr. -- okay. Did you

11:17
11:17
11:17
11:17
11:17
11:17
11:17
11:17
11:18
11:18
11:18
11:18
11:18
11:18
11:18
11:18
11:18
11:18
11:18
11:18
11:18
11:18
11:18
11:18

1 E. Beren

2 discuss this deal with Mr. Bodner? 11:18

3 A. Again, I don't recall the 11:18

4 specifics. 11:18

5 Q. Okay. So then why do you say 11:18

6 it's not accurate? There's a distinction -- 11:18

7 you understand there's a distinction between 11:18

8 you not remembering something and then you 11:18

9 disputing something? 11:18

10 A. So again, to clarify, any deal 11:18

11 that I would work on, I would -- I could tell 11:18

12 you, that I remember, is I would always 11:18

13 discuss with David Steinberg, as he was my 11:18

14 supervisor. 11:18

15 Q. Okay. And did also discuss with 11:18

16 David Bodner? 11:19

17 A. I don't recall what I did and did 11:19

18 not discuss with Mr. Bodner. 11:19

19 Q. Okay. Do you dispute discussing 11:19

20 this MOBQ deal with David Bodner? 11:19

21 MR. PROVENZANO: Didn't he just 11:19

22 tell you he doesn't remember what MOBQ 11:19

23 is? 11:19

24 MR. GLUCK: But not remembering 11:19

25 something is different than disputing 11:19

1 E. Beren

2 what appears to be in the e-mail. 11:19

3 A. Again, I -- 11:19

4 Q. Do you think it's a wrong e-mail? 11:19

5 A. I don't recall the e-mail. I 11:19

6 don't know if I did or I did not. 11:19

7 Q. Well, you wrote the e-mail. So 11:19

8 do you think that you incorrectly put words on 11:19

9 this page? 11:19

10 A. So I don't recall the e-mail. Is 11:19

11 it possible I spoke to Mr. Bodner? Yes, it is 11:19

12 possible I spoke to Mr. Bodner. 11:19

13 Q. In fact, that's what the e-mail 11:19

14 says you did. Right? 11:19

15 A. That is what the e-mail says. 11:19

16 Q. And the e-mail also says that: 11:19

17 "He wants to offer a \$3 million credit 11:19

18 facility." 11:19

19 Do you see that? 11:19

20 A. Yes, I do see that in the e-mail. 11:19

21 Q. So did he want to offer a \$3 11:19

22 million credit facility? 11:19

23 A. Again, I don't recall the 11:19

24 specifics of this deal. 11:19

25 Q. Tab 10, please. 11:19

1 E. Beren

2 A. Which one? One more time? 11:19

3 Q. Tab 10, please. 11:19

4 A. Okay. 11:19

5 MS. FEUERSTEIN: Document number, 11:19

6 please. 11:19

7 MR. GLUCK: AN -272. 11:20

8 Q. Have you seen this e-mail before? 11:20

9 A. If you don't mind, just give me a 11:20

10 minute to review it. 11:20

11 Q. Sure. 11:20

12 A. (Document review.) 11:20

13 Okay. 11:21

14 Q. Have you seen this e-mail before? 11:21

15 A. No, I have not, or I don't 11:21

16 recall. 11:21

17 Q. Okay. Who's Gilad Kalter? 11:21

18 A. Gilad was -- passed away, but 11:21

19 Gilad was a former friend and employee at 11:21

20 Platinum. 11:21

21 Q. Okay. So this was -- this is an 11:21

22 e-mail chain about hiring somebody to work 11:21

23 under you. Right? 11:21

24 MR. PROVENZANO: I think that 11:22

25 misconstrues the document. The first 11:22

1 E. Beren

2 one is: "Working for Platinum with 11:22

3 Ezra." It doesn't say "for Ezra." 11:22

4 Q. Top document. But let's -- let 11:22

5 me get your -- "it would be good for a pruner 11:22

6 with Ezra to find new deals." 11:22

7 Do you see that? 11:22

8 A. Where are you looking? 11:22

9 MR. PROVENZANO: It's the 11:22

10 November -- 11:22

11 Q. (Reading.) "Mr. Huberfeld, I 11:22

12 think he's good with real skills. He would be 11:22

13 good for a pruner with Ezra to find new 11:22

14 deals." 11:22

15 Do you see that? 11:22

16 A. Yes, I do see that. 11:22

17 Q. Okay. Do you know what a pruner 11:22

18 is? 11:22

19 A. I do not. 11:22

20 Q. Okay. Then do you know who Gilad 11:22

21 Kalter is? 11:22

22 A. I think you -- 11:22

23 MR. PROVENZANO: You asked that. 11:22

24 A. You asked that. 11:22

25 Q. Sorry, I didn't hear the answer. 11:22

1 E. Beren

2 A. Gilad was a friend of mine. He 11:22

3 passed away, and he was a colleague of mine at 11:22

4 Platinum. 11:23

5 Q. Okay. And -- yeah, I heard that. 11:23

6 And he says you're basically good to go, that 11:23

7 they were good to go, and then Mark Nordlicht 11:23

8 appears to, sort of, overrule him and says he 11:23

9 can't hire a guy sight unseen. 11:23

10 Do you see that? 11:23

11 A. I see that. I don't know what 11:23

12 Mark -- 11:23

13 Q. He says: "I don't need anyone 11:23

14 for Ezra." 11:23

15 Do you see that? 11:23

16 A. I see that's what it says on the 11:23

17 e-mail. 11:23

18 Q. Okay. Did you ever have any 11:23

19 discussions about having somebody come in to 11:23

20 work for you? 11:23

21 A. No. 11:23

22 Q. Okay. Did you ever know that 11:23

23 David Bodner shtupped in people that Mark 11:23

24 Nordlicht didn't want? 11:23

25 A. I have no idea. 11:23

1 E. Beren

2 MR. PROVENZANO: You're referring 11:23

3 to that -- 11:23

4 MR. GLUCK: To this sentence. 11:23

5 MR. PROVENZANO: -- sentence, 11:23

6 "this is the consequence of David 11:23

7 Bodner"? 11:23

8 MR. GLUCK: Yes. 11:23

9 MR. PROVENZANO: Okay. Do you 11:23

10 see that? 11:23

11 THE WITNESS: I see that. 11:24

12 BY MR. GLUCK: 11:24

13 Q. Okay. Did you ever hear your 11:24

14 father-in-law or David Bodner talk about how 11:24

15 they were bringing in people into Platinum? 11:24

16 A. No. 11:24

17 Q. Go to Tab A, please. 11:24

18 MR. PROVENZANO: And just to be 11:24

19 clear, Ezra doesn't appear anywhere on 11:24

20 this e-mail, so you're not saying that 11:24

21 he received it -- 11:24

22 MR. GLUCK: No, I'm just asking 11:24

23 whether he was involved in this 11:24

24 discussion point. 11:24

25 MR. PROVENZANO: Okay. Got it. 11:24

1 E. Beren

2 Okay. 11:24

3 Q. Have you seen this document 11:24

4 before? 11:24

5 A. I don't recall it. 11:24

6 Q. Do you know what RJ Credit is? 11:24

7 A. I do. 11:24

8 Q. What is it? 11:24

9 A. I don't remember the specifics. 11:24

10 All I remember is that it was related to the 11:24

11 PEDEVCO deal. 11:24

12 Q. Okay. When you say "related to," 11:24

13 it was like Pro Player -- right? -- it would 11:24

14 be a Platinum deal that would be done through 11:24

15 an SPV? 11:24

16 A. I'm not sure what you mean by 11:24

17 that. 11:24

18 Q. Do you know what an SPV is, a 11:24

19 special purpose vehicle? 11:24

20 A. Yes, I do. 11:24

21 Q. Okay. So RJ Credit was formed to 11:24

22 do the PEDEVCO deal. Right? 11:24

23 A. Again, I don't recall the 11:25

24 specifics of it. 11:25

25 Q. Okay. 11:25

1 E. Beren

2 A. You asked me if I knew the 11:25
3 document, and I said I remember RJ Credit. I 11:25
4 just don't remember the specifics of it. 11:25

5 Q. Well, can you flip to page 14 of 11:25
6 the document? 11:25

7 A. Okay. 11:25

8 Q. Is that your signature? 11:25

9 A. It is. 11:25

10 Q. Were you a member of RJ Credit? 11:25

11 A. That is what the document says. 11:25

12 Q. Why were you made a member of RJ 11:25
13 Credit? 11:25

14 A. Again, if memory serves me 11:25
15 correctly, RJ Credit was involved in the 11:25
16 PEDEVCO deal which David Steinberg originated, 11:25
17 and we were working together as part of our 11:25
18 own portfolio management group. And this was 11:25
19 relevant -- this document was relevant to the 11:25
20 PEDEVCO deal. 11:26

21 Q. Okay. What did you do in 11:26
22 exchange for your membership interests? 11:26

23 A. Ask the question again. 11:26

24 Q. What services did you provide in 11:26
25 exchange for your membership interests? 11:26

1 E. Beren

2 MR. PROVENZANO: Well, can we 11:26
3 establish that he has a membership 11:26
4 interest? Because I think you should 11:26
5 look at Schedule A. 11:26

6 MR. GLUCK: Well, that's going to 11:26
7 be actually my next question. 11:26

8 MR. PROVENZANO: Okay. 11:26

9 Q. On this document it suggests that 11:26
10 you are a member, especially by the signature 11:26
11 page. Right? 11:26

12 A. Well, I see my name, and I see 11:26
13 the title "member." I don't know the 11:26
14 substance, or I don't recall the substance of 11:26
15 the document. 11:26

16 Q. Okay. Now, if you look to 11:26
17 Schedule A, there is a listing of members. 11:26

18 A. Which page is that? 11:26

19 MR. PROVENZANO: The next page. 11:26

20 Q. And it says 100 percent of the 11:26
21 membership is Platinum Partners Value 11:26
22 Arbitrage, L.P. Right? 11:26

23 A. That's what the document says. 11:26

24 Q. Okay. Do you know why members 11:26
25 with a zero percent holding would be listed? 11:26

1 E. Beren

2 Is there a typo here somewhere? 11:27

3 A. I don't recall. 11:27

4 Q. Did you understand that you were 11:27

5 a member of RJ? 11:27

6 A. I don't recall. 11:27

7 Q. Did you understand that you had 11:27

8 an ownership interest in RJ? 11:27

9 A. I don't recall. 11:27

10 Q. Okay. Can you flip to Tab B, 11:27

11 please? 11:27

12 A. Sure. Okay. 11:27

13 Q. Have you seen this document 11:27

14 before? 11:27

15 A. I don't recall. 11:27

16 Q. What was the business of -- well, 11:27

17 let me -- let me just set up the foundation 11:27

18 first. 11:27

19 You signed this document. Right? 11:27

20 A. It appears so. 11:27

21 Q. What business was RJ doing with 11:27

22 Kazakhstan? 11:27

23 A. I don't recall. I don't recall 11:27

24 the nature of this document or the business. 11:27

25 Q. Okay. Were you made a member of 11:27

1 E. Beren

2 RJ so that you could sign documents? 11:27

3 A. I don't recall the specifics. 11:27

4 Q. Okay. Now, I think you suggested 11:28

5 that RJ was connected to the PEDEVCO deal. 11:28

6 Right? 11:28

7 A. That is correct. 11:28

8 Q. Okay. What is the relationship 11:28

9 between PEDEVCO and the Republic of 11:28

10 Kazakhstan? 11:28

11 A. I don't recall all the specifics. 11:28

12 Q. Were there any additional 11:28

13 investments or business relationships formed 11:28

14 other than with PEDEVCO by RJ? 11:28

15 A. Ask your question again so I 11:28

16 understand it. 11:28

17 Q. Well, I'm really curious what 11:28

18 this -- were you -- I think we're in agreement 11:28

19 that RJ is in some way connected to PEDEVCO, 11:28

20 but I'm asking, what else was RJ doing? 11:28

21 A. Again, if memory serves me 11:28

22 correctly, RJ's only purpose was with regards 11:28

23 to the PEDEVCO deal. 11:29

24 Q. Okay. And so you, just sitting 11:29

25 here today, have no idea why you signed this 11:29

1 E. Beren

2 document? 11:29

3 A. Again, looking at it, this had a 11:29

4 connection to the PEDEVCO deal. 11:29

5 Q. You think this had a connection 11:29

6 to the PEDEVCO deal? 11:29

7 A. I believe so. 11:29

8 Q. Sitting here today -- because you 11:29

9 were involved quite substantially in the 11:29

10 PEDEVCO deal. Right? 11:29

11 A. Can you ask -- explain your 11:29

12 question. 11:29

13 Q. Sitting here today, because you 11:29

14 were involved quite substantially in the 11:29

15 PEDEVCO deal, do you know why this application 11:29

16 to the Ministry of Energy in Kazakhstan would 11:29

17 be signed by you or what the relationship was 11:29

18 to the PEDEVCO deal? 11:29

19 A. Again, I can only recall that it 11:29

20 had a connection to the PEDEVCO deal. I do 11:29

21 not recall any of the specifics. Excuse me. 11:29

22 Q. Okay. Why don't you flip to Tab 11:29

23 11. Have you seen this before, Tab 11? 11:29

24 A. I don't recall seeing this. 11:30

25 Q. Okay. Do you know who Rob 11:30

1 E. Beren

2 Friedman is? 11:30

3 A. I do. 11:30

4 Q. Who is he? 11:30

5 A. Ron Friedman is a friend of mine, 11:30
6 and I'm not sure of his exact title. He works 11:30
7 at a company called Hutton. 11:30

8 Q. Is Hutton is Nordlicht company? 11:30

9 A. I don't know Hutton's ownership 11:30
10 structure. 11:30

11 Q. Do you know anything about 11:30
12 Hutton's ownership structure? 11:30

13 A. No. 11:30

14 Q. Even though Ron Friedman is a 11:30
15 friend of yours? 11:30

16 A. No. 11:30

17 Q. Okay. Well, does Murray 11:30
18 Huberfeld have an interest in Hutton? 11:30

19 A. I have no idea. 11:30

20 Q. No idea? All right. Well, let's 11:30
21 talk about this e-mail. 11:30

22 A. Yes. 11:30

23 Q. Why are you setting up an e-mail 11:30
24 between Ron Friedman, Murray Huberfeld, and 11:30
25 David Steinberg? 11:30

1 E. Beren

2 A. I don't recall. 11:30

3 Q. Part of your Platinum work? 11:30

4 A. I don't recall. 11:30

5 Q. Nothing to do with PEDEVCO. 11:30

6 Right? 11:31

7 A. I don't recall. 11:31

8 Q. Tab 12, please. Have you seen 11:31

9 this e-mail before? 11:31

10 MR. PROVENZANO: I don't -- is it 11:31

11 an e-mail? 11:31

12 MR. GLUCK: E-mail followed by a 11:31

13 document. 11:31

14 MR. PROVENZANO: Oh, I see. 11:31

15 A. What were you asking? 11:31

16 Q. Have you seen this e-mail before, 11:31

17 to start? 11:31

18 A. I don't -- 11:31

19 MR. PROVENZANO: Wait. We're in 11:31

20 Tab 12. Right? 11:31

21 MR. GLUCK: Tab 12. 11:31

22 MR. PROVENZANO: Are we looking 11:31

23 at the same thing? I have this. 11:31

24 MR. GLUCK: Ron Friedman to Ezra 11:31

25 Beren? 11:31

1 E. Beren

2 MR. PROVENZANO: Oh, it's just 11:31

3 backwards. Got it. 11:31

4 THE WITNESS: Okay. 11:31

5 BY MR. GLUCK: 11:31

6 Q. Do you remember this? 11:31

7 A. I do not recall. 11:31

8 Q. Okay. What's a soft deposit? 11:31

9 A. A soft deposit is lending to 11:31

10 folks in the real estate business -- well, 11:31

11 it's not really lending. It's advancing money 11:31

12 to allow someone to go into a soft contract to 11:31

13 purchase a real estate property. 11:32

14 Q. What's Deerwood Funding? 11:32

15 MR. PROVENZANO: You're referring 11:32

16 to the back side of this? 11:32

17 MR. GLUCK: Yes. 11:32

18 A. Okay. Just give me a moment. 11:32

19 (Document review.) 11:32

20 Okay. 11:32

21 Q. What's Deerwood Funding? 11:32

22 A. Deerwood Funding was concept 11:32

23 that -- a concept of potentially doing, on a 11:32

24 larger scale, soft deposit funding. 11:32

25 Q. Platinum fund? 11:32

1 E. Beren

2 A. I don't recall. 11:32

3 Q. The address at the bottom, that's 11:32

4 Platinum's address -- right? -- 57th Street, 11:32

5 54th Floor? 11:32

6 A. Okay. 11:32

7 Q. So you're negotiating a term 11:33

8 sheet for this potential soft deposit 11:33

9 business? 11:33

10 A. When you say "negotiating a term 11:33

11 sheet" -- 11:33

12 Q. Mr. Friedman sends an e-mail. He 11:33

13 says: 11:33

14 "Ezra, made a few minor changes." 11:33

15 Do you see that? 11:33

16 A. I see that on the -- 11:33

17 Q. Which I assumed is to the 11:33

18 attachment? 11:33

19 A. Okay. But you said a term sheet. 11:33

20 Q. Is this not a -- is this not a 11:33

21 term sheet? 11:33

22 MR. PROVENZANO: Hold on. Just 11:33

23 to be clear, it says: "Ezra," comma, 11:33

24 "made a few minor changes." 11:33

25 MR. GLUCK: Okay. 11:33

1 E. Beren

2 MR. PROVENZANO: I just wanted to 11:33

3 make sure that the record is clear that 11:33

4 it's not saying that Ezra made a few 11:33

5 minor changes. 11:33

6 MR. GLUCK: Oh, this may not be a 11:33

7 term -- 11:33

8 Q. This is a process sheet. Right? 11:33

9 A. That's what it says. 11:33

10 Q. Okay. So were you negotiating a 11:33

11 process sheet? 11:33

12 A. When you say "negotiating" -- 11:33

13 Q. Working it out. 11:33

14 A. Again, I'm not familiar with this 11:33

15 document. 11:34

16 Q. Okay. Let's flip to Tab 13. 11:34

17 A. 15? 11:34

18 Q. 13. 11:34

19 A. Sorry? 11:34

20 Q. 13, please. 11:34

21 MR. PROVENZANO: That's a long 11:34

22 document. Do you want him to read the 11:34

23 whole thing, or is there a particular -- 11:34

24 MR. GLUCK: I'm going to point 11:34

25 you to something. 11:34

1 E. Beren

2 Q. But first I'll ask: Have you 11:34
3 seen this document before? 11:34

4 A. I don't recall seeing this. 11:34

5 Q. All right. You see there's an 11:34
6 attachment which says: "TGLT Ezra Beren"? 11:34

7 A. Okay. 11:34

8 Q. Okay. Did you enter into a 11:34
9 participation deal along with Laura Huberfeld, 11:34
10 the Huberfeld Joint Revocable Trust, and David 11:34
11 Bodner in connection with a Hutton loan? 11:35

12 A. I haven't seen any documents, so 11:35
13 I'm not sure. 11:35

14 Q. Do you recall it? 11:35

15 A. I do not recall. 11:35

16 Q. Flip to page 4 on the 11:35
17 participation agreement. And if you just 11:35
18 look, I guess, at the front page and then to 11:35
19 the final page, where it's signed by lender 11:35
20 Hutton Ventures LLC. 11:35

21 A. Okay. 11:35

22 Q. Okay. So Mr. Bodner was 11:35
23 participating in this particular loan. Right? 11:35

24 A. I have no idea if he 11:35
25 participated. 11:35

1 E. Beren

2 Q. Well, you are a co-participant. 11:35

3 Right? 11:35

4 A. I don't if I actually -- I just 11:35

5 see an e-mail which I was copied on. I don't 11:35

6 know if I actually participated or not 11:35

7 participated. 11:36

8 MR. PROVENZANO: Okay. I'm 11:36

9 deeply confused. Which page of the 11:36

10 exhibit are we looking at? 11:36

11 MR. GLUCK: Well, I was showing 11:36

12 him this first signature page, which 11:36

13 is -- 11:36

14 MR. PROVENZANO: The first 11:36

15 signature page. 11:36

16 MR. GLUCK: -- which is Bates AN 11:36

17 -6817. 11:36

18 MR. PROVENZANO: -6817, yes. I 11:36

19 see it's signed under the Hutton 11:36

20 Ventures LLC. But the line with David 11:36

21 Bodner is not signed? 11:36

22 MR. GLUCK: Correct. 11:36

23 MR. PROVENZANO: Okay. 11:36

24 MR. GLUCK: It appears to be 11:36

25 unsigned, but there's a schedule with 11:36

1 E. Beren

2 Mr. Bodner's participation. 11:36

3 MR. PROVENZANO: Okay. Got it. 11:36

4 Okay. 11:36

5 BY MR. GLUCK: 11:36

6 Q. I just -- so I'm just trying to 11:36

7 see -- do you have an understanding of what 11:36

8 that means, that David Bodner is participating 11:36

9 in this loan? 11:36

10 A. Again, I have no idea. 11:36

11 Q. Well, did you participate in the 11:36

12 loan? 11:36

13 A. I do not recall. 11:36

14 Q. Okay. Can you flip to page 9 of 11:36

15 the document, -6833? 11:36

16 A. -6833. I don't believe that's -- 11:36

17 MR. PROVENZANO: Page 9 of the 11:36

18 subsequent document. 11:36

19 Q. Page 9 of the subsequent 11:36

20 document. It's AN -6833. 11:36

21 MR. PROVENZANO: Do you see it? 11:37

22 THE WITNESS: I see it. 11:37

23 MR. PROVENZANO: And again, this 11:37

24 is -- has -- somebody has signed under 11:37

25 Hutton Ventures, but Mr. Beren's 11:37

1 E. Beren

2 signature line is blank. Is that the 11:37

3 one? 11:37

4 MR. GLUCK: Yup. 11:37

5 MR. PROVENZANO: Okay. 11:37

6 Q. So I'll ask you: Do you recall 11:37

7 this particular loan or transaction? 11:37

8 A. I do not recall. 11:37

9 Q. Did you participate in it? 11:37

10 A. I just -- I don't recall. 11:37

11 Q. If you look to Schedule A, you 11:37

12 see there's a participation amount of 11:37

13 \$100,000? 11:37

14 A. That's what it says. 11:37

15 Q. Okay. Do you -- does that 11:37

16 refresh your recollection at all? 11:37

17 A. No, it does not. 11:37

18 Q. You had a business relationship 11:37

19 as well as a friend relationship with 11:37

20 Mr. Friedman. Right? 11:37

21 A. That's correct. 11:37

22 Q. Okay. And you don't know the 11:37

23 ownership of Mr. Friedman's fund? 11:38

24 A. That's correct. 11:38

25 MR. PROVENZANO: Are you done 11:38

1 E. Beren

2 with this document? 11:38

3 MR. GLUCK: I am. 11:38

4 MR. PROVENZANO: Okay. I just -- 11:38

5 Ezra, do you recall ever signing this 11:38

6 document? 11:38

7 THE WITNESS: I do not recall. 11:38

8 MR. PROVENZANO: Okay. 11:38

9 Q. Let's turn to Tab 14, please. 11:38

10 Have you seen this document before, Tab 14? 11:38

11 A. I don't recall seeing this. 11:38

12 Q. Were you on the valuation 11:38

13 committee for Platinum? 11:39

14 A. No. 11:39

15 Q. Why do you say that? 11:39

16 A. Because I wasn't on the valuation 11:39

17 committee. 11:39

18 Q. Just give me a minute. Okay. 11:39

19 Sorry. Can you flip to -494153 -- -1593-1? 11:39

20 MR. PROVENZANO: Okay. I think I 11:39

21 lost that. 11:39

22 -4941593-1, did you say? 11:39

23 Q. Yes. 11:39

24 A. Okay. 11:39

25 MR. GLUCK: Yes. It's a couple 11:39

1 E. Beren

2 pages in. 11:40

3 MR. PROVENZANO: The valuation 11:40

4 committee meeting minutes? 11:40

5 MR. GLUCK: Yup. 11:40

6 Q. You were a portfolio manager? 11:40

7 A. Was I a portfolio manager? 11:40

8 Q. Yeah. 11:40

9 A. Can you expand on your question? 11:40

10 Q. You participated in this 11:40

11 particular valuation committee meeting. 11:40

12 Right? 11:40

13 MR. PROVENZANO: Wait. Did 11:40

14 you -- one question at a time. You 11:40

15 asked him to confirm he was a portfolio 11:40

16 manager. 11:40

17 Q. Well, first -- okay -- were you a 11:40

18 portfolio manager? 11:40

19 A. Was I a portfolio manager -- 11:40

20 Q. At Platinum. 11:40

21 A. That is correct. 11:40

22 Q. And did you participate in this 11:40

23 valuation committee meeting? 11:40

24 A. When you say "this valuation 11:40

25 committee meeting," what do you -- 11:40

1 E. Beren

2 Q. The one that is the subject of 11:40
3 the July 24 document we're looking at. 11:40

4 A. Let me review this document. 11:40

5 Q. Sure. 11:40

6 A. (Document review.) 11:40

7 Okay. 11:40

8 Q. Did you participate in this 11:40
9 valuation committee meeting? 11:41

10 A. Yes. I was at this meeting. 11:41

11 Q. Okay. 11:41

12 A. But if I could -- if I could 11:41
13 specify, I was not physically present at the 11:41
14 meeting. I joined the meeting by telephone. 11:41

15 Q. Okay. But you did -- you were 11:41
16 included in the minutes of the meeting. 11:41
17 Right? 11:41

18 A. When you say "included in the 11:41
19 minutes," what are you referring to? 11:41

20 Q. These minutes that we're looking 11:41
21 at here. 11:41

22 A. Yes, I see my name there. 11:41

23 Q. Okay. 11:41

24 MR. PROVENZANO: Ezra, your name 11:41
25 is there, but did you have anything to 11:41

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

do with the preparation of the minutes?

11:41
11:41
11:41
11:41
11:41
11:41
11:41
11:41
11:41
11:41
11:41
11:41
11:41
11:42
11:42
11:42
11:42
11:42
11:42
11:42
11:42
11:42
11:42

THE WITNESS: No, I had nothing
to do with the preparation.

Q. Are the minutes inaccurate?

MR. PROVENZANO: Wait, what was
the -- what was the question?

Q. Are the minutes inaccurate with
respect to you?

A. So what I would do for PEDEVCO
is, I would forward the third-party reports
provided from PEDEVCO in their -- not exactly
sure -- engineers, geologists, and I would
forward them on to the respective folks at
Platinum. And I simply did the exact same
thing with regards to getting information
passed along from PEDEVCO, and I forwarded
that information on when I was on the
telephone with this one valuation meeting.

And I'd also like to add, the
only reason I was at the meeting was because
David Steinberg was unable to attend and asked
me to go or to join via telephone in his place
because David would always go and attend the
valuation meetings. And again, David also did

1 E. Beren

2 the -- 11:43

3 MS. FEUERSTEIN: What's the 11:43

4 document number, please? 11:43

5 MR. GLUCK: Control 5762440-1. 11:43

6 And I'm now looking at -5762441. 11:43

7 A. Okay. 11:44

8 Q. Okay. So this, I'll represent to 11:44

9 you, was a response to a request made by the 11:44

10 SEC to PPVA where you say -- where it says: 11:44

11 "PPVA Request 6-13." 11:44

12 A. I see that. 11:44

13 Q. Okay. And it says -- request 11:44

14 was: "Please provide the listing of 11:44

15 participants of the valuation committee 11:44

16 meetings." 11:44

17 Do you see that, where it says: 11:44

18 "Please provide the listing of participants"? 11:44

19 A. Yes, I see that. 11:44

20 Q. Okay. Now, you'll see, at least 11:44

21 on this document, it lists you being in both 11:44

22 the Quarter 1 and the Quarter 2 valuation 11:44

23 meetings, committee meetings for 2014. 11:44

24 Do you see that? 11:44

25 A. Are you asking a question? 11:44

1 E. Beren

2 Q. Do you see that it lists you at 11:44
3 both those quarters? 11:44

4 A. Well, I see my name there. 11:44

5 Q. Okay. So my question is: You 11:44
6 said that was the only meeting you attended, 11:44
7 and you attended in lieu of David Steinberg. 11:44
8 Here it includes both -- in both of these 11:45
9 quarters, and it lists both you and David 11:45
10 Steinberg and that you're a member -- or that 11:45
11 you participated in the valuation committee? 11:45

12 A. That's what it says here. But I 11:45
13 can tell you -- 11:45

14 Q. You're saying this is inaccurate? 11:45

15 A. I don't know if it's inaccurate 11:45
16 because I didn't write this document. I could 11:45
17 just say, from my own knowledge, I only 11:45
18 attended one valuation meeting for a short 11:45
19 period of time specific to PEDEVCO, and I 11:45
20 never opined or discussed anything else 11:45
21 related to any other investment other than 11:45
22 that one valuation meeting. 11:45

23 Q. So you don't know, sitting here 11:45
24 today, why your name is included in respect to 11:45
25 valuation committee meetings, which is plural 11:45

1 E. Beren

2 both with respect to the quarter of -- Quarter 11:45

3 1 of 2014 and the Quarter 2 of 2014? 11:45

4 A. Yeah, I didn't produce this 11:45

5 document. I don't know -- 11:45

6 Q. Do you know whether this was 11:46

7 represented as being the case to the SEC? 11:46

8 A. Say -- what was your that 11:46

9 question again? 11:46

10 Q. Do you know whether this was sent 11:46

11 to the SEC? 11:46

12 A. I have no idea. 11:46

13 Q. And did anyone check with you, to 11:46

14 the best of your recollection, about 11:46

15 submitting materials to the SEC with your name 11:46

16 on it? 11:46

17 A. I don't recall. I don't recall. 11:46

18 Q. Okay. 11:46

19 MR. PROVENZANO: And I'd just 11:46

20 like to note that the document says: 11:46

21 "Participants includes both portfolio 11:46

22 managers and valuation committee 11:46

23 members." 11:46

24 MR. GLUCK: Right. 11:46

25 MR. PROVENZANO: So from the face 11:46

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

valuation committee meetings in Q1 2014 and Q2
2014?

A. So as I said earlier, the only
time that I was ever at a valuation meeting
based on the document you have showed me
earlier was July 24, 2014, where I was there
in the place of David Steinberg via telephone,
of where I forwarded per the meeting minutes,
as you showed me here, information that I got
from PEDEVCO and the third-party folks
involved with PEDEVCO and forwarded that on to
the valuation committee folks at this meeting.
And then I left the meeting after I presented
the things relevant to PEDEVCO.

Q. How many times a quarter would
there be a valuation committee meeting?

A. I have no idea.

Q. Do you know if it was once a
week?

A. I was not part of the committee,
so -- or part of valuations. I don't know.

Q. Okay. And -- so you're disputing
the accuracy of this document?

A. I didn't say that.

11:47
11:47
11:47
11:47
11:47
11:47
11:47
11:47
11:47
11:47
11:47
11:47
11:47
11:47
11:47
11:47
11:48
11:48
11:48
11:48
11:48

1 E. Beren

2 MR. PROVENZANO: I don't think 11:48

3 he's -- 11:48

4 MR. GLUCK: He said the only one 11:48

5 he ever attended. 11:48

6 MR. PROVENZANO: Yeah. 11:48

7 Q. So there are two quarters listed 11:48

8 here. And so I don't think both of those 11:48

9 answers can be right, that you only attended 11:48

10 one meeting but that you were within the 11:48

11 participants of valuation committee meetings 11:48

12 for at least two quarters. 11:48

13 So either this document is 11:48

14 inaccurate or your memory is inaccurate. And 11:48

15 I'm asking if you dispute this document. 11:48

16 A. I -- 11:48

17 MR. PROVENZANO: If you can 11:48

18 answer the question, go ahead. 11:48

19 A. I can't answer. I don't know 11:48

20 what their thought process was behind this. I 11:48

21 can just go on my recollection and memory, 11:48

22 which was I only attended one valuation 11:48

23 meeting, based on the documents here, which 11:49

24 was July of 2014, via telephone, where I 11:49

25 passed along information from third party 11:49

1 E. Beren

2 provided to myself, which I then shared with 11:49

3 the valuation committee, and I left the 11:49

4 meeting after I gave that information over. 11:49

5 MR. PROVENZANO: The document 11:49

6 looks like it was prepared by Joe 11:49

7 SanFilippo, and I know you deposed him. 11:49

8 Did you ask him how -- 11:49

9 MR. GLUCK: I only had limited 11:49

10 time with Mr. SanFilippo -- 11:49

11 MR. PROVENZANO: Okay. 11:49

12 MR. GLUCK: -- so I hit the 11:49

13 important, long-term topics. Meanwhile, 11:49

14 we have Mr. Beren here. 11:49

15 BY MR. GLUCK: 11:49

16 Q. Why don't we go to Tab 16. 11:49

17 A. Okay. Okay. 11:49

18 Q. Do you know who Will Slota is? 11:50

19 A. I do. 11:50

20 Q. Who is he? 11:50

21 A. He was a fellow who worked at 11:50

22 Platinum. 11:50

23 Q. What about Beechwood? Did he 11:50

24 also work at Beechwood? 11:50

25 A. I don't know what -- I recall 11:50

1 E. Beren

2 seeing him at the Platinum offices. 11:50

3 Q. Okay. But here he's using a 11:50

4 Beechwood Insurance e-mail address. Do you 11:50

5 see that? 11:50

6 A. I see that's on the paper. 11:50

7 Q. And he's sending you documents 11:50

8 about a Beechwood agreement. Right? 11:50

9 MR. PROVENZANO: Have you had a 11:50

10 chance to look at the attachment, Ezra? 11:50

11 THE WITNESS: No. 11:50

12 A. I'm not sure what you're 11:50

13 referring to. 11:50

14 MR. PROVENZANO: Take a look at 11:50

15 the attachment. 11:50

16 THE WITNESS: Where is the 11:50

17 attachment? 11:50

18 MR. PROVENZANO: If you look at 11:50

19 the next page. 11:50

20 THE WITNESS: Okay. 11:50

21 Q. There's an investment management 11:50

22 agreement. 11:50

23 I'm not going to ask you about 11:51

24 the whole document, but have you seen this 11:51

25 document generally before? 11:51

1 E. Beren

2 A. I've seen this document in review 11:51
3 with my counsel. 11:51

4 Q. Were you a -- did you have an 11:51
5 investment management agreement with 11:51
6 Beechwood -- with BAM? 11:51

7 A. I don't recall. 11:51

8 Q. One way or another, you just -- 11:51
9 you don't know? 11:51

10 A. Well, I see the document here. I 11:51
11 don't know, again, if it was ever -- I'm 11:51
12 flipping through the pages, but you told me 11:51
13 not to review the whole document, so I don't 11:51
14 know if it was ever executed. 11:51

15 Q. Setting aside execution, 11:51
16 nonexecution, just commercially, 11:51
17 business-wise, did you understand that you 11:51
18 were acting on behalf of BAM or Beechwood? 11:51

19 A. So let's clarify. This would 11:51
20 have been brought to BAM because they 11:51
21 co-invested in the PEDEVCO deal, and myself 11:51
22 and David Steinberg, which are listed here, 11:52
23 wanted to make sure that if profit was 11:52
24 generated, we were to get paid accordingly. 11:52

25 Q. Profit generated either by 11:52

1 E. Beren

2 Beechwood or by Platinum? 11:52

3 A. Well, I worked at Platinum, so I 11:52

4 didn't have to worry about getting paid at 11:52

5 Platinum. I did not work at Beechwood, so I 11:52

6 needed to make sure that if the deal was 11:52

7 profitable, I would -- David and myself would 11:52

8 get paid. 11:52

9 Q. By? By who? 11:52

10 A. By Beechwood. 11:52

11 Q. Okay. Could you flip to Tab 17, 11:52

12 please? Have you seen this e-mail before? 11:52

13 A. Yes, I have. 11:52

14 Q. Okay. So is this -- it's, kind 11:52

15 of, an announcement by you about your new role 11:52

16 at Beechwood? 11:52

17 A. That's correct. 11:52

18 Q. Who did you interview with at 11:52

19 Beechwood? 11:52

20 A. Mark Feuer. 11:52

21 Q. What about David Bodner? Did you 11:52

22 talk to David Bodner about you joining 11:53

23 Beechwood? 11:53

24 A. No. 11:53

25 Q. What about Murray Huberfeld? Did 11:53

1 E. Beren

2 you talk to Murray Huberfeld about you joining 11:53

3 Beechwood? 11:53

4 A. Well, Murray is my father-in-law. 11:53

5 Suggested I speak to Mark and I met with Mark. 11:53

6 Q. You know that your father-in-law, 11:53

7 Murray Huberfeld, is an owner of Beechwood. 11:53

8 Right? Is that right? 11:53

9 A. Ask your question again. 11:53

10 Q. Did Mr. Huberfeld own Beechwood? 11:53

11 A. I don't know. 11:53

12 Q. You don't know? 11:53

13 A. No. 11:53

14 Q. You never talked about that with 11:53

15 him? 11:53

16 A. No. 11:53

17 Q. Well, how did -- on what basis 11:53

18 did he suggest that you speak to Mark Feuer? 11:53

19 A. Well, I had gone to my 11:53

20 father-in-law because at Platinum -- it was a 11:53

21 tough time for me. David Steinberg had moved 11:53

22 on into a larger capacity as co-chief risk 11:53

23 officer and, kind of, moved away from me, and 11:53

24 I had stumbled on his desk an org chart 11:53

25 showing demotion to a junior credit analyst, 11:53

1 E. Beren

2 and I was obviously not very happy about that. 11:54

3 So I had gone to my father-in-law 11:54

4 and I said, Listen, I see this coming here 11:54

5 based on an org chart on David's desk showing 11:54

6 me to be a junior credit analyst, and that's 11:54

7 not what I'm interested in doing, so should I 11:54

8 meet with Mark Feuer? 11:54

9 And he said, Absolutely. You 11:54

10 should meet with Mark Feuer to see if there's 11:54

11 something available by Beechwood. 11:54

12 Q. Would you flip to Tab 19. 11:54

13 MR. PROVENZANO: 19? 11:54

14 MR. GLUCK: 19. 11:54

15 MR. PROVENZANO: So we're 11:54

16 skipping 18? 11:54

17 MR. GLUCK: Yeah, just try to get 11:54

18 through this this century. 11:54

19 MR. PROVENZANO: Okay. 11:54

20 A. Okay. 11:54

21 Q. Okay. So when you switched over 11:54

22 to Beechwood, did you stop being an employee 11:54

23 of Platinum or receiving money from Platinum? 11:55

24 A. So when I worked at Beechwood in 11:55

25 January of 2016, I believe was the date, I was 11:55

1 E. Beren

2 only paid from Beechwood. 11:55

3 Q. Okay. Only paid by Beechwood? 11:55

4 A. From January 1 on. Correct. 11:55

5 Q. Did you continue to do work for 11:55

6 Platinum? 11:55

7 A. No. 11:55

8 Q. Or bring deals to Platinum? 11:55

9 A. No. 11:55

10 Q. Okay. Tab 20, please. 11:55

11 A. Well, let's specify. When you 11:55

12 say "continue to bring deals," at what 11:55

13 juncture? At what point? 11:55

14 Q. After -- once you began what you 11:55

15 just said, once you began working at Beechwood 11:55

16 and only being paid by Beechwood. 11:55

17 A. That's correct. I only brought 11:55

18 deals to Beechwood. 11:55

19 Q. Okay. Tab 20, please. 11:55

20 MR. PROVENZANO: Warren, I have 11:55

21 to object, because you skipped the 11:55

22 document that says very clearly that 11:55

23 Ezra was offboarded from Platinum as of 11:55

24 December 14, 2015 -- 11:55

25 MR. GLUCK: You objected to -- 11:55

1 E. Beren

2 MR. PROVENZANO: -- and then you 11:55

3 asked him if he continued to work. 11:55

4 MR. GLUCK: Well, I asked him if 11:55

5 he continued to bring deals to Platinum. 11:55

6 MR. PROVENZANO: Okay. 11:56

7 A. Which tab? 11:56

8 BY MR. GLUCK: 11:56

9 Q. Now let's go to Tab 20, please. 11:56

10 A. Tab 20. Okay. 11:56

11 Q. Have you seen this document 11:56

12 before? 11:56

13 A. I don't recall. 11:56

14 Q. By February 19, 2015, your -- you 11:56

15 had been offboarded from Platinum and you 11:56

16 were -- you'd begun working at Beechwood. 11:56

17 Right? 11:56

18 A. Ask your question again. 11:56

19 Q. By February 19, 2015, you had 11:56

20 been, quote, "offboarded" at Platinum and 11:56

21 begun working at Beechwood. Right? 11:56

22 A. That's not what I -- that's not 11:56

23 what we just discussed. We just discussed 11:56

24 that January 1, 2016, I went to go work for 11:57

25 Beechwood. Before that I was working for 11:57

1 E. Beren

2 Platinum. 11:57

3 Q. Not '16, '15. Right? 11:57

4 A. No. I said January 1, 2016. 11:57

5 Q. December 2015, December 2015. So 11:57

6 this was while you were still at Platinum? 11:57

7 A. That is correct. 11:57

8 Q. So this is before -- okay. This 11:57

9 is February before you left. Understood. 11:57

10 These three e-mail addresses, do you see that? 11:57

11 A. I see. 11:57

12 Q. Are those your e-mail addresses? 11:57

13 A. Yes. 11:57

14 Q. Have you -- have you made a 11:57

15 production of documents in this matter? 11:57

16 MR. PROVENZANO: We've never been 11:57

17 asked to make a production in this 11:57

18 matter. 11:57

19 MR. GLUCK: All right. Well, 11:58

20 we'll make a request on the record. 11:58

21 MR. PROVENZANO: Sorry? 11:58

22 MR. GLUCK: We'll make a request 11:58

23 on the record for the production of 11:58

24 documents concerning Mr. Beren's role at 11:58

25 Platinum or Beechwood utilizing these 11:58

1 E. Beren

2 three e-mail addresses. 11:58

3 MR. PROVENZANO: So just to be 11:58

4 precise, you would like any documents 11:58

5 concerning Mr. Beren's role at 11:58

6 Beechwood -- 11:58

7 MR. GLUCK: Or Platinum. 11:58

8 MR. PROVENZANO: -- or Platinum 11:58

9 utilizing these three addresses? 11:58

10 MR. GLUCK: Correct. 11:58

11 MR. PROVENZANO: Okay. We'll 11:58

12 take that under consideration. 11:58

13 MR. GLUCK: Okay. 11:58

14 MS. FEUERSTEIN: Warren, 11:58

15 discovery closes today. 11:58

16 MR. GLUCK: Yeah, we're making 11:58

17 the request today. 11:58

18 MS. FEUERSTEIN: Just putting 11:58

19 that on the record. 11:58

20 MR. GLUCK: There are a variety 11:58

21 of parties making productions, I believe 11:58

22 including your client, through the 11:58

23 course of the next weeks. So we're 11:58

24 making the request today. 11:59

25 BY MR. GLUCK: 11:59

1	E. Beren	
2	Q. Can you flip to Tab 21, please?	11:59
3	Have you seen this document before?	11:59
4	A. I do not recall.	11:59
5	Q. You didn't review it in	11:59
6	connection with your preparation today?	11:59
7	A. No.	11:59
8	Q. Do you know why it's partially	11:59
9	redacted?	11:59
10	A. I do not.	11:59
11	Q. Do you have any recollection of	11:59
12	you asking or Mr. Saks asking you whether the	11:59
13	tech guy should sign an NDA?	11:59
14	A. I do not recall.	12:00
15	Q. Do you know why you're on this	12:00
16	e-mail?	12:00
17	A. I do not recall.	12:00
18	Q. What's Refundo?	12:00
19	MR. PROVENZANO: What's what?	12:00
20	MR. GLUCK: Second page, Refundo.	12:00
21	A. Did you turn the page?	12:00
22	Q. Yeah. So Michael de Senna at	12:00
23	refundo.com ...	12:00
24	MR. PROVENZANO: Okay. Got it.	12:00
25	A. I don't recall much about	12:00

1 E. Beren

2 Refundo. 12:00

3 Q. Was it a deal that you were 12:00

4 bringing to Beechwood? 12:00

5 A. It's possible but I don't recall. 12:00

6 Q. You have no idea why you're on 12:00

7 this e-mail string? 12:00

8 A. I didn't say I had no idea. I 12:00

9 said I don't recall. 12:00

10 Q. Do you -- you don't -- so do -- 12:00

11 what's -- where is the distinction between you 12:00

12 not recalling and no idea? 12:01

13 A. Well, again, just looking through 12:01

14 the e-mails here, it is possible that I found 12:01

15 a deal and did show it to Beechwood. 12:01

16 Q. Okay. Can you tab -- turn to Tab 12:01

17 22, please? 12:01

18 A. Sure. 12:01

19 Q. I'll ask you if you've seen this 12:01

20 e-mail before. 12:01

21 A. (Document review.) 12:01

22 Yes, I have seen this e-mail in 12:01

23 preparation with counsel. 12:01

24 Q. Okay. Now, I asked you earlier 12:01

25 whether you knew whether Mr. Huberfeld owned 12:01

1 E. Beren

2 Beechwood. Right? 12:01

3 A. You had asked -- repeat your 12:01

4 question one more time. 12:01

5 Q. I asked you earlier whether you 12:01

6 knew that Mr. Huberfeld owned Beechwood, he 12:01

7 was an owner of Beechwood. 12:01

8 MR. PROVENZANO: I'll object that 12:01

9 it assumes facts not in evidence. 12:01

10 Q. No. I'm asking, Do you recall 12:01

11 that I asked you earlier? 12:02

12 MR. PROVENZANO: Okay. I'm 12:02

13 sorry. 12:02

14 A. Yes, you did ask me that question 12:02

15 earlier. 12:02

16 Q. Okay. So let's take a look at 12:02

17 this e-mail. 12:02

18 A. Okay. So, remember, I did review 12:02

19 this with counsel, and I'm also aware there's 12:02

20 a previous e-mail. I'd like to have that as 12:02

21 well. 12:02

22 Q. I'm not sure what you're talking 12:02

23 about. 12:02

24 MS. BADER: I have the control 12:02

25 number. 12:02

1 E. Beren

2 MR. GLUCK: Well, if you want to 12:02

3 do a redirect after. 12:02

4 MR. PROVENZANO: Well, that's 12:02

5 fine. We can do that. It's just that 12:02

6 there is another e-mail that precedes 12:02

7 this one that makes it clear that he cut 12:02

8 and paste text from that into here. 12:02

9 And we can do that on redirect if 12:02

10 you like -- 12:02

11 MR. GLUCK: Do it on redirect. 12:02

12 MR. PROVENZANO: -- but ... 12:02

13 BY MR. GLUCK: 12:02

14 Q. Let's look down to the third 12:02

15 paragraph: 12:02

16 "Some of the principals of PMNY 12:02

17 are also shareholders of a second 12:02

18 investment company named B Asset 12:02

19 Manager/Beechwood Re." 12:02

20 Do you see that? 12:02

21 A. I do see that. 12:02

22 Q. That includes your father-in-law. 12:02

23 Right? 12:02

24 A. Again, I don't know. 12:02

25 Q. You knew that at the time. 12:03

1 E. Beren

2 Right? 12:03

3 A. Again, I forwarded this e-mail 12:03

4 based on David Steinberg drafting it, and he 12:03

5 okayed me to send it, so I sent it. 12:03

6 Q. Okay. So David Steinberg wrote 12:03

7 the e-mail? 12:03

8 A. He wrote the e-mail. I copy and 12:03

9 pasted it, and I forwarded it on to Alex -- 12:03

10 Q. All right. So David Steinberg is 12:03

11 a pretty smart guy. Right? 12:03

12 MR. PROVENZANO: Do you have an 12:03

13 opinion as to how smart David Steinberg 12:03

14 is? 12:03

15 A. Yes, he's a smart fellow. 12:03

16 Q. Is there anything in here that's 12:03

17 wrong? 12:03

18 Let's start with "David Steinberg 12:03

19 and Ezra Beren are portfolio managers for 12:03

20 Platinum Management New York." 12:03

21 Is that right? 12:03

22 A. At the time that is correct. 12:03

23 Q. And then how about "PMNY is the 12:03

24 investment advisor for multiple funds, 12:03

25 including its two flagship funds," PPVA and 12:03

1 E. Beren

2 PPCO. Is that right? 12:04

3 A. That is correct. 12:04

4 Q. Okay. Now, let's go to the next 12:04

5 sentence: 12:04

6 "Some of the principals of PMNY 12:04

7 are also shareholders of a second 12:04

8 investment company named B Asset 12:04

9 Manager/Beechwood Re." 12:04

10 That's right. Right? 12:04

11 A. No. As I told you earlier, I 12:04

12 don't my -- I don't know the ownership 12:04

13 structure. 12:04

14 Q. Well, if you don't know, that's 12:04

15 different than saying it's -- this is right or 12:04

16 wrong. Understand? 12:04

17 A. How can I tell you something's 12:04

18 right or wrong if I don't know the answer? 12:04

19 Q. Okay. So then your answer is you 12:04

20 don't know whether it's right or wrong? 12:04

21 A. Well, again, David wrote it, so 12:04

22 my assumption was I could forward it on, so I 12:04

23 assumed when I sent it that this information 12:04

24 was correct. I don't know the specifics about 12:04

25 some of the material he wrote in this 12:04

1 E. Beren

2 document. 12:04

3 Q. I'm assuming -- we're assuming 12:04

4 for these questions that you assumed it was 12:04

5 correct when you sent it. But I'm asking you 12:04

6 as you sit here today, we've gone through the 12:04

7 first few sentences and they were right, and 12:04

8 now I'm asking for the third sentence, "Some 12:04

9 of the principals of PMNY are also 12:04

10 shareholders of a second investment company 12:04

11 named B Asset Manager/Beechwood Re." 12:04

12 That's an accurate statement. 12:05

13 Right? 12:05

14 A. Again, I don't know. David -- 12:05

15 Q. That is a fine answer. 12:05

16 A. Okay. 12:05

17 Q. If you don't know, that is 12:05

18 distinct from saying it's inaccurate or 12:05

19 accurate. 12:05

20 Do you know whether Beechwood 12:05

21 Asset Manager/Beechwood Re provided asset 12:05

22 management for insurance companies? 12:05

23 A. Ask me your question one more 12:05

24 time. 12:05

25 Q. Is it true that -- is it accurate 12:05

1 E. Beren

2 You just don't know whether 12:06

3 that's accurate? 12:06

4 A. Again, I don't know the specifics 12:06

5 of it for me to give off the full accuracy. 12:06

6 Q. Okay. Let's keep going here. 12:06

7 A. Okay. 12:06

8 Q. It says: 12:06

9 "Often, investment opportunities 12:06

10 brought by PMS of PMNY may not fit the 12:06

11 investment parameters of PPVA or PPCO, 12:06

12 and PMNY may refer the opportunity to 12:06

13 Beechwood." 12:06

14 That's right. That's accurate. 12:06

15 Right? 12:06

16 A. What do you mean by "often"? 12:06

17 Q. I'm quoting from the document. 12:06

18 A. So, again, I copied and pasted 12:06

19 this. I can only say, you know, when I was at 12:06

20 Platinum, I brought one deal that -- well, no, 12:06

21 I -- David Steinberg originated and we brought 12:07

22 the deal to Beechwood, which co-funded 12:07

23 PEDEVCO. 12:07

24 You know, we may have introduced 12:07

25 other deals, but none of them ever 12:07

1 E. Beren

2 subsequently funded. 12:07

3 Q. That's you personally. But this 12:07

4 is more -- this is a general statement. Do 12:07

5 you -- do you disagree with the concept that 12:07

6 PMNY would refer opportunities to Beechwood 12:07

7 often? 12:07

8 A. Well, again, I -- you know, on 12:07

9 the accuracy of the word "often," I could only 12:07

10 discuss with regard to myself of where there 12:07

11 were few and far between of deals that were 12:07

12 referred from myself and David Steinberg. 12:07

13 Q. But you just don't know beyond 12:07

14 yourself? 12:07

15 A. That is correct. 12:07

16 Q. Okay. Okay. Let's go to the 12:07

17 next one: 12:07

18 "The compensation terms for PMs 12:07

19 are the same for investments taken by 12:07

20 PPVA, PPCO, or Beechwood." 12:07

21 That's right. Right? 12:07

22 A. So, again, David Steinberg had 12:07

23 sent me the previous e-mail, and at the time, 12:08

24 you know, I copied and pasted it. So I don't 12:08

25 know, you know, if the compensation terms for 12:08

1 E. Beren

2 A. Again, I was an employee of 12:08
3 Platinum's until January 1 of 2016, and then 12:08
4 from January 1 on, I was an employee of 12:09
5 Beechwood. 12:09

6 Q. So which part of the sentence 12:09
7 isn't true? 12:09

8 A. Again, I took the accuracy of 12:09
9 this, and I copied and pasted it into my 12:09
10 e-mail and forwarded it on. 12:09

11 Q. No, no, but that's not my 12:09
12 question. 12:09

13 What -- which words here -- I'm 12:09
14 not seeing a distinction between what you said 12:09
15 and what's here. 12:09

16 What is inaccurate about this 12:09
17 sentence: "So in essence, Steinberg and Beren 12:09
18 are PMs for PPVA, PPCO, and Beechwood"? 12:08

19 A. So again, David Steinberg 12:09
20 provided this document, and I went on the 12:09
21 assumption that he was accurate in his 12:09
22 description, and then I copied and pasted that 12:09
23 and forwarded it on. 12:09

24 Looking at this now -- and again, 12:09
25 I hadn't seen this document prior to two or 12:09

1 E. Beren

2 three days ago, and I didn't recall it -- that 12:09

3 I worked at Platinum, and then I worked at 12:09

4 Beechwood. I never worked at both at the 12:10

5 exact same time. 12:10

6 Q. Okay. 12:10

7 MR. PROVENZANO: I'll try and 12:10

8 help Warren out. I think what Mr. Gluck 12:10

9 is trying to get at is, now -- because 12:10

10 you said, sitting here today, you think 12:10

11 it's inaccurate. What about it is it 12:10

12 that is inaccurate? 12:10

13 A. Well, as you referenced earlier, 12:10

14 the investment agreement. So maybe what 12:10

15 Steinberg was -- and again, I'm speculating -- 12:10

16 maybe what he was saying was it's the 12:10

17 equivalency, because, you know, we're able to 12:10

18 go to Beechwood and source deals to Beechwood, 12:10

19 you know, there's a connection. 12:10

20 Q. Okay. 12:10

21 A. But I -- again, for the record, I 12:10

22 did not work at Beechwood and Platinum at the 12:10

23 same time. 12:10

24 Q. Okay. So let's just explore that 12:10

25 a little. Can you flip to Tab 23, please? 12:11

1 E. Beren

2 Have you seen this e-mail before? 12:11

3 A. I do not recall. 12:11

4 Q. You didn't review it in 12:11

5 connection with your preparation? 12:11

6 A. No. 12:11

7 Q. Well, it appears to be an e-mail 12:11

8 from you at your Platinum e-mail address to 12:11

9 Danny Saks at Beechwood. 12:11

10 Do you see that? 12:11

11 A. Yes, I see that. 12:11

12 Q. Danny Saks was the CIO of 12:11

13 Beechwood. Right? 12:11

14 A. I'm not exactly sure of his exact 12:11

15 title. 12:11

16 Q. There's nobody else from Platinum 12:11

17 on this e-mail. 12:11

18 A. Okay. 12:11

19 Q. Okay. So isn't this an example 12:11

20 of you working for Beechwood at the same time 12:11

21 you were working for Platinum? 12:11

22 A. When you say "working," what do 12:12

23 you mean, "working"? 12:12

24 Q. Well, you're bringing this deal 12:12

25 to Beechwood. That's your job -- that was 12:12

1 E. Beren

2 your job at Beechwood. Right? 12:12

3 A. I did not -- 12:12

4 MR. PROVENZANO: Assumes facts 12:12

5 not in evidence. 12:12

6 MR. GLUCK: It's a fine 12:12

7 objection. 12:12

8 Q. Here you're bringing a potential 12:12

9 deal to Beechwood. Right? 12:12

10 A. I showed a deal to Danny Saks at 12:12

11 Beechwood, correct. 12:12

12 Q. Okay. And that was your job when 12:12

13 you were full time at Beechwood, is to bring 12:12

14 deals? 12:12

15 MR. PROVENZANO: Wait. When 12:12

16 you're -- so you're now asking for 2016? 12:12

17 MR. GLUCK: Yeah. 12:12

18 Q. From 2016 on that was your job. 12:12

19 Right? 12:12

20 A. Yes. 12:12

21 Q. Okay. So this is just an example 12:12

22 of you doing your job before 2016. Right? 12:12

23 MR. PROVENZANO: Objection: 12:12

24 assumes facts. 12:12

25 Q. Well, you're bringing a deal to 12:12

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

Danny Saks at Beechwood?

12:12

MR. PROVENZANO: If you want to

12:12

know why he did it, why don't you ask

12:12

him why he did it?

12:12

Q. Why did you bring this deal to

12:12

Danny Saks at Beechwood?

12:12

A. So for a period of time, Platinum

12:12

just didn't really have the capacity to fund

12:13

deals. I was unclear as to why. I just knew

12:13

that they would not have the ability to fund

12:13

deals. So again, I have to make a living. So

12:13

the only way for me to make a living was to

12:13

potentially find deals and get them, you know,

12:13

deals that made sense per the underwriting to

12:13

get them funded. And I had a connection to

12:13

Beechwood with Danny Saks, so I forwarded him

12:13

a deal to see if it would fit the investment

12:13

parameters for Beechwood.

12:13

Q. With the expectation that if they

12:13

picked up the deal, you would be compensated?

12:13

A. Well, as we discussed earlier,

12:13

there was an investment agreement of where --

12:13

yes.

12:13

Q. So what I'm actually just trying

12:13

1 E. Beren

2 to figure out is, assuming everything you can 12:13

3 said is just completely accurate, weren't you 12:13

4 working for Beechwood at the same time you 12:13

5 were working for Platinum? 12:13

6 A. That is not accurate. 12:13

7 Q. The function of bringing deals to 12:13

8 Beechwood, that's exactly what you're doing 12:14

9 here. Right? And you were expecting 12:14

10 compensation from Beechwood in exchange for 12:14

11 that. Right? 12:14

12 A. That is not correct. 12:14

13 Q. What part of it's not right? 12:14

14 A. Number one, I was never paid by 12:14

15 Beechwood prior to January 1, 2016. I 12:14

16 expected no compensation from Beechwood. The 12:14

17 understanding, again, as we discussed earlier 12:14

18 with the investment agreement, which I don't 12:14

19 know if it was signed, with what you showed me 12:14

20 was, Beechwood was looking for deals well 12:14

21 before I was ever there. I would show them a 12:14

22 deal. If the deal made sense -- right? -- I 12:14

23 would then go to them and say, Okay. I helped 12:14

24 originate a deal. Again, I had to make a 12:14

25 living. 12:14

1 E. Beren

2 Q. I don't think we're saying 12:14
3 anything different. That's why I'm a little 12:14
4 perplexed. I asked you whether you brought 12:14
5 this deal to Beechwood in the expectation that 12:14
6 if they took the deal, you would be paid by 12:14
7 Beechwood? 12:14

8 A. So again, that's not accurate. 12:14
9 My expectation was if any deal I would ever 12:15
10 show, whether it was at my time at Platinum, 12:15
11 when I was employed at Platinum, or my time 12:15
12 employed at Beechwood, if a deal were to be 12:15
13 profitable as in make money, yes, I would 12:15
14 expect to receive compensation. 12:15

15 Q. But the compensation you expected 12:15
16 to receive was not from Platinum. It's not, 12:15
17 if you brought a deal to Beechwood, Platinum 12:15
18 would pay you, Beechwood would pay you. 12:15
19 Right? 12:15

20 A. If I brought Beechwood a deal and 12:15
21 the deal was profitable, yes, I would expect 12:15
22 to be paid based on a deal, again, being 12:15
23 profitable. 12:15

24 MR. PROVENZANO: Okay. Does that 12:15
25 have anything to do with you being an 12:15

1 E. Beren

2 employee of Beechwood? 12:15

3 THE WITNESS: No. 12:15

4 Q. Okay. But that was also your job 12:15

5 at Beechwood later, to bring them deals which 12:15

6 they would pay you for. Right? 12:15

7 A. We established that. 12:15

8 Q. Right. And so here what I'm 12:15

9 asking -- it's a very -- it is a simple 12:15

10 question. 12:15

11 A. Okay. 12:15

12 Q. Here you were bringing a deal to 12:15

13 Beechwood with the anticipation that if they 12:15

14 took the deal and it would be profitable, you 12:16

15 would be paid by Beechwood. Right? 12:16

16 A. That is correct. 12:16

17 Q. Okay. Would you turn to Tab 24, 12:16

18 please? 12:16

19 MR. PROVENZANO: If we're 12:16

20 changing themes, do you want to take 12:16

21 time to order lunch? 12:16

22 MR. GLUCK: Well, why don't we 12:16

23 take time to order lunch, because it may 12:16

24 take some time to get here anyway. So 12:16

25 how about a five-minute break, and then 12:16

1 E. Beren

2 we can figure out -- 12:16

3 MR. PROVENZANO: That makes 12:16

4 sense. 12:16

5 THE VIDEOGRAPHER: Going off the 12:16

6 record. The time is 12:16 p.m. 12:16

7 (Recess taken from 12:16 p.m. to 12:38

8 12:38 p.m.) 12:38

9 THE VIDEOGRAPHER: This begins 12:38

10 Media Number 2. The time is 12:38 p.m. 12:38

11 We're back on the record. 12:38

12 BY MR. GLUCK: 12:38

13 Q. Mr. Beren, would you please flip 12:39

14 to Tab 24 in your book, please. 12:39

15 I'll ask you first if you've seen 12:39

16 this e-mail before. 12:39

17 A. I don't recall seeing this. 12:39

18 Q. What's Agera? 12:39

19 A. Forgive me for one second. Agera 12:39

20 was, to my understanding, an energy servicing 12:39

21 company that operated in the deregulated 12:39

22 space. 12:39

23 Q. A lot like Viridian. Right? 12:39

24 A. Correct. 12:39

25 Q. Did you work at Agera? 12:39

1 E. Beren

2 A. I did not. 12:39

3 Q. Agera was a Platinum investment? 12:39

4 A. I don't know. 12:39

5 Q. Agera was also a Beechwood 12:39

6 investment? 12:39

7 A. I don't know. 12:39

8 Q. You just don't know one way or 12:39

9 another? 12:39

10 A. I don't know the specifics in 12:39

11 terms of the investments. 12:39

12 Q. Okay. Well, during your time at 12:39

13 Platinum, did people talk about Agera at 12:39

14 Platinum? 12:39

15 A. I don't recall people talking 12:39

16 about it at Platinum. 12:40

17 Q. What about at Beechwood? 12:40

18 A. Yes, at Beechwood I recall. 12:40

19 Q. Okay. Did Beechwood hold debt in 12:40

20 Agera? 12:40

21 A. That I don't know. 12:40

22 Q. Okay. And you don't know whether 12:40

23 Platinum held the equity? 12:40

24 A. I don't know any of the 12:40

25 specifics. 12:40

1	E. Beren	
2	Q. Okay. This is an e-mail	12:40
3	concerning a meeting at Agera. Right?	12:40
4	A. (Document review.)	12:40
5	Okay.	12:40
6	Q. And the e-mail is coming from	12:40
7	Mr. Bodner. Right?	12:40
8	A. It looks like the e-mail is	12:40
9	coming from Bodner and Huberfeld. I'm not	12:40
10	quite sure who that is.	12:40
11	Q. We went over who Angela Albanese	12:40
12	is. Right?	12:40
13	A. Correct.	12:40
14	Q. Okay. And Murray Huberfeld is on	12:40
15	the e-mail. Right?	12:41
16	A. It appears so.	12:41
17	Q. Alexis Northwood, do you know who	12:41
18	she is?	12:41
19	A. I do.	12:41
20	Q. She was a Beechwood secretary --	12:41
21	right? -- and assistant?	12:41
22	A. I'm not exactly sure what her	12:41
23	titles were.	12:41
24	Q. She was at Beechwood, though?	12:41
25	A. She was, yeah.	12:41

1 E. Beren

2 Q. Okay. And you're on the e-mail. 12:41

3 Right? 12:41

4 A. Yes. 12:41

5 Q. Do you recall going to this 12:41

6 meeting? 12:41

7 A. I do not. 12:41

8 Q. Do you know why you were invited 12:41

9 to this meeting at Agera? 12:41

10 A. I do not recall. 12:41

11 Q. Do you know what Mr. Bodner's 12:41

12 interest in Agera was? 12:41

13 A. I do not. 12:41

14 Q. You think you got this e-mail as 12:41

15 a Platinum person? 12:41

16 A. I don't recall the specifics. 12:41

17 Q. Let's go to Tab 25. Have you 12:41

18 seen this document before? 12:41

19 A. Give me a second to review. 12:42

20 (Document review.) 12:42

21 I have seen this in review with 12:42

22 my counsel. 12:42

23 Q. Okay. This is a discussion 12:42

24 concerning a potential deal. Right? 12:42

25 A. I believe so. 12:42

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

Q. And Mr. Steinberg is asking you
to go over the numbers on the deal with
Mr. Huberfeld. Right?

A. Again, that's what David wrote in
the e-mail. I don't recall the specifics.

Q. Okay. Well, let's start --
first, you were working at Platinum at this
time. Right?

A. That is correct.

Q. Was Mr. -- why would David
Steinberg be telling you to go over Platinum
deal numbers with Mr. Huberfeld?

A. So again, Murray was my
father-in-law and a very smart businessman.
So as I said earlier, I had access to my
father-in-law, and why would I not take
advantage of having conversations with him?

Q. But would Mr. Huberfeld determine
what investments Platinum would make or not
make?

A. No.

Q. Okay. So here it's asking you --
it appears that Mr. Steinberg is asking you to
talk to Mr. Huberfeld to determine whether

12:42
12:42
12:42
12:42
12:42
12:42
12:42
12:42
12:42
12:42
12:42
12:42
12:42
12:42
12:43
12:43
12:43
12:43
12:43
12:43
12:43
12:43
12:43

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

it's an interest -- a business he's interested
in for Beechwood. Right?

A. Again, that's what Mr. Steinberg
wrote.

Q. And you reply: "I will discuss
with him"?

A. Okay.

Q. So wouldn't this be an example
from the e-mail that we looked at previously
where you would consider deals and then refer
them to Beechwood?

A. Again, I don't recall the context
of this deal.

Q. Did Mr. Huberfeld have the
authority to determine what deals Beechwood
did do or did not do?

A. I believe the answer is no.

Q. Well, do you understand why
Mr. Steinberg was asking you to do here when
he said discuss the business -- discuss the
deal -- discuss "the numbers with Murray" to
determine if it's "a business he's interested
in for Beechwood"?

A. Again, I don't know what

12:43
12:43
12:43
12:43
12:43
12:43
12:43
12:43
12:43
12:43
12:43
12:43
12:44
12:44
12:44
12:44
12:44
12:44
12:44
12:44
12:44
12:44

1 E. Beren

2 Mr. Steinberg was thinking when he wrote this 12:44

3 e-mail. 12:44

4 Q. Okay. So let's go to Tab 26. 12:44

5 Have you seen this e-mail before? 12:44

6 A. (Document review.) 12:44

7 I believe I saw this e-mail in my 12:44

8 view with counsel. 12:44

9 Q. Okay. Well, PEDEVCO is one of 12:44

10 the investments you were involved in for 12:45

11 Platinum. Right? 12:45

12 A. That's correct. 12:45

13 Q. And at this time you were still 12:45

14 working at Platinum. Right? 12:45

15 A. That's correct. 12:45

16 Q. Okay. What authority did Murray 12:45

17 Huberfeld -- Danny and Murray -- that's Danny 12:45

18 Saks and Murray Huberfeld. Right? 12:45

19 A. Again, I don't know for sure. I 12:45

20 could just assume that's who we're talking 12:45

21 about. 12:45

22 Q. Danny and Murray, there's only 12:45

23 two guys at Beechwood? 12:45

24 A. Well, it says: "Danny and 12:45

25 Murray." So my assumption is that's who we're 12:45

1 E. Beren

2 talking about. 12:45

3 Q. Okay. So here's my question: 12:45

4 What authority did Murray Huberfeld have to 12:45

5 determine whether BAM was going to allow the 12:45

6 holiday on the cash sweep for PEDEVCO? 12:45

7 A. Again, in my dealings, I dealt 12:45

8 directly with David Steinberg, and things 12:45

9 related to Platinum, we would -- David would 12:45

10 go to Mark, I would join him with Mark 12:45

11 Nordlicht, and, you know, refreshing my memory 12:46

12 with regard to this, we would speak to Danny 12:46

13 Saks at Beechwood related to deals that were 12:46

14 at the Beechwood side. 12:46

15 Q. Okay. But you're sending this 12:46

16 e-mail to David Steinberg. So you're saying 12:46

17 you're reporting that having spoken with Danny 12:46

18 and Murray, BAM is not going to allow the 12:46

19 holiday on the cash-flow sweep. Right? 12:46

20 A. When you say "reporting," what do 12:46

21 you mean "reporting"? 12:46

22 Q. Well, you're telling David 12:46

23 Steinberg in this -- you're writing this 12:46

24 e-mail. Right? 12:46

25 A. Yes, this e-mail is from me. 12:46

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

Q. So you're informing David

12:46

Steinberg that after you spoke with Danny Saks

12:46

and Murray Huberfeld that morning, BAM is not

12:46

going to allow the holiday on the flat

12:46

cash-flow sweep?

12:46

A. So again, I don't remember the

12:46

specifics of this e-mail. This is going back

12:46

quite a way. Again, I don't recall the

12:46

context as to this e-mail.

12:46

Q. It seems like Murray Huberfeld

12:47

and Danny -- you were going to Murray

12:47

Huberfeld and Danny Saks with a request on a

12:47

holiday on the cash-flow sweep, and they said

12:47

no on behalf of Beechwood, didn't they?

12:47

A. Again, I don't recall as to what

12:47

the specifics were.

12:47

Q. Okay. 27, please. Have you seen

12:47

this e-mail before?

12:47

A. I don't recall seeing this.

12:47

Q. Can you just take a look at it?

12:47

A. Sure.

12:47

(Document review.) Okay.

12:47

Q. Okay. Now at this time, July 10,

12:48

you were working at Platinum. Right?

12:48

1 E. Beren

2 A. That is correct. 12:48

3 Q. Okay. So you write on the e-mail 12:48

4 from you to Mr. Steinberg regarding NordAq 12:48

5 Energy: "We have to talk with Murray at some 12:48

6 point about economics on this deal." 12:48

7 Why did you have to talk to 12:48

8 Murray? 12:48

9 A. I don't recall the specifics 12:48

10 about this e-mail. 12:48

11 Q. What involvement did Murray 12:48

12 Huberfeld have in determining the economics of 12:48

13 Platinum deals? 12:48

14 A. So again, I spoke to my 12:48

15 father-in-law. He's my father-in-law, he was 12:48

16 able to provide advice to me. Again, I can't 12:48

17 speak for my father-in-law. I'm sure if you 12:48

18 asked him, he would tell you he obviously 12:49

19 wanted the best for me to help me which would 12:49

20 include getting business advice from him as to 12:49

21 how to structure deals. 12:49

22 Q. For Platinum? 12:49

23 A. For myself. 12:49

24 Q. I mean, David Steinberg says no. 12:49

25 Right? 12:49

1 E. Beren

2 A. I don't know what you're talking 12:49
3 about. 12:49

4 Q. He responds "no." 12:49

5 A. Again, I don't know the context 12:49
6 of. I just told you why I would speak to my 12:49
7 father-in-law which is Murray. 12:49

8 Q. Well, he's saying, No, let's -- I 12:49
9 interpret this to say, No, let's see if we can 12:49
10 not use Beechwood. Isn't the reference to 12:49
11 Murray Huberfeld Beechwood? 12:49

12 A. Again, you're asking me to 12:49
13 speculate what he meant, and I can't do that. 12:49

14 Q. Well, I'm asking you to try to 12:49
15 interpret your own message saying that you had 12:49
16 to speak to Murray and then interpret 12:49
17 Mr. Steinberg's response to you which you then 12:49
18 also responded to. 12:49

19 So let's start -- back to the 12:50
20 bottom. "We need to have a talk with Murray 12:50
21 at some point about economics on this deal." 12:50

22 Do you see that? 12:50

23 A. I see that. 12:50

24 Q. Now, weren't you a conduit 12:50
25 through which Murray Huberfeld gave his 12:50

1 E. Beren

2 business directives? 12:50

3 A. No. 12:50

4 Q. So why do you have to have talked 12:50

5 to Murray? 12:50

6 A. So with all due respect, I think 12:50

7 we covered this several times, that he's my 12:50

8 father-in-law. And why would I not take 12:50

9 advantage of having access to a person who 12:50

10 understands business and me to discuss the 12:50

11 best ways for myself -- right? -- to conduct 12:50

12 business. So maybe I wasn't clear the first 12:50

13 time. 12:50

14 Q. No, I think you might have been. 12:50

15 But you respond: "Emphatic no. Love the 12:50

16 tenacity." 12:50

17 Do you see that? 12:50

18 MR. PROVENZANO: There's an 12:50

19 e-mail in between. Right? 12:50

20 MR. GLUCK: Right. We went over 12:50

21 that. It says: "No, let's see if we 12:50

22 need to use Beechwood all together." 12:50

23 MR. PROVENZANO: Steinberg said 12:50

24 no. 12:50

25 MR. GLUCK: Right. 12:51

1 E. Beren

2 Q. And my question on that point 12:51

3 was: Doesn't it seem like Steinberg is 12:51

4 linking talking with Murray to Beechwood? 12:51

5 A. Again, you're asking me to 12:51

6 speculate based on what Steinberg's saying. 12:51

7 And I don't know what Steinberg was saying 12:51

8 there. 12:51

9 Q. Okay. Let's switch to 28, 12:51

10 please. Have you seen Document 28 before? 12:51

11 A. No. 12:51

12 Q. Okay. I'm not going to ask you 12:51

13 to read the whole thing, but you do know who 12:51

14 Scott Taylor is. Right? 12:51

15 A. Yes. 12:51

16 Q. Who is Scott Taylor? 12:51

17 A. I'm not exactly sure of his title 12:51

18 but he worked at Beechwood. 12:51

19 Q. Principal at Beechwood? 12:51

20 A. Again, I'm not sure of his exact 12:51

21 title. 12:51

22 Q. Did you work for him at 12:51

23 Beechwood? 12:51

24 A. They -- I worked -- reported -- 12:51

25 well, again, I can only comment on who I 12:51

1 E. Beren

2 reported to. 12:51

3 Q. Sure. 12:51

4 A. At Beechwood I reported to, when 12:51

5 I came on board, Danny Saks, and then Danny 12:51

6 had left at a point in time, and I reported to 12:52

7 Dhruv Narain. 12:52

8 Q. Okay. So this is dated August 12:52

9 12, 2016. Do you see that? 12:52

10 A. I do. 12:52

11 Q. Okay. Now I'd like you to flip 12:52

12 to the third page, and there's a little 12:52

13 footnote at the bottom of the third page. 12:52

14 Would you just look at the 12:52

15 footnote? 12:52

16 A. (Document review.) 12:52

17 Okay. 12:52

18 Q. So we talked about whether you 12:52

19 worked at Platinum and Beechwood at the same 12:52

20 times, and so I'd like you to reconcile your 12:52

21 statement that you didn't, if possible, with 12:52

22 the footnote below that I'm directing you to. 12:52

23 A. What exactly would you like me to 12:52

24 reconcile? 12:52

25 Q. Well, it appears that Mr. Taylor 12:52

1 E. Beren

2 said in an interview with counsel -- 12:52

3 A. It doesn't say Mr. Taylor. 12:53

4 Q. Excuse me, Mr. Feuer. I 12:53

5 misspoke. 12:53

6 A. Okay. 12:53

7 Q. It says -- it appears to say that 12:53

8 Mr. Feuer said in an interview with counsel 12:53

9 that Mr. Beren was somebody who sits in 12:53

10 Beechwood offices and, quote, "has for years." 12:53

11 And so it's 2016 now, and if you 12:53

12 had been sitting in Beechwood offices for 12:53

13 years, it would seem that you had worked 12:53

14 simultaneously at Beechwood and Platinum. 12:53

15 Right? Even if it had just been one year, you 12:53

16 didn't join Beechwood -- the date is December 12:53

17 of 2015, and this is August of 2016. But it 12:53

18 says "years" here. 12:53

19 A. So what was your reference about 12:53

20 December of 2015? 12:53

21 Q. Okay. So you joined Beechwood 12:53

22 around December of 2015? 12:53

23 A. That's incorrect. 12:53

24 MR. PROVENZANO: No. He said 12:53

25 many times he joined January 1. 12:53

1 E. Beren

2 MR. GLUCK: January 1 -- 12:53

3 A. 2016. 12:53

4 Q. 2016. Right? 12:53

5 A. Correct. 12:53

6 Q. So this is August 2, 2016. 12:53

7 A. Okay. 12:54

8 Q. Okay? And my question is: 12:54

9 How -- is Mr. Feuer wrong that as of August 2, 12:54

10 2016, that you had sat in Beechwood offices 12:54

11 and, quote, "had" -- "has for years"? 12:54

12 A. So -- 12:54

13 MR. PROVENZANO: Before he 12:54

14 answers, I just want to record my 12:54

15 objections, which are several. I mean, 12:54

16 it's not an objection to form, but 12:54

17 first, this is hearsay. This is 12:54

18 Mr. Johnson saying that Mr. Feuer said 12:54

19 something about Mr. Beren in an 12:54

20 interview with counsel. And the 12:54

21 objection -- excuse me -- the objection, 12:54

22 I guess, is to form, is simply what are 12:54

23 you -- are you asking him -- 12:54

24 MR. GLUCK: Is this right or -- 12:54

25 is this inaccurate? 12:54

1 E. Beren

2 MR. PROVENZANO: Okay. 12:54

3 BY MR. GLUCK: 12:54

4 Q. Did you sit in Beechwood offices 12:54

5 for years from -- looking backward from August 12:54

6 2, 2016, or bring deals to Beechwood for 12:54

7 years? 12:55

8 A. I'm not sure what that means, to 12:55

9 sit in the Beechwood office. Was I physically 12:55

10 there? Yes, I visited the Beechwood offices. 12:55

11 We discussed earlier, I did show them deals. 12:55

12 So I was at their offices. 12:55

13 Q. Going back years? 12:55

14 A. Well, I can't tell you the exact 12:55

15 time frame, but I did -- I was in Beechwood 12:55

16 offices, I did show them deals, correct. 12:55

17 Q. Okay. So I'm trying to determine 12:55

18 whether this -- you viewed this as an accurate 12:55

19 statement. 12:55

20 MR. PROVENZANO: Whether he 12:55

21 viewed it or whether he views it now? 12:55

22 MR. GLUCK: Whether he views it. 12:55

23 Q. Whether you believe this as an 12:55

24 inaccurate or an accurate statement? 12:55

25 A. Again, I worked at Platinum. I'm 12:55

1 E. Beren

2 not exactly the exact date I started at 12:55

3 Platinum, but I worked at Platinum up until 12:55

4 December 31 of 2015, and I was an official 12:55

5 employee from January 1, 2016, and on at 12:55

6 Beechwood. 12:55

7 In my time at Platinum, I did 12:55

8 visit the Beechwood offices, I was physically 12:56

9 present in the Beechwood offices from time to 12:56

10 time, and that would be my description. 12:56

11 Q. Did you receive compensation from 12:56

12 Beechwood prior to January 1, 2016? 12:56

13 A. No. 12:56

14 Q. So when you brought them deals, 12:56

15 they were just deals that you brought but were 12:56

16 never executed? 12:56

17 MR. PROVENZANO: I think he 12:56

18 testified before this -- 12:56

19 MR. GLUCK: Well, I'm just -- I'm 12:56

20 asking in light of this. 12:56

21 MR. PROVENZANO: Okay. 12:56

22 A. Correct. There was one deal when 12:56

23 I was with David Steinberg at Platinum, and 12:56

24 PEDEVCO -- and Beechwood co-funded the PEDEVCO 12:56

25 deal with Platinum. That's it. 12:56

1 E. Beren

2 A. Anywhere. It could be a bar 12:57

3 mitzvah. 12:57

4 Q. Okay. Setting aside any social 12:57

5 relationship, did there come a time that you 12:57

6 began transacting business with Mr. Rechnitz? 12:57

7 A. No. 12:58

8 Q. Never? 12:58

9 A. You asked if I, and the answer 12:58

10 was no. 12:58

11 Q. Well, you in your capacity as 12:58

12 someone who represented either Beechwood or 12:58

13 Platinum. 12:58

14 A. No. 12:58

15 Q. Okay. Let's turn to Exhibit 29, 12:58

16 please. I'll ask you if you've seen this 12:58

17 e-mail before. 12:58

18 A. I don't recall. 12:58

19 Q. Not in your preparation for 12:58

20 today? 12:58

21 A. Nope. 12:58

22 Q. Okay. Do you know why -- this 12:58

23 appears to be an e-mail from Mr. Rechnitz to 12:58

24 Mr. Lamas or Ms. Llamas with a copy to you. 12:58

25 Do you see that? 12:58

1	E. Beren	
2	A. I see I'm copied on the e-mail.	12:58
3	Q. The Setai is a hotel. Right?	12:59
4	A. That is correct.	12:59
5	Q. Do you know why you're on this	12:59
6	e-mail?	12:59
7	A. I don't recall.	12:59
8	Q. Well, let's try to go through it.	12:59
9	You knew Mr. Rechnitz at least by	12:59
10	2011. Right?	12:59
11	A. I knew who he was.	12:59
12	Q. Okay. Do you know why	12:59
13	Mr. Rechnitz is arranging for a hotel room for	12:59
14	you?	12:59
15	A. I don't know.	12:59
16	Q. Okay. If you flip to Control	12:59
17	Number -4, it's an e-mail from Jona Rechnitz	12:59
18	to Ms. -- to Steven DellaSalla at 3:21 p.m.	12:59
19	It's in the middle of the page.	12:59
20	A. Again.	01:00
21	Q. It says: "Guest name Ezra	01:00
22	Beren."	01:00
23	Do you see that?	01:00
24	A. I see that.	01:00
25	Q. Okay. Do you know why	01:00

1	E. Beren	
2	Mr. Rechnitz was arranging for a hotel room	01:00
3	for you?	01:00
4	A. No.	01:00
5	MR. PROVENZANO: Why don't you	01:00
6	read down to the end of the page and see	01:00
7	if that refreshes your recollection.	01:00
8	A. Some kind of wedding?	01:00
9	MR. PROVENZANO: Sorry?	01:00
10	MR. GLUCK: Some kind of wedding?	01:00
11	A. (Document review.)	01:00
12	I see he wrote something about	01:00
13	arranging a suite for my cousin getting	01:00
14	married.	01:00
15	Q. You're not his cousin, are you?	01:00
16	A. No.	01:00
17	Q. When did you get married?	01:00
18	A. January 12, 2012.	01:01
19	Q. Do you know who he's talking	01:01
20	about here?	01:01
21	A. I do not.	01:01
22	Q. Do you know why he wanted to pay	01:01
23	for the room?	01:01
24	A. I do not.	01:01
25	Q. Okay. So then if you flip a	01:01

1	E. Beren	
2	couple of pages forward, there comes a point	01:01
3	where you become copied on these e-mails.	01:01
4	Do you see that?	01:01
5	A. Where are you?	01:01
6	Q. First page.	01:01
7	A. It's the dash what?	01:01
8	Q. The front page.	01:01
9	A. The -1?	01:01
10	Q. The -1, yeah.	01:01
11	A. Okay. Yeah.	01:01
12	Q. Do you see you're copied on the	01:01
13	e-mail?	01:01
14	A. I see I'm copied.	01:01
15	Q. Do you know why Mr. Huberfeld is	01:01
16	blind copied?	01:01
17	A. I have no idea.	01:01
18	Q. Let's flip to 31.	01:01
19	MR. PROVENZANO: 31?	01:02
20	MR. GLUCK: 31.	01:02
21	A. (Document review.)	01:02
22	Okay.	01:02
23	Q. Do you remember this e-mail or	01:02
24	have you seen this e-mail before?	01:02
25	A. I don't recall.	01:02

1 E. Beren

2 Q. Why you were sending -- why would 01:02

3 you be sending an e-mail to Mr. Bodner's 01:02

4 secretary? 01:02

5 A. Again, I don't know for sure, but 01:02

6 this seems about the time right before 01:02

7 Passover where we did a charity event in the 01:02

8 office. 01:02

9 Q. Okay. And Jona Rechnitz was on 01:02

10 the invite list you put together? 01:03

11 MR. PROVENZANO: Is he? 01:03

12 A. Yeah, I see his name on it. 01:03

13 Q. Okay. 01:03

14 MR. PROVENZANO: 23 out of 50. 01:03

15 Okay. 01:03

16 Q. Okay. Let's flip to Tab 32. 01:03

17 What's National Events? 01:03

18 A. National Events was a ticket 01:03

19 broker that would buy and sell tickets to 01:03

20 various events, sporting events, you know, 01:03

21 concert, all that stuff. 01:03

22 Q. Was this something you were 01:03

23 considering while you were at Platinum, 01:03

24 investing in it? 01:03

25 A. I don't recall the specifics. 01:03

1 E. Beren

2 Q. Well, who is Matt Rosenblatt? 01:03

3 A. Matt Rosenblatt was a gentleman 01:03

4 who I met with, pitching the opportunity to 01:04

5 invest into a ticket business that would buy 01:04

6 and sell tickets. 01:04

7 Q. Okay. So Matt Rosenblatt is 01:04

8 sending you and David Steinberg -- because you 01:04

9 are, sort of, like, a team -- right? -- on 01:04

10 this e-mail? 01:04

11 A. Well, I did say earlier I worked 01:04

12 for David Steinberg and we would look at deals 01:04

13 together. 01:04

14 Q. Yeah. Okay. Do you know what 01:04

15 Jona Rechnitz's relationship to National 01:04

16 Events was? 01:04

17 A. I know now. I did not know 01:04

18 before. 01:04

19 Q. You did not then? 01:04

20 A. No. 01:04

21 Q. Okay. But you came to know that 01:04

22 the ticket business was being run by National 01:04

23 Events. That's what you were considering, was 01:04

24 investing in National Events. Right? 01:04

25 A. No. I met with Matt Rosenblatt. 01:04

1	E. Beren	
2	Q. Okay. And you didn't understand	01:04
3	that the meeting was about National Events?	01:05
4	A. Matt Rosenblatt pitched us a	01:05
5	buying and selling ticket business.	01:05
6	Q. Okay. If you flip to -2 of this	01:05
7	tab, do you know who Joe Mitnick is?	01:05
8	A. I don't recall.	01:05
9	Q. And it says: "National Event	01:05
10	Company"?	01:05
11	A. I see that there.	01:05
12	Q. Did -- were you approached in	01:05
13	relation to National Events or was	01:05
14	Mr. Huberfeld? How did you get -- how did	01:05
15	you -- how was -- how did this come to your	01:05
16	attention?	01:05
17	A. I was introduced to Matt	01:05
18	Rosenblatt.	01:05
19	Q. You were personally introduced to	01:05
20	Matt Rosenblatt?	01:05
21	A. That's correct.	01:05
22	Q. Okay. Let's go to Tab 34.	01:05
23	A. 34?	01:05
24	Q. Have you seen this document	01:05
25	before?	01:06

1 E. Beren

2 A. I don't recall. 01:06

3 Q. Who's Jason Nissen? 01:06

4 A. Are you asking me related to this 01:06

5 document? 01:06

6 Q. Well, period, if you recognize 01:06

7 him, the name, or if you understand what he's 01:06

8 doing on this document. 01:06

9 A. Well, Jason Nissen was, I 01:06

10 believe, the head of National Events, the 01:06

11 president. I'm not exactly sure what his 01:06

12 title was. 01:06

13 Q. Okay. So you knew him as the 01:06

14 head of National Events? 01:06

15 A. I didn't -- again, I don't recall 01:06

16 the specifics at this time. I only remember 01:06

17 corresponding with Matt Rosenblatt. 01:06

18 Q. Okay. But here what -- 01:06

19 Rosenblatt is forwarding something that Jason 01:06

20 Nissen sent. Right? That's what's going on 01:06

21 here? 01:06

22 A. Again, I don't recall the 01:06

23 specifics since Matt Rosenblatt sent the 01:06

24 e-mail. 01:06

25 Q. Okay. What did you understand 01:06

1 E. Beren

2 Matt's -- Mr. Rosenblatt's role at National 01:07

3 Events to be? 01:07

4 A. Someone affiliated, possibly a 01:07

5 principal. Someone with an opportunity to buy 01:07

6 tickets to various events. 01:07

7 Q. And that was the opportunity, is 01:07

8 to buy -- basically, it was an arbitrage 01:07

9 opportunity on the tickets? 01:07

10 A. Correct. 01:07

11 Q. So you would purchase tickets as 01:07

12 an investment. Right? The asset was the 01:07

13 tickets themselves? 01:07

14 A. Correct. 01:07

15 Q. And you brought this to Platinum? 01:07

16 A. I don't recall who exactly I 01:07

17 brought it to. 01:07

18 Q. Okay. Let's go to Tab 35, 01:07

19 please. 01:07

20 A. Okay. 01:07

21 Q. Have you seen this document 01:07

22 before? 01:07

23 A. I don't recall seeing it. 01:07

24 Q. Okay. Why don't you flip through 01:07

25 it? 01:07

1 E. Beren

2 A. How many pages would you like me 01:08

3 to go through? 01:08

4 Q. Let's just go through where you 01:08

5 start on the e-mail. So there's an e-mail 01:08

6 that ends -- I'm sorry -- on page -5 and 01:08

7 begins -- what is it again? 01:08

8 Well, let's begin with page -5 on 01:08

9 the e-mail from Mr. Rosenblatt to you 01:08

10 forwarding the Texans agreement. 01:08

11 Do you see that? 01:08

12 A. Okay. 01:08

13 Q. So Matt, Mr. Rosenblatt, is 01:08

14 sending that to you. Right? And then -- 01:08

15 that's odd. It looks like you sent an e-mail 01:08

16 saying: "Looking forward to exploring further 01:09

17 and we'll talk soon." 01:09

18 A. What are you looking at? 01:09

19 Q. (Reading.) "Best, Ezra"? 01:09

20 "Looking forward to exploring 01:09

21 further and talk soon." 01:09

22 Do you see that? 01:09

23 A. Okay. I just -- I don't see 01:09

24 anything -- 01:09

25 Q. Yeah, neither do I. There may be 01:09

1 E. Beren

2 a page missing here, which is odd because the 01:09

3 Control numbers are sequential. 01:09

4 But do you recall this e-mail 01:09

5 chain and what it was about? 01:09

6 A. Again, I met with Matt Rosenblatt 01:09

7 to potentially fund the ticket deal, so I'm 01:09

8 assuming it's talking about sending me 01:09

9 information to review to see if we'll fund 01:09

10 them. 01:09

11 Q. Okay. So let's flip to page 01:09

12 -2 -- 01:09

13 A. Okay. 01:09

14 Q. -- because this is a little 01:09

15 clearer. 01:09

16 Do you see on October 20 you 01:09

17 wrote an e-mail? You say: "Thanks for 01:09

18 sending over the agreements as we are in the 01:09

19 process of reviewing them"? 01:09

20 A. Okay. 01:09

21 Q. And you copied David Steinberg -- 01:09

22 right? -- above? 01:10

23 A. Okay. Well, the e-mail is 01:10

24 actually from Matt Rosenblatt. He's -- 01:10

25 Q. Okay. I see that. And he copied 01:10

1 E. Beren

2 David Steinberg? 01:10

3 A. That's what it says. 01:10

4 Q. Okay. So this tickets thing, 01:10

5 that was something you were considering on 01:10

6 behalf of Platinum. Right? 01:10

7 A. Again, I don't recall who we were 01:10

8 considering it for. 01:10

9 Q. But you didn't work for anyone 01:10

10 except for Platinum? 01:10

11 A. That's correct, but -- 01:10

12 Q. Okay. 01:10

13 A. That's correct. 01:10

14 Q. And you actually follow up with a 01:10

15 question on the first page of the e-mail. You 01:10

16 say: "Matt, how do you keep track of all the 01:10

17 tickets of your inventory? Is it through a 01:10

18 website, an internal spreadsheet," et cetera. 01:10

19 So what, you're doing due 01:10

20 diligence on this? 01:10

21 A. That's what it would look like. 01:10

22 Q. Okay. Could you turn to Tab 36, 01:10

23 please? 01:10

24 Have you seen this document 01:10

25 before? 01:11

1 E. Beren

2 A. I don't recall seeing it. 01:11

3 Q. Okay. Danny Saks is Beechwood -- 01:11

4 right? -- "dsaks"? 01:11

5 A. That's correct. 01:11

6 Q. Okay. So were you bringing this 01:11

7 ticket deal to Beechwood? 01:11

8 A. That's what it looks like. 01:11

9 Q. So in addition to the deals you 01:11

10 mentioned before, this is another deal you're 01:11

11 bringing to Beechwood. Right? 01:11

12 A. That's what it looks like. 01:11

13 Again, I don't recall the specifics. I 01:11

14 just -- 01:11

15 Q. Okay. And it looks like you're 01:11

16 basically sending an e-mail with a number of 01:11

17 attachments to Saks? 01:11

18 A. Were the attachments included? 01:11

19 Q. You know, I think probably the 01:11

20 first -- it looks like the first one is. It's 01:11

21 perhaps because there's so many attachments. 01:11

22 It may not have been -- 01:12

23 A. I just see an invoice here. 01:12

24 Q. It may not have been feasible to 01:12

25 print them all for the binder. 01:12

1 E. Beren

2 But do you have any recollection 01:12

3 of sending this e-mail? 01:12

4 A. Without seeing the attachments, I 01:12

5 don't recall. 01:12

6 Q. But you were bringing this ticket 01:12

7 funding opportunity to Beechwood. Right? 01:12

8 A. I see in an e-mail here I had 01:12

9 sent this to Danny Saks to look at a 01:12

10 ticket-funding opportunity. 01:12

11 Q. Sitting here today, just taking a 01:12

12 step back from this, are you aware of what 01:12

13 happened with National Events and Jason 01:12

14 Nissen? 01:12

15 A. Yes. 01:12

16 Q. At the time, did you know it was 01:12

17 a Ponzi scheme? 01:12

18 A. Absolutely not. 01:12

19 Q. Okay. 01:12

20 A. Well, let's clarify -- 01:12

21 Q. Do you believe it was a Ponzi 01:12

22 scheme today? 01:12

23 A. Well, it was proven in a court of 01:12

24 law. 01:12

25 Q. He pled guilty to it. Right? 01:12

1 E. Beren

2 A. I believe so. 01:12

3 Q. Okay. At the time, you thought 01:12

4 it was a legitimate business? 01:12

5 A. I thought it was an opportunity 01:13

6 to look into and diligence. 01:13

7 Q. Okay. And were there any red 01:13

8 flags that you noticed that would have, you 01:13

9 know, put you on -- put you on guard when you 01:13

10 were doing your diligence? 01:13

11 A. No. 01:13

12 Q. You learned that it was a Ponzi 01:13

13 scheme, obviously, later then. Right? Did 01:13

14 you learn about it from the papers, or did -- 01:13

15 were there subsequent events in the course of 01:13

16 any dealings that you had with National Events 01:13

17 that tipped you off? 01:13

18 A. I learnt about it when the 01:13

19 information became public. 01:13

20 Q. Okay. Tab 37, please. 01:13

21 MR. PROVENZANO: 37? 01:13

22 MR. GLUCK: 37. 01:13

23 Q. So this is -- this is 01:13

24 after your -- just to see, this is a 10/22 01:14

25 e-mail at 4:15 p.m. Okay? Do you see that? 01:14

1 E. Beren

2 Tab 36. This is a 10/22 at 4:15 01:14

3 p.m. e-mail? 01:14

4 A. Tab 36? 01:14

5 Q. Yeah. So Tab 36 is at 4:15 on 01:14

6 10/22. 01:14

7 A. Okay. 01:14

8 Q. And then Tab 37 is at 7 p.m. -- 01:14

9 7:46 p.m. on 10/22, same day. I just want to 01:14

10 try to ground you here. 01:14

11 A. Okay. 01:14

12 Q. And it seems that David Steinberg 01:14

13 was quite aware that you were making a pitch 01:14

14 to Beechwood. Right? 01:14

15 A. Well, an e-mail, like -- it looks 01:14

16 like I told him, I'll call you. 01:14

17 Q. Well, it says: "It looks like we 01:14

18 have a deal as it's too much to write to 01:14

19 explain the whole meeting." 01:14

20 Do you see that? 01:14

21 A. Again, I don't remember the 01:14

22 specifics. 01:14

23 Q. Did you come to a deal in 01:14

24 principle? 01:14

25 A. I don't recall. 01:14

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

Q. And it would have been Beechwood who came to that deal, not Platinum? Or was this a Platinum -- is this Mr. Steinberg acting as a Beechwood portfolio manager?

A. So as I stated earlier, I worked at Platinum. We would show deals to Platinum, "we" being David and I. If it would not fit the Platinum bucket, we would go to Beechwood to see if there was an interest.

Q. Okay. Let's flip to Tab 38. So this is the next day now, and you're not on this e-mail.

Do you know whether your father-in-law, Mr. Huberfeld, separately or in connection with this, had a relationship with Jona Rechnitz?

A. I don't know the extent of their relationship. I know they knew each other.

Q. Okay. So do you know why it looks like his secretary is asking Jona Rechnitz to call Murray Huberfeld the day after it says it looks like you closed a deal?

A. I have no idea.

Q. No idea. Okay. 39, please. And

01:14
01:15
01:15
01:15
01:15
01:15
01:15
01:15
01:15
01:15
01:15
01:15
01:15
01:15
01:15
01:15
01:15
01:15
01:15
01:16
01:16
01:16
01:16
01:16

1 E. Beren

2 now -- once you have taken a look -- have you 01:16

3 seen Tab 39 before? 01:16

4 A. I don't recall. 01:16

5 Q. You didn't look at it in 01:16

6 preparation for today? 01:16

7 A. I don't believe so. 01:16

8 Q. Okay. 01:16

9 A. It's possible I did. But just -- 01:16

10 you'll forgive me if I forgot that I looked at 01:16

11 this. 01:16

12 Q. To the best of your recollection. 01:16

13 So it looks like you're sending 01:16

14 an e-mail to Danny Saks at Beechwood following 01:16

15 up on a missed phone call. Is that right? 01:16

16 A. Which e-mail are you referencing? 01:16

17 Q. The bottom e-mail, Ezra Beren to 01:17

18 Danny Saks. It says: "You called?" 01:17

19 So I'm just asking, were you 01:17

20 following up on a missed phone call? 01:17

21 A. That's what the e-mail says. 01:17

22 Q. Okay. And he writes back -- it 01:17

23 looks like shorthand -- "y," yes, "is ticket 01:17

24 deal dead," question mark. 01:17

25 Do you see that? 01:17

1 E. Beren

2 A. You said "y yes"? 01:17

3 Q. Yeah, there's the letter y. I'm 01:17

4 assuming it means -- "you called," and then he 01:17

5 says "y," like yes. Right? "Y," period, "is 01:17

6 the ticket deal dead?" 01:17

7 A. Again, I don't recall the 01:17

8 specifics. 01:17

9 Q. Okay. But is that a reasonable 01:17

10 interpretation of his response? 01:17

11 A. Again, I'm not sure of the entire 01:17

12 background here. 01:17

13 Q. Okay. And then you respond to 01:17

14 him: "No. Let me know when you're free." 01:17

15 So -- i.e., the ticket deal is 01:17

16 not dead. Right? 01:17

17 A. Again, I don't know the 01:17

18 specifics. I don't recall. 01:17

19 Q. Okay. And then he says: "Try me 01:17

20 now"? 01:17

21 A. Okay. 01:17

22 Q. All right. Now I'd like to ask 01:17

23 you about the e-mail that you wrote. Do you 01:18

24 see that e-mail? If you just read it to 01:18

25 yourself. 01:18

1 E. Beren

2 A. (Document review.) 01:18

3 Okay. 01:18

4 Q. Okay. So my first question is: 01:18

5 This was going to be a Beechwood deal. Right? 01:18

6 A. Again, I don't recall the 01:18

7 specifics. 01:18

8 Q. Danny Saks is the CIO of 01:18

9 Beechwood. Right? 01:18

10 A. That's correct. Or again, I'm 01:18

11 not sure of his exact title. 01:18

12 Q. Okay. And you say: "I think 01:18

13 we're getting close to getting him to agree to 01:18

14 start a new business." 01:18

15 Do you see that? 01:18

16 A. I see that. 01:18

17 Q. Who is "him"? 01:18

18 A. I don't recall. 01:18

19 Q. Okay. And it says: "Same 01:18

20 80-20" -- 01:18

21 MR. PROVENZANO: Everybody's got 01:18

22 a cold. 01:18

23 MR. GLUCK: Unfortunately, I'm 01:18

24 ill today. 01:18

25 Q. (Reading.) "Same 80-20 metric." 01:18

1 E. Beren

2 Do you see that? 01:18

3 A. I see it says that, yes. 01:19

4 Q. (Reading.) "With a \$10 million 01:19

5 credit line to draw on." 01:19

6 Do you see that? 01:19

7 A. I see that. 01:19

8 Q. And you say: "I think Murray 01:19

9 wants to structure a 12 percent debt 01:19

10 component." 01:19

11 Do you see that? 01:19

12 A. I see it says that. 01:19

13 Q. Okay. So what authority did 01:19

14 Mr. Huberfeld have to structure Beechwood 01:19

15 deals? 01:19

16 A. Again, according to my knowledge 01:19

17 and my dealings, he did not have any 01:19

18 authority, and at Beechwood I would report to 01:19

19 Danny Saks and to Dhruv Narain. 01:19

20 Q. Right. So what does Murray's 01:19

21 opinion have to do with anything? 01:19

22 A. I think we established this 01:19

23 earlier, that -- 01:19

24 Q. This is another example where 01:19

25 you're going to him as a consulting figure? 01:19

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

A. So again, I can't recall

specifics. I can tell you that my interactions with my father-in-law were to be discussing various business points -- right? -- that would be helpful with regards to the business dealings that I was involved in.

Q. So you're passing along your father-in-law's advice to Danny Saks here?

A. Again, I don't recall the specifics of the e-mail.

Q. But you don't know for -- you don't know one way or another whether Murray, Mr. Huberfeld, owned Beechwood?

A. I could tell you -- I don't know the ownership structure of Beechwood, and I reported to Danny Saks and Dhruv Narain.

Q. Do you know whether he owned Platinum?

A. Again, I don't know the ownership structure of Platinum.

Q. Okay. But here's what I'm asking you: Setting aside the fact that you have a familiar relationship, let's just ignore that

01:19
01:19
01:19
01:19
01:19
01:19
01:19
01:19
01:20
01:20
01:20
01:20
01:20
01:20
01:20
01:20
01:20
01:20
01:20
01:20
01:20
01:20
01:20

1 E. Beren

2 for a second. 01:20

3 A. Okay. 01:20

4 Q. Could you see how, when an owner 01:20

5 of Beechwood or an owner of Platinum tells a 01:20

6 portfolio manager or a chief investment 01:20

7 officer how to structure a deal, that it may 01:20

8 have more weight than just, you know, Ezra 01:20

9 Beren's, you know, guidance person? Do you 01:20

10 understand there's a distinction? 01:20

11 A. Well, I did tell you earlier 01:20

12 that, again, I didn't know the ownership 01:20

13 structure, who was involved in the ownership 01:21

14 structure. My job was to originate deals, and 01:21

15 I think I said clearly, just to be respectful 01:21

16 is that, you know, my relationship with my 01:21

17 father-in-law -- we're obviously very close. 01:21

18 I knew him for many, many years. 01:21

19 Q. Yup. 01:21

20 A. Of where I would discuss things 01:21

21 to help me advance in what I was doing. 01:21

22 Q. I think you misinterpreted my 01:21

23 question. 01:21

24 A. Okay. 01:21

25 Q. So that's all -- my question was: 01:21

1 E. Beren

2 Assume for the moment that Mr. Huberfeld or 01:21

3 his entities owned Beechwood and owned 01:21

4 Platinum. Just assume that. I'm saying, can 01:21

5 you see there's a distinction between Ezra 01:21

6 Beren's father-in-law who has nothing to do 01:21

7 with Platinum or Beechwood making a comment or 01:21

8 a suggestion as to how to structure a deal 01:21

9 versus Ezra Beren's father-in-law who is an 01:21

10 owner of Platinum or Beechwood making 01:21

11 suggestions -- 01:21

12 A. You're asking me to make an 01:21

13 assumption, which -- 01:21

14 Q. I'm asking you to assume that 01:21

15 that's true. 01:21

16 A. But again, I don't -- I try to go 01:22

17 on what's factual, and I didn't know what's 01:22

18 factual. All I knew is my father-in-law was 01:22

19 my father-in-law and I had access to him and I 01:22

20 would take advantage of that access. 01:22

21 Q. Okay. And you didn't understand 01:22

22 when you were taking advantage of that access 01:22

23 that Mr. Huberfeld or entities he controlled 01:22

24 owned Platinum and Beechwood? 01:22

25 A. So I knew Mr. Huberfeld ran PBCO, 01:22

1 E. Beren

2 I believe up until January of 2011. But 01:22

3 again, I was -- I didn't know nor do I know 01:22

4 whatever the ownership structure was with 01:22

5 regards to Platinum or Beechwood. 01:22

6 Q. Let's go to Tab 40. 01:22

7 A. 40? 01:22

8 Q. 40. 01:22

9 A. Okay. 01:22

10 Q. Have you seen this document too 01:22

11 before? 01:22

12 A. I do not recall. 01:22

13 Q. Okay. So here we're back to just 01:22

14 communications between you and Mr. Steinberg 01:22

15 at Platinum. 01:22

16 Do you know whether you executed 01:23

17 the Texans -- I don't know if it's an 01:23

18 agreement or an investment -- 01:23

19 MR. PROVENZANO: Are we looking 01:23

20 at the right thing? Did you say tab -- 01:23

21 MR. GLUCK: 40. 01:23

22 MR. PROVENZANO: We went too far. 01:23

23 Okay. Got it. Sorry. 01:23

24 Q. Firstly, have you seen this 01:23

25 e-mail before? 01:23

1 E. Beren

2 A. I said earlier, I don't recall. 01:23

3 Q. Okay. Now, do you know whether 01:23

4 either Platinum or Beechwood entered into the 01:23

5 Texans agreement or investment? I'm not sure 01:23

6 what exactly it is. 01:23

7 A. I don't -- I don't know. 01:23

8 Q. Now, here it's right around the 01:23

9 same time frame, October 20, but it's only 01:23

10 David Steinberg in addition to you on the 01:23

11 e-mail. Do you see that? 01:23

12 A. Which e-mail are you referring 01:23

13 to? 01:23

14 Q. The top e-mail, October 20. 01:23

15 A. Okay. 01:23

16 Q. So is this, when you and 01:23

17 Mr. Steinberg were working, if you had brought 01:23

18 the deal to Beechwood or Platinum, would you 01:23

19 have been compensated by either Platinum or 01:23

20 Beechwood under the terms as you understood 01:24

21 them? 01:24

22 A. As I said earlier -- right? -- my 01:24

23 understanding -- and again, I don't know the 01:24

24 understanding of others -- is that any deal 01:24

25 brought to a respective entity -- which, I 01:24

1 E. Beren

2 worked at Platinum up until January 1, 2016 -- 01:24

3 if a deal -- money was put out and you got 01:24

4 back money and you made money on top of the 01:24

5 money you put out -- right? -- we -- I would 01:24

6 be compensated. 01:24

7 Q. Okay. Tab 41, please. Have you 01:24

8 seen this e-mail before? 01:24

9 A. I don't recall. 01:24

10 Q. Okay. Do you know who Christian 01:24

11 Thomas is? 01:24

12 A. I do. 01:24

13 Q. Who is he? 01:24

14 A. Again, he worked at Beechwood, 01:24

15 chief general counsel, chief -- I'm not 01:24

16 exactly sure of his title. 01:24

17 Q. He's a Beechwood lawyer. Right? 01:24

18 A. I believe so. 01:24

19 Q. So he's sending you, like, a form 01:24

20 for -- a form of agreement. Right? 01:24

21 A. Again, this is from Christian 01:25

22 Thomas, and that's what he says in the e-mail. 01:25

23 Q. Right. Because this is the deal 01:25

24 you brought to Beechwood. Right? 01:25

25 A. Again, when you say "this is the 01:25

1 E. Beren

2 deal," what -- 01:25

3 Q. The ticket business deal. 01:25

4 A. I just don't see in this e-mail 01:25

5 where it's referencing that. 01:25

6 MR. PROVENZANO: Why don't you 01:25

7 take a look at the attachment? 01:25

8 Q. Sorry. The next page, if you 01:25

9 look to the proposal letter, I think he's 01:25

10 sending you -- effectively, a draft. 01:25

11 A. Okay. 01:25

12 Q. So this is the ticket deal. 01:25

13 Right? 01:25

14 A. I don't recall. It says to World 01:25

15 Event Group. 01:25

16 Q. Okay. 01:25

17 A. Oh, I see here. Yes, it's -- 01:25

18 this is the ticket deal, Correct. 01:25

19 Q. Okay. So now if you flip to Tab 01:25

20 42. 01:25

21 A. Okay. 01:25

22 Q. Bottom e-mail, it's from 01:25

23 Christian Thomas to you and Danny Saks, 01:25

24 October 29. Do you see that? 01:25

25 A. I'm just reviewing. 01:26

1 E. Beren

2 (Document review.) 01:26

3 Okay. What's the question? 01:26

4 Q. Well, you were working for 01:26

5 Platinum at this time. Right? 01:26

6 A. That is correct. 01:26

7 Q. Okay. And Chris Thomas is saying 01:26

8 he attached a form of the deal, but it's not 01:26

9 yet been approved by Danny. You should have 01:26

10 the parties enter into an NDA. And you 01:26

11 respond to his e-mail. 01:26

12 Do you see that? 01:26

13 A. Are you referencing the top? 01:26

14 Q. Yeah. You're forwarding 01:26

15 Mr. Thomas' e-mail to David Steinberg -- 01:26

16 right? -- who was not on the e-mail? 01:26

17 A. Where do you see the -- are you 01:26

18 referencing the top over here? 01:26

19 Q. Sure. The top e-mail, it's from 01:26

20 you to David Steinberg. It looks like a 01:27

21 forward. 01:27

22 A. Okay. 01:27

23 Q. So you're basically keeping 01:27

24 Mr. Steinberg apprised of the situation. 01:27

25 Right? 01:27

1 E. Beren

2 A. Yes, because I did work with him. 01:27

3 Q. Okay. I think 43 or 44 is not 01:27

4 that important. Why don't we go to Tab 44. 01:27

5 Have you seen this e-mail before? 01:27

6 A. I don't recall. 01:27

7 Q. So the bottom e-mail looks 01:27

8 like -- you know who Jeremy Apfel is? 01:27

9 A. Correct. 01:27

10 Q. He's a Beechwood guy. Right? 01:27

11 A. Yes. 01:27

12 Q. So he's sending an e-mail to 01:27

13 Danny Saks about Super Bowl tickets. Right? 01:27

14 And then Danny, he knows that you are the 01:28

15 person that's involved in the ticket business, 01:28

16 so he forwards it to you and Murray. Right? 01:28

17 A. That's what the e-mail says. 01:28

18 Q. Okay. So the -- basically, this 01:28

19 is trying to further the ticket business 01:28

20 concept? 01:28

21 A. Again, I can't speak to what 01:28

22 Danny was looking to do. 01:28

23 Q. Okay. Now, Beechwood did at 01:28

24 least one deal for the -- these tickets. 01:28

25 Right? 01:28

1 E. Beren

2 A. I don't know. 01:28

3 Q. You don't know? 01:28

4 A. I do not know. 01:28

5 Q. Have you reviewed the deposition 01:28

6 testimony of Christian Thomas -- 01:28

7 A. No. 01:28

8 Q. -- in this matter? 01:28

9 Okay. Why don't we flip to Tab 01:28

10 45. And we'll don't have to do it -- 01:28

11 MR. PROVENZANO: Tab 45? 01:28

12 MR. GLUCK: 45. 01:28

13 Q. Okay. So let's flip to the back 01:28

14 page of Tab 45. You know who Mayweather is. 01:28

15 Right? 01:29

16 A. I'm assuming Floyd Mayweather. 01:29

17 Q. Let's assume it's Floyd 01:29

18 Mayweather. It's a sports ticket. 01:29

19 A. I may have heard of him. May 01:29

20 have heard of him. 01:29

21 Q. Okay. So the bottom e-mail is 01:29

22 from Jason Nissen. Do you see that? 01:29

23 A. I -- no, I see from Jona Rechnitz 01:29

24 to Jason Nissen. 01:29

25 Q. Jason Nissen is first writing. 01:29

1 E. Beren

2 He's saying: "Gentlemen, thank you for your 01:29

3 support with the fight tickets." 01:29

4 Do you see that? 01:29

5 A. Okay. I see. Okay. 01:29

6 Q. And then it's National Events? 01:29

7 A. I don't see who it's -- I see 01:29

8 it's -- 01:29

9 Q. It is hard to tell who it's to. 01:29

10 But certainly, Mr. Rechnitz writes back. Do 01:29

11 you see that? 01:29

12 A. Okay. 01:29

13 Q. And he copies Murray Huberfeld. 01:29

14 Do you see that? 01:29

15 A. Okay. 01:29

16 Q. Do you know why he didn't copy 01:29

17 you? 01:29

18 MR. PROVENZANO: Okay. I guess 01:29

19 I'll object in that you're asking him to 01:29

20 guess at what why somebody else did 01:29

21 something. 01:30

22 Q. Well, you were involved -- you 01:30

23 were the guy for this ticket business, weren't 01:30

24 you? 01:30

25 A. So again, I met Matt Rosenblatt 01:30

1 E. Beren

2 and introduced Matt Rosenblatt and the concept 01:30

3 of the tickets to, at that point -- or David 01:30

4 and I brought it to Beechwood. 01:30

5 And like I said earlier, I now 01:30

6 know who Jason Nissen was, but outside of 01:30

7 receiving a bunch of forwarded e-mails, I had 01:30

8 never met him. 01:30

9 Q. Got you. But do you think 01:30

10 Mr. Huberfeld met him? 01:30

11 A. I have no idea. 01:30

12 Q. Did you talk about Jason Nissen 01:30

13 and National Events with Mr. Huberfeld? 01:30

14 A. You got to be more specific. 01:30

15 Q. Well, around this time, had 01:30

16 you -- were you in discussions about this 01:30

17 sports ticket business? 01:30

18 A. I don't recall. 01:30

19 Q. Do you know -- did Mr. Huberfeld 01:30

20 ever raise any red flags to you, saying, you 01:30

21 know, that he had concerns or anything like 01:30

22 that? 01:30

23 A. Concerns with what? 01:30

24 Q. Anything about the ticket 01:30

25 business, Jona Rechnitz, Jason Nissen? 01:30

1 E. Beren

2 A. Again, I don't recall ever 01:31

3 talking to Mr. Huberfeld about any of this. 01:31

4 Q. Okay. Why don't you flip to the 01:31

5 first page. 01:31

6 A. Okay. 01:31

7 Q. And you see there's an e-mail 01:31

8 from Huberfeld to Mark Feuer with no subject 01:31

9 line? It says: "Wire instructions below." 01:31

10 A. Okay. 01:31

11 Q. So what authority did 01:31

12 Mr. Huberfeld have to tell Mr. Feuer at 01:31

13 Beechwood to send money? 01:31

14 A. Again, I don't know the authority 01:31

15 structure. I can just tell you at Beechwood I 01:31

16 reported to Danny Saks and subsequently Dhruv 01:31

17 Narain. 01:31

18 Q. Do you know who Sam Adler is? 01:31

19 A. Yes. 01:31

20 Q. Who's he? 01:31

21 A. He was a colleague of mine at 01:31

22 Beechwood. 01:31

23 Q. Okay. And do you know if he's 01:31

24 related to Mr. Bodner? 01:31

25 A. I believe they are, yeah. 01:31

1 E. Beren

2 Q. It's his nephew. Right? 01:31

3 A. Yeah, I believe so. 01:31

4 Q. So Mark Feuer tells Mr. Adler,
5 Mr. Bodner's nephew: "Sam, we're doing this 01:31
6 today on the Beechwood balance sheet." 01:32

7 Did anyone tell you that 01:32

8 Beechwood was going to be executing the sports 01:32

9 ticket deal that you had brought in? 01:32

10 A. I don't recall ever being told of 01:32

11 this. 01:32

12 Q. Did you ever get paid for it? 01:32

13 A. No. 01:32

14 Q. \$1.1 million deal. Right? 01:32

15 A. That's what it says here. 01:32

16 Q. Okay. And Sam says: "This is 01:32

17 the first I'm hearing of this particular 01:32

18 transaction. Which Beechwood entity is doing 01:32

19 the loan?" 01:32

20 Do you see that? 01:32

21 A. That's what the e-mail says. 01:32

22 Q. Okay. And then Sam writes back 01:32

23 again -- there's no reply -- with the e-mail 01:32

24 with the table. Do you see that? 01:32

25 A. I see Sam Adler and Mark Feuer 01:32

1 E. Beren

2 regarding Mayweather. 01:32

3 Q. Yeah. And he says: "Mark, per 01:32

4 our conversation, I'll wire 1.1 million to the 01:32

5 instructions below." 01:32

6 Do you see that? 01:32

7 A. I do see that. 01:32

8 Q. Okay. Now, you worked at 01:32

9 Beechwood for a little while. Right? 01:32

10 A. I did not work at Beechwood at 01:32

11 this time. 01:33

12 Q. No, but for a little while. From 01:33

13 2016 onward? 01:33

14 A. Yeah. I'm not actually sure the 01:33

15 duration, but yeah. 01:33

16 Q. So the reason I'm showing you 01:33

17 this is obviously it's, you know, Mayweather 01:33

18 sports ticket fights. Okay? 01:33

19 A. Okay. 01:33

20 Q. Now, in your all time at 01:33

21 Beechwood, have you ever heard of a deal 01:33

22 where, quote, "there are no documents or any 01:33

23 paperwork that's required to be completed for 01:33

24 this transaction"? 01:33

25 A. Again, I can only speak on deals 01:33

1 E. Beren

2 that I had interactions with, and I wasn't 01:33

3 copied on these e-mails, so I don't recall. 01:33

4 Q. Yeah. You ever hear of a deal 01:33

5 with no paper -- 01:33

6 A. I can -- 01:33

7 Q. -- of \$1 million? 01:33

8 A. I can only talk about the deals 01:33

9 that I've done. 01:33

10 Q. It's pretty weird. Right? 01:33

11 A. I don't know what the thought 01:33

12 process is behind any of these things. I 01:33

13 can't comment on what other people wrote. 01:33

14 Q. Do you know any reason why 01:33

15 Mr. Huberfeld would be directing Beechwood to 01:33

16 send \$1.1 million to Jona Rechnitz? 01:33

17 A. Again, I can't comment on 01:34

18 e-mails. I'm not familiar with these e-mails. 01:34

19 I don't recall anything. 01:34

20 Q. Well, let's go to the next page, 01:34

21 because this is March -- this is April 23. So 01:34

22 let's go to the next tab, which is Tab 46. 01:34

23 A. Okay. 01:34

24 MR. PROVENZANO: Just to make the 01:34

25 record clear, Mr. Beren's name does not 01:34

1 E. Beren

2 appear on any of the e-mails in Tab 45. 01:34

3 Correct? 01:34

4 MR. GLUCK: That is correct. 01:34

5 MR. PROVENZANO: Do you agree? 01:34

6 MR. GLUCK: That is correct. 01:34

7 They were introduced based on the sports 01:34

8 ticket. But he is on Tab 46, so let's 01:34

9 go through that. 01:34

10 BY MR. GLUCK: 01:34

11 A. Tab 46. Okay. All right. 01:34

12 Q. So bottom e-mail is Danny Saks 01:34

13 sending you a link to a YouTube video -- 01:34

14 right? -- 01:34

15 A. I don't recall. 01:34

16 Q. -- saying: "Your boy"? 01:34

17 A. I see the e-mail, but I don't 01:34

18 recall the e-mail. 01:34

19 Q. 01:34

20 okay. And you respond now. Now, it's a week 01:34

21 after the wire instruction and you say: "Matt 01:34

22 Rosenblatt never fails to impress." 01:35

23 Do you see that? 01:35

24 A. I see I wrote that. 01:35

25 Q. Do you know what he had impressed 01:35

1 E. Beren

2 you with? 01:35

3 A. I'm assuming something with the 01:35

4 YouTube video. 01:35

5 Q. And you ask: "Where are the 01:35

6 tickets?" 01:35

7 Do you know what tickets you're 01:35

8 referring to? 01:35

9 A. No. 01:35

10 Q. Didn't have anything to do with 01:35

11 the Mayweather fight? 01:35

12 A. I don't recall. 01:35

13 Q. Let's fast forward a little bit 01:35

14 to Tab 47. 01:35

15 MR. PROVENZANO: Do you have any 01:35

16 idea what that link goes to, by the way? 01:35

17 THE WITNESS: Does it work, the 01:35

18 link? 01:35

19 MR. PROVENZANO: I just -- I'm 01:35

20 just checking it, 'cause I'm curious. 01:35

21 MR. GLUCK: I don't know. 01:35

22 THE WITNESS: Can -- maybe that 01:35

23 will refresh my memory. 01:35

24 MR. GLUCK: Well, we can take -- 01:35

25 the food may be here. We can take a 01:35

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

short break.

01:35

MR. PROVENZANO: Let's take a

01:35

break.

01:35

THE VIDEOGRAPHER: The time is

01:35

1:35 p.m.

01:35

(Lunch recess taken from

01:35

1:35 p.m. to 2:03 p.m.)

02:03

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

A F T E R N O O N S E S S I O N

(Time noted: 2:03 p.m.)

THE VIDEOGRAPHER: The time is
2:03 p.m. We are back on the record.

E Z R A D A V I D B E R E N, resumed and
testified further as follows:

CONTINUED EXAMINATION

BY MR. GLUCK:

Q. Okay. We were looking at Tab 46.

And during the break, we watched the YouTube
link that's referenced at the bottom of Tab
46. Is that right?

A. That's correct.

Q. And was that YouTube link a video
of Mr. Rosenblatt going on a run with
Mr. Mayweather?

A. It was.

Q. Okay. So at the top of the
e-mail, you said: "Matt Rosenblatt never
fails to impress."

Do you see that?

02:03
02:03
02:04
02:04
02:04
02:04
02:04
02:04
02:04
02:04
02:04
02:04
02:04
02:04

1	E. Beren	
2	A. I do.	02:04
3	Q. And you say: "Where the	02:04
4	tickets?"	02:04
5	A. I don't recall what I was	02:04
6	referencing.	02:04
7	Q. Okay. So this e-mail is around a	02:04
8	week after Mr. Huberfeld had instructed a \$1.1	02:04
9	million payment on the Mayweather tickets from	02:04
10	the last exhibit we looked at.	02:04
11	So did you know that the deal had	02:04
12	been consummated?	02:04
13	A. No.	02:04
14	Q. Why do you think you were asking	02:04
15	where the tickets were, then?	02:05
16	A. I don't recall.	02:05
17	Q. Okay. Why don't we turn to Tab	02:05
18	47. And have you seen the cover e-mail for	02:05
19	Tab 47 before?	02:05
20	A. I have.	02:05
21	Q. And huberfeld.alexis@gmail.com --	02:05
22	that's your father-in-law's assistant's e-mail	02:05
23	address. Right?	02:05
24	A. I'm not sure.	02:05
25	Q. Is that how you would -- is that	02:05

1 E. Beren

2 one e-mail address where you could send an 02:05

3 e-mail to Mr. Huberfeld? 02:05

4 A. I don't recall. 02:05

5 Q. Okay. And this is a National 02:05

6 Events term sheet. 02:05

7 Do you see that? 02:05

8 A. Okay. 02:05

9 Q. So now, it looks like there's 02:05

10 going to be loans to National Events. 02:05

11 Do you see that? 02:05

12 A. Okay. 02:06

13 Q. So this is the deal that you had 02:06

14 scouted out for Platinum and Beechwood. 02:06

15 Right? 02:06

16 A. Again, I'm not sure what this is 02:06

17 referencing. 02:06

18 Q. Well, National Events -- 02:06

19 right? -- that's the sports ticket with Jason 02:06

20 Nissen? 02:06

21 A. Again, you showed me earlier a 02:06

22 previous term sheet that was to a different 02:06

23 entity. 02:06

24 Q. Well, that's the point actually. 02:06

25 Do you know why all of a sudden Mr. Huberfeld 02:06

1 E. Beren

2 and his affiliates are doing this deal and not 02:06

3 Platinum-Beechwood? 02:06

4 A. I don't know. 02:06

5 Q. When did you come to learn that 02:07

6 National Events was a Ponzi scheme? 02:07

7 A. When it hit the news. 02:07

8 Q. Okay. Can you turn to Tab 48? 02:07

9 A. Okay. 02:07

10 Q. Do you know whether Mr. Huberfeld 02:07

11 did the deal that's reflected by the term 02:07

12 sheet in Tab 47? 02:07

13 A. So ask your question again. Do I 02:07

14 know? 02:07

15 Q. Do you know whether Mr. Huberfeld 02:07

16 followed through with the deal referenced in 02:07

17 Tab 47? 02:07

18 A. So I don't know specifically if 02:07

19 it was Mr. Huberfeld or, you know, exactly who 02:07

20 the investor, investors were. A subsequent 02:07

21 deal did happen. Yes, I was aware of it. 02:08

22 MR. PROVENZANO: I'm confused. 02:08

23 Are you saying that you don't know if it 02:08

24 was the one reflected in this term sheet 02:08

25 or not but you know that some deal did 02:08

1 E. Beren

2 happen? 02:08

3 THE WITNESS: That's correct. 02:08

4 Because, again, I see a term sheet here, 02:08

5 I was not -- I don't recall being 02:08

6 involved. I see I was copied on an 02:08

7 e-mail. But I don't recall being 02:08

8 involved with this term sheet. 02:08

9 BY MR. GLUCK: 02:08

10 Q. Do you know whether -- you recall 02:08

11 the Hutton documents we were looking at 02:08

12 earlier? 02:08

13 A. Which Hutton documents are you 02:08

14 referring to? 02:08

15 Q. Well, let's just start with 02:08

16 Mr. Friedman and Hutton. Do you recall them? 02:08

17 A. Yes, I know who they are. 02:08

18 Q. Are you aware that Hutton, among 02:09

19 others, ended up in litigation over this 02:09

20 National Events Ponzi scheme? 02:09

21 A. I became aware later on, yes. 02:09

22 Q. Okay. So Hutton got a lot of its 02:09

23 money out, didn't it? 02:09

24 A. I have no idea. 02:09

25 Q. When there's talk of victims here 02:09

1 E. Beren

2 and money being taken to pay other investors 02:09

3 or creditors, Mr. Huberfeld and Hutton were 02:09

4 repaid, weren't they? 02:09

5 A. I have no idea. 02:09

6 Q. Okay. This news article, can you 02:09

7 flip to the second page of it, please? 02:09

8 A. Okay. 02:09

9 Q. Are you aware that in connection 02:09

10 with this scheme sports ticket invoices were 02:09

11 fabricated and falsified? 02:09

12 A. Ask your question one more time. 02:09

13 Q. Are you aware that in connection 02:09

14 with this scheme invoices for the sports 02:10

15 tickets were fabricated and falsified? 02:10

16 A. I'm not sure what you're talking 02:10

17 about, but, again, I was only aware anything 02:10

18 related to National Events and the Ponzi 02:10

19 scheme when news become public. 02:10

20 Q. Okay. You see how -- where it 02:10

21 says under May 7, 2017? 02:10

22 A. Okay. 02:10

23 Q. (Reading.) 02:10

24 "Unable to obtain more financing 02:10

25 to continue the scheme through existing 02:10

1 E. Beren

2 or new victims, Nissen admitted to an 02:10

3 executive of Victim-2 that he had been 02:10

4 operating a Ponzi scheme. When the CFO 02:10

5 of Victim-2 asked Nissen the next day 02:10

6 whether a bank document that Nissen had 02:10

7 provided to Victim-2 was forged, Nissen 02:10

8 admitted that he had fabricated the bank 02:10

9 document. When asked how he had done 02:10

10 so, Nissen replied: 'Photoshop. Ever 02:10

11 hear of it.'" 02:10

12 Do you see that? 02:10

13 A. I see that. 02:10

14 Q. Okay. So we've gone through some 02:10

15 invoices, in fact, for sports tickets that 02:10

16 were transmitted around Beechwood and 02:11

17 Platinum. Right? Today? 02:11

18 A. I don't recall what you're 02:11

19 talking about. 02:11

20 Q. Okay. Let's go back to -- Okay. 02:11

21 Here we go. Tab 36. 02:11

22 A. Okay. 02:11

23 Q. This is an example of a National 02:11

24 Events invoice. Right? 02:11

25 A. I don't recall. I see it here. 02:11

1 E. Beren

2 So okay. 02:11

3 Q. Okay. And I don't think there's 02:12

4 much of a dispute that Mr. Huberfeld and you 02:12

5 were leading the investment analysis on behalf 02:12

6 of Platinum and Beechwood in relation to the 02:12

7 sports tickets investments. Right? 02:12

8 A. Say again what you just said. 02:12

9 Q. You and Mr. Huberfeld were 02:12

10 leading the due diligence and investment 02:12

11 review efforts in relation to the sports 02:12

12 tickets investments on behalf of Platinum and 02:12

13 Beechwood. Right? 02:12

14 A. So again, I was -- I met with 02:12

15 Matt Rosenblatt, who had sent me documents, 02:12

16 with regards to due -- with regards to due 02:12

17 "diligencing" this opportunity, and my 02:12

18 interaction was with Danny Saks with regards 02:12

19 to potentially making the investment or not as 02:12

20 he was the authority on that. 02:12

21 Q. And you had consulted 02:12

22 Mr. Huberfeld regarding the same. Right? 02:12

23 A. Again, I don't recall. I 02:13

24 corresponded with Danny Saks. 02:13

25 Q. But we looked at an e-mail where 02:13

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

we went over how Murray wanted to do the deal
at a certain rate and you suggested that this
was typical of his role as a consultant to
you.

A. So, again, I said that I would
consult with my father-in-law because he was
my father-in-law --

Q. Right.

A. -- to discuss a wide array of
topics to help me with regards to business
deals that I was involved with.

Q. Okay. And then we looked at how
Murray had provided some advice concerning the
structure of the deal. Right?

A. He would provide help, yes, to me
as to how to go about, you know --

Q. And Mr. Huberfeld separately
reached out to Mr. Rechnitz, independently of
you. Right?

MR. PROVENZANO: How would you

know?

A. Yeah, I have no idea.

Q. Tab 38. I'm just trying to
refresh your recollection because we took a

02:13
02:13
02:13
02:13
02:13
02:13
02:13
02:13
02:13
02:13
02:13
02:13
02:13
02:13
02:13
02:13
02:13
02:13
02:13
02:13
02:13
02:13
02:14

1 E. Beren

2 break for lunch. 02:14

3 A. (Document review.) 02:14

4 I see an e-mail but again ... 02:14

5 Q. Okay. And then the very next 02:14

6 e-mail, Tab 39, you think that you're close to 02:14

7 an agreement and you provide Mr. Huberfeld's 02:14

8 comments as to the structure of the agreement. 02:14

9 Right? 02:14

10 A. So, again, as I said earlier, I 02:14

11 would go to my father-in-law for advice, and 02:14

12 he would help me in terms of structuring deals 02:14

13 to, again, further business dealings I was 02:14

14 involved with. 02:14

15 Q. And then we see Tab 45 where 02:14

16 Mr. Huberfeld is instructing Mr. Feuer to 02:14

17 send, it looks like, \$1.2 million or \$1.1 02:14

18 million to National Events in connection with 02:15

19 Jona Rechnitz. Right? 02:15

20 A. Are you asking me a question? 02:15

21 Q. We looked at that. Right? So 02:15

22 I'm just trying to refresh your -- 02:15

23 A. You showed me this e-mail, but I 02:15

24 have no recollection. I was not included in 02:15

25 these e-mails. 02:15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

Q. And then there was a specific

discussion how there should be no documents or
paperwork in connection with the transaction.

Right?

A. Again, I don't know. I was not
included on these e-mails or was part of this
conversation.

Q. Are you aware that Mr. Huberfeld
plead guilty to defrauding PPVA by submitting
a false invoice for sports tickets?

A. I'm not aware of the exact
specifics of what he plead guilty to. I am
aware that he did plead guilty to something.

Q. You're not aware, though, that it
specifically involved creation of fake
invoices for sports tickets?

A. Again, I didn't want to, really,
go into what he plead guilty or did not plead
guilty to.

Q. It specifically involved Jona
Rechnitz too. Right?

A. Again, I don't know the
specifics.

Q. Okay. The reason -- strike that.

02:15
02:15
02:15
02:15
02:15
02:15
02:15
02:15
02:15
02:15
02:15
02:15
02:15
02:16
02:16
02:16
02:16
02:16
02:16
02:16
02:16
02:16

1 E. Beren

2 Mr. Rechnitz's relationship to the sports 02:17

3 ticket business? 02:17

4 A. I didn't know of any relationship 02:17

5 of Mr. Rechnitz to the sports tickets until 02:17

6 much later on. 02:18

7 Q. When was "later on"? 02:18

8 A. When things came out publicly. 02:18

9 Q. You mean in relation to 02:18

10 Mr. Huberfeld? 02:18

11 A. No. 02:18

12 Q. Oh? 02:18

13 A. When things came out publicly 02:18

14 with regards to -- 02:18

15 Q. Nissen? 02:18

16 A. Correct. 02:18

17 Q. So Jona was involved in the 02:18

18 Nissen thing and that's when you learned about 02:18

19 his -- Mr. Rechnitz was involved in the Nissen 02:18

20 National Events issues and that's how you -- 02:18

21 A. Well. 02:18

22 MR. PROVENZANO: Let's be clear 02:18

23 about that. Because I think what he 02:18

24 just said -- 02:18

25 MR. GLUCK: We should have a 02:18

1 E. Beren

2 clear record. 02:18

3 MR. PROVENZANO: Yeah. Because I 02:18

4 think what he just said is that he 02:18

5 learned about Mr. Rechnitz's involvement 02:18

6 after the fallout from the criminal 02:18

7 prosecutions. 02:18

8 THE WITNESS: Correct. 02:18

9 Q. Of Platinum or of National 02:18

10 Events? 02:18

11 A. I don't remember the exact time. 02:18

12 I remember that there was public news of 02:18

13 when -- public news showing that Rechnitz was 02:18

14 involved. 02:18

15 Q. Okay. Now that -- I don't know 02:18

16 this, but I'll -- the reason we have Tab 48 in 02:18

17 there is if you flip to Tab 48, it's at least 02:19

18 an attempt to create a timeline. 02:19

19 I believe the charges in respect 02:19

20 of Mr. Nissen were in nearly the second half 02:19

21 of 2017 whereas the charges in respect to 02:19

22 Mr. Huberfeld were around the same time the 02:19

23 year before. 02:19

24 So my question is whether you 02:19

25 learned about Mr. Rechnitz's relationship to 02:19

1 E. Beren

2 the sports tickets in connection with the 02:19

3 issues surrounding Mr. Huberfeld or here. 02:19

4 A. So, again, I'm confused by your 02:19

5 question. Because my time is I don't remember 02:19

6 specifically when I learned about 02:19

7 Mr. Rechnitz's involvement. 02:19

8 It was, again, when public 02:19

9 information came out that he was involved. So 02:19

10 when specifically that was, I don't recall the 02:19

11 exact timeline. 02:20

12 Q. How often did you see 02:20

13 Mr. Rechnitz or communicate with Mr. Rechnitz 02:20

14 in the period between 2014 and 2015? 02:20

15 A. Very rarely if at all. I 02:20

16 wouldn't call him a friend. He did live 02:20

17 across the street from where I lived in 02:20

18 Manhattan so I would see him publicly, but, 02:20

19 again, I did not have a relationship, really, 02:20

20 with Mr. Rechnitz at all. 02:20

21 Q. Were you aware that Mr. Rechnitz 02:20

22 had been charged with bringing new investors 02:20

23 into Platinum? 02:20

24 A. I was not. 02:20

25 Q. Were you aware that he 02:20

1 E. Beren

2 facilitated the investment by -- you know a 02:20

3 COBA? Does that sound familiar? 02:20

4 A. I've heard of COBA. 02:20

5 Q. Are you aware that he facilitated 02:20

6 the investment in Platinum by COBA? 02:20

7 A. I was not. 02:20

8 Q. Did you have any role in the 02:20

9 preparation of fake sports ticket invoices? 02:21

10 A. Absolutely not. 02:21

11 Q. Who did create the fake invoices 02:21

12 submitted by Mr. Huberfeld to Platinum? 02:21

13 A. I can't comment on it. I had no 02:21

14 idea. 02:21

15 Q. But it wasn't you? 02:21

16 A. It was not me. 02:21

17 Q. Is Mr. Rosenblatt still involved 02:21

18 with National Events? 02:21

19 A. I have no idea. 02:21

20 Q. When was the last time you met 02:21

21 with him? 02:21

22 A. Again, I don't recall the exact 02:21

23 time. Probably during this '14, 2014 period. 02:21

24 I don't think I ever correspond with him 02:21

25 after. Maybe I did one time or maybe not at 02:21

1 E. Beren

2 all. 02:22

3 Q. We attempted to ask Mr. Rechnitz 02:22

4 about this, but he took the Fifth Amendment to 02:22

5 every question. 02:22

6 Do you think that Mr. Rosenblatt 02:22

7 would be a person who's knowledgeable about 02:22

8 the subjects we've been going over? 02:22

9 A. Again, I -- 02:22

10 MR. PROVENZANO: Objection: 02:22

11 speculation about what somebody else 02:22

12 knows. 02:22

13 Q. Based on his personal experience 02:22

14 interacting with Mr. Rosenblatt, would 02:22

15 Mr. Rosenblatt have an understanding about the 02:22

16 deals entered into by Mr. Huberfeld or 02:22

17 Beechwood and Platinum and National Events? 02:22

18 A. I don't know. 02:22

19 Q. You just don't know? 02:22

20 A. I don't know. 02:22

21 Q. Tab 50, please. 02:23

22 THE WITNESS: Chris, can we have 02:23

23 a moment. 02:23

24 MR. PROVENZANO: Yeah. 02:23

25 THE VIDEOGRAPHER: The time is 02:23

1 E. Beren

2 2:23 p.m. Off the record. 02:23

3 (Recess taken from 2:23 p.m. to 02:25

4 2:25 p.m.) 02:25

5 THE VIDEOGRAPHER: The time now 02:25

6 is 2:25 p.m. We are back on the record. 02:25

7 MR. PROVENZANO: Mr. Beren just 02:25

8 wanted to talk to me about clarifying 02:26

9 one of the things that you had been 02:26

10 asking about so if it's okay, he'd like 02:26

11 to expand on his answer a little bit. 02:26

12 THE WITNESS: So on the National 02:26

13 Events, I didn't want to be evasive, I 02:26

14 did want to address it, that there was a 02:26

15 subsequent investment made outside of 02:26

16 the funds that I did participate which I 02:26

17 did lose money, as discovered it was 02:26

18 part of the Ponzi scheme. So I did want 02:26

19 to just put that on the record that I 02:26

20 lost, for me, was a substantial amount 02:26

21 of money. 02:26

22 BY MR. GLUCK: 02:26

23 Q. Understood. And was this the 02:26

24 same system where you would buy the physical 02:26

25 tickets pursuant to invoices issued to you? 02:26

1 E. Beren

2 A. This was a loan to the company. 02:26

3 They have to pay an effective interest rate. 02:26

4 Q. But separate from any loans made 02:26

5 by the company, when we were looking through 02:26

6 these e-mails, the investment in tickets would 02:26

7 be a separate thing from my loan to the 02:26

8 company. Right? 02:26

9 A. Sorry, clarify that. 02:26

10 Q. The investment in the tickets 02:27

11 themselves would be a separate thing than a 02:27

12 loan to the company. Right? 02:27

13 A. Well, this -- 02:27

14 Q. Different thing. 02:27

15 A. No, this was a loan to the 02:27

16 company. 02:27

17 Q. Got it. 02:27

18 MR. PROVENZANO: And just to -- 02:27

19 Q. I'm saying as -- I'm trying to 02:27

20 clarify for the record -- as distinguished 02:27

21 from the investment in tickets being 02:27

22 contemplated in these e-mails? 02:27

23 A. Well, yeah, different than what 02:27

24 we discussed here. 02:27

25 Q. Okay. 02:27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

A. There was a subsequent investment which I, again, I did participate in.

Q. Right.

A. Which I did lose money.

Q. Got it.

A. Quite a substantial bit of money.

Q. Got it. And you characterize it as a loan to the company?

A. Correct. Where they had to pay back in an effective interest rate.

Q. Okay. And I'm distinguishing a loan from the company to the concept of an investment in sports tickets, which had been discussed here.

A. Well, it was a loan to the company on the basis of having collateral against tickets.

Q. Understood.

A. And then, like I said, it was subsequently discovered all this news, and, you know, that's when, at least I found out, my investment is a zero.

Q. Okay. And here we've been discussing investments in the tickets

02:27
02:27
02:27
02:27
02:27
02:27
02:27
02:27
02:27
02:27
02:27
02:27
02:27
02:27
02:27
02:27
02:27
02:27
02:27
02:27
02:27
02:27
02:27

1 E. Beren

2 themselves like in, for example, on a 02:27

3 Mayweather or something like that? 02:28

4 A. Correct. 02:28

5 Q. Okay. 02:28

6 A. Well, that predates the 02:28

7 subsequent investment. 02:28

8 MR. PROVENZANO: I mean, the term 02:28

9 sheets, such as they are, speak for 02:28

10 themselves. 02:28

11 MR. GLUCK: The invoices and 02:28

12 tickets speak for themselves -- 02:28

13 MR. PROVENZANO: And all that. I 02:28

14 just wanted to make clear that, as far 02:28

15 as Mr. Beren is concerned, he wanted to 02:28

16 make clear that he did subsequently 02:28

17 participate in a loan to the company 02:28

18 that turns out to have been -- 02:28

19 MR. GLUCK: Okay. Let's -- 02:28

20 BY MR. GLUCK: 02:28

21 Q. So, then, who was your contact 02:28

22 person in relation to this loan at the 02:28

23 company? 02:28

24 A. So my family, and again, I'm 02:28

25 unclear as to who the exact investors were, 02:28

1 E. Beren

2 but there was a group of investors that gave 02:28

3 money, I believe, to National Events. I don't 02:28

4 remember the exact amount, and, you know, I 02:28

5 just was a co-participant. 02:28

6 Q. Okay. Let's go to Tab 50. 02:28

7 A. Okay. 02:28

8 Q. Have you seen Tab 50 before? 02:29

9 A. I don't recall. 02:29

10 Q. Are you familiar with something 02:29

11 called the side pocket at Platinum, a bunch of 02:29

12 oil and gas assets being put into the side 02:29

13 pocket? 02:29

14 A. I don't recall. 02:29

15 Q. Okay. Did there come a time when 02:29

16 PPVA had to make some tough decisions on its 02:29

17 oil and gas strategy? 02:29

18 A. So I wasn't privy to being a 02:29

19 decision maker or anything related to tough 02:29

20 decisions. 02:29

21 Q. Okay. So let's look at this 02:29

22 e-mail for just a second. 02:29

23 A. Sure. 02:29

24 Q. This is from Mark Nordlicht to 02:29

25 Mark Nordlicht but also Danny Saks, Michael 02:29

1 E. Beren

2 Nordlicht, David Steinberg, David Levy, Ari 02:29

3 Hirt, Michael Berkowitz, yourself, Sam 02:29

4 Salfati, Daniel Small, and David Levy. 02:29

5 Do you see that? 02:30

6 A. I do. 02:30

7 Q. Do you know why he's bcc'ing 02:30

8 David Levy at Beechwood.com? 02:30

9 A. I do not. 02:30

10 Q. Okay. And it says: "Platinum 02:30

11 oil and gas assets strategy." Right? 02:30

12 A. That's what it says. 02:30

13 Q. Now, were you part of the team 02:30

14 that was evaluating Platinum's oil and gas 02:30

15 assets? 02:30

16 A. No. I was never evaluating 02:30

17 Platinum oil and gas assets. I was -- again, 02:30

18 I had one position, which was PEDEVCO, which 02:30

19 would fit under oil and gas assets, so -- 02:30

20 Q. Right. But that's interesting 02:30

21 because here you see it says: "11:30-12:15 02:30

22 Black Elk"? 02:30

23 A. Okay. And then it's followed by: 02:30

24 "12:15-1:00 Golden Globe." 02:30

25 Q. Which was Golden Gate. Right? 02:30

1	E. Beren	
2	A. I don't recall what Golden Globe	02:30
3	was.	02:30
4	Q. Okay. But PEDEVCO is not on	02:30
5	there?	02:30
6	A. Well, again, if memory would	02:30
7	serve me correctly, and I don't recall all, I	02:30
8	could tell you that they wanted to combine a	02:30
9	bunch of assets together, and PEDEVCO being	02:30
10	one of those, and would put PEDEVCO inside	02:30
11	either Golden Globe or something like that.	02:30
12	That's the relation to PEDEVCO.	02:31
13	Q. At this time?	02:31
14	A. What was that?	02:31
15	Q. At this time they were being	02:31
16	combined? This is 2014?	02:31
17	A. Again, my recollection of Golden	02:31
18	Globe was to include the PEDEVCO asset. So	02:31
19	that's probably why I was mentioned here.	02:31
20	Q. Okay. Let's go to 51. Have you	02:31
21	seen this e-mail before?	02:31
22	A. Yes, I have.	02:31
23	Q. Okay. So what are you saying in	02:31
24	this e-mail?	02:31
25	A. So David Levy had told me that	02:31

1 E. Beren

2 they were trying to raise money for some sort 02:31

3 of blackout fund, and, you know, I along -- I 02:31

4 don't recall exactly who -- with other people 02:31

5 was asked to say, Oh, if you know of any other 02:31

6 investors you could bring to put money into 02:31

7 this opportunity, would you be kind enough to 02:31

8 refer them to the fund. 02:31

9 Q. And that's what this is? 02:32

10 A. Correct. 02:32

11 Q. Black Elk was a PPVE investment. 02:32

12 Right? 02:32

13 A. I don't know where it was 02:32

14 specifically associated with. 02:32

15 Q. You're familiar with the whole 02:32

16 consent solicitation, the blackout, the 02:32

17 renaissance sale -- 02:32

18 MR. PROVENZANO: I didn't hear 02:32

19 most of that question. 02:32

20 Q. Are you familiar with the consent 02:32

21 solicitation and the renaissance sale in 02:32

22 relation to Black Elk? 02:32

23 A. No. 02:32

24 Q. Did you know that PPVE was 02:32

25 holding blackout bonds? 02:32

1 E. Beren

2 A. I had no understanding or ay 02:32

3 information related to Black Elk. 02:32

4 Q. Do you understand that the -- 02:32

5 Platinum coordinated the subordination of 02:32

6 those bonds such that the investors in this 02:32

7 new opportunity had a \$100 million payout and 02:32

8 there was no money left to pay PPVE its bonds? 02:33

9 A. So again, I had nothing to do 02:33

10 with Black Elk or had any -- 02:33

11 Q. What did you understand this 02:33

12 opportunity to be? 02:33

13 A. I didn't. So as I recall, you 02:33

14 know, from the e-mails that I reviewed with 02:33

15 counsel, I was asked to make referrals, and 02:33

16 David Levy -- and I don't know if anyone was 02:33

17 involved -- would discuss with the potential 02:33

18 investor what the opportunity was and -- 02:33

19 Q. So you didn't hear anything about 02:33

20 this whole -- you weren't involved in it? 02:33

21 A. Not at all. 02:33

22 Q. Normally, debt gets paid before 02:33

23 equity. Right? 02:33

24 A. Again, yes, yes. 02:33

25 Q. Do you know -- so let's look at 02:33

1 E. Beren

2 this next tab, 52. 02:33

3 MR. PROVENZANO: Skipping 51? 02:33

4 MR. GLUCK: No, that was 51. 02:33

5 MR. PROVENZANO: That was 51. 02:33

6 Oh, setting up the call. Oh, yeah, 02:33

7 okay. 02:33

8 Q. Have you seen 52 before? 02:34

9 A. Yes, I have. 02:34

10 Q. Okay. Now, is this more of the 02:34

11 same, you're trying to bring in investors? 02:34

12 A. It was exactly the same, because 02:34

13 the previous e-mail was referencing -- Mark 02:34

14 and Mendy are the same person. 02:34

15 Q. Okay. Now, you and -- flip to 02:34

16 the next page. 02:34

17 A. Okay. 02:34

18 Q. It's not Platinum Partners Value 02:34

19 Arbitrage Fund, it's Platinum Partners Black 02:34

20 Elk Opportunities Fund. 02:34

21 Do you see that? 02:34

22 A. I see PPBE Management LP. Okay. 02:34

23 Black Elk Opportunities Fund, yes. 02:34

24 Q. So you didn't know that 02:34

25 Platinum's PP -- that the bonds in Black Elk 02:34

1 E. Beren

2 subordinated in PPBE got paid out on its 02:34

3 preferred equity? 02:34

4 A. I had zero understanding or any 02:34

5 involvement. Again, I simply forwarded on an 02:34

6 e-mail to see if a friend of mine was 02:34

7 interested and passed it along to David Levy. 02:34

8 Q. Are you familiar with the 02:34

9 complaint in this case at all? 02:34

10 A. Be more specific. 02:35

11 Q. The second amended complaint, 02:35

12 which describes how PPVA was left holding the 02:35

13 bag with Black Elk? 02:35

14 A. Again, maybe I saw it in the 02:35

15 complaint. I didn't really delve into it. 02:35

16 Nor did I feel a need to do so, because I 02:35

17 didn't have any involvement. 02:35

18 Q. Okay. Did you understand the 02:35

19 marketing materials you were sending along? 02:35

20 A. No. 02:35

21 Q. Can you turn to 52A, please? 02:35

22 MR. PROVENZANO: Did you ask if 02:35

23 he knows who prepared the deck? 02:35

24 MR. GLUCK: I did not. 02:35

25 Q. Do you know who prepared the -- 02:35

1	E. Beren	
2	A. I do not, no.	02:35
3	Q. 52A, please.	02:35
4	A. Okay.	02:35
5	Q. Do you know or recognize this?	02:35
6	A. I recognize this.	02:36
7	Q. Okay. Is it a deal sheet?	02:36
8	A. Yes.	02:36
9	Q. For PEDEVCO?	02:36
10	A. That is correct.	02:36
11	Q. Now, it's a Beechwood deal sheet.	02:36
12	Right?	02:36
13	A. Yes.	02:36
14	Q. You were working at Platinum at	02:36
15	the time?	02:36
16	A. That is correct.	02:36
17	Q. And Platinum also invested in	02:36
18	PEDEVCO, didn't it?	02:36
19	A. That is correct.	02:36
20	Q. Why didn't Platinum do the whole	02:36
21	PEDEVCO deal?	02:36
22	A. Again, I wasn't privy to all of	02:36
23	the whys. I was just privy to the fact that	02:36
24	they did not have the money available to	02:36
25	invest in the whole deal.	02:36

1 E. Beren

2 Q. Okay. So here, this is a new 02:36
3 deal sheet for you and Mr. Steinberg in order 02:36
4 to be compensated by Beechwood for Beechwood's 02:37
5 participation. Right? 02:37

6 A. No, I don't think that's correct. 02:37

7 Q. What do you think it is? 02:37

8 A. I think it's just a deal sheet 02:37
9 explaining what the deal is. 02:37

10 Q. But you anticipated compensation 02:37
11 from Beechwood in relation to this deal. 02:37
12 Right? 02:37

13 A. I think I said earlier -- not I 02:37
14 think. I know I said earlier, the 02:37
15 understanding was, if a deal gets funded that 02:37
16 was originated -- in this case it was 02:37
17 originated by David, and I was working with 02:37
18 him. If there would be profits at the end of 02:37
19 the deal with all the money we paid, there 02:37
20 would be compensation. 02:37

21 Q. Okay. At the top it says your 02:37
22 name and David Steinberg. Do you know why 02:37
23 your name is first? 02:37

24 A. I have no idea. 02:37

25 Q. Okay. At the bottom it says: 02:37

1 E. Beren

2 "Portfolio manager -- Ezra Beren," and that's 02:37

3 your signature. Right? 02:37

4 A. That is correct. 02:38

5 Q. Were you a portfolio manager at 02:38

6 Beechwood? 02:38

7 A. No, I was not a portfolio manager 02:38

8 at Beechwood at this time. 02:38

9 Q. Is that your signature? 02:38

10 A. It is my signature, yes. 02:38

11 Q. Tab 52, please. 02:38

12 MR. PROVENZANO: 52? 02:38

13 A. I'm on 52. 02:38

14 Q. 53. 02:38

15 A. Okay. 02:38

16 Q. You -- have you seen 53 before? 02:38

17 A. I don't recall. 02:38

18 Q. I couldn't catch that, sorry. 02:38

19 A. I said I don't recall. 02:38

20 Q. Okay. Can you just take a look 02:38

21 at it quickly then? 02:38

22 A. Sure. 02:38

23 (Document review.) 02:39

24 Okay. 02:39

25 Q. A few questions about this: Was 02:39

1 E. Beren

2 David Steinberg connected to the valuation 02:39

3 group at Beechwood? 02:39

4 A. At Beechwood? I don't know. 02:39

5 Q. See where it says "valuation 02:39

6 group," "beechwood.com"? 02:39

7 A. Okay. So it says "valuation 02:39

8 group." 02:39

9 Q. Well, I thought David Steinberg 02:39

10 was a Platinum guy. 02:39

11 A. Well, again, I'm not sure how 02:39

12 you're making an inference between valuation 02:39

13 group and David Steinberg being copied. 02:39

14 Q. Yeah. This is the beginning of 02:39

15 bad news in PEDEVCO. Right? This is when 02:39

16 things started to take a turn? 02:39

17 A. Again, I don't recall the exact 02:39

18 timelines. 02:39

19 Q. Let's go to Tab 54. Have you 02:39

20 seen this e-mail before? 02:40

21 A. I don't recall seeing it. 02:40

22 Q. Do you see where it says: "Big 02:40

23 drop in cash. When do they run out of cash?" 02:40

24 A. I see that. 02:40

25 Q. You know that PEDEVCO did run out 02:40

1 E. Beren

2 of cash. Right? 02:40

3 A. Again, I don't recall the 02:40

4 specifics. 02:40

5 Q. Do you know that PEDEVCO, that 02:40

6 asset was transferred at par value plus 02:40

7 accrued interest to Platinum as purported 02:40

8 consideration in the Agera transaction? 02:40

9 A. I have no knowledge or was 02:40

10 involved in that. 02:40

11 Q. You weren't involved in that? 02:41

12 A. Again, you're telling me it was, 02:41

13 and I'm telling you I don't know. 02:41

14 Q. You just don't remember? 02:41

15 A. No, not that I remember. I had 02:41

16 no involvement. 02:41

17 Q. By 2016 you knew there were 02:41

18 problems at PEDEVCO. Right? 02:41

19 MR. PROVENZANO: I didn't hear 02:41

20 that. 02:41

21 Q. By 2016 you knew there were 02:41

22 problems at PEDEVCO. Right? 02:41

23 A. Well, oil and gas pricing 02:41

24 dropped, so yes, there was problems. 02:41

25 Q. So let's just -- let's turn to 02:41

1 E. Beren

2 Tab 57 for a second. 02:41

3 MR. PROVENZANO: 57? 02:41

4 MR. GLUCK: 57. 02:41

5 Q. We'll come back. Have you seen 02:41

6 57 before? 02:42

7 A. I have. 02:42

8 Q. So what's going on in 57? 02:42

9 A. Well, I've seen it before, but I 02:42

10 didn't recall the specifics. 02:42

11 Q. Is this a discussion about -- 02:42

12 well, let's go to the second page. Let's read 02:42

13 through it. 02:42

14 A. (Document review.) 02:42

15 Okay. 02:42

16 Q. This is about the holiday pay 02:42

17 interest requested by PEDEVCO -- right? -- 02:43

18 because they were running out of money? 02:43

19 A. Again, I don't recall. I 02:43

20 didn't -- I believe David Steinberg wrote this 02:43

21 e-mail. 02:43

22 Q. Okay. And Nordlicht writes back: 02:43

23 "Platinum can't extend the interest"? 02:43

24 A. Where are you looking, the front 02:43

25 page? 02:43

1 E. Beren

2 Q. Yeah, front page to his response 02:43

3 e-mail. 02:43

4 And it says: "Under new 02:43

5 valuation rules, we might have to write down 02:43

6 the loan." 02:43

7 A. Again, this is from Mark 02:43

8 Nordlicht to David Steinberg. 02:43

9 Q. Yeah. Well, you're at the top -- 02:43

10 right? -- and you responded to the whole 02:43

11 e-mail chain? 02:43

12 MR. PROVENZANO: Wait. Say that 02:43

13 again. 02:43

14 Q. Oh, excuse me. You're at the 02:43

15 top, where David Steinberg writes to you. And 02:43

16 you are at the top. 02:43

17 A. I believe I was -- 02:43

18 Q. Right? 02:43

19 A. Yeah, I was sent the e-mail from 02:43

20 David Steinberg. 02:43

21 Q. Yeah. Because then Mark 02:43

22 Nordlicht says: "Who at Beechwood are we 02:43

23 dealing with exactly?" 02:43

24 And then you write: "David 02:44

25 Steinberg spoke to Danny, who brought in 02:44

1 E. Beren

2 Murray and David Bodner?" 02:44

3 Do you see that? 02:44

4 A. I see that. 02:44

5 Q. So what was Murray and David 02:44

6 Bodner's role in determining whether Beechwood 02:44

7 would agree to this holiday? This has nothing 02:44

8 to do with you consulting with them. Right? 02:44

9 A. Again, I don't recall this 02:44

10 e-mail. 02:44

11 Q. Because Murray and David Bodner 02:44

12 were controlling Beechwood. Right? 02:44

13 A. As I said to you before, my 02:44

14 understanding is that they did not. I only 02:44

15 dealt with David Steinberg, who was my 02:44

16 superior, and Mark Nordlicht at Platinum. And 02:44

17 then at Beechwood I dealt with Dhruv Narain 02:44

18 and Danny Saks. 02:44

19 Q. Well, you also dealt with Murray 02:44

20 Huberfeld and David Bodner at Beechwood, 02:44

21 didn't you? Right? That's what this says 02:44

22 right here, didn't it? 02:44

23 MR. PROVENZANO: He's answered 02:44

24 this a couple of times. He didn't 02:44

25 report to them, and he didn't understand 02:44

1 E. Beren

2 that he was working for them. 02:44

3 MR. GLUCK: But he writes: 02:44

4 "David Steinberg spoke to Danny, who 02:45

5 brought in Murray and David Bodner." 02:45

6 Q. So I'm asking for the 02:45

7 interpretation of that. 02:45

8 A. I don't recall the 02:45

9 interpretation. 02:45

10 Q. Okay. And then Nordlicht asks: 02:45

11 "Are they giving you a hard time on 02:45

12 releasing," referring to Murray and David 02:45

13 Bodner. Right? 02:45

14 A. I don't know what Mark Nordlicht 02:45

15 was referring to. 02:45

16 Q. Okay. And then you say you 02:45

17 hadn't breached the subject yet, but you 02:45

18 assume it's not going to be a walk in the 02:45

19 park. 02:45

20 You were going to breach the 02:45

21 subject with Murray and David Bodner. Right? 02:45

22 A. I don't recall. 02:45

23 Q. Well, what was -- you don't 02:45

24 recall? 02:45

25 A. I don't recall. 02:45

1 E. Beren

2 Q. Look up on the thing? 02:45

3 A. What do you -- 02:45

4 Q. Sorry -- one e-mail up David 02:45

5 Steinberg takes a swing at it. Do you see 02:45

6 that? He copies you. 02:45

7 A. Okay. 02:45

8 Q. He says: "I ran this part by 02:45

9 Murray, and he told me, 'As long as you get me 02:45

10 something back, it will be okay.'" 02:45

11 So David Steinberg ran this by 02:45

12 Murray Huberfeld, who made a decision on 02:46

13 behalf of Beechwood. Right? 02:46

14 MR. PROVENZANO: Assumes facts 02:46

15 not in evidence. 02:46

16 If you know. 02:46

17 Q. Is this not what this e-mail 02:46

18 says? 02:46

19 A. I don't recall. 02:46

20 Q. What is your understanding of it? 02:46

21 A. David Steinberg wrote the e-mail 02:46

22 to me, and like I said, I don't recall. 02:46

23 Q. Okay. All right. So Tab 56? 02:46

24 MR. PROVENZANO: Can I -- just to 02:46

25 try and make this clear, where you see, 02:46

1 E. Beren

2 where you wrote: 02:46

3 "David Steinberg wrote to" -- 02:46

4 "spoke to Danny, who brought in Murray 02:46

5 and David Bodner," do you have any idea 02:46

6 why Danny brought in Murray and David 02:46

7 Bodner? 02:46

8 THE WITNESS: I do not, no. 02:46

9 MR. PROVENZANO: Okay. What was 02:46

10 the next tab? 02:46

11 MR. GLUCK: Let's go back to Tab 02:46

12 56. 02:46

13 THE WITNESS: Okay. 02:46

14 Q. Have you seen this e-mail before? 02:46

15 A. I don't believe so. 02:46

16 Q. Okay. You were reporting to 02:47

17 Dhruv Narain at this time? 02:47

18 A. That is correct. 02:47

19 Q. So you were in charge of 02:47

20 providing comments to the PEDEVCO valuations? 02:47

21 A. So when I switched over to 02:47

22 Beechwood and Dhruv took over -- I don't 02:47

23 remember exactly when he took over -- he said, 02:47

24 you have some familiarity on it. Would you 02:47

25 please provide weekly updates, which, again, 02:47

1 E. Beren

2 as I did at Platinum. I did the same thing at 02:47

3 Beechwood. 02:47

4 I took the third-party reports 02:47

5 provided to me from the company and the 02:47

6 availability I had to cede the cash balance of 02:47

7 PEDEVCO, and I provided that to the valuation 02:47

8 folks at Beechwood and to Dhruv Narain. 02:47

9 Q. Okay. And this -- and this 02:47

10 noticing that the planned merger was 02:47

11 terminated due to the downturn in oil prices. 02:47

12 Right? 02:47

13 A. What are you looking at? You 02:47

14 asked me 56. 02:47

15 Q. Yeah, this note. All right. 02:47

16 Let's see if we can back it up a little. 02:48

17 Let's go to 56A. 02:48

18 A. Okay, okay. 02:48

19 Q. Do you recall this e-mail? 02:49

20 A. I do not. 02:49

21 Q. And do you know what -- looking 02:49

22 at it right now, do you know or understand 02:49

23 what it's about? 02:49

24 A. Let me have a moment. 02:49

25 Q. Yeah. 02:49

1	E. Beren	
2	A. (Document review.)	02:49
3	Okay. And what was your	02:49
4	question?	02:49
5	Q. Do you have an understanding of	02:49
6	what this e-mail is about?	02:49
7	A. Somewhat, but my recollection is	02:49
8	not very deep.	02:50
9	Q. Okay. But you do have a	02:50
10	recollection that the PEDEVCO investment ran	02:50
11	into some problems?	02:50
12	A. As I mentioned earlier, oil and	02:50
13	gas pricing went from, you know, triple digits	02:50
14	down significantly.	02:50
15	Q. Down significantly?	02:50
16	A. Yeah.	02:50
17	Q. Okay. And that had happened by	02:50
18	2016. Right?	02:50
19	A. Again, I don't remember.	02:50
20	Q. By the time you joined Beechwood?	02:50
21	A. I don't remember the exact	02:50
22	timeline.	02:50
23	Q. Okay. Now, let's just say --	02:50
24	you're an investor now. Right? I mean,	02:50
25	you -- right?	02:50

1 E. Beren

2 A. Say it again. 02:50

3 Q. You're an investor now. Right? 02:50

4 A. You're asking me personally? 02:50

5 Q. Yeah. 02:50

6 A. Be more specific. 02:50

7 Q. Well, would you have paid par 02:50

8 plus accrued interest for the PEDEVCO debt 02:51

9 notes in 2016 personally? 02:51

10 MR. PROVENZANO: Objection. It's 02:51

11 a hypothetical. 02:51

12 But if you can answer. 02:51

13 A. So let me understand your 02:51

14 question. I'm not -- 02:51

15 Q. So we just went over how PEDEVCO 02:51

16 went into -- ran into some problems -- 02:51

17 right? -- because the price of oil? 02:51

18 A. Okay. 02:51

19 Q. Right? 02:51

20 A. That's correct. 02:51

21 Q. Okay. And those problems 02:51

22 occurred by 2016. Right? 02:51

23 A. Again, I don't know the exact 02:51

24 timeline. 02:51

25 Q. Okay. So by mid 2016, by June 02:51

1 E. Beren

2 2016? 02:51

3 A. Okay. 02:51

4 Q. Let's just say June 9, 2016. You 02:51

5 remember June 8, 2016. Right? 02:51

6 A. June -- 02:51

7 Q. June 8, 2016? 02:51

8 A. Why would I? 02:51

9 Q. Does that date have any 02:51

10 significance to you? 02:51

11 A. No. Why would that date have 02:51

12 significance? 02:51

13 Q. That's the day Mr. Huberfeld was 02:51

14 arrested. 02:51

15 A. I didn't remember that date. 02:51

16 Q. Okay. And June 9 is when a \$170 02:51

17 million asset at Platinum was transferred to 02:52

18 Beechwood for \$120 million of noncash 02:52

19 consideration and about \$50 million of cash. 02:52

20 Were you aware of this? 02:52

21 A. No. 02:52

22 Q. Part of that noncash 02:52

23 consideration was PEDEVCO notes ranked at full 02:52

24 value. 02:52

25 So I'm asking you, in the summer 02:52

1 E. Beren

2 of 2016, would you have paid the principal 02:52

3 amount plus accrued interest for PEDEVCO 02:52

4 notes? 02:52

5 A. So again -- 02:52

6 MR. PROVENZANO: Warren, I 02:52

7 object. I think you're trying to turn 02:52

8 him into an expert witness here. 02:52

9 MR. GLUCK: Well, he's a PEDEVCO 02:52

10 expert. 02:52

11 MR. PROVENZANO: Well, have you 02:52

12 asked him what he did yet in terms of 02:52

13 PEDEVCO? 02:52

14 Q. What did you do in relation to 02:52

15 PEDEVCO? 02:52

16 A. So again, as I mentioned earlier, 02:52

17 David Steinberg was my supervisor, superior, a 02:52

18 person in the group. He knew PEDEVCO from 02:52

19 previous business transactions. He originated 02:52

20 the deal with PEDEVCO. My job -- 02:53

21 MR. PROVENZANO: He was a board 02:53

22 member as well. Correct? 02:53

23 THE WITNESS: Correct. 02:53

24 A. David Steinberg was a board 02:53

25 member on the PEDEVCO board. My job was to 02:53

1 E. Beren

2 simply correspond with PEDEVCO once a week to 02:53

3 get pertinent information related to the 02:53

4 investment and just to continually check their 02:53

5 cash balance and report that on -- when I was 02:53

6 at Platinum, report it to the Platinum people, 02:53

7 and then when I went to Beechwood 02:53

8 subsequently, in the beginning I started that, 02:53

9 and then Dhruv Narain eventually took over and 02:53

10 I was really boxed out. 02:53

11 Q. All right. Well, let's see if we 02:53

12 can do it with the documents. Let's switch to 02:53

13 Tab 58. It will be easier this way. 02:53

14 Have you seen Tab 58 before? 02:53

15 A. I have. 02:53

16 Q. Okay. So what are you doing when 02:53

17 you're sending this e-mail to Icon Investments 02:53

18 and Dhruv Narain? 02:54

19 A. So again, in the office it was 02:54

20 talked about how Agera needed acquisition 02:54

21 financing for a particular target. So I 02:54

22 reached out to a bunch of business contacts 02:54

23 and acquaintances to see if they'd be 02:54

24 interested in investing in Agera. 02:54

25 Q. That was the opportunity, Agera? 02:54

1 E. Beren

2 A. In this particular e-mail that 02:54
3 you referenced in 58, yes. 02:54

4 Q. Okay. So you knew about Agera? 02:54

5 A. Well, you asked me earlier if I 02:54
6 knew what Agera was, and I told you yes, I 02:54
7 knew -- 02:54

8 Q. And you specifically knew about 02:54
9 Agera in connection with your Beechwood work? 02:54

10 A. No, that's not correct. 02:54

11 Q. By March of 2016? 02:54

12 A. That's not correct. 02:54

13 Q. Okay. 02:54

14 A. Again, the only understanding I 02:54
15 have was that they were looking for 02:54
16 acquisition financing to buy another company. 02:54
17 And I said, let me see if I can make an 02:54
18 introduction, again, to provide me the 02:54
19 opportunity to do a deal, and if the deal 02:54
20 happened, I would make money. And that, 02:54
21 again, was outside investment from another 02:55
22 group to invest into Agera. 02:55

23 Q. You're saying that Agera wanted 02:55
24 to buy another company or the opportunity for 02:55
25 investment was to buy Agera? 02:55

1 E. Beren

2 A. No. It says here in my e-mail: 02:55

3 "Once Agera identifies a given acquisition 02:55

4 target." 02:55

5 Q. So your understanding is that you 02:55

6 were looking for people -- you were looking to 02:55

7 people -- for people to finance an acquisition 02:55

8 by Agera? 02:55

9 A. That is correct. 02:55

10 Q. That's your understanding? 02:55

11 A. Well, that's what I wrote in the 02:55

12 e-mail. 02:55

13 Q. Let's go to 59. April 13, 2016. 02:56

14 Do you know why you were invited to this 02:56

15 meeting? 02:56

16 A. I don't recall for sure. It is 02:56

17 possible I maybe reached out to Ares, and 02:56

18 eventually there was a meeting set. But 02:56

19 again, I don't know if the meeting actually 02:56

20 happened. 02:56

21 Q. What's Ares? 02:56

22 A. My recollection is they're a 02:56

23 large investment firm. 02:56

24 Q. And what was the purpose of the 02:56

25 reach-out? 02:56

1 E. Beren

2 A. To see if they would be 02:56
3 interested in providing acquisition financing 02:56
4 for Agera. 02:56

5 Q. Do you know at this time 02:56
6 Beechwood was in the midst of significant 02:56
7 negotiations to acquire Platinum's interest in 02:56
8 Agera? 02:57

9 A. I have no knowledge of that. 02:57

10 Q. You're saying you were told that 02:57
11 this acquisition would be by Agera, not of 02:57
12 Agera? 02:57

13 A. So again, as I wrote in the 02:57
14 e-mail before -- 02:57

15 Q. No, I saw that. I meant that was 02:57
16 what you were told? 02:57

17 A. That was my understanding, is 02:57
18 that Agera was looking for money for 02:57
19 acquisition financing. 02:57

20 Q. Sitting here today, you do know 02:57
21 that Platinum -- Beechwood acquired Platinum's 02:57
22 interest in Agera? 02:57

23 A. I have no knowledge of any of the 02:57
24 specifics. 02:57

25 Q. And at the negotiations in April 02:57

1 E. Beren

2 of 2016, there were substantial negotiations 02:57

3 about this and ultimately a deal that was 02:57

4 executed. 02:57

5 You don't know about that? 02:57

6 A. I was not involved in any of 02:57

7 those negotiations. 02:57

8 Q. At this very same time, Dhruv 02:57

9 Narain had taken a trip to Indiana. Do you 02:58

10 know why he would have taken a trip to 02:58

11 Indiana? 02:58

12 A. No. 02:58

13 Q. Did you know who Beechwood's 02:58

14 clients were? 02:58

15 A. I did not. 02:58

16 Q. Did you know that around this 02:58

17 time SHIP agreed to finance the 50 million in 02:58

18 cash outside of their investment management 02:58

19 agreements? 02:58

20 A. I have no knowledge of that. 02:58

21 Q. And Dhruv didn't ask you to ask 02:58

22 Ares to provide cash financing for the 02:58

23 acquisition of Agera by Beechwood? 02:58

24 A. No, no. You will find only in my 02:58

25 e-mails that I reached out for acquisition 02:58

1 E. Beren

2 financing for Agera to acquire another 02:58

3 company. 02:58

4 Q. Have you ever seen any documents 02:58

5 that Agera was interested in acquiring another 02:58

6 company at this time? 02:58

7 A. I don't remember the documents. 02:58

8 MR. GLUCK: If there are any 02:58

9 documents that go to Agera looking to 02:58

10 acquire a company as opposed to Agera 02:59

11 being acquired, we would just request 02:59

12 them. 02:59

13 MR. PROVENZANO: If you have any. 02:59

14 MR. GLUCK: Okay. It's an 02:59

15 interesting -- it's not something we've 02:59

16 done -- this is the last day of 02:59

17 discovery. And I will tell you that 02:59

18 we've never heard from any witness to 02:59

19 date that it was -- Agera was acquiring 02:59

20 companies as opposed to the Platinum 02:59

21 interest being acquired. 02:59

22 MR. PROVENZANO: Okay. We'll 02:59

23 have a look, but my guess is that there 02:59

24 will be nothing. 02:59

25 BY MR. GLUCK: 02:59

1 E. Beren

2 Q. Okay. Let's turn to Tab 59A, 02:59

3 please. 03:00

4 MR. PROVENZANO: Weren't we just 03:00

5 at 59A? 03:00

6 MR. GLUCK: Now we're at this 03:00

7 document, which is from Jeremy Apfel, 03:00

8 "PEDEVCO -- Debt Restructuring." 03:00

9 MR. PROVENZANO: Got it. 03:00

10 Q. Have you seen this e-mail before? 03:00

11 A. I don't recall seeing this. 03:00

12 Q. Okay. Did PEDEVCO run out of 03:00

13 money, couldn't pay its interest? 03:00

14 A. That's what the e-mail says. 03:00

15 Q. And then there was a -- basically 03:00

16 a waiver of the interest. Right? 03:00

17 A. I -- 03:00

18 MR. PROVENZANO: So it's a 03:00

19 lengthy e-mail. Why don't you let him 03:00

20 read it? I think he just told you that 03:00

21 he didn't remember it. 03:00

22 MR. GLUCK: Sure. 03:00

23 A. I'm just on the first page here. 03:00

24 Q. I think there's a more concise 03:00

25 version if you go to 59B. 03:01

1 E. Beren

2 A. That's -404 on the bottom? 03:01

3 Q. Yeah. 03:01

4 A. Okay. Go ahead. 03:01

5 Q. So through March of 2016, PEDEVCO 03:01

6 wasn't making its interest payments. Right? 03:01

7 A. It references -- again, this 03:01

8 e-mail is not from me, and it was sent to 03:01

9 multiple people and references some sort of a 03:01

10 document. Do you have that document? 03:01

11 Q. Yeah. I think it's attached. 03:01

12 A. Okay. 03:01

13 (Document review.) 03:01

14 Q. Had you make a request for 03:01

15 interest waiver rolling forward? 03:01

16 A. Did I? 03:01

17 Q. Yeah. It says: "Per Ezra's 03:01

18 telephone request, I have updated the most 03:02

19 recent interest waiver document"? 03:02

20 A. Again, I don't recall the 03:02

21 specifics. You know, this was shortly after I 03:02

22 joined Beechwood. And in that capacity, I 03:02

23 was, if I recall correctly, told to, you know, 03:02

24 reach out to PEDEVCO to provide this interest 03:02

25 waiver document. 03:02

1 E. Beren

2 Q. All right. I'll see if I can 03:02

3 fast-forward this a little. 03:02

4 Can you switch to 61A? 03:02

5 A. Okay. 03:02

6 Q. What would it mean that there was 03:02

7 an updated reserve report which shows PV10 of 03:02

8 5 million when the last report showed a PV10 03:02

9 of 32 million? 03:02

10 MR. PROVENZANO: Am I looking at 03:03

11 the right document here? What are we 03:03

12 looking at? 03:03

13 MR. GLUCK: It's an e-mail from 03:03

14 Jeremy Apfel to Dhruv Narain and Ezra 03:03

15 Beren. 03:03

16 MR. PROVENZANO: And what's the 03:03

17 document number? 03:03

18 MR. GLUCK: BW-SHIP -79710. 03:03

19 MR. PROVENZANO: Got it. Okay. 03:03

20 A. Okay. I don't recall this 03:03

21 e-mail. 03:03

22 Q. Do you have an understanding of 03:03

23 what PV10 is? 03:03

24 A. Somewhat. 03:03

25 Q. It's a measure of the oil 03:03

1 E. Beren

2 reserves. Right? 03:03

3 A. Okay. 03:03

4 Q. Right? 03:03

5 A. You're telling me, so okay. 03:03

6 Q. So I'm asking you. Do you know 03:03

7 what PV10 is? 03:03

8 A. Vaguely, I remember from doing 03:03

9 the oil and gas deals, which was quite a bit 03:03

10 of time ago. 03:03

11 Q. Okay. So if the Duff & Phelps 03:03

12 report had showed 32 million previously and on 03:03

13 this 10-K it's showing 5 million, that's not 03:03

14 good. Right? 03:04

15 A. No, that would not be good. 03:04

16 Q. That's one sixth of what was 03:04

17 expected -- right? -- more or less? 03:04

18 A. Okay. 03:04

19 MR. PROVENZANO: I think he can 03:04

20 safely agree that 5 million is roughly 03:04

21 one sixth of 32 million. 03:04

22 Q. So that's not good. Right? This 03:04

23 is a bad report. Right? 03:04

24 A. Okay. 03:04

25 Q. Do you agree? 03:04

1 E. Beren

2 A. Yes. 03:04

3 Q. All right. Now, let's flip to 03:04

4 62. Have you seen Exhibit 62 before? 03:04

5 A. I have. 03:04

6 Q. What do you understand it to be? 03:04

7 A. (Document review.) 03:04

8 Some of the Beechwood folks 03:05

9 telling me that they're sending around 03:05

10 interest invoices for some of their other 03:05

11 positions and for me, PEDEVCO. 03:05

12 Q. Was Platinum paying the interest 03:05

13 on PEDEVCO? 03:05

14 A. Again, I didn't work at Platinum 03:05

15 at the time, so I have no idea. 03:05

16 Q. So if you look to the front page, 03:05

17 there's an e-mail from you to Ms. Northwood 03:05

18 and Sam Adler saying: "I will review later 03:05

19 and revert back." 03:05

20 Do you see that? 03:05

21 A. Okay. 03:05

22 Q. And then Northwood says: "This 03:05

23 should go out today." 03:06

24 A. Okay. 03:06

25 Q. And you say: "The interest is 03:06

1 E. Beren

2 going to be deferred regardless, so don't 03:06

3 stress too much." 03:06

4 Do you see that? 03:06

5 A. Okay. 03:06

6 Q. So it didn't even matter if you 03:06

7 were going to send out the invoices. Right? 03:06

8 A. Again, I don't recall what 03:06

9 exactly I meant in that. 03:06

10 Q. At this time, had Beechwood 03:06

11 already decided to transfer the PEDEVCO asset 03:06

12 to Platinum in connection with the Agera 03:06

13 transaction? 03:06

14 A. Again, I had no involvement, 03:06

15 wasn't privy to any of that, and I have no 03:06

16 idea. 03:06

17 Q. Okay. So just -- let's just talk 03:06

18 about the Agera transaction for a second. 03:07

19 A. Okay. 03:07

20 Q. You're aware that it occurred? 03:07

21 A. You asked me -- 03:07

22 Q. Are you aware that it occurred? 03:07

23 A. No, no. But what was your 03:07

24 question before? 03:07

25 Q. The Agera transaction, I said, 03:07

1 E. Beren

2 let's just talk about it for a minute. And 03:07

3 I'm just going to say, are you aware that 03:07

4 Platinum sold the convertible note that 03:07

5 converted into 95 percent of the equity of 03:07

6 Agera to Beechwood around June 9, 2016? 03:07

7 A. I wasn't aware or involved, 03:07

8 didn't really have much understanding of it at 03:07

9 all. 03:07

10 Q. Okay. If I was to represent to 03:07

11 you that the purchase price was about 170 03:07

12 million -- I'm going to ask you to use that as 03:07

13 a base for the next questions. 03:07

14 In all your time at Platinum, had 03:07

15 you ever witnessed a \$170 million deal where 03:07

16 Platinum was receiving \$170 million? 03:07

17 A. Again, I can only comment on the 03:07

18 deals that I -- 03:07

19 Q. Personally. 03:07

20 A. I wasn't focused on other deals. 03:07

21 I was only focused on the deal that I did. 03:07

22 Q. Okay. And the answer is no, it 03:07

23 didn't hit the \$170 million range, did it? 03:08

24 A. Well, you asked me a question. 03:08

25 My answer was, I'm only -- was only focused on 03:08

1 E. Beren

2 the deals that I did, which was one deal. 03:08

3 Q. So do you consider a \$170 million 03:08

4 deal a big deal for Platinum, a large size? 03:08

5 A. Well, 170 million is a lot of 03:08

6 money, period. 03:08

7 Q. It is a lot of money, period. 03:08

8 In your time in working at 03:08

9 Beechwood, did you ever know Beechwood to make 03:08

10 a \$170 million acquisition? 03:08

11 A. Again, I don't know any -- 03:08

12 outside of any of the deals I was involved 03:08

13 with, which, in the beginning, was PEDEVCO -- 03:08

14 I was removed from PEDEVCO, and Dhruv Narain 03:08

15 took over. And then I did one other deal 03:08

16 which was a successful deal, but I was 03:08

17 subsequently fired, so that never panned out. 03:08

18 Q. Do you know why the deal for 03:08

19 Agera closed the day after Mr. Huberfeld's 03:08

20 arrest? 03:08

21 A. I have no idea. 03:08

22 Q. That's pretty weird. Right? 03:08

23 MR. PROVENZANO: Is that a 03:09

24 question? 03:09

25 MR. GLUCK: Yeah, I'm asking. 03:09

1 E. Beren

2 Q. That's an odd fact, isn't it? 03:09

3 Are you surprised that Beechwood and Platinum 03:09

4 engaged in a \$170 million deal the day after 03:09

5 Mr. Huberfeld's arrest? 03:09

6 A. So again -- 03:09

7 MR. PROVENZANO: I'm going to 03:09

8 object. It calls for speculation way 03:09

9 outside of his knowledge. 03:09

10 But go ahead. 03:09

11 Q. You can answer. 03:09

12 A. Again, I had no involvement in 03:09

13 it. I don't even think I came to the office 03:09

14 the day after. 03:09

15 Q. Which office, the Beechwood 03:09

16 office? 03:09

17 A. Yeah, I was working at Beechwood 03:09

18 at the time. 03:09

19 Q. Yeah. Okay. Did you know that 03:09

20 Beechwood -- the FBI was in Beechwood's 03:09

21 offices on June 8? 03:09

22 A. I heard about it later. 03:09

23 Q. That's abnormal -- right? -- not 03:09

24 typical? 03:09

25 A. Yeah, that's not typical. 03:09

1 E. Beren

2 Q. At least we're on the same page 03:09

3 there. 03:09

4 MR. PROVENZANO: Broad agreement 03:09

5 on that. 03:09

6 A. It was a crazy day, to say the 03:09

7 least. 03:09

8 Q. Okay. Yeah. Did you recall 03:10

9 speaking to Mr. Narain that day? 03:10

10 A. I don't believe I spoke to him 03:10

11 that day. 03:10

12 Q. Okay. But that was a crazy day? 03:10

13 A. Maybe when I came later, I 03:10

14 just -- I asked if I could have some time off 03:10

15 just to be with my family. 03:10

16 Q. Can you turn to Tab 64, please? 03:10

17 A. Sure. 03:10

18 Q. Have you seen this e-mail before? 03:10

19 A. I have not. 03:10

20 Q. You're copied on this particular 03:10

21 e-mail. Do you know why? 03:10

22 A. I have no idea why. 03:10

23 Q. It's post closing. I'll 03:10

24 represent to you AGH Parent is the buyer of 03:10

25 that Agera note that I mentioned. 03:11

1 E. Beren

2 A. Okay. That's what you said. 03:11

3 Q. So you don't know why you were 03:11

4 included on this particular e-mail chain? 03:11

5 A. I do not. 03:11

6 Q. This is not -- how do you 03:11

7 reconcile your inclusion on this e-mail chain 03:11

8 if you were not being involved in the Agera 03:11

9 deal? 03:11

10 A. Again, I can't speak to Andrew 03:11

11 Gross and Bill Brenton. I can only -- 03:11

12 Q. You know who they are, though? 03:11

13 A. Bill Brenton I don't remember so 03:11

14 much. Andrew Gross I remember. 03:11

15 Q. And you don't know why he would 03:11

16 have included you on this? 03:11

17 A. Well, Andrew Gross writes: 03:11

18 "As part of our monthly updates, 03:11

19 please find our current equity sheet 03:11

20 attached. Please let us know if there 03:11

21 are any other updates other than Agera." 03:11

22 So again, if I would speculate, 03:12

23 I would say I was attached because they wanted 03:12

24 to know if we owned equity in any of the 03:12

25 holdings, and then I think the e-mail chain 03:12

1 E. Beren

2 just kept going, and they brought up Agera, 03:12

3 and I was included in that. 03:12

4 Q. All right. Can you flip to Tab 03:12

5 65, please? 03:12

6 A. Sure. Oh, this is -- 03:12

7 Q. Have you seen this before? 03:12

8 A. No, no. It's just kind of small. 03:12

9 You don't have anything larger, do you? 03:12

10 Q. No. Unfortunately, no. It is 03:12

11 the last exhibit, though, if that helps. 03:12

12 A. I'll do my best. 03:12

13 Q. I'll just ask you if you've seen 03:12

14 this e-mail before, once you've reviewed it. 03:12

15 A. (Document review.) 03:12

16 No, I don't recall seeing this. 03:12

17 Q. Which -- do you know Sheila 03:12

18 Gates? 03:12

19 A. Yes. That was the one deal I 03:12

20 referenced earlier that I originated at 03:13

21 Beechwood that successfully put out money, got 03:13

22 back its investment plus interest, and had an 03:13

23 equity kicker. 03:13

24 Q. You didn't get paid? 03:13

25 A. I did not get paid. If you don't 03:13

1 E. Beren

2 mind me adding for the record, when you asked 03:13

3 me before about the equity e-mail in Agera -- 03:13

4 Q. Yeah. 03:13

5 A. So Sheila Gates had an equity 03:13

6 position. 03:13

7 Q. Sheila Gates had an equity 03:13

8 position in Agera? 03:13

9 A. No. 03:13

10 Q. Okay. 03:13

11 A. Sheila Gates. The deal -- Sheila 03:13

12 Gates -- 03:13

13 Q. Oh, got you? 03:13

14 A. -- had as part of the deal an 03:13

15 equity position. So you asked me before to 03:13

16 speculate. 03:13

17 Q. Why you were on that e-mail, it's 03:13

18 because of the Sheila Gates thing? 03:13

19 A. Correct. Because it does say in 03:13

20 the e-mail -- 03:13

21 Q. All right. 03:13

22 A. Okay. 03:13

23 MR. PROVENZANO: That's a mystery 03:13

24 solved. 03:13

25 Q. So this is -- where was the 03:13

1 E. Beren

2 Sheila Gates deal? 03:13

3 A. Again, my recollection escapes me 03:13

4 with regards to names. A fellow came to us at 03:14

5 Beechwood through a broker -- banker 03:14

6 connection of mine and asked for a loan 03:14

7 against a liquefied natural gas company. 03:14

8 You know, I did the diligence 03:14

9 together with Dhruv. We both came up that it 03:14

10 was too speculative on the liquid natural gas 03:14

11 side. And again, forgive my memory here. I'm 03:14

12 just -- it's kind of jogging back. It was an 03:14

13 off -- what they did was they created 03:14

14 liquefied natural gas and they brought, like, 03:14

15 via, like, a tanker to off-grid -- off-grid 03:14

16 businesses like -- for example, it was, like, 03:14

17 a slaughterhouse that needed power, and they 03:14

18 used liquefied natural gas. So we didn't -- 03:14

19 that was too speculative, so this fellow or 03:14

20 the company who ended up lending -- or the 03:14

21 company we ended up lending money to had 03:14

22 shares in jet.com. 03:14

23 So he posted, you know, a large 03:14

24 collateral coverage of shares in jet.com to 03:15

25 get a loan I think of \$5 million, if I'm 03:15

1 E. Beren

2 looking correctly, into it's his liquefied 03:15

3 natural gas business. And we also got -- you 03:15

4 know, as part of doing the deal, Beechwood 03:15

5 received X amount of shares as an equity 03:15

6 kicker. 03:15

7 Q. And this was done via the Sheila 03:15

8 Gates gift trust? 03:15

9 A. I believe that's who the borrower 03:15

10 was, yeah. 03:15

11 Q. There was a mention in Mr. -- 03:15

12 you see on this e-mail chain -- see if he's 03:15

13 copied here. Eric Johnson. Mr. Bishoff's 03:15

14 deposition. He was CNO. Mr. Bishoff 03:15

15 mentioned that there had been a deal involving 03:15

16 loaning money to someone going to prison. 03:16

17 That wasn't this deal, was it? 03:16

18 A. No. 03:16

19 Q. Okay. So this is October of 03:16

20 2016. How long -- when did you finish your 03:16

21 employment at Beechwood? 03:16

22 MR. PROVENZANO: "Finish your 03:16

23 employment" is an interesting way to put 03:16

24 it. 03:16

25 A. Was I fired? I believe -- I 03:16

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

don't recall the exact date. It wasn't too

long after this.

Q. Okay. Now, why were you -- why did your employment end?

A. Well, I went over to Mark Feuer after, you know, all of the negative news came out, and I had asked him -- I said, you know, Am I safe working here?

And the initial answer was -- you know, because there was a lot of news and different things, and you can only imagine. He said I was, and then I think the pressure started to finally build. They just didn't feel it was appropriate anymore. So, you know, he was very nice about it, but he said --

Q. Based upon your relationship to Mr. Huberfeld?

A. I think that, and I just -- you know, when you're dealing with negative news, you know, people always look for -- people always look for ways of just, you know, negativity. And, you know, Mr. Huberfeld was my father-in-law, and he just -- you could --

03:16
03:16
03:16
03:16
03:16
03:16
03:16
03:16
03:16
03:16
03:16
03:16
03:16
03:16
03:16
03:16
03:16
03:17
03:17
03:17
03:17
03:17
03:17

1 E. Beren

2 well, hopefully, you'd never imagine, but, you 03:17

3 know, I had people asking me questions and 03:17

4 bothering me and this and association to, oh, 03:17

5 you're working at Beechwood, and Mr. Feuer 03:17

6 said it was just too much. So he wished me 03:17

7 well, and that was it. 03:17

8 Q. Were you fairly close or are you 03:17

9 fairly close with Mr. Huberfeld? 03:17

10 A. He's my father-in-law. 03:17

11 Q. So the answer -- some people are 03:17

12 not close with their father-in-law. 03:17

13 A. That's a fair question. Yes, I'm 03:17

14 very close to him. 03:17

15 Q. Okay. 03:18

16 A. He was my -- what we call in 03:18

17 Judaism the term "shadkhan," which is 03:18

18 matchmaker. 03:18

19 Q. Yeah, I know. 03:18

20 A. So he actually introduced me to 03:18

21 my wife. So I'm -- 03:18

22 Q. Did Mr. Huberfeld share any of 03:18

23 his problems with you? 03:18

24 A. No. 03:18

25 Q. Ever? 03:18

1 E. Beren

2 A. No. 03:18

3 Q. So the first time you found out 03:18

4 he was under criminal investigation was when? 03:18

5 A. When he was arrested. That's 03:18

6 when we all found out. 03:18

7 Q. Do you know that he knew before? 03:18

8 A. I would have no knowledge of 03:18

9 that. 03:18

10 Q. You didn't have any discussions 03:18

11 with any lawyers, like from Curtis, Mallet, 03:18

12 anything like that? 03:18

13 A. No, no. 03:18

14 Q. Were you aware that the criminal 03:18

15 investigation into COBA -- you know what I'm 03:18

16 talking about with COBA. Right? 03:18

17 A. Yes. 03:18

18 Q. Were you aware that the criminal 03:18

19 investigation -- 03:18

20 MR. PROVENZANO: C-O-B-A? 03:18

21 MR. GLUCK: C-O-B-A. 03:18

22 Q. Were you aware that the criminal 03:18

23 investigation into COBA expanded into the 03:19

24 relationship between Platinum and Beechwood 03:19

25 right before the -- well, let's just say 03:19

1 E. Beren

2 around April and March of 2016? 03:19

3 A. No. 03:19

4 Q. When the \$170 million Agera 03:19

5 transaction was planned and executed? 03:19

6 A. As I said before, I had no 03:19

7 knowledge, no involvement with anything 03:19

8 related to that. 03:19

9 Q. Have you followed the PEDEVCO 03:19

10 investment since you left Beechwood? 03:19

11 A. No. 03:19

12 Q. Did you follow the PEDEVCO 03:19

13 investment through your time -- until around 03:19

14 October-November of 2016? 03:19

15 A. So again, when I was at Platinum, 03:19

16 I would send out the weekly, you know, reports 03:19

17 received from the third parties, as I 03:19

18 mentioned earlier. And when I switched to 03:20

19 Beechwood, I was initially told, Okay, you 03:20

20 know, update on the position. And when, you 03:20

21 know, Dhruv Narain stepped in, he really took 03:20

22 over. 03:20

23 Q. Dhruv didn't like that investment 03:20

24 very much, did he? 03:20

25 A. I can't speak for Dhruv. 03:20

1 E. Beren

2 Q. Did he tell you that? 03:20

3 A. I don't recall. 03:20

4 MR. GLUCK: All right. Thank you 03:20

5 very much. Thank you for your time 03:20

6 today. 03:20

7 MR. PROVENZANO: Before we go off 03:20

8 the record, let's take five minutes. 03:20

9 There's one document that I would like 03:20

10 to just get in to complete the record, 03:20

11 and I don't know if our colleague on the 03:20

12 phone is still there or if she has any 03:20

13 questions. 03:20

14 MR. GLUCK: This is a document 03:20

15 that is in -- somebody's produced today? 03:20

16 MR. PROVENZANO: Yeah, it's one 03:20

17 of your documents. 03:20

18 MS. FEUERSTEIN: I am still here. 03:20

19 I don't have any questions, though. 03:20

20 MR. PROVENZANO: Okay. Could you 03:20

21 give us three minutes to get organized? 03:20

22 MS. FEUERSTEIN: Yes. 03:20

23 THE VIDEOGRAPHER: We're going 03:20

24 off the record. The time is 3:20 p.m. 03:20

25 (Recess taken from 3:20 p.m. to 03:28

1 E. Beren

2 3:28 p.m.) 03:28

3 THE VIDEOGRAPHER: The time is 03:28

4 3:28 p.m. We're back on the record. 03:28

5 MR. PROVENZANO: Warren, while we 03:28

6 were taking a break, Mr. Beren told me 03:28

7 that something you had shown him jogged 03:28

8 his recollection, and he wanted to 03:28

9 expand on his answer, if that's all 03:28

10 right? 03:29

11 MR. GLUCK: It's all right. 03:29

12 MR. PROVENZANO: Okay. This was 03:29

13 with respect to -- which exhibit was it, 03:29

14 Tab 59B? Was that it? 03:29

15 THE WITNESS: Yeah, it was 59B. 03:29

16 You were just asking with regards to the 03:29

17 deferment of the interest payments. I 03:29

18 just wanted to highlight to you that, A, 03:29

19 I was removed from RJ Credit and having 03:29

20 any affiliation with that, as David 03:29

21 Steinberg had taken over as -- in the 03:29

22 document here. And then essentially, I 03:29

23 was really removed from any point -- 03:29

24 being the point person with regards to 03:29

25 PEDEVCO, essentially, when Dhruv came 03:29

1 E. Beren

2 in, kind of, said in a nice way, like, 03:29

3 you're not really involved anymore. 03:29

4 And I just wanted to point it out 03:29

5 within, you know, this disagreement 03:29

6 here, as you referenced earlier, which, 03:29

7 again, shows, you know, David Steinberg 03:29

8 is the signatory for RJ Credit and all 03:29

9 that good stuff. That's all -- 03:29

10 MR. PROVENZANO: And just with 03:29

11 respect to date, that was dated end of 03:29

12 February. Right? 03:29

13 THE WITNESS: That is correct. 03:29

14 MR. PROVENZANO: So by the end of 03:29

15 February 2016, if I understand you 03:29

16 correctly, you were no longer a 03:29

17 signatory on RJ Credit or even a member. 03:29

18 THE WITNESS: Even before that. 03:30

19 But it just shows here that it -- you 03:30

20 know. 03:30

21 MR. PROVENZANO: Okay. And 03:30

22 that's what you wanted to -- 03:30

23 THE WITNESS: That's -- I just 03:30

24 wanted to point that out. 03:30

25 MR. PROVENZANO: All right. I 03:30

1 E. Beren

2 only have one issue on redirect, which 03:30

3 is, I believe my colleague Ms. Bader 03:30

4 gave you an e-mail. This refers to what 03:30

5 was behind Tab 22. You spent some time 03:30

6 asking about that. 03:30

7 EXAMINATION BY 03:30

8 MR. PROVENZANO: 03:30

9 Q. Would you look at Tab 22? 03:30

10 MR. GLUCK: This is control -- 03:30

11 it's written on here, control -723927. 03:30

12 MR. PROVENZANO: Is that right? 03:30

13 MS. BADER: Whatever I wrote. 03:30

14 Well, no. He means the one that we -- 03:30

15 that's in your -- 03:30

16 MR. GLUCK: That I referred to. 03:30

17 Q. The document that Mr. Gluck had 03:30

18 you look at was -8802198. And during your 03:30

19 answer, you talked about getting an e-mail 03:30

20 from Mr. Steinberg that you cut and paste 03:30

21 from? 03:30

22 A. That's correct. 03:30

23 Q. Okay. I'm going to show you what 03:30

24 has been marked Beren Exhibit 2. 03:30

25 A. Okay. 03:30

1 E. Beren

2 (Beren Exhibit 2, E-mails 03:30

3 including Ezra Beren and David 03:30

4 Steinberg, marked for identification, as 03:30

5 of this date.) 03:30

6 Q. Is that the e-mail you were 03:30

7 referring to? 03:30

8 A. Yes, that is the e-mail. 03:31

9 Q. Okay. So can you just explain 03:31

10 what you did with that e-mail to turn into the 03:31

11 e-mail that you were asked about? 03:31

12 A. So I had asked Mr. Steinberg to 03:31

13 clarify the relationship, to satisfy the 03:31

14 question from Alex Wang, and David had wrote 03:31

15 me this e-mail. I had taken the e-mail to be 03:31

16 accurate. I copied and pasted it and sent it 03:31

17 to Alex Wang. 03:31

18 Q. Okay. So is it correct to say 03:31

19 that the substance -- if you look at the 03:31

20 e-mail chain that I just handed you -- 03:31

21 A. Yup. 03:31

22 Q. -- is it correct to say that 03:31

23 Mr. Steinberg wrote the substance of that 03:31

24 e-mail? 03:31

25 A. That is correct. 03:31

1 E. Beren

2 Q. Okay. And that's what's 03:31

3 reflected in that e-mail? 03:31

4 A. That is correct. 03:31

5 MR. PROVENZANO: Okay. That's 03:31

6 it. No questions. 03:31

7 CERTIFIED STENOGRAPHER: Would 03:32

8 you like to order a copy of the 03:32

9 transcript? 03:32

10 MR. PROVENZANO: Yes. 03:32

11 MR. GLUCK: Yes. 03:32

12 MS. FEUERSTEIN: Yes, please. 03:32

13 CERTIFIED STENOGRAPHER: 03:32

14 Ms. Feuerstein, would you like to order 03:32

15 a rough draft? 03:32

16 MS. FEUERSTEIN: No, thank you. 03:32

17 THE VIDEOGRAPHER: This completes 03:32

18 the video deposition of Ezra Beren, 03:32

19 December 31, 2019, at 3:32 p.m. We're 03:32

20 off the record. 03:32

21 (Time noted: 3:32 p.m.) 03:32

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

A C K N O W L E D G M E N T

STATE OF)

: ss

COUNTY OF)

I, EZRA DAVID BEREN, hereby
certify that I have read the transcript
of my testimony taken under oath in my
deposition of December 31, 2019; that
the transcript is a true, complete, and
correct record of my testimony, and that
the answers on the record as given by me
are true and correct.

EZRA DAVID BEREN

Signed and subscribed to
before me this _____
day of _____, 2020.

Notary Public

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Beren

C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

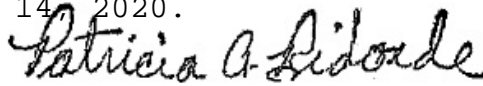
COUNTY OF NASSAU)

I, PATRICIA A. BIDONDE, a Notary Public within and for the State of New York, do hereby certify:

That EZRA DAVID BEREN, the witness whose deposition is hereinbefore set forth, was duly sworn by me, and that such deposition is a true record of the testimony given by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this day, January 14, 2020.



PATRICIA A. BIDONDE
Registered Professional Reporter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

Page Line

Examinations
MR. GLUCK
MR. PROVENZANO

7 4
286 8

E X H I B I T S

Beren

Page Line

Exhibit 1 Binder.....6
Exhibit 2 E-mails including Ezra
Beren and David
Steinberg.....287

20
2
287 2

INFORMATION REQUESTED:

13 18
50 19
134 22
263 8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E R R A T A

INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E R R A T A

ERRATA SHEET FOR THE TRANSCRIPT OF:

Case Name: In re: Platinum
Dep Date: December 31, 2019
Deponent: Ezra David Beren

Pg.	Ln.	Now Reads	Should Read	Reason
---	---	-----	-----	-----
---	---	-----	-----	-----
---	---	-----	-----	-----
---	---	-----	-----	-----
---	---	-----	-----	-----
---	---	-----	-----	-----
---	---	-----	-----	-----
---	---	-----	-----	-----
---	---	-----	-----	-----
---	---	-----	-----	-----
---	---	-----	-----	-----
---	---	-----	-----	-----
---	---	-----	-----	-----
---	---	-----	-----	-----
---	---	-----	-----	-----
---	---	-----	-----	-----
---	---	-----	-----	-----
---	---	-----	-----	-----
---	---	-----	-----	-----
---	---	-----	-----	-----
---	---	-----	-----	-----

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E R R A T A (Continued)

Pg.	Ln.	Now Reads	Should Read	Reason
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Ezra David Beren

Signed and subscribed to before me
this ____ day of _____, 2020

Notary Public

Exhibits		
EX 0001 Ezra Beren 123119 6:20 291:6	Tab 24 Ezra Beren 123119 158:17	Tab 52 Ezra Beren 123119
EX 0002 Ezra Beren 123119 45:25 46:10 49:21 57:8 231:1,2 286:24 287:2 291:7	Tab 25 Ezra Beren 123119 161:4	Tab 53 Ezra Beren 123119 245:19
Tab 2 Ezra Beren 123119 62:20 284:1,2	Tab 26 Ezra Beren 123119	Tab 54 Ezra Beren 123119
Tab 3 Ezra Beren 123119 67:13,20	Tab 27 Ezra Beren 123119	Tab 55 Ezra Beren 123119 251:23 252:11,12
Tab 4 Ezra Beren 123119 73:2	Tab 28 Ezra Beren 123119 174:15	Tab 56 Ezra Beren 123119 247:2
Tab 5 Ezra Beren 123119 75:18	Tab 29 Ezra Beren 123119	Tab 57 Ezra Beren 123119 258:13,14
Tab 6 Ezra Beren 123119 81:20 83:24 84:4	Tab 30 Ezra Beren 123119	Tab 58 Ezra Beren 123119
Tab 7 Ezra Beren 123119 85:16,18	Tab 31 Ezra Beren 123119 178:16	Tab 59 Ezra Beren 123119
Tab 8 Ezra Beren 123119	Tab 32 Ezra Beren 123119	Tab 60 Ezra Beren 123119
Tab 9 Ezra Beren 123119 95:25 96:3	Tab 33 Ezra Beren 123119 180:22	Tab 61 Ezra Beren 123119 268:4
Tab 10 Ezra Beren 123119 105:22,23	Tab 34 Ezra Beren 123119 182:18	Tab 62 Ezra Beren 123119
Tab 11 Ezra Beren 123119 107:8,20,21	Tab 35 Ezra Beren 123119 185:22 189:2,4,5 220:21	Tab 63 Ezra Beren 123119 273:16
Tab 12 Ezra Beren 123119 110:16	Tab 36 Ezra Beren 123119 188:20 189:8	Tab 64 Ezra Beren 123119 275:4,5
Tab 13 Ezra Beren 123119 115:9,10	Tab 37 Ezra Beren 123119 190:11 222:24	Tab 65 Ezra Beren 123119
Tab 14 Ezra Beren 123119 119:7,22,23	Tab 38 Ezra Beren 123119 191:3 223:6	Tab 1 Ezra Beren 123119
Tab 15 Ezra Beren 123119 126:16	Tab 39 Ezra Beren 123119 198:6	<hr/> \$ <hr/>
Tab 16 Ezra Beren 123119 129:11	Tab 40 Ezra Beren 123119 200:7	\$1 210:7
Tab 17 Ezra Beren 123119	Tab 41 Ezra Beren 123119 201:19,20	\$1.1 208:14 210:16 215:8 223:17 225:8
Tab 18 Ezra Beren 123119 131:12	Tab 42 Ezra Beren 123119	\$1.2 223:17
Tab 19 Ezra Beren 123119 132:10,19 133:9,10	Tab 43 Ezra Beren 123119 203:4	\$10 194:4
Tab 20 Ezra Beren 123119 136:2	Tab 44 Ezra Beren 123119 204:9,10,11,14 211:2 223:15	\$100 239:7
Tab 21 Ezra Beren 123119 137:16,17 286:5,9	Tab 45 Ezra Beren 123119 210:22 211:8,11 214:13,15, 16	\$100,000 114:13
Tab 22 Ezra Beren 123119 148:25	Tab 46 Ezra Beren 123119 212:14 215:17,18,19 217:12,17	\$120 256:18
Tab 23 Ezra Beren 123119 154:17 155:14	Tab 47 Ezra Beren 123119 217:8 227:16,17	\$170 256:16 270:15,16 271:3,10 272:4 282:4
	Tab 48 Ezra Beren 123119	\$3 89:14 90:15 95:17,21
	Tab 49 Ezra Beren 123119 230:21 235:6,8	\$5 277:25
	Tab 50 Ezra Beren 123119	\$50 256:19
	Tab 51 Ezra Beren 123119 244:11	<hr/> - <hr/>
		-1 46:4 177:9,10
		-1593-1 115:19
		-2 180:6 184:12
		-2347188 46:3
		-272 96:7
		-4 175:17
		-404 265:2

<p>-494153 115:19 -4941593-1 115:22 -5 183:6,8 -5097898 76:3 -5734023 84:6 -5736038 86:4 -5736309 89:25 -5762441 120:6 -6817 112:17,18 -6833 113:15,16,20 -723927 286:11 -79710 266:18 -8802198 286:18</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 6:20 120:22 122:3 132:4 133:24 134:4 147:3,4 152:15 169:25 170:2 172:5, 12 173:3 200:2 1.1 209:4 10 87:22 90:16 95:25 96:3 163:24 10-K 267:13 10/22 188:24 189:2,6,9 100 102:20 10:55 82:6,7 11 82:4 105:23 11:08 82:8,10 11:30-12:15 236:21 12 107:8,20,21 168:9 176:18 194:9 12:15-1:00 236:24 12:16 155:6,7 12:38 155:8,10 13 110:16,18,20 260:13 14 101:5 115:9,10 132:24 229:23 15 110:17 119:7,22,23 134:3 16 126:16 134:3 17 129:11 170 270:11 271:5 18 131:16 19 131:12,13,14 133:14,19 1985 12:7 1:35 213:6,8 1B 57:7,8,9,10,18</p>	<hr/> <p style="text-align: center;">2</p> <hr/> <p>2 45:25 46:10 49:21 55:12 57:8 120:22 122:3 155:10 170:6,9 171:6 286:24 287:2 20 132:10,19 133:9,10 184:16 199:9,14 2000 14:15 19:19 2002 14:15 2005 17:11 2006 19:21,22 2010 20:13 2011 44:9 45:5 54:3 68:21 175:10 198:2 2012 17:18 58:4 176:18 2013 11:5 63:8 2014 67:21,23 93:7 120:23 122:3 124:2,3,7 125:24 228:14 229:23 237:16 2015 45:6 132:24 133:14,19 134:5 169:17,20,22 172:4 228:14 2016 11:7 40:25 41:24 44:9 131:25 133:24 134:4 147:3 150:16,18,22 152:15 168:9 169:11,17 170:3,4,6,10 171:6 172:5,12 200:2 209:13 246:17,21 254:18 255:9,22,25 256:2,4,5,7 257:2 259:11 260:13 262:2 265:5 270:6 278:20 282:2, 14 285:15 2017 33:14 34:17 35:5,9 219:21 227:21 2018 29:23 40:25 41:25 2019 6:10 288:19 21 136:2 22 137:17 286:5,9 23 148:25 178:14 210:21 2346681-1 57:15 24 117:3 124:7 154:17 155:14 25 158:17 26 161:4 27 163:18 28 167:9,10 29 174:15 201:24 2:03 213:8 214:4,7 2:23 231:2,3</p>	<p>2:25 231:4,6 2:30 57:6 58:7</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 62:20 87:21 30s 12:11 31 6:10 172:4 177:18,19,20 288:19 32 178:16 266:9 267:12,21 34 180:22,23 35 12:9 182:18 36 185:22 189:2,4,5 220:21 37 188:20,21,22 189:8 38 190:11 222:24 39 190:25 191:3 223:6 3:20 283:24,25 3:21 175:18 3:28 284:2,4 3:32 288:19,21</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 12:10 67:13,20 111:16 40 198:6,7,8,21 41 200:7 42 201:20 43 203:3 44 203:3,4 45 204:10,11,12,14 211:2 223:15 46 210:22 211:8,11 214:13, 16 47 212:14 215:18,19 217:12, 17 48 217:8 227:16,17 4:15 188:25 189:2,5</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 73:2 266:8 267:13,20 50 55:6 178:14 230:21 235:6,8 262:17 51 237:20 240:3,4,5 52 240:2,8 244:11,12,13 52A 241:21 242:3 53 244:14,16 54 245:19</p>
--	---	---

54th 109:5
56 251:23 252:12 253:14
56A 253:17
57 247:2,3,4,6,8
5762440-1 120:5
57th 109:4
58 258:13,14 259:3
59 260:13
59A 264:2,5
59B 264:25 284:14,15

6

6 75:18,19
6-13 120:11
61A 266:4
62 268:4
64 273:16
65 275:5

7

7 19:21,22 81:20 83:24 84:4
189:8 219:21
7:46 189:9

8

8 85:16,18 256:5,7 272:21
80-20 193:20,25

9

9 86:23 113:14,17,19 256:4,
16 270:6
90 6:8
95 270:5
9:46 6:16

A

a.m. 6:16 82:6,7,8,10
ability 151:11
abnormal 272:23
Absolutely 131:9 187:18
229:10
Academy 24:14,16 26:4,5
30:25 33:13 40:2 83:14,17

access 69:24 70:3 71:8
159:16 166:9 197:19,20,22
accrued 246:7 255:8 257:3
accuracy 124:24 144:5
145:9 146:17 147:8
accurate 10:21 34:15 35:3,
10 50:15 93:24 94:6 142:12,
19,25 143:19,21 144:3,14
146:7 147:21 152:3,6 153:8
171:18,24 287:16
accusing 38:9
acquaintances 40:19
258:23
acquire 28:13 83:12 261:7
263:2,10
acquired 25:8,9,14 261:21
263:11,21
acquiring 263:5,19
acquisition 30:2,24 258:20
259:16 260:3,7 261:3,11,19
262:23,25 271:10
acting 128:18 190:5
activities 41:3 42:2
add 118:20 173:2
adding 276:2
addition 186:9 199:10
additional 104:12
address 50:2,7,10,14,16,18
52:25 109:3,4 127:4 149:8
215:23 216:2 231:14
addresses 134:10,12 135:2,
9
Adler 207:18 208:4,25
268:18
admitted 220:2,8
advance 196:21
advancing 108:11
advantage 70:3 159:18
166:9 197:20,22
advice 70:3,13,16,19,20
71:3 92:20 164:16,20
195:10 222:14 223:11
advisor 140:24
affidavit 14:6
affiliated 182:4
affiliates 217:2
affiliation 284:20
affirm 6:18
Agera 19:3 155:18,19,25
156:3,5,13,20 157:3 158:9,

12 246:8 258:20,24,25
259:4,6,9,22,23,25 260:3,8
261:4,8,11,12,18,22 262:23
263:2,5,9,10,19 269:12,18,
25 270:6 271:19 273:25
274:8,21 275:2 276:3,8
282:4
AGH 273:24
agree 193:13 211:5 249:7
267:20,25
agreed 262:17
agreement 104:18 111:17
127:8,22 128:5 148:14
151:23 152:18 183:10
198:18 199:5 200:20 223:7,
8 273:4
agreements 184:18 262:19
ahead 41:20 125:18 265:4
272:10
Albanese 52:14,18,21 67:25
157:11
Alex 140:9 287:14,17
Alexis 157:17
amended 241:11
Amendment 230:4
amount 114:12 231:20
235:4 257:3 278:5
analysis 221:5
analyst 130:25 131:6
Andrew 274:10,14,17
Angela 67:25 157:11
announcement 129:15
answers 9:13 10:21 35:16
41:13 83:4,6 125:9 170:14
anticipated 243:10
anticipation 154:13
anymore 34:19 279:15
285:3
Apfel 203:8 264:7 266:14
appearances 6:16
appears 46:4 62:21 68:25
72:14 95:2 98:8 103:20
112:24 149:7 157:16 159:24
168:25 169:7 174:23
application 105:15
apprised 202:24
approached 180:12
approvals 74:7
approved 85:7,12 86:20
202:9

approximate 17:10
approximately 17:22 19:22
28:20 29:19,20 34:17
April 210:21 260:13 261:25
282:2
arbitrage 7:11 102:22 182:8
240:19
Archer 26:19,22
areas 72:9
Ares 260:17,21 262:22
Ari 236:2
arranging 175:13 176:2,13
array 222:10
arrest 271:20 272:5
arrested 256:14 281:5
article 219:6
asks 250:10
asset 39:21,24 139:18 141:8
142:11,21 143:2,3,24
182:12 237:18 246:6 256:17
269:11
assets 19:3 143:11 235:12
236:11,15,17,19 237:9
assist 78:21
assistant 157:21
assistant's 215:22
association 280:4
assume 161:20 197:2,4,14
204:17 250:18
assumed 109:17 141:23
142:4
assumes 64:5 138:9 150:4,
24 251:14
assuming 142:3 152:2 184:8
192:4 204:16 212:3
assumption 141:22 146:6
147:21 161:25 197:13
athletes 20:20
athletes' 43:18
attached 202:8 265:11
274:20,23
attachment 109:18 111:6
127:10,15,17 201:7
attachments 186:17,18,21
187:4
attempt 66:21 227:18
attempted 66:16 230:3
attend 15:3 118:22,24
attended 15:4 119:5,17
121:6,7,18 125:5,9,22

attending 17:7
attention 123:12 180:16
August 168:8 169:17 170:6,
9 171:5
authority 88:5,7 160:16
161:16 162:4 194:13,18
207:11,14 221:20
availability 253:6
aviation/transportation
38:4
aware 13:23 50:24 138:19
187:12 189:13 217:21
218:18,21 219:9,13,17
224:9,12,14,15 228:21,25
229:5 256:20 269:20,22
270:3,7 281:14,18,22
awkward 61:23
ay 239:2

B

Bachelor's 15:10
back 8:25 11:19 19:23 24:9
27:8 44:12 47:8 50:17 67:5
82:3 84:18 90:19 108:16
155:11 163:8 165:19 171:13
187:12 191:22 198:13 200:4
204:13 205:10 208:22 214:7
220:20 231:6 233:11 247:5,
22 251:10 252:11 253:16
268:19 275:22 277:12 284:4
background 192:12
backward 171:5
backwards 108:3
bad 245:15 267:23
Bader 14:22 49:3 138:24
286:3,13
bag 241:13
balance 208:6 253:6 258:5
BAM 128:6,18,20 162:5,18
163:4
bank 220:6,8
banker 277:5
bar 174:2
base 270:13
based 56:7 62:7 77:10 124:6
125:23 131:5 140:4 153:22
167:6 211:7 230:13 279:18
basically 98:6 182:8 186:16
202:23 203:18 264:15

basis 130:17 233:17
Basquila 31:2
Bates 112:16
bcc'ing 236:7
Beechwood 7:22 8:2,12
10:24 11:4,5 12:18,21 13:11
39:19 41:12 82:19 126:23,
24 127:4,8 128:6,18 129:2,
5,10,16,19,23 130:3,7,10
131:11,22,24 132:2,3,15,16,
18 133:16,21,25 134:25
135:6 137:4,15 138:2,6,7
142:20 143:6,10,23 144:13,
22 145:6,20 146:22 147:5,
18 148:4,18,22 149:9,13,20,
25 150:2,9,11,13 151:2,7,
17,19 152:4,8,10,15,16,20
153:5,7,12,17,18,20 154:2,
5,13,15 156:5,17,18,19
157:20,24 160:3,12,16,24
161:23 162:13,14 163:15
165:10,11 166:22 167:4,18,
19,23 168:4,19 169:10,12,
14,16,21 170:10 171:4,6,9,
10,15 172:6,8,9,12,24 173:3
174:12 186:3,7,11 187:7
189:14 190:2,5,9 191:14
193:5,9 194:14,18 195:15,
17 196:5 197:3,7,10,24
198:5 199:4,18,20 200:14,
17,24 203:10,23 206:4
207:13,15,22 208:6,8,18
209:9,10,21 210:15 216:14
220:16 221:6,13 225:7
230:17 242:11 243:4,11
244:6,8 245:3,4 248:22
249:6,12,17,20 251:13
252:22 253:3,8 254:20
256:18 258:7 259:9 261:6,
21 262:23 265:22 268:8
269:10 270:6 271:9 272:3,
15,17,20 275:21 277:5
278:4,21 280:5 281:24
282:10,19
Beechwood's 243:4 262:13
272:20
beechwood.com 236:8
245:6
began 40:2 132:14,15 174:6
begin 17:20 183:8
beginning 245:14 258:8
271:13

begins 155:9 183:7
begun 133:16,21
behalf 128:18 163:15 185:6
221:5,12 251:13
beings 29:13,14,16 30:23
Ben 85:22 86:16
benefit 76:2
Benjamin 84:9,10,11
beren 6:5,20 7:1,5 8:1 9:1
10:1 11:1 12:1 13:1 14:1
15:1 16:1,23 17:1,20 18:1
19:1 20:1 21:1 22:1 23:1
24:1 25:1 26:1 27:1 28:1
29:1 30:1 31:1,15 32:1,3,4
33:1,8 34:1 35:1 36:1 37:1
38:1 39:1 40:1 41:1 42:1
43:1 44:1 45:1 46:1 47:1,16
48:1 49:1 50:1 51:1 52:1
53:1 54:1 55:1 56:1 57:1
58:1 59:1 60:1 61:1 62:1
63:1 64:1 65:1 66:1 67:1
68:1 69:1 70:1 71:1 72:1,10,
17 73:1 74:1 75:1 76:1 77:1
78:1 79:1 80:1 81:1 82:1
83:1 84:1 85:1 86:1 87:1
88:1 89:1 90:1 91:1 92:1
93:1 94:1 95:1 96:1 97:1
98:1 99:1 100:1 101:1 102:1
103:1 104:1 105:1 106:1
107:1,25 108:1 109:1 110:1
111:1,6 112:1 113:1 114:1
115:1 116:1 117:1 118:1
119:1 120:1 121:1 122:1
123:1 124:1 125:1 126:1,14
127:1 128:1 129:1 130:1
131:1 132:1 133:1 134:1
135:1 136:1 137:1 138:1
139:1 140:1,19 141:1 142:1
143:1 144:1 145:1 146:1,21
147:1,17 148:1 149:1 150:1
151:1 152:1 153:1 154:1
155:1,13 156:1 157:1 158:1
159:1 160:1 161:1 162:1
163:1 164:1 165:1 166:1
167:1 168:1 169:1,9 170:1,
19 171:1 172:1 173:1 174:1
175:1,22 176:1 177:1 178:1
179:1 180:1 181:1 182:1
183:1 184:1 185:1 186:1
187:1 188:1 189:1 190:1
191:1,17 192:1 193:1 194:1
195:1 196:1 197:1 198:1
199:1 200:1 201:1 202:1

203:1 204:1 205:1 206:1
207:1 208:1 209:1 210:1
211:1 212:1 213:1 214:1
215:1 216:1 217:1 218:1
219:1 220:1 221:1 222:1
223:1 224:1 225:1 226:1
227:1 228:1 229:1 230:1
231:1,7 232:1 233:1 234:1,
15 235:1 236:1 237:1 238:1
239:1 240:1 241:1 242:1
243:1 244:1,2 245:1 246:1
247:1 248:1 249:1 250:1
251:1 252:1 253:1 254:1
255:1 256:1 257:1 258:1
259:1 260:1 261:1 262:1
263:1 264:1 265:1 266:1,15
267:1 268:1 269:1 270:1
271:1 272:1 273:1 274:1
275:1 276:1 277:1 278:1
279:1 280:1 281:1 282:1
283:1 284:1,6 285:1 286:1,
24 287:1,2,3 288:1,18
Beren's 113:25 134:24
135:5 196:9 197:6,9 210:25
Berkowitz 236:3
Bible 56:16 90:11
Bidonde 6:14
big 52:23 245:22 271:4
Bill 274:11,13
binder 6:20 7:13 46:2
186:25
Bishoff 278:14
Bishoff's 278:13
bit 9:4 39:15 61:22 83:10
212:13 231:11 233:7 267:9
Black 236:22 238:11,22
239:3,10 240:19,23,25
241:13
blackout 238:3,16,25
blank 114:2
blind 177:16
blocked 71:23
board 119:2 168:5 257:21,
24,25
Bodner 48:9 51:9,17 52:5,
10,24 53:7,13,15,20,24
54:4,5,14,16,18,23 55:8,22
56:9,14 58:8,10,13,14 59:2,
9,18 60:7,15,21 61:2,8,10,
13,20,23 62:6,9,16,18 63:11
64:10 65:12,18 69:8 70:23,
24 71:3,9 73:17,22 74:9,17,

21 75:5 79:17,23 80:4,15,
21,25 81:4,16 84:23 85:3,7,
11 86:16,19 87:17 88:4,7,9,
16,19,25 89:10 90:7,10
91:18 92:3,13,19 93:18,23
94:2,16,18,20 95:11,12
98:23 99:7,14 111:11,22
112:21 113:8 129:21,22
157:7,9 207:24 249:2,11,20
250:5,13,21 252:5,7
Bodner's 52:14 59:19 68:2
71:24 90:4 113:2 158:11
178:3 208:5 249:6
bonds 238:25 239:6,8
240:25
book 155:14
born 12:6 14:11,12
borrow 21:15
borrowed 49:14
borrower 278:9
boss 21:22 44:18 57:22,24,
25 58:2 73:13
bothering 280:4
bottom 91:12 109:3 165:20
168:13 191:17 201:22 203:7
204:21 211:12 214:15
243:25 265:2
Bowl 203:13
boxed 258:10
boy 211:16
breach 250:20
breached 250:17
break 66:19 81:24 154:25
213:2,4 214:14 223:2 284:6
Brenton 274:11,13
briefly 7:17
Brightside 24:14,16 26:4,5
30:25 32:7,11 33:12 36:3
40:2 83:10,14,17
bring 42:10 66:7,10,16,21,
24 67:3 132:8,12 133:5
150:13 151:6 154:5 171:6
238:6 240:11
bringing 37:7 66:18 75:4
85:13 99:15 137:4 149:24
150:8,25 152:7 154:12
186:6,11 187:6 228:22
broad 6:8 72:9 273:4
broker 178:19 277:5
brought 8:12,13,14 76:20
86:20 128:20 132:17

144:10,20,21 153:4,17,20
172:14,15 182:15,17
199:17,25 200:24 206:4
208:9 248:25 250:5 252:4,6
275:2 277:14
bucket 190:9
buffer 61:22 62:2
build 279:14
bunch 32:8 206:7 225:17
235:11 237:9 258:22
business 15:11 16:20 30:13
40:20 43:2 45:3,23 58:20
59:7,8 62:15,18 70:21 71:4,
11 89:2 103:16,21,24
104:13 108:10 109:9 114:18
160:2,21,23 164:20 166:2,
10,12 174:6 179:5,22 180:5
188:4 193:14 195:5,7 201:3
203:15,19 205:23 206:17,25
222:11 223:13 226:3 257:19
258:22 278:3
business-wise 128:17
businesses 277:16
businessman 70:2 159:15
buy 178:19 179:5 182:5,8
231:24 259:16,24,25
buyer 273:24
buying 180:5
BW-SHIP 266:18

C

C-O-B-A 281:20,21
calendar 46:13,15,16 62:21
California 77:4,6,7,12,14,25
California-based 77:9
call 7:12 23:6,13 42:12
53:10,13 54:18,20,21 55:5
73:16 79:2,18,22 80:8,15
81:17 119:15 123:12 189:16
190:22 191:15,20 228:16
240:6 280:16
called 6:23 13:14 14:6 15:16
18:16 19:15 53:15 68:21
74:13 83:16 106:7 191:18
192:4 235:11
calling 73:23
calls 54:16,23 55:8 225:16
272:8
capacity 42:9 68:15,22
130:22 151:9 174:11 265:22

capital 36:25 37:5
captioned 7:13
card 22:6,7,8,9 45:3,23
care 24:13 32:8 225:8
case 30:10,12 37:17 41:8
52:23 122:7 225:12 241:9
243:16
cash 162:6 245:23 246:2
253:6 256:19 258:5 262:18,
22
cash-flow 162:19 163:6,14
catch 244:18
cc'd 76:16
cede 253:6
centers 32:10,12
century 131:18
CERTIFIED 288:7,13
cetera 185:18
CFO 220:4
chain 73:7 76:12 78:7 85:23
96:22 184:5 248:11 274:4,7,
25 278:12 287:20
chance 127:10
change 36:7
changing 154:20
characterize 233:8
charge 252:19
charged 228:22
charges 227:19,21
charity 178:7
chart 130:24 131:5
Chase 49:18
check 122:13 258:4
checking 212:20
checks 20:24,25
chief 196:6 200:15
child 24:13,17 32:8
chose 225:4
Chris 202:7 230:22
Christian 200:10,21 201:23
204:6
CIO 149:12 193:8
City 44:8
clarification 36:4
clarify 25:19 26:25 27:6 33:4
35:22 36:15 39:22 82:14,16
83:21 94:10 128:19 187:20
232:9,20 287:13
clarifying 231:8

clarity 35:25 66:15
clean 84:3
clear 49:14 92:11 99:19
109:23 110:3 123:2,7,20
139:7 166:12 210:25 226:22
227:2 234:14,16 251:25
clear-as-day 92:9
clearer 184:15
client 135:22
clients 262:14
close 19:12 193:13 196:17
223:6 280:8,9,12,14
closed 42:16 67:11 190:23
271:19
closes 135:15
closing 273:23
CNO 278:14
co-chief 59:23 130:22
co-funded 144:22 172:24
co-invested 128:21
co-participant 112:2 235:5
COBA 229:3,4,6 281:15,16,
23
Cohen 31:6 49:14
cold 193:22
collateral 233:17 277:24
colleague 57:14 76:2 98:3
207:21 283:11 286:3
college 15:8,13 17:7 51:25
173:19
Colorado 14:12 77:24
combine 237:8
combined 237:16
comma 109:23
comment 167:25 197:7
210:13,17 225:23 229:13
270:17
comments 223:8 252:20
commercial 16:9 90:18
commercially 128:16
committee 115:13,17 116:4,
11,23,25 117:9 119:20
120:15,23 121:11,25 122:22
123:4,5,22 124:2,13,17,21
125:11 126:3
common 71:6
communicate 53:19,22,23
54:4 228:13
communicated 52:17,21
53:6,9 54:11

<p>communications 10:7 198:14</p> <p>community 17:2,3 173:23</p> <p>companies 37:21,23 142:22 143:3,11,25 263:20</p> <p>company 8:10,16,17 15:14, 15,21,23,24 18:21 19:17 20:21 24:13,18,20,23,25 25:2,4,6,8,21 28:13 43:5 77:4,6,9,18 79:16 106:7,8 139:18 141:8 142:10 155:21 180:10 232:2,5,8,12,16 233:9,13,17 234:17,23 253:5 259:16,24 263:3,6,10 277:7,20,21</p> <p>compensated 42:21 151:21 173:5 199:19 200:6 243:4</p> <p>compensation 145:18,25 152:10,16 153:14,15 172:11 243:10,20</p> <p>complaint 241:9,11,15</p> <p>complete 10:22 283:10</p> <p>completed 209:23</p> <p>completely 71:23 152:3</p> <p>completes 288:17</p> <p>component 194:10</p> <p>compound 225:16</p> <p>concentration 15:11</p> <p>concept 41:6 108:22,23 145:5 203:20 206:2 233:13</p> <p>conceptual 37:7</p> <p>concerned 234:15</p> <p>concerns 206:21,23</p> <p>concert 178:21</p> <p>concerts 9:7</p> <p>concise 264:24</p> <p>conduct 58:19 166:11</p> <p>conducted 59:9</p> <p>conducting 59:6</p> <p>conduit 90:3 165:24</p> <p>confirm 116:15</p> <p>confused 112:9 217:22 228:4</p> <p>confusing 83:10</p> <p>connected 104:5,19 245:2</p> <p>Connecticut 16:2,4</p> <p>connection 19:10 41:3,5,25 42:22 61:11 83:19 105:4,5, 20 111:11 136:6 148:19 149:5 151:16 190:16 219:9,</p>	<p>13 223:18 224:4 225:9 228:2 259:9 269:12 277:6</p> <p>connections 40:20</p> <p>consent 238:16,20</p> <p>consequence 99:6</p> <p>consideration 135:12 246:8 256:19,23</p> <p>consisting 25:16</p> <p>consult 222:7</p> <p>consultant 222:4</p> <p>consulted 221:21</p> <p>consulting 194:25 249:8</p> <p>consummated 215:12</p> <p>contact 234:21</p> <p>contacts 258:22</p> <p>contemplated 232:22</p> <p>context 16:19,20,25 87:15 160:13 163:10 165:5</p> <p>contexts 7:19</p> <p>continually 258:4</p> <p>continue 132:5,12 219:25</p> <p>continued 133:3,5 214:11</p> <p>contract 108:12</p> <p>contracts 20:20 43:19</p> <p>contrary 92:2,5</p> <p>control 13:20 46:3,6 120:5 138:24 175:16 184:3 286:10,11</p> <p>controlled 197:23</p> <p>controlling 249:12</p> <p>conversation 23:13 209:4 224:8</p> <p>conversions 159:18</p> <p>convert 91:5,10</p> <p>converted 270:5</p> <p>convertible 270:4</p> <p>coordinated 239:5</p> <p>copied 80:19 86:7 112:5 144:18 145:24 146:7 147:9, 22 175:2 177:3,12,14,16 184:21,25 210:3 218:6 225:21 245:13 273:20 278:13 287:16</p> <p>copies 45:22 205:13 251:6</p> <p>copy 12:15 78:22 84:19 140:8 174:24 205:16 288:8</p> <p>copying 78:10</p> <p>corporation 36:22</p> <p>correct 16:12 17:14,16 20:9 21:17 22:16,21 24:15 27:18,</p>	<p>21,23 29:5,24 31:16 32:5,20 33:9 43:7 50:5 51:24 52:16 53:20 56:18 57:12 58:5 59:11 65:4 73:14 76:22 87:7 88:3 104:7 112:22 114:21, 24 116:21 119:18 129:17 132:4,17 134:7 135:10 140:22 141:3,24 142:5 145:15 150:11 152:12 154:16 155:24 157:13 159:10 161:12,15 164:2 170:5 171:16 172:22 175:4 180:21 182:10,14 185:11,13 186:5 193:10 201:18 202:6 203:9 211:3,4,6 214:17 218:3 226:16 227:8 233:10 234:4 238:10 242:10,16,19 243:6 244:4 252:18 255:20 257:22,23 259:10,12 260:9 276:19 285:13 286:22 287:18,22,25 288:4</p> <p>correctly 39:9,10 101:15 104:22 237:7 265:23 278:2 285:16</p> <p>correspond 229:24 258:2</p> <p>corresponded 221:24</p> <p>correspondence 78:23</p> <p>counsel 46:25 47:5,14,15 49:5,8 84:8 86:5,11,25 128:3 137:23 138:19 158:22 161:8 169:2,8 170:20 200:15 239:15</p> <p>counsel's 67:6</p> <p>couple 31:8 47:6,8 115:25 177:2 249:24</p> <p>coupon 87:22 90:16</p> <p>court 6:13,18 78:15 187:23</p> <p>court's 51:5</p> <p>cousin 176:13,15</p> <p>cover 14:23 215:18</p> <p>coverage 277:24</p> <p>covered 166:7</p> <p>covering 14:20,21</p> <p>crazy 273:6,12</p> <p>create 227:18 229:11</p> <p>created 277:13</p> <p>creation 224:16</p> <p>credit 87:21 89:14 90:15 95:17,22 100:6,21 101:3,10, 13,15 130:25 131:6 194:5 284:19 285:8,17</p>
--	---	--

creditors 219:3
criminal 9:21 227:6 281:4,
14,18,22
CTRL5096039 69:2
curious 104:17 212:20
current 24:12 274:19
Curtis 48:22 281:11
custody 13:20
customers 16:7,10
cut 139:7 286:20

D

dad 31:23 32:2
Dan 49:15,17
Daniel 236:4
Danny 149:9,12 150:10
151:2,7,17 161:17,22,24
162:12,17 163:3,12,13
168:5 186:3 187:9 191:14,
18 193:8 194:19 195:10,18
201:23 202:9 203:13,14,22
207:16 211:12 221:18,24
235:25 248:25 249:18 250:4
252:4,6
Darien 21:23 22:24 23:24
44:19
Darrack 6:11
dash 21:23 22:24 23:24
44:19 46:6 64:13,14 177:7
date 6:21 16:15 17:5,9 19:21
20:15 131:25 169:16 172:2
256:9,11,15 263:19 279:2
285:11 287:5
dated 168:8 285:11
dates 20:12,14 45:8
dating 16:22 61:21
daughter 17:13
David 51:9 57:3,21,22 58:7,
10,13,14 59:2,22 60:7,14
63:4,11,24 64:10,23 65:12,
13,22,23,24 68:2 69:8,21,23
70:10,11,23,24 71:3,4 72:3,
8 73:17,22 74:4,5,6,8,9,17,
21,23 76:25 78:9,20 79:17,
23 80:4,14,16,17,21,25
81:4,16 84:23 85:3,11
86:16,19 87:5,10,17 88:4,6,
9,16,19 89:10,19 90:4,10,21
91:16,18 92:19 93:17 94:13,
16,20 98:23 99:6,14 101:16

106:25 111:10 112:20 113:8
118:22,24,25 121:7,9 124:8
128:22 129:7,21,22 130:21
140:4,6,10,13,18 141:21
142:14 144:21 145:12,22
146:5,16 147:19 159:5,11
162:8,9,16,22 163:2 164:24
172:23 179:8,12 184:21
185:2 189:12 190:8 199:10
202:15,20 206:3 236:2,4,8
237:25 239:16 241:7
243:17,22 245:2,9,13
247:20 248:8,15,20,24
249:2,5,11,15,20 250:4,5,
12,21 251:4,11,21 252:3,5,6
257:17,24 284:20 285:7
287:3,14
David's 131:5
day 16:3 40:3 92:11 189:9
190:12,22 220:5 256:13
263:16 271:19 272:4,14
273:6,9,11,12
day-to-day 23:18 31:22 32:7
40:8
days 47:8 148:2
de 136:22
dead 191:24 192:6,16
deal 33:20 40:11,12,15
41:17 42:15 46:8 63:11,21,
22 64:4,13,14 65:3,13 67:11
73:18,19,22 74:15,22 75:5
76:20,23,24 78:13,19 80:17
84:14 86:16 88:5,16,20
89:11 92:4 93:20,22 94:2,
10,20 95:24 100:11,14,22
101:16,20 104:5,23 105:4,6,
10,15,18,20 111:9 128:21
129:6 137:3,15 144:20,22
149:24 150:9,10,25 151:6,
18,21 152:22,24 153:5,6,9,
12,17,20,21,22 154:12,14
158:24 159:3,13 160:14,22
164:6 165:21 172:22,25
173:4 184:7 186:7,10
189:18,23 190:3,23 191:24
192:6,15 193:5 196:7 197:8
199:18,24 200:3,23 201:2,3,
12,18 202:8 203:24 208:9,
14 209:21 210:4 215:11
216:13 217:2,11,16,21,25
222:2,15 225:10 242:7,11,
21,25 243:3,8,9,11,15,19
257:20 259:19 262:3

270:15,21 271:2,4,15,16,18
272:4 274:9 275:19 276:11,
14 277:2 278:4,15,17
dealing 248:23 279:21
dealings 162:7 188:16
194:17 195:7 223:13
deals 33:18,24 35:24 36:6,
17 37:7,10,11 38:15,18,19
40:9,22 41:5 42:10 45:4
63:18 64:22 65:19,25 66:7,
10,12,17,21,24 67:3,10
73:24 74:5,7 85:4,8,12
86:20 91:19 92:4 93:22
97:6,14 132:8,12,18 133:5
143:16 144:25 145:11
148:18 150:14 151:10,12,
14,15 152:7,20 154:5
160:11,16 162:13 164:13,21
171:6,11,16 172:14,15
179:12 186:9 190:7 194:15
196:14 209:25 210:8 222:12
223:12 230:16 267:9
270:18,20 271:2,12
dealt 162:7 249:15,17,19
debt 37:14,16 38:24 39:12
156:19 194:9 239:22 255:8
264:8
December 6:9 45:6 132:24
134:5 169:16,20,22 172:4
288:19
decided 269:11
decision 235:19 251:12
decisions 80:5 81:2,5
235:16,20
deck 241:23
declaration 14:9
deep 254:8
deeply 112:9
Deerwood 108:14,21,22
defendant 13:2
deferment 284:17
deferred 269:2
defrauding 224:10
degree 15:8
Dellasalla 175:18
delve 225:4 241:15
delved 83:3
demand 92:14
demotion 130:25
Denver 14:12

deposed 7:16,20 8:9 12:12,
14 126:7
deposit 108:8,9,24 109:8
deposition 6:5,7 9:9 10:10
11:3,7,10 12:16,19 13:25
47:4,12,17,21,25 48:3,10,
14,17 67:17 72:23 204:5
278:14 288:18
deregulated 15:23 155:21
describes 241:12
description 37:13 147:22
172:10
desk 130:24 131:5
determine 159:19,25
160:16,23 162:5 171:17
determining 164:12 249:6
developed 19:12
Development 43:2 76:18
77:16
Dhruv 168:7 194:19 195:18
207:16 249:17 252:17,22
253:8 258:9,18 262:8,21
266:14 271:14 277:9
282:21,23,25 284:25
dictate 88:16,20 91:17,18
dictated 93:3
dictating 92:4
difficult 82:23
digits 254:13
diligence 185:20 188:6,10
221:10 277:8
diligencing 221:17
direct 25:20
directing 168:22 210:15
directives 166:2
directly 27:4 90:8 162:8
disagree 145:5
disagreement 285:5
discovered 231:17 233:21
discovery 51:3 135:15
263:17
discuss 65:3,13,19,25 69:17
71:17 73:25 93:21 94:2,13,
15,18 145:10 160:6,21,22
166:10 196:20 222:10
239:17
discussed 62:10,15,17 89:2
93:16,19 121:20 133:23
151:22 152:17 171:11
232:24 233:15

discussing 41:4 46:25 49:24
94:19 195:5 233:25
discussion 57:16 99:24
158:23 224:3 247:11
discussions 98:19 206:16
281:10
dispute 11:25 45:13 88:15,
19,22 91:16,20,22 94:19
125:15 221:4
disputing 94:9,25 124:23
distinct 142:18
distinction 94:6,7 137:11
147:14 196:10 197:5
distinguish 67:9
distinguished 232:20
distinguishing 233:12
District 7:14
document 30:5 35:2 46:21,
23 47:2 49:21,22,23 55:16,
21 56:5 57:19 60:12 62:25
64:7 65:6 76:4 85:20,24
86:3 89:24 96:5,12,25 97:4
100:3 101:3,6,11,19 102:9,
15,23 103:13,19,24 105:2
107:13 108:19 110:15,22
111:3 113:15,18,20 115:2,6,
10 117:3,4,6 120:4,21
121:16 122:5,20 123:2
124:6,24 125:13,15 126:5
127:24,25 128:2,10,13
132:22 133:11 136:3 137:21
142:2 144:17 147:20,25
157:4 158:18,20 161:6
163:23 167:10 168:16
176:11 177:21 180:24
181:5,8 182:21 185:24
193:2 198:10 202:2 220:6,9
223:3 244:23 247:14 254:2
264:7 265:10,13,19,25
266:11,17 268:7 275:15
283:9,14 284:22 286:17
documents 104:2 111:12
125:23 127:7 134:15,24
135:4 209:22 218:11,13
221:15 224:3 225:11 258:12
263:4,7,9 283:17
Donald 49:17
downturn 253:11
draft 201:10 288:15
drafting 140:4
draw 194:5

drop 245:23
dropped 246:24
dsaks 186:4
due 166:6 185:19 221:10,16
253:11
Duff 267:11
duly 6:24
duration 209:15

E

e-mail 46:9,12,13,15 50:2,6,
10,14,18 52:25 55:10 57:4,
6,11 63:6,12 68:25 73:3,7,8
74:11 75:13,16,20 76:6,11,
16 78:9,25 80:3,11,18,19
81:7,10,11,14 84:6 85:6,15,
23 86:24 87:6,13,15,17,19
88:13,14 89:7,17,22 90:6
91:22 92:9,12 93:7,9 95:2,4,
5,7,10,13,15,16,20 96:8,14,
22 98:17 99:20 106:21,23
107:9,11,12,16 109:12
112:5 127:4 129:12 134:10,
12 135:2 136:16 137:7,20,
22 138:17,20 139:6 140:3,7,
8 145:23 146:6,16 147:10
149:2,7,8,17 155:16 157:2,
6,8,15 158:2,14 159:6
160:10 161:3,5,7 162:16,24,
25 163:8,10,19 164:3,10
166:19 174:17,23 175:2,6,
17 177:13,23,24 178:3
179:10 181:24 183:5,9,15
184:4,17,23 185:15 186:16
187:3,8 188:25 189:3,15
190:13 191:14,16,17,21
192:23,24 195:12 198:25
199:11,12,14 200:8,22
201:4,22 202:11,15,16,19
203:5,7,12,17 204:21 207:7
208:21,23 211:12,17,18
214:23 215:7,18,22 216:2,3
218:7 221:25 223:4,6,23
235:22 237:21,24 240:13
241:6 245:20 247:21 248:3,
11,19 249:10 251:4,17,21
252:14 253:19 254:6 258:17
259:2 260:2,12 261:14
264:10,14,19 265:8 266:13,
21 268:17 273:18,21 274:4,
7,25 275:14 276:3,17,20
278:12 286:4,19 287:6,8,10,

11,15,20,24 288:3
e-mailed 53:3
e-mails 75:3 76:13 137:14
177:3 206:7 210:3,18 211:2
223:25 224:7 225:21,22
232:6,22 239:14 262:25
287:2
E-Z 27:17
earlier 35:13 43:6 44:16
82:16 124:4,7 137:24 138:5,
11,15 141:11 148:13 151:22
152:17 159:16 171:11
179:11 190:6 194:23 196:11
199:2,22 206:5 216:21
218:12 223:10 243:13,14
254:12 257:16 259:5 275:20
282:18 285:6
early 24:17
earn 40:24 41:6,23
earned 42:3
easier 258:13
economics 164:6,12 165:21
education 15:7 24:17
effective 232:3 233:11
effectively 201:10
efforts 67:10 221:11
elevator 54:9
Elk 236:22 238:11,22 239:3,
10 240:20,23,25 241:13
Emphatic 166:15
employed 82:24 153:11,12
employee 96:19 131:22
147:2,4 154:2 172:5
employer 43:24
employment 278:21,23
279:5
end 51:3 176:6 243:18 279:5
285:11,14
ended 218:19 277:20,21
ends 183:6
energy 15:14,15,16,18,20,22
18:20 19:3,17 38:2 43:2,5
76:17 77:4,6,8,9,16 105:16
155:20 164:5
engaged 272:4
engineers 118:13
enter 111:8 202:10
entered 199:4 230:16
enticing 40:13
entire 119:11 192:11

entities 28:3,7 197:3,23
entity 20:3 26:10,11,12,13,
14,16,18,21,24 27:25 35:23
36:9,11,13,16,18,19,21 37:9
45:10 50:22 83:16 199:25
208:18 216:23
equity 18:24 37:14,16 90:25
91:3 156:23 239:23 241:3
270:5 274:19,24 275:23
276:3,5,7,15 278:5
equivalency 148:17
Eric 278:13
escape 27:12
escapes 277:3
escaping 31:5,6
essence 146:20 147:17
essentially 33:18 82:20
284:22,25
establish 102:3
established 154:7 194:22
estate 38:3 108:10,13
estimate 8:24 10:20 11:17
evaluating 236:14,16
evasive 231:13
event 178:7 180:9 201:15
events 178:17,18,20 179:16,
23,24 180:3,13 181:10,14
182:3,6 187:13 188:15,16
205:6 206:13 216:6,10,18
217:6 218:20 219:18 220:24
223:18 225:8,10 226:20
227:10 229:18 230:17
231:13 235:3
eventually 258:9 260:18
Everybody's 193:21
evidence 64:6 138:9 150:5
251:15
exact 14:14 16:15 17:9
19:21 20:7,12,14 28:18
29:11 39:6 45:8 56:21 106:6
118:15 148:5 149:14 167:20
171:14 172:2 193:11 224:12
227:11 228:11 229:22
234:25 235:4 245:17 254:21
255:23 279:2
exaggerating 38:10
EXAMINATION 7:3 214:11
286:7
examined 6:25
exchange 101:22,25 152:10

excuse 18:20 19:22 52:5
105:21 169:4 170:21 248:14
executed 128:14 172:16
198:16 262:4 282:5
executing 208:8
execution 128:15
executive 220:3
exhibit 6:20 7:13 112:10
174:15 215:10 268:4 275:11
284:13 286:24 287:2
exist 25:2,4
existing 219:25
expand 116:9 231:11 284:9
expanded 281:23
expect 153:14,21
expectation 151:20 153:5,9
expected 152:16 153:15
267:17
expecting 152:9
experience 33:11 42:9 56:8
62:8 230:13
expert 257:8,10
explain 35:15 58:12 72:6
80:14 105:11 189:19 287:9
explaining 243:9
explanation 80:12,13
explanatory 56:21
exploration 77:18
explore 148:24
exploring 183:16,20
exposure 38:16
exposures 37:25
extend 247:23
extension 41:10
extent 190:18
Ez 27:15,17,19,24 28:23
Ezra 6:5 14:18 27:20 72:15
82:12 83:24 97:3,6,13 98:14
99:19 107:24 109:14,23
110:4 111:6 115:5 117:24
119:9 123:6 127:10 132:23
140:19 175:21 183:19
191:17 196:8 197:5,9 244:2
266:14 287:3 288:18
Ezra's 265:17

F

fabricated 219:11,15 220:8

face 72:14,16,17 92:12
122:25
facilitated 229:2,5
facility 87:21 89:15 90:15
95:18,22
fact 64:17,21 95:13 195:24
220:15 242:23 272:2
facts 64:5 138:9 150:4,24
251:14
factual 197:17,18
fails 211:22 214:24
fair 280:13
fairly 280:8,9
fake 224:16 225:13 229:9,11
fallout 227:6
Fallquist 20:4
false 224:11
falsified 219:11,15
familiar 110:14 195:25
210:18 229:3 235:10
238:15,20 241:8
familiarity 252:24
family 31:9,19,20 32:3,4,24
33:13,16,19 34:2,3,4,9,12,
16 35:4,9,13,18,20,21,22
36:2,9,14,16,24 37:2,6,9,18
38:14,15 41:10,25 42:9,23
82:18 173:11 234:24 273:15
fast 212:13
fast-forward 266:3
father's 31:25
father-in-law 18:8 61:23
69:15,25 70:21 71:2,7,8
99:14 130:4,6,20 131:3
139:22 159:15,17 164:15,17
165:7 166:8 190:15 195:4
196:17 197:6,9,18,19 222:7,
8 223:11 279:25 280:10,12
father-in-law's 195:10
215:22
FBI 272:20
feasible 186:24
feature 52:23 91:6,10
February 133:14,19 134:9
285:12,15
feel 241:16 279:15
fellow 84:11 126:21 140:15
277:4,19
felt 44:20
Feuer 129:20 130:18 131:8,
10 169:4,8 170:9,18 207:8,

12 208:4,25 223:16 279:6
280:5
Feuerstein 86:2 89:23 90:2
96:5 120:3 135:14,18
283:18,22 288:12,14,16
fields 77:19,22
fight 205:3 212:11
fight 209:18
figure 51:18 152:2 155:2
194:25
final 111:19
finally 279:14
finance 38:5 260:7 262:17
financial 30:12
financing 37:21,22 219:24
258:21 259:16 261:3,19
262:22 263:2
find 21:15 40:11 67:10 97:6,
13 151:14 262:24 274:19
finding 41:4
fine 24:11 67:19 139:5
142:15 150:6
finish 278:20,22
fired 39:23 173:5 271:17
278:25
firm 7:8 48:21 49:11 260:23
firms 49:12
Firstly 198:24
fit 144:10 151:18 190:8
236:19
five-minute 81:24 154:25
flags 188:8 206:20
flagship 140:25
flat 163:5
flip 34:24 45:25 57:7 62:20
67:13 75:17 101:5 103:10
105:22 110:16 111:16
113:14 115:19 119:25
129:11 131:12 136:2 148:25
155:13 168:11 175:16
176:25 177:18 178:16 180:6
182:24 184:11 190:11
201:19 204:9,13 207:4
219:7 227:17 240:15 268:3
275:4
flipping 128:12
Floor 109:5
Floyd 204:16,17
focus 20:19 37:13 38:23
39:9,11

focused 83:13 270:20,21,25
foggy 11:18
folks 77:3 108:10 118:14
124:11,13 253:8 268:8
follow 185:14 282:12
food 212:25
footnote 168:13,15,22
forged 220:7 225:12
forging 225:13
forgive 7:24 76:8 155:19
191:10 277:11
forgot 191:10
form 62:23 170:16,22
200:19,20 202:8
format 46:17 56:20,22
formed 11:5 100:21 104:13
forms 29:8 43:24
formulation 93:4,15
forward 118:11,14 141:22
177:2 183:16,20 202:21
212:13 265:15
forwarded 118:17 124:9,12
140:3,9 146:8,18 147:10,23
151:17 206:7 241:5
forwarding 181:19 183:10
202:14
forwards 203:16
found 24:21 137:14 233:22
281:3,6
foundation 34:9,12 103:17
frame 171:15 199:9
free 9:14 30:18 192:14
Friedman 106:2,5,14,24
107:24 109:12 114:20
218:16
Friedman's 114:23
friend 96:19 98:2 106:5,15
114:19 228:16 241:6
friends 34:5
front 29:10 76:14 92:9
111:18 177:8 247:24 248:2
268:16
full 144:5 150:13 256:23
full-time 36:4
function 17:3 18:6 64:3
152:7
fund 7:11 18:16,18 40:15
43:9,13,14 44:3,8 68:20
108:25 114:23 151:9,11
173:4 184:7,9 238:3,8

240:19,20,23
funded 145:2 151:16 243:15
funding 18:16 108:14,21,22,
24 187:7
funds 140:24,25 231:16

G

Gabriel 48:13,16
gap 43:11
gas 77:17 79:16 235:12,17
236:11,14,17,19 246:23
254:13 267:9 277:7,10,14,
18 278:3
Gate 236:25
Gates 275:18 276:5,7,11,12,
18 277:2 278:8
gave 126:4 165:25 235:2
286:4
general 10:5 26:15 39:16
60:20 65:17 70:21 71:3,11
145:4 200:15
generally 60:12 127:25
generated 128:24,25
gentlelady 49:3,4
gentleman 48:12,16,25
179:3
Gentlemen 205:2
geologists 118:13
gift 278:8
Gilad 96:17,18,19 97:20
98:2
give 14:15 75:23 96:9
108:18 115:18 144:5 158:19
283:21
giving 71:3 250:11
Globe 236:24 237:2,11,18
Gluck 7:4,7 9:8 13:18,22
15:2 25:22,25 30:6,15,21
34:23 38:12 41:9,18,21,22
46:3,14 49:4 50:5,19 51:2,7
52:22 53:16 57:12,17 62:23
64:16 66:19 67:19 72:4,23,
25 75:24 76:13 79:7 81:11,
19,25 82:11 86:4 89:25
91:10,12 92:7,16,23 93:11
94:24 96:7 99:4,8,12,22
102:6 107:12,21,24 108:5,
17 109:25 110:6,24 112:11,
16,22,24 113:5 114:4 115:3,
25 116:5 119:21 120:5

122:24 123:8,11,16,19,24
125:4 126:9,12,15 131:14,
17 132:25 133:4,8 134:19,
22 135:7,10,13,16,20,25
136:20 139:2,11,13 148:8
150:6,17 154:22 155:12
166:20,25 170:2,24 171:3,
22 172:19 176:10 177:20
188:22 193:23 198:21
204:12 211:4,6,10 212:21,
24 214:12 218:9 226:25
231:22 234:11,19,20 240:4
241:24 247:4 250:3 252:11
257:9 263:8,14,25 264:6,22
266:13,18 271:25 281:21
283:4,14 284:11 286:10,16,
17 288:11
Gmail 50:16
go-between 61:24
Golden 236:24,25 237:2,11,
17
good 7:5,6 97:5,12,13 98:6,7
267:14,15,22 285:9
Google 83:14
GP 26:10,12,14,18,19,23
27:5,9 28:4
graduated 15:13
Gross 274:11,14,17
ground 8:25 189:10
group 25:17 59:23 101:18
201:15 235:2 245:3,6,8,13
257:18 259:22
guard 188:9
guess 11:15 111:18 170:22
205:18,20 263:23
Guest 175:21
guidance 69:19 89:4 196:9
guide 11:25
guilty 187:25 224:10,13,14,
19,20 225:13
guy 98:9 136:13 140:11
203:10 205:23 245:10
guys 161:23

H

half 227:20
handed 287:20
happen 217:21 218:2
happened 12:2 65:16 72:22
187:13 254:17 259:20

260:20
happy 56:2 131:2
hard 205:9 250:11
Hayman 31:3
head 19:17 27:13 28:6
181:10,14
healthcare 38:2
hear 23:10 97:25 99:13
210:4 220:11 238:18 239:19
246:19
heard 73:17 98:5 204:19,20
209:21 229:4 263:18 272:22
hearing 9:5 41:13 208:17
hearsay 170:17
hedge 43:9,13,14 44:3,8
held 6:7 156:23
helped 152:23
helpful 67:9,18 90:12 195:6
helping 61:21
helps 275:11
Hertzberg 48:13,17
high 29:3 69:3
high-net 29:14,18 30:23
highest 15:6
highlight 284:18
hire 98:9
hiring 96:22
Hirt 236:3
hit 126:12 217:7 270:23
hold 109:22 156:19
holding 102:25 238:25
241:12
holdings 26:19,22 274:25
holiday 162:6,19 163:5,14
247:16 249:7
Holland 7:8,9
home 40:6,8
hope 83:6,22 84:22
hotel 175:3,13 176:2
hour 81:22,23
hours 10:14 47:6
Huberfeld 16:14 18:3,8
19:10,16 22:25 28:8 34:6,9,
12 40:21 47:24 51:12 52:4
68:4,7,9 69:9,21 75:5 89:4
97:11 106:18,24 111:9,10
129:25 130:2,7,10 137:25
138:6 157:9,14 159:4,13,19,
25 160:15 161:17,18 162:4
163:4,11,13 164:12 165:11,

25 177:15 180:14 190:15,22
194:14 195:15 197:2,23,25
205:13 206:10,13,19 207:3,
8,12 210:15 215:8 216:3,25
217:10,15,19 219:3 221:4,9,
22 222:18 223:16 224:9
225:13 226:10 227:22 228:3
229:12 230:16 249:20
251:12 256:13 279:19,24
280:9,22
Huberfeld's 223:7 271:19
272:5
**huberfeld.alexis@gmail.
com** 215:21
human 29:13,14,16 30:22,23
Hutton 106:7,8,18 111:11,20
112:19 113:25 218:11,13,
16,18,22 219:3
Hutton's 106:9,12
hypothetical 255:11

I

i.e. 192:15
Icon 258:17
idea 53:2 58:9,21 59:4 73:19
74:19 79:19 80:2 98:25
104:25 106:19,20 111:24
113:10 122:12 124:18
137:6,8,12 177:17 190:24,
25 206:11 212:16 218:24
219:5 222:23 229:14,19
243:24 252:5 268:15 269:16
271:21 273:22
identification 6:21 287:4
identifies 260:3
ignore 195:25
ill 193:24
imagine 279:12 280:2
importance 69:3
important 71:22 93:12
126:13 203:4
impress 211:22 214:24
impressed 211:25
inaccurate 44:13 118:5,8
121:14,15 125:14 142:18
146:10,14 147:16 148:11,12
170:25 171:24
include 75:21 164:20 237:18
included 117:16,18 121:24
186:18 223:24 224:7 274:4,

16 275:3
includes 121:8 122:21
139:22
including 18:11 135:22
140:25 287:3
inclusion 274:7
incorrect 169:23
incorrectly 95:8
independently 222:19
Indiana 262:9,11
Indicating 49:9
indirectly 27:5
individual 29:3 173:10
individualized 15:10
individuals 28:16 31:6
40:13,16
industry 19:15 32:9
infer 55:16
inference 245:12
information 118:16,18
124:10 125:25 126:4 141:23
184:9 188:19 228:9 239:3
258:3
informing 163:2
initial 11:20 279:10
initially 282:19
inside 237:10
instructed 215:8
instructing 223:16
instruction 211:21
instructions 89:10 90:4
207:9 209:5
instrumental 61:20
insurance 38:3 127:4
142:22 143:3,11,25
interacting 56:9 230:14
interaction 34:11 59:21
221:18
interactions 195:4 210:2
interest 27:22 30:12 102:4
103:8 106:18 158:12 160:2
190:10 232:3 233:11 246:7
247:17,23 255:8 257:3
261:7,22 263:21 264:13,16
265:6,15,19,24 268:10,12,
25 275:22 284:17
interested 131:7 160:2,23
241:7 258:24 261:3 263:5
interesting 17:23 32:9
236:20 263:15 278:23

interests 101:22,25
interject 28:21
internal 185:18
interpret 165:9,15,16
interpretation 192:10 250:7,
9
interview 129:18 169:2,8
170:20
introduced 144:24 180:17,
19 206:2 211:7 280:20
introduction 259:18
inventory 185:17
invest 31:24 179:5 242:25
259:22
invested 31:10 32:3 42:5
242:17
investigation 281:4,15,19,
23
investing 178:24 179:24
258:24
investment 7:22,25 8:2,5,11
10:25 12:2 13:12,15 121:21
127:21 128:5 139:18 140:24
141:8 142:10 144:9,11
148:14 151:18,23 152:18
156:3,6 182:12 196:6
198:18 199:5 221:5,10,19
229:2,6 231:15 232:6,10,21
233:2,14,23 234:7 238:11
254:10 258:4 259:21,25
260:23 262:18 275:22
282:10,13,23
investments 29:8 34:14
37:15,17 80:5,22 81:3,5
104:13 145:19 156:11
159:20 161:10 221:7,12
233:25 258:17
investor 217:20 239:18
254:24 255:3
investors 25:10,13 28:14,15
29:7,18 30:2 83:13 217:20
219:2 228:22 234:25 235:2
238:6 239:6 240:11
invite 62:21 178:10
invited 158:8 260:14
invoice 186:23 220:24
224:11
invoices 219:10,14 220:15
224:17 225:11,14 229:9,11
231:25 234:11 268:10 269:7
involved 23:3 25:3 32:11

34:16 45:18 62:2 69:21
76:24 80:4,21 93:14,20
99:23 101:15 105:9,14
124:12 161:10 195:7 196:13
203:15 205:22 218:6,8
222:12 223:14 224:16,21
226:17,19 227:14 228:9
229:17 239:17,20 246:10,11
262:6 270:7 271:12 274:8
285:3
involvement 164:11 227:5
228:7 241:5,17 246:16
269:14 272:12 282:7
involving 278:15
Isaacs 49:16,17
issue 41:8 286:2
issued 231:25
issues 226:20 228:3
it.' 220:11

J

January 33:14 34:17 35:9
68:21 131:25 132:4 133:24
134:4 147:3,4 152:15
169:25 170:2 172:5,12
173:3 176:18 198:2 200:2
Jason 181:3,9,19 187:13
204:22,24,25 206:6,12,25
216:19
Jeremy 203:8 264:7 266:14
Jessica 16:23 17:15 31:15
jet.com 277:24
jet.com. 277:22
Jewish 17:3 56:14
job 15:13 16:5 19:8,11,14
20:8 22:11,12,17 24:12 43:8
59:19 63:14 64:21 65:2
66:11 82:22 143:13,15
149:25 150:2,12,18,22
154:4 196:14 257:20,25
jobs 60:2,5
Joe 126:6 180:7
jog 10:19
jogged 284:7
jogging 277:12
Johnson 170:18 278:13
join 78:25 79:22 118:23
162:10 169:16
joined 45:7 72:17,19 117:14
169:21,25 254:20 265:22

joining 129:22 130:2
joint 7:10 111:10
Jona 173:7 175:17 178:9
179:15 190:17,21 204:23
206:25 210:16 223:19
224:21 225:8 226:17
Jonathan 31:2,3
Judaism 280:17
Judge 7:14
July 117:3 124:7 125:24
163:24
jumped 119:15
juncture 132:13
June 255:25 256:4,5,6,7,16
270:6 272:21
junior 130:25 131:6

K

Kalter 96:17 97:21
Kazakhstan 103:22 104:10
105:16
keeping 202:23
kicker 90:25 91:3 275:23
278:6
kid 9:7
kind 61:22,24 83:3 129:14
130:23 176:8,10 238:7
275:8 277:12 285:2
knew 17:24,25 68:20 80:25
101:2 137:25 138:6 139:25
143:12 151:10 175:9,11
181:13 190:19 196:18
197:18,25 246:17,21 257:18
259:4,6,7,8 281:7
Knight 7:9
knowledge 121:17 146:4
194:16 246:9 261:9,23
262:20 272:9 281:8 282:7
knowledgeable 230:7

L

L.P. 102:22
Lamas 174:24
language 39:7
large 260:23 271:4 277:23
larger 108:24 130:22 275:9
Laura 111:9

law 7:8 187:24
lawsuit 8:7
lawyer 10:7,10 200:17
lawyer's 49:6
lawyers 48:24,25 49:7,10,24
281:11
LC 19:3
leading 221:5,10
learn 56:16 90:11 188:14
217:5
learned 188:12 226:18
227:5,25 228:6
learning 55:13,23 56:11,13
learnt 188:18
leave 39:22 119:8
left 18:15 20:11 21:21 39:19,
20 44:25 45:7 63:16 124:14
126:3 134:9 168:6 239:8
241:12 282:10
Legal 6:8,12,15
legitimate 188:4
lend 20:19
lender 111:19
lending 23:4 108:9,11
277:20,21
lengthy 264:19
letter 192:3 201:9
level 15:7 143:13
Levy 48:6 65:24 74:6 236:2,
4,8 237:25 239:16 241:7
lieu 121:7
life 38:2
light 172:20
Lighty 6:11
limited 126:9
link 211:13 212:16,18
214:15,18
Linkedin 30:7 33:8,11 34:22
38:10 82:17
linking 167:4
liquefied 277:7,14,18 278:2
liquid 277:10
liquidators 7:10
list 123:3,21 178:10
listed 33:11 102:25 125:7
128:22
Listen 131:4
listing 102:17 120:14,18
lists 120:21 121:2,9

litigation 6:6 218:19
live 32:15 228:16
lived 228:17
living 151:12,13 152:25
Llamas 174:24
LLC 25:14,15,20 26:3,5,7,
19,22 27:15,17,25 28:23
29:8,16 33:5 111:20 112:20
LLCS 25:16 26:8 27:10 29:9
31:7
LLP 7:9
loan 21:13,25 23:23 111:11,
23 113:9,12 114:7 208:19
232:2,7,12,15 233:9,13,16
234:17,22 248:6 277:6,25
loaning 278:16
loans 23:7,14,20 43:18
216:10 232:4
located 15:25 32:12 77:12,
20
long 7:18 10:13 17:24 20:5
24:10 67:22 110:21 251:9
278:20 279:3
long-term 126:13
longer 35:13,17 36:5 285:16
looked 8:11 37:10 40:12
56:6 67:3 160:10 191:10
215:10 221:25 222:13
223:21
lose 74:14 231:17 233:5
lost 115:21 231:20
lot 11:17 53:17 155:23
218:22 271:5,7 279:11
loud 9:6
Love 166:15
LP 7:11 26:11,13,20,22
28:14 240:22
lunch 154:21,23 213:7 223:2

M

made 23:8,14 51:3 101:12
103:25 109:14,24 110:4
120:9 123:7 134:14 151:15
152:22 173:4 200:4 231:15
232:4 251:12
make 10:16 34:14 49:13
84:3 110:3 128:23 129:6
134:17,20,22 151:12,13
152:24 153:13 159:20,21
197:12 210:24 234:14,16

235:16 239:15 251:25
259:17,20 265:14 271:9
maker 235:19
makes 139:7 146:13 155:3
making 80:5 81:2,4 135:16,
21,24 189:13 197:7,10
221:19 245:12 265:6
Mallet 48:22 281:11
manage 32:17
managed 143:10,14
management 39:25 59:23
77:3 101:18 127:21 128:5
140:20 142:22 143:3,24
240:22 262:18
manager 32:23 33:4,13 35:8
39:21 42:23 63:25 89:20
116:6,7,16,18,19 190:5
196:6 244:2,5,7
Manager/beechwood
139:19 141:9 142:11,21
143:2,24
managers 122:22 123:5
140:19
manages 36:25
managing 28:22 33:6 37:5
Manhattan 228:18
March 44:9 45:5 210:21
259:11 265:5 282:2
mark 65:24 74:6 98:7,12,23
129:20 130:5,18 131:8,10
162:10 191:24 207:8 208:4,
25 209:3 235:24,25 240:13
248:7,21 249:16 250:14
279:6
marked 6:20 286:24 287:4
market 33:19
marketability 44:21
marketed 43:16
marketing 241:19
marketplace 83:2
married 17:13 18:2 176:14,
17
master 36:13
matchmaker 280:18
material 141:25
materials 122:15 241:19
Matt 179:2,3,7,25 180:4,17,
20 181:17,23 183:13 184:6,
24 185:16 205:25 206:2
211:21 214:23 221:15

Matt's 182:2
matter 6:6 7:12,21,25
134:15,18 204:8 269:6
matters 70:22 71:4
Mayer 84:9,10,11 85:23
86:17
Mayor 31:5
Mayweather 204:14,16,18
209:2,17 212:11 214:20
215:9 234:3
means 90:15 113:8 171:8
192:4 286:14
meant 165:13 261:15 269:9
measure 266:25
Media 155:10
medical 19:14
meet 10:9 19:16 51:19 54:14
90:10 131:8,10 173:13
meeting 55:13,18,21,25
56:10 58:7,23 59:12,14
60:8,10,14,17,19,20,24,25
61:10 62:5 63:10,13 64:9,25
65:3,7,9,10,12,15,16 66:3
69:2,8,13 71:15,21 72:7,13,
19,22 86:13,15,22 116:4,11,
23,25 117:9,10,14,16
118:19,21 119:5,11,12,17,
20 121:6,18,22 124:5,9,13,
14,17 125:10,23 126:4
157:3 158:6,9 180:3 189:19
260:15,18,19
meetings 54:13 61:6 65:18
71:19 118:25 120:16,23
121:25 123:23 124:2 125:11
member 26:23,25 27:5,24
28:3,22 33:6 101:10,12
102:10,13 103:5,25 121:10
173:11 257:22,25 285:17
members 26:6 27:9 102:17,
24 122:23 123:3
membership 101:22,25
102:3,21
memory 10:19,22 11:17
101:14 104:21 125:14,21
162:11 212:23 237:6 277:11
Mendy 240:14
mention 83:11 278:11
mentioned 14:2 44:16 82:12
90:9 186:10 237:19 254:12
257:16 273:25 278:15
282:18

mentor 19:13 61:13 62:9,19
70:24 88:25 90:12
mentors 71:9
merger 253:10
message 73:16 88:8,12 92:5
165:15
met 16:14 17:2 18:2,3 47:5,
14 49:5 51:9,11,17 52:3
54:9 61:7,19 71:16 130:5
173:22,24 179:4,25 184:6
205:25 206:8,10 221:14
229:20
metric 193:25
mic 14:20,21,23
Michael 20:4 136:22 235:25
236:3
mid 255:25
mid-market 37:21,23
middle 175:19
midst 261:6
Mier 31:3
million 87:21 89:14 90:15
95:17,22 194:4 208:14
209:4 210:7,16 215:9
223:17,18 225:9 239:7
256:17,18,19 262:17 266:8,
9 267:12,13,20,21 270:12,
15,16,23 271:3,5,10 272:4
277:25 282:4
mind 63:23 96:9 276:2
mine 19:13 61:14 62:19
70:25 71:9 98:2,3 106:5
207:21 241:6 277:6
Ministry 105:16
minor 109:14,24 110:5
minute 75:23 96:10 115:18
270:2
minutes 81:25 116:4 117:16,
19,20 118:2,5,8 124:9
283:8,21
misconstrues 96:25
misinterpreted 196:22
misquote 29:10
missed 191:15,20
missing 184:2
misspoke 169:5
Mitnick 180:7
mitzvah 174:3
MOBQ 87:2 91:14 94:20,22
moment 108:18 197:2
230:23 253:24

money 20:19 21:16 28:12
30:24 40:24 41:6,23 42:3,5
108:11 131:23 143:15
153:13 173:4 200:3,4,5
207:13 218:23 219:2
231:17,21 233:5,7 235:3
238:2,6 239:8 242:24
243:19 247:18 259:20
261:18 264:13 271:6,7
275:21 277:21 278:16
monthly 274:18
morning 7:5,6 163:4
Morrison 49:14
move 67:20
moved 16:16 51:19,22
130:21,23 173:15
movement 84:18
moving 67:19
multiple 25:10,12,16 26:8
27:10 28:16 29:7 32:10
33:21 61:15 140:24 265:9
multistrategy 43:9,12,13
44:2
Murray 16:14 18:8 22:25
23:2,3,13 40:21 41:17 68:4,
7,9,20 69:9,15,20 73:17,23
74:9,17,22 106:17,24
129:25 130:2,4,7 157:14
159:14 160:22 161:16,17,
18,22,25 162:4,18 163:4,11,
12 164:5,8,11 165:7,11,16,
20,25 166:5 167:4 190:22
194:8 195:14 203:16 205:13
222:2,14 249:2,5,11,19
250:5,12,21 251:9,12 252:4,
6
Murray's 194:20
mystery 276:23

N

named 48:13,16 139:18
141:8 142:11
names 27:11 29:11 31:4
277:4
naming 31:7
Narain 168:7 194:19 195:18
207:17 249:17 252:17 253:8
258:9,18 262:9 266:14
271:14 273:9 282:21
National 178:17,18 179:15,
22,24 180:3,9,13 181:10,14

182:2 187:13 188:16 205:6
206:13 216:5,10,18 217:6
218:20 219:18 220:23
223:18 225:8,10 226:20
227:9 229:18 230:17 231:12
235:3
natural 277:7,10,14,18
278:3
nature 103:24
NDA 136:13 202:10
needed 21:15 129:6 258:20
277:17
negative 279:7,21
negativity 279:24
negotiating 109:7,10
110:10,12
negotiations 261:7,25
262:2,7
neighbors 40:19
nephew 208:2,5
net-worth 29:3
news 84:18 217:7 219:6,19
227:12,13 233:21 245:15
279:7,11,21
nice 279:16 285:2
Nissen 181:3,9,20 187:14
204:22,24,25 206:6,12,25
216:20 220:2,5,6,7,10
226:15,18,19 227:20
noncash 256:18,22
nonexecution 128:16
Nordaq 164:4
Nordlicht 65:24 74:6 75:21
78:10,23 98:7,24 106:8
162:11 235:24,25 236:2
247:22 248:8,22 249:16
250:10,14
Northwood 157:17 268:17,
22
Notary 6:25
note 122:20 253:15 270:4
273:25
noted 6:17 214:4 288:21
notes 255:9 256:23 257:4
notice 46:13,16 47:13
noticed 188:8
notices 46:16
noticing 253:10
November 40:25 41:24
97:10

novice 90:20 93:13
number 28:19 86:3 96:5
120:4 138:25 152:14 155:10
175:17 186:16 266:17
numbers 46:6 159:3,13
160:22 184:3
nutshell 25:8

O

oath 9:10
object 132:21 138:8 205:19
257:7 272:8
objected 132:25
objection 123:9 150:7,23
170:16,21 225:15 230:10
255:10
objections 170:15
observant 56:14
obtain 219:24
occasionally 10:18
occur 54:6
occurred 255:22 269:20,22
October 184:16 199:9,14
201:24 278:19
October-november 282:14
odd 24:7 183:15 184:2 272:2
off-grid 277:15
offboarded 132:23 133:15,
20
offer 87:20 89:14 95:17,21
office 32:24 33:13,16,20
34:2,3,16 35:4,9,13,18,20,
21,23 36:2,10,14,16,25
37:6,9,18 38:14,16 40:3
41:5,10,25 42:10,23 49:6
58:16,17 59:10 68:11 77:14
82:18 171:9 178:8 258:19
272:13,15,16
officer 59:24 130:23 196:7
offices 6:8 21:6,19 49:15
84:12 127:2 169:10,12
170:10 171:4,10,12,16
172:8,9 272:21
official 7:10 172:4
Ohio 26:5,19,22 32:13,14,
15,18,19,21 83:13
oil 77:17 79:15 235:12,17
236:11,14,17,19 246:23
253:11 254:12 255:17
266:25 267:9

okay. 251:10
okayed 140:5
onward 54:3 209:13
open 36:6
operate 83:18
operated 15:23 155:21
operating 220:4
operations 32:10
opined 121:20
opinion 140:13 194:21
opportunities 21:14 22:2
89:3 144:9 145:6 240:20,23
opportunity 45:3 144:12
179:4 182:5,7,9 187:7,10
188:5 221:17 238:7 239:7,
12,18 258:25 259:19,24
opposed 263:10,20
optics 21:25 44:19
order 154:21,23 243:3
288:8,14
orders 51:5
ordinary 75:8
org 130:24 131:5
organized 283:21
originate 21:13,25 23:20
40:9 43:18 45:4 64:22 66:12
67:2 143:16 152:24 196:14
originated 23:22 64:20
76:25 78:21 80:17 101:16
144:21 243:16,17 257:19
275:20
originating 63:18,21 64:4
orthodox 56:14
overrule 98:8
owned 18:23 25:12 137:25
138:6 195:15,19 197:3,24
274:24
owner 25:20 26:4 130:7
138:7 196:4,5 197:10
ownership 25:17 27:22
103:8 106:9,12 114:23
141:12 195:17,21 196:12,13
198:4

P

P-E-D-E-V-C-O 78:16
p.m. 55:12 58:7 155:6,7,8,10
175:18 188:25 189:3,8,9
213:6,8 214:4,7 231:2,3,4,6

283:24,25 284:2,4 288:19,
21
Pacific 76:17 77:8,16
pages 116:2 128:12 177:2
183:2
paid 128:24 129:4,8 132:2,3,
16 152:14 153:6,22 154:15
208:12 239:22 241:2 243:19
255:7 257:2 275:24,25
panned 271:17
paper 69:6 127:6 210:5
papers 188:14
paperwork 209:23 224:4
225:9
par 246:6 255:7
paragraph 139:15
parameters 144:11 151:19
Parent 273:24
parentheses 56:13
parenthetical 55:13,22
56:10 79:21,23
park 250:19
part 9:13 101:17 107:3
119:11 124:21,22 146:25
147:6 152:13 224:7 231:18
236:13 251:8 256:22 274:18
276:14 278:4
partially 136:8
participant 123:25
participants 120:15,18
122:21 123:22 125:11
participate 113:11 114:9
116:22 117:8 231:16 233:3
234:17
participated 93:4 111:25
112:6,7 116:10 121:11
participating 111:23 113:8
participation 111:9,17 113:2
114:12 243:5
parties 30:11 135:21 202:10
282:17
partnered 90:21
partners 7:11 26:15 56:8
102:21 240:18,19
party 12:25 13:14 125:25
passed 96:18 98:3 118:17
125:25 241:7
passing 195:9
Passover 178:7
paste 139:8 286:20

<p>pasted 140:9 144:18 145:24 146:8 147:9,22 287:16 Patricia 6:14 pay 153:18 154:6 176:22 219:2 232:3 233:10 239:8 247:16 264:13 paycheck 43:20 paying 268:12 payment 215:9 payments 265:6 284:17 payout 239:7 PBCO 197:25 PED 76:18 77:6,15 PEDCO 78:12,18 PEDEVCO 77:3 78:13,15,19 100:11,22 101:16,20 104:5, 9,14,19,23 105:4,6,10,15, 18,20 107:5 118:10,12,17 119:2,14 121:19 124:11,12, 15 128:21 144:23 161:9 162:6 172:24 236:18 237:4, 9,10,12,18 242:9,18,21 245:15,25 246:5,18,22 247:17 252:20 253:7 254:10 255:8,15 256:23 257:3,9,13, 15,18,20,25 258:2 264:8,12 265:5,24 268:11,13 269:11 271:13,14 282:9,12 284:25 penalties 9:21 Pennsylvania 83:19 people 16:11 37:8 38:19 42:10 98:23 99:15 156:13, 15 210:13 238:4 258:6 260:6,7 265:9 279:22 280:3, 11 percent 87:22 90:16 102:20, 25 194:9 270:5 percentage 26:16 perfect 10:22 performing 70:17 period 121:19 151:8 181:6 192:5 228:14 229:23 271:6, 7 perplexed 153:4 person 54:7 158:15 166:9 196:9 203:15 230:7 234:22 240:14 257:18 284:24 personal 16:19,21,25 19:12 230:13 personally 53:4 145:3 180:19 255:4,9 270:19</p>	<p>persons 29:4 40:18 perspective 90:18 pertinent 258:3 Phelps 267:11 phone 23:6 54:22 55:5,7 57:14 119:10 191:15,20 283:12 Photoshop 220:10 physical 231:24 physically 117:13 171:9 172:8 picked 151:21 piece 119:14 pitch 189:13 pitched 180:4 pitching 179:4 place 37:16 118:23 124:8 placeholder 82:19 placement 37:14 38:24 39:11 places 42:5 plaintiff 13:7 planned 253:10 282:5 Platinum 7:10 18:20,23 21:6,9 22:8,10,11,13,15,18 41:12 44:7,10,15,24 45:2,7, 14,19 49:25 50:6,13,22 51:15 52:9 56:8,24 57:23 58:3,11,13,14,18,19,22,25 59:2,5,7,10,15,24 60:14,22 61:12,18 62:8,15 63:7,15,17 64:3,22 65:2 66:8,10,17,22, 25 67:12,22 68:7,9,12 70:5, 7,9,12,14,17 71:10,13 73:23 75:4 80:5,22 81:2,5 84:12 85:8,12 86:20 87:25 88:16, 17,20,21 89:21 91:19 96:20 97:2 98:4 99:15 100:14 102:21 107:3 108:25 115:13 116:20 118:15 126:22 127:2 129:2,3,5 130:20 131:23 132:6,8,23 133:5,15,20 134:2,6,25 135:7,8 140:20 144:20 148:3,22 149:8,16, 21 151:8 152:5 153:10,11, 16,17 156:3,13,14,16,23 158:15 159:8,12,20 161:11, 14 162:9 163:25 164:13,22 168:19 169:14 171:25 172:3,7,23,25 174:13 178:23 182:15 185:6,10 190:3,4,7,9 195:20,22 196:5</p>	<p>197:4,7,10,24 198:5,15 199:4,18,19 200:2 202:5 216:14 220:17 221:6,12 227:9 228:23 229:6,12 230:17 235:11 236:10,17 239:5 240:18,19 242:14,17, 20 245:10 246:7 247:23 249:16 253:2 256:17 258:6 261:21 263:20 268:12,14 269:12 270:4,14,16 271:4 272:3 281:24 282:15 Platinum's 21:19 109:4 147:3 236:14 240:25 261:7, 21 Platinum-beechwood 6:6 217:3 Platinum-connected 18:18 Player 18:16 20:8,16,18,23, 24 21:8,12,20,22 22:2,4,7,9, 15,23 23:4,14,19 43:13,15, 17,21,24 44:2,17,25 45:7, 10,13,23 50:9,13,18,21 52:11 63:17 100:13 Player's 20:18 players 21:15 plead 224:10,13,14,19 225:13 pled 187:25 plural 121:25 PMNY 139:16 140:23 141:6 142:9 144:10,12 145:6 PMS 144:10 145:18 146:2,21 147:18 pocket 235:11,13 point 11:24 44:19 53:17 99:24 110:24 132:13 164:6 165:21 167:2 168:6 177:2 206:3 216:24 284:23,24 285:4,24 pointing 50:3 points 83:20 195:5 Ponzi 187:17,21 188:12 217:6 218:20 219:18 220:4 225:11 231:18 pops 18:8,11 portfolio 59:22 63:25 83:13 89:20 101:18 116:6,7,15,18, 19 122:21 123:5 140:19 190:5 196:6 244:2,5,7 portion 38:13 143:22 position 236:18 276:6,8,15 282:20</p>
---	--	---

<p>positions 268:11 possession 13:19 possibilities 92:24 possibly 56:17 182:4 post 273:23 posted 277:23 potential 8:2,4 9:20 69:19 84:14 109:8 150:8 158:24 239:17 potentially 33:24 40:14 108:23 151:14 184:7 221:19 power 277:17 PP 240:25 PPBE 240:22 241:2 PPCO 20:21 68:21 141:2 144:11 145:20 146:21 147:18 PPVA 7:12 120:10,11 140:25 144:11 145:20 146:21 147:18 224:10 235:16 241:12 PPVE 238:11,24 239:8 precedes 139:6 precise 135:4 predates 234:6 preferred 241:3 prep 49:15 preparation 84:8 86:8 118:2, 4 136:6 137:23 149:5 174:19 191:6 229:9 prepare 10:10 47:3,10 prepared 47:15 126:6 241:23,25 present 33:14 34:18 35:5,9, 18 117:13 172:9 presented 124:14 president 21:24 22:3,5 24:20 33:12 43:9,12 44:10, 14,18,22,24 56:24 63:19 181:11 pressure 279:13 presume 72:6 pretty 19:23 140:11 210:10 271:22 previous 77:2 138:20 145:23 216:22 240:13 257:19 previously 41:11 160:10 267:12 price 255:17 270:11</p>	<p>prices 253:11 pricing 246:23 254:13 primary 37:13 38:22,23 39:11 principal 167:19 182:5 257:2 principals 139:16 141:6 142:9 principle 10:5 189:24 print 186:25 printout 34:22 prior 147:25 152:15 172:12 prison 278:16 private 32:24 33:13,19 34:16 35:4,8 37:14 38:24 39:11 41:5 82:17 privileged 10:8 privy 18:25 235:18 242:22, 23 269:15 Pro 18:16 20:8,16,18,23,24 21:8,12,20,22 22:2,4,7,9,15, 23 23:4,14,19 43:13,15,17, 21,24 44:2,17,25 45:7,10, 13,23 50:9,13,18,21 52:11 63:17 100:13 probe 41:19 problem 44:22 problems 246:18,22,24 254:11 255:16,21 280:23 process 39:6 110:8,11 125:20 184:19 210:12 produce 122:4 produced 50:23 51:4 283:15 production 134:15,17,23 productions 135:21 professional 20:19 43:18 profile 30:7 33:8,11 34:22 38:11 82:17 profit 128:23,25 profitable 129:7 153:13,21, 23 154:14 profits 243:18 project 9:8 property 108:13 proposal 201:9 prosecutions 227:7 proven 187:23 PROVENZANO 9:3 13:21,23 14:17,24 23:10 24:6 25:18, 23 27:16 28:21 30:4,8,17</p>	<p>33:3 34:20 36:12 38:9,17 41:7,15,20 46:11,18 49:13 50:3,24 51:6 52:20 53:14,25 55:14 57:10,13 58:24 60:3,9 62:22 64:5,18 66:14 67:7,16 69:11 72:2,5,11,21,24 75:22,25 76:11 78:14 79:6,8 80:24 81:9,13,21 82:3 83:22 84:2 91:8,11,13 92:10,18 94:21 96:24 97:9,23 99:2,5, 9,18,25 102:2,8,19 107:10, 14,19,22 108:2,15 109:22 110:2,21 112:8,14,18,23 113:3,17,21,23 114:5,25 115:4,8,20 116:3,13 117:24 118:6 119:8,19 122:19,25 123:10,14,18 125:2,6,17 126:5,11 127:9,14,18 131:13,15,19 132:20 133:2, 6 134:16,21 135:3,8,11 136:19,24 138:8,12 139:4, 12 140:12 148:7 150:4,15, 23 151:3 153:24 154:19 155:3 166:18,23 169:24 170:13 171:2,20 172:17,21 176:5,9 177:19 178:11,14 188:21 193:21 198:19,22 201:6 204:11 205:18 210:24 211:5 212:15,19 213:3 217:22 222:21 225:15,19 226:22 227:3 230:10,24 231:7 232:18 234:8,13 238:18 240:3,5 241:22 244:12 246:19 247:3 248:12 249:23 251:14,24 252:9 255:10 257:6,11,21 263:13, 22 264:4,9,18 266:10,16,19 267:19 271:23 272:7 273:4 276:23 278:22 281:20 283:7,16,20 284:5,12 285:10,14,21,25 286:8,12 288:5,10 provide 9:14 10:20 37:22 89:4 101:24 120:14,18 123:21 164:16 222:16 223:7 252:25 259:18 262:22 265:24 provided 30:24 118:12 126:2 142:21 147:20 220:7 222:14 253:5,7 providing 37:20 252:20 261:3 pruner 97:5,13,17</p>
---	---	--

public 6:25 39:16 188:19
219:19 227:12,13 228:8
publicly 226:8,13 228:18
purchase 108:13 182:11
270:11
purported 246:7
purports 123:3
purpose 25:11 100:19
104:22 260:24
purposes 36:5
pursuant 231:25
put 33:17 39:7 43:23 45:11
95:8 178:10 188:9 200:3,5
231:19 235:12 237:10 238:6
275:21 278:23
putting 135:18
PV10 266:7,8,23 267:7

Q

Q1 124:2
Q2 124:2
quarter 120:22 122:2,3
124:16
quarters 121:3,9 125:7,12
Queens 15:5
question 10:2,3 11:6 17:23
23:11 24:7 25:19 27:2,3,7
30:16 35:15 37:4 38:7 42:4
46:20 57:3,5 58:12,25 64:2
67:5,6,15 68:8 70:15 74:20
75:10 78:17 80:20 85:9
88:18 91:23 93:13 101:23
102:7 104:15 105:12 116:9,
14 118:7 120:25 121:5
122:9 125:18 130:9 133:18
138:4,14 142:23 146:12
147:12 154:10 162:3 167:2
170:8 185:15 191:24 193:4
196:23,25 202:3 217:13
219:12 223:20 227:24 228:5
230:5 238:19 254:4 255:14
269:24 270:24 271:24
280:13 287:14
questions 9:25 11:21 142:4
244:25 270:13 280:3
283:13,19 288:6
quickly 244:21
quietly 14:19
quote 79:23 133:20 169:10
170:11 209:22

quoting 144:17

R

raise 206:20 238:2
Rakoff 7:14
ran 68:20 197:25 251:8,11
254:10 255:16
range 270:23
ranked 256:23
rarely 228:15
rate 222:3 232:3 233:11
reach 265:24
reach-out 260:25
reached 222:19 258:22
260:17 262:25
read 110:22 167:13 176:6
192:24 247:12 264:20
reading 36:15 37:20,25
55:20 87:20 97:11 183:19
193:25 194:4 219:23
reads 39:10
real 38:3 97:12 108:10,13
reality 82:18,22 83:5,8
reason 45:13 91:21 118:21
119:3 209:16 210:14 224:25
227:16
reasonable 192:9
reasons 90:10
recall 8:6,8,13,18,20,22 11:9
13:16 16:15 17:9 19:21
20:7,12,14,25 23:9,15,16,17
24:2,3,4,5,7 28:5,18 43:15,
22,25 45:8 50:11 51:10,13,
17 52:2,7 53:5,8,11 54:8,11,
22,25 55:2,7 59:14 60:16,23
61:4,5,17 63:13 65:6,15
66:4,5,6 71:21,25 73:5 75:2,
6,15 76:7,18,19 77:21,23
78:3 79:3,12 84:15 85:5,14
86:12,18,21 87:3,14 88:10,
14 89:12 90:5,23 91:15 93:8
94:3,17 95:5,10,23 96:16
100:5,23 102:14 103:3,6,9,
15,23 104:3,11 105:19,21,
24 107:2,4,7 108:7 109:2
111:4,14,15 113:13 114:6,8,
10 115:5,7,11 119:24
122:17 126:25 128:7 133:13
136:4,14,17,25 137:5,9
138:10 148:2 149:3 155:17

156:15,18 158:5,10,16
159:6 160:13 163:9,16,20
164:9 173:14,20 174:18
175:7 177:25 178:25 180:8
181:2,15,22 182:16,23
184:4 185:7 186:2,13 187:5
189:25 191:4 192:7,18
193:6,18 195:2,11 198:12
199:2 200:9 201:14 203:6
206:18 207:2 208:10 210:3,
19 211:15,18 212:12 215:5,
16 216:4 218:5,7,10,16
220:18,25 221:23 225:22
228:10 229:22 235:9,14
237:2,7 238:4 239:13
244:17,19 245:17,21 246:3
247:10,19 249:9 250:8,22,
24,25 251:19,22 253:19
260:16 264:11 265:20,23
266:20 269:8 273:8 275:16
279:2 283:3
recalling 137:12
recalls 53:18
receive 153:14,16 172:11
received 99:21 278:5 282:17
receiving 131:23 206:7
270:16
recent 265:19
recess 82:7 155:7 213:7
231:3 283:25
Rechnitz 173:7 174:6,23
175:9,13,17 176:2 178:9
190:17,22 204:23 205:10
206:25 210:16 222:19
223:19 224:22 225:8 226:5,
19 227:13 228:13,20,21
230:3
Rechnitz's 179:15 226:2
227:5,25 228:7
recognize 181:6 242:5,6
recollection 11:20 13:10,13
55:15 60:10 114:16 122:14
125:21 136:11 176:7 187:2
191:12 222:25 223:24
237:17 254:7,10 260:22
277:3 284:8
reconcile 168:20,24 274:7
record 6:16,17 29:12 46:5
57:16 82:6,10 110:3 134:20,
23 135:19 148:21 155:6,11
170:14 210:25 214:7 227:2
231:2,6,19 232:20 276:2

<p>283:8,10,24 284:4 288:20 records 50:20 red 188:7 206:20 redacted 136:9 redirect 139:3,9,11 286:2 refer 18:7,9 39:4 144:12 145:6 160:11 238:8 reference 27:19 44:6,10 165:10 169:19 referenced 82:16 148:13 214:15 217:16 259:3 275:20 285:6 references 265:7,9 referencing 71:20 79:20 191:16 201:5 202:13,18 215:6 216:17 240:13 referrals 239:15 referred 145:12 286:16 referring 30:5 36:20 39:5 43:6 64:17 99:2 108:15 117:19 127:13 199:12 212:8 218:14 250:12,15 287:7 refers 286:4 reflected 217:11,24 288:3 refresh 114:16 212:23 222:25 223:22 refreshes 176:7 refreshing 162:11 Refundo 136:18,20 137:2 refundo.com 136:23 regard 81:2,5 145:10 162:12 related 7:25 61:16 100:10,12 119:14 121:21 162:9,13 181:4 207:24 219:18 235:19 239:3 258:3 282:8 relation 70:14,16 83:16 180:13 221:6,11 226:9 234:22 237:12 238:22 243:11 257:14 relationship 17:19 19:12 33:22,24 62:3 77:2 88:24 104:8 105:17 114:18,19 174:5 179:15 190:16,19 195:25 196:16 226:2,4 227:25 228:19 279:18 281:24 287:13 relationships 104:13 relative 62:18 relaying 88:8,12 releasing 250:12</p>	<p>relevant 41:8 74:2 101:19 124:15 relied 146:17 remember 8:16,17 12:4,8,13 13:4,7 14:14 17:5 19:18 20:2 21:3 27:14 55:18,24 69:13 70:20 71:18 90:24 92:8 94:12,22 100:9,10 101:3,4 108:6 138:18 163:7 177:23 181:16 189:21 227:11,12 228:5 235:4 246:14,15 252:23 254:19,21 256:5,15 263:7 264:21 267:8 274:13,14 remembering 94:8,24 remote 76:2 remotely 32:17 removed 271:14 284:19,23 renaissance 238:17,21 repaid 219:4 repeat 138:3 rephrase 10:2 46:20 replied 220:10 reply 160:6 208:23 report 16:3 21:5 22:23 23:2, 21 65:22 87:10 194:18 249:25 258:5,6 266:7,8 267:12,23 reported 167:24 168:2,4,6 195:18 207:16 reporter 6:13,18 78:15 reporting 87:8,13 162:17,20, 21 252:16 reports 118:11 253:4 282:16 represent 7:8 11:4 50:21 120:8 270:10 273:24 represented 122:7 174:12 represents 7:9 Republic 104:9 request 13:22 50:22 51:2 58:7 120:9,11,13 134:20,22 135:17,24 163:13 263:11 265:14,18 requested 72:13,14,16 247:17 required 209:23 reserve 266:7 reserves 267:2 Residential 16:9 respect 42:15 118:9 121:24 122:2 166:6 227:19,21</p>	<p>284:13 285:11 respectable 82:21 83:2 respectful 196:15 respective 118:14 199:25 respond 75:3 84:18 166:15 192:13 202:11 211:20 responded 74:12 165:18 248:10 responds 165:4 response 120:9 165:17 192:10 248:2 Restructuring 264:8 resumed 214:9 retail 15:20 revert 268:19 review 35:2 76:4 85:20,25 86:5,8,10,25 96:10,12 108:19 117:4,6 128:2,13 136:5 137:21 138:18 149:4 157:4 158:19,20,21 161:6 163:23 168:16 176:11 177:21 184:9 193:2 202:2 221:11 223:3 244:23 247:14 254:2 265:13 268:7,18 275:15 reviewed 204:5 239:14 275:14 reviewing 184:19 201:25 Revocable 111:10 risk 59:23 130:22 RJ 100:6,21 101:3,10,12,15 103:5,8,21 104:2,5,14,19,20 284:19 285:8,17 RJ's 104:22 road 16:6 Rob 105:25 Rockaway 15:5 Roger 79:6 role 24:19 34:8 42:22 129:15 134:24 135:5 182:2 222:4 229:8 249:6 roles 33:16 rolling 265:15 Ron 106:5,14,24 107:24 room 48:25 71:5 175:13 176:2,23 Rosenblatt 179:2,3,7,25 180:4,18,20 181:17,19,23 183:9,13 184:6,24 205:25 206:2 211:22 214:19,23 221:15 229:17 230:6,14,15</p>
--	--	---

Rosenblatt's 182:2
rough 288:15
roughly 267:20
royal 39:8
RS 78:24 79:2,10,22
rules 8:25 248:5
run 32:9 179:22 214:19
245:23,25 264:12
running 34:9 247:18
Ryder 79:4,7,8,10,12 81:17

S

safe 279:9
safely 267:20
sake 57:13 63:18 78:14
Saks 136:12 149:9,12
150:10 151:2,7,17 161:18
162:13 163:3,13 168:5
186:3,17 187:9 191:14,18
193:8 194:19 195:10,18
201:23 203:13 207:16
211:12 221:18,24 235:25
249:18
sale 238:17,21
sales 15:19 16:5
salesman 19:6
Salfati 236:4
Sam 207:18 208:5,16,22,25
236:3 268:18
Sanfilippo 126:7,10
sat 170:10
satisfy 287:13
scale 108:24
schedule 69:17 71:24 102:5,
17 112:25 114:11
scheme 187:17,22 188:13
217:6 218:20 219:10,14,19,
25 220:4 225:11 231:18
school 14:16 15:3
Scott 79:5,7,8,10,12 81:17
167:14,16
scouted 216:14
SEC 120:10 122:7,11,15
secretary 52:15 68:2 157:20
178:4 190:21
sector 15:23
sell 178:19 179:6
selling 16:8 180:5

send 140:5 207:13 210:16
216:2 223:17 269:7 282:16
sending 73:15 92:4 127:7
162:15 178:2,3 179:8
183:14 184:8,18 186:16
187:3 191:13 200:19 201:10
203:12 211:13 225:7 241:19
258:17 268:9
sends 109:12
senior 59:22
Senna 136:22
sense 10:16 71:6 151:15
152:22 155:4
sentence 38:21 39:9,10
99:4,5 141:5 142:8 143:19,
21,23 147:6,17
sentences 142:7
separate 45:9 83:15 232:4,7,
11
separately 190:15 222:18
sequential 184:3
series 9:24
serve 11:24 90:3,11 237:7
serves 101:14 104:21
services 101:24
servicing 15:22 155:20
sessions 56:15
set 88:5 89:9 103:17 260:18
Setai 175:3
setting 106:23 128:15 174:4
195:24 240:6
shadkhan 280:17
share 280:22
shared 126:2
shareholders 139:17 141:7
142:10
shares 277:22,24 278:5
sheet 109:8,11,19,21 110:8,
11 208:6 216:6,22 217:12,
24 218:4,8 242:7,11 243:3,8
274:19
sheets 234:9
Sheila 275:17 276:5,7,11,18
277:2 278:7
shifted 36:3
SHIP 262:17
short 121:18 213:2
short-circuit 30:19
shorthand 191:23

shortly 265:21
show 11:2 34:21 137:15
152:21 153:10 171:11,16
190:7 286:23
showed 124:6,10 150:10
152:19 216:21 223:23 266:8
267:12
showing 112:11 130:25
131:5 209:16 227:13 267:13
shown 284:7
shows 266:7 285:7,19
shtupped 98:23
side 108:16 162:14 235:11,
12 277:11
sight 98:9
sign 16:11 104:2 136:13
signatory 285:8,17
signature 101:8 102:10
112:12,15 114:2 244:3,9,10
signed 14:5 103:19 104:25
105:17 111:19 112:19,21
113:24 152:19
significance 256:10,12
significant 261:6
significantly 254:14,15
signing 115:5
simple 154:9
simply 80:19 118:15 170:22
241:5 258:2
simultaneously 169:14
sit 21:8 119:2 142:6 171:4,9
sits 169:9
sitting 104:24 105:8,13
121:23 148:10 169:12
187:11 261:20
situation 202:24
sixth 267:16,21
size 271:4
skills 97:12
skipped 132:21
skipping 131:16 240:3
slaughterhouse 277:17
slot 71:23
Slota 126:18
small 173:23 236:4 275:8
smart 70:2 140:11,13,15
159:15
social 174:4
Socially 173:25

<p>soft 108:8,9,12,24 109:8 sold 270:4 solicitation 238:16,21 solved 276:24 somebody's 283:15 something's 141:17 sort 10:25 11:21 36:13 98:8 179:9 238:2 265:9 sound 229:3 source 33:23 148:18 Southern 7:14 space 155:22 speak 47:16,24 48:6,9,12 54:5 84:22 90:7 130:5,18 162:12 164:17 165:6,16 203:21 209:25 234:9,12 274:10 282:25 speaking 14:18 123:9 273:9 special 25:11 100:19 specialist 6:13 specialty 38:4 specific 24:22 29:16 36:2,11 39:7 40:18 41:2 59:20 65:6 66:9 67:4 68:10 87:14 89:5, 9 90:22 121:19 206:14 224:2 241:10 255:6 specifically 10:6 89:13 217:18 224:16,21 228:6,10 238:14 259:8 specifics 8:6,8,13 13:16 43:16 44:5 45:16,21 61:17 84:16 85:5,15 88:10 93:8 94:4 95:24 100:9,24 101:4 104:3,11 105:21 141:24 143:5 144:4 156:10,25 158:16 159:6 163:8,17 164:9 173:20 178:25 181:16,23 186:13 189:22 192:8,18 193:7 195:3,12 224:13,24 246:4 247:10 261:24 265:21 speculate 55:25 165:13 167:6 274:22 276:16 speculating 148:15 speculation 56:3 225:16 230:11 272:8 speculative 277:10,19 spent 286:5 spoke 87:17 92:19 95:11,12 163:3 164:14 248:25 250:4 252:4 273:10</p>	<p>spoken 162:17 sporting 178:20 sports 204:18 206:17 208:8 209:18 211:7 216:19 219:10,14 220:15 221:7,11 224:11,17 225:14 226:2,5 228:2 229:9 233:14 spreadsheet 185:18 SPV 45:14 100:15,18 SPVS 45:17 start 24:23,24 25:25 54:3 55:17 107:17 140:18 159:7 165:19 183:5 193:14 218:15 started 16:22 22:22 63:17, 24 172:2 245:16 258:8 279:14 state 20:15 stated 190:6 statement 14:8 142:12 145:4 168:21 171:19,24 Steinberg 57:3,21,22 58:8 59:15,21 60:5,15,21 61:2, 11,25 62:6,12,16 63:5,24 64:23 65:13,18,23 69:8,21, 24 70:10,11 71:4 72:3 73:7 74:5,9,21,23 76:25 78:10,20 80:17,18 84:19 87:5,10 88:9 89:20 90:4,8,21 91:17 93:17,20 94:13 101:16 106:25 118:22 121:7,10 124:8 128:22 130:21 140:4, 6,10,13,18 144:21 145:12, 22 146:5,16,20 147:17,19 148:15 159:2,12,24 160:4, 20 161:2 162:8,16,23 163:3 164:4,24 166:23 167:3,7 172:23 179:8,12 184:21 185:2 189:12 190:4 198:14 199:10,17 202:15,20,24 236:2 243:3,22 245:2,9,13 247:20 248:8,15,20,25 249:15 250:4 251:5,11,21 252:3 257:17,24 284:21 285:7 286:20 287:4,12,23 Steinberg's 72:8 165:17 167:6 STENOGRAPHER 288:7,13 step 187:12 stepped 282:21 Steven 175:18 stop 11:21 131:22</p>	<p>stopped 35:21 49:16 strategy 235:17 236:11 street 6:9 54:10 109:4 228:17 stress 269:3 stretch-our-legs 81:24 strike 224:25 string 137:7 structure 106:10,12 141:13 164:21 194:9,14 195:17,22 196:7,13,14 197:8 198:4 207:15 222:15 223:8 structuring 223:12 studies 15:11 56:16 90:11 stuff 178:21 225:5,17,23 285:9 stumbled 130:24 subject 9:20 64:8 117:2 207:8 250:17,21 subjects 230:8 submitted 229:12 submitting 122:15 224:10 subordinated 241:2 subordination 239:5 subsequent 113:18,19 188:15 217:20 231:15 233:2 234:7 subsequently 145:2 173:5 207:16 233:21 234:16 258:8 271:17 subsidiary 21:9 substance 46:12,19 70:20 71:15 102:14 287:19,23 substantial 231:20 233:7 262:2 substantially 105:9,14 succeed 71:7,10,11 succeeded 66:18 successful 42:11,13,14 271:16 successfully 66:24 275:21 sudden 216:25 sued 12:22,24 13:5 suggest 81:8 92:11,13 130:18 suggested 19:16 35:12 92:22 104:4 130:5 222:3 suggestion 197:8 suggestions 197:11</p>
--	---	---

suggests 81:10 102:9
suite 176:13
summer 256:25
Super 203:13
superior 249:16 257:17
supervisor 94:14 257:17
support 6:8,12,15 205:3
surface 143:12
surprised 75:13 272:3
surrounding 228:3
suspicious 225:7,18
sweep 162:6,19 163:6,14
swing 251:5
switch 167:9 258:12 266:4
switched 131:21 252:21
282:18
sworn 6:24
system 231:24

T

tab 34:24,25 43:3 45:25
46:10 49:21 57:7,8,9,10,18
62:20 67:13,20 73:2 75:18
81:20 83:24 84:4 85:16,18
95:25 96:3 99:17 103:10
105:22,23 107:8,20,21
110:16 115:9,10 119:7,22,
23 126:16 129:11 131:12
132:10,19 133:7,9,10 136:2
137:16 148:25 154:17
155:14 158:17 161:4 178:16
180:7,22 182:18 185:22
188:20 189:2,4,5,8 190:11
191:3 198:6,20 200:7
201:19 203:4 204:9,11,14
210:22 211:2,8,11 212:14
214:13,15 215:17,19 217:8,
12,17 220:21 222:24 223:6,
15 227:16,17 230:21 235:6,
8 240:2 244:11 245:19
247:2 251:23 252:10,11
258:13,14 264:2 273:16
275:4 284:14 286:5,9
table 208:24
takes 251:5
taking 187:11 197:22 284:6
talk 14:23 61:14 99:14
106:21 123:16 129:22 130:2
156:13 159:25 164:5,7
165:20 183:17,21 206:12

210:8 218:25 231:8 269:17
270:2
talked 10:16 68:19 130:14
166:4 168:18 258:20 286:19
talking 73:20 74:16 76:12
84:13 85:3 138:22 156:15
161:20 162:2 165:2 167:4
176:19 184:8 207:3 219:16
220:19 281:16
Talmud 56:16
tanker 277:15
target 258:21 260:4
tax 43:23
Taylor 167:14,16 168:25
169:3
team 179:9 236:13
tech 136:13
technology 38:2
telephone 23:12 53:12
54:16,17,20,21 117:14
118:19,23 119:6 124:8
125:24 265:18
telling 89:19 159:12 162:22
246:12,13 267:5 268:9
tells 196:5 208:4
ten 29:2,3,14,17
tenacity 166:16
term 87:21 90:16,17 109:7,
10,19,21 110:7 216:6,22
217:11,24 218:4,8 234:8
280:17
terminated 39:25 253:11
terminology 39:14
terms 43:16 88:5,17,20
89:11 90:14,24 91:17,18
92:4 93:3,5,15 145:18,25
156:11 199:20 223:12
257:12
testified 7:2 172:18 214:10
testimony 14:3 72:8 204:6
Texans 183:10 198:17 199:5
text 139:8
TGLT 111:6
the\$170 270:23
themes 154:20
thing 10:15 83:9 107:23
110:23 118:16 119:9 167:13
185:4 198:20 226:18 232:7,
11,14 251:2 253:2 276:18
things 10:20 11:18 61:15
62:11 69:18 70:4 82:13,15

92:14,21 124:15 162:8
196:20 210:12 226:8,13
231:9 245:16 279:12
thinking 74:24 161:2
third-party 13:15 79:15
118:11 124:11 253:4
Thomas 200:11,22 201:23
202:7 204:6
Thomas' 202:15
thought 37:7 39:6 125:20
188:3,5 210:11 245:9
ticket 178:18 179:5,22 180:5
184:7 186:7 187:6 191:23
192:6,15 201:3,12,18
203:15,19 204:18 205:23
206:17,24 208:9 209:18
211:8 216:19 219:10 226:3
229:9
ticket-funding 187:10
tickets 178:19 179:6 182:6,
9,11,13 185:4,17 203:13,24
205:3 206:3 212:6,7 215:4,
9,15 219:15 220:15 221:7,
12 224:11,17 225:14 226:5
228:2 231:25 232:6,10,21
233:14,18,25 234:12
time 16:13 17:13,24 18:3,4,5
20:7 24:10 35:20 48:19 50:2
51:8,11,17 52:3 56:23 60:13
61:8 71:23 82:6,9,23 83:7
85:10 88:2 93:13 96:2
116:14 121:19 124:5 126:10
130:21 138:4 139:25 140:22
142:24 145:23 148:5,23
149:20 150:13 151:8 152:4
153:10,11 154:21,23,24
155:6,10 156:12 159:9
161:13 163:24 166:13 168:6
171:15 172:7,9,10 174:5
178:6 181:16 187:16 188:3
199:9 202:5 206:15 209:11,
20 213:5 214:4,6 219:12
227:11,22 228:5 229:20,23,
25 230:25 231:5 235:15
237:13,15 242:15 244:8
250:11 252:17 254:20 261:5
262:8,17 263:6 267:10
268:15 269:10 270:14 271:8
272:18 273:14 281:3 282:13
283:5,24 284:3 286:5
288:21
timeline 227:18 228:11
254:22 255:24

timelines 245:18
times 124:16 166:7 168:20
 169:25 249:24
tipped 188:17
title 21:18,24 22:5,17 44:17,
 21 63:19,24 82:20 102:13
 106:6 149:15 167:17,21
 181:12 193:11 200:16
titles 22:11,12 157:23
today 6:13 9:14,19 21:8
 47:4,17,21 48:3,7 49:2
 50:25 86:8 104:25 105:8,13
 121:24 135:15,17,24 136:6
 142:6 148:10 174:20
 187:11,22 191:6 193:24
 208:6 220:17 261:20 268:23
 283:6,15
told 41:15 47:20 48:2 74:14
 92:14 128:12 141:11 165:6
 189:16 208:10 237:25 251:9
 259:6 261:10,16 264:20
 265:23 282:19 284:6
tomorrow 79:2,22 84:23
top 27:12 28:5 78:7 87:6
 97:4 123:13,17,19 199:14
 200:4 202:13,18,19 214:22
 243:21 248:9,15,16
topics 126:13 222:11
touchstone 11:24
tough 130:21 235:16,19
track 185:16
transacting 174:6
transaction 114:7 208:18
 209:24 224:4 246:8 269:13,
 18,25 282:5
transactions 257:19
transcript 12:16 13:19 288:9
transfer 269:11
transferred 246:6 256:17
transmitted 220:16
travel 32:18,19,21
trip 262:9,10
triple 254:13
trouble 9:5
true 37:2 38:6,8 76:14
 142:25 146:23,24 147:7
 197:15
trust 111:10 278:8
truth 9:10,16,19,20
turn 83:24 115:9 119:7,22
 136:21 137:16 154:17

174:15 185:22 215:17 217:8
 241:21 245:16 246:25 257:7
 264:2 273:16 287:10
turning 49:20
turns 234:18
two-hour 71:19
two-year 87:21 90:16
typical 222:4 272:24,25
typically 37:20 62:2 71:19
typo 103:2

U

ultimately 17:12 30:25 262:3
unable 118:22 219:24
Uncle 27:15,16,24 28:22
unclear 76:15 119:10 151:10
 234:25
understand 9:11,16,18,22,
 25 11:11 20:16 58:15 64:18
 72:12 90:13,14 94:7 103:4,7
 104:16 123:8 128:17 141:16
 143:14 160:19 180:2 181:7,
 25 196:10 197:21 239:4,11
 241:18 249:25 253:22
 255:13 268:6 285:15
understandable 11:18
understanding 90:17 92:3,6
 113:7 152:17 155:20
 199:23,24 225:25 230:15
 239:2 241:4 243:15 249:14
 251:20 254:5 259:14 260:5,
 10 261:17 266:22 270:8

understands 166:10
understood 35:16 134:9
 199:20 231:23 233:19
underwriting 151:15
unilaterally 92:25 93:3
unseen 98:9
unsigned 112:25
update 282:20
updated 265:18 266:7
updates 252:25 274:18,21
upset 74:14
utilizing 134:25 135:9

V

vague 41:14,16 42:4

Vaguely 267:8
valuation 79:16 115:12,16
 116:3,11,23,24 117:9
 118:19,25 119:5,20 120:15,
 22 121:11,18,22,25 122:22
 123:4,22 124:2,5,13,17
 125:11,22 126:3 245:2,5,7,
 12 248:5 253:7
valuations 124:22 252:20
variety 72:9 135:20
vehicle 25:12 100:19
Ventures 111:20 112:20
 113:25
version 264:25
versus 197:9
vice 21:24 22:3,5 43:8,12
 44:9,14,17,21,23 56:24
 63:19
Victim-2 220:3,5,7
victims 218:25 220:2
video 6:5,12 211:13 212:4
 214:18 288:18
view 161:8
viewed 171:18,21
views 171:21,22
Viridian 15:16,18 17:8
 18:14,15,17 19:2,7 20:6,11
 21:21 43:2,12 52:6 155:23
visit 172:8
visited 171:10
voice 9:4

W

Wait 58:24 107:19 116:13
 118:6 150:15 248:12
waiver 264:16 265:15,19,25
walk 250:18
walked 49:7
walking 49:10
Wang 287:14,17
wanted 71:7 82:14,15 83:20
 110:2 128:23 164:19 176:22
 222:2 231:8 234:14,15
 237:8 259:23 274:23 284:8,
 18 285:4,22,24
Warren 7:7 34:20 36:12 41:7
 72:2 132:20 135:14 148:8
 257:6 284:5
waste 19:15

watched 214:14
ways 166:11 279:23
wealthy 28:15
website 185:18
wedding 176:8,10
week 32:22 124:20 211:20
215:8 258:2
weekly 252:25 282:16
weeks 135:23
weight 196:8
weird 210:10 271:22
Wexler 31:3
whys 242:23
wide 222:10
wife 17:24,25 18:2 31:14
61:21 280:21
wire 207:9 209:4 211:21
wished 280:6
witnessed 270:15
wondering 46:19
word 145:9
words 39:14 95:8 147:13
work 16:3 18:16 21:5 24:13
25:6 37:17 39:24 40:2,5
41:11 45:18 50:13,20 58:25
59:2 61:11 68:14 70:14,17
73:9 94:11 96:22 98:20
107:3 126:24 129:5 132:5
133:3,24 148:22 155:25
167:22 185:9 203:2 209:10
212:17 259:9 268:14
worked 15:14 18:13 20:22
35:4 44:8 58:22 59:15 69:23
76:23 126:21 129:3 131:24
143:6 148:3,4 167:18,24
168:19 169:13 171:25 172:3
179:11 190:6 200:2,14
209:8
working 17:7 21:19 22:14,
15,22 35:13,14,17,19,21
36:3 40:7 51:14 52:6,8 58:3
60:13,22 63:7,24 67:22
69:18 70:7,9,11 71:13
78:12,18 87:25 91:19 97:2
101:17 110:13 132:15
133:16,21,25 143:10
149:20,21,22,23 152:4,5
159:8 161:14 163:25 199:17
202:4 242:14 243:17 250:2
271:8 272:17 279:9 280:5

works 106:6
World 201:14
worry 129:4
worth 29:14,18 30:23
write 80:3,11 81:14 121:16
164:3 189:18 248:5,24
writes 191:22 205:10 208:22
247:22 248:15 250:3 274:17
writing 162:23 204:25
written 286:11
wrong 20:15 95:4 140:17
141:16,18,20 170:9
wrote 95:7 140:6,8 141:21,
25 159:5 160:5 161:2
176:12 184:17 192:23
210:13 211:24 247:20
251:21 252:2,3 260:11
261:13 286:13 287:14,23

Y

year 8:21 12:6 14:14 17:11
169:15 227:23
years 11:8,13,14,19,23 17:6,
25 19:11 39:18 169:10,13,
18 170:11 171:5,7,13
196:18
Yeshiva 15:4
York 6:9 7:14 14:13 15:5
16:17 32:13 44:8 51:20,23
83:18 140:20 173:15
young 19:23
Youtube 211:13 212:4
214:14,18
Yup 72:4 114:4 116:5 196:19
287:21