
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

RONALD B. TALMAGE, and ANNETTE C.
TALMAGE,

Defendants, and

WESTERN LAND & LIVESTOCK, LLC,
and WESTERN RESERVE MORTGAGE,
LLC,

Defendants and Counterclaim
Plaintiffs,

v.

UNITED STATES OF AMERICA,

Counterclaim Defendant.

**ORDER RULING ON OBJECTIONS
TO PRETRIAL DEPOSITION
DESIGNATIONS**

Case No. 1:16-cv-00019-DN-PMW

District Judge David Nuffer

The parties served designations for deposition testimony to be presented at trial. The parties filed with the court their objections to the deposition designations and responses thereto.¹

Based on the submissions, and for good cause appearing:

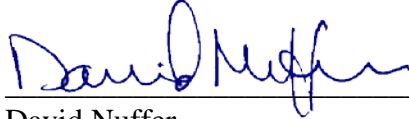
IT IS HEREBY ORDERED that the objections are overruled or sustained as indicated in the attached forms.

¹ Notice of Paul Judd Deposition Designation Form, [docket no. 261](#), filed June 6, 2019; Notice of Sara Watkins Deposition Designation Form, [docket no. 262](#), filed June 7, 2019; Notice of Korianton Talmage Deposition Designation Form, [docket no. 263](#), filed June 7, 2019; Notice of Kumiko Talmage Deposition Designation Form, [docket no. 264](#), filed June 7, 2019; Notice of Lillian Wilkins Deposition Designation Form, [docket no. 265](#), filed June 7, 2019; Notice of Lisa Allen Deposition Designation Form, [docket no. 266](#), filed June 7, 2019.

IT IS FURTHER ORDERED that, in preparing the deposition testimony for presentation at trial, all objections in the depositions and any responses of counsel thereto should be removed and not presented.

Signed June 25, 2019.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States District Judge

Case Name: United States of America v. Ronald Talmage, et al. Case Number: 1:16-cv-19
Deposition of Paul Judd taken August 30, 2017

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PLAINTIFF DESIGNATIONS	DEFENDANT -DESIGNATIONS			
	<p>7:1-PROCEEDINGS</p> <p>7:2</p> <p>7:3-THE VIDEOGRAPHER:· We will now go on the record.</p> <p>7:4-My name is Mitch Popa, video specialist with the John</p> <p>7:5-Young Group, 2635 Fairway Drive, Pocatello, Idaho.</p> <p>7:6-The court reporter is Janet French of M&M Court</p> <p>7:7-Reporting.· We are here today, August 30, 2017, at</p> <p>7:8-approximately 10:08 a.m.· Our location is the</p> <p>7:9-Larsen-Sant Public Library, 109 South 1st East,</p> <p>7:10-Preston, Idaho 83263 to videotape the deposition of</p> <p>7:11-Paul Judd.</p> <p>7:12-This deposition is being taken at the</p> <p>7:13-instance of the defendant in the United States</p> <p>7:14-District Court for the District of Utah in the matter</p> <p>7:15-of the United States of America, plaintiff, versus</p> <p>7:16-Ronald B. Talmage, et al., Case No. 116-CV-00019.</p> <p>7:17-Will the attorneys for the parties please</p> <p>7:18-introduce themselves and state who they represent and</p>		Depo Exs. 107-129	

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	<p>7:19·then the court reporter will swear the witness.</p> <p>7:20·MR. INGRAM:· William Ingram on behalf of the</p> <p>7:21· Western parties, and I also have participating by</p> <p>7:22· phone John Wadsworth who is the corporate</p> <p>7:23· representative of the Western parties.</p> <p>7:24· MS. GOLDEN:· Jennifer Golden on behalf of the</p> <p>7:25· United States.</p> <p>8:1· MR. HALVERSON:· Alex Halverson on behalf of the</p> <p>8:2· United States.</p> <p>8:3</p> <p>8:4· PAUL L. JUDD,</p> <p>8:5· first duly sworn to tell the truth relating to said</p> <p>8:6· cause, testified as follows:</p> <p>8:7</p> <p>8:8· EXAMINATION</p> <p>8:9· QUESTIONS BY MR. INGRAM:</p> <p>8:10· ·Q· ·Good morning, Mr. Judd.</p> <p>8:11· A· ·Good morning.</p> <p>8:12· Q· ·Thank you for coming today· Can you please</p> <p>8:13· state your full name and address for the record.</p> <p>8:14· A· Paul Linn Judd, 2616 North State Street,</p> <p>8:15· Preston, Idaho.</p> <p>8:16· Q· And your telephone number?</p>			

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	<p>8:17· A· (208) 240-8296.</p> <p>8:18· Q· Thank you· Have you ever had your</p> <p>8:19· deposition taken before?</p> <p>8:20· A· A long time ago· One time.</p> <p>8:21· Q· When you say "a long time ago," is this</p> <p>8:22· decades or less?</p> <p>8:23· A· Yeah, decades.</p> <p>8:24· Q· Okay· Then it's probably a good idea for me</p> <p>8:25 to go through a couple things· You are under oath</p> <p>9:1· today the same as if you were testifying in court.</p> <p>9:2· Do you understand that?</p> <p>9:3· A· I do.</p> <p>9:4· Q· Okay· We have a court reporter who will be</p> <p>9:5· taking a record of everything that is said today --</p> <p>9:6· spoken, so if you can, let's try to avoid inaudible</p> <p>9:7· responses like "uh-huhs," "unh-unhs," head shakes,</p> <p>9:8· head nods just to help the court reporter make a clear</p> <p>9:9· record.</p> <p>9:10· Is that all right?</p> <p>9:11· A· Sure.</p> <p>9:12· Q· Okay· Let's try not to speak over one</p> <p>9:13· another· Sometimes you may anticipate an answer to my</p>			

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	<p>9:14· question before I finish it· Just so the record is</p> <p>9:15· clear, if you wouldn't mind just letting me finish my</p> <p>9:16· question before you give an answer· On the same side</p> <p>9:17· of that, if you are not done giving an answer, let me</p> <p>9:18· know, and I will be quiet so that you can give your</p> <p>9:19· complete answer for the record.</p> <p>9:20· A· ·Okay.</p> <p>9:21· Q· ·Is that fair?</p> <p>9:22· If you need to take a break, let me know.</p> <p>9:23· This isn't a marathon· The only part of that though,</p> <p>9:24· is if there is a pending question, I may ask you to</p> <p>9:25· give an answer to that pending question before we take</p> <p>10:1· a break· But at any moment, if you need to take a</p> <p>10:2· break, just let me know· In fact, after we go for a</p> <p>10:3· while, I'll probably ask that we take a break here and</p> <p>10:4· there.</p> <p>10:5· · · ·A· ·Okay.</p> <p>10:6· · · ·Q· ·Occasionally you may have -- or there may be</p> <p>10:7· an objection or some sort of comment made by counsel</p> <p>10:8· for the United States· That's fine· Let them make</p>			

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	<p>10:9· their record there, whatever that may be, but once</p> <p>10:10· they're done, I'll expect you to give me a complete</p> <p>10:11· response to my question, if that's all right?</p> <p>10:12· . . . A· ·Sure.</p> <p>10:13· . . . Q· ·Okay· If you don't understand something I'm</p> <p>10:14· asking, let me know· Otherwise I will assume that by</p> <p>10:15· you giving an answer to my question, you understand</p> <p>10:16· what I'm asking.</p> <p>10:17· Is that fair?</p> <p>10:18· . . . A· ·Sure.</p> <p>10:19· . . . Q· ·Okay· Are you sleep deprived or on any sort</p> <p>10:20· of medication or substance that would prevent you from</p> <p>10:21· giving truthful testimony to the best of your</p> <p>10:22· recollection today?</p> <p>10:23· . . . A· ·No.</p> <p>10:24· . . . Q· ·Any reason why we shouldn't proceed with the</p> <p>10:25· deposition today?</p> <p>11:1· . . . A· ·No.</p> <p>11:2· . . . Q· ·Okay· Have you ever been -- and I apologize</p> <p>11:3· in advance for asking this, but ever convicted of a or</p> <p>11:4· charged with a crime?</p> <p>11:5· . . . A· ·No.</p>			

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	<p>11:6· . . .Q· .Okay· Starting with where you went to high</p> <p>11:7· school, can you give me just a very brief synopsis of</p> <p>11:8· your educational history?</p> <p>11:9· . . .A· .I graduated from Minico High School in</p> <p>11:10· Rupert, Idaho· Went to Ricks College and graduated</p> <p>11:11· from Ricks College, which is now BYU-Idaho· And then</p> <p>11:12· in between that I went on an LDS mission, and then</p> <p>11:13· other than that, I've worked all my life.</p> <p>11:14· . . .Q· .Did you obtain a degree from Ricks?</p> <p>11:15· . . .A· .Yes.</p> <p>11:16· . . .Q· .And what's your degree?</p> <p>11:17· . . .A· .I believe it was arts and sciences· I don't</p> <p>11:18· remember the exact title.</p> <p>11:19· . . .Q· .And if you can, give me just a brief</p> <p>11:20· synopsis of your occupation.</p> <p>11:21· . . .A· .I'm a real estate broker in Idaho and Utah,</p> <p>11:22· and I've been doing that for 30 years· Before that, I</p> <p>11:23· was in -- worked in Hercules Aerospace.</p> <p>11:24· . . .Q· .How long did you work in Hercules Aerospace?</p> <p>11:25· . . .A· .About 12 years.</p>			

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	<p>12:1 · · · Q · And then when you left Hercules, you got</p> <p>12:2 · into the real estate business?</p> <p>12:3 · · · A · I'd been doing real estate part-time while</p> <p>12:4 · working full-time at Hercules, and when I made more</p> <p>12:5 · money in real estate, I quit Hercules.</p> <p>12:6 · · · Q · How long have you been licensed in Utah?</p> <p>12:7 · · · A · Approximately 25 years.</p> <p>12:8 · · · Q · Okay · And how long have you been licensed</p> <p>12:9 · in Idaho?</p> <p>12:10 · · · A · About the same amount of time.</p> <p>12:11 · · · Q · Okay · And I believe you said you're</p> <p>12:12 · licensed as a broker?</p> <p>12:13 · · · A · Yes.</p> <p>12:14 · · · Q · Do you have agents who work under your</p> <p>12:15 · license?</p> <p>12:16 · · · A · I do.</p> <p>12:17 · · · Q · How many agents do you have?</p> <p>12:18 · · · A · I have two in Utah and one in Idaho.</p> <p>12:19 · · · Q · Okay · And do you have a certain area that</p> <p>12:20 · you specialized in in terms of selling properties?</p>			

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	<p>12:21· . . . A· · In Utah, it would be Eden, Liberty, and</p> <p>12:22· Huntsville.</p> <p>12:23· . . . Q· · And is that strictly residential?</p> <p>12:24· . . . A· · Yeah, 99 percent.</p> <p>12:25· . . . Q· · Okay· And how long have you been working</p> <p>13:1· either as a real estate agent or broker in the</p> <p>13:2· Liberty/Eden area?</p> <p>13:3· . . . A· · Twenty-five years.</p> <p>13:4· . . . Q· · Okay· Does that include sales or does it</p> <p>13:5· also include leasing?</p> <p>13:6· . . . A· · The only leasing I've really done was my</p> <p>13:7· commercial project.</p> <p>13:8· . . . Q· · Okay· Are you familiar with a property in</p> <p>13:9· Liberty with the address 5150 North 3450 East,</p> <p>13:10· Liberty, also referred to as Lot 2 of the Willow Creek</p> <p>13:11· Subdivision Phase 3?</p> <p>13:12· . . . A· · Yes.</p> <p>13:13· . . . Q· · And how are you familiar with that property?</p> <p>13:14· . . . A· · Well, it was my land, and we had the Wadman</p> <p>13:15· Corporation build a home on it.</p> <p>13:16· . . . Q· · When did you own the property?</p>			

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	<p>13:17· . . . A· ·I don't remember the exact date, but we</p> <p>13:18· owned it for a number of years before we built a home</p> <p>13:19· on it.</p> <p>13:20· . . . Q· ·Do you remember approximately the year you</p> <p>13:21· purchased it?</p> <p>13:22· . . . A· ·No, I don't. I mean, it would probably be</p> <p>13:23· 10 years before we built our home.</p> <p>13:24· . . . Q· ·Okay. Do you remember when you built the</p> <p>13:25· home on it?</p> <p>14:1· . . . A· ·It was a brand new home, so it would have</p> <p>14:2· been -- I don't remember exactly. Probably 11, 12</p> <p>14:3· years ago.</p> <p>14:4· . . . Q· ·Okay.</p> <p>14:5· . . . A· ·Approximately.</p> <p>14:6· . . . Q· ·So probably about -- would that be 2006,</p> <p>14:7· 2005 maybe you built the home?</p> <p>14:8· . . . A· ·Yeah. I'm not sure that's exact, but</p> <p>14:9· that's --</p> <p>14:10· . . . Q· ·Okay.</p> <p>14:11· . . . A· ·--- approximate.</p> <p>14:12· . . . Q· ·And then before that, you acquired the</p> <p>14:13· property in the mid to late '90s?</p>			

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	<p>14:14 · · · A. · Yeah, somewhere along in there.</p> <p>14:15 · · · Q. · Okay. · How big is the property -- when you</p> <p>14:16 owned it?</p> <p>14:17 · · · A. · It was originally about 9 acres, and then we</p> <p>14:18 split a little bit -- we split a little bit off, so I</p> <p>14:19 don't remember what it ended up being. · It was 7 or 8</p> <p>14:20 acres when we sold it.</p> <p>14:21 · · · Q. · Okay. · And you said that there was a home</p> <p>14:22 that was built on the property?</p> <p>14:23 · · · A. · Yes. · We had Wadman Corporation build a</p> <p>14:24 home.</p> <p>14:25 · · · Q. · Did you build the home?</p> <p>15:1 · · · A. · Wadman Corporation built it --</p> <p>15:2 · · · Q. · Okay. · And --</p> <p>15:3 · · · A. · --- for us.</p> <p>15:4 · · · Q. · Oh, okay. · And what's -</p> <p>-</p> <p>15:5 · · · A. · He's a contractor.</p> <p>15:6 · · · Q. · Okay. · And you had contracted him to build</p> <p>15:7 the home?</p> <p>15:8 · · · A. · Uh-huh.</p> <p>15:9 · · · Q. · Okay. · What about outbuildings? · Were there</p> <p>15:10 any other outbuildings besides the home?</p>			

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	<p>15:11· . . . A· · There was -- there's a very nice large shop</p> <p>15:12· on it, and a local guy from Eden built that.</p> <p>15:13· . . . Q· · Okay· When you say "a shop," is that also</p> <p>15:14· like a barn or --</p> <p>15:15· . . . A· · Well, we didn't have any animals, so I guess</p> <p>15:16· I'd call it a shop· I had tractors and snowmobiles</p> <p>15:17· and four-wheelers and stuff like that in it.</p> <p>15:18· . . . Q· · And did you have that contractor build that</p> <p>15:19· outbuilding for you as well?</p> <p>15:20· . . . A· · Yes, we did.</p> <p>15:21· . . . Q· · Okay· When you owned the property, how big</p> <p>15:22· was -- was the outbuilding of the shop?</p> <p>15:23· . . . A· · This is just an approximation.</p> <p>15:24· . . . Q· · Sure.</p> <p>15:25· . . . A· · I think around 2,000 square feet.</p> <p>16:1· . . . Q· · Okay.</p> <p>16:2· . . . A· · That could be right or wrong· I'm not</p> <p>16:3· exactly positive.</p> <p>16:4· . . . Q· · When did you sell the property?</p> <p>16:5· . . . A· · Well, we actually closed on the property</p> <p>16:6· September 15, 2011.</p>			

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	<p>16:7· . . . Q· . And who did you sell the property to?</p> <p>16:8· . . . A· . to John Wadsworth of Western Land &</p> <p>16:9· Livestock or whatever that's called.</p> <p>16:10· . . . Q· . How were you first introduced to Western</p> <p>16:11· Land & Livestock?</p> <p>16:12· . . . A· . Through a real estate broker by the name of</p> <p>16:13· Darin Mich'l.</p> <p>16:14· . . . Q· . And who is Darryl Mich'l?</p> <p>16:15· . . . A· . Darin Mich'l -- he --</p> <p>16:16· . . . Q· . Oh, excuse me· Darin Mich'l.</p> <p>16:17· . . . A· . Yeah· He owns -- I don't know if he was a</p> <p>16:18· broker or an agent at that time, but he was a local</p> <p>16:19· real estate professional working in that area.</p> <p>16:20· . . . Q· . Did you contact him or did he contact you?</p> <p>16:21· . . . A· . No, he contacted me.</p> <p>16:22· . . . Q· . And what did he tell you?</p> <p>16:23· . . . A· . He said he had someone who was looking to</p> <p>16:24· lease the property and would I be interested.</p> <p>16:25· . . . Q· . Did he say who the person was that was</p>			

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	<p>17:1· interested in leasing the property?</p> <p>17:2· · · · A· · He did· I don't know if -- I don't know if</p> <p>17:3· he said that right off the bat, but he did tell me,</p> <p>17:4· yes.</p> <p>17:5· · · · Q· · Okay· At the time that Mr. -- is it</p> <p>17:6· Mr. Mich'l?</p> <p>17:7· · · · A· · Mich'l, yeah.</p> <p>17:8· · · · Q· · At the time that Mr. Mich'l contacted you,</p> <p>17:9· did you have the property listed for sale?</p> <p>17:10· · · · A· · I did.</p> <p>17:11· · · · Q· · And how long had you had the property listed</p> <p>17:12· for sale?</p> <p>17:13· · · · A· · Oh, probably -- I'm guessing about two</p> <p>17:14· years.</p> <p>17:15· · · · Q· · Did you have the property listed on the MLS?</p> <p>17:16· · · · A· · Yes.</p> <p>17:17· · · · Q· · Was there a sign out front?</p> <p>17:18· · · · A· · I don't remember· Probably· I'm not -- I</p> <p>17:19· don't remember for sure.</p> <p>17:20· · · · Q· · Besides listing the property in the MLS and</p> <p>17:21· having a sign out front, what other efforts did you</p>			

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	<p>17:22· have to -- or did you undertake to list the property?</p> <p>17:23· . . . A· Well, that's how I did it through the MLS,</p> <p>17:24· so...</p> <p>17:25· . . . Q· Okay· Before Mr. Mich'l approached you</p> <p>18:1· about -- I assume -- were they his clients --</p> <p>18:2· . . . A· Yes.</p> <p>18:3· . . . Q· --- that he represented?</p> <p>18:4· Okay· But before he approached you</p> <p>18:5· regarding his client and the interest to lease the</p> <p>18:6· property, had you received any offers from other</p> <p>18:7· potential buyers?</p> <p>18:8· . . . A· I don't remember any other offers· There</p> <p>18:9· may have been· If they were, they weren't acceptable.</p> <p>18:10· . . . Q· Okay.</p> <p>18:11· . . . A· I really don't remember.</p> <p>18:12· . . . Q· In the two to three years that you had the</p> <p>18:13· property listed or any time before that, had you</p> <p>18:14· obtained an appraisal?</p> <p>18:15· . . . A· Let me think about that· I want to say yes.</p> <p>18:16· As a matter of fact, yes, I did· Yes, we did.</p>			

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	<p>18:17· . . . Q· ·Do you remember approximately what year that</p> <p>18:18· was?</p> <p>18:19· . . . A· ·It was probably 2009 or something like</p> <p>18:20· that -- 2008 or 2009· I don't really remember for</p> <p>18:21· sure.</p> <p>18:22· . . . Q· ·Do you remember who performed the appraisal?</p> <p>18:23· . . . A· ·I don't.</p> <p>18:24· . . . Q· ·Do you still have a copy of the appraisal</p> <p>18:25· report today?</p> <p>19:1· . . . A· ·Possibly somewhere.</p> <p>19:2· . . . Q· ·Okay.</p> <p>19:3· . . . A· ·So --</p> <p>19:4· . . . Q· ·Do you remember what the appraised value</p> <p>19:5· was?</p> <p>19:6· . . . A· ·It seems like it was -- as I recall, it</p> <p>19:7· seems like it was 725,000.</p> <p>19:8· . . . Q· ·Okay· Are you familiar with a gentleman</p> <p>19:9· named John Wadsworth?</p> <p>19:10· . . . A· ·Did I meet with him?</p> <p>19:11· . . . Q· ·Are you familiar with a person named John</p> <p>19:12· Wadsworth?</p> <p>19:13· . . . A· ·Yes.</p> <p>19:14· . . . Q· ·And how do you know Mr. Wadsworth?</p> <p>19:15· . . . A· ·Well, Darin Mich'l brought John Wadsworth</p>			

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	<p>19:16· over to our house, and I met with Darin and John.</p> <p>19:17· . . . Q· ·How many times have you met John Wadsworth</p> <p>19:18· in person?</p> <p>19:19· . . . A· ·Probably two· Maybe three, probably two.</p> <p>19:20· . . . Q· ·Let's break those down· Do you remember</p> <p>19:21· when you first met him?</p> <p>19:22· . . . A· ·Well, Darin brought him over to our house</p> <p>19:23· and as I recall -- as I recall the situation, we were</p> <p>19:24· supposed to meet at a particular time, and John came</p> <p>19:25· over in time and Darin was late· And so John and I</p> <p>20:1· talked a little bit and then Darin showed up.</p> <p>20:2· . . . Q· ·Do you remember what you talked about with</p> <p>20:3· Mr. Wadsworth?</p> <p>20:4· . . . A· ·That's been a long time ago.</p> <p>20:5· . . . Q· ·To the best of your recollection.</p> <p>20:6· . . . A· ·Mostly his interest in the property.</p> <p>20:7· . . . Q· ·Do you remember -- do you remember any</p> <p>20:8· particular representations he made about his interest</p> <p>20:9· in the property or what he was intending to do with</p>			

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	<p>20:10· the property?</p> <p>20:11· . . . A.· ·No.</p> <p>20:12· . . . Q.· ·After Mr. Mich'l arrived, what did you do?</p> <p>20:13· . . . A.· ·Well, as I recall, John and I had pretty</p> <p>20:14· much looked at the house and there may have been some</p> <p>20:15· discussion about leasing the home at that time, but I</p> <p>20:16· honestly don't remember whether it happened later or</p> <p>20:17· not.</p> <p>20:18· . . . Q.· ·While Mr. Wadsworth was present with you at</p> <p>20:19· the home, did you talk outside?· Did you enter the</p> <p>20:20· building?· What did he do?</p> <p>20:21· . . . A.· ·Well, like I said, Darin was late -- didn't</p> <p>20:22· show up on time, so I showed John around the house and</p> <p>20:23· told him about the property and all that kind of</p> <p>20:24· stuff -- introduced him to it.</p> <p>20:25· . . . Q.· ·Did you walk him all through the house?</p> <p>21:1· . . . A.· ·Yes.</p> <p>21:2· . . . Q.· ·Did you walk the property boundary line?</p> <p>21:3· . . . A.· ·I don't remember walking the property line.</p> <p>21:4· We probably looked at the shop, but I don't remember</p>			

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	<p>21:5 walking -- I don't remember that.</p> <p>21:6 . . . Q. Okay. What did you observe about</p> <p>21:7 Mr. Wadsworth as you were going through the property?</p> <p>21:8 Was he inspecting? Was he --</p> <p>21:9 . . . A. Yeah.</p> <p>21:10 . . . Q. --- doing other things?</p> <p>21:11 . . . A. Yeah. He was looking at it and asking some</p> <p>21:12 questions.</p> <p>21:13 . . . Q. In your experience, is it typical for a</p> <p>21:14 potential buyer to want to inspect a home before they</p> <p>21:15 make an offer to purchase it?</p> <p>21:16 . . . A. Yeah, absolutely.</p> <p>21:17 . . . Q. Okay. Did he act like a typical buyer?</p> <p>21:18 . . . A. Yeah.</p> <p>21:19 . . . Q. So after you met Mr. Wadsworth in this first</p> <p>21:20 meeting -- well, let me back up. How long did this</p> <p>21:21 first meeting last to the best of your recollection?</p> <p>21:22 . . . A. Maybe a half hour.</p> <p>21:23 . . . Q. Okay. After you finished the meeting, when</p> <p>21:24 was the next contact you had with Mr. Wadsworth?</p> <p>21:25 . . . A. I'm not -- I don't exactly remember when</p>			

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	<p>22:1· that was· It was probably a few weeks or a month</p> <p>22:2· later· I don't remember.</p> <p>22:3· · · ·Q· ·Did he contact you by phone or vice versa?</p> <p>22:4· · · ·A· ·I honestly don't remember.</p> <p>22:5· · · ·Q· ·Okay· When was the next time you met him in</p> <p>22:6· person?</p> <p>22:7· · · ·A· ·We -- the next time we met in person is --</p> <p>22:8· we came through the house -- as I recall, he did a</p> <p>22:9· thorough inspection of it before entering into a lease</p> <p>22:10· option agreement· He may have taken pictures of it,</p> <p>22:11· but I don't remember.</p> <p>22:12· · · ·Q· ·Okay· Do you recall approximately when this</p> <p>22:13· second meeting was?</p> <p>22:14· · · ·A· ·No· I really -- I mean, it would have been,</p> <p>22:15· like I said, a few weeks after the first meeting,</p> <p>22:16· maybe a month· I don't remember for sure.</p> <p>22:17· · · ·Q· ·And then you talked about a potential lease</p> <p>22:18· or a lease option.</p> <p>22:19· · · ·A· ·Uh-huh.</p> <p>22:20· · · ·Q· ·Is that what you said?</p> <p>22:21· · · ·A· ·Yes.</p>			

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	<p>22:22· . . .Q· .Who would have originally proposed the idea</p> <p>22:23· of a lease option?</p> <p>22:24· . . .A· .I don't really recall for sure· My guess is</p> <p>22:25· it was either John or Darin· I had leased my home</p> <p>23:1· before· The market had gone south, and we had moved</p> <p>23:2· to Preston and so leasing it seemed like a pretty good</p> <p>23:3· idea to me, and I'm pretty sure Darin was aware of</p> <p>23:4· that· And Darin may have brought it up, but I don't</p> <p>23:5· remember.</p> <p>23:6· . . .Q· .And how long had you leased the property</p> <p>23:7· before the lease option?</p> <p>23:8· . . .A· .Oh, we had had one family in there it seems</p> <p>23:9· like for about a year· I'm not exactly sure on that,</p> <p>23:10· but...</p> <p>23:11· . . .Q· .Do you remember what you were charging for</p> <p>23:12· rent?</p> <p>23:13· . . .A· .It was somewhere around 2,000 a month. I</p> <p>23:14· don't know.</p> <p>23:15· . . .Q· .Do you remember if the tenant was</p> <p>23:16· responsible for payment of utilities or the landlord?</p>			

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	<p>23:17· · · ·A· ·I believe they were· I'm not certain, but I 23:18· believe they were. 23:19· · · ·Q· ·Okay· In relation -- well, I assume there 23:20· was a lease option agreement that was eventually 23:21· entered into -- 23:22· · · ·A· ·Uh-huh. 23:23· · · ·Q· --- is that correct? 23:24· · · ·A· ·Yes. 23:25· · · ·Q· ·In relation to when that agreement was 24:1· entered, when do you recall that meeting taking place 24:2· with Mr. Wadsworth -- the second meeting? 24:3· · · ·A· ·Well, it would have been -- it would have 24:4· been just before we signed the lease option, because 24:5· John was checking it out and -- this may not be 24:6· correct· It seems like I recall either taking 24:7· pictures of it or making notes· It was pretty much -- 24:8· a very new home· And he wanted to be -- I wanted to 24:9· be sure if there was any damage that we had recorded, 24:10· you know, what -- the condition of the home. 24:11· · · ·Q· ·What was the purpose of that second meeting</p>			

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	<p>24:12· then?</p> <p>24:13· . . . A.· ·To -- for -- as I recall for John to do the</p> <p>24:14· inspection of the home and to say, "Okay.· This is the</p> <p>24:15· condition of it."</p> <p>24:16· . . . Q.· ·And this is why you say you have a</p> <p>24:17· recollection of him taking pictures throughout the</p> <p>24:18· home or inspecting it?</p> <p>24:19· . . . A.· ·Well, I don't know if it was taking pictures</p> <p>24:20· or taking notes.· There was some process so we agreed</p> <p>24:21· on the condition of the home.· Whatever that was, I</p> <p>24:22· don't remember.</p> <p>24:23· . . . Q.· ·Okay.</p> <p>24:24· . . . A.· ·It could have been taking notes, but I don't</p> <p>24:25· remember.</p> <p>25:1· . . . Q.· ·Was anybody else present with Mr. Wadsworth</p> <p>25:2· for that meeting?</p> <p>25:3· . . . A.· ·I don't remember anybody being there.</p> <p>25:4· . . . Q.· ·What about the first meeting?· Besides</p> <p>25:5· Mr. Wadsworth and Mr. Mich'l, was anybody else present</p> <p>25:6· for the --</p> <p>25:7· . . . A.· ·No, nobody else was present.</p>			

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	<p>25:8. . . .Q. . Okay. After those two meetings, do you ever</p> <p>25:9. recall meeting with John Wadsworth again in person?</p> <p>25:10. . . .A. . No, I don't recall.</p> <p>25:11. . . .Q. . After that, did you continue to communicate</p> <p>25:12. with him either by telephone or by email?</p> <p>25:13. . . .A. . Yeah, I think by email. There was some</p> <p>25:14. communication, because there were payments made and</p> <p>25:15. different things. Yeah, so I think we communicated by</p> <p>25:16. email. I don't remember talking to John on the phone,</p> <p>25:17. but I do remember emails.</p> <p>25:18. . . .Q. . Just so I'm clear, you don't remember</p> <p>25:19. talking on the phone, just written communications with</p> <p>25:20. him?</p> <p>25:21. . . .A. . Yeah, I don't -- it may have happened. I</p> <p>25:22. just don't remember it.</p> <p>25:23. . . .Q. . Okay. Are you familiar with a person named</p> <p>25:24. Ron Talmage?</p> <p>25:25. . . .A. . I am now, yeah.</p> <p>26:1. . . .Q. . And how are you familiar with Mr. Talmage?</p> <p>26:2. . . .A. . Well, sometime after they lease optioned it</p>			

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	<p>26:3· and -- I don't remember that time frame, but the</p> <p>26:4· first -- the first meeting I recall seeing Ron is --</p> <p>26:5· because I have a real estate company up there, I drive</p> <p>26:6· from Preston and take care of my real estate company.</p> <p>26:7· The first time I remember Ron is I drove by my -- what</p> <p>26:8· was my house -- at that time it still was my house,</p> <p>26:9· and he was out working on a skid loader in the shop.</p> <p>26:10· And so curiosity got the best of me, and I pulled over</p> <p>26:11· and asked him who he was and all that kind of stuff.</p> <p>26:12· · · ·Q· ·And let me back up real quick· You said</p> <p>26:13· when "they" lease optioned the property, who is the</p> <p>26:14· they you are referring to?</p> <p>26:15· · · ·A· ·John.</p> <p>26:16· · · ·Q· ·Okay· So you saw Mr. Talmage outside doing</p> <p>26:17· something on skid steer and you had a conversation</p> <p>26:18· with him?</p> <p>26:19· · · ·A· ·Uh-huh.</p> <p>26:20· · · ·Q· ·And what was the substance of that</p> <p>26:21· conversation?</p> <p>26:22· · · ·A· ·Well, he had a really cool skid steer· He</p>			

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	<p>26:23· had done some modifications to it, and I thought it</p> <p>26:24· was pretty awesome, so I thought I'd stop and see what</p> <p>26:25· this guy is doing.</p> <p>27:1· . . . Q· ·Other than talking about the skid steer,</p> <p>27:2· what did you talk about besides that?</p> <p>27:3· . . . A· ·I had a 70 -- about a 72-inch snowblower,</p> <p>27:4· and Preston doesn't get much snow and so I just</p> <p>27:5· said -- he was obviously in the house at that time, so</p> <p>27:6· I says, "Hey, you get a lot of snow in Liberty. I</p> <p>27:7· don't get much.· My snowblower will work on that skid</p> <p>27:8· loader.· Are you interested in buying it?"· And</p> <p>27:9· subsequently he bought that -- that snowblower.</p> <p>27:10· . . . Q· ·Okay.· We'll come back to that.</p> <p>27:11· Other than that communication about the skid</p> <p>27:12· steer and snowblower, was there anything else that you</p> <p>27:13· discussed at that time?</p> <p>27:14· . . . A· ·No.</p> <p>27:15· . . . Q· ·Subsequent to that meeting, did you ever</p> <p>27:16· meet him again in person?</p>			

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	<p>27:17· . . . A· ·I don't remember ever meeting him again.</p> <p>27:18· . . . Q· ·Okay· What about communicating by telephone</p> <p>27:19· or email?· Do you ever remember communicating with</p> <p>27:20· him?</p> <p>27:21· . . . A· ·No· No, I never communicated with him.</p> <p>27:22· . . . Q· ·Are you familiar with a person named Annette</p> <p>27:23· Talmage?</p> <p>27:24· . . . A· ·No.</p> <p>27:25· . . . Q· ·Okay· So I assume you've never met her,</p> <p>28:1· never spoken with her?</p> <p>28:2· . . . A· ·No.</p> <p>28:3· . . . Q· ·Okay· Never communicated with her via email</p> <p>28:4· or in writing?</p> <p>28:5· . . . A· ·I never remember having any -- meeting her</p> <p>28:6· or having any communication with her at all.</p> <p>28:7· . . . Q· ·Okay· What, if anything, did you know about</p> <p>28:8· the relationship between Ron Talmage and Western Land</p> <p>28:9· & Livestock?</p> <p>28:10· . . . A· ·I really didn't know anything about the</p> <p>28:11· relationship between them.</p> <p>28:12· . . . Q· ·What about the relationship between Ron</p>			

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	<p>28:13· Talmage and John Wadsworth?</p> <p>28:14· . . . A· ·I really had no idea what the relationship</p> <p>28:15· is there.</p> <p>28:16· . . . Q· ·Okay· Were you privy to the terms of any</p> <p>28:17· agreement with Western Land & Livestock that allowed</p> <p>28:18· the Talmages to occupy the property?</p> <p>28:19· . . . A· ·No.</p> <p>28:20· . . . MR. INGRAM:· Sorry about that.</p> <p>28:21· . . . Q· ·(BY MR. INGRAM)· Were you ever privy to any</p> <p>28:22· sort of representations that the Talmages ever made to</p> <p>28:23· Western Land & Livestock or John Wadsworth that</p> <p>28:24· allowed them to occupy the property?</p> <p>28:25· . . . A· ·No.</p> <p>29:1· . . . Q· ·Okay· Have you ever heard of a person by</p> <p>29:2· the name of Liu Hsu Chen or Mrs. Chen?</p> <p>29:3· . . . A· ·No.</p> <p>29:4· . . . MR. INGRAM:· Let's mark this as our first exhibit</p> <p>29:5· today.</p> <p>29:6· (Exhibit 107 marked.)</p> <p>29:7· . . . MR. INGRAM:· On this one I don't know why the</p>			

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	<p>29:8· first page is missing, but I assume --</p> <p>29:9· . . . THE WITNESS· I already have this· Do I need</p> <p>29:10· this?· Okay.</p> <p>29:11· . . . Q· ·(BY MR. INGRAM)· So I've handed you a</p> <p>29:12· document that we have marked as an Exhibit No. 107.</p> <p>29:13· This is a document that has some numbers at the</p> <p>29:14· bottom, and we call these Bates numbers, IRS RBT 3171,</p> <p>29:15· and you should have pages 3171 through 76 -- on the</p> <p>29:16· last page.</p> <p>29:17· . . . A· ·I do.</p> <p>29:18· . . . Q· ·Do you recognize this document?</p> <p>29:19· . . . A· ·I do.</p> <p>29:20· . . . Q· ·What is this?</p> <p>29:21· . . . A· ·This is the lease option to purchase the</p> <p>29:22· property.</p> <p>29:23· . . . Q· ·Do you know who drafted this agreement?</p> <p>29:24· — A· — Well, I would think that it probably came</p> <p>29:25· from John or John's attorneys· I didn't draft it.</p> <p>30:1· — Q· — Even though they drafted it, did you or your</p> <p>30:2· attorney have an opportunity to review and make</p> <p>30:3· comments on it?</p>	<p>29:23–30:4, Rule 602</p> <p>Mr. Judd has personal knowledge that he did not draft the lease agreement, and that he did not have an attorney at this time.</p>		<p>OVERRULED as to 29:23, 29:25 (“I didn’t draft it.”), and 30:2-4; SUSTAINED as to 29:24-25, and 30:1</p>

Case Name: United States of America v. Ronald Talmage, et al. Case Number: 1:16-cv-19
Deposition of Paul Judd taken August 30, 2017

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	<p>30:4· · · ·A· ·Well, I didn't have an attorney.</p> <p>30:5· · · ·Q· ·At this time, you did not?</p> <p>30:6· · · ·A· ·Did not have an attorney.</p> <p>30:7· · · ·Q· ·Okay· Did you have an opportunity to make</p> <p>30:8· edits or changes yourself before signing?</p> <p>30:9· · · ·A· ·Yeah· We -- we had to work out a few</p> <p>30:10· things.</p> <p>30:11· · · ·Q· ·Okay.</p> <p>30:12· · · ·A· ·And one of the things we had to work out was</p> <p>30:13· if he actually closed that 25 percent of his lease</p> <p>30:14· payments he would get credit for.</p> <p>30:15· · · ·Q· · Okay· And we'll come back to that.</p> <p>30:16· · · · · Do you recognize these signatures on the</p> <p>30:17· last page, page 7?</p> <p>30:18· · · ·A· ·I do· That's me, my wife's, and -- I can't</p> <p>30:19· read it, but I guess that's John's.</p> <p>30:20· · · ·Q· ·Okay· Do you recall when this agreement was</p> <p>30:21· signed?</p> <p>30:22· · · ·A· ·Probably the 15th day of March, I'm</p> <p>30:23· guessing.</p>			

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	<p>30:24 · · · Q · Do you remember how a signed agreement was</p> <p>30:25 · delivered to you?</p> <p>31:1 · · · A · I don't. I don't. It was probably email.</p> <p>31:2 · · · Q · Okay. I noticed -- it looks like there</p> <p>31:3 · is -- at the top a line looks like it appears from the</p> <p>31:4 · fax machine. There is a number here.</p> <p>31:5 · · · A · Yeah.</p> <p>31:6 · · · Q · (208) 852-1909. That looks like an Idaho</p> <p>31:7 · number. Do you recognize that number?</p> <p>31:8 · · · A · No. But I've had different phone numbers</p> <p>31:9 · over the years. That's probably my phone number, but</p> <p>31:10 · I don't know that for sure. I guess it is.</p> <p>31:11 · · · Q · At the time you entered into the lease</p> <p>31:12 · option, were you operating your business out of Idaho?</p> <p>31:13 · · · A · Yeah, I still do.</p> <p>31:14 · · · Q · Okay. There is another number here where it</p> <p>31:15 · says 2, and then it's a 775 number.</p> <p>31:16 · · · · · Do you see that?</p> <p>31:17 · · · A · Uh-huh.</p> <p>31:18 · · · Q · Do you recall whose fax number that was?</p>			

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	<p>31:19· . . . A· ·I don't.</p> <p>31:20· . . . Q· ·Okay· Who did you understand was the tenant</p> <p>31:21· or buyer that was a party to this agreement?</p> <p>31:22· . . . A· ·John Wadsworth.</p> <p>31:23· . . . Q· ·Okay· If you look at paragraph 28 on page 6</p> <p>31:24· of the agreement, there is a notice provision there.</p> <p>31:25· If there was any written notice that was required to</p> <p>32:1· be sent to the tenant, where did you understand it was</p> <p>32:2· going to be sent?</p> <p>32:3· . . . A· ·Western Land & Livestock, PO Box -- if I</p> <p>32:4· were sending something to him?</p> <p>32:5· . . . Q· ·Correct?</p> <p>32:6· . . . A· ·To Western Land & Livestock , PO Box 1453,</p> <p>32:7· Cheyenne, Wyoming.</p> <p>32:8· . . . Q· ·Who negotiated the lease option on behalf of</p> <p>32:9· Western Land & Livestock?</p> <p>32:10· . . . A· ·John.</p> <p>32:11· . . . Q· ·Who did you understand represented Western</p> <p>32:12· Land & Livestock?</p> <p>32:13· . . . A· ·John.</p> <p>32:14· . . . Q· ·Who did you understand owned Western Land &</p> <p>32:15· Livestock?</p> <p>32:16· . . . A· ·Well, I wasn't sure· I assumed it was John.</p>			

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	<p>32:17· . . . Q· ·How did you communicate with Mr. Wadsworth</p> <p>32:18· to negotiate the lease option?·</p> <p>Was that in person?</p> <p>32:19· over the phone? email?</p> <p>32:20· . . . A· ·The only thing I recall was emails· We may</p> <p>32:21· have spoken on the phone, but I don't really remember</p> <p>32:22· if we did or not.</p> <p>32:23· . . . Q· ·Other than Mr. Wadsworth, did anybody else</p> <p>32:24· negotiate the lease option on behalf of Western Land?</p> <p>32:25· . . . A· ·No· Not that I recall.</p> <p>33:1· . . . Q· ·Did the Talmages negotiate the lease option</p> <p>33:2· with you?</p> <p>33:3· . . . A· ·No.</p> <p>33:4· . . . Q· ·When you entered into the lease option, what</p> <p>33:5· representations did John Wadsworth make to you about</p> <p>33:6· who would occupy the property?</p> <p>33:7· . . . A· ·I don't remember what representations he</p> <p>33:8· made· My understanding was John was Western Land &</p> <p>33:9· Livestock and whatever he did with it is okay with me.</p> <p>33:10· . . . Q· ·Did he make to you any representations about</p> <p>33:11· subleasing the property?</p> <p>33:12· . . . A· ·I don't recall that.</p>			

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	<p>33:13 · · · Q · Okay · I assume later you became aware of</p> <p>33:14 · Ron Talmage, I guess, who was occupying the property?</p> <p>33:15 · · · A · Yeah.</p> <p>33:16 · · · Q · Did you approve of that occupation?</p> <p>33:17 · · · A · Yeah, I was fine with it · I mean, nobody</p> <p>33:18 · ever asked me "Is it okay if I do that?" but I was</p> <p>33:19 · fine with that.</p> <p>33:20 · · · Q · Did you have any sort of understanding of</p> <p>33:21 · any arrangement that Ron or Annette Talmage had that</p> <p>33:22 · would allow them to occupy the property?</p> <p>33:23 · · · A · No.</p> <p>33:24 · · · Q · Okay · Who did you understand remained your</p> <p>33:25 · point of contact for Western Land & Livestock?</p> <p>34:1 · · · A · My only point of contact was John.</p> <p>34:2 · · · Q · When you entered into the lease option, I</p> <p>34:3 · note here in -- it looks like paragraphs 4 through 6</p> <p>34:4 · are terms regarding the lease option.</p> <p>34:5 · · · · Do you see that?</p> <p>34:6 · · · A · Uh-huh · Are you talking about page 2?</p>			

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	<p>34:7· . . . Q· . Page 1· Page 2 of the fax, but --</p> <p>34:8· . . . A· . Okay.</p> <p>34:9· . . . Q· . It looks like page 1 --</p> <p>3171· . What</p> <p>34:10· representations do you recall that John Wadsworth made</p> <p>34:· about exercising the lease option -- or the purchase</p> <p>34:12· option?· Excuse me.</p> <p>34:13· . . . A· . Well, we -- we entered a lease option</p> <p>34:14· agreement, and he had the right to do it or not do it.</p> <p>34:15· If he did it, 25 percent of his lease payments he got</p> <p>34:16· credit for, and if he didn't, then he's out and he</p> <p>34:17· loses that money.</p> <p>34:18· . . . Q· . Who did you understand was the person or the</p> <p>34:19· entity that had the contractual right to exercise the</p> <p>34:20· purchase option?</p> <p>34:21· . . . A· . John.</p> <p>34:22· . . . Q· . I think I asked you this before, and I</p> <p>34:23· apologize if I had forgotten the answer, but who</p> <p>34:24· initially proposed the lease with an option to</p> <p>34:25· purchase?</p> <p>35:1· . . . A· . I don't know if it was John or Darin. I</p>			

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	<p>35:2· don't remember· It could have been Darin, but I'm not</p> <p>35:3· positive.</p> <p>35:4· · · ·Q· ·Why did you agree to lease the property with</p> <p>35:5· the purchase option instead of just outright selling</p> <p>35:6· it?</p> <p>35:7· · · ·A· ·Because I didn't have a buyer· I'm living</p> <p>35:8· in Preston· And it is costing me a couple thousand</p> <p>35:9· dollars a month to have the home in Liberty plus</p> <p>35:10· utilities, so, you know, a lease option seemed like a</p> <p>35:11· pretty good idea to me.</p> <p>35:12· · · ·Q· ·How did you arrive in terms of -- let me</p> <p>35:13· back up· Paragraph 2 has a provision regarding lease</p> <p>35:14· payments.</p> <p>35:15· · · · · Do you see that?</p> <p>35:16· · · ·A· ·Uh-huh.</p> <p>35:17· · · ·Q· ·And it says "The total lease payments for</p> <p>35:18· the term hereof shall be the sum of \$39,600 payable in</p> <p>35:19· an initial installment of \$26,400, which installment</p> <p>35:20· shall be payable on or before March 15, 2010, and</p> <p>35:21· thereafter monthly installments of \$2,200 commencing</p>			

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	<p>35:22· March 15, 2011, until the termination of this</p> <p>35:23· agreement."</p> <p>35:24· How did you arrive at the amount and terms</p> <p>35:25· for these lease payments described in paragraph 2?</p> <p>36:1· . . . A· . You know, I don't really recall that. I</p> <p>36:2· mean, it was a really nice house on 7 acres with a</p> <p>36:3· huge shop, and I guess we both agreed that that was a</p> <p>36:4· fair amount.</p> <p>36:5· . . . Q· . Did you believe that \$2200 per month was</p> <p>36:6· above or below market rent?</p> <p>36:7· . . . A· . Considering the house and the location, I</p> <p>36:8· felt it was fair.</p> <p>36:9· . . . Q· . Do you think you could have gotten more rent</p> <p>36:10· out of it than that if you wanted?</p> <p>36:11· . . . A· . Probably not.</p> <p>36:12· . . . Q· . Okay· Do you recall ever representing to</p> <p>36:13· John Wadsworth that you believed 2200 per month was</p> <p>36:14· below market rent?</p> <p>36:15· . . . A· . I -- no, I don't believe -- I don't remember</p> <p>36:16· that.</p> <p>36:17· . . . Q· . Okay· Who paid the lease payments?</p>			

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	<p>36:18· . . . A· . Oh, I think -- I mean, I got copies of them.</p> <p>36:19· I think it was Western Land & Livestock· I got copies</p> <p>36:20· of the checks here somewhere.</p> <p>36:21· . . . Q· . Okay· Why don't we get to that in just a</p> <p>36:22· little bit.</p> <p>36:23· . . . A· . Okay.</p> <p>36:24· . . . Q· . Let me ask you a couple more questions</p> <p>36:25· first· There is a damage deposit or a security</p> <p>37:1· deposit in paragraph 3.</p> <p>37:2· Do you see that?</p> <p>37:3· . . . A· . Uh-huh.</p> <p>37:4· . . . Q· . Do you recall who paid that security</p> <p>37:5· deposit?</p> <p>37:6· . . . A· . I believe it was Western Land & Livestock.</p> <p>37:7· . . . Q· . Okay· And how did you receive these</p> <p>37:8· payments?· Were they by check or automatic deposit?</p> <p>37:9· . . . A· . The first one I believe I just got a check.</p> <p>37:10· . . . Q· . Okay.</p> <p>37:11· . . . A· . And then the subsequent ones, I don't</p> <p>37:12· remember if I got a check or it was direct deposit.</p> <p>37:13· I'm not sure on that.</p> <p>37:14· . . . Q· . I've got some documents here· Let's take a</p>	<p>37:4–6, Rule 602</p> <p>Mr. Judd has personal knowledge about the security deposit because it was paid to him with a Western Land & Livestock check (Depo. Ex. 108).</p>		<p align="center">OVERRULED</p>

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	<p>37:15· look at these and see if this refreshes your</p> <p>37:16· recollection.</p> <p>37:17· . . . MR. INGRAM· We will mark this as Exhibit</p> <p>37:18· No. 108.</p> <p>37:19· (Exhibit 108 marked.)</p> <p>37:20· . . . Q· (BY MR. INGRAM)·</p> <p>Do you recognize these</p> <p>37:21· documents?</p> <p>37:22· . . . A· Yeah, I do.</p> <p>37:23· . . . Q· And these appear to be a couple of checks,</p> <p>37:24· both to Paul Judd, 2616 North State Street, Preston,</p> <p>37:25· Idaho· Was that your address in March of 2010?</p> <p>38:1· . . . A· We were living in Preston I believe then.</p> <p>38:2· . . . Q· Was this your address in 2010?</p> <p>38:3· . . . A· So -- do you mean my address where I live or</p> <p>38:4· the address of the home?</p> <p>38:5· . . . Q· There -- it looks like pay to the order --</p> <p>38:6· . . . A· Oh, yeah, that is our -- okay· That is our</p> <p>38:7· home address.</p> <p>38:8· . . . Q· Okay.</p> <p>38:9· . . . A· Yes, that is our home address.</p> <p>38:10· . . . Q· Thank you· Now, it looks like -- can you</p>			

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	<p>38:11· read the name here on the remitter up at the top left?</p> <p>38:12· . . . A· · You mean, Western Land & Livestock?</p> <p>38:13· . . . Q· · Yes.</p> <p>38:14· . . . A· · Yeah.</p> <p>38:15· . . . Q· · And there are notes here on the bottom, and</p> <p>38:16· the first one says "Prepaid lease payment, Western</p> <p>38:17· Land & Livestock LLC" in the amount of \$26,400.</p> <p>38:18· Do you remember receiving that check?</p> <p>38:19· . . . A· · Yeah, I believe I do.</p> <p>38:20· . . . Q· · Okay· And was that for the -- I guess, the</p> <p>38:21· part of the lease payment, this was the initial</p> <p>38:22· installment --</p> <p>38:23· . . . A· · Yes.</p> <p>38:24· . . . Q· · --- for the lease?</p> <p>38:25· . . . A· · Yes.</p> <p>39:1· . . . Q· · Okay· Do you remember discussing why there</p> <p>39:2· was a term to pay it all up front in advance?</p> <p>39:3· . . . A· · No· I really don't, but it seemed like a</p> <p>39:4· great deal to me.</p> <p>39:5· . . . Q· · Okay· Do you remember how you received the</p> <p>39:6· check?· Was that by mail or some other form --</p>			

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	<p>39:7· . . . A· . It was probably by mail, but I don't</p> <p>39:8· honestly remember.</p> <p>39:9· . . . Q· . Okay· I assume you deposited it --</p> <p>39:10· . . . A· . Yes.</p> <p>39:11· . . . Q· . --- and the check cleared?</p> <p>39:12· . . . A· . So initially -- I didn't know who John or</p> <p>39:13· Western Land & Livestock was, so I hired an attorney</p> <p>39:14· to do some background on them, and me and my</p> <p>39:15· attorney -- he tried to do a little bit of research</p> <p>39:16· too and really didn't find anything out· So I asked</p> <p>39:17· him, "Well, what should I do? Should I lease it or</p> <p>39:18· not lease it?"· He said, "He's paying you this much</p> <p>39:19· money up front, I would do it."· So I said -- that was</p> <p>39:20· my attorney's advice, so that's what I did.</p> <p>39:21· . . . Q· . Okay· The second check for \$2500 -- this</p> <p>39:22· says under the notes "Security deposit, Western Land &</p> <p>39:23· Livestock LLC."</p> <p>39:24· Do you recall that that was the purpose --</p> <p>39:25· . . . A· . Yes.</p>			

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	<p>40:1 · · · Q · --- for this second check?</p> <p>40:2 · · · · · And did you receive that at the same time as</p> <p>40:3 · this initial lease payment?</p> <p>40:4 · · · A · I'm guessing I did · I don't know.</p> <p>40:5 · · · Q · Okay · And I assume you deposited the check</p> <p>40:6 · and it cleared?</p> <p>40:7 · · · A · Yeah.</p> <p>40:8 · · · MR. INGRAM: · Okay · Let's mark this as Exhibit</p> <p>40:9 · No. 108.</p> <p>40:10 · · · · · You don't have a stapler, do you?</p> <p>40:11 · · · THE COURT</p> <p>REPORTER: · Yes, I do · Just a second.</p> <p>40:12 · · · MS. GOLDEN: · Bill, I think the last one was 108.</p> <p>40:13 · · · MR. INGRAM: · Oh, excuse me · 109 · Thank you.</p> <p>40:14 · · · · · (Exhibit 109 marked.)</p> <p>40:15 · · · Q · (BY MR. INGRAM) · We have marked this as</p> <p>40:16 · Exhibit No. 109 · Do you recognize what appear to be</p> <p>40:17 · deposit slips?</p> <p>40:18 · · · A · Yes.</p> <p>40:19 · · · Q · And whose deposit slips -- excuse me · Whose</p> <p>40:20 · deposit slips are these?</p> <p>40:21 · · · A · Well, they were my deposit slips.</p>			

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	<p>40:22· . . . Q· ·Okay· And it looks like there is a series</p> <p>40:23· of amounts on each of these deposit slips· Let me</p> <p>40:24· take you to where I see the first one is in terms of</p> <p>40:25· date· On the top right-hand side, there is one that</p> <p>41:1· appears to be dated March 15, 2010.</p> <p>41:2· Do you see that?</p> <p>41:3· . . . A· ·Yes.</p> <p>41:4· . . . Q· ·In the amount of \$28,900?</p> <p>41:5· . . . A· ·Uh-huh.</p> <p>41:6· . . . Q· ·Do you recall what that deposit comprised</p> <p>41:7· of?</p> <p>41:8· . . . A· ·Well, that's the first installment of the</p> <p>41:9· payments -- lease payments, plus also the security</p> <p>41:10· deposit.</p> <p>41:11· . . . Q· ·Okay· And then after that, it looks like</p> <p>41:12· beginning with March 8, 2011, and then continuing, it</p> <p>41:13· looks like in April, May, and then it looks like I've</p> <p>41:14· got a July and August on the next page there are a</p> <p>41:15· series of deposits in the amount of 2200.</p> <p>41:16· . . . A· ·Uh-huh.</p>			

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	<p>41:17· . . . Q· ·What were those deposits?</p> <p>41:18· . . . A· ·Those were the monthly payments.</p> <p>41:19· . . . Q· ·Monthly payments under the terms of the</p> <p>41:20· lease option?</p> <p>41:21· . . . A· ·Right.</p> <p>41:22· . . . Q· ·And do you remember how you saved -- or</p> <p>41:23· excuse me -- how you received those payments?</p> <p>41:24· . . . A· ·I don't really remember.</p> <p>41:25· . . . Q· ·Was that by check?</p> <p>42:1· . . . A· ·I don't remember.</p> <p>42:2· . . . Q· ·Okay· The reason why I say that is it looks</p> <p>42:3· like on each of deposit slips there is a reference to</p> <p>42:4· a number of checks -- one.</p> <p>42:5· Does that refresh your recollection on how</p> <p>42:6· you received payment?</p> <p>42:7· . . . A· ·It's been quite a while.</p> <p>42:8· . . . Q· ·Sure.</p> <p>42:9· . . . A· ·I don't -- I don't really remember· They</p> <p>42:10· came· I deposited them and we were fine.</p> <p>42:11· . . . Q· ·Do you have any reason to dispute receiving</p> <p>42:12· payments by check?</p> <p>42:13· . . . A· ·No.</p>			

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	<p>42:14· · · ·Q· ·Okay· Do you recall who remitted the</p> <p>42:15· checks?</p> <p>42:16· · · ·A· ·Well, if I -- if it was checks and they</p> <p>42:17· weren't direct deposit, then it would have been</p> <p>42:18· Western Land & Livestock.</p> <p>42:19· · · ·Q· ·Okay· And I assume on each of these</p> <p>42:20· deposits that reflects your receipt of payment and</p> <p>42:21· deposited that amount into your bank account for the</p> <p>42:22· monthly rent; is that correct?</p> <p>42:23· · · ·A· ·Yes.</p> <p>42:24· · · ·Q· ·Okay· Let's go back to Exhibit No. 107, if</p> <p>42:25· you will· If you turn to paragraph 6, there is a</p> <p>43:1· paragraph entitled "purchased price."</p> <p>43:2· · · · · Do you see that?</p> <p>43:3· · · ·A· ·Yes.</p> <p>43:4· · · ·Q· ·And then it says "The total purchase price</p> <p>43:5· for the property is \$575,000."</p> <p>43:6· · · ·A· ·Uh-huh.</p> <p>43:7· · · ·Q· ·How did you arrive at that purchase price?</p> <p>43:8· · · ·A· ·That's what John was willing to pay.</p> <p>43:9· · · ·Q· ·Did you believe that 575,000 was above or</p> <p>43:10· below market value?</p>			

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	<p>43:11· . . . A· . You know, the real estate market had tanked</p> <p>43:12· up there pretty bad, and that's why I had to go down</p> <p>43:13· from 725,000 down to 575, so I guess it is market</p> <p>43:14· value.</p> <p>43:15· . . . Q· . Do you remember what you had initially</p> <p>43:16· listed the property at?</p> <p>43:17· . . . A· . No, but it was probably pretty close to the</p> <p>43:18· 725· I had a certified appraisal on it.</p> <p>43:19· . . . Q· . Why were you still willing to sell or price</p> <p>43:20· at 575 as opposed to the 700,000 and change --</p> <p>43:21· . . . A· . Because, they weren't -- nobody was</p> <p>43:22· interested in that and I -- I owed a lot of money,</p> <p>43:23· because I had bought a house in Preston, and I wanted</p> <p>43:24· to get that off my back.</p> <p>43:25· . . . Q· . Did you think Western Land & Livestock was</p> <p>44:1· getting a good deal?</p> <p>44:2· . . . A· . Yeah.</p> <p>44:3· . . . Q· . Under paragraph 10, page 2, there is a</p> <p>44:4· provision regarding utilities and property taxes.</p> <p>44:5· Do you see that?</p> <p>44:6· . . . A· . Uh-huh.</p>			

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	<p>44:7· . . . Q· ·Who did you understand would be responsible</p> <p>44:8· for paying utilities?</p> <p>44:9· . . . A· ·The -- John.</p> <p>44:10· . . . Q· ·Had the landlord been responsible for paying</p> <p>44:11· utilities, how would this have affected the monthly</p> <p>44:12· payments?· So in other words, if you were responsible</p> <p>44:13· for making utility payments, would the amount of rent</p> <p>44:14· gone up?</p> <p>44:15· . . . A· ·Of course.</p> <p>44:16· . . . Q· ·Okay· If you turn, if you will, to the next</p> <p>44:17· page, there is a subparagraph 11-O.</p> <p>44:18· Do you see that?</p> <p>44:19· . . . A· ·Oh, on page 4?</p> <p>44:20· . . . Q· ·Yes· It and starts out with the first</p> <p>44:21· sentence "Tenant will do no remodeling of property</p> <p>44:22· without landlord's written permission."</p> <p>44:23· Do you see that?</p> <p>44:24· . . . A· ·Uh-huh.</p> <p>44:25· . . . Q· ·During the term of the lease while you still</p> <p>45:1· owned the property -- while you were landlord, were</p> <p>45:2· you aware of any remodeling or improvements that took</p> <p>45:3· place on the property?</p>			

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	<p>45:4· . . . A· . Yes· Not on the house.</p> <p>45:5· . . . Q· . And what do you remember taking place?</p> <p>45:6· . . . A· . Oh, they did -- they did some things to the</p> <p>45:7· shop· They had horses and so they -- I don't remember</p> <p>45:8· what all they did, but on the east side of it, they</p> <p>45:9· put an extra wing out for shade for the horses and a</p> <p>45:10· few things like that· I think they did something to a</p> <p>45:11· tack room· They put some air-conditioning in there, I</p> <p>45:12· believe· It was mainly things just to comfort their</p> <p>45:13· animals.</p> <p>45:14· . . . Q· . What do you remember about expanding the</p> <p>45:15· barn?· Was the dimension of it expanded or was it just</p> <p>45:16· kind of these out lean-to structures?</p> <p>45:17· . . . A· . You know, I never went back in the barn,</p> <p>45:18· So -- other than talking to Ron that one day out in</p> <p>45:19· front of there, I -- I know for sure that the lean-to</p> <p>45:20· was expanded quite a bit· He may have expanded the</p> <p>45:21· barn· I don't recall if that happened or when that</p>			

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	<p>45:22· happened· I just don't remember for sure.</p> <p>45:23· . . . Q· ·What about any sort of remodeling or</p> <p>45:24· improvements inside of the home?· Were you aware of</p> <p>45:25· anything –</p> <p>46:1· . . . A· ·No.</p> <p>46:2· . . . Q· ·-- going on?</p> <p>46:3· . . . A· ·Nope.</p> <p>46:4· . . . Q· ·Did you ever give written permission for the</p> <p>46:5· approval of the -- of the work that you saw done?</p> <p>46:6· . . . A· ·No.</p> <p>46:7· . . . Q· ·Did you have any problem with the work that</p> <p>46:8· was done?</p> <p>46:9· . . . A· ·No.</p> <p>46:10· . . . Q· ·Why ,as a landlord, would you have allowed</p> <p>46:11· these improvements to be done without written</p> <p>46:12· approval?</p> <p>46:13· . . . A· ·Because if they didn't complete the lease</p> <p>46:14· and buy it, it was improving -- it was increasing my</p> <p>46:15· property value.</p> <p>46:16· . . . Q· ·Okay· Now, during the term of the lease,</p> <p>46:17· whenever there was an issue with the property, who was</p> <p>46:18· your point of contact with Western Land & Livestock?</p>	<p>46:10-46:15, Rule 402, 403</p> <p>The Government argues in this case that the Talmages directed certain construction projects performed at the Liberty Property, which it argues is inconsistent with them being lessees/tenants. However, the work discussed here was done while Mr. Judd still owned the Liberty Property. This testimony from Mr. Judd is relevant to show that it is not unusual for a lessor/landlord to allow a lessee/tenant to make changes to the leased property.</p>		<p align="center">OVERRULED</p>

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	<p>46:19· . . . A· ·I don't ever remember any issues coming up.</p> <p>46:20· It would have been John, but I don't remember any</p> <p>46:21· issues coming up.</p> <p>46:22· . . . Q· ·Do you remember at any point in time anybody</p> <p>46:23· else other than John Wadsworth being your point of</p> <p>46:24· contact --</p> <p>46:25· . . . A· ·No.</p> <p>47:1· . . . Q· ·--- for Western Land?</p> <p>47:2· And I think we talked about this before.</p> <p>47:3· How would you communicate with John Wadsworth about</p> <p>47:4· the lease?</p> <p>47:5· . . . A· ·I believe it was through email.</p> <p>47:6· . . . Q· ·Okay.</p> <p>47:7· . . . MR. INGRAM:· We are now at Exhibit 110.· We will</p> <p>47:8· mark this as Exhibit 110.</p> <p>47:9· (Exhibit 110 marked.)</p> <p>47:10· . . . Q· ·(BY MR. INGRAM)· This appears to be an email</p> <p>47:11· chain between</p> <p>47:12· westernlivestock@gmail.com and pauljudd@mstar.net.</p> <p>47:13· Do you recognize that mstar.net email</p> <p>47:14· address?</p> <p>47:15· . . . A· ·That's my email.</p> <p>47:16· . . . Q· ·And is that the email you used in 2010?</p>			

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	<p>47:17· . . . A· . Yes.</p> <p>47:18· . . . Q· . Okay· Do you remember receiving and sending</p> <p>47:19· these emails?</p> <p>47:20· . . . A· . Not really.</p> <p>47:21· . . . Q· . Okay· Do you have any reason to dispute</p> <p>47:22· having received and sent them?</p> <p>47:23· . . . A· . No.</p> <p>47:24· . . . Q· . Okay· Now, the first one appears to be from</p> <p>47:25· Western Livestock· The second one appears to be from</p> <p>48:1· you· It says "Hi, John." Do you remember why you</p> <p>48:2· sent this email to John on February 23, 2010?</p> <p>48:3· . . . A· . I'll just have to read it and see what it</p> <p>48:4· says.</p> <p>48:5· . . . Q· . Okay· Why don't you take a moment real</p> <p>48:6· quick to do that and refresh your recollection.</p> <p>48:7· . . . A· . Honestly, John and I were working out the</p> <p>48:8· details.</p> <p>48:9· . . . Q· . Okay· Details of what?</p> <p>48:10· . . . A· . The lease, the monthly payment, the</p> <p>48:11· percentage he was going to get if he closed.</p> <p>48:12· . . . Q· . Now, it looks like -- there is an email from</p>			

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	<p>48:13· John a day earlier where it says "Hi, Paul· Nice</p> <p>48:14· talking today."</p> <p>48:15· Do you remember speaking with John Wadsworth</p> <p>48:16· on or about February 22?</p> <p>48:17· . . . A· ·I really don't.</p> <p>48:18· . . . Q· ·Okay· Could that have been either your</p> <p>48:19· first or second meeting on the property?</p> <p>48:20· . . . A· ·It's possible.</p> <p>48:21· . . . Q· ·Okay· Other than what we've already talked</p> <p>48:22· about in terms of your meeting with Mr. Wadsworth,</p> <p>48:23· does this refresh your recollection about any other</p> <p>48:24· sort of meeting you may have had with him?</p> <p>48:25· . . . A· ·It really doesn't.</p> <p>49:1· . . . Q· ·Okay· He asks "What address do you want</p> <p>49:2· payments sent to?"· Did you have an understanding of</p> <p>49:3· what he was referring to?</p> <p>49:4· . . . A· ·Well, yeah· It would be the terms of the</p> <p>49:5· lease agreement.</p> <p>49:6· . . . Q· ·Okay.</p> <p>49:7· . . . A· ·I told him to hold off a second· We are not</p> <p>49:8· to that point yet.</p> <p>49:9· . . . Q· ·Okay· Now, in your response, you say</p>			

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	<p>49:10· "Please do not send my" -- "send me any checks yet." 49:11· Do you see that? 49:12· . . . A· · Yes. 49:13· . . . Q· · And then in the third sentence, you state "I 49:14· still need to do a credit check and reference 49:15· verification of you and your wife and your company." 49:16· What's the verification you were referring 49:17· to? 49:18· . . . A· · I didn't know who John or Western Land & 49:19· Livestock was· I had no -- no idea who these people 49:20· were· That's why I hired the attorney to see what he 49:21· could -- see if he could find anything out. 49:22· . . . Q· · Okay· And after you hired your attorney and 49:23· performed the verification you could, were you 49:24· satisfied that Mr. Wadsworth and Western Land were 49:25· legit at least for you? 50:1· . . . A· · Well, my attorney's advice was this· He 50:2· said, "Look, John is paying you" -- 20,000 or 29,000 50:3· or whatever it was up front· I said, "What should I</p>			

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	<p>50:4· do?· I don't know John· I don't know Western Land &</p> <p>50:5· Livestock· I don't know anybody, what should I do?"</p> <p>50:6· And his advice to me was, "Well, you're getting a</p> <p>50:7· check, and you're getting it up front, and it's almost</p> <p>50:8· a year in advance, you could verify somebody else, and</p> <p>50:9· they could lie about everything."· He said, "This is</p> <p>50:10· cold, hard cash."· He said, "If I were you, I'd do</p> <p>50:11· it," so I followed my attorney's advice.</p> <p>50:12· . . . Q· ·Okay· Now, in the second paragraph, you</p> <p>50:13· talk about some of the terms of the lease.</p> <p>50:14· . . . A· ·Uh-huh.</p> <p>50:15· . . . Q· ·And there is a sec -- or excuse me -- a</p> <p>50:16· third sentence in the second paragraph, "At your</p> <p>50:17· request, we agreed to change the contract to a lease</p> <p>50:18· option and extended the contract from 12 months to 18</p> <p>50:19· months."</p> <p>50:20· . . . A· ·Sure.</p> <p>50:21· . . . Q· ·Who is the "your" you are referring to?</p> <p>50:22· . . . A· ·Let's see.</p> <p>50:23· . . . Q· ·Whose request?</p>			

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	<p>50:24 · · · A. · Yeah, let me look at that. · It's the third</p> <p>50:25 · sentence?</p> <p>51:1 · · · Q. · Yes.</p> <p>51:2 · · · A. · In the second paragraph. · Well, that would</p> <p>51:3 · be John.</p> <p>51:4 · · · Q. · Okay. · And then in the third paragraph, you</p> <p>51:5 · also state, "You also requested that 25 percent of any</p> <p>51:6 · and all lease option payments would be credited to you</p> <p>51:7 · upon purchasing of our Liberty home at the end of the</p> <p>51:8 · 18-month lease option period."</p> <p>51:9 · · · · · Who was the "you" you were referring to</p> <p>51:10 · there?</p> <p>51:11 · · · A. · John.</p> <p>51:12 · · · Q. · Okay. · And you had talked before about this</p> <p>51:13 · 25 percent of lease option payments being credited.</p> <p>51:14 · · · · · What was this you were talking about?</p> <p>51:15 · · · A. · If he went on to close on our home, then he</p> <p>51:16 · would get 25 percent of his lease option payment -- a</p> <p>51:17 · credit, which he did get.</p> <p>51:18 · · · Q. · And it looks like in paragraph 6 of the</p> <p>51:19 · lease to purchase option agreement, it says at the end</p>			

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	<p>51:20· "The seller shall credit towards the purchase price at</p> <p>51:21· closing an amount equal to 25 percent of the lease</p> <p>51:22· payments trade" -- "made by buyer to seller."</p> <p>51:23· . . . A.· ·Yes.</p> <p>51:24· . . . Q.· ·Is that what you are referring to?</p> <p>51:25· . . . A.· ·Yes.</p> <p>52:1· . . . MR. INGRAM:· Okay·</p> <p>Let's mark this next one as</p> <p>52:2· Exhibit 111.</p> <p>52:3· . . . THE COURT</p> <p>REPORTER:· 110?</p> <p>52:4· . . . MR. INGRAM:· I think we are on 111.</p> <p>52:5· . . . MR. HALVERSON:· Yeah, that's right.</p> <p>52:6· . . . MS. GOLDEN:· Yeah.</p> <p>52:7· (Exhibit 111 marked.)</p> <p>52:8· . . . Q.· ·(BY MR. INGRAM)·</p> <p>Exhibit 111 appears to be a</p> <p>52:9· series of emails between pauljudd@mstar.net and</p> <p>52:10· westernlivestock@gmail.com during the months of</p> <p>52:11· February and March 2010.</p> <p>52:12· Do you remember sending and receiving these</p> <p>52:13· emails with John Wadsworth?</p> <p>52:14· . . . A.· ·No, not really.</p> <p>52:15· . . . Q.· ·Do you have any reason to dispute sending</p> <p>52:16· and receiving these?</p>			

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	<p>52:17· . . . A· . No.</p> <p>52:18· . . . Q· . Okay· It looks like pages -- or page 5, at</p> <p>52:19· least, appears to be the same email we looked at</p> <p>52:20· before· Let's turn to the -- the Bates number that</p> <p>52:21· has 5279.</p> <p>52:22· Do you see that?</p> <p>52:23· . . . A· . Uh-huh.</p> <p>52:24· . . . Q· . And little more than halfway down there is</p> <p>52:25· an email dated February 25, 2010· It says "Paul Judd</p> <p>53:1· wrote."</p> <p>53:2· Do you see that?</p> <p>53:3· . . . A· . Uh-huh.</p> <p>53:4· . . . Q· . And it's addressed to John· Why did you</p> <p>53:5· send this email to John?</p> <p>53:6· . . . A· . Probably because -- it sounds like I just</p> <p>53:7· got out of the my attorney's office, and he had some</p> <p>53:8· recommendations.</p> <p>53:9· . . . Q· . Okay· You start out "I think we are ready</p> <p>53:10· to go· Just a few minor additions to the contract,</p> <p>53:11· and we can get this done."</p> <p>53:12· What was the contract you were referring to?</p> <p>53:13· . . . A· . Oh, it would be the lease option I would</p> <p>53:14· imagine.</p>			

Case Name: United States of America v. Ronald Talmage, et al. Case Number: 1:16-cv-19
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	<p>53:15· . . . Q· . Were there draft versions that were</p> <p>53:16· exchanged between you and Mr. Wadsworth for the lease</p> <p>53:17· option?</p> <p>53:18· . . . A· . It seems like there may have been.</p> <p>53:19· . . . Q· . Do you have a recollection of how many</p> <p>53:20· versions went back and forth?</p> <p>53:21· . . . A· . No, but it wasn't much.</p> <p>53:22· . . . Q· . Okay· Other than Mr. Wadsworth, did you</p> <p>53:23· exchange any versions of a draft lease option with</p> <p>53:24· anybody else?</p> <p>53:25· . . . A· . The only possible other person may have been</p> <p>54:1· my attorney.</p> <p>54:2· . . . Q· . Okay.</p> <p>54:3· . . . A· . And I'm not sure I did that either.</p> <p>54:4· . . . Q· . You have in your email you continue with a</p> <p>54:5· series of minor additions that you had proposed· Why</p> <p>54:6· were you proposing these additions to John?</p> <p>54:7· . . . A· . I don't remember what those additions were,</p> <p>54:8· so...</p> <p>54:9· . . . Q· . And my question is a little bit different.</p>			

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	<p>54:10· Why were you asking John about these proposed</p> <p>54:11· additions?</p> <p>54:12· . . . A· ·About his proposed additions?</p> <p>54:13· . . . Q· ·About your proposed additions.</p> <p>54:14· . . . A· ·I honestly don't remember that conversation.</p> <p>54:15· . . . Q· ·Do you recall why John -- was John your</p> <p>54:16· point of contact?</p> <p>54:17· . . . A· ·John is the only one I ever talked to.</p> <p>54:18· . . . Q· ·Okay· Is that why you had reached out to</p> <p>54:19· him about the minor additions?</p> <p>54:20· . . . A· ·I mean, I'm not supposed to speculate, but</p> <p>54:21· it's probably -- if my attorney may have said, "Well,</p> <p>54:22· you need to get a security deposit" or "You need to do</p> <p>54:23· this" or do something like that· I don't know.</p> <p>54:24· . . . Q· ·Okay· Do you recall if these are the terms</p> <p>54:25· that ended up in the final lease option agreement --</p> <p>55:1· in one form or another?</p> <p>55:2· . . . A· ·Yeah, it looks like it.</p> <p>55:3· . . . Q· ·Okay.</p> <p>55:4· . . . A· ·I'd say they were.</p> <p>55:5· . . . Q· ·On page 5210, you end the email and there is</p>	<p>54:9–14, Rule 602</p> <p>Mr. Judd's personal knowledge is established by him sending the referenced email (Depo. Ex. 111), and at 54:15-17, where he states that he asked Mr. Wadsworth about the proposed additions because Mr. Wadsworth was his only point of contact for negotiation of the lease.</p> <p>54:18–23, Rule 602</p> <p>Same as the prior objection—Mr. Judd's explanation is that he reached out to Mr. Wadsworth because Mr. Wadsworth was his contact for negotiation of the lease.</p>		<p>OVERRULED</p> <p>OVERRULED</p>

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	<p>55:6· a last paragraph.</p> <p>55:7· . . . A· ·I don't think I have a 5210.</p> <p>55:8· . . . Q· ·Excuse me· 5280· My apologies.</p> <p>55:9· 5280 -- you end this with "I also look</p> <p>55:10· forward to meeting you on the 12th March 2010."</p> <p>55:11· Do you see that?</p> <p>55:12· . . . A· ·Uh-huh.</p> <p>55:13· . . . Q· ·Does that refresh your recollection about</p> <p>55:14· when you met with John a second time?</p> <p>55:15· . . . A· ·I mean, possibly· But it's really -- it's</p> <p>55:16· really hard· That's a long time ago for me to</p> <p>55:17· remember that exact meeting.</p> <p>55:18· . . . Q· ·Sure.</p> <p>55:19· . . . A· ·If that says we are going to meet on the</p> <p>55:20· 12th, then we probably met on the 12th.</p> <p>55:21· . . . Q· ·In any event, you have no reason to dispute</p> <p>55:22· having met with John again on March 12th?</p> <p>55:23· . . . A· ·My guess that would be is to guess -- to</p> <p>55:24· look at the condition of the home and take some kind</p> <p>55:25· of notes before we entered the lease.</p>			

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	<p>56:1 · · · Q · Thank you · If you can go back to page</p> <p>56:2 · 5279 --</p> <p>56:3 · · · A · Okay.</p> <p>56:4 · · · Q · You have under "Attorney notes 1A." You see</p> <p>56:5 · that? · John needs to give you two things, a copy of</p> <p>56:6 · the operating agreement for Western Land & Livestock</p> <p>56:7 · LLC and articles of organization · Why did you request</p> <p>56:8 · these organizational documents?</p> <p>56:9 · · · A · I've never heard of John or Western Land &</p> <p>56:10 · Livestock · I had absolutely no idea who these people</p> <p>56:11 · were.</p> <p>56:12 · · · Q · Do you recall if these documents were ever</p> <p>56:13 · provided to you?</p> <p>56:14 · · · A · No · As I recall, my attorney said he really</p> <p>56:15 · couldn't find anything out.</p> <p>56:16 · · · Q · Okay · Do you recall if John ever sent them</p> <p>56:17 · to you?</p> <p>56:18 · · · A · I don't believe I ever got them.</p> <p>56:19 · · · Q · Okay · There is another email on the page</p> <p>56:20 · before 5278, and it is dated March 2, 2010,</p> <p>56:21 · pauljudd@mstar.net wrote.</p>			

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	<p>56:22· Do you see that?</p> <p>56:23· . . . A· ·Uh-huh.</p> <p>56:24· . . . Q· ·You have a communication with him and then</p> <p>56:25· on the next page, you end with a post script· You see</p> <p>57:1· "PS"?· "It's weird, but I have had three real estate</p> <p>57:2· agents contract me about lease optioning our home</p> <p>57:3· since our home went off the market."</p> <p>57:4· Tell me about those real estate agents who</p> <p>57:5· reached out to you.</p> <p>57:6· . . . A· ·Honestly, I don't remember· You know, there</p> <p>57:7· is a lot of local real estate brokers up there, and I</p> <p>57:8· don't -- I don't really remember too much about that.</p> <p>57:9· . . . Q· ·How common is it in that area for people to</p> <p>57:10· lease option purchases of property?</p> <p>57:11· . . . A· ·It's not uncommon· In a tough real estate</p> <p>57:12· market where property values are going down, that's a</p> <p>57:13· logical option for people.</p> <p>57:14· . . . Q· ·Do you have any recollection about these</p> <p>57:15· three real estate agents who contacted you who they</p>			

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	<p>57:16· were?· What they asked you about?</p> <p>57:17· . . . A· ·I really don't.</p> <p>57:18· . . . Q· ·Why did you apprise Mr. Wadsworth of these</p> <p>57:19· inquiries?</p> <p>57:20· . . . A· ·Because they happened.</p> <p>57:21· . . . Q· ·You continue on page 5277, the first page --</p> <p>57:22· . . . A· ·Uh-huh.</p> <p>57:23· . . . Q· ·And there is an email from you dated March</p> <p>57:24· 4, 2010.</p> <p>57:25· Do you see that, "Paul Judd wrote"?</p> <p>58:1· . . . A· ·Sure.</p> <p>58:2· . . . Q· ·And it says "John I have to put this on hold</p> <p>58:3· for a couple days· I just received a call from an</p> <p>58:4· agent who had showed our home to a professional person</p> <p>58:5· several months ago."</p> <p>58:6· Do you recall why you had to put</p> <p>58:7· negotiations on hold?</p> <p>58:8· . . . A· ·Yeah, because I'd rather sell it than lease</p> <p>58:9· it.</p> <p>58:10· . . . Q· ·And I assume, did that sale go through or</p> <p>58:11· that --</p> <p>58:12· . . . A· ·No.</p>			

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	<p>58:13 · · · Q · Okay · And in the end, you ended up signing</p> <p>58:14 · the lease option?</p> <p>58:15 · · · A · Yes.</p> <p>58:16 · · · Q · Okay · And then you have here an email from</p> <p>58:17 · you dated March 8, 2010 ·</p> <p>58:18 · "John, I'm ready to sign the lease option this morning."</p> <p>58:19 · · · · · Do you see that?</p> <p>58:20 · · · A · What page is that on?</p> <p>58:21 · · · Q · This is on the very first page at the very</p> <p>58:22 · top.</p> <p>58:23 · · · A · Oh, yeah.</p> <p>58:24 · · · Q · Okay · And at that point in time, I assume</p> <p>58:25 · the lease option was executed shortly thereafter?</p> <p>59:1 · · · A · Yeah, I think it was on the 15th.</p> <p>59:2 · · · MR. INGRAM · Okay ·</p> <p>Why don't we take a</p> <p>59:3 · five-minute break.</p> <p>59:4 · · · THE WITNESS · I could use some water.</p> <p>59:5 · · · MR. INGRAM · Let's see if we can find you some</p> <p>59:6 · water then.</p> <p>59:7 · · · THE VIDEOGRAPHER ·</p> <p>Going off the record · The</p> <p>59:8 · time is 11:04.</p> <p>59:9 · · · · · (Recess taken from 11:04 a.m. to 11:12 a.m.)</p> <p>59:10 · · · · · (Exhibit 112 marked.)</p>			

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	<p>59:11· . . . THE VIDEOGRAPHER· Back on the record· The time 59:12· is 11:11 a.m. 59:13· . . . Q· ·(BY MR. INGRAM)· Mr. Judd, I've handed you 59:14· an exhibit that we have marked as Exhibit No. 112. 59:15· This, again, appears to be a series of emails between 59:16· pauljudd&mstar.net and westernlivestock@gmail.com 59:17· during the months of February and March 2010. 59:18· Do you remember sending and receiving these 59:19· emails? 59:20· . . . A· ·Vaguely. 59:21· . . . Q· ·The bottom emails appear to be a 59:22· continuation of the same string we've been looking at 59:23· before· And if I can turn your attention to page 3 of 59:24· the document, which is Wadsworth 5265, do you see 59:25· that? 60:1· . . . A· ·Yes. 60:2· . . . Q· ·There is an email from you dated March 4, 60:3· 2010, at 10:56 a.m. 60:4· Do you see that? 60:5· . . . A· ·I do. 60:6· . . . Q· ·And then this is addressed to John, and you</p>			

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	<p>60:7· say "Connie and I are signing the lease agreement</p> <p>60:8· today."</p> <p>60:9· Is Connie your wife?</p> <p>60:10· . . . A· ·Yes.</p> <p>60:11· . . . Q· ·Okay· "I will fax it or email it to you for</p> <p>60:12· your signature· Where do I either email it or fax it</p> <p>60:13· to?"</p> <p>60:14· Does that refresh your recollection on how</p> <p>60:15· you communicated the signed agreement?</p> <p>60:16· . . . A· ·Yeah· I mean, it's kind of consistent with</p> <p>60:17· what I've been saying· We emailed.</p> <p>60:18· . . . Q· ·Okay· You say here</p> <p>60:19· "There are other agents</p> <p>60:20· calling me about leasing our Liberty home, and I want</p> <p>60:21· to concentrate on other things."</p> <p>60:22· Does that refresh your recollection about</p> <p>60:23· other agents reaching out to you about leasing the</p> <p>60:24· home?</p> <p>60:25· . . . A· ·You know, I -- I don't really remember that</p> <p>61:1· too much.</p> <p>61:1· . . . Q· ·Okay· It looks like John responds to you</p>			

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	<p>61:2· the same day· "Thanks Paul· Please fax it to (775)</p> <p>61:3· 580-8501· I'll fax the signed copy to (208)</p> <p>61:4· 247-8296."</p> <p>61:5· Doesn't that refresh your recollection about</p> <p>61:6· how you sent the signed agreement?</p> <p>61:7· . . . A· ·If that's what it says, that's what we did.</p> <p>61:8· . . . Q· ·Do you have any reason to dispute sending</p> <p>61:9· and receiving signatures via fax?</p> <p>61:10· . . . A· ·No.</p> <p>61:11· . . . Q· ·Okay· He says "I'll go ahead and have two</p> <p>61:12· checks mailed to your Preston, Idaho, address from the</p> <p>61:13· bank, one for the prepaid lease and one for the</p> <p>61:14· security deposit· You should receive them prior to</p> <p>61:15· the 12th."</p> <p>61:16· Does that refresh your recollection about</p> <p>61:17· how the checks were sent to you?</p> <p>61:18· . . . A· ·Yeah.</p> <p>61:19· . . . Q· ·That was by mail?</p> <p>61:20· . . . A· ·Yes.</p> <p>61:21· . . . Q· ·Okay.</p> <p>61:22· . . . A· ·Yes.</p>			

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	<p>61:23· . . . Q· ·John continues· He says -- in that same</p> <p>61:24· email on page 3, he continues· He says "I need you to</p> <p>61:25· walk me through the utilities situation· Who is the</p> <p>62:1· water, sewer provider?· Who is the garbage provider?</p> <p>62:2· Will the gas appliances need to be relit or are they</p> <p>62:3· currently lit?"</p> <p>62:4· Do you see that?</p> <p>62:5· . . . A· ·Where are you at?</p> <p>62:6· . . . Q· ·This is on page 3, Wads 5265· And at the</p> <p>62:7· very top, there is an email dated March 4, 2010 --</p> <p>62:8· . . . A· ·Okay.</p> <p>62:9· . . . Q· ·-- 12:53· Do you see that?</p> <p>62:10· . . . A· ·Uh-huh.</p> <p>62:11· . . . Q· ·And then in the last paragraph of John's</p> <p>62:12· email, "I need you to walk me through the utilities</p> <p>62:13· situation."</p> <p>62:14· . . . A· ·Right.</p> <p>62:15· . . . Q· ·So he sends that to you, and in response, on</p> <p>62:16· the next page, page 2 -- if you can go to the</p> <p>62:17· proceeding page.</p> <p>62:18· . . . A· ·Oh, the previous page?</p>			

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	<p>62:19· . . . Q· . Yeah, the previous page, page 2.</p> <p>62:20· . . . A· . Uh-huh.</p> <p>62:21· . . . Q· . There's an email dated March 8, 2010, at</p> <p>62:22· 10:13 a.m· "Paul Judd wrote," and it says "John, I</p> <p>62:23· faxed a signed copy of the lease option agreement to</p> <p>62:24· your office this morning· The cover sheet goes</p> <p>62:25· through the utilities, who to call, et cetera."</p> <p>63:1· What was the cover sheet that goes through</p> <p>63:2· the utilities that you were referring to there?</p> <p>63:3· . . . A· . Well, it would say who to contact.</p> <p>63:4· Telephone numbers of utility companies and water</p> <p>63:5· companies and all that kind of stuff.</p> <p>63:6· . . . Q· . And why did you send that information to</p> <p>63:7· John?</p> <p>63:8· . . . A· . Because if he's going to pay them, he needs</p> <p>63:9· to know -- he needs to know who he is going to pay.</p> <p>63:10· . . . Q· . Okay· You continue there and you state "I</p> <p>63:11· do not have your cell phone number or I would have</p> <p>63:12· called you before I faxed it."</p>			

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	<p>63:13· Do you recall if Mr. Wadsworth ever provided</p> <p>63:14· you his cell phone number?</p> <p>63:15· . . . A· ·I don't recall.</p> <p>63:16· . . . Q· ·Okay· Later, it looks like that same day,</p> <p>63:17· above that email there is an email from John dated</p> <p>63:18· March 8, 2010, 11:41 a.m.</p> <p>63:19· Do you see that?</p> <p>63:20· . . . A· ·Uh-huh.</p> <p>63:21· . . . Q· ·It says "Thanks Paul· We will fax the</p> <p>63:22· counter signed lease to your to (208) 247-8296 fax."</p> <p>63:23· Does that refresh your recollection about</p> <p>63:24· whether that number was your fax number?</p> <p>63:25· . . . A· ·It probably was.</p> <p>64:1· . . . Q· ·Okay· He says "On the utilities, please</p> <p>64:2· have them put in the name of Western Land & Livestock</p> <p>64:3· and have the bills sent to Western Land & Livestock</p> <p>64:4· LLC, PO Box 1453, Cheyenne, Wyoming."</p> <p>64:5· Do you see that?</p> <p>64:6· . . . A· ·Uh-huh.</p> <p>64:7· . . . Q· ·Do you recall if you ever followed</p> <p>64:8· Mr. Wadsworth's request to have utilities put in the</p>			

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	<p>64:9· name of Western Land & Livestock?</p> <p>64:10· . . . A· ·My belief is we did.</p> <p>64:11· . . . Q· ·Okay· Do you recall if utilities were ever</p> <p>64:12· changed into the name of anybody else besides Western</p> <p>64:13· Land & Livestock?</p> <p>64:14· . . . A· ·They were not.</p> <p>64:15· . . . Q· ·Okay· And then finally on the first page of</p> <p>64:16· this document, it looks like towards the bottom there</p> <p>64:17· is an email from you where it says "Paul Judd wrote."</p> <p>64:18· Do you see that?</p> <p>64:19· . . . A· ·Uh-huh.</p> <p>64:20· . . . Q· ·"John, I received both checks today,</p> <p>64:21· Saturday."</p> <p>64:22· Was this in reference to the prepaid rent</p> <p>64:23· and security deposit that we looked at earlier?</p> <p>64:24· . . . A· ·Yes.</p> <p>64:25· . . . MR. INGRAM· Let's mark this next one as Exhibit</p> <p>65:1· No. 113.</p> <p>65:2· (Exhibit 113 marked.)</p> <p>65:3· . . . Q· ·(BY MR. INGRAM)· Again, these appear to be</p> <p>65:4· a -- some emails between pauljudd@mstar.net and</p> <p>65:5· westernlivestock@gmail.com dated March 18 and 19,</p>			

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	<p>65:6· 2010.</p> <p>65:7· Do you remember sending and receiving these</p> <p>65:8· emails?</p> <p>65:9· . . . A· ·I'm sure I sent them.</p> <p>65:10· . . . Q· ·Okay· Do you remember your purpose in</p> <p>65:11· sending these emails to Mr. Wadsworth?</p> <p>65:12· . . . A· ·Well, there was a problem with an access</p> <p>65:13· door to the jetted tub, and I had agreed to fix that.</p> <p>65:14· And just -- just items, I guess I had agreed to fix --</p> <p>65:15· take care of.</p> <p>65:16· . . . Q· ·The very first email is on the second page,</p> <p>65:17· and it's dated March 18, 2010, 5:45 p.m· And it says</p> <p>65:18· "Paul, here is a summary of the notes confirming the</p> <p>65:19· condition of each area of the home," and then there is</p> <p>65:20· a list of items in each room of the home.</p> <p>65:21· . . . A· ·Sure.</p> <p>65:22· . . . Q· ·Do you have an understanding of why John</p> <p>65:23· Wadsworth was sending this to you?</p> <p>65:24· . . . A· ·Yeah because, like I said before, we wanted</p> <p>65:25· to note the condition of the home· And I couldn't</p>			

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	<p>66:1· remember whether it was a picture or notes, but</p> <p>66:2· obviously it was notes.</p> <p>66:3· . . . Q· ·Did you receive this email subsequent to</p> <p>66:4· that inspection that Mr. Wadsworth had conducted?</p> <p>66:5· . . . A· ·This was a result of the inspection he did.</p> <p>66:6· . . . Q· ·Okay· Thank you· You respond, it looks</p> <p>66:7· like, on March 19 at 2:12 p.m.</p> <p>66:8· Do you see that?</p> <p>66:9· . . . A· ·I do.</p> <p>66:10· . . . Q· ·And it says "John, I was over to the Liberty</p> <p>66:11· home yesterday· The access door to the jetted has</p> <p>66:12· been repaired."</p> <p>66:13· Is that what you are referring to earlier?</p> <p>66:14· . . . A· ·Yes.</p> <p>66:15· . . . Q· ·Okay· "There were four or five guys working</p> <p>66:16· on corrals and paining the basement floor."</p> <p>66:17· Did you mean "painting"?</p> <p>66:18· . . . A· ·Painting· Yeah, painting.</p> <p>66:19· . . . Q· ·Okay· What did you observe about paint that</p> <p>66:20· was happening on the basement floor?</p>			

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	<p>66:21· . . . A.· I think they were just putting a sealant on</p> <p>66:22· it.</p> <p>66:23· . . . Q.· Okay.· You continue a little later.· You say</p> <p>66:24· "People were painting the basement floor and the</p> <p>66:25· cement walls."· As a landlord, why did you allow this</p> <p>67:1· to happen?</p> <p>67:2· . . . A.· It seems like John said something about</p> <p>67:3· there might be some pets in the basement, and I said,</p> <p>67:4· "Okay.· The only way I agree to that is if it's</p> <p>67:5· sealed, because I don't want" -- "if you don't buy</p> <p>67:6· this, I don't want a dog smell in my basement."</p> <p>67:7· . . . Q.· I got you.· The last two sentences -- or</p> <p>67:8· excuse me -- the last sentence you say "I just want to</p> <p>67:9· make sure they do not do any wall changing or</p> <p>67:10· additions in the home without my approval."</p> <p>67:11· Why did you want to confirm your approval</p> <p>67:12· for wall changes or additions to the home?</p> <p>67:13· . . . A.· Because I don't anybody doing anything on my</p> <p>67:14· home without my permission.</p>			

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	<p>67:15· . . . Q· . Later were you aware of any improvements or</p> <p>67:16· changes that were done in the home that you did not</p> <p>67:17· approve of?</p> <p>67:18· . . . A· . As far as I know, the painting of that floor</p> <p>67:19· and those walls was the only thing that was done in</p> <p>67:20· the house· I'm not aware of anything else.</p> <p>67:21· . . . MR. INGRAM:· Okay·</p> <p>Let's mark this next one as</p> <p>67:22· Exhibit No. 114.</p> <p>67:23· (Exhibit 114 marked.)</p> <p>67:24· . . . Q· . (BY MR. INGRAM)·</p> <p>This, again, looks like</p> <p>67:25· another email -- another email exchange between you</p> <p>68:1· and John Wadsworth in April and May 2010.</p> <p>68:2· Do you remember receiving and sending these</p> <p>68:3· emails?</p> <p>68:4· . . . A· . Yeah.</p> <p>68:5· . . . Q· . John asks you in an email dated April 2,</p> <p>68:6· 2010, "Paul, hope you are doing well· Does the</p> <p>68:7· fencing look good to you?"</p> <p>68:8· And then you respond, "John, it is my</p> <p>68:9· understanding the homeowners association was giving</p>			

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	<p>68:10· the renters a little bit of hard time about their</p> <p>68:11· vinyl fence, slash, corral."</p> <p>68:12· What were you referring to there?</p> <p>68:13· . . . A· ·It seems like John had some vinyl fences put</p> <p>68:14· in for his horses· And he probably asked me that and</p> <p>68:15· I didn't have a problem with it· When he put the wing</p> <p>68:16· on the barn for his horses, then he needed some bigger</p> <p>68:17· corrals for it.</p> <p>68:18· . . . Q· ·Why as a landowner or a property owner were</p> <p>68:19· you okay with the installation of that vinyl fence?</p> <p>68:20· . . . A· ·Because it looked great and it was</p> <p>68:21· increasing my property value.</p> <p>68:22· . . . MR. INGRAM:· Okay·</p> <p>Let's mark this as Exhibit</p> <p>68:23· No. 115.</p> <p>68:24· (Exhibit 115 marked.)</p> <p>68:25· . . . Q· ·(BY MR. INGRAM)·</p> <p>This looks like an email on</p> <p>69:1· the -- on the second page --</p> <p>69:2· . . . A· ·Uh-huh.</p> <p>69:3· . . . Q· ·--- it says from Paul Judd to</p> <p>69:4· vincebetty@digis.net, copy Western Livestock, dated</p> <p>69:5· May 18, 2010· And then the first page is a response</p>	<p>68:18-21, Rule 402, 403</p> <p>The Government argues in this case that the Talmages directed certain construction projects performed at the Liberty Property, which it argues is inconsistent with them being lessees/tenants. However, the work discussed here was done while Mr. Judd still owned the Liberty Property. This testimony from Mr. Judd is relevant to show that it is not unusual for a lessor/landlord to allow a lessee/tenant to make changes to the leased property.</p>		<p align="center">OVERRULED</p>

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	<p>69:6· from an Allen Lewis.</p> <p>69:7· Do you remember sending and receiving these</p> <p>69:8· emails?</p> <p>69:9· . . . A· · Yes· When I sent it to Allen Lewis, I sent</p> <p>69:10· it to his wife.</p> <p>69:11· . . . Q· · Who is Vince Betty?</p> <p>69:12· . . . A· · Vincent and Betty Bennett were part of the</p> <p>69:13· Willow Creek Home Owners Association.</p> <p>69:14· . . . Q· · And what was the Willow Creek Home Owners</p> <p>69:15· Association?</p> <p>69:16· . . . A· · A homeowners association.</p> <p>69:17· . . . Q· · Okay· Was that the HOA for where the</p> <p>69:18· property was located?</p> <p>69:19· . . . A· · Yeah· But we didn't consider ourselves part</p> <p>69:20· of that.</p> <p>69:21· . . . Q· · Okay· When you said "we," you mean the --</p> <p>69:22· . . . A· · Connie and I did not consider that property</p> <p>69:23· part of that homeowners association.</p> <p>69:24· . . . Q· · Okay.</p> <p>69:25· . . . A· · So.</p> <p>70:1· . . . Q· · What was your purpose in sending this email</p> <p>70:2· on May 18th, 2010?</p> <p>70:3· . . . A· · To Allen -- to his wife?</p>			

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	<p>70:4· . . . Q· ·To vincebetty@digis, yes.</p> <p>70:5· . . . A· ·Well· Allen may have been the president of</p> <p>70:6· the homeowners association· I don't know· But they</p> <p>70:7· were in the leadership of it, and they had been</p> <p>70:8· giving -- whoever the renter was they had been giving</p> <p>70:9· him a hard time about that vinyl fence· And I was</p> <p>70:10· basically telling them, "Look, this is none of your</p> <p>70:11· business· We are not part of the homeowners</p> <p>70:12· association, so knock it off."</p> <p>70:13· . . . Q· ·Why did you copy Western Livestock on this</p> <p>70:14· email?</p> <p>70:15· . . . A· ·Well, John should know, you know· I mean,</p> <p>70:16· John should know this conversation was going on.</p> <p>70:17· . . . Q· ·So in other words, copying Western Land &</p> <p>70:18· Livestock was your effort to --</p> <p>70:19· . . . A· ·Inform him.</p> <p>70:20· . . . Q· ·--- apprise John of what was going on?</p> <p>70:21· . . . A· ·Yeah.</p> <p>70:22· . . . MR. INGRAM:· Okay· Let's mark this one as</p> <p>70:23· Exhibit No. 116.</p> <p>70:24· (Exhibit 116 marked.)</p>			

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	<p>70:25 · · · Q · (BY MR. INGRAM)· This is another series of 71:1 · emails between pauljudd@mstar.net and Western 71:2 · Livestock. 71:3 · · · · · Do you remember sending and receiving these 71:4 · emails in May of 2010? 71:5 · · · · A · · I -- they look familiar to me. 71:6 · · · Q · · Okay · There is an email up at the very top 71:7 · of the first page dated May 22, 2010. 71:8 · · · · · Do you see that? 71:9 · · · A · · Uh-huh. 71:10 · · · Q · · It says "John, Ron would like to purchase my 71:11 · Caterpillar SR21 seven-foot wide hydraulic 71:12 · snowblower." 71:13 · · · · · Is this the snowblower that you were 71:14 · referring to earlier? 71:15 · · · A · · Yes. 71:16 · · · Q · · Why did you inform John about Ron's interest 71:17 · in the snowblower? 71:18 · · · A · · Something going on with the property so -- 71:19 · with the place, so I figured I should do it. 71:20 · · · Q · · Okay · You continue here in the middle of</p>			

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	<p>71:21· this first paragraph where he says "He emailed me</p> <p>71:22· concerning the sprinkler system and the kennel</p> <p>71:23· permit."</p> <p>71:24· Do you see that?</p> <p>71:25· . . . A· ·I do.</p> <p>72:1· . . . Q· ·Why were you acquiring -- or informing John</p> <p>72:2· about the sprinkler system and the kennel permit?</p> <p>72:3· . . . A· ·I don't really remember, other than the fact</p> <p>72:4· that at that point in time Ron must have been living</p> <p>72:5· in the house and he needed a kennel permit· So seeing</p> <p>72:6· as how John and Western Land & Livestock was</p> <p>72:7· ultimately going to own the home, whatever happens to</p> <p>72:8· the home, John ought to know about.</p> <p>72:9· . . . Q· ·Okay· Did you have a problem with the</p> <p>72:10· kennel?</p> <p>72:11· . . . A· ·No.</p> <p>72:12· . . . Q· ·You continue in the second paragraph "I do</p> <p>72:13· not know that it is going to be effective in taking</p> <p>72:14· care of the snow that slides off of the roof over the</p> <p>72:15· corrals."</p> <p>72:16· Do you see that?</p>			

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	<p>72:17· . . . A· . Yes.</p> <p>72:18· . . . Q· . Is this in reference to the snowblower?</p> <p>72:19· . . . A· . Yes.</p> <p>72:20· . . . Q· . Okay· And as I understand it, what you are</p> <p>72:21· saying here is that as the snow melts and it blows</p> <p>72:22· off, it will pile up, turn to ice, and so the</p> <p>72:23· snowblower might not work that well?</p> <p>72:24· . . . A· . Might not work.</p> <p>72:25· . . . Q· . Again, why were you informing John Wadsworth</p> <p>73:1· about the situation regarding snow removal?</p> <p>73:2· . . . A· . Because it is going to be John's house.</p> <p>73:3· . . . MR. INGRAM:· Okay· Let's mark this as Exhibit</p> <p>73:4· No. 117.</p> <p>73:5· (Exhibit 117 marked.)</p> <p>73:6· . . . Q· . (BY MR. INGRAM)· This is another email</p> <p>73:7· exchange between pauljudd@mstar.net and</p> <p>73:8· westernlivestock@gmail.com dated August 5, 2010.</p> <p>73:9· Do you remember receiving and sending these</p> <p>73:10· emails?</p> <p>73:11· . . . A· . Uhm, kind of.</p> <p>73:12· . . . Q· . On August 5, 2010, you say, "John, Liberty</p>			

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	<p>73:13· Pipeline sent me this bill for culinary water on the</p> <p>73:14· Liberty home."</p> <p>73:15· What were you referring to?</p> <p>73:16· . . . A· ·The water bill.</p> <p>73:17· . . . Q· ·Why did you ask John instead of somebody</p> <p>73:18· else to make arrangements for payment?</p> <p>73:19· . . . A· ·Because John agreed to take over the</p> <p>73:20· utilities.</p> <p>73:21· . . . Q· ·There is a response -- and so -- sorry· You</p> <p>73:22· continue here, "Would you make arrangements for</p> <p>73:23· someone to pay the Liberty water bill?"</p> <p>73:24· Is that the arrangements you were just</p> <p>73:25· talking about?</p> <p>74:1· . . . A· ·I'm sure it -- yeah.</p> <p>74:2· . . . Q· ·Okay· Do you recall receiving John's</p> <p>74:3· response on August 5?· "Thanks for the update Paul. A</p> <p>74:4· check payment was sent to Liberty Pipeline today.</p> <p>74:5· Will also contact them to update the mailing address."</p> <p>74:6· Do you see that?</p> <p>74:7· . . . A· ·I mean, I'm sure this happened· Do I</p> <p>74:8· specifically remember it?· No.</p>			

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	<p>74:9· . . . Q· . Okay· You don't have any reason to dispute</p> <p>74:10· receiving it?</p> <p>74:11· . . . A· . No.</p> <p>74:12· . . . Q· . After this exchange with John, do you recall</p> <p>74:13· whether you had any other issues with the Liberty</p> <p>74:14· Pipeline bill?</p> <p>74:15· . . . A· . Not -- not to my recollection.</p> <p>74:16· . . . Q· . Okay· Now, at some point in time the</p> <p>74:17· purchase option was exercised; is that correct?</p> <p>74:18· . . . A· . Yes.</p> <p>74:19· . . . Q· . Do you recall when that was communicated to</p> <p>74:20· you?</p> <p>74:21· . . . A· . Yeah· Well, we closed on it 9/15/2011.</p> <p>74:22· . . . Q· . Do you remember how that was communicated to</p> <p>74:23· you?</p> <p>74:24· . . . A· . What I remember is a couple days before we</p> <p>74:25· were supposed to close, the communication between me</p> <p>75:1· and John went very silent, and so I text him or</p> <p>75:2· emailed -- we didn't text back then· I emailed him or</p> <p>75:3· in some way I said, "Look, John, if you don't</p>			

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	<p>75:4· communicate with me and you exceed the limit, the home</p> <p>75:5· is going on the market the next day."</p> <p>75:6· . . . Q· ·Do you remember who ultimately communicated</p> <p>75:7· the purchase option to you -- or exercised the option?</p> <p>75:8· . . . A· ·The only one I ever talked to was John.</p> <p>75:9· . . . Q· ·Okay· And so I assume the answer to my next</p> <p>75:10· question, I probably already know, but I'll ask it</p> <p>75:11· anyway· Did anybody other than John Wadsworth</p> <p>75:12· communicate, exercise --</p> <p>75:13· . . . A· ·No.</p> <p>75:14· . . . Q· ·--- the purchase option to you?</p> <p>75:15· . . . A· ·No.</p> <p>75:16· . . . Q· ·Did the Talmages communicate and exercise of</p> <p>75:17· the purchase option to you?</p> <p>75:18· . . . A· ·No.</p> <p>75:19· . . . MR. INGRAM:· Let's mark this one as Exhibit</p> <p>75:20· No. 118.</p> <p>75:21· (Exhibit 118 marked.)</p> <p>75:22· . . . Q· ·(BY MR. INGRAM)· This is an email dated May</p> <p>75:23· 1, 2011, from pauljudd@mstar.net to Western Land &</p> <p>75:24· Livestock.</p>			

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	<p>75:25· Do you see that?</p> <p>76:1· . . . A· ·Uh-huh.</p> <p>76:2· . . . Q· ·Why did you send this email to John?</p> <p>76:3· . . . A· ·All my communication went through John.</p> <p>76:4· . . . Q· ·Now, I noticed that this is only sent to</p> <p>76:5· Western Land & Livestock·</p> <p>Why did you not copy</p> <p>76:6· anybody else on this email?</p> <p>76:7· . . . A· ·Because I'm in communications with John.</p> <p>76:8· . . . Q· ·Why did you not copy the Talmages on this</p> <p>76:9· email?</p> <p>76:10· . . . A· ·I don't think I had any contact</p> <p>76:11· information -- I don't remember having any contact</p> <p>76:12· information with the Talmages· I may have, but I</p> <p>76:13· don't remember.</p> <p>76:14· . . . Q· ·You say "Connie and I were wondering if</p> <p>76:15· Western Land & Livestock LLC and, slash, or Ron and</p> <p>76:16· Annie have made a decision on buying our home in</p> <p>76:17· Liberty."</p> <p>76:18· Do you see that?</p> <p>76:19· . . . A· ·I do.</p> <p>76:20· . . . Q· ·So you noticeably include these conjunctions</p>			

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	<p>76:21· and, slash, or· Did you know whether the Talmages</p> <p>76:22· actually had authority to exercise the purchase</p> <p>76:23· option?</p> <p>76:24· · · ·A· ·No· They didn't have -- there is nothing in</p> <p>76:25· that contract that gives them the right to do it· But</p> <p>77:1· I don't know if maybe John was going to sell it to</p> <p>77:2· them after he bought it from me.</p> <p>77:3· · · ·Q· ·Was this just an assumption on their part</p> <p>77:4· that they may have some decision making power?</p> <p>77:5· · · ·MS. GOLDEN:· Objection· Calls for speculation.</p> <p>77:6· · · ·THE WITNESS:· Okay.</p> <p>77:7· · · ·MR. INGRAM:· You can answer.</p> <p>77:8· · · ·THE WITNESS:· What was the question again?</p> <p>77:9· · · ·Q· ·(BY MR. INGRAM)· Was that just an assumption</p> <p>77:10· on your part that they may or may not have some</p> <p>77:11· decision making power?</p> <p>77:12· · · ·A· ·I never -- I never believed that they had</p> <p>77:13· any decision making powers to buying the home or not</p> <p>77:14· buying the home, but I don't know what John -- you</p>			

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	<p>77:15· know, I don't know what John's relationship is with</p> <p>77:16· those guys, so...</p> <p>77:17· . . . Q· ·Who did you understand was the only person</p> <p>77:18· authorized to make decisions and act on behalf of</p> <p>77:19· Western Land & Livestock?</p> <p>77:20· . . . A· ·John.</p> <p>77:21· . . . Q· ·Who was the only person who ever</p> <p>77:22· communicated authority to act on behalf of Western</p> <p>77:23· Land & Livestock?</p> <p>77:24· . . . A· ·John.</p> <p>77:25· . . . Q· ·Who made all decisions regarding the lease</p> <p>78:1· and purchase of the property?</p> <p>78:2· . . . A· ·John.</p> <p>78:3· . . . Q· ·You said here at the bottom "Ron and Annie</p> <p>78:4· have done a lot of really nice things to our Liberty</p> <p>78:5· home."</p> <p>78:6· What were the really nice things you were</p> <p>78:7· referring to?</p> <p>78:8· . . . A· ·Well, the vinyl fence and -- and they</p> <p>78:9· also -- there was -- on the side of our house -- I'm</p> <p>78:10· assuming it was Ron and those guys because they were</p> <p>78:11· living there.· They had put some black poly or weed</p>	<p>77:25–78:2, Rule 602</p> <p>Mr. Judd has personal knowledge about who he understood was making lease and purchase decisions on behalf of Western Land & Livestock because he negotiated and communicated directly—and solely—with Mr. Wadsworth on Western Land's behalf. <i>See</i> 77:17-24.</p>		<p align="center">OVERRULED</p>

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	<p>78:12· barrier or whatever.· They put a bunch of gravel along</p> <p>78:13· the side of the house.· That was really nice.· It kept</p> <p>78:14· the weeds down and the vinyl fence was nice.· So from</p> <p>78:15· the outside, they were taking good care of it.· It was</p> <p>78:16· looking nice.· There was some improvements being made.</p> <p>78:17· . . . Q.· Is that why you as the landlord approved of</p> <p>78:18· those?</p> <p>78:19· . . . A.· Yeah.</p> <p>78:20· . . . Q.· Okay.· You continue here "I have also</p> <p>78:21· appreciated doing business with you, John."</p> <p>78:22· What business had you conducted with John?</p> <p>78:23· . . . A.· The only business is just this house.</p> <p>78:24· . . . Q.· Other than John Wadsworth, had you conducted</p> <p>78:25· any business concerning the property with anybody</p> <p>79:1· else?</p> <p>79:2· . . . A.· Well, I had some guys fix the trap door to</p> <p>79:3· the jetted tub.</p> <p>79:4· . . . Q.· In terms of conducting business regarding</p> <p>79:5· the house, anybody other than John Wadsworth?</p> <p>79:6· . . . A.· No.</p>			

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	<p>79:7 · · · MR. INGRAM:· We are on 119.</p> <p>79:8 · · · · · (Exhibit 119 marked.)</p> <p>79:9 · · · Q· · (BY MR. INGRAM)· We've handed you and we've</p> <p>79:10· marked it as Exhibit 119· This is an email from</p> <p>79:11· westernlivestock@gmail.com to Paul Judd dated May 2,</p> <p>79:12· 2011.</p> <p>79:13 · · · · · Do you remember receiving this email?</p> <p>79:14 · · · A· · Just like everything else, it -- I assume</p> <p>79:15· this is right· Yes, I kind of remember it.</p> <p>79:16 · · · Q· · It says "Paul, thanks for your email· WLL</p> <p>79:17· plans on exercising the option to purchase the</p> <p>79:18· property before the option expires."</p> <p>79:19 · · · · · Do you see that?</p> <p>79:20 · · · A· · Yes.</p> <p>79:21 · · · Q· · By this email, who did you understand would</p> <p>79:22· exercise the purchase option?</p> <p>79:23 · · · A· · John.</p> <p>79:24 · · · Q· · And it says -- he continues "I'll let you</p> <p>79:25· know as soon as the timeline is nailed down."</p> <p>80:1 · · · · · Who did you understand would exercise the</p>			

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	<p>80:2· option on behalf of Western Land & Livestock?</p> <p>80:3· . . . A· ·John.</p> <p>80:4· . . . Q· ·Based upon this email and John's</p> <p>80:5· representation, what did you do to prepare for the</p> <p>80:6· purchase of the property?</p> <p>80:7· . . . A· ·I don't think I did anything· It says he'll</p> <p>80:8· let me know when you nail it down and then we schedule</p> <p>80:9· the closing.</p> <p>80:10· . . . Q· ·Do you remember putting together a real</p> <p>80:11· estate purchase contract?</p> <p>80:12· . . . A· ·Oh, yes· Of course.</p> <p>80:13· . . . Q· ·Okay.</p> <p>80:14· . . . A· ·Yes· I'm sorry· Yes.</p> <p>80:15· . . . Q· ·Do you remember who put together the real</p> <p>80:16· estate purchase contract?</p> <p>80:17· . . . A· ·That would probably be me.</p> <p>80:18· . . . Q· ·Okay· Do you recall who asked you to put</p> <p>80:19· together the REPC?</p> <p>80:20· . . . A· ·John.</p> <p>80:21· . . . Q· ·If I refer to the real estate purchase</p> <p>80:22· contract as a REPC --</p> <p>80:23· . . . A· ·That's fine.</p> <p>80:24· . . . Q· ·--- do you understand what I'm talking about?</p> <p>80:25· . . . A· ·Yes.</p>			

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	<p>81:1· . . . Q· . And I assume you put together REPCs in the</p> <p>81:2· past based upon your real estate experience?</p> <p>81:3· . . . A· . Sure· Lots of them.</p> <p>81:4· . . . MR. INGRAM:· Okay· Let's mark this as Exhibit</p> <p>81:5· 120.</p> <p>81:6· (Exhibit 120 marked.)</p> <p>81:7· . . . Q· . (BY MR. INGRAM)· I've handed you what we</p> <p>81:8· have marked as Exhibit 120, Mr. Judd.</p> <p>81:9· Do you recognize this document?</p> <p>81:10· . . . A· . Yes.</p> <p>81:11· . . . Q· . And what is this?</p> <p>81:12· . . . A· . The real estate purchase contract.</p> <p>81:13· . . . Q· . Is this the REPC that you prepared?</p> <p>81:14· . . . A· . Yes.</p> <p>81:15· . . . Q· . Okay· It looks like there is a series of</p> <p>81:16· initials on each page and then some signatures on the</p> <p>81:17· last two pages· Do you remember -- or excuse me· Do</p> <p>81:18· you recognize these signatures and initials on all the</p> <p>81:19· pages?</p> <p>81:20· . . . A· . They look like John's, so...</p> <p>81:21· . . . Q· . What about the other signatures?· Do you</p>			

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	<p>81:22· recognize those?</p> <p>81:23· . . . A· · Well, those are my wife and I's.</p> <p>81:24· . . . Q· · Okay· Do you recall when this agreement was</p> <p>81:25· initialed and signed?</p> <p>82:1· . . . A· · It looks like the 14th of September 2011.</p> <p>82:2· . . . Q· · Do you remember how a signed copy of the</p> <p>82:3· REPC was delivered to you?· Was that via fax or email?</p> <p>82:4· . . . A· · Yeah, it was either fax or email· I don't</p> <p>82:5· know.</p> <p>82:6· . . . Q· · Okay· According to this REPC, who did you</p> <p>82:7· understand was the buyer?</p> <p>82:8· . . . A· · Western Land & Livestock and John.</p> <p>82:9· . . . Q· · Okay· And who negotiated this real estate</p> <p>82:10· purchase contract on behalf of Western Land &</p> <p>82:11· Livestock?</p> <p>82:12· . . . A· · Well, we pretty much negotiated it through</p> <p>82:13· the lease option with John.</p> <p>82:14· . . . Q· · Anybody else?</p> <p>82:15· . . . A· · No.</p> <p>82:16· . . . Q· · Who did you understand represented Western</p> <p>82:17· Land & Livestock in this real estate purchase contract</p> <p>82:18· transaction?</p>			

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	<p>82:19· . . . A· ·John.</p> <p>82:20· . . . Q· ·Other than Mr. Wadsworth, did anybody else</p> <p>82:21· negotiate this REPC on behalf of Western Land &</p> <p>82:22· Livestock?</p> <p>82:23· . . . A· ·No.</p> <p>82:24· . . . Q· ·Now, in Section 2 of the REPC under purchase</p> <p>82:25· price, there is a total \$575,000.</p> <p>83:1· Do you see that?</p> <p>83:2· . . . A· ·Yes.</p> <p>83:3· . . . Q· ·Did that come from the lease option purchase</p> <p>83:4· price that we looked at earlier?</p> <p>83:5· . . . A· ·Yes.</p> <p>83:6· . . . Q· ·Okay· There is a \$12,400 earnest money</p> <p>83:7· deposit and then up at the top of the agreement, it</p> <p>83:8· says "In the form of credit from seller."</p> <p>83:9· Do you see that?</p> <p>83:10· . . . A· ·Right.</p> <p>83:11· . . . Q· ·Where did that come from?</p> <p>83:12· . . . A· ·Well, he got 25 percent of the payments each</p> <p>83:13· month and then there was a \$2500 security deposit to</p> <p>83:14· be re -- reimbursed to him.</p> <p>83:15· . . . Q· ·So this was the 25 percent credit that we</p> <p>83:16· had discussed earlier?</p> <p>83:17· . . . A· ·Yes.</p>			

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	<p>83:18 · · · Q · Okay.</p> <p>83:19 · · · A · I believe that also -- I believe that also</p> <p>83:20 · includes the security deposit.</p> <p>83:21 · · · Q · Okay · And then it looks there -- under the</p> <p>83:22 · purchase price, it's broken out into a new loan, under</p> <p>83:23 · subsection 2B.</p> <p>83:24 · · · · · Do You see that --</p> <p>83:25 · · · A · Uh-huh.</p> <p>84:1 · · · Q · --- in the amount of \$534,000 and change?</p> <p>84:2 · · · A · Right.</p> <p>84:3 · · · Q · Do you recall any representation to you</p> <p>84:4 · about financing a new loan?</p> <p>84:5 · · · A · The only thing I recall is he had a company</p> <p>84:6 · he was working with.</p> <p>84:7 · · · Q · Okay.</p> <p>84:8 · · · A · That's about all I remember.</p> <p>84:9 · · · Q · Do you recall Mr. Wadsworth making any</p> <p>84:10 · representation to you about what that financing would</p> <p>84:11 · be?</p> <p>84:12 · · · A · No, I don't recall that.</p> <p>84:13 · · · Q · Okay · Did you ever view or receive any</p> <p>84:14 · documents regarding that financing?</p> <p>84:15 · · · A · I don't remember receiving any.</p>			

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	<p>84:16 · · · Q · As the seller of the property, did you even</p> <p>84:17 · really care where the financing came from so long as</p> <p>84:18 · the check cleared?</p> <p>84:19 · · · A · No, not really. I mean --</p> <p>84:20 · · · Q · I think you had answered this earlier, but</p> <p>84:21 · let me just confirm. When did the purchase close?</p> <p>84:22 · · · A · Well, I think -- whatever the date it is on</p> <p>84:23 · that settlement statement -- the 15th of September.</p> <p>84:24 · · · Q · Okay. And do you recall who conducted the</p> <p>84:25 · closing -- what title company?</p> <p>85:1 · · · A · No, I really don't.</p> <p>85:2 · · · Q · Meridian Title Company; does that ring a</p> <p>85:3 · bell?</p> <p>85:4 · · · A · That sounds familiar now, yeah.</p> <p>85:5 · · · Q · Okay. Do you recall who selected Meridian</p> <p>85:6 · Title to conduct the closing?</p> <p>85:7 · · · A · That would have been John.</p> <p>85:8 · · · Q · And was that he who provided information to</p> <p>85:9 · contact Meridian Title?</p> <p>85:10 · · · A · Yeah.</p> <p>85:11 · · · Q · Okay. Who do you -- during this time, who</p>			

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	<p>85:12· did you typically use for a title company to</p> <p>85:13· facilitate closings?</p> <p>85:14· . . . A· · Well, I would normally use -- I've been in</p> <p>85:15· Utah a lot of years now so I've got to think about it.</p> <p>85:16· I'd either use First American Title· I would use</p> <p>85:17· Amer Card & Title.</p> <p>85:18· . . . Q· · Why did you agree to use Meridian Title</p> <p>85:19· instead of them?</p> <p>85:20· . . . A· · It worked for John· It's fine with me. I</p> <p>85:21· didn't care.</p> <p>85:22· . . . Q· · Okay· Now, I assume there was a closing</p> <p>85:23· that took place at somebody's office?</p> <p>85:24· . . . A· · Yeah· I just don't remember where that</p> <p>85:25· happened.</p> <p>86:1· . . . Q· · Okay· The seller of the property, it looks</p> <p>86:2· like was you and your wife, Paul and Connie Judd.</p> <p>86:3· Do you recall who appeared at the closing on</p> <p>86:4· your behalf to execute the closing documents?</p> <p>86:5· . . . A· · We did.</p> <p>86:6· . . . Q· · That would be you and your wife?</p> <p>86:7· . . . A· · Connie and I did, yes.</p>			

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	<p>86:8 · · · Q · Okay · Do you remember -- was there anybody</p> <p>86:9 · else at the closing besides you and your wife?</p> <p>86:10 · · · A · I don't recall anybody else.</p> <p>86:11 · · · Q · Okay · Was this a separate closing from the</p> <p>86:12 · buyer?</p> <p>86:13 · · · A · I believe it was a separate closing.</p> <p>86:14 · · · Q · Okay · So whoever showed up on behalf of the</p> <p>86:15 · buyer, you don't know who that was?</p> <p>86:16 · · · A · Yeah, I don't remember that at all, so...</p> <p>86:17 · · · MR. INGRAM · Okay ·</p> <p>Let's mark this as Exhibit</p> <p>86:18 · No. 121,</p> <p>86:19 · · · · · (Exhibit 121 marked.)</p> <p>86:20 · · · Q · (BY MR. INGRAM) ·</p> <p>I've handed you what we</p> <p>86:21 · have marked as Exhibit 121.</p> <p>86:22 · · · · · Do you recognize this document?</p> <p>86:23 · · · A · Yeah.</p> <p>86:24 · · · Q · And what is this document?</p> <p>86:25 · · · A · These are the closing statements.</p> <p>87:1 · · · Q · And who prepared the closing statement?</p> <p>87:2 · · · A · Meridian Title.</p>			

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	<p>87:3. . . . Q. . There is a signature on the second to last</p> <p>87:4. page upped sellers, Paul L. Judd, Connie Judd.</p> <p>87:5. Do you see that?</p> <p>87:6. . . . A. . Yes.</p> <p>87:7. . . . Q. . Are these your signatures?</p> <p>87:8. . . . A. . Yes.</p> <p>87:9. . . . Q. . And do you remember signing this on or about</p> <p>87:10. September 14, 2011?</p> <p>87:11. . . . A. . Well, I'm sure we did. Yeah.</p> <p>87:12. . . . Q. . And then there is a settlement agent here,</p> <p>87:13. Jeff Seaman. Do you ever -- do you remember --</p> <p>87:14. . . . A. . I don't remember.</p> <p>87:15. . . . Q. . --- him being the closing officer?</p> <p>87:16. . . . A. . I don't remember that at all.</p> <p>87:17. . . . Q. . How many closings have you participated in?</p> <p>87:18. . . . A. . Hundreds.</p> <p>87:19. . . . Q. . Okay.</p> <p>87:20. . . . A. . So --</p> <p>87:21. . . . Q. . Other than you and your wife and Mr. Seaman,</p> <p>87:22. do you recall anybody else who was present for the</p> <p>87:23. closing and your signature of these documents -- on</p> <p>v24. these documents?</p>			

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	<p>87:25 · · · A. · No, I don't.</p> <p>88:1 · · · Q. · Okay. · And according to the -- you see there</p> <p>88:2 · is a section "D" on the first page. · Who did you</p> <p>88:3 · understand was the purchaser of the property?</p> <p>88:4 · · · A. · Well, Western Land & Livestock and John.</p> <p>88:5 · · · MR. INGRAM: · Okay. · We will mark this one as</p> <p>88:6 · Exhibit No. 122.</p> <p>88:7 · · · · · (Exhibit 122 marked.)</p> <p>88:8 · · · Q. · (BY MR. INGRAM) · Do you recognize this</p> <p>88:9 · document?</p> <p>88:10 · · · A. · Well, it is a closing -- a closing document.</p> <p>88:11 · I don't --</p> <p>88:12 · · · Q. · Do you recognize the signatures on page 1?</p> <p>88:13 · · · A. · Yeah, those are our signatures.</p> <p>88:14 · · · Q. · Okay. · Do you remember signing this document</p> <p>88:15 · on or around September --</p> <p>88:16 · · · A. · I'm sure we did.</p> <p>88:17 · · · Q. · --- 14, 2011?</p> <p>88:18 · · · A. · Yeah.</p> <p>88:19 · · · Q. · Okay.</p> <p>88:20 · · · · · (Exhibit 123 marked.)</p> <p>88:21 · · · Q. · (BY MR. INGRAM) · I've handed you what we</p> <p>88:22 · have marked as Exhibit 123.</p>			

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	<p>88:23· Do you recognize this document?</p> <p>88:24· . . . A· . It looks familiar.</p> <p>88:25· . . . Q· . And what is this document?</p> <p>89:1· . . . A· . It's a warranty deed.</p> <p>89:2· . . . Q· . And what is a warranty deed?</p> <p>89:3· . . . A· . A warranty deed is the condition of the</p> <p>89:4· title that you pass on to a buyer.</p> <p>89:5· . . . Q· . Okay· And there is some signatures on this</p> <p>89:6· document· Do you recognize those signatures?</p> <p>89:7· . . . A· . Yeah, those are my wife's and I's.</p> <p>89:8· . . . Q· . And you remember signing this warranty deed</p> <p>89:9· on or about September 14, 2011?</p> <p>89:10· . . . A· . I'm sure we did.</p> <p>89:11· . . . Q· . Okay· And it looks like you were con -- you</p> <p>89:12· as sellers are conveying -- or as grantors are</p> <p>89:13· conveying a piece of property to a grantee· And who</p> <p>89:14· is the grantee that you were conveying the property</p> <p>89:15· to?</p> <p>89:16· . . . A· . Western Land & Livestock.</p> <p>89:17· (Exhibit 124 marked.)</p>			

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	<p>89:18· . . . Q· ·(BY MR. INGRAM)· 89:19· I've handed you what 89:20· we have marked as Exhibit 89:21· This is an owner's 89:22· affidavit and indemnity. 89:23· Do you see that? 89:24· . . . A· ·Uh-huh. 89:25· . . . Q· ·And it looks like there 90:1· is a series of 90:2· initials on this document and 90:3· then it culminates on 90:4· page 2 into some signatures. 90:5· Do you see that? 90:6· . . . A· ·Yes, I do. 90:7· . . . Q· ·Do you recognize those 90:8· initials and 90:9· signatures? 90:10· . . . A· ·Those are my wife and 90:11· I's signatures --. 90:12· . . . Q· ·And do you remember - 90:13· - 90:14· . . . A· ·Initials. 90:15· . . . Q· ·Do you remember 90:16· initialing and signing this 90:17· document on or about 90:18· September 14, 2011? 90:19· . . . A· ·No, but I'm sure we 90:20· did. 90:21· . . . Q· ·Okay· If you look at 90:22· paragraph 13 -- 90:23· . . . A· ·Uh-huh. 90:24· . . . Q· ·--- you see there is a 90:25· representation here -- 90:26· well, let me back up· In your 90:27· experience as a broker</p>			

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	<p>90:15· and real estate agent, what's the purpose of an</p> <p>90:16· owner's affidavit and indemnity agreement?</p> <p>90:17· . . . A· · You know, I haven't seen very many of these.</p> <p>90:18· I guess it just -- describes conditions of the</p> <p>90:19· property.</p> <p>90:20· . . . Q· · Okay· And in paragraph 13, there is a</p> <p>90:21· statement that says "There are no tenants, leases, or</p> <p>90:22· parties in possession of the property except as set</p> <p>90:23· out below."</p> <p>90:24· Do you see that?</p> <p>90:25· . . . A· · Uh-huh.</p> <p>91:1· . . . Q· · And there is some handwriting there.</p> <p>91:2· Do you recognize that handwriting?</p> <p>91:3· . . . A· · I'm sure that's mine.</p> <p>91:4· . . . Q· · And can you read what it says there?</p> <p>91:5· . . . A· · "Western Land & Livestock LLC is currently</p> <p>91:6· leasing this property."</p> <p>91:7· . . . Q· · Is that an accurate statement at the time --</p> <p>91:8· of your understanding at the time you signed this</p> <p>91:9· document?</p> <p>91:10· . . . A· · Yeah.</p> <p>91:11· . . . Q· · Okay.</p>			

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	<p>91:12· . . . Q· ·If you are turn to page 1 -- or excuse me.</p> <p>91:13· . . . MR. INGRAM:· I'll mark this as Exhibit 125.</p> <p>91:14· (Exhibit 125 marked.)</p> <p>91:15· . . . Q· ·(BY MR. INGRAM)· Do you recognize this</p> <p>91:16· document?</p> <p>91:17· . . . A· ·I do.</p> <p>91:18· . . . Q· ·And what is this document?</p> <p>91:19· . . . A· ·This is a seller's property disclosure.</p> <p>91:20· . . . Q· ·And what is a seller's property condition</p> <p>91:21· disclosure?</p> <p>91:22· . . . A· ·It's the seller telling the buyer they --</p> <p>91:23· answering the questions about the property.</p> <p>91:24· . . . Q· ·Okay· And do you recall who prepared this</p> <p>91:25· document?</p> <p>92:1· . . . A· ·I'm sure I did.</p> <p>92:2· . . . Q· ·Okay· And there is a series of initials and</p> <p>92:3· signatures on this document.</p> <p>92:4· Do you see that?</p> <p>92:5· . . . A· ·Uh-huh.</p> <p>92:6· . . . Q· ·Do you recognize those initials and</p> <p>92:7· signatures?</p> <p>92:8· . . . A· ·Those are mine and my wife's and John's.</p>			

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	<p>92:9· . . . Q· . Okay· Do you remember initialing and</p> <p>92:10· signing this document on or about August 31, 2011?</p> <p>92:11· . . . A· . Well, I don't remember it specifically, but</p> <p>92:12· I did do it, so...</p> <p>92:13· . . . Q· . At some point in time, did you receive an</p> <p>92:14· initial and executed copy back from John Wadsworth?</p> <p>92:15· . . . A· . I did.</p> <p>92:16· . . . Q· . Okay· Do you know how Western Land and</p> <p>92:17· Liberty financed the purchase of the property?</p> <p>92:18· . . . A· . He got a loan.</p> <p>92:19· . . . Q· . Do you know where the money came from?</p> <p>92:20· . . . A· . Some loan company that he's affiliated with.</p> <p>92:21· . . . Q· . Did he or anybody else make any sort of</p> <p>92:22· representations about where the money came from?</p> <p>92:23· . . . A· . He probably mentioned the name of who he was</p> <p>92:24· getting a loan from, but that's about it.</p> <p>92:25· . . . Q· . Do you know anything about a company called</p> <p>93:1· Western Reserve Mortgage LLC?</p> <p>93:2· . . . A· . No.</p>			

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	<p>93:3 · · · Q · · Okay · Have you ever heard of a company</p> <p>93:4 · called Heng Cheong Pacific Limited?</p> <p>93:5 · · · A · · No.</p> <p>93:6 · · · Q · · Have you ever heard of a company called New</p> <p>93:7 · Century Properties Limited?</p> <p>93:8 · · · A · · No.</p> <p>93:9 · · · Q · · Have you ever heard of a company called</p> <p>93:10 · World-Wide Investment Services or WWIS?</p> <p>93:11 · · · A · · No.</p> <p>93:12 · · · Q · · After you sold the property to Western Land</p> <p>93:13 · & Livestock, do you know what happened to it after</p> <p>93:14 · that?</p> <p>93:15 · · · A · · Well, I drove by there once in a while, you</p> <p>93:16 · know, and continued improvements were made on the</p> <p>93:17 · property, so -- but as far as what else happened -- I</p> <p>93:18 · mean -- and then later on, you know, last year or</p> <p>93:19 · whatever I heard these horror stories about everything</p> <p>93:20 · going on there, so...</p> <p>93:21 · · · Q · · Let me back up a little bit · After you</p> <p>93:22 · closed on the purchase of the property, did you ever</p>			

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	<p>93:23· have any further communications with John Wadsworth?</p> <p>93:24· . . . A· ·Not to my knowledge.</p> <p>93:25· . . . Q· ·Did you ever have any further communications</p> <p>94:1· with anybody on behalf of Western Land & Livestock?</p> <p>94:2· . . . A· ·No.</p> <p>94:3· . . . Q· ·What about Ron or Annette Talmage?</p> <p>94:4· . . . A· ·No, not to my knowledge.</p> <p>94:5· . . . Q· ·Okay· Now, you had said before that -- you</p> <p>94:6· said somebody at some point in time contacted you.</p> <p>94:7· Do you remember ever being contacted by an</p> <p>94:8· IRS agent or revenue officer?</p> <p>94:9· . . . A· ·I do· As a matter of fact, a lady by the</p> <p>94:10· name of Yvonne Olson called me -- contacted me.</p> <p>94:11· . . . Q· ·And do you recall when you were contacted by</p> <p>94:12· her?</p> <p>94:13· . . . A· ·You know, I really don't· It was probably a</p> <p>94:14· year or -- she kind of contacted me· She said "I can</p> <p>94:15· send you a subpoena or you can send me all these</p> <p>94:16· documents," so I spent a couple weeks getting all</p>	<p>94:5-95:19, Rule 402, 403</p> <p>This is relevant both to lay foundation for the testimony at 95:20-97:2, and to show the information that was made available to the Government during the course of its investigation in this matter. Importantly, the Western Parties have filed a <i>Motion to Exclude Testimony of Yvonne Olson</i> [Dkt. 252], which contends that Ms. Olson's testimony should be excluded on the grounds that she can only testify about what witnesses reported to her and the documents they provided to her. Mr. Judd is one such witness. It is more appropriate for him to testify directly about what he told Ms. Olson than for her to testify about what he told her (which would be hearsay).</p>		<p align="center">OVERRULED</p>

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	<p>94:17· these documents together and I sent them to her.· And</p> <p>94:18· then I really never heard from her again.</p> <p>94:19· . . . Q.· ·When you were contacted by her, was that by</p> <p>94:20· telephone or did she meet you in person?</p> <p>94:21· . . . A.· ·It was by telephone.</p> <p>94:22· . . . Q.· ·Okay.· Did she make any representation to</p> <p>94:23· you about why she was asking for documents?</p> <p>94:24· . . . A.· ·She -- I don't really recall.· She may have</p> <p>94:25· said just a little bit, but I don't totally recall.</p> <p>95:1· . . . Q.· ·And did you ever meet with her person</p> <p>95:2· subsequent to that or was that only over the phone?</p> <p>95:3· . . . A.· ·No, I don't.· That's the only time.</p> <p>95:4· . . . Q.· ·In any of those conversations, did you --</p> <p>95:5· did the IRS agent ever explain to you why they were</p> <p>95:6· contacting you or asking for information?</p> <p>95:7· . . . A.· ·If she did, it was a very brief.· It didn't</p> <p>95:8· go into a whole lot of specifics.</p> <p>95:9· . . . Q.· ·You mentioned -- well, do you recall what</p>			

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	<p>95:10· information you provided to the IRS in your telephone</p> <p>95:11· communications with her?</p> <p>95:12· . . . A· ·Not in telephone· I mean, she asked for</p> <p>95:13· this whole packet of stuff and -</p> <p>- actually, I had to</p> <p>95:14· do quite a bit of research· She wanted to know about</p> <p>95:15· when this check came in, when that check came in· It</p> <p>95:16· took me several weeks to go back and -- I had</p> <p>95:17· forgotten most of it, so it took me several weeks to</p> <p>95:18· go back through and get all this pile of stuff and get</p> <p>95:19· it to her.</p> <p>95:20· . . . Q· ·In your communications with her, did you</p> <p>95:21· identify Western Land & Livestock LLC?</p> <p>95:22· . . . A· ·Did I identify it?</p> <p>95:23· . . . Q· ·Yes.</p> <p>95:24· . . . A· ·I'm sure I did.</p> <p>95:25· . . . Q· ·Did you provide them the name of John</p> <p>96:1· Wadsworth?</p> <p>96:2· . . . A· ·I believe -- I believe I did, yes.</p> <p>96:3· . . . Q· ·Did you describe your interactions and</p> <p>96:4· business with Mr. Wadsworth regarding the property?</p>			

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	<p>96:5· . . . A· ·I don't remember· Probably a little bit. 96:6· . . . Q· ·And you had mentioned something about an IRS 96:7· summons· Did you receive a summons? 96:8· . . . A· ·No· She said -- as I recall, she said, 96:9· "Look, I can either" -- see, I don't understand all 96:10· this legal language· But she said something to the 96:11· effect I can either summons you or you can just send 96:12· me all these documents, so I said, "Okay· I'll send 96:13· you all these documents." 96:14· . . . Q· ·And what documents did you send her? 96:15· . . . A· ·Everything that has my name on it, The 96:16· sellers disclosure, the REPC, the -- all that stuff. 96:17· . . . Q· ·These would be the documents we've been 96:18· looking at today? 96:19· . . . A· ·Yeah. 96:20· . . . Q· ·Other than the documents we've already 96:21· looked at and marked as exhibits, do you recall 96:22· sending her any other documents or information? 96:23· . . . A· ·I don't recall doing that.</p>	<p>96:5-97:2, Rule 402, 403 Same response as to 94:5-95:19.</p>		<p align="center">OVERRULED</p>

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	<p>96:24 · · · Q · Okay · Have you since had any communication</p> <p>96:25 · with her or any other attorney with the department of</p> <p>97:1 · justice?</p> <p>97:2 · · · A · No.</p> <p>97:3 · · · Q · Okay · I think I'm almost done, but I'd like</p> <p>97:4 · to take a quick break, if that's all right?</p> <p>97:5 · · · A · Yeah, that's all right.</p> <p>97:6 · · · THE VIDEOGRAPHER ·</p> <p>Going off the record · The</p> <p>97:7 · time is 11:55.</p> <p>97:8 · · · · · (Exhibit 126 marked.)</p> <p>97:9 · · · THE VIDEOGRAPHER ·</p> <p>Back on the record · The time</p> <p>97:10 · is 12:15.</p> <p>97:11 · · · Q · (BY MR. INGRAM) ·</p> <p>Mr. Judd, we marked a</p> <p>97:12 · document as Exhibit No. 126 in front of you · This</p> <p>97:13 · came from a file in your possession · It says to --</p> <p>97:14 · it's a fax cover sheet to Paul Judd, fax (208)</p> <p>97:15 · 247-8296, dated March 8, 2010.</p> <p>97:16 · · · · · Do you see that?</p> <p>97:17 · · · A · Uh-huh.</p> <p>97:18 · · · Q · Do you recall receiving this fax cover</p> <p>97:19 · sheet?</p> <p>97:20 · · · A · Well, no, but obviously I did.</p>			

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	<p>97:21· . . . Q· ·Okay· And who -- who sent this to you?</p> <p>97:22· . . . A· ·John.</p> <p>97:23· . . . Q· ·Okay· And he references here "Paul, please</p> <p>97:24· find attached a counter signed copy of a lease option</p> <p>97:25· purchase agreement."· Is that in reference to the-</p> <p>98:1· lease option that we looked at earlier today?</p> <p>98:2· . . . A· ·Yeah.</p> <p>98:3· . . . Q· ·Okay.</p> <p>98:4· . . . A· ·That's what it looks like.</p> <p>98:5· . . . Q· ·And then it says "Check payments for the</p> <p>98:6· prepaid lease amounts and the security deposit were</p> <p>98:7· ordered today to be sent to your 2616 North State</p> <p>98:8· Street, Preston, Idaho address."</p> <p>98:9· Do you see that?</p> <p>98:10· . . . A· ·Uh-huh.</p> <p>98:11· . . . Q· ·And is it your understanding those reference</p> <p>98:12· the checks that we looked at earlier for the --</p> <p>98:13· . . . A· ·Yes.</p> <p>98:14· . . . Q· ·--- prepaid lease and security deposit?</p> <p>98:15· It says "Please have utilities that require</p> <p>98:16· authorization from you put in the name of Western Land</p>			

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	<p>98:17· & Livestock LLC with bills mailed to Western Land &</p> <p>98:18· Livestock LLC, PO Box 1453, Cheyenne, Wyoming."</p> <p>98:19· Did you follow through with that request?</p> <p>98:20· . . . A· ·Oh, I'm sure I did.</p> <p>98:21· . . . Q· ·Okay.</p> <p>98:22· (Exhibit 127 marked.)</p> <p>98:23· . . . Q· ·(BY MR. INGRAM)· We've marked this document</p> <p>98:24· as Exhibit 127· This looks like a letter to John</p> <p>98:25· Wadsworth, Western Land & Livestock LLC, dated March</p> <p>99:1· 8, 2010.</p> <p>99:2· What is this document?</p> <p>99:3· . . . A· ·It says that Connie and I have signed the</p> <p>99:4· lease option and faxed it back to him.</p> <p>99:5· . . . Q· ·Who prepared this letter?</p> <p>99:6· . . . A· ·I'm sure it's me.</p> <p>99:7· . . . Q· ·Okay· And is that your signature --</p> <p>99:8· . . . A· ·Yes.</p> <p>99:9· . . . Q· ·--- at the bottom?</p> <p>99:10· Okay.</p> <p>99:11· . . . A· ·And it gives him the name of all the utility</p> <p>99:12· companies so he -- so we can get things put in his</p> <p>99:13· name.</p>			

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	<p>99:14· . . . Q· . Okay· Was -- did you provide him this</p> <p>99:15· information of the utility companies --</p> <p>99:16· . . . A· . I did.</p> <p>99:17· . . . Q· . --- pursuant to his request?</p> <p>99:18· . . . A· . Yes.</p> <p>99:19· . . . Q· . It says "What time do you meet" -- "What</p> <p>99:20· time do you want to meet on the 12th at our Liberty</p> <p>99:21· home?"· Does that refresh your recollection of when</p> <p>99:22· you met with him that second time?</p> <p>99:23· . . . A· . Well, yeah· That's consistent with all the</p> <p>99:24· other things that have been written.</p> <p>99:25· . . . Q· . Okay.</p> <p>100:1· . . . A· . So...</p> <p>100:2· . . . Q· . You talk about -- answer about the</p> <p>100:3· utilities· You've got Questar Gas and then later you</p> <p>100:4· say "The water company is Liberty Pipeline Company. I</p> <p>100:5· have to write a letter authorizing them to change the</p> <p>100:6· water into your name."</p> <p>100:7· Whose name were you referring to?</p> <p>100:8· . . . A· . To either John or Western Land & Livestock.</p>			

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	<p>100:9· · · ·Q· ·Okay· And to the best of your recollection,</p> <p>100:10· did you follow through with that letter to Liberty</p> <p>100:11· Pipeline?</p> <p>100:12· · · ·A· ·Well, I had to have or they couldn't have</p> <p>100:13· got it in their name.</p> <p>100:14· · · ·MR. INGRAM:· Okay· We'll mark this as Exhibit</p> <p>100:15· 127.</p> <p>100:16· · · ·Q· ·(BY MR. INGRAM)· This looks like --</p> <p>100:17· · · · · (Exhibit 128 marked.)</p> <p>100:18· · · ·MS. GOLDEN:· I think you mean 128.</p> <p>100:19· · · ·MR. INGRAM:· Oh, excuse me· 128 -- is that what</p> <p>100:20· we are on?</p> <p>100:21· · · ·THE WITNESS:· Yeah.</p> <p>100:22· · · ·MR. INGRAM:· You are right· 128· Sorry.</p> <p>100:23· · · ·Q· ·(BY MR. INGRAM)· 128 -- this looks an</p> <p>100:24· invoice for professional services from McKenzie and</p> <p>100:25· McKenzie, PA.</p> <p>101:1· · · · · Do you see that?</p> <p>101:2· · · ·A· ·Right.</p> <p>101:3· · · ·Q· ·And who is McKenzie and McKenzie, PA?</p> <p>101:4· · · ·A· ·It's the local attorney.</p> <p>101:5· · · ·Q· ·Is this the attorney that you engaged to do</p>			

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	<p>101:6· a verification of John Wadsworth and Western Land & 101:7· Livestock? 101:8· . . . A· ·It is. 101:9· . . . MR. INGRAM:· Okay· Mark this as 128. 101:10· . . . MS. GOLDEN:· I think 129. 101:11· . . . MR. INGRAM:· 129· Sorry· 129. 101:12· (Exhibit 129 marked.) 101:13· . . . Q· ·(BY MR. INGRAM)· I've handed you what we've 101:14· marked as Exhibit 129· This is an email from Western 101:15· Land & Livestock @gmail.com to Paul Judd dated August 101:16· 31, 2011. 101:17· Do you see that? 101:18· . . . A· ·Uh-huh. 101:19· . . . Q· ·Do you remember receiving this email? 101:20· . . . A· ·Yeah, I believe I do. 101:21· . . . Q· ·And do you remember who you received it 101:22· from? 101:23· . . . A· ·Well, from John. 101:24· . . . Q· ·Okay· And then there is a series -- it says 101:25· "Attached is a spreadsheet that shows the updated 102:1· credit calculation."</p>			

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	<p>102:2· Do you know what Mr. Wadsworth was referring</p> <p>102:3· to?</p> <p>102:4· . . . A· . Well, it would be the payments made and the</p> <p>102:5· credit he gets for them, I guess.</p> <p>102:6· . . . Q· . Was this the 25 percent credit we referred</p> <p>102:7· to earlier?</p> <p>102:8· . . . A· . Yeah, I'm guessing that's it.</p> <p>102:9· . . . Q· . Okay· Did you negotiate with anybody other</p> <p>102:10· than John Wadsworth regarding the calculation of the</p> <p>102:11· credit amount?</p> <p>102:12· . . . A· . No, I didn't.</p> <p>102:13· . . . Q· . When was the last time you ever observed or</p> <p>102:14· communicated with either Ron Talmage or Annette</p> <p>102:15· Talmage?</p> <p>102:16· . . . A· . I -- I don't recall ever meeting or ever</p> <p>102:17· having a conversation with Annette· So I don't</p> <p>102:18· believe I've ever talked to her.</p> <p>102:19· . . . Q· . About what Ron?</p> <p>102:20· . . . A· . You know, the only time I absolutely</p> <p>102:21· positively remember talking to Ron is when I sold him</p> <p>102:22· the snowblower.</p>			

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	<p>102:23· . . .Q· ·Do you know how -- well, was the snowblower</p> <p>102:24· ever purchased?</p> <p>102:25· . . .A· ·Yeah.</p> <p>103:1· . . .Q· ·Do you know how that was paid for?</p> <p>103:2· . . .A· ·I -- probably a check, but I don't remember.</p> <p>103:3· . . .Q· ·Do you remember -- or do you know where the</p> <p>103:4· money came from?</p> <p>103:5· . . .A· ·No, I don't really remember.</p> <p>103:6· . . .Q· ·Okay.</p> <p>103:7· . . .A· ·To tell you the truth, I don't know.</p> <p>103:8· . . .Q· ·Are you aware of any allegations about Ron</p> <p>103:9· Talmage perpetrating a Ponzi scheme or defrauding</p> <p>103:10· victims of millions of dollars?</p> <p>103:11· . . .A· ·Well, fast forward, you know, to last year,</p> <p>103:12· I heard all kinds of crazy things.</p> <p>103:13· . . .Q· ·Okay· When was the first time you started</p> <p>103:14· hearing about these crazy things?</p> <p>103:15· . . .A· ·Okay· So -- and I don't have the exact time</p> <p>103:16· frame here· So because I go to Eden, because I have a</p>	<p>103:8–104:1, Rules 602, 701, 802</p> <p>Mr. Judd does not relay any statements made by anyone to him here, so there is in fact no hearsay statement in this testimony. Even if there were such a statement, it is not hearsay because it is not offered for the truth of the matter asserted.</p> <p>For the same reason, this testimony is not improper under Rule 701: Mr. Judd does not actually offer any opinion here, he simply relays the fact that there were “crazy, bizarre stories” circulating about Ron Talmage.</p>		<p align="center">OVERRULED</p>

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	<p>103:17· strip mall and a real estate company over there, one</p> <p>103:18· day I drove my home in Liberty and there was caution</p> <p>103:19· tape around two sides of it and the lawn was dead and</p> <p>103:20· there was magazines all over the -- newspapers and</p> <p>103:21· magazines all over the steps· That's a darn nice</p> <p>103:22· house.</p> <p>103:23· So I called my neighbor and said, "What the</p> <p>103:24· heck is going on here?"· And then I started hearing</p> <p>103:25· these really crazy, bizarre stories about just all</p> <p>104:1· kind of things, you know.</p> <p>104:2· . . . Q· ·Do you recall when that was that you</p> <p>104:3· observed the magazines and the caution tape out?</p> <p>104:4· . . . A· ·Yeah, not really· Probably at least a year</p> <p>104:5· ago· I don't know exactly when.</p> <p>104:6· . . . Q· ·Okay· Have you personally -- other than</p> <p>104:7· observing the property at that one point in time, have</p> <p>104:8· you had any sort of personal interaction with Ron</p> <p>104:9· Talmage at all?</p> <p>104:10· . . . A· ·No.</p>	<p>Finally, Mr. Judd has personal knowledge about this because he testifies that he heard the stories directly from his neighbor after he personally visited the Liberty Property and saw the state that it was in.</p>		

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	<p>104:11· . . . Q· ·What about John Wadsworth?</p> <p>104:12· . . . A· ·No.</p> <p>104:13· . . . Q· ·Are you aware of the circumstances regarding</p> <p>104:14· an eviction from the Liberty property?</p> <p>104:15· . . . A· ·Yeah· You told me about it.</p> <p>104:16· . . . Q· ·Other than what I've told you about,</p> <p>104:17· anything you've heard about the eviction?</p> <p>104:18· . . . A· ·No· I just heard a lot of rumors and stuff</p> <p>104:19· from the neighbors and all kinds of crazy stories.</p> <p>104:20· . . . MR. INGRAM:· Okay·</p> <p>Mr. Judd, I have no further</p> <p>104:21· questions at this time, and I'll pass the witness.</p>			
	<p>107:5· . . . Q· ·What did you do to prepare for this</p> <p>107:6· deposition?</p> <p>107:7· . . . A· ·I came prepared to tell the truth.</p> <p>107:8· . . . Q· ·Did you review any documents in preparation?</p> <p>107:9· . . . A· ·Well, last night I looked over the real</p> <p>107:10· estate purchase contract and the HUDs and the lease</p> <p>107:11· option agreement, but that's it.</p>			

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	<p>107:12· . . . Q· ·Okay· I see that in the folder you've got</p> <p>107:13· there you've got a few other papers that we've -- that</p> <p>107:14· Mr. Ingram and I have had a chance to look at.</p> <p>107:15· . . . A· ·Yeah.</p> <p>107:16· . . . Q· ·So did you have a chance to look over that</p> <p>107:17· folder?</p> <p>107:18· . . . A· ·No, not really.</p> <p>107:19· . . . Q· ·Just the documents that you named?</p> <p>107:20· . . . A· ·Yeah.</p> <p>107:21· . . . Q· ·Did you speak to Mr. Ingram prior to this</p> <p>107:22· deposition?</p> <p>107:23· . . . A· ·No.</p> <p>107:24· . . . Q· ·Did you communicate with him in any other</p> <p>107:25· way, like by email or by phone?</p> <p>108:1· . . . A· ·Nope.</p> <p>108:2· I thought somebody was going to give me a</p> <p>108:3· reminder call· I was kind of surprised when nobody</p> <p>108:4· called up and said, "Hey, are you going to be there</p> <p>108:5· today?"</p> <p>108:6· . . . Q· ·Well, we are glad you showed up.</p> <p>108:7· Did you talk to John Wadsworth at all prior</p> <p>108:8· to this deposition?</p>			

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	<p>108:9· . . . A· . Absolutely not.</p> <p>108:10· . . . Q· . Right· And just to be clear, I'm talking</p> <p>108:11· about other than the conversations, you know, in</p> <p>108:12· connection with the lease option agreement.</p> <p>108:13· . . . A· . I haven't had any conversation or any</p> <p>108:14· correspondence with John at all.</p> <p>108:15· . . . Q· . When was the last time you spoke or</p> <p>108:16· corresponded with Mr. Wadsworth?</p> <p>108:17· . . . A· . Probably right before the closing· I mean,</p> <p>108:18· I guess· I'm trying to remember, but...</p> <p>108:19· . . . Q· . Understood· And earlier today you had --</p> <p>108:20· you've been shown various exhibits that are emails</p> <p>108:21· between yourself and westernlivestock@gmail.com.</p> <p>108:22· . . . A· . Uh-huh.</p> <p>108:23· . . . Q· . Who did you -- whose address did you</p> <p>108:24· understand the westernlivestock@gmail to be?</p> <p>108:25· . . . A· . Well, the only one I know of at Western</p> <p>109:1· Livestock is John.</p> <p>109:2· . . . Q· . Is that the only person you corresponded</p>			

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	<p>109:3· with at that address? 109:4· · · ·A· ·Yeah· I never talked - 109: I don't know who 109:5· else is part of that, so that's the only person. 109:6· · · ·Q· ·Did John ever mention if anybody else used 109:7· the westernlivestock@gmail.com address? 109:8· · · ·A· ·No.</p>			
<p>109:9 Q. I believe earlier this morning too you had 109:10 also looked at a couple of documents where there 109:11 were -- where you testified about signatures on it, 109:12 so, for example, I'm thinking of the lease option 109:13 agreement -- 109:14 A. Uh-huh. 109:15 Q. -- which was Exhibit 107; the real estate 109:16 purchase contract, which was Exhibit 120. 109:17 A. Uh-huh. 109:18 Q. And I believe for some of those you 109:19 mentioned that you thought it was John Wadsworth's 109:20 signature or initials. How do you know that it's 109:21 Mr. Wadsworth's signature or initials?</p>			Depo Ex. 120	

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<p>109:22 A. Well, I don't for sure. I mean, how -- how 109:23 would I know? 109:24 Q. Did you see Mr. Wadsworth physically sign 109:25 those documents? 110:1 A. No. Because most of it was through email. 110:2 Q. How many times have you seen John 110:3 Wadsworth's signature in general? 110:4 A. The amount of times that are on these 110:5 documents. 110:6 Q. Are you familiar with his signature? 110:7 A. No. No, not -- not really. 110:8 Q. And how well do you know Mr. Wadsworth? 110:9 A. I didn't know him at all. Never heard of 110:10 him or Western Land & Livestock. That's why I had my 110:11 attorney -- that's why I hired an attorney to, you 110:12 know, do some investigation and try to tell me 110:13 something. 110:14 Q. Okay. And just so the record is clear on 110:15 this one, are you a handwriting expert in any way? 110:16 A. No. Not at all.</p>				

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<p>110:22 How did you find out that Mr. Talmage was</p> <p>110:23 living there?</p> <p>110:24 A. John would have probably told me that -- is,</p> <p>110:25 I guess, how I would have found that out.</p> <p>111:1 Q. So when you drove by and saw the -- Ron</p> <p>111:2 working to skid steer, did you already know at the</p> <p>111:3 time that he was living there?</p> <p>111:4 A. I don't -- I assumed he was because he was</p> <p>111:5 there and he had -- he had a big -</p> <p>111:6 - something in the</p> <p>111:7 shop, a big Class A motor home or whatever that he was</p> <p>111:8 working -- so I assumed that was him, so...</p> <p>111:9 Q. Do you have a sense if you knew he was</p> <p>111:10 living there -- if John -- you said you think John</p> <p>111:11 told that you he was living there. So do you have a</p> <p>111:12 sense if he told you before or after that time with</p> <p>111:13 the skid steer?</p> <p>111:14 A. I don't really remember, you guys. Sorry.</p> <p>111:21 Q. Were you aware at all that John Wadsworth or</p> <p>111:22 Western Land & Livestock might be subletting the</p>				

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<p>111:23· property to somebody else during the lease period? 111:24· · · ·A· ·No, I didn't have any understanding of how 111:25· Western Land & Livestock worked or what the connection 112:1 was with anybody or whatever, so he might have people 112:2 that worked for him or something stay there. I don't 112:3 really – ever understand what this whole thing was 112:4 about.</p>				
<p>112:21 Q. (BY MS. GOLDEN) If you can take a look at 112:22 paragraph 8. Looking here it says "In 2010, Ronald B. 112:23 Talmage approached me and told me about the real 112:24 property in Liberty, Utah, which is the subject of the 112:25 foreclosure action in this case. Ronald B. Talmage 113:1 encouraged me to purchase the property and told me 113:2 that his business associate Mrs. Chen would be willing 113:3 to lease the property for 5,000 per month." And then 113:4 later on it says "I leased it to Ronald B. Talmage, 113:5 slash, Mrs. Chen through an oral lease because Ronald 113:6 B. Talmage said that Mrs. Chen did not want anything</p>		<p>Object to 112:21-113:13 under <u>Fed. R. Evid. 602</u> and <u>701</u>.</p> <p>Mr. Judd is testifying that he never heard about Mrs. Chen or a supposed oral lease. He has personal knowledge of what he does and does not know. Mr. Judd is not offering an opinion. The reference to another document (a declaration from John Wadsworth) merely provides context for the questions posed to Mr. Judd.</p>		<p>OVERRULED</p>

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<p>113:7 in writing."</p> <p>113:8 Did you ever hear anything about this oral</p> <p>113:9 lease?</p> <p>113:10 A. I've never heard anything about that.</p> <p>113:11 Q. Did Mr. Wadsworth mention anything to you</p> <p>113:12 about Mrs. Chen ever?</p> <p>113:13 A. Never.</p> <p>113:14 Q. Did anybody else from Western Land &</p> <p>113:15 Livestock ever mention anything about Mrs. Chen?</p> <p>113:16 A. I never talked to anybody else from Western</p> <p>113:17 Land & Livestock.</p>				
<p>116:13 Q. So just sitting here today, what do you know</p> <p>116:14 about Western Land & Livestock?</p> <p>116:15 A. Really virtually nothing.</p> <p>116:16 Q. Do you know what kind of company it is?</p> <p>116:17 A. Nope.</p> <p>116:18 Q. Do you know what it does?</p> <p>116:19 A. Nope.</p> <p>116:20 Q. Do you know who owns it?</p> <p>116:21 A. I assumed John did.</p> <p>116:22 Q. When you looked into the records and you</p> <p>116:23 worked with your attorney to do that, did it come up</p>				

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<p>116:24 with -- did it come up with a -- 116:25 did you come up with 116:25 any records of who owned the company? 117:1 A. You know, he didn't really come up with much 117:2 at all, and so my attorney and I had the discussion, 117:3 well, they are offering me, I don't know, like a -- 117:4 about a year's pay in advance, and I asked my attorney 117:5 "What should I do? I don't know anything about these 117:6 guys." He said, "Well, my advice is you take it. 117:7 This is hard, cold cash. People can give you all 117:8 kinds of documents and lie through their teeth," so he 117:9 said, "I advise you to do it." 117:10 Q. And when you said you assumed John owned 117:11 Western Land, you didn't get -- you weren't able to 117:12 get verification of that? 117:13 A. No, neither was my attorney. 117:14 Q. I think earlier we talked about an email 117:15 where you had asked John for copies of an operating 117:16 agreement and articles of organization for Western</p>				

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<p>117:17 Land, and I can't recall. Did you -- did you end up</p> <p>117:18 getting copies of those documents?</p> <p>117:19 A. I never got anything.</p> <p>117:20 Q. And I think you mentioned that you built a</p> <p>117:21 home on the Liberty property around 2005 or 2006.</p> <p>117:22 A. Yeah, somewhere in.</p> <p>117:23 Q. Thereabouts?</p> <p>117:24 A. Somewhere in there.</p> <p>117:25 Q. Is that when -- were you living there after</p> <p>118:1 you built that house?</p> <p>118:2 A. We lived there for about a year and then we</p> <p>118:3 moved to Preston.</p> <p>118:4 Q. Is it accurate to say you moved out then</p> <p>118:5 around maybe 2006 or 2007?</p> <p>118:6 A. Yeah, some -- somewhere in that time frame.</p> <p>118:7 Q. And then after you moved out, you leased it</p> <p>118:8 to one family for about a year?</p> <p>118:9 A. Uh-huh.</p> <p>118:10 Q. And just to clarify, you didn't lease it to</p> <p>118:11 anyone else besides Western Land & Livestock, other</p> <p>118:12 than that one family?</p> <p>118:13 A. That's all.</p>				
<p>119:1 Q. Similarly, in your experience is it common</p>				

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<p>119:2 for a landlord to require -- to require approval</p> <p>119:3 before subletting the property to somebody?</p> <p>119:4 A. Yeah. But I wasn't aware of any subletting,</p> <p>119:5 so...</p> <p>119:6 Q. Well, what -- if you -- let me try -- I'm</p> <p>119:7 trying to think of a good way to ask this question.</p> <p>119:8 So if you weren't aware of any subletting, what did</p> <p>119:9 you -- what was your understanding of what the</p> <p>119:10 arrangement was that had the Talmages living there, if</p> <p>119:11 it wasn't subletting?</p> <p>119:12 A. You know, I thought it was maybe somebody</p> <p>119:13 that worked for John or friends of his or something.</p> <p>119:14 I have -- to this day, I have absolutely no</p> <p>119:15 understanding of what all these people are or what</p> <p>119:16 they do or how they connect.</p> <p>119:17 ·Q· ·Do you know how John Wadsworth heard of the</p> <p>119:18· Liberty property before he approached you for this</p> <p>119:19· lease to purchase option?</p> <p>119:20· · ·A· ·Well, I thought it was through Darin Mich'l,</p> <p>119:21· the real estate agent or broker.</p>		<p>Objection to the purported completeness designations at 119:17-121:1. These are not proper completeness designations under Rule 32(a)(6), and should be affirmative or counter designations that are subject to objections by the United States.</p>		<p align="center">OVERRULED</p>

[illegible]

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<p>120:17· · · ·A· ·Nope· Well, I mean, I assume it was from</p> <p>120:18· Western Land & Livestock· I assume it was from his</p> <p>120:19· company· That's where the checks are from.</p> <p>120:20· · · ·Q· ·And just to confirm, did Ronald Talmage have</p> <p>120:21· any involvement with this lease option agreement?</p> <p>120:22· · · ·A· ·No.</p> <p>120:23· · · ·Q· ·Did Annette Talmage?</p> <p>120:24· · · ·A· ·Never met her.</p> <p>120:25· · · ·Q· ·Did Mrs. Chen?</p> <p>121:1·A· ·I don't know who she is.</p>		<p>Western Land & Livestock. See Trial Ex. 108.</p>		
<p>123:24 Q. So during the period that this lease option</p> <p>123:25 agreement was in effect, did you ever visit the</p> <p>124:1 Liberty property?</p> <p>124:2 A. I drove by there.</p> <p>124:3 Q. How many times did you do that?</p> <p>124:4 A. Oh, not very often. Just occasional,</p> <p>124:5 especially in the winter. Do you know how much snow</p> <p>124:6 they get there? It's the last place on earth I want</p> <p>124:7 to go.</p> <p>124:8 Q. Do you have a rough sense of how often it</p> <p>124:9 was -- like, was it once a month? Once every two</p> <p>124:10 months?</p>				

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<p>124:11 A. Once every two or three months, I guess. I</p> <p>124:12 don't -- maybe not even that much. I'm not sure.</p> <p>124:13 Q. When you drove by, would you stop or was it</p> <p>124:14 literally just a drive-by --</p> <p>124:15 A. No, I just drove by.</p> <p>124:16 Q. Did you have a chance to observe if anybody</p> <p>124:17 was at the property when you were driving by?</p> <p>124:18 A. Well, the one time Ron was there, so I</p> <p>124:19 stopped.</p> <p>124:20 Q. Okay. That was the time we discussed with</p> <p>124:21 the skid steer?</p> <p>124:22 A. I -- you know, I don't remember people being</p> <p>124:23 around there. I mean, it's at the end of a dirt --</p> <p>124:24 it's the end of a road, so I'd just drive by, pull up,</p> <p>124:25 turn around just kind of looking to make sure</p> <p>125:1 everything was okay.</p> <p>125:2 Q. Do you recall seeing anybody besides Ron</p> <p>125:3 there?</p> <p>125:4 A. I don't even recall seeing Ron there most of</p> <p>125:5 the time.</p>				

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<p>125:6 Q. Other than the one time you saw Ron with the</p> <p>125:7 skid steer outside, you don't recall seeing anybody</p> <p>125:8 else when you drove by the Liberty property?</p> <p>125:9 A. No.</p> <p>125:10 Q. Do you know -- do you know who was living</p> <p>125:11 there when you did the drive-bys?</p> <p>125:12 A. At some point in time, I became familiar</p> <p>125:13 that Ron was living there. I didn't know who Ron was,</p> <p>125:14 so...</p> <p>125:15 Q. Do you know if anyone besides Ron was living</p> <p>125:16 there?</p> <p>125:17 A. No.</p> <p>125:18 Q. Do you know if John Wadsworth ever lived at</p> <p>125:19 the Liberty property?</p> <p>125:20 A. I don't -- I don't have any idea. I don't</p> <p>125:21 know.</p> <p>125:22 Q. I think earlier you mentioned you noticed</p> <p>125:23 some improvements being done to the property like a</p> <p>125:24 shop and an --</p> <p>125:25 A. Uh-huh.</p> <p>126:1 Q. --- extension to the barn.</p> <p>126:2 Do you have any idea who did those</p>		<p>Objection to the purported completeness designations at 125:18-126:17. These are not proper completeness designations under Rule 32(a)(6), and should be affirmative or counter designations that are subject to objections by the United States.</p> <p>The United States has made objections to the designation, so whether it is treated as a completeness designation or an affirmative/counter designation is of no moment.</p> <p>Object to 126:1-4 under Rule 602 and Rule 701.</p>		<p>OVERRULED</p> <p>OVERRULED</p>

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<p>126:3· improvements?</p> <p>126:4· . . . A.· Well, I assume John was doing those</p> <p>126:5· improvements.</p> <p>126:6· . . . Q.· Did you have to approve the improvements?</p> <p>126:7· . . . A.· I think the contract said I would have to</p> <p>126:8· approve them, but it was -- from when I looked at it,</p> <p>126:9· it was great.· It was adding to my property value. I</p> <p>126:10· didn't care.</p> <p>126:11· . . . Q.· What was the approval process like?</p> <p>126:12· . . . A.· I don't remember anybody ever asking me</p> <p>126:13· about whether they could do this.· Or he may have said</p> <p>126:14· a little bit, but I was fine with it.</p> <p>126:15· . . . Q.· Were there any -- ever any improvements that</p> <p>126:16· you weren't happy with?</p> <p>126:17· . . . A.· No.</p>		<p>Mr. Judd has personal knowledge of the “improvements” referenced in this testimony and his opinion is rationally based on his perception of them.</p>		
<p>128:9 Q. Do you know if John Wadsworth was concerned</p> <p>128:10 about privacy?</p> <p>128:11 MR. INGRAM: Objection. Lack of foundation.</p> <p>128:12 Calls for speculation.</p> <p>128:13 MS. GOLDEN: You can answer. I'm just asking to</p> <p>128:14 the extent that you know.</p>		<p>Object to 128:9-10 and 128:13-22 under <u>Fed. R. Evid. 602</u> and <u>701</u>.</p> <p>Mr. Judd is testifying to his impression that Mr. Wadsworth is a private person, formed from his personal interactions with Mr. Wadsworth. Mr. Judd's opinion is rationally based on his perception. The strength of that basis is a matter of weight, not admissibility.</p>		<p>OVERRULED</p>

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<p>Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)</p>	<p>Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)</p>	<p>Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE</p>	<p>Exhibits</p>	<p>Ruling</p>
<p>128:15 THE WITNESS: John is a private guy. 128:16 Q. (BY MS. GOLDEN) And what gave you the 128:17 impression that he's a private guy? 128:18 A. He just, you know, didn't want -- those 128:19 documents didn't come forth, and he could've gave them 128:20 to me if he wanted to. He didn't. He didn't give 128:21 them -- you know, my attorney didn't get them, so he's 128:22 a private guy. 128:23 Q. Do you know if there was any concern about 128:24 Western Land & Livestock's privacy? 128:25 A. I don't know. 129:1 Q. Did John Wadsworth ever say anything to you 129:2 specifically about privacy concerns during the course 129:3 of the lease option agreement? 129:4 A. I don't remember him saying anything about 129:5 that. Probably his actions speak louder than his 129:6 words.</p>		<p>Object to 129:1-129:6 under <u>Fed. R. Evid. 602</u> and <u>701</u>.</p> <p>Mr. Judd is testifying to whether Mr. Wadsworth mentioned anything to him about privacy. Mr. Judd's impression that Mr. Wadsworth is a private person was formed from his personal interactions with Mr. Wadsworth. Mr. Judd's opinion is rationally based on his perception. The strength of that basis is a matter of weight, not admissibility.</p>		<p>OVERRULED</p>
<p>132:2 Q. Let's take a look at Exhibit 114, which 132:3 appears to be a couple of emails between yourself and</p>			<p>Depo Ex. 114</p>	

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<p>132:4 westernlivestock@gmail taking place between April and</p> <p>132:5 May 2010.</p> <p>132:6 A. Okay.</p> <p>132:11 Q. (BY MS. GOLDEN) In the first email dated</p> <p>132:12 May 19, 2010, you mentioned that the homeowners</p> <p>132:13 association was giving the renters a little bit of a</p> <p>132:14 hard time about their vinyl fence, slash, corral.</p> <p>132:15 A. Uh-huh.</p> <p>132:16 Q. Who are the renters that you are referring</p> <p>132:17 to?</p> <p>132:18 A. Well, I'm assuming that would have been the</p> <p>132:19 Talmages, because that's the only people I know that</p> <p>132:20 ever rented it or were ever in there. I don't even</p> <p>132:21 know, so -- it's not really -- it's not really -- I</p> <p>132:22 can't say they were the only people. I don't know if</p> <p>132:23 they were renting it or if John was just letting them</p> <p>132:24 stay there. I don't know what the relationship</p> <p>132:25 between John and the Talmages was, so I don't know</p> <p>133:1 that they were renters.</p> <p>133:2 Q. So that was just your -- the renters is you</p>				

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133:3 guessing? 133:4 A. Yeah, because I don't know for sure.				
	133:21 Q. Did John Wadsworth ever share the Talmages 133:22 contact information with you, such as phone number or 133:23 email? 133:24 A. No. 133:25 Q. Do you know why he didn't do that? 134:1 A. No.			
134:2 Q. Let's take a look at Exhibit 116. It 134:3 appears to be a series of emails from May 21 to May 134:4 22, 2010. And on page 5213, in the bottom email it 134:5 says from Ron Talmage, and it has an email address 134:6 rontalmage@wwisltd.com. 134:7 A. Where? Oh, down there. 134:8 Q. Uh-huh. 134:9 A. Yeah. 134:10 Q. Are you familiar with that email address? 134:11 A. No. 134:12 Q. Do you recall emailing with Ron at that 134:13 email address? 134:14 A. I really don't recall that. 134:15 Q. So this email does -- just looking at this 134:16 document, it appears to say -- it says from Ron			Depo Exs. 116, 133	

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<p>134:17 Talmage to Paul Judd, and then the email above that</p> <p>134:18 dated May 22, 2010, is from, you know,</p> <p>134:19 pauljudd@mstar.net --</p> <p>134:20 A. Sure.</p> <p>134:21 Q. -- and then your -- you know, to Western</p> <p>134:22 Livestock, cc Ron Talmage.</p> <p>134:23 A. Sure.</p> <p>134:24 Q. Does that refresh your recollection at all</p> <p>134:25 about whether or not you emailed with Mr. Talmage?</p> <p>135:1 A. Well, this is probably real, you know, so --</p> <p>135:2 what is it talking about? He's talking about the --</p> <p>135:3 him purchasing my blade -- my snowblower, so that's</p> <p>135:4 the conversation I already told you that him and I</p> <p>135:5 had.</p> <p>135:6 Q. Why were you offering to sell Ron the</p> <p>135:7 snowblower?</p> <p>135:8 A. Because we don't get snow in Preston</p> <p>135:9 usually.</p> <p>135:10 Q. Do you recall how much you sold it for?</p> <p>135:11 A. Somewhere -- it was probably over \$2,000. I</p> <p>135:12 don't remember exactly how much.</p>				

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<p>135:13 Q. Okay. I'll direct your attention to page</p> <p>135:14 5215.</p> <p>135:15 A. 5215. Okay.</p> <p>135:16 Q. The top paragraph there it says -- you are</p> <p>135:17 talking -- I think you are talking about the</p> <p>135:18 snowblower. It says "I paid 4,800 for it. I will let</p> <p>135:19 it go for 3,700."</p> <p>135:20 A. That's possible. It could have -- it's been</p> <p>135:21 a long time. That's possible.</p> <p>135:22 Q. All right. Does that reflect -- does that</p> <p>135:23 refresh your recollection at all as to how much you</p> <p>135:24 sold the snowblower for?</p> <p>135:25 A. No, but that could correct. I don't know.</p> <p>136:1 I really don't know.</p> <p>136:2 Q. All right. Then on page 5214, it looks</p> <p>136:3 like -- I'm looking at the top email. It looks like</p> <p>136:4 this is from Ron. He says "I'm very interested."</p> <p>136:5 This is in regards to the snowblower. "3,700 sounds</p> <p>136:6 like a fair price too. I'll probably ask John to</p> <p>136:7 arrange for the payment to you."</p> <p>136:8 Do you know why Ron said he'll ask for John</p>				

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<p>136:9 to arrange the payment?</p> <p>136:10 A. No, I don't know.</p> <p>136:11 Q. And then throughout this email chain, there</p> <p>136:12 is a couple of references to kennel documents for, it</p> <p>136:13 looks like, Ron and Annette. It is on page 5213.</p> <p>136:14 Then there is a PS -- you write "PS. I'll be putting</p> <p>136:15 the signed documents on the kennel in the mail to Ron</p> <p>136:16 this morning." And then on -- in the very last page,</p> <p>136:17 5215, in the "PS," you also ask "Do you want the</p> <p>136:18 kennel documents faxed or emailed to you?"</p> <p>136:19 Why were you preparing kennel documents for</p> <p>136:20 Ron and Annette?</p> <p>136:21 A. Well, if they were living in the house,</p> <p>136:22 which apparently they were then, that would be</p> <p>136:23 required by the county to have that. And so somebody</p> <p>136:24 asked me to agree to that, and I was fine with it,</p> <p>136:25 so...</p> <p>137:1 Q. All right. Is it your understanding that</p> <p>137:2 Ron and Annette kept dogs on the property?</p> <p>137:3 A. Yes.</p>				

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<p>137:4 Q. In looking at this email chain too, it also</p> <p>137:5 looks like you're arranging some kind of meeting with</p> <p>137:6 Ron. Like on page -- at the top of page 5214, it says</p> <p>137:7 "Apparently Annie has plans on us for the 1st of June,</p> <p>137:8 you know, otherwise the 2nd of June is wide open if</p> <p>137:9 that might work." And then if you look further down</p> <p>137:10 that page when -- it looks your emailing. The first</p> <p>137:11 paragraph it's got some references to scheduling.</p> <p>137:12 Do you have any recollection of what kind of</p> <p>137:13 meeting you were arranging with Ron?</p> <p>137:14 A. Yes. I found all the manuals for the</p> <p>137:15 sprinkler key box with the duct tape on it. It</p> <p>137:16 probably had something to do with -- original. I</p> <p>137:17 don't really recall to tell you the truth.</p> <p>137:18 Q. I'm going to show you a document that is</p> <p>137:19 being marked as Exhibit 133, and it is Bates-stamped</p> <p>137:20 WADS 005210.</p> <p>137:21 A. Oh.</p>				

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<p>137:22 Q. You don't have that one yet. It is a new</p> <p>137:23 one.</p> <p>137:24 (Exhibit 133 marked.)</p> <p>137:25 Q. (BY MS. GOLDEN)</p> <p>Do you recognize -- do you</p> <p>138:1 recognize this document?</p> <p>138:2 A. Yeah. I mean, it looks like -- yes, I'd say</p> <p>138:3 this looks right.</p> <p>138:4 Q. What is the document?</p> <p>138:5 A. This email looks like it corresponds with</p> <p>138:6 what we would have had.</p> <p>138:7 Q. And when you say "we," that's you and</p> <p>138:8 John --</p> <p>138:9 A. John.</p> <p>138:10 Q. -- Wadsworth?</p> <p>138:11 A. Yes.</p> <p>138:12 Q. And it looks like you were making the bill</p> <p>138:13 of sale out for the snowblower to Western Land &</p> <p>138:14 Livestock. Do you recall doing that?</p> <p>138:15 A. I'm going to say that's probably what</p> <p>138:16 happened. I don't remember.</p> <p>138:17 Q. Do you know why you were billing Western</p> <p>138:18 Land & Livestock?</p> <p>138:19 A. Because that's who was going to pay for it.</p> <p>138:20 And that's who did pay for it.</p>				

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Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>139:3 Q. Let's take a look at Exhibit 117. It is a</p> <p>139:4 couple of emails dated August 5, 2010.</p> <p>139:5 A. I've got to find 117. 10, 11 -- oh, here's</p> <p>139:6 117. Okay.</p> <p>139:7 Q. I'm looking at the second email. It looks</p> <p>139:8 like that's from you. You're talking about the water</p> <p>139:9 bill. You said "Ron must not be receiving it."</p> <p>139:10 Why did you expect Ron would get the bill?</p> <p>139:11 A. Well, that's probably something that -- I</p> <p>139:12 mean, I don't really remember, but it was probably</p> <p>139:13 something that John had told Ron to do or something.</p> <p>139:14 I really don't know. I don't remember.</p> <p>139:15 Q. In the post script of that email, you say</p> <p>139:16 "I've stopped by Liberty home twice this summer and</p> <p>139:17 talked with the people taking care of our lawn."</p> <p>139:18 Who was taking care of the lawn?</p> <p>139:19 A. I believe it was a lawn service of some</p> <p>139:20 type.</p>		<p>Object to 139:3-14 under <u>Fed. R. Evid. 602</u>.</p> <p>Mr. Judd is testifying to his recollection of statements he made in an email (Exhibit 117). The Western Parties do not object to Exhibit 117, and indeed, have listed it on their pretrial disclosures.</p>	<p>Depo Exs. 117, 134</p>	<p>OVERRULED</p>

Case Name: United States of America v. Ronald Talmage, et al. Case Number: 1:16-cv-19
Deposition of Paul Judd taken August 30, 2017

Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>139:21 Q. And then lastly, you close out by saying "I</p> <p>139:22 hope things are well for both you and Ron and family."</p> <p>139:23 A. Sure.</p> <p>139:24 Q. What was the meaning of that sentence?</p> <p>139:25 A. Well, John is buying my property. Ron is</p> <p>140:1 living there. Why wouldn't I -- I hope they are doing</p> <p>140:2 well.</p> <p>140:3 Q. So it's your understanding that Ron was</p> <p>140:4 living there at the time?</p> <p>140:5 A. Yes.</p> <p>140:6 Q. I'm going to hand you a document that's</p> <p>140:7 being marked as Exhibit 134. Bates-stamped WADS</p> <p>140:8 005164.</p> <p>140:9 (Exhibit 134 marked.)</p> <p>140:10 Q. (BY MS. GOLDEN) This appears to be an email</p> <p>140:11 chain between March 2 and March 4, 2011, between</p> <p>140:12 pauljudd@mstar.net and westernlivestock@gmail.com.</p> <p>140:13 Do you recognize this document?</p> <p>140:14 A. No. It's obviously an email to me, but I</p> <p>140:15 don't --</p> <p>140:16 Q. Do you have any reason to doubt that this --</p>				

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Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>140:17 these are --</p> <p>140:18 A. No.</p> <p>140:19 Q. -- accurate emails --</p> <p>140:20 A. No.</p> <p>140:21 Q. -- that you sent and received?</p> <p>140:22 A. No. Not -- yeah, I don't --</p> <p>140:23 Q. In the bottom email dated March 2, 2011, you</p> <p>140:24 say "From what I have heard, Ron and Annie seem to be</p> <p>140:25 getting along in Liberty pretty well."</p> <p>141:1 What did you mean by that sentence?</p> <p>141:2 A. Well, I know everybody in that neighborhood,</p> <p>141:3 so when I go -- you know, when I'd go around, I'd ask</p> <p>141:4 how things were going and they said they seem to be</p> <p>141:5 doing fine.</p> <p>141:6 Q. Who did you ask around?</p> <p>141:7 A. Well, I -- I know every single person in</p> <p>141:8 every single house, so -- you know, if I run into</p> <p>141:9 somebody, I said, "Hey, how is it going with those</p> <p>141:10 guys?" so...</p> <p>141:11 Q. Do you recall any specific Liberty neighbors</p> <p>141:12 that you spoke to about Ron and Annie?</p>				

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<p>Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)</p>	<p>Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)</p>	<p>Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE</p>	<p>Exhibits</p>	<p>Ruling</p>
<p>141:13 A. Well, maybe Scott Ashton, but I -- it could 141:14 have been Scott Ashton. It could have been Vince and 141:15 Betty Betta. It could have been any of the neighbors 141:16 that live there. If I go eat lunch at a restaurant 141:17 and Scott is there or something, I'd say, "Hey, how is 141:18 that going there? How is the neighbors?" so... 141:19 Q. You mentioned that -- further on "It's hard 141:20 to believe Ron and Ann have been in Liberty for one 141:21 year already." 141:22 A. Yeah. 141:23 Q. Was it your understanding at that time then 141:24 that Ron and Annie had been living at the Liberty 141:25 property for about a year as of March 2011? 142:1 A. You know, possibly.</p>				
<p>142:12 I'll direct your attention to Exhibit No. 118, which 142:13 appears to be an email from yourself to Western Land & 142:14 And livestock dated May 1, 2011. 142:15 A. Uh-huh. 142:16 Q. And then so in the first sentence you are</p>			Depo Ex. 118	

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Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>142:17 asking if Western Land & Livestock LLC and/or Ron and Annie have made a decision on buying the Liberty property.</p> <p>142:20 A. Uh-huh.</p> <p>142:21 Q. Why did you expect that Ron and Annie might be interested in buying the property?</p> <p>142:23 A. Because I have no idea what the relationship between John and Ron and Annie is. There is some kind of a relationship there. John might want to keep it himself. He might want to sell it. I just don't know what -- what those guys are talking about.</p> <p>143:3 Q. And did Mr. Wadsworth ever tell you anything about what the -- what his relationship was with the Talmages?</p> <p>143:6 A. They were so private about all that stuff.</p> <p>143:7 Q. And when you say "they," who are you referring to?</p> <p>143:9 A. John -- John was private.</p>				
	<p>143:10 · · · Q. · · Do you know if Western Land & Livestock was affiliated in any way with the Talmages?</p>			

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Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
	143:12· · · ·A· ·Oh, I have no idea. 143:13· · · ·Q· ·And why were you asking John Wadsworth if 143:14· Ron and Annie were interested in buying the home as 143:15· opposed to asking Ron and Annie directly? 143:16· · · ·A· ·Because my contract is with John.			
143:21 Q. How did you know that Ron and Annie wanted 143:22 to experience a Liberty winter? 143:23 A. Okay. This is -- I'm trying to remember. 143:24 It's probably something John said to me. And that was 143:25 more in relationship of whether they wanted to 144:1 continue living there or not. Liberty winters are 144:2 pretty tough, you guys. If you haven't been there, 144:3 it's not for everybody, so.				
144:8 Q. So earlier I think you mentioned that you 144:9 didn't -- you would never assume that Ronald Talmage 144:10 had any decision making authority. 144:11 A. Right. 144:12 Q. But you also said you don't -- I think you 144:13 said multiple times you don't want what kind of				

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<p>144:14 arrangement, if any, Mr. Wadsworth and Ron Talmage</p> <p>144:15 had; is that right?</p> <p>144:16 A. Yes.</p> <p>144:17 Q. So anything you knew, you know, about Ron</p> <p>144:18 Talmage, did you hear that from Mr. Wadsworth?</p> <p>144:19 A. Yeah.</p> <p>144:20 Q. Did Mr. Talmage himself ever tell you</p> <p>144:21 anything about his relationship with Mr. Wadsworth?</p> <p>144:22 A. No. We never discussed that. I only met</p> <p>144:23 Ron one time that I can remember of for sure and --</p> <p>144:24 so...</p>				
	<p>144:25 · · · Q. · Let's take a look at Exhibit 120, which you</p> <p>145:1· previously identified as the real estate purchase</p> <p>145:2· contract for the Liberty property.</p> <p>145:3· · · · A. · Uh-huh.</p> <p>145:4· · · · A. · I'm not sure where that's at. Oh, okay.</p> <p>145:5· · · · Q. · Some of this might be repeats of prior</p> <p>145:6· questions --</p> <p>145:7· · · · A. · Sure.</p> <p>145:8· · · · Q. · --- but I just want to make sure I've got it</p> <p>145:9· straight for myself.</p>		<p>Depo Ex. 120</p>	

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<p>Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)</p>	<p>Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)</p>	<p>Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE</p>	<p>Exhibits</p>	<p>Ruling</p>
	<p>145:10· In the course of this real estate purchase 145:11· contract, who were you negotiating with on the buyer's 145:12· end? 145:13· . . . A· ·John. 145:14· . . . Q· ·And who did you understand was buying the 145:15· Liberty property? 145:16· . . . A· ·John. 145:17· . . . Q· ·And do you know why John was buying the 145:18· property? 145:19· . . . A· ·I really don't· I guess it was an 145:20· investment· I guess. 145:21· . . . Q· ·Did John ever say anything about it being an 145:22· investment or any other reasoning for why he was 145:23· buying the property? 145:24· . . . A· ·Yeah, he may have, but I don't recall 145:25· clearly.</p>	<p>145:21–25, Rule 802 Mr. Judd is not relaying any statement here, he is just confirming that a statement was made to him. In that regard, even if there is a hearsay statement at issue here, it is not being offered for the truth of the matter asserted—it is being offered to lay foundation for Mr. Judd's testimony at 145:19-20.</p>		<p>OVERRULED</p>
<p>146:1 Q. Who did you understand would be living at 146:2 the property after the sale? 146:3 A. Well, it could have been John or some 146:4 associate of his or somebody -- somebody associating 146:5 with him. 146:6 Q. Did you ever hear of specific names of</p>				

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<p>146:7 associates who might be living at the property?</p> <p>146:8 A. I don't remember hearing any specific names.</p> <p>146:9 Q. Do you know at the time of this contract if</p> <p>146:10 the Talmages would -- were still living at the</p> <p>146:11 property?</p> <p>146:12 A. They probably were. I think they were.</p>				
	<p>146:18 . . . Q. Did Ronald Talmage have any involvement with</p> <p>146:19 the real estate purchase contract?</p> <p>146:20 . . . A. None.</p> <p>146:21 . . . Q. Did Annette Talmage?</p> <p>146:22 . . . A. I don't -- never even met her.</p> <p>146:23 . . . Q. Do you know if a Mrs. Chen or an older Asian</p> <p>146:24 woman was involved with the sale at all?</p> <p>146:25 . . . A. Never heard of them.</p> <p>147:1 . . . Q. And do you know how John Wadsworth or</p> <p>147:2 Western Land was paying the purchase price for the</p> <p>147:3 Liberty property?</p> <p>147:4 . . . A. He said he was getting a loan.</p> <p>147:5 . . . Q. All right. And I think earlier you said</p>	<p>147:1–4, Rule 802</p> <p>This statement is offered to establish the basis for Mr. Judd's understanding of how the purchase price was being funded. Furthermore, the statement expresses Mr. Wadsworth's intent to obtain a loan, which is admissible under Rule 803(3), and is consistent with Mr. Wadsworth's testimony and credibility</p>		<p align="center">OVERRULED</p>

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<p>Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)</p>	<p>Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)</p>	<p>Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE</p>	<p>Exhibits</p>	<p>Ruling</p>
	<p>147:6· that that was -- you recall that that was some company 147:7· John was affiliated with? 147:8· · · ·A· ·Had some association with. 147:9· · · ·Q· ·Do you remember the name of that company at 147:10· all? 147:11· · · ·A· ·I don't. 147:12 Q. Were you aware of a later loan that 147:13 Mr. Wadsworth apparently obtained in February 2012 in 147:14 the amount of \$234,470? 147:15 A. I don't know anything about that. 147:16 Q. Are you familiar with an entity called 147:17 Fortus Property Group, LLC? 147:18 A. No.</p>	<p>challenged elsewhere by the Government. (See Rules 801(d)(1)(B) and 608(b)(2)).</p>		
<p>149:14 After you sold the Liberty property in 2011, 149:15 did you ever visit it at all? 149:16 A. I stopped by the one time and talked to him. 149:17 I drove by it a few times. 149:18 Q. Well, when was the one time you stopped by 149:19 again? 149:20 A. When I sold him -- when we talked about the 149:21 snowblower. 149:22 Q. Oh. 149:23 A. When he was out working on his skid</p>				

<p><i>Case Name: <u>United States of America v. Ronald Talmage, et al.</u> Case Number: <u>1:16-cv-19</u></i> <i>Deposition of <u>Paul Judd</u> taken <u>August 30, 2017</u></i></p>				
<p>Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)</p>	<p>Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)</p>	<p>Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE</p>	<p>Exhibits</p>	<p>Ruling</p>
<p>149:24 loader -- or the skid loader. I guess I don't know if 149:25 it is his or not. 150:1 Q. Do you recall about how many times you drove 150:2 by the Liberty property after you sold it? 150:3 A. You know, a handful. I mean -- so -- 150:4 Q. Did you ever see anybody out there? 150:5 A. I don't remember seeing anybody out there.</p>				
<p>151:3 Q. When you drove by, did you notice any 151:4 improvements on the property? 151:5 A. What frame -- what time frame are we talking 151:6 about? 151:7 Q. We are talking about after the sale, so 151:8 after September 2011. 151:9 A. Yeah, they continued to do improvements. 151:10 Q. What kind of improvements? 151:11 A. Oh, they did something with the garden -- 151:12 and I don't know what the time frame was. They did 151:13 something with the garden area. They put some 151:14 windmills in. They put a shed in. Over the period of</p>				

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Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
151:15 time, between now and when I discovered it was just -- 151:16 in disrepair or whatever -- neglected, somebody had 151:17 been doing things to it.				
152:2 Q. I'm going to hand you a document that's 152:3 being marked as Exhibit 136. It's Bates-stamped WADS 152:4 005143 to 5144. 152:5 (Exhibit 136 marked.) 152:6 THE WITNESS: I think I'm getting this down. 152:7 MS. GOLDEN: Practice makes perfect. 152:8 MR. INGRAM: Which one is this again? 152:9 MS. GOLDEN: This is 136. 152:10 Q. (BY MS. GOLDEN) Do you recognize this 152:11 document at all? 152:12 A. Not particularly. I'm sure it's a 152:13 legitimate document, but not particularly. I don't 152:14 really remember. 152:15 Q. This appears to be various emails, mostly in 152:16 August 2011 between yourself and 152:17 westernlivestock@gmail. 152:18 A. Uh-huh. 152:19 Q. Do you have any reason to doubt that these 152:20 are accurate copies --		<p>Object to 152:2-153:18 under <u>Fed. R. Evid. 602.</u></p> <p>Mr. Judd is testifying to his recollection of emails he sent or received and his recollection of statements he made in those emails. As to the statements made in Exhibit 136, the Western Parties have not objected to that exhibit. Mr. Judd also testifies that he has no reason to doubt that Exhibit 136 contains accurate copies of the emails he sent and received.</p>	Depo Exs. 136, 137	OVERRULED

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<p>152:21 A. No.</p> <p>152:22 Q. -- of those emails?</p> <p>152:23 A. I don't have any reason to doubt that.</p> <p>152:24 Q. If we look at page 5144 in the email dated</p> <p>152:25 August 2, 2011, it looks like you are writing to John.</p> <p>153:1 You said "How are things going for you? Ron told me I</p> <p>153:2 would be hearing from you in July to set up a closing</p> <p>153:3 date in August."</p> <p>153:4 Do you recall talking to Ron at all about</p> <p>153:5 the closing for the sale?</p> <p>153:6 A. I don't recall that.</p> <p>153:7 Q. Do you have any idea why you would have</p> <p>153:8 written "Ron told me I would be hearing from you"?</p> <p>153:9 A. No, I really don't. I'm not saying I didn't</p> <p>153:10 have any other conversation with Ron. What I'm saying</p> <p>153:11 is the only one that sticks out in my mind is when we</p> <p>153:12 talked about the snowblower.</p> <p>153:13 Q. I got you. Well, does this email refresh</p> <p>153:14 your recollection as to times you might have talked to</p> <p>153:15 Ron Talmage about the sale or lease of the Liberty</p> <p>153:16 property?</p>				

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Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>153:17 A. You know, not really. Like I said, I hardly 153:18 ever talked to Ron. 153:19 Q. I'm going to hand you a document that's 153:20 being marked as Exhibit 137, Bates-stamped WADS 005140 153:21 to 005141. 153:22 (Exhibit 137 marked.) 153:23 Q. (BY MS. GOLDEN) This appears to be -- it's 153:24 emails between yourself and Western Land. The first 153:25 one appears to be an email from yourself to Western 154:1 Land. The second one from a Lori Singleton to you 154:2 dated -- one is dated August 2011, the other January 154:3 2011. 154:4 Do you recognize this document? 154:5 A. It looks familiar. 154:6 Q. All right. Can you describe what the 154:7 document is for me? 154:8 A. It looks like John and I are having a 154:9 discussion about which title companies to use. It 154:10 looks like to me. 154:11 Q. Do you recall the second email as well? 154:12 A. When you say the second one, are you talking</p>				

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<p>154:13 about page 2?</p> <p>154:14 Q. Yes.</p> <p>154:15 A. Okay. Let's see. Yeah, I remember this</p> <p>154:16 conversation. Are you talking about the title</p> <p>154:17 insurance, or are you talking about the last</p> <p>154:18 paragraph? What are you referring to?</p> <p>154:19 Q. Both of them.</p> <p>154:20 A. Well --</p> <p>154:21 Q. Well, I just -- I just want to make sure you</p> <p>154:22 recall these?</p> <p>154:23 A. Yeah, I recall them. Uh-huh.</p> <p>154:24 Q. All right. Do you have any reason to think</p> <p>154:25 that these aren't accurate --</p> <p>155:1 A. No, I don't have any --</p> <p>155:2 Q. -- emails?</p> <p>155:3 A. I don't have any reason to doubt them.</p> <p>155:4 Q. Let's take a look at -- let's start with the</p> <p>155:5 August 2011 email that's on page 5140.</p> <p>155:6 A. Uh-huh.</p> <p>155:7 Q. In the first paragraph you say to John, "I</p> <p>155:8 have appreciated the care you and Ron and Annie have</p> <p>155:9 taken care of our home over the past 17 months."</p>				

<p><i>Case Name: <u>United States of America v. Ronald Talmage, et al.</u> Case Number: <u>1:16-cv-19</u></i> <i>Deposition of <u>Paul Judd</u> taken <u>August 30, 2017</u></i></p>				
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<p>155:10 What did you mean by that?</p> <p>155:11 A. Well, my home was in good condition. And</p> <p>155:12 Ron is living in there, so somebody is keeping it in</p> <p>155:13 good condition. My guess is it's Ron and Annie. And</p> <p>155:14 I shouldn't say the -- I don't know about the inside,</p> <p>155:15 because I never got in the inside, so the outside was</p> <p>155:16 excellent.</p>				
<p>157:20 Q. I'm going to hand you document that's being</p> <p>157:21 marked as Exhibit 139, Bates-stamped WADS 005121 to</p> <p>157:22 005124.</p> <p>157:23 (Exhibit 139 marked.)</p> <p>157:24 Q. (BY MS. GOLDEN)</p> <p>This appears to be an email</p> <p>157:25 from yourself to Western Land & Livestock dated August</p> <p>158:1 28, 2011.</p> <p>158:2 Do you recognize this document?</p> <p>158:3 A. Not really, but I'm not saying it isn't</p> <p>158:4 right.</p> <p>158:5 Q. Do you have any reason to doubt that this</p> <p>158:6 isn't an accurate copy of an email that you sent?</p> <p>158:7 A. No. I -- I can't imagine I'd blow something</p>		<p>Object to 157:20-158:15, and 158:21-159:1 under <u>Fed. R. Evid. 602</u>.</p> <p>Mr. Judd is testifying to his recollection of an email he sent and his recollection of statements he made in that email. As to the statements made in Exhibit 139, the Western Parties have not objected to that exhibit. Mr. Judd also testifies that he has no reason to doubt that Exhibit 139 is an accurate copy of the email that he sent.</p>	Depo Ex. 139	OVERRULED

<p><i>Case Name: <u>United States of America v. Ronald Talmage, et al.</u> Case Number: <u>1:16-cv-19</u></i> <i>Deposition of <u>Paul Judd</u> taken <u>August 30, 2017</u></i></p>				
<p>Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)</p>	<p>Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)</p>	<p>Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE</p>	<p>Exhibits</p>	<p>Ruling</p>
<p>158:8 up that big, but it's possible. 158:9 Q. Well, let's focus on the first page here, 158:10 5121. It says -- you say "John, I was told by Ron 158:11 Talmage the purchase of our home was a cash deal." 158:12 Do you recall Ron telling you the purchase 158:13 of the Liberty home was a cash deal? 158:14 A. I -- I don't recall that. It could have 158:15 happened. I don't recall that. 158:16 Q. Did you communicate at all with Ron Talmage 158:17 about the sale of the Liberty property? 158:18 A. I do not remember communicating with him 158:19 about it at all. I'm not saying it didn't happen. I 158:20 don't remember it -- having any conversation with him. 158:21 Q. Do you have any idea why at this instance 158:22 you appear to be asking Ron and not John about the 158:23 house? 158:24 A. No, I don't know why. Maybe I couldn't get 158:25 ahold John. I don't know. That's the most likely 159:1 case.</p>				

<p><i>Case Name: <u>United States of America v. Ronald Talmage, et al.</u> Case Number: <u>1:16-cv-19</u></i> <i>Deposition of <u>Paul Judd</u> taken <u>August 30, 2017</u></i></p>				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>160:23 Q. I'm going to hand you a document that's</p> <p>160:24 being marked as Exhibit 140, Bates-stamped WADS 005085</p> <p>160:25 to 005087.</p> <p>161:1 (Exhibit 140 marked.)</p> <p>161:2 Q. (BY MS. GOLDEN)</p> <p>This appears to be various</p> <p>161:3 emails either to or from you dated September 8 and 9,</p> <p>161:4 2011.</p> <p>161:5 Do you recognize this document?</p> <p>161:6 A. It's kind of like all of them. Not</p> <p>161:7 particularly, but I'm sure they are right.</p> <p>161:8 Q. Do you have any reason to doubt that these</p> <p>161:9 aren't accurate copies of your emails?</p> <p>161:10 A. No. I don't have any reason to doubt that.</p> <p>161:11 Q. On page 5087 --</p> <p>161:12 A. Uh-huh.</p> <p>161:13 Q. -- it looks like you are asking -- the post</p> <p>161:14 script to John. "Do you or Ron want me to walk the</p> <p>161:15 property boundaries with you?"</p> <p>Why were you including</p> <p>161:16 Ron on this question?</p> <p>161:17 A. Because I don't know where John is, and Ron</p>			<p>Depo Ex. 140</p>	

<p><i>Case Name: <u>United States of America v. Ronald Talmage, et al.</u> Case Number: <u>1:16-cv-19</u></i> <i>Deposition of <u>Paul Judd</u> taken <u>August 30, 2017</u></i></p>				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
161:18 is on the property and he has a relationship with -- 161:19 he had some kind of a relationship with -- with John, 161:20 so to me that would make sense. John can't be there. 161:21 Do you want your associate or friend or whatever you 161:22 are to walk the property line?				
163:4 Q. Overall during the course of your dealings 163:5 with John Wadsworth, was he typically communicative? 163:6 A. Yeah. I mean, he's kind of hard to get a 163:7 hold of sometimes. He's busy guy, but, yeah. 163:8 Q. Was he responsive to any calls or emails 163:9 that you put in? 163:10 A. Well, pretty much. 163:11 Q. If you could not get ahold of John, who 163:12 would you try to contact instead? 163:13 A. Nobody. 163:14 MR. INGRAM: What was that? 163:15 THE WITNESS: Nobody. I didn't have any other 163:16 contact information from anybody. There was nobody I 163:17 could get ahold of.				
163:21 (Exhibit 142 marked.)			Depo Ex. 142	

<p><i>Case Name: <u>United States of America v. Ronald Talmage, et al.</u> Case Number: <u>1:16-cv-19</u></i> <i>Deposition of <u>Paul Judd</u> taken <u>August 30, 2017</u></i></p>				
<p>Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)</p>	<p>Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)</p>	<p>Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE</p>	<p>Exhibits</p>	<p>Ruling</p>
<p>163:22 Q. (BY MS. GOLDEN) This appears to be a series 163:23 of emails either to you or from you between September 163:24 19 and September 21, 2011. 163:25 Do you recognize these emails? 164:1 A. Same as all the rest of them. I mean, I'm 164:2 sure they are right. 164:3 Q. Well, we got to get it on the record. 164:4 A. Sure. 164:5 Q. Do you have any reason to doubt that these 164:6 are accurate copies of emails? 164:7 A. No, I don't have any reason to doubt it. 164:8 Q. Looking at the first page, 5051, the second 164:9 email down it says "Paul Judd wrote." You know, "I'll 164:10 need to take all of my keys with me next time I go to 164:11 Liberty and see which ones go with the Liberty home 164:12 and shop. I'll let you and Ron know when I'm going 164:13 there." 164:14 Why are you offering to let John and Ron 164:15 know when you are going to the Liberty property? 164:16 A. So if someone is there, I can make</p>				

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<p>Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)</p>	<p>Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)</p>	<p>Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE</p>	<p>Exhibits</p>	<p>Ruling</p>
<p>164:17 arrangements to give somebody the keys. 164:18 Q. And specifically why is Ron included? 164:19 A. Because Ron lives there.</p>				
<p>165:4 Q. I'm going to hand you a document that's 165:5 being marked as Exhibit 143, Bates-stamped WADS 165:6 005040. 165:7 (Exhibit 143 marked.) 165:8 Q. (BY MS. GOLDEN) This appears to be emails 165:9 either to or from you, dated October 10 and 11, 2011. 165:10 Do you recognize this document? 165:11 A. The same as all the rest of them. Maybe. 165:12 Q. Do you have any reason to doubt that these 165:13 are accurate copies of emails that you -- 165:14 A. Not. 165:15 Q. -- sent or received? 165:16 The second email on this page you write 165:17 "John and Ron" and then you let them know you are 165:18 coming to Liberty on 13th October at 5:00 p.m. "I'll 165:19 bring all keys and my garage door opener." 165:20 Why were emailing John and Ron about that?</p>			<p>Depo Ex. 143</p>	

<p><i>Case Name: <u>United States of America v. Ronald Talmage, et al.</u> Case Number: <u>1:16-cv-19</u></i> <i>Deposition of <u>Paul Judd</u> taken <u>August 30, 2017</u></i></p>				
<p>Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)</p>	<p>Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)</p>	<p>Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE</p>	<p>Exhibits</p>	<p>Ruling</p>
<p>165:21 A. John is not around and Ron is. I was to 165:22 give somebody the keys. I've got to give somebody 165:23 those things. 165:24 Q. Was Ron living there at the time? 165:25 A. I'm guessing he was. 166:1 Q. Did you eventually drop off the keys and the 166:2 garage door opener at the property? 166:3 A. I'm sure I would have done that. 166:4 Q. Do you recall who was there when you dropped 166:5 off that stuff? 166:6 A. I don't remember. 166:7 Q. Again, this top email here appears to be 166:8 from rontalmage@wwisltd.com to you. 166:9 Does seeing this refresh your recollection 166:10 at all as to, you know, whether you communicated with 166:11 Ron Talmage at all by email? 166:12 A. Yeah, you know, it really doesn't. I'm just 166:13 trying to get keys to people.</p>				
<p>169:11 Q. (BY MS. GOLDEN) All right. Mr. Judd, I'm 169:12 going to show you a document that's being marked as</p>			Depo Ex. 145	

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Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>169:13 Exhibit 145. It was previously filed with the court</p> <p>169:14 in this case at Docket No. 83-17.</p> <p>169:15 MR. INGRAM: Sorry. 145 you said?</p> <p>169:16 MS. GOLDEN: 145.</p> <p>169:17 MR. INGRAM: Thank you.</p> <p>169:18 (Exhibit 145 marked.)</p> <p>169:19 Q. (BY MS. GOLDEN)</p> <p>Do you recognize this</p> <p>169:20 document?</p> <p>169:21 A. You know, I don't. I might have seen it. I</p> <p>169:22 don't know.</p> <p>169:23 Q. Just to be clear, it is a document that on</p> <p>169:24 the second page says "Affidavit of Paul Judd."</p> <p>169:25 A. Well, then I've seen it -- then I've seen</p> <p>170:1 it. I just don't remember it.</p> <p>170:2 Q. On page 4, is that your signature?</p> <p>170:3 A. Yes, that is my signature.</p> <p>170:4 Q. To the best of your knowledge then is this</p> <p>170:5 an accurate copy --</p> <p>170:6 A. I'm sure.</p> <p>170:7 Q. -- of the affidavit that you signed in this</p> <p>170:8 case?</p> <p>170:9 A. I'm sure it is, yeah. I wouldn't have</p> <p>170:10 signed it if it wasn't accurate.</p>				

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<p>Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)</p>	<p>Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)</p>	<p>Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE</p>	<p>Exhibits</p>	<p>Ruling</p>
<p>170:11 Q. How did this affidavit come about?</p> <p>170:12 A. I don't know.</p> <p>170:13 Q. Did you draft the affidavit?</p> <p>170:14 A. No, I didn't draft it.</p> <p>170:15 Q. Who drafted it?</p> <p>170:16 A. I don't have any idea.</p> <p>170:17 Q. How was it sent to you before you signed it?</p> <p>170:18 THE WITNESS: Did you send it to me?</p> <p>170:19 MS. GOLDEN: Well, Mr. Ingram is nodding for the</p> <p>170:20 record, so it looks like Mr. Ingram --</p> <p>170:21 Q. (BY MS. GOLDEN) So do you recall that</p> <p>170:22 Mr. Ingram sent you the affidavit?</p> <p>170:23 A. That's my best guess.</p> <p>170:24 Q. Just to clarify, you don't know who drafted</p> <p>170:25 it?</p> <p>171:1 A. I don't. It said William B. Ingram on here</p> <p>171:2 and Strong & Hanni, so I'm guessing it is those guys.</p> <p>171:3 Believe me, I couldn't spell that good, and</p> <p>171:4 I wouldn't know how to write it.</p> <p>171:5 Q. Did you speak to Mr. Ingram before signing</p> <p>171:6 this affidavit?</p>				

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<p>171:7 A. I'm sure we had a conversation. I'm sure he</p> <p>171:8 explained this to me.</p> <p>171:9 Q. What did the two of you talk about?</p> <p>171:10 A. Gosh, I'm not -- I don't even remember that</p> <p>171:11 conversation at all to tell you the truth. Probably</p> <p>171:12 asked me these questions, and I probably answered</p> <p>171:13 them.</p> <p>171:14 Q. Did Mr. Ingram tell you why he was asking</p> <p>171:15 for an affidavit from you?</p> <p>171:16 A. As I recall, he said something about</p> <p>171:17 representing John on the home in Liberty, and we</p> <p>171:18 needed to answer these questions or something to that</p> <p>171:19 effect.</p> <p>171:20 Q. Do you recall if Mr. Ingram told you</p> <p>171:21 anything about this case, as in the case that we are</p> <p>171:22 here on the deposition for?</p> <p>171:23 A. I don't remember him talking very much about</p> <p>171:24 it, no.</p> <p>171:25 Q. Before signing the affidavit, did you speak</p> <p>172:1 to John Wadsworth?</p> <p>172:2 A. I have not spoken to John Wadsworth.</p>				

<p><i>Case Name: <u>United States of America v. Ronald Talmage, et al.</u> Case Number: <u>1:16-cv-19</u></i> <i>Deposition of <u>Paul Judd</u> taken <u>August 30, 2017</u></i></p>				
<p>Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)</p>	<p>Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)</p>	<p>Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE</p>	<p>Exhibits</p>	<p>Ruling</p>
<p>172:3 Q. Did you speak to anybody else affiliated 172:4 with Mr. Wadsworth or Western Land & Livestock? 172:5 A. I don't know anybody else there, no. 172:6 Q. Do you recall if after Mr. Ingram sent you 172:7 the affidavit, if you made any changes to the document 172:8 before signing it? 172:9 A. I don't recall.</p>				
<p>173:2 Q. Okay. I'm going to hand you a document 173:3 that's being marked as Exhibit 146. The Bates stamp 173:4 is IRS-RBT-003505 to 3506. 173:5 (Exhibit 146 marked.) 173:6 MS. GOLDEN: At least from my end, there is not 173:7 many more documents. You can rest assured that it is 173:8 moving towards the end. 173:9 THE WITNESS: Thank you. 173:10 Q. (BY MS. GOLDEN) I'll represent to you that 173:11 these are notes from Revenue Office Yvonne Olson, and 173:12 I'm going to direct your attention to the entry there 173:13 dated August 19, 2015. 173:14 A. Where is that at? 173:15 Q. Starting after the big block box. 173:16 A. Okay.</p>		<p>Object to Depo Exs. 146 and 146 under <u>Fed. R. Evid. 802 and 901.</u></p> <p>If Exhibits 146 and 147 are offered, they will be offered to prove the fact that Mr. Judd made certain statements to the IRS, not the truth of the matter asserted in those statements. They also shed light on Mr. Judd's motive and bias, and provide context for the questions posed to Mr. Judd. The Rule 901 objection is waived under Rule 26(a)(3)(B). The Western Parties did not make it when objecting to the United States' pretrial disclosures. If needed, IRS Revenue Officer Yvonne Olson can authenticate Exhibits 146 and 147 at trial.</p>	<p>Depo Exs. 146, 147</p>	<p>MOOT. Exhibits 146 and 147 were not received at trial and are not part of the trial record.</p>

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<p>173:17 Q. Yeah. So you can see it says "Other third</p> <p>173:18 party contact Paul Judd previous homeowner."</p> <p>173:19 A. Uh-huh.</p> <p>173:20 Q. I'll give you a second to read this over.</p> <p>173:21 A. You want me to read -- you want me to read</p> <p>173:22 my statement to her?</p> <p>173:23 Q. You don't have to read it out loud. I just</p> <p>173:24 want to give you a chance to look it over because I'm</p> <p>173:25 going to ask you some questions about it.</p> <p>174:1 A. Yeah, that's what I said all along.</p> <p>174:2 Q. And then it continues to the next page. And</p> <p>174:3 I apologize. It appears to be faded out a little bit,</p> <p>174:4 but if you can read -- you know, just read over that</p> <p>174:5 to the best you can make out the words.</p> <p>174:6 A. Is this her comments?</p> <p>174:7 Q. Yes. These are her notes from talking to</p> <p>174:8 you.</p> <p>174:9 A. Let me tell you. That was a pain in the</p> <p>174:10 butt. It took me a long time to find all this stuff</p> <p>174:11 for her.</p>				

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<p>174:12 Q. Well, I appreciate you looking -- looking</p> <p>174:13 for everything and getting that together.</p> <p>174:14 A. He believes they were something -- yeah.</p> <p>174:15 There was something -- oh, yeah. Some of this is</p> <p>174:16 pretty hard to read.</p> <p>174:17 Q. Right, I know. Just to the best that you</p> <p>174:18 can.</p> <p>174:19 A. I mean, this is pretty much of what I've</p> <p>174:20 said all along. I don't see anything different here.</p> <p>174:21 Q. All right. So to the best of your</p> <p>174:22 recollection, is this entry here an accurate summary</p> <p>174:23 of your conversation --</p> <p>174:24 A. Yeah, I think so.</p> <p>174:25 Q. -- with Yvonne Olson?</p> <p>175:1 A. Yeah, I believe it is.</p> <p>175:2 Q. Looking at the first paragraph on page 3506,</p> <p>175:3 "he said John Wadsworth didn't live in the home. He</p> <p>175:4 said Ronald and Annette Talmage lived there."</p> <p>175:5 Does that accurately reflect -- reflect your</p> <p>175:6 understanding about the Liberty property?</p>				

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<p>175:7 A. That's what happened. I just don't -- to 175:8 begin with, I don't know that John was ever there or 175:9 not. But sometime then the Talmages moved in. So I 175:10 can't say whether -- right off the beginning John was 175:11 there or not. I don't know. But obviously Talmage 175:12 was there the vast majority of the time and maybe all 175:13 the time. I don't know about right at the very 175:14 beginning. 175:15 Q. And the fourth paragraph down on that 175:16 page -- it's a little bit faded out. The last 175:17 sentence I think says "He said he finds Ronald and 175:18 Annette Talmage to be very secretive people." 175:19 A. Oh, yeah. 175:20 Q. What gave you the impression that the 175:21 Talmages were secretive people? 175:22 A. Well, the blinds were always pulled shut. 175:23 They had cameras around their house, a thing on the 175:24 door that says if you can -- if you can see this, you</p>		<p>Object to 175:15-176:11 under <u>Fed. R. Evid. 802</u>.</p> <p>Mr. Judd is testifying to his present recollection, not repeating prior statements. Mr. Judd references statements that neighbors made to him, but these are offered to show the basis for his testimony.</p>		<p>OVERRULED</p>

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<p>175:25 can see the barrel of my gun. I mean, you know -- so</p> <p>176:1 they kept to themselves. You know, they just -- all</p> <p>176:2 the neighbors said they were very, very secretive.</p> <p>176:3 And I never saw anybody outside when I did go by.</p> <p>176:4 Q. Was some of the stuff you mentioned about</p> <p>176:5 the property -- how did you know that the blinds were</p> <p>176:6 pulled shut and the cameras and sign outside the door?</p> <p>176:7 Is that something you observed personally?</p> <p>176:8 A. No. That's something everybody told me.</p> <p>176:9 Well, the blinds pulled shut -- yes, I saw the blinds</p> <p>176:10 pulled shut. And the rest of it is what all the</p> <p>176:11 neighbors told me.</p> <p>176:12 Q. And do you recall which neighbors told you?</p> <p>176:13 A. That would have been probably Scott,</p> <p>176:14 probably -- I can't think of what her name is. I'm</p> <p>176:15 having a brain drain here.</p> <p>176:16 Q. That's okay.</p> <p>176:17 A. Anyway, one of the neighbors that lived</p> <p>176:18 right next -- right next to them.</p> <p>176:19 Q. Was that Michelle Post?</p>				

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Deposition of Paul Judd taken August 30, 2017

Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>176:20 A. No.</p> <p>176:21 Q. Or Natalie Post?</p> <p>176:22 A. No.</p> <p>176:23 Q. The Wescots?</p> <p>176:24 A. No. Cole -- Athena Steadman. Athena</p> <p>176:25 Steadman.</p> <p>177:1 Q. Athena Steadman?</p> <p>177:2 A. She was in the house right next to them.</p> <p>177:3 Well, that's not really true. She was in the house</p> <p>177:4 behind them but is adjacent to.</p> <p>177:5 Q. You said Scott. I think you are referring</p> <p>177:6 to Scott Ashton?</p> <p>177:7 A. It could have been.</p> <p>177:8 Q. That's a name you said earlier.</p> <p>177:9 A. It could have been. But I only talked to</p> <p>177:10 Athena Steadman for sure. I mean, it's a little,</p> <p>177:11 small community. It's not like this stuff doesn't get</p> <p>177:12 around, you know.</p> <p>177:13 Q. I'm going to show you a document that's</p> <p>177:14 being marked as Exhibit 147.</p> <p>177:15 A. Okay.</p> <p>177:16 (Exhibit 147 marked.)</p> <p>177:17 Q. (BY MS. GOLDEN)</p> <p>It's Bates-stamped</p> <p>177:18 IRS-RBT-003533 to 003534.</p> <p>I'll represent to you that</p>				

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<p>Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)</p>	<p>Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)</p>	<p>Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE</p>	<p>Exhibits</p>	<p>Ruling</p>
<p>177:19 these are notes of Revenue Office Yvonne Olson, and 177:20 the particular entry here that I wanted to direct your 177:21 attention to is dated September 9 -- 29, 2015, and it 177:22 appears to be another entry about a conversation with 177:23 yourself. 177:24 A. Okay. 177:25 Q. So I'll give you a second to read this over 178:1 too. 178:2 A. Okay. 178:3 Q. To the best of your recollection, is this 178:4 entry an accurate summary of your conversation with 178:5 Yvonne Olson around September 29, 2015? 178:6 A. The only thing that I would say that is 178:7 maybe not accurate is where it says every time he 178:8 stopped by, it was Ron and Talmage living in the home. 178:9 Q. Okay. 178:10 A. I never saw him outside, so I don't know. 178:11 I'm assuming they lived in the home -- they were 178:12 living in the home. I'm just saying they weren't out 178:13 a lot.</p>				

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<p>178:14 Q. So I think your correction was that -- you</p> <p>178:15 know, when you drove by, you mostly saw the outside --</p> <p>178:16 A. Yeah.</p> <p>178:17 Q. -- so you didn't necessarily see the</p> <p>178:18 Talmages on --</p> <p>178:19 A. I never saw the inside.</p> <p>178:20 Q. You never saw the inside. All right. Was</p> <p>178:21 it your understanding though that Ronald and Annette</p> <p>178:22 Talmage were living in the home?</p> <p>178:23 A. Yeah, that was my understanding.</p> <p>178:24 Q. And that same paragraph, it says "Asked if</p> <p>178:25 he'd ever meet with Ronald and Annette Talmage. He</p> <p>179:1 said, 'Yes, he'd meet with them on several</p> <p>179:2 occasions.'"</p> <p>179:3 Is that accurate?</p> <p>179:4 A. The only one I remember for absolutely sure</p> <p>179:5 was the one with the snowblower. Possibly when I gave</p> <p>179:6 them the keys to the house, but I don't remember any</p> <p>179:7 other ones.</p> <p>179:8 Q. Okay. Does seeing this entry refresh your</p>				

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<p>179:9 recollection on any conversations you might have had</p> <p>179:10 with Ronald or Annette Talmage?</p> <p>179:11 A. I don't know if I ever -- I don't think I</p> <p>179:12 ever had a conversation with Annette.</p> <p>179:13 Q. Does it refresh your recollection on any</p> <p>179:14 conversations you might have had with Ron?</p> <p>179:15 A. I think it's pretty consistent, so, no, not</p> <p>179:16 really.</p> <p>179:17 I'm sorry. I keep throwing these papers</p> <p>179:18 away.</p> <p>179:19 Q. That's fine. So what made you thing the</p> <p>179:20 Talmages were tight lipped? That's in the same</p> <p>179:21 paragraph here. You said they were pretty tight</p> <p>179:22 lipped and didn't say much.</p> <p>179:23 A. Because like when I approached him with the</p> <p>179:24 snowblower, very standoffish. The day I had the</p> <p>179:25 conversation about it -- you know, it wasn't a</p> <p>180:1 conversation, like, "How is it going? How do you like</p> <p>180:2 living here?" It was mostly because he likes</p>				

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180:3 equipment, strictly on the snowblower. You know, very 180:4 little -- not normal banter or communication you would 180:5 have with somebody.				
	184:1· · FURTHER EXAMINATION 184:2· QUESTIONS BY MR. INGRAM: 184:3· · · · Q· · Now, you talked before about only once 184:4· leasing the property· Did you mean only once 184:5· leasing -- there is only one property that you leased, 184:6· but there actually had been a couple leases? 184:7· · · · A· · Yeah. 184:8· · · · Q· · Okay. 184:9· · · · A· · Well, I have a commercial strip mall in 184:10· Eden, and you asked me if I'd leased anything· That's 184:11· why I said houses or commercial, because I have leased 184:12· my strip mall· But in regards to that house, that one 184:13· house was leased two different times. 184:14· · · · Q· · Okay· You were asked about only once 184:15· entering into a lease option· How many lease options 184:16· have you participated in, not as a party but as an 184:17· agent or a broker?		Depo Exs. 141-142, 144	

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	<p>184:18· . . .A· ·None· I don't remember any.</p> <p>184:19· . . .Q· ·Is a lease option to purchase, is that</p> <p>184:20· something common or uncommon in your experience?</p> <p>184:21· . . .A· ·Well, when you get into a tough market and</p> <p>184:22· things are hard to sell, it becomes a lot more common.</p> <p>184:23· . . .Q· ·Okay· Was there anything atypical about</p> <p>184:24· this lease to purchase option?</p> <p>184:25· . . .A· ·No, not really.</p> <p>185:1· . . .Q· ·You were asked about John Wadsworth's</p> <p>185:2· signatures on the lease option as well as the REPC and</p> <p>185:3· other documents· Do you have any reason to question</p> <p>185:4· whether those are John's signatures?</p> <p>185:5· . . .A· ·I don't have any reason to question it.</p> <p>185:6· . . .Q· ·Okay· You were asked about subleasing the</p> <p>185:7· property· Do you remember that?</p> <p>185:8· . . .A· ·I think you asked me about that -- I think,</p> <p>185:9· but I'm not sure.</p> <p>185:10· . . .Q· ·Did you understand there was any provision</p> <p>185:11· in the lease to purchase agreement that precluded</p>			

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	<p>185:12· Western Land & Livestock from subleasing the property?</p> <p>185:13· . . . A· . I -- I don't think the contract -- I don't</p> <p>185:14· remember off the top of my head· I don't think the</p> <p>185:15· contract says you can sublease it· You'd have to read</p> <p>185:16· through it and see· I don't remember that being a</p> <p>185:17· provision of it, but as far as renting it to somebody</p> <p>185:18· or something like that -- I don't know if that's</p> <p>185:19· exactly the same thing or not, but...</p> <p>185:20· . . . Q· ·Did you care?</p> <p>185:21· . . . A· ·I don't care· He paid me a year in advance,</p> <p>185:22· and his checks didn't bounce, and they were improving</p> <p>185:23· my property· Works for me.</p> <p>185:24· . . . Q· ·You were asked a lot about the Talmages</p> <p>185:25· living on the property and your understanding about</p> <p>186:1· them living there· That seemed to be a common theme</p> <p>186:2· today· How many times did you actually witness Ron</p> <p>186:3· Talmage on the property?</p> <p>186:4· . . . A· ·A couple at the most· Two or three. I</p> <p>186:5· don't know· Not much.</p>			

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	<p>186:6 · · · Q · Okay · And this was over a period of how</p> <p>186:7 · long?</p> <p>186:8 · · · A · Well, from -- from when they started renting</p> <p>186:9 · there until when it closed.</p> <p>186:10 · · · Q · So about a year and a half?</p> <p>186:11 · · · A · Yeah.</p> <p>186:12 · · · Q · Okay.</p> <p>186:13 · · · A · But you know what, you guys? I could be</p> <p>186:14 · wrong on that · I mean, it could be three or four</p> <p>186:15 · times · I don't know · It could be two or three,</p> <p>186:16 · whatever.</p> <p>186:17 · · · Q · Do you know how often Ron Talmage was</p> <p>186:18 · occupying the property?</p> <p>186:19 · · · A · The vast majority of the time I went there I</p> <p>186:20 · never saw anybody there.</p> <p>186:21 · · · Q · Okay · So in terms of do you know how often</p> <p>186:22 · he is occupying the property or for what periods of</p> <p>186:23 · time? Do you have any idea?</p> <p>186:24 · · · A · I don't.</p> <p>186:25 · · · Q · Okay · Do you know that -- whether anybody</p> <p>187:1 · else was staying on the property --</p> <p>187:2 · · · A · I don't know.</p>			

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	<p>187:3· . . . Q· --- such as Annette Talmage or Mrs. Chen?</p> <p>187:4· . . . A· ·I -- I don't know.</p> <p>187:5· . . . Q· ·Okay· You were asked about dogs on the</p> <p>187:6· property.</p> <p>187:7· . . . A· ·Sure.</p> <p>187:8· . . . Q· ·As a landlord, did you have any problem with</p> <p>187:9· dogs being kept on the property?</p> <p>187:10· . . . A· ·No.</p> <p>187:11· . . . Q· ·As a landlord, did you have a problem with</p> <p>187:12· the kennel being on the property?</p> <p>187:13· . . . A· ·No.</p> <p>187:14· . . . Q· ·You were asked about John Wadsworth being a</p> <p>187:15· private individual· Do you think there is anything</p> <p>187:16· wrong with Mr. Wadsworth being private?</p> <p>187:17· . . . A· ·It's irritating.</p> <p>187:18· . . . Q· ·Is there anything wrong with him?</p> <p>187:19· . . . A· ·No· I don't know if there was anything</p> <p>187:20· irritating· It irritated the hell out of me.</p> <p>187:21· . . . Q· ·Other than irritating you, do you think</p> <p>187:22· there is anything wrong with it?</p>			

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	<p>187:23· . . .A· .No· I like my privacy too.</p> <p>187:24· . . .Q· .You were asked about the commission with</p> <p>187:25· Darin Mitchell -- or Mich'l.</p> <p>188:1· . . .A· .Mich'l, yeah.</p> <p>188:2· . . .Q· .Excuse me· And how -- I think you said you</p> <p>188:3· were irritated that you had promised him a commission</p> <p>188:4· for work that you expected him to do.</p> <p>188:5· . . .A· .Uh-huh.</p> <p>188:6· . . .Q· .Who did you understand actually performed</p> <p>188:7· that work -- or that Darrell -- that you understood</p> <p>188:8· Darrell would have -- or should have performed?</p> <p>188:9· . . .A· .I would have thought Darin would be more</p> <p>188:10· involved through the process, you know· And he kind</p> <p>188:11· of introduced us and came up for the inspection and</p> <p>188:12· then he kind of just disappeared out of the scene.</p> <p>188:13· And it wasn't disclosed to me that he was already</p> <p>188:14· being paid by John· So I'm going "Well, what am I</p> <p>188:15· paying you \$5,000 for?"</p> <p>188:16· . . .Q· .And I believe there was a question about you</p>			

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	<p>188:17· proposing to pay John· Why --</p> <p>188:18· . . . A· ·I considered that.</p> <p>188:19· . . . Q· ·And why did you consider paying John that</p> <p>188:20· commission?</p> <p>188:21· . . . A· ·Because John was doing things Darin should</p> <p>188:22· have been involved in· In my opinion, Darin should</p> <p>188:23· have been more involved in the process.</p> <p>188:24· . . . Q· ·And when you say John doing things Darrell</p> <p>188:25· should have been, what kind of things are you talking</p> <p>189:1· about?</p> <p>189:2· . . . A· ·Talking about the lease· Talking about the</p> <p>189:3· payments· Talking about the money down· You know, I</p> <p>189:4· don't -- someone shouldn't get paid \$7,000 for saying,</p> <p>189:5· "Well, here you go· Here is John."</p> <p>189:6· . . . Q· ·If you can turn to Exhibit 141, if you will,</p> <p>189:7· that was an email change.</p> <p>189:8· . . . A· ·I'm going to mess up your whole pile again</p> <p>189:9· here· Maybe· Okay.</p> <p>189:10· . . . Q· ·You got that?</p> <p>189:11· . . . A· ·Yeah.</p> <p>189:12· . . . Q· ·So on -- if you go to page 2, this was an</p>			

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	<p>189:13· email from you dated -- or it looks like -- excuse</p> <p>189:14· me -- from Western Livestock dated September 13, 2011.</p> <p>189:15· Do you see that?</p> <p>189:16· . . . A· . Yes, I do.</p> <p>189:17· . . . Q· . And about two-thirds of the way down it says</p> <p>189:18· "As part of the close tomorrow."</p> <p>189:19· Do you see that?</p> <p>189:20· . . . A· . No· . Let's see --</p> <p>189:21· . . . Q· . "As part of the close tomorrow, please be</p> <p>189:22· prepared to endorse and send via certified mail the</p> <p>189:23· Liberty water certificate directly to the Liberty</p> <p>189:24· water company so they can issue a new share in the</p> <p>189:25· name of the LLC."</p> <p>190:1· . . . A· . Uh-huh.</p> <p>190:2· . . . Q· . "Please endorse the certificate to Western</p> <p>190:3· Land & Livestock· Please pay attention to the exact</p> <p>190:4· spelling of the LLC name· You misspelled the name</p> <p>190:5· several times."</p> <p>190:6· . . . A· . I misspelled it several times?</p> <p>190:7· . . . Q· . I don't know· That's what the email says.</p> <p>190:8· . . . A· . Oh.</p>			

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	<p>190:9· . . . Q· . So then we go to Exhibit No. 142, if you</p> <p>190:10· will.</p> <p>190:11· . . . A· . I misspell everything, so that's not a</p> <p>190:12· shock· 142 -- there is 143·</p> <p>142 -- there is 140.</p> <p>190:13· There is 143· There is 139·</p> <p>139, 140, 143, 144.</p> <p>190:14· Here's one -- which one did you say.</p> <p>190:15· . . . Q· . 142.</p> <p>190:16· . . . A· . Ah, here we go.</p> <p>190:17· . . . Q· . Okay· So if you turn to the second page --</p> <p>190:18· . . . A· . Uh-huh.</p> <p>190:19· . . . Q· . --- there is an email dated September 19,</p> <p>190:20· 2011, and you say "Hi, John·</p> <p>I just wanted you to</p> <p>190:21· know I sent the water stock certificate to Liberty</p> <p>190:22· pipeline today."</p> <p>190:23· . . . A· . Uh-huh.</p> <p>190:24· . . . Q· . Do you see that?</p> <p>190:25· . . . A· . Uh-huh.</p> <p>191:1· . . . Q· . Do you recall sending a certificate endorsed</p> <p>191:2· over to Western Land & Livestock?</p> <p>191:3· . . . A· . Well, no, but if I said I did it, I did it.</p> <p>191:4· . . . Q· . Okay· Do you have any reason to dispute</p> <p>191:5· that's what happened?</p>			

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	<p>191:6 · · · A. · No.</p> <p>191:7 · · · Q. · Okay. · And if you were to be shown a -- an</p> <p>191:8 · endorsed water stock certificate to Western Land &</p> <p>191:9 · Livestock, would that be consistent with your</p> <p>191:10 · understanding of what happened with that water stock</p> <p>191:11 · certificate?</p> <p>191:12 · · · A. · Yes, it would.</p> <p>191:13 · · · Q. · We went through a whole bunch of emails,</p> <p>191:14 · including one email from an HOA -- or regarding the</p> <p>191:15 · HOA. · This was Exhibit No. 144 dated June of 2012.</p> <p>191:16 · · · A. · 141, 140, 143. · Okay. · 144.</p> <p>191:17 · · · Q. · Now, this was after the close of the</p> <p>191:18 · purchase; correct?</p> <p>191:19 · · · A. · Uh-huh.</p> <p>191:20 · · · Q. · And why did you continue to reach out to</p> <p>191:21 · Mr. Wadsworth regarding the HOA and the Liberty</p> <p>191:22 · property?</p> <p>191:23 · · · A. · So he would have an understanding that in my</p> <p>191:24 · opinion he's not a member of the homeowners</p> <p>191:25 · association, and it's none of their business.</p>			

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	<p>192:1· · · ·Q· ·And why were you reaching out to</p> <p>192:2· Mr. Wadsworth as opposed to somebody else?</p> <p>192:3· · · ·A· ·Because he owns the property.</p> <p>192:4· · · ·Q· ·Okay· Now, you've sat through today and</p> <p>192:5· you've been asked a lot of questions about John</p> <p>192:6· Wadsworth, about Ron Talmage, about your</p> <p>192:7· understanding· As you've sat through, in the end what</p> <p>192:8· involvement did Ron Talmage have in leasing and</p> <p>192:9· purchasing the property from you?</p> <p>192:10· · · ·A· ·Nothing at all.</p> <p>192:11· · · ·MR. INGRAM:· No further questions.</p> <p>192:12· · · ·MS. GOLDEN:· Just a few more questions.</p> <p>192:13</p> <p>192:14· FURTHER EXAMINATION</p> <p>192:15· QUESTIONS BY MS. GOLDEN:</p> <p>192:16· · · ·Q· ·You've looked at a lot of emails involving</p> <p>192:17· westernlivestock@gmail.com, which I think -- which I</p> <p>192:18· believe you testified that's what you used to</p>			

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Deposition of Paul Judd taken August 30, 2017

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	<p>192:19· correspond with John Wadsworth· How did you come to</p> <p>192:20· the understanding that that email address was John's?</p> <p>192:21· . . . A· ·Because we were corresponding back and forth</p> <p>192:22· and he was answering· Why would I think it was</p> <p>192:23· anybody else's?</p> <p>192:24· . . . Q· ·Did he tell you it was his email address?</p> <p>192:25· . . . A· ·No· But he has a question· I email him.</p> <p>193:1· He emails me back· There is communication going back</p> <p>193:2· and forth, so I wouldn't have any reason to doubt it.</p> <p>193:3· . . . MS. GOLDEN· Okay· I have no further questions.</p> <p>193:4· . . . MR. INGRAM· Thank you, Mr. Judd· I think off</p> <p>193:5· the record you were given an opportunity to read and</p> <p>193:6· sign· After we are done today, the court reporter</p> <p>193:7· will, if you would like, provide you a complete</p> <p>193:8· transcript of our questions and your answers today,</p> <p>193:9· and you will have an opportunity to review that and</p> <p>193:10· make any corrections and sign on that.</p> <p>193:11· Would you like to --</p>			

<p><i>Case Name: <u>United States of America v. Ronald Talmage, et al.</u> Case Number: <u>1:16-cv-19</u></i> <i>Deposition of <u>Paul Judd</u> taken <u>August 30, 2017</u></i></p>				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
	193:12· . . .THE WITNESS:· You know what? 193:13· . . .MR. INGRAM:· -- do that? 193:14· . . .THE WITNESS:· I've told the truth.· I -- so I'm 193:15· fine with. 193:16· . . .MR. INGRAM:· All right. 193:17· . . .THE WITNESS:· -- waiving that. 193:18· . . .THE VIDEOGRAPHER:· Going off the record.· The 193:19· time is 3:32. 193:20· (The deposition concluded at 3:32 p.m.) 193:21· (Signature waived.)			
DEFENDANT COUNTER-DESIGNATIONS	PLAINTIFF COUNTER-DESIGNATIONS			
	105:21 Q. And earlier this morning we talked about 105:22 your experience as a real estate broker. 105:23 A. Uh-huh. 105:24 Q. Do you remember that? 105:25 Are you testifying as an expert witness in 106:1 this case? 106:2 A. I don't think so. I'm just testifying as a 106:3 homeowner, as far as I know.			

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	<p>106:4 Q. Okay. Well, I just wanted to get a little</p> <p>106:5 more on your background as a real estate broker. Can</p> <p>106:6 you tell me just a rough estimate of how many houses</p> <p>106:7 you've sold during your time as a broker?</p> <p>106:8 A. Oh, a couple hundred.</p> <p>106:9 Q. How many in Utah?</p> <p>106:10 A. Well, my guess would be 150. I don't know</p> <p>106:11 for sure. That's just a guess.</p> <p>106:12 Q. That's fine. I'm just trying to get a rough</p> <p>106:13 sense.</p> <p>106:14 A. Yeah.</p> <p>106:15 Q. Can you give an estimate of how many houses</p> <p>106:16 you've sold in the Liberty/Eden Utah area?</p> <p>106:17 A. Well, that would be the hundred --</p> <p>106:18 approximately 150.</p> <p>106:19 Q. And do you recall approximately how many</p> <p>106:20 houses you've leased as a real estate broker?</p> <p>106:21 A. Yeah, one.</p> <p>106:22 Q. Was that the Liberty property?</p> <p>106:23 A. Yeah.</p> <p>106:24 Q. Okay. How many lease options have you done?</p>			

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	<p>106:25 A. Two -- well, on houses?</p> <p>107:1 Q. On houses.</p> <p>107:2 A. One.</p> <p>107:3 Q. Was that also the Liberty property?</p> <p>107:4 A. Yes.</p>			
	<p>129:22 Was it your understanding that Western Land</p> <p>129:23 & Livestock would be letting others occupy the home?</p> <p>129:24 A. Possibly.</p> <p>129:25 Q. Did you ever get any phone numbers of</p> <p>130:1 contact persons for people living at the Liberty</p> <p>130:2 property?</p> <p>130:3 A. I don't remember getting any.</p> <p>130:4 Q. Going down to the very last paragraph on</p> <p>130:5 this page, it seems like you are writing to John and</p> <p>130:6 then you say "I will be spending the night in the</p> <p>130:7 Liberty home Friday night. It is a great place. You</p> <p>130:8 or your friends will love it."</p> <p>130:9 A. Sure.</p> <p>130:10 Q. What did you mean by "you or your friends"?</p> <p>130:11 A. Well, I don't know what John is going to do</p> <p>130:12 with it. I don't know if John is going to have</p>			

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	130:13 visit -- who John is going to be -- it could be his 130:14 kids. It could be his wife. It could be relatives. 130:15 I don't know. 130:16 Q. Did John specifically ever mention if people 130:17 would be staying at the property? 130:18 A. I -- somehow I got the impression it could 130:19 be -- it could be, like -- maybe somebody associated 130:20 with him, but nothing specific.			

Instructions: One form should contain all designations for a witness. Plaintiff Designations (column 1) and Defendant Designations (column 2) will show the full deposition text that the party proposes to read in its case-in-chief. Completeness designations are proposed by the other party, under Fed. R. Civ. P. 32(a)(6), to be read with the designations. Counter-designations are read following the designations and completeness designations, similar to cross examination. This form should be provided in word processing format to the other party, who then will continue to fill in the form. The form is then returned to the proposing party for review, resolution of disputes, and further editing. The parties should confer and file a final version in PDF format using the event “Notice of Filing” and also submit a final word processing copy to the court at dj.nuffer@utd.uscourts.gov, for ruling.

All objections which the objecting party intends to pursue should be listed, whether made at the deposition, as with objections as to form, or made newly in this form, if the objection is of a type that was reserved.

Case Name: United States v. Talmage, et. al Case Number: 1:16-19-DN-PMW Deposition of Sara Watkins taken May 30, 2018^{1,2}				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
PLAINTIFF DESIGNATIONS	DEFENDANT -DESIGNATIONS			
4:3 SARA ANN WATKINS, 4:4 called as a witness herein, having been first duly sworn, 4:5 was examined and testified as follows:				
4:19 Q. Good morning, Ms. Watkins. 4:20 Could you state your full name. 4:21 A. Sara Ann Watkins.				
5:3 Q. BY MS. GOLDEN: Do you have any former names? 5:4 A. Like my maiden name? 5:5 Sara Ann Sweet. 5:6 Q. Anything else? 5:7 A. Huh-uh.				
9:25 Q. Do you know Annette Talmage? 10:1 A. Yes. 10:2 Q. How do you know her? 10:3 A. That's my mother. 10:4 Q. How would you characterize your current 10:5 relationship with Annette Talmage? 10:6 A. Nonexistent. 10:7 I actually haven't talked to her since -- it				

¹ Defendants object to the entirety of Ms. Watkins' testimony for the reasons stated in their pretrial objections and will motion the Court to exclude the same from evidence. If Ms. Watkins' testimony is admitted, then Defendants designate the identified testimony.

² The United States responds to the bulk of the Western Parties' Rule 802 and Rule 701 objections in its responses to the Western Parties' motions in limine to exclude the testimony of Sara Watkins (Dkt. Nos. 247, 248).

Case Name: United States v. Talmage, et. al Case Number: 1:16-19-DN-PMW Deposition of Sara Watkins taken May 30, 2018^{1,2}				
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10:8 was Easter 2016, was it? 10:9 '17, 2017; I'm sorry. 10:10 Q. That's the last time that you spoke to her? 10:11 A. Uh-huh. 10:12 And I haven't seen her since my grandma's 10:13 funeral, February 2016. 10:14 Q. What did you and your mom talk about the last 10:15 time that you spoke? 10:16 A. The last time I talked to her, I just mentioned 10:17 to her that I had been contacted by the tax attorneys, 10:18 just to let her know, and then after that, she says, Okay, 10:19 just be honest with them. 10:20 And then after that, she cut off all 10:21 communications, because I wouldn't change my personal 10:22 information, emails and stuff. 10:23 Q. I see. 10:24 Did she say anything else when you told her 10:25 that you had been contacted by the tax attorneys? 11:1 A. Not during this specific time. 11:2 She's told me things previously when we 11:3 lived in Utah near her. 11:4 Q. I see.				

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<p>11:5 When did you live in Utah near her?</p> <p>11:6 A. We moved in June -- it was actually June 30th,</p> <p>11:7 2010.</p> <p>11:8 Ron didn't know that we knew they lived</p> <p>11:9 there. My mom was secretive about it. It's kind of</p> <p>11:10 bogus, you know.</p> <p>11:11 Q. How long did you live in Utah near Ron and</p> <p>11:12 Annette?</p> <p>11:13 A. Until, I want to say, April 2012.</p> <p>11:14 Q. And then after that you moved to -- did you move</p> <p>11:15 to Arizona?</p> <p>11:16 A. I moved back to Arizona, yes.</p> <p>11:17 Q. How well did you keep in touch with your mom</p> <p>11:18 right now?</p> <p>11:19 A. During that time or now? What did you say?</p> <p>11:20 Q. I asked generally, but let's do both.</p> <p>11:21 How well did you keep in touch with your mom</p> <p>11:22 during that time in Utah?</p> <p>11:23 A. So every time she would - - they lived on the</p> <p>11:24 other side of the mountain in Eden. She had told me that,</p>				

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<p>11:25 but I wasn't supposed to tell anybody. So she would call</p> <p>12:1 me when she would come into town because I lived in Ogden</p> <p>12:2 where all of the shopping was. And she would come pick me</p> <p>12:3 up, and we'd hang out during the day. I had my little</p> <p>12:4 baby at the time, and so we'd go shopping and just spend</p> <p>12:5 time together. So it would be probably once a week, and</p> <p>12:6 any time she was in town, she would try to call me.</p> <p>12:7 Q. When you lived in Utah, did you also email or</p> <p>12:8 call your mom a lot?</p> <p>12:9 A. I tried calling her, but she often didn't answer.</p> <p>12:10 So most of the communication was -- just when I would see</p> <p>12:11 her, we would talk, and I would ask questions, because it</p> <p>12:12 was so vague, everything, you know.</p> <p>12:13 Q. Was your mom the one who initiated the phone</p> <p>12:14 calls and the meet-ups and --</p> <p>12:15 A. Yes, because Ron</p> <p>12:16 wouldn't let her -- often</p> <p>12:17 wouldn't let her call us, so she would do it secretly.</p> <p>12:17 Q. And then what about recently, as in after you</p>				

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<p>12:18 left Utah? How well did you keep in touch with your mom?</p> <p>12:19 A. I'm trying to think. It's been so long. That</p> <p>12:20 was such a blurry time.</p> <p>12:21 She would try to call me still, often, but</p> <p>12:22 Ron kind of dictated the phone calls, so it wasn't often.</p> <p>12:23 I saw her during my sister's wedding, but</p> <p>12:24 she didn't come visit regularly that I remember, so.</p> <p>12:25 Q. What sort of stuff did you talk about during</p> <p>13:1 those times after you left Utah?</p> <p>13:2 A. Um, it wasn't particularly when we lived here.</p> <p>13:3 It was during Utah that she really was more open. And</p> <p>13:4 there was kind of a blowup, and so she really stopped</p> <p>13:5 talking to us.</p> <p>13:6 But before that, when she'd come to visit me</p> <p>13:7 in Ogden, we'd go on drives or just talk, and I would try</p> <p>13:8 to ask her, because it seemed really weird how she was</p> <p>13:9 sneaking around, not normal at all, and it really bothered</p> <p>13:10 me. So I'd ask her, Why are you sneaking around? Are you</p> <p>13:11 guys living here? Where do you live?</p>				

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<p>13:12 And she finally told me that she lived in</p> <p>13:13 Eden, Utah, and she kind of explained where she lived.</p> <p>13:14 And I -- okay, I tried to -- you know, but</p> <p>13:15 she never showed me because I was not allowed to go to her</p> <p>13:16 house or know that they lived there. So I asked her, did</p> <p>13:17 you buy the house? Just asking her kind of what was going</p> <p>13:18 on, because I was really confused.</p> <p>13:19 And she said, Well -- she was kind of vague</p> <p>13:20 about it.</p> <p>13:21 But then I asked her --</p> <p>13:22 Sorry. I'm so nervous.</p> <p>13:23 Q. That's okay.</p> <p>13:24 A. I'm just trying to say what really -- so I just</p> <p>13:25 asked her if she -- how they got the house.</p> <p>14:1 And she said that a friend -- they had given</p> <p>14:2 money to a friend, Ron did, and that he had purchased the</p> <p>14:3 house for them.</p> <p>14:4 And I remember asking her, Can you trust</p> <p>14:5 this friend?</p> <p>14:6 And she said, Yeah, and she told me who it</p>		<p>Object to 13:12-13 under <u>Fed. R. Evid. 802</u>. All objections under Rule 802 herein are made for the reasons set forth more fully in the Western Parties' <i>Motion in Limine to Exclude Hearsay Testimony of Sara Watkins</i> (May 30, 2019), which is incorporated at each Rule 802 objection herein by reference.</p> <p>The United States responds to the bulk of the Rule 802 objections to Ms. Watkins' testimony in its response to the Western Parties' motion in limine to exclude the "hearsay" testimony of Sara Watkins (Dkt. No. 247) ("Watkins Hearsay Motion").</p> <p>Object to 13:19-20 under <u>Fed. R. Evid. 802</u>.</p> <p>Ms. Watkins is describing Annette Talmage's demeanor rather than repeating statements. This testimony is not hearsay. <i>See Fed. R. Evid. 801(c)</i>.</p> <p>Object to 14:1-17 under <u>Fed. R. Evid. 602</u> and <u>802</u>. Ms. Watkins does not have any personal knowledge of this matter; her only basis for this testimony is the inadmissible hearsay statements of Annette Talmage.</p> <p>Ms. Watkins has personal knowledge of her conversation with her mother, Annette Talmage, her interactions with</p>		<p>OVERRULED (see [267] Order)</p> <p>OVERRULED (see [267] Order)</p> <p>OVERRULED (see [267] Order)</p>

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<p>14:7 was, which was John. That's all I knew of his name, John</p> <p>14:8 and Amy. I don't know their last name, nothing.</p> <p>14:9 And I had heard her talk about them before.</p> <p>14:10 They had spent, maybe, Christmas with them, because --</p> <p>14:11 they gave them a Honey Baked Ham gift card, and she had</p> <p>14:12 given it to me because we were in college during that</p> <p>14:13 time, and she figured we really needed the money or the</p> <p>14:14 food. So I know that they were close.</p> <p>14:15 And I don't know if they -- I know they went</p> <p>14:16 to their house a couple times when I lived there. They</p> <p>14:17 lived in Heber -- I guess she had told me -- Utah.</p> <p>14:18 Q. Was that the first time when your mom mentioned</p> <p>14:19 about the house and how she gave John and Amy --</p> <p>14:20 A. The first and only time.</p> <p>14:21 Q. That was the only time she mentioned those two</p> <p>14:22 people?</p> <p>14:23 A. Yeah, and that was coming from Ron.</p> <p>14:24 She, obviously, like, had no -- I really</p>		<p>her mother, and the Liberty Property generally based on her visits. Therefore, Ms. Watkins' knowledge has been established under Rule 602. The United States addresses the Western Parties' Rule 802 objections to Annette's statements in its response to the Watkins Hearsay Motion. This testimony is also not hearsay under Rule 801(c) because it is being offered to prove that Annette Talmage held herself out as a beneficial owner of the Liberty Property, not that the matters asserted are necessarily true.</p> <p>Object to 14:18-20 under <u>Fed. R. Evid. 802</u>.</p> <p>Ms. Watkins is describing when her mother, Annette Talmage, made the statements to her. This testimony is not hearsay. <i>See</i> <u>Fed. R. Evid. 801(c)</u>.</p>		<p>OVERRULED (see [267] Order)</p>

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<p>14:25 don't think she really had any direct business with them.</p> <p>15:1 She just kind of -- I don't know -- Ron told her. I don't</p> <p>15:2 know how they -- how she knew, but --</p> <p>15:3 I'm sorry.</p> <p>15:4 Q. Let's talk about the property a little bit more,</p> <p>15:5 then.</p> <p>15:6 You said there was -- that was the property</p> <p>15:7 in Eden, Utah, that they were living at?</p> <p>15:8 A. Yes, uh-huh.</p> <p>15:9 Q. Is that sometimes known as Liberty, Utah?</p> <p>15:10 A. Yeah. From what I remember, Eden is like a</p> <p>15:11 little corner of Liberty, and then it goes into Liberty</p> <p>15:12 and then Huntsville. So it's kind of like three little</p> <p>15:13 towns together.</p> <p>15:14 I've been back there before. Me and my</p> <p>15:15 husband actually -- we had gotten so tired of the games</p> <p>15:16 with them saying it wasn't their house, but then we'd go</p> <p>15:17 to the house -- Ron would say that in front of us, but we</p> <p>15:18 knew better because my mom had told me. And so we tried</p>		<p>Object to 15:16-18 under <u>Fed. R. Evid. 802</u>.</p> <p>The United States addresses the Western Parties' Rule 802 objections to Annette's statements in its response to the Watkins Hearsay Motion. As to Ron and Annette Talmage's statements that the Liberty property "wasn't their house," they are not offered for the truth of the matter</p>		<p>OVERRULED (see [267] Order)</p>

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15:19 to look for their house, and it's obvious because they 15:20 have the dog on the mailbox and all that crazy stuff. I 15:21 mean, it looks like Ron's house that he had in Corbett -- 15:22 or is it -- Corbett, Oregon. 15:23 Q. In what way did it look like the Corbett house? 15:24 A. As we know, Ron really likes Irish setters, and 15:25 so he had an Irish setter on the mailbox. So I asked my 16:1 mom, I think I found your house, you know, so it was 16:2 pretty obvious it was their house. 16:3 Q. I see. 16:4 So you mentioned that your mom never invited 16:5 you over to the house? 16:6 A. Ron wouldn't -- Ron didn't know I knew where they 16:7 lived. I wasn't allowed to know. None of us were. 16:8 Q. And when you drove around looking for their 16:9 house, what motivated you to do that? 16:10 A. Just to find out more truth about the situation. 16:11 My mom really was just secretive about 16:12 how -- I don't know. About everything.		asserted, but rather, to show how the Talmages described the arrangements for the Liberty Property. Those statements are not hearsay under Rule 801(c).		

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<p>16:13 So my husband was like, one day during</p> <p>16:14 Christmas, we should give them a gift and let them know we</p> <p>16:15 know so we don't have to play games anymore. We dropped</p> <p>16:16 off a gift, and Ron freaked out and that, like, started my</p> <p>16:17 mom into submission, pretty much, about everything.</p> <p>16:18 Q. You mentioned a few times that your mom was</p> <p>16:19 always very secretive.</p> <p>16:20 A. Very.</p> <p>16:21 Q. And you just mentioned submission. What do you</p> <p>16:22 think was going on there?</p> <p>16:23 A. I think he's very controlling about what she</p> <p>16:24 does. I mean, that's an understatement, really. Since</p> <p>16:25 she married him, we had never spent a holiday together.</p> <p>17:1 He just doesn't -- he's not very close to family kind of</p> <p>17:2 thing. We kind of lost our mom that way. He didn't think</p> <p>17:3 it was important. My mom did, but eventually, she --</p> <p>17:4 obviously, we're here today, not speaking to her, so.</p>				
<p>17:12 Q. BY MS. GOLDEN: Just so we're clear for the</p> <p>17:13 record, when you're talking about "he" just now, that's</p>				

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Deposition of Sara Watkins taken May 30, 2018^{1,2}

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<p>17:14 Ron Talmage?</p> <p>17:15 A. Ron Talmage, my stepdad.</p> <p>17:16 Q. When you drove around looking for Ron and</p> <p>17:17 Annette's house, did anybody else come with you?</p> <p>17:18 A. My husband did, Joseph Watkins.</p> <p>17:19 Q. At the time that you dropped off -- was it the</p> <p>17:20 Christmas gift --</p> <p>17:21 A. Uh-huh.</p> <p>17:22 Q. -- how long were you there?</p> <p>17:23 A. Oh, they weren't there, so we dropped it on their</p> <p>17:24 front step. We were -- I mean, we were trying to make a</p> <p>17:25 point that we're done playing games, let's just be honest.</p> <p>18:1 Let's, you know, be open and be family, but they</p> <p>18:2 retaliated really bad.</p> <p>18:3 Q. Afterward, did somebody -- it sounds like</p> <p>18:4 somebody might have contacted you?</p> <p>18:5 A. My mom had contacted me and was freaking out</p> <p>18:6 because Ron was freaking out that we knew where they</p> <p>18:7 lived, but she had been saying that she would tell him</p>				

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18:8 that we knew for a long time and never would, so we just 18:9 kind of made the gesture for her. 18:10 Q. Other than the time you dropped off the Christmas 18:11 gift, was that -- have you otherwise been to the property? 18:12 A. I have one time. I'm trying to think when that 18:13 was. I want to say the summer of 2016, when all of this 18:14 started, because I remember -- 18:15 MR. INGRAM: Sorry. Summer of when? 18:16 THE WITNESS: I think -- I'm not positive -- 18:17 summer of 2016, we drove up, and they finally let us stay 18:18 there, but we had to stay in the house the whole time. It 18:19 was weird. 18:20 Q. BY MS. GOLDEN: How long did you stay at the 18:21 house that time? 18:22 A. A week. 18:23 Q. What was the atmosphere like? 18:24 A. How it is all the time. We stayed in the 18:25 basement, did our own thing, and they did their own thing. 19:1 We'd have dinner together, but we didn't go out and do 19:2 anything.				

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19:3 Q. Who else was at the property? 19:4 A. My three kids and my husband. 19:5 Q. So just your family and then your mom and Ron? 19:6 A. Yeah. Yes. 19:7 And it just more proved to me that it was 19:8 their house, everything that is in it.		<p>Object to 19:7-20:8 under <u>Fed. R. Evid. 602 and 701</u>. Ms. Watkins does not have any personal knowledge of who owned the Liberty Property; she expressly that she just “felt” like it was the Talmages’ house. There is also no testimony from Ms. Watkins to establish that her opinion in this regard is rationally based on her perception or helpful to clearly understanding a fact in issue. This testimony is purely speculation.</p> <p>Immediately before this portion, Ms. Watkins testified that she and her family stayed at the Liberty Property with the Talmages, and that it appeared that the Talmages owned the property. 18:10–19:6 She further testified that, based on the numerous renovations made by the Talmages, she believed that the property belonged to the Talmages. 19:16–17. This testimony establishes her personal knowledge under Rule 602 and, under Rule 701, establishes that her opinions are rationally based on her perception. The United States provides a more detailed response to the Rule 701 objection in its response to the Western Parties’ motion in limine to exclude the opinion testimony of Ms. Watkins (Dkt. No. 248) (“Watkins Opinion Testimony Motion”).</p>		OVERRULED (see [267] Order)

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19:15 Q. You can continue talking. That's fine. 19:16 A. I'm trying to think how I knew it was their 19:17 house. I mean, they did so many renovations to it.				
19:21 THE WITNESS: Ron would not spend the money on 19:22 his home if it wasn't his own.				
19:25 Q. BY MS. GOLDEN: Let me ask the question then. 20:1 It sounds like you're describing that you 20:2 felt that -- 20:3 A. Right. 20:4 Q. -- that Ron and Annette, it was their house? 20:5 A. Yeah. 20:6 Q. Can you tell us -- have I described that 20:7 accurately? 20:8 A. Yeah, yes.				
20:11 Q. BY MS. GOLDEN: All right. Let me reframe. 20:12 Based on your familiarity with the property 20:13 and the time that you visited, what was your sense of who 20:14 lived at the house? 20:15 A. Ron and my mom. 20:16 Q. Did anybody else live there? 20:17 A. No. 20:18 Their dogs, and that was like their				

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20:19 children, and that's just putting it mildly. 20:20 Q. What gave you the sense that Ron and Annette 20:21 lived at the Liberty property? 20:22 A. Well, their love for dogs. Their Irish setters 20:23 were everywhere. The green -- Ron really loves green. He 20:24 had showed us his -- back behind his house, how they were 20:25 supplied for if something happened, end-of-the-world type 21:1 catastrophe. I think there was a generator or something 21:2 he had back there. All of these things that cost money. 21:3 The windmill they had installed.		<p>Object to 21:3 under <u>Fed. R. Evid. 602</u>. There is no testimony to establish that Ms. Watkins has personal knowledge of who installed the windmill, or of any other circumstances or facts concerning the windmill.</p> <p>Ms. Watkins personally observed the windmill when she visited the Liberty Property. Her testimony is that, based on her perception of the improvements and decorations, the Talmages owned and renovated the Liberty Property. 18:10–19:6, 19:16–17. Thus, the Western Parties' objection is more appropriately characterized as a Rule 701 objection. The United States addresses the Western Parties' Rule 701 objections in its response to the Watkins Opinion Testimony Motion. The strength of Ms. Watkins' opinion is a matter of weight rather than admissibility. It is also rational to conclude that the people living at a place installed a fixture.</p>		OVERRULED (see [267] Order)
21:7 Q. BY MS. GOLDEN: You mentioned various 21:8 improvements -- 21:9 A. Yes. 21:10 Q. -- including the generator and windmill. Do you 21:11 know if Ron or Annette Talmage paid for these		<p>Object to 21:10-19 under <u>Fed. R. Evid. 602</u> and <u>701</u>. Ms. Watkins expressly states that she is making assumptions concerning these matters. She has no</p>		OVERRULED (see [267] Order)

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21:12 improvements? 21:13 MR. INGRAM: Objection; calls for speculation. 21:14 THE WITNESS: I don't know. I would assume they 21:15 did, since they were showing it off, but. 21:16 Q. BY MS. GOLDEN: Based on your familiarity with 21:17 the property, do you know if anybody else lived at the 21:18 property besides Ron and Annette? 21:19 A. Nobody else did, ever. 21:20 Q. Did Ron or Annette say why they were living 21:21 there? 21:22 A. I'm trying to think if she did. 21:23 They thought it was a quiet place, I think, 21:24 that they wouldn't be bothered by the IRS. 21:25 Obviously, they think they are invisible, 22:1 <u>so.</u> 22:2 Q. Did you get a sense of if Ron or Annette owned 22:3 the property? 22:4 A. I did.		personal knowledge of the matters discussed, and there is no basis to demonstrate that her assumptions qualify as admissible opinions under Rule 701. Ms. Watkins' belief regarding who directed improvements to the Liberty Property is rationally based on her perception that only the Talmages lived at the Liberty Property, her visits to the property, and her intimate familiarity with the Talmages. This basis is proper, and the Western Entities' objection is an issue of weight rather than admissibility. Object to 22:2-4 under <u>Fed. R. Evid. 602</u> and <u>701</u> . Same as the previous objections. Additionally, Ms. Watkins later testified (discussed <i>infra</i>) that the basis for her assumption here was solely the inadmissible hearsay statements of her mother, Annette Talmage. First, this passage merely asks Ms. Watkins <i>if</i> she formed an opinion, to which she responds affirmatively. This is well within her personal knowledge and expresses no substantive opinion at all. Second, as stated above, Ms. Watkins' belief regarding who directed improvements to the Liberty Property is based on her perception that only the Talmages lived at the Liberty Property, her visits to the property, and her intimate familiarity with the Talmages.		OVERRULED (see [267] Order)

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		<p>This establishes the basis for her personal knowledge under Rule 602, and the Western Entities’ objection is an issue of weight rather than admissibility. The Rule 701 objection is addressed in the response to the Watkins Opinion Testimony Motion. Notably, Ms. Watkins’ opinion is based on her personal observations from visiting the Liberty Property, not just Annette’s statements. It is also rational to conclude that the people living at a place made the improvements.</p>		
<p>22:7 THE WITNESS: My mom told me that.</p> <p>22:8 Q. BY MS. GOLDEN: Let me just make it clear for the</p> <p>22:9 record.</p> <p>22:10 What was the basis for</p> <p>22:11 your sense that Ron</p> <p>22:12 and Annette owned the property?</p> <p>22:12 A. Well, from that</p> <p>conversation.</p>		<p>Object to 22:7 under <u>Fed. R. Evid. 802</u>.</p> <p>See United States’ response to Watkins Hearsay Motion.</p> <p>Object to 22:10-23:1 under <u>Fed. R. Evid. 602, 701, and 802</u>. Ms. Watkins has no basis for this assumption/opinion other than the inadmissible hearsay statement of her mother, Annette Talmage.</p> <p>See the United States’ responses to the Watkins Hearsay Motion and the Watkins Opinion Testimony Motion. As stated above, Ms. Watkins’ belief that the Talmages owned the Liberty Property is based on her visits to the Liberty Property. This establishes her personal knowledge under Rule 602, and the Western Entities’ objection is an issue of weight rather than admissibility.</p>		<p>OVERRULED (see [267] Order)</p> <p>OVERRULED (see [267] Order)</p>

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		<p>Ms. Watkins was also present when Annette made the statements in question, which establishes her personal knowledge. Finally, as set forth above, these statements are also being offered as evidence of how Annette Talmage represented the ownership arrangements with respect to the property and the effect of her statements on Ms. Watkins, making the statements non-hearsay. <u>Fed. R. Evid. 801(c); Faulkner v. Super Valu Stores, Inc., 3 F.3d 1419, 1434 (10th Cir. 1993).</u></p>		
<p>22:14 THE WITNESS: That conversation we initially had 22:15 where I asked her, and she had said that a friend had 22:16 bought it; they had given the money to a friend to buy the 22:17 house. And I asked her if it was someone she could trust, 22:18 and she said yes, and that's when she said it was John and 22:19 Amy. 22:20 That's the only time she's ever said that, 22:21 and that -- I believed her because she was very secretive 22:22 and does not tell me things, doesn't tell anyone anything, 22:23 and so for her to come out with this information, I 22:24 believed her, and so everything afterwards, I could tell,</p>		<p>Object to 22:10-23:1 under <u>Fed. R. Evid. 602, 701, and 802</u>. Ms. Watkins has no basis for this assumption/opinion other than the inadmissible hearsay statements of her mother, Annette Talmage.</p> <p>See the United States' responses to the Watkins Hearsay Motion and the Watkins Opinion Testimony Motion. As stated above, Ms. Watkins' belief that the Talmages owned the Liberty Property is based on her visits to the Liberty Property. This establishes her personal knowledge under Rule 602, and the Western Entities' objection is an issue of weight rather than admissibility. Ms. Watkins was also present when Annette made the statements in question, which establishes her personal knowledge.</p>		<p>OVERRULED (see [267] Order)</p>

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22:25 okay, she's telling the truth because of the home 23:1 improvements, the things that have made it their home.				
23:5 Q. BY MS. GOLDEN: Well, I'll going to repeat. 23:6 The question was, what gave you the sense 23:7 that Ron and Annette owned the property? 23:8 A. I'm sorry. 23:9 The improvements they made. The way they 23:10 took care of it. 23:11 Q. Did you ever find out anything about how Ron or 23:12 Annette were paying for the property? 23:13 A. I had been told that Kory would bring them money, 23:14 and then they would -- that's how they lived. 23:15 Q. Who told you that? 23:16 A. My mom. 23:17 Q. Did you find out how Kory was bringing the money? 23:18 A. No, she wouldn't tell me. I don't even know that 23:19 she knew how he was bringing it. 23:20 Q. Did you find out anything else about the living 23:21 arrangements at the Liberty property?		<p>Object to 23:9-25 under <u>Fed. R. Evid. 602</u> and <u>802</u>. Ms. Watkins has no personal knowledge of this matter. It is based solely on the inadmissible hearsay statements of her mother, Annette Talmage.</p> <p>See United States' response to Watkins Hearsay Motion. Annette's statements regarding Kory bringing the Talmages money are non-hearsay because they are offered to show Annette's intent and understanding. <u>See Fed. R. Evid. 801(c)</u>. As stated above, Ms. Watkins' belief regarding who directed improvements to the Liberty Property is based on her perception that only the Talmages lived at the Liberty Property, her visits to the property, and her intimate familiarity with the Talmages. This establishes the basis for her personal knowledge under Rule 602, and the Western Entities' objection is an issue of weight rather than admissibility. For more detail, see United States' response to Watkins Opinion Testimony Motion.</p>		<p>OVERRULED (see [267] Order)</p>

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23:22 A. She did -- all she said was that it was in his 23:23 name, John's name, and that's why I asked her if she could 23:24 trust him to put it in his name, just as a question to 23:25 her, you know.				
24:4 Q. Did your mom ever mention why the property was 24:5 put in somebody else's name? 24:6 A. She never did. I just assumed it was because 24:7 they don't want to be tracked by the IRS. I know that was 24:8 always their goal was not to be tracked by the IRS, 24:9 because she said they harassed them. I can't imagine why, 24:10 but, yes. 24:11 Q. And earlier, somebody's name came up, Kory. 24:12 Can you elaborate on who that is? 24:13 A. Kory is Ron's son. They were really, really, 24:14 really close, and I know Kory came to the property a lot. 24:15 Often it would make us upset because he was 24:16 allowed to come and visit with his family, and Annie's 24:17 kids were not. Annette, my mom. 24:18 Q. Did you ever meet Kory?		<p>Object to 24:4-10 under <u>Fed. R. Evid. 602, 701, and 802</u>. Ms. Watkins has no basis for this assumption/opinion other than the inadmissible hearsay statements of her mother, Annette Talmage.</p> <p>Ms. Watkins' belief is that the Talmages placed the Liberty Property in someone else's name to avoid the IRS; this belief is based on her intimate familiarity with her mother and stepfather (Ronald Talmage), her visits to the Liberty Property, her knowledge that the Talmages wanted to avoid the IRS, and her mother's expressed belief that the IRS "harassed them." That establishes Ms. Watkins had personal knowledge, and her opinion is rationally based on her perception. Therefore, this testimony is proper under Rules 602 and 701. Annette's statements are further offered for the fact that she made these representations and to show her intent and belief, not the truth of the matter asserted. Thus, they are not hearsay under Rule 801(c).</p>		OVERRULED (see [267] Order)

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<p>24:19 A. I've met Kory maybe twice. Once in Utah, and it</p> <p>24:20 was at a restaurant.</p> <p>24:21 At that time Ron didn't know that we knew</p> <p>24:22 they lived there, so.</p> <p>24:23 Q. Do you recall approximately when those meetings</p> <p>24:24 with Kory were?</p> <p>24:25 A. Like when we met, or when he'd come visit?</p> <p>25:1 Q. When you met Kory.</p> <p>25:2 A. I want to say 2011, sometime in the summer,</p> <p>25:3 maybe, because he only came in the summer.</p> <p>25:4 Q. Was that both times you met Kory?</p> <p>25:5 A. No, I want to say their wedding, possibly, that I</p> <p>25:6 remember.</p> <p>25:7 Q. Whose wedding was that?</p> <p>25:8 A. My mom and Ron's wedding.</p> <p>25:9 Q. And what year was that?</p> <p>25:10 A. 2002, June, right after I graduated high school.</p> <p>25:11 Q. And how did you know that Kory would visit Ron</p> <p>25:12 and Annette at the Utah house?</p> <p>25:13 A. My mom would tell me.</p> <p>25:14 Q. Do you know how often he visited?</p> <p>25:15 A. It was every summer for -</p> <p>- I want to say a month,</p>		<p>Object to 25:11-18 under <u>Fed. R. Evid. 602</u> and <u>802</u>. Ms. Watkins has no basis for this assumption/opinion other than the inadmissible hearsay statements of her mother, Annette Talmage.</p> <p>Ms. Watkins' knowledge is based on interactions with her mother. They properly establish the basis of her knowledge for purposes of Rule 602. The testimony is not hearsay under Rule 801(c) because Ms. Watkins is testifying as to her understanding, not repeating her mother's statements. The testimony also provides context for Ms. Watkins' testimony immediately prior that Kory visited the Liberty Property a lot, which upset her because her family was not allowed to visit to the same degree (24:11-17). Thus, Annette Talmage's statements are non-hearsay because they are offered to show their effect on the listener (Ms. Watkins).</p>		<p>OVERRULED (see [267] Order)</p>

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25:16 because she would be stressed about it and upset that her 25:17 kids couldn't come. And so she would talk to me about it, 25:18 and I wouldn't see her much during that time, yeah.				
26:2 Q. I might get back to that later, but focusing on 26:3 the Utah property -- 26:4 A. Yes. 26:5 Q. -- you mentioned that there were Irish setters 26:6 there? 26:7 A. Yes. 26:8 Q. And that -- is that -- is Ron an Irish setter 26:9 enthusiast? 26:10 A. To put it mildly, yes. He has paintings of Irish 26:11 setters everywhere. He had an Irish setter on his 26:12 vehicles, like an emblem at the end. 26:13 He loves his Irish setters more than his 26:14 kids. I'm sorry; he does. 26:15 We had to be quiet at nighttime because the 26:16 dogs were sleeping. 26:17 Q. Did your mom share in that hobby with the Irish 26:18 setters? 26:19 A. No, my mom doesn't like dogs. Sorry; she 26:20 doesn't. So, it's weird.				

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26:21 Q. Well, do you know if there were dogs at the -- 26:22 you mentioned the Corbett property where Ron and Annette 26:23 used to live. Were there dogs as well? 26:24 A. Yes. 26:25 Q. How about horses? Were there horses in the 27:1 Oregon property? 27:2 A. Yes. 27:3 Q. Do you know if there were horses on the Liberty 27:4 property? 27:5 A. Yes, there was. 27:6 That's my mom's passion, was horses, and so 27:7 that's another -- you know, maybe it's speculation, but 27:8 they completely renovated that barn and stables for my 27:9 mom's horses. 27:10 Q. The barn and stable you're describing, what 27:11 property is that at? 27:12 A. The one at the Liberty, Utah, property. 27:13 Q. Did Ron like horses as well? 27:14 A. Yes, he did. 27:15 Q. Have you heard anything about the sales contracts 27:16 or other agreements concerning the Liberty Property? 27:17 A. No, just that one time.		Object to 27:15-17 under <u>Fed. R. Evid. 802.</u> See United States' response to Watkins Hearsay Motion.		OVERRULED (see [267] Order)

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<p>27:18 Q. Did you ever hear anything about a lease?</p> <p>27:19 A. No.</p> <p>27:20 I think maybe Ron would say that they were</p> <p>27:21 renting, because he didn't want us to know.</p> <p>27:22 But I had already known from my mom telling</p> <p>27:23 me that they owned it. But to us, when it finally came</p> <p>27:24 out, you know, and we knew that they -- when we were able</p> <p>27:25 to visit that one time --</p> <p>28:1 They were just renting it, the property;</p> <p>28:2 that's what he would say. But he didn't know that we</p> <p>28:3 really knew that they owned it; we never said anything</p> <p>28:4 like that when we dropped off that gift. We just knew</p> <p>28:5 they lived there.</p> <p>28:6 Q. How did Ron describe the lease when he was</p> <p>28:7 telling it to you?</p> <p>28:8 A. I want to say that he said Mrs. Chen was on the</p> <p>28:9 lease, and he was renting from her.</p> <p>28:10 Is it Mrs. Chen?</p> <p>28:11 Q. Who is Mrs. Chen?</p> <p>28:12 A. His boss.</p> <p>28:13 Q. Do you know what her full name?</p>		<p>Object to 27:20-23 under <u>Fed. R. Evid. 602, 701, and 802</u>. Ms. Watkins has no basis for this opinion/assumption other than the inadmissible hearsay statements of Ronald and Annette Talmage.</p> <p>This questions asks Ms. Watkins whether she “heard” any other statements regarding a lease agreement. Her response is that she did so only once. Ms. Watkins has knowledge of what she did and did not hear for purposes of Rules 602 and 701. For more detail, see the United States’ responses to the Watkins Hearsay Motion and the Watkins Opinion Testimony Motion. Furthermore, any declarant statements are not hearsay because they are being offered for the Talmages’ intent and the effect on Ms. Watkins, not for the truth of the matter asserted.</p> <p>Object to 28:1-12 under <u>Fed. R. Evid. 602, 701, and 802</u>. Ms. Watkins has no basis for this opinion/assumption other than the inadmissible hearsay statements of Ronald and Annette Talmage.</p> <p>As stated above, Ms. Watkins’ belief that the Talmages owned the Liberty Property is based on her visits to the Liberty Property, her perception that</p>		<p>OVERRULED (see [267] Order)</p> <p>OVERRULED (see [267] Order)</p>

<p>Case Name: United States v. Talmage, et. al Case Number: 1:16-19-DN-PMW Deposition of Sara Watkins taken May 30, 2018^{1,2}</p>				
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<p>28:14 A. No, I don't. 28:15 I did meet her one time. 28:16 Q. When did you meet her? 28:17 A. She came to Utah during the summer with Kory, and 28:18 we went to a rodeo, and that's the only time I met her. 28:19 Q. What was she like? 28:20 A. Very nice, quiet, very sweet. She brought my 28:21 kids a gift. 28:22 Q. Can you describe what she looks like? 28:23 A. She's a really small lady, Asian or Japanese -- 28:24 actually, I don't know. Very small frame. Dark hair. I 28:25 want to say her hair was short, to her shoulders or 29:1 something. 29:2 Q. About how old was she? 29:3 A. Sixties. I don't know. 29:4 Q. What year was it that you met her and went to the 29:5 rodeo? 29:6 A. I think it was 2016 -- or not '16. I'm sorry; 29:7 2011, that summer. 29:8 Q. Did Mrs. Chen speak English? 29:9 A. I don't think so. 29:10 She didn't really talk to me. 29:11 Q. Did you -- did she speak other languages?</p>		<p>only the Talmages lived at the Liberty Property, and her intimate familiarity with the Talmages. This establishes the basis for her personal knowledge under Rule 602, and the Western Entities' Rule 701 objection is an issue of weight rather than admissibility. Ronald and Annette Talmage's statements are not hearsay under Rule 801(c) because they are offered to show the Talmages' intent and plan, not the truth of the matter asserted. For more detail, see the United States' responses to the Watkins Hearsay Motion and the Watkins Opinion Testimony Motion.</p>		

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29:12 A. She didn't speak really at all. I would talk to 29:13 her, and she would kind of nod. I think she knew basic 29:14 English, but not much. Ron's daughter Lisa was there 29:15 also.				
29:19 Q. Did you ever hear anything about what kind of 29:20 business Mrs. Chen was in with Ron? 29:21 A. All we ever were told is that she owned his 29:22 business, that his partner died, and she took over, and he 29:23 worked for her now. That's what we've always been told. 29:24 Q. Did you -- do you know anything about what kind 29:25 of business it is? 30:1 A. I know that he does some kind of business 30:2 investing -- that's all I know -- in Japan. 30:3 Q. When Mrs. Chen -- when Mrs. Chen visited, was 30:4 this in Utah? 30:5 A. Yes. 30:6 Q. Was anybody else there? 30:7 A. Lisa Allen, Ron's daughter, and Ron, and my 30:8 family, my husband and my three kids -- or two kids, 30:9 sorry. My family had two at the time.				

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30:14 Q. Do you know when Ron and Annette left the 30:15 property? 30:16 A. I think it was December 2016, because she was 30:17 contacting me sometimes up to that point. I was afraid 30:18 that her and Ron would do something drastic to themselves, 30:19 and so it was a very dramatic time. She would call to 30:20 assure me they were okay. 30:21 Q. Did she continue calling -- did your mom continue 30:22 calling after she left the Utah property? 30:23 A. Yes, until -- that Easter was the last time I 30:24 talked to her, that next year. 30:25 Q. Do you know why Ron and Annette left the Liberty 31:1 property?		Object to 30:25-31:25 under <u>Fed. R. Evid. 602, 701, and 802</u> . Ms. Watkins has no basis for this opinion/assumption other than the inadmissible hearsay statements of Annette Talmage. She specifically states that she does not “know anything else” about this subject beyond what Annette purportedly told her. The statements made by Annette Talmage are admissible under Rule 803(3). Annette is describing to her daughter her then-existing state of mind: that she felt “betrayed” by John and Kory and felt forced to leave the Liberty Property. This also explains Annette’s motives for leaving the Liberty Property. Ms. Watkins has personal knowledge of the conversation with Annette. The Rule 701 objection is improper; Ms. Watkins does not offer an opinion. As to John’s role with the Liberty Property (31:24-25), see United States’ response to Watkins Hearsay Motion.		OVERRULED (see [267] Order)
31:3 THE WITNESS: She told me that they were being 31:4 threatened and that people were forcing them to leave 31:5 their home, and they didn't want to leave their home. 31:6 She had told me Kory had came and got an RV		Object to 30:25-31:25 under <u>Fed. R. Evid. 602, 701, and 802</u> . Ms. Watkins has no basis for this opinion/assumption other than the inadmissible hearsay statements of Annette Talmage. She specifically states that she does not “know anything else” about this subject beyond what Annette purportedly told her.		OVERRULED (see [267] Order)

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<p>31:7 or something that was there and that the police</p> <p>31:8 department -- or sheriff's department had came and</p> <p>31:9 threatened them. That they weren't going to leave their</p> <p>31:10 home. That's all she said.</p> <p>31:11 I mean, it was kind of a blur in that they</p> <p>31:12 wouldn't leave without -- her statement was if they left,</p> <p>31:13 it would be in a body bag, so I don't know eventually why</p> <p>31:14 they were forced to leave. All I know is they were crazy</p> <p>31:15 at that time for sure.</p> <p>31:16 Q. BY MS. GOLDEN: All of this information that</p> <p>31:17 you're describing about the threats, that's stuff you</p> <p>31:18 heard from your mom?</p> <p>31:19 A. Yes. She honestly felt like she was the victim.</p> <p>31:20 She had felt betrayed by John and Kory.</p> <p>31:21 Q. Well, other than what you've described, do you</p> <p>31:22 know anything else about John's role concerning the</p> <p>31:23 Liberty property?</p> <p>31:24 A. I don't. I just know he was a good friend, and</p> <p>31:25 they trusted him to help them out.</p>		<p>The statements made by Annette Talmage are admissible under Rule 803(3). Annette is describing to her daughter her then-existing state of mind: that she felt “betrayed” by John and Kory and felt forced to leave the Liberty Property. This also explains Annette’s motives for leaving the Liberty Property. Ms. Watkins has personal knowledge of the conversation with Annette. The Rule 701 objection is improper; Ms. Watkins does not offer an opinion. As to John’s role with the Liberty Property (31:24-25), see United States’ response to Watkins Hearsay Motion.</p>		

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<p>32:8 Q. Other than the visits that you described, do you</p> <p>32:9 know if Kory has anything to do with the Liberty property?</p> <p>32:10 A. The only thing that I assume is that he was</p> <p>32:11 bringing money for him to purchase it.</p>		<p>Object to 32:8-33:11 under <u>Fed. R. Evid. 602, 701, and 802</u>. By Ms. Watkins express testimony this is merely an assumption that she made—she has no personal knowledge or rational basis for her assumption here.</p> <p>Ms. Watkins explains her basis for this belief in lines 32:15–32:22. She has personal knowledge of statements made to her by Annette Talmage. Annette’s statements are admissible under Rule 801(c) and Rule 803(3) to show her intent and understanding of how the Talmages paid for their expenses while living at the Liberty Property. Annette’s statements that she felt “betrayed” by John and Kory are admissible under Rule 803(3) to show her then-existing state of mind and her motives for leaving the Liberty Property. Ms. Watkins does not offer an opinion under Rule 701, but rather, is conveying what she learned from Annette.</p>		<p>OVERRULED (see [267] Order)</p>
<p>32:15 Q. BY MS. GOLDEN: Why do you think that he was</p> <p>32:16 bringing -- why were you assuming that he was bringing</p> <p>32:17 money?</p> <p>32:18 A. My mom pretty much said that. Because they</p> <p>32:19 didn't have a bank account, I don't think, or they had</p>	<p>33:12 Q. · Have you heard about anybody else in connection</p> <p>33:13· with the Liberty property other than the people that we</p> <p>33:14· have talked about today?</p> <p>33:15· · · A. · No.</p> <p>33:16· · · Q. · Is there anybody else that you ever saw there</p> <p>33:17· that we haven't talked about?</p>	<p>Object to 32:8-33:11 under <u>Fed. R. Evid. 602, 701, and 802</u>. By Ms. Watkins express testimony this is merely an assumption that she made—she has no personal knowledge or rational basis for her assumption here (beyond the inadmissible hearsay statements by Annette Talmage).</p>		<p>OVERRULED (see [267] Order)</p>

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32:20 credit cards -- they used Amazon a lot. And I'd ask her 32:21 how they were getting by, and it was Kory that was helping 32:22 them. 32:23 Q. Now, you mentioned earlier that you felt betrayed 32:24 by -- or was it you felt betrayed by John and Kory or your 32:25 mom? 33:1 A. It was my mom. 33:2 I never met John at all. 33:3 Q. Did your mom mention why she felt betrayed by 33:4 John and Kory? 33:5 A. Because they had trusted them with -- and they 33:6 were coming in and -- she said they were lying. I don't 33:7 know. I didn't know all of the things that I know now, 33:8 so -- just from reading court documents and stuff -- but 33:9 she felt betrayed because he came and took the RV, and it 33:10 was theirs. She felt betrayed because John was trying to 33:11 take their home.	33:18 · · A. · No, because I only went there, actually, inside 33:19 · that one time, visiting.	Ms. Watkins explains her basis for this belief in lines 32:15–32:22. She has personal knowledge of statements made to her by Annette Talmage. Annette's statements are admissible under Rule 801(c) and Rule 803(3) to show her intent and understanding of how the Talmages paid for their expenses while living at the Liberty Property. Annette's statements that she felt "betrayed" by John and Kory are admissible under Rule 803(3) to show her then-existing state of mind and her motives for leaving the Liberty Property. Ms. Watkins does not offer an opinion under Rule 701, but rather, is conveying what she learned from Annette.		
34:17 Q. Well, let's try to get some background on Ron 34:18 Talmage. 34:19 I take it you are familiar with him? 34:20 A. Yeah.				

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<p>34:21 Q. How do you know Ron Talmage?</p> <p>34:22 A. I first met Ron Talmage when he flew down to meet</p> <p>34:23 my mom. They were talking.</p> <p>34:24 She had just divorced her third husband.</p> <p>34:25 She wasn't even divorced; he had left.</p> <p>35:1 I want to say it was October or November of</p> <p>35:2 2001. They were talking on ldssingles.com.</p> <p>35:3 He would come visit, and my mom would go</p> <p>35:4 often with him, and that's when I first met him, though,</p> <p>35:5 was one of his visits. I want to say around</p> <p>35:6 Christmastime, maybe.</p> <p>35:7 Q. What year?</p> <p>35:8 A. 2001.</p> <p>35:9 Q. At that time, where was your mom living?</p> <p>35:10 A. We were living in Joseph City, Arizona. I was</p> <p>35:11 still in high school, my senior year.</p> <p>35:12 Q. What is your relationship to Ron now?</p> <p>35:13 A. He's my stepfather.</p> <p>35:14 Q. And I think I asked you this before already, but</p> <p>35:15 what year did Ron and Annette get married?</p>				

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<p>35:16 A. June 2002.</p> <p>35:17 Q. After that, did they live in Arizona?</p> <p>35:18 A. No, they lived in Oregon at the Corbett property.</p> <p>35:19 Q. Can you describe what their relationship is like</p> <p>35:20 to the best of your knowledge?</p> <p>35:21 A. My mom and Ron?</p> <p>35:22 Q. Yes.</p> <p>35:23 A. Oh, boy. Sorry.</p> <p>35:24 He's very controlling. My mom's very</p> <p>35:25 submissive to him. She's very forgiving and just makes</p> <p>36:1 excuses for him. They seemed like they were okay.</p> <p>36:2 I really don't know. I didn't live with</p> <p>36:3 them.</p> <p>36:4 Victoria lived -- saw it more one-on-one.</p> <p>36:5 But when I would be there, she was very</p> <p>36:6 submissive to him when I'd visit them and very controlling</p> <p>36:7 about where she went with us and what time we ate and came</p> <p>36:8 down to visit, because we would stay in the apartment</p> <p>36:9 until their house was done. We still didn't stay in their</p> <p>36:10 house, but we'd go to the cottage back and forth and --</p> <p>36:11 only on his terms, though.</p>				

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36:20 Q. Do you know anything about any legal issues that 36:21 Ron has? 36:22 A. She had mentioned that there was some things 36:23 going on with the tax -- or IRS. But she -- she was very 36:24 secretive about it at first, and then she kind of needed 36:25 someone to talk to, so she would tell us little things, 37:1 and I would also ask a lot, because I wanted to know how 37:2 she was doing, how -- it was just all secretive, very 37:3 secretive, from the beginning. 37:4 Q. Again, that's your mom you're talking about -- 37:5 A. Yes. 37:6 Q. -- when you say "she"? 37:7 A. Yes, my mom. 37:8 Q. What did your mom tell you about the tax issues 37:9 or legal issues? 37:10 A. That they are -- she didn't -- I don't know that 37:11 she really knew. All she said is they are wrongly being 37:12 accused of owing taxes, but like I said, they are always 37:13 the victim, so. 37:14 Q. Do you know if Ron has a history of hiding 37:15 assets? 37:16 A. I don't know that.		<p>Object to 37:8-13 under <u>Fed. R. Evid. 802</u>.</p> <p>Annette's statements are admissible under Rule 801(c) and Rule 803(3) to show her awareness of potential liabilities and her intent behind the arrangements for the Liberty Property and her feeling that she was "wrongly being accused."</p>		<p>OVERRULED (see [267] Order)</p>

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37:17 What I do know is he 37:18 has a history of hiding 37:19 things from everybody. He's 37:20 very secretive about 37:21 everything. 37:22 Q. What kind of things? 37:23 A. Just about, like, money, 37:24 and where things come 37:25 from, and the fact that they don't 38:1 own anything, and what 38:2 they're doing. 38:3 I know they went to a 38:4 lot of dog shows and 38:5 horse shows, and he would lie 38:6 about it. But my mom would 38:7 tell me, and it made us upset, 38:8 obviously, because my 38:9 sister was living there, and they 38:10 would have her with new 38:11 families every time they were 38:12 gone, which was all the time 38:13 almost. 38:14 Q. Where were they going? 38:15 A. To the dog shows. 38:16 Horse trials, I think.		<p>Object to 38:21 under <u>Fed. R. Evid. 802</u>.</p> <p>See United States' response to Watkins Hearsay Motion. This statement is also admissible under Rule 801(c) to show Ron Talmage's intent and how he presented himself (<i>i.e.</i>, as not owning any assets).</p>		<p>OVERRULED (see [267] Order)</p>
38:17 THE WITNESS: I know. I'm 38:18 sorry. 38:19 At one time they went 38:20 to Japan. I don't 38:21 know. 38:22 During this time, I was 38:23 newly married and 38:24 had -- or was pregnant. So I 38:25 went to their house a couple				

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<p>38:14 times, the one in Oregon, two times.</p> <p>38:15 Q. BY MS. GOLDEN: You mentioned earlier that --</p> <p>38:16 when you were describing Ron, you mentioned something</p> <p>38:17 about how they don't own anything. What did you mean by</p> <p>38:18 that?</p> <p>38:19 A. Like the vehicles, we would go for a ride, and my</p> <p>38:20 husband would say, This is a nice vehicle.</p> <p>38:21 Oh, we don't own it.</p> <p>38:22 But there's an Irish setter on there, on the</p> <p>38:23 hood.</p> <p>38:24 Same with just everything. They didn't own</p> <p>38:25 it, but it clearly showed that it was Ron's, his style,</p> <p>39:1 his green color, his Irish setters.</p> <p>39:2 Q. Do you know if Ron has a history of putting, you</p> <p>39:3 know, property or money in other people's names?</p> <p>39:4 A. I don't, no.</p>		<p>Object to 38:21 under <u>Fed. R. Evid. 802</u>.</p> <p>See United States' response to Watkins Hearsay Motion. This statement is also admissible under Rule 801(c) to show Ron Talmage's intent and how he presented himself (<i>i.e.</i>, as not owning any assets).</p> <p>Object to 38:24-39:1 under <u>Fed. R. Evid. 602, 701, and 802</u>. Ms. Watkins has no personal knowledge about these matters and does not provide testimony sufficient to show that her assumptions or opinions are rationally based on her perception. Indeed, Ms. Watkins expressly states that she does not have knowledge of whether Ron Talmage had a history of putting property or money in other people's names.</p> <p>See United States' responses to Watkins Hearsay Motion and Watkins Opinion Testimony Motion. In addition, the Talmages' statements that they "didn't own" assets are admissible under Rule 801(c) to show their intent and how they presented themselves. Further, Ms. Watkins' answer at 39:4 is that she does not know if Mr. Talmage has a history of putting property or money in other people's names. Under Rules 602 and 701, Ms. Watkins is able to testify as to what she does or does not know.</p>		<p>OVERRULED (<i>see</i> [267] Order)</p> <p>OVERRULED (<i>see</i> [267] Order)</p>

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<p>39:7 THE WITNESS: I know at this time, when they</p> <p>39:8 owned the Liberty property, that they were –</p>		<p>Object to 39:7-13 under <u>Fed. R. Evid. 602, 701, and 802</u>. Again, Ms. Watkins has no personal knowledge about whether the Talmages owned the Liberty Property.</p> <p>See United States’ responses to Watkins Opinion Testimony Motion and Watkins Hearsay Motion. Ms. Watkins’ belief that the Talmages owned the Liberty Property is rationally based on her visits to the property, her perception that only the Talmages lived at the property, and her intimate familiarity with the Talmages. This establishes her personal knowledge and perception under Rule 602 and Rule 701. The Rule 802 objection is unfounded because there are no other people’s statements in 39:7-13.</p>		<p>OVERRULED (see [267] Order)</p>
<p>39:11 THE WITNESS: They had moved a lot before that to</p> <p>39:12 different places, and then when they finally found a</p> <p>39:13 permanent home, she thought that they could settle down.</p> <p>39:14 She was trying to talk me into moving to</p> <p>39:15 Utah, and I told her that I don't want to move there if I</p> <p>39:16 don't know that they'll stay there, and she said they</p> <p>39:17 would stay there.</p>		<p>Object to 39:7-13 under <u>Fed. R. Evid. 602, 701, and 802</u>. Again, Ms. Watkins has no personal knowledge about whether the Talmages owned the Liberty Property. These statements are based on nothing more than the inadmissible hearsay statements purportedly made by Annette Talmage.</p> <p>See United States’ responses to Watkins Opinion Testimony Motion and Watkins Hearsay Motion. Ms. Watkins’ belief that the Talmages owned the Liberty Property is rationally based on her visits</p>		<p>OVERRULED (see [267] Order)</p>

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<p>39:18 Q. BY MS. GOLDEN: Earlier we talked briefly about 39:19 how Ron's business -- 39:20 You mentioned that he did investing? 39:21 A. Uh-huh. 39:22 Q. Do you know anything more about what kind of 39:23 investing? 39:24 A. No. 39:25 My husband had asked him questions, but he 40:1 was very vague about everything. 40:2 Q. Who else was involved with Ron's business? 40:3 A. All that I knew was Kory and John. 40:4 Q. Do you know what Kory's role was? 40:5 A. I -- all I know is that he worked for him. 40:6 Q. Kory worked for Ron? 40:7 A. Yeah, that's what my mom told me. This never 40:8 really came from Ron, just my mom telling me. 40:9 Q. Do you know what John's role was in the business?</p>		<p>to the property, her perception that only the Talmages lived at the property, and her intimate familiarity with the Talmages. This establishes her personal knowledge and perception under Rule 602 and Rule 701. The Rule 802 objection is unfounded because there are no other people's statements in 39:7-13.</p> <p>Object to 40:2-41:8 under <u>Fed. R. Evid. 602, 701, and 802</u>. Ms. Watkins has no personal knowledge about who was "involved with Ron's business." These assumptions/opinions are based on nothing more than the inadmissible hearsay statements purportedly made by Annette Talmage and Ms. Watkins' sister.</p> <p>Ms. Watkins has personal knowledge gleaned from interactions with her mother and sister. She is not offering an opinion under Rule 701. Ms. Watkins' statements are not hearsay either because she is describing her own understanding, or she is conveying statements made by her mother and sister that are offered to show John Wadsworth's and Kory Talmage's motives and bias in this case. Both John and Kory claim they never worked for Ron and had a distant relationship with him, but other people got the opposite impression. Moreover, any statements as to whether John Wadsworth and/or Kory Talmage</p>		<p>OVERRULED (see [267] Order)</p>

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		worked for Ron are admissible under rule 801(c) because they go towards John Wadsworth and Kory Talmages's motive and bias.		
40:12 THE WITNESS: My mom had said that he just worked 40:13 with them, and that when they would go to the dinners in 40:14 Heber, that it was just with the business partner, but I 40:15 didn't know -- I don't know what they did or anything. 40:16 Q. BY MS. GOLDEN: This information about the 40:17 business, that's coming from your mom as well? 40:18 A. Yes. 40:19 Q. Okay. Did anybody else ever tell you anything 40:20 about Ron's business? 40:21 A. My little sister did. 40:22 Q. And what did she tell you? 40:23 A. She would just tell me that John and Amy would 40:24 come up to the farm and visit. 40:25 Q. What farm? 41:1 A. They called it "the farm" in Corbett, Oregon. 41:2 They were really good friends. My mom said 41:3 he was younger than Ron, like in his 40s or something.		Object to 40:2-41:8 under <u>Fed. R. Evid. 602, 701, and 802</u> . Ms. Watkins has no personal knowledge about who was "involved with Ron's business." These assumptions/opinions are based on nothing more than the inadmissible hearsay statements purportedly made by Annette Talmage and Ms. Watkins' sister. Ms. Watkins has personal knowledge gleaned from interactions with her mother and sister. She is not offering an opinion under Rule 701. Ms. Watkins' statements are not hearsay either because she is describing her own understanding, or she is conveying statements made by her mother and sister that are offered to show John Wadsworth's and Kory Talmage's motives in this case. Both John and Kory claim they never worked for Ron and had a distant relationship with him, but other people got the opposite impression. Moreover, any statements as to whether John Wadsworth and/or Kory Talmage worked for Ron are admissible under rule 801(c) because they go towards John Wadsworth and Kory Talmages's motive and bias.		OVERRULED (see [267] Order)

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Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>41:4 That he was a good friend, and she really got along with</p> <p>41:5 Amy.</p> <p>41:6 I don't know why I remember Amy's name, but</p> <p>41:7 that's always stuck with me. I heard their name often</p> <p>41:8 from my mom.</p> <p>41:9 Q. Do you recall when you first heard John and Amy's</p> <p>41:10 names?</p> <p>41:11 A. I don't, actually.</p> <p>41:12 It had to have been before they actually</p> <p>41:13 purchased the property in Liberty, just because they would</p> <p>41:14 visit in Oregon.</p> <p>41:15 And I was really close to my sister who</p> <p>41:16 lived there, and I would talk to her often, and she would</p> <p>41:17 tell me.</p> <p>41:18 Q. What your sister's name?</p> <p>41:19 A. Victoria Hubbard.</p> <p>41:20 Q. Did you hear how often John and Amy visited at</p> <p>41:21 the Oregon property?</p> <p>41:22 A. I didn't.</p> <p>41:23 Q. On Ron's business, again, do you know if Ron</p> <p>41:24 worked with foreign investors?</p> <p>41:25 A. Yes, I knew his business was in Japan. That's</p> <p>42:1 all I knew.</p>		<p>Object to 41:23-42:1 under <u>Fed. R. Evid. 602</u>. Ms. Watkins does not have personal knowledge of the nature of Ron Talmage's business.</p> <p>Ms. Watkins says that she "knew [Mr. Talmage's] business was in Japan." This statement itself establishes her personal knowledge. <i>See also</i> 29:24-30:2 ("I know that he does some kind of business investing -- that's all I know -- in Japan."). The argument that Ms. Watkins lacks in-depth knowledge of Ron Talmage's business goes to weight rather than admissibility.</p>		<p>OVERRULED (<i>see</i> [267] Order)</p>

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<p>42:2 Q. How would you characterize your relationship with</p> <p>42:3 Ron Talmage?</p> <p>42:4 A. I thought it was okay. I liked him at some</p> <p>42:5 times, and other times I really don't like him because</p> <p>42:6 he's taken my mom away from our family. But he sometimes</p> <p>42:7 was really nice. He was really good to my kids, but I</p> <p>42:8 felt like he treated us very different, my mom's children.</p> <p>42:9 Q. Do you keep in touch with Ron at all?</p> <p>42:10 A. No, I don't.</p> <p>42:11 Q. Was there ever a point where you kept in touch</p> <p>42:12 with him, such as by phone or email?</p> <p>42:13 A. No, when my mom would call -- for a while, they</p> <p>42:14 stopped calling us by phone. It was with an email, and it</p> <p>42:15 would be -- FaceTime is, I think, what we did.</p> <p>42:16 And he would always be there listening,</p> <p>42:17 trying to make sure my mom didn't -- because my mom says</p> <p>42:18 things often that she's not supposed to say, because she's</p> <p>42:19 just like that. She's kind of -- I don't know.</p>				

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<p>42:20 Q. Why is it something that she's not supposed to</p> <p>42:21 say?</p> <p>42:22 A. I think she thinks it's okay to say, but then</p> <p>42:23 Ron's always -- you can see that he's disapproving of it.</p> <p>42:24 He'll cut off the conversation in the middle of a</p> <p>42:25 sentence -- very weird -- all the time.</p> <p>43:1 Q. Did Ron talk to you during the FaceTime?</p> <p>43:2 A. Sometimes he'd say hi, but he wouldn't really</p> <p>43:3 talk to me. It was very surface conversations -- how are</p> <p>43:4 the kids? How's school? -- but we could never talk about</p> <p>43:5 anything deep, ever, when he was around.</p> <p>43:6 Q. When was the last time you had any contact with</p> <p>43:7 Ron?</p> <p>43:8 A. It was the same time with my mom, Easter 2016.</p> <p>43:9 They called to wish us a happy Easter, and I told her that</p> <p>43:10 the IRS had called me, and she said, Okay, just be honest.</p> <p>43:11 And I guess that made Ron mad, and so that's what stopped</p> <p>43:12 the conversations with my mom.</p> <p>43:13 Q. What was Ron's reaction when you mentioned that</p>				

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43:14 the IRS had called you? 43:15 A. I want to say that he -- at that conversation, I 43:16 don't know that it was FaceTime, because I thought I heard 43:17 him in the background just upset. I couldn't hear what he 43:18 was saying, but after that, I never talked to my mom 43:19 again, so. 43:20 My sister had continued talking to her, 43:21 Stacey Magee.				
45:12 Q. Earlier you said there was some kind of blowup 45:13 between you and Ron and Annette. What was that? 45:14 A. When we lived in Utah? That was the first time. 45:15 Are you talking about after the IRS call? 45:16 Q. I'm not sure. 45:17 I think -- I just recall that you said that 45:18 there was a blowup. 45:19 A. Okay. The blowup was really after we dropped off 45:20 the gift. Ron had made my mom cut off all contact for a 45:21 long time. 45:22 It was not until -- I'm trying to think. It 45:23 was about seven months that I hadn't talked to her.				

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<p>45:24 So -- and after that, she said that she had</p> <p>45:25 come to an understanding and that she needs to be close to</p> <p>46:1 Ron, and honest, and that it was actually good that we</p> <p>46:2 dropped off the gift because now they're closer. Weird</p> <p>46:3 stuff like that.</p> <p>46:4 Q. You talked about the two places that Ron and</p> <p>46:5 Annette have lived, the Oregon property and then the</p> <p>46:6 Liberty, Utah, property.</p> <p>46:7 Do you know of other places that they have</p> <p>46:8 lived?</p> <p>46:9 A. Yes.</p> <p>46:10 Somewhere in Colorado. Not Littleton. What</p> <p>46:11 is it called?</p> <p>46:12 She kept trying to get us to move to these</p> <p>46:13 places, you know, because they thought they would stay for</p> <p>46:14 a little bit. She just wanted us to come -- she just</p> <p>46:15 wanted her kids closer.</p> <p>46:16 At these times, I know she was -- I'm pretty</p> <p>46:17 sure she was renting from these people. I don't know who</p> <p>46:18 it was.</p> <p>46:19 And the other one was in Washington. I</p>		<p>Object to 45:24-46:2 under <u>Fed. R. Evid. 802</u>.</p> <p>Annette Talmage's statement is admissible under Rule 803(3) to show her motive and her emotional relief.</p>		<p>OVERRULED (see [267] Order)</p>

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<p>46:20 think White Salmon, Washington, was the first one, and</p> <p>46:21 then it was in Colorado. I could look up the name, and</p> <p>46:22 I'd remember what it was.</p> <p>46:23 Q. Does Loveland, Colorado, ring a bell?</p> <p>46:24 A. I think it -- it was a bigger city that -- she</p> <p>46:25 didn't tell me the exact location in Colorado, except for</p> <p>47:1 the city that was around it.</p> <p>47:2 Q. I see.</p> <p>47:3 When did Ron and Annette live in Colorado?</p> <p>47:4 A. I have no idea.</p> <p>47:5 It was after -- I know they lived in</p> <p>47:6 Washington for a short while, and then they went to</p> <p>47:7 Colorado for a short while, and then they ended up in</p> <p>47:8 Liberty. That's what I know.</p> <p>47:9 Q. So those two places were between the Oregon</p> <p>47:10 property and the Liberty property?</p> <p>47:11 A. Yes, uh-huh.</p> <p>47:12 I want to find out what that city was. Is</p> <p>47:13 that okay?</p> <p>47:14 Q. Yes.</p> <p>47:15 A. I know they built a Mormon temple there. Maybe</p> <p>47:16 that's why they went.</p>				

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47:17 Fort Collins. 47:18 Q. At Fort Collins, Colorado, do you know if they 47:19 rented or owned the place that they lived? 47:20 A. I want to say that they were renting to own 47:21 maybe. 47:22 Q. How did you know that? 47:23 A. She had said that they were -- someone they knew 47:24 there had a house that they were living in, but then they 47:25 decided not to stay. They never really settled there, but 48:1 that they could possibly be there permanently.		Object to 47:18-48:1 under <u>Fed. R. Evid. 602, 701, and 802</u> . Ms. Watkins has no personal knowledge of this matter; her opinion/assumption is based on nothing more than the inadmissible hearsay statements purportedly made by Annette Talmage. Ms. Watkins is describing her own knowledge that the Talmages used to live in Colorado, that they were renting the place, and that they “never really settled there.” This is not opinion testimony under Rule 701. To the extent Ms. Watkins does offer an opinion, her impression that the Talmages did not own their home in Colorado is rationally based on the short amount of time that they remained in Colorado. Annette’s statement is not being offered for the truth of the matter asserted, but rather, to lend context to Ms. Watkins’ testimony and her basis for personal knowledge.		OVERRULED (see [267] Order)
48:7 Q. You've mentioned that you met Kory Talmage, Ron's 48:8 son, a couple of times? 48:9 A. Uh-huh, yes. 48:10 Q. Just to make sure I got that right, once was in 48:11 2011, you think, and then the other time was -- 48:12 A. I'm thinking it was their wedding. 48:13 Q. Ron and Annette's wedding?				

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48:14 A. Yeah, in Salt Lake.				
49:1 Q. Do you keep in touch with Kory at all? 49:2 A. No. 49:3 The only one I keep in touch with in Ron's 49:4 family is his sister and his mom. 49:5 Q. Who are they? 49:6 A. Carol and Carolyn -- I'm sorry. Carol Black and 49:7 Carolyn Talmage. 49:8 Q. Carol Black, is that Ron's mom? 49:9 A. Ron's sister. 49:10 Carolyn Talmage is his mom. 49:11 Carolyn called me asking if I knew where my 49:12 mom was, and we kind of developed, like, a friendship over 49:13 this loss that we're having, because I didn't know where 49:14 she was, and she kind of talked -- we talked a little bit 49:15 about the situation. 49:16 Ron's mom called me crying asking if I knew 49:17 where they were, and I didn't. 49:18 And she just would sob about she doesn't 49:19 know what happened to her son, because she raised a really 49:20 good son, went on a mission, Eagle Scout, she didn't know				

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<p>49:21 what she did wrong, and it was really sad, actually, to</p> <p>49:22 see a 90-year-old woman cry.</p> <p>49:23 It's disgusting that he would do that to</p> <p>49:24 her. I'm sorry.</p> <p>49:25 Q. That's okay.</p> <p>50:1 When was the time that -- Carolyn Talmage,</p> <p>50:2 that's Ron's mom?</p> <p>50:3 A. Uh-huh.</p> <p>50:4 Q. When did Carolyn Talmage call you?</p> <p>50:5 A. Well, actually, I had emailed her through</p> <p>50:6 Facebook, so I messaged her, because I didn't have her</p> <p>50:7 phone number, and I wanted to ask her if she kinda knew</p> <p>50:8 what was going on -- this was in June 2017 -- to see if we</p> <p>50:9 can kind of connect any information.</p> <p>50:10 And she told me she was worried about my mom</p> <p>50:11 because of her brother. She just worried, and she had</p> <p>50:12 told me kind of what was going on with John and him.</p> <p>50:13 Q. Wait a minute. I think -- I'm not sure if we're</p> <p>50:14 talking -- are we talking about you messaged Ron's mom or</p> <p>50:15 Ron's sister?</p> <p>50:16 A. Ron's sister.</p>				

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<p>50:17 Q. You messaged Ron's sister on Facebook?</p> <p>50:18 A. With my phone number, and she called me. And we</p> <p>50:19 talked about the situation.</p> <p>50:20 She asked if I knew where my mom was, and I</p> <p>50:21 said no, and we kind of gained a friendship over that.</p> <p>50:22 Q. That's you and Ron's sister Carolyn?</p> <p>50:23 A. Yes, Carolyn.</p>				
<p>51:14 Q. BY MS. GOLDEN: So it's clear for the record,</p> <p>51:15 it's -- Carolyn Black is Ron's sister?</p> <p>51:16 A. Yes.</p> <p>51:17 Q. And then Carol Talmage is --</p> <p>51:18 A. His mom.</p> <p>51:19 Q. His mom?</p> <p>51:20 A. Yes.</p> <p>51:21 Q. And it's Carolyn you messaged on Facebook?</p> <p>51:22 A. Yes, and gave her my number and asked her to</p> <p>51:23 please call me.</p> <p>51:24 I didn't know if they liked us. I had a</p> <p>51:25 feeling from Ron and my mom that -- she didn't tell me,</p> <p>52:1 but she said something was going on with Carolyn saying</p> <p>52:2 lies to Ron's mom about Ron stealing money. That's all</p>				

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<p>52:3 she said.</p> <p>52:4 And so I had been under the impression that</p> <p>52:5 Ron's family didn't like us, just little things like that,</p> <p>52:6 but -- so I wasn't sure if she would call me.</p> <p>52:7 She called me, and we kind of just talked,</p> <p>52:8 and we've talked a few times since then just keeping</p> <p>52:9 updates on -- to see if there is any progress in my mom</p> <p>52:10 and Ron or, you know, what's going on with all of this</p> <p>52:11 stuff.</p> <p>52:12 Q. How often do you talk to Carolyn?</p> <p>52:13 A. I think I've talked to her maybe four times total</p> <p>52:14 on the phone. Once was after her mom called me crying.</p> <p>52:15 It was late at night. I was worried about her.</p> <p>52:16 Q. Were there other times that you talked to Carol,</p> <p>52:17 Ron's mom?</p> <p>52:18 A. I did talk to her one other time around the same</p> <p>52:19 time that I talked to Carolyn, just to see how she was</p> <p>52:20 doing, because I had met her a few times. She was very</p> <p>52:21 nice.</p>				

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54:2 Q. About Ron's other children, I think there's Lisa 54:3 Allen, and then you've also mentioned Lillian. 54:4 A. Lillian. 54:5 Q. And Lillian you didn't meet? 54:6 A. I've never met Lillian. 54:7 Q. And Lisa, did you meet her? 54:8 A. I met her twice also, once at the rodeo and one 54:9 time we met and ate dinner in downtown Salt Lake. I don't 54:10 remember if that was at the same time. I'm not sure. 54:11 Q. Who all was at the dinner? 54:12 A. Ron's mom, his sister Carolyn, Lisa and her 54:13 husband and kids, and me and my husband and my kids.				
55:4 Q. BY MS. GOLDEN: I want to try to clarify some of 55:5 the information we talked about -- 55:6 A. Okay. 55:7 Q. -- earlier this morning. 55:8 You mentioned dropping -- that you and your 55:9 husband dropped off a Christmas gift for Ron and Annette 55:10 at the Liberty, Utah property? 55:11 A. Yes. 55:12 Q. When was that?				

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55:13 A. December 2011. December 24th. 55:14 Q. And we also talked about some conversations you 55:15 had with your mom regarding the ownership of the Liberty 55:16 property? 55:17 A. Correct. 55:18 Q. When did that occur? 55:19 A. Just -- I don't know the exact date, just in our 55:20 many conversations when we would go on drives when she 55:21 would come to town. 55:22 Q. That was in person, then? 55:23 A. Yes. 55:24 Q. Was that while you were living in Utah? 55:25 A. Yes. 56:1 We lived in Ogden just over the mountain 56:2 from where she lived, so. 56:3 Q. Can you remind me, approximately, what time you 56:4 lived in Utah again? 56:5 A. June 30th, 2010, till April 2012. 56:6 MR. INGRAM: When in 2012? 56:7 THE WITNESS: April. Might have been -- we might 56:8 have left a little sooner; I'm not sure. 56:9 But she had stopped talking to us in		Object to 55:14-21 under <u>Fed. R. Evid.</u> <u>602, 701, and 802.</u> Ms. Watkins is testifying as to when she when she had certain conversations with Annette Talmage and the frequency of these conversations. She is not repeating inadmissible hearsay or giving an opinion, and she is testifying as to something she personally witnessed.		OVERRULED (see [267] Order)

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<p>56:10 February of that year completely.</p> <p>56:11 Q. BY MS. GOLDEN: Can you recall approximately how</p> <p>56:12 many times you had the drives with your mom where you</p> <p>56:13 talked about the Liberty property ownership?</p> <p>56:14 A. Just the one time that I remember.</p> <p>56:15 Q. Do you remember -- can you remember at all what</p> <p>56:16 year, what month, that conversation was?</p> <p>56:17 A. It was probably in 2011, because after that</p> <p>56:18 Christmas, it was very -- he cut her off, because we found</p> <p>56:19 out -- or he knew we knew.</p> <p>56:20 Q. So you think that you had the conversation about</p> <p>56:21 the property ownership in 2011?</p> <p>56:22 A. Yeah.</p> <p>56:23 Q. And then later that Christmas was when you</p> <p>56:24 dropped off the gift?</p> <p>56:25 A. Yes, because we were tired of the games. We just</p> <p>57:1 wanted it to be real.</p> <p>57:2 Q. And you spent some time talking about why you</p> <p>57:3 believed that Ron and Annette owned the Liberty property.</p> <p>57:4 Can you just clarify one more time what the</p>		<p>Object to 57:2-58:3 under <u>Fed. R. Evid. 602</u> and <u>701</u>. Again, Ms. Watkins has no personal knowledge about who owned the Liberty Property.</p> <p>See United States' response to Watkins Opinion Testimony Motion. Ms. Watkins' testimony is that she believed Ron and Annette Talmage to be the</p>		<p>OVERRULED (see [267] Order)</p>

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Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
57:5 source of your information is and how you came to that? 57:6 A. Why I felt that way? 57:7 Q. Yes. 57:8 A. So Ron is very big into Irish –		owners of the Liberty Property based on the décor of the home and Mr. Talmage's deep interest in Irish Setters. Her opinion is rationally based on what she perceived, and therefore, admissible under Rules 602 and 701.		
57:14 Q. Can you clarify how you came to the belief that 57:15 Ron and Annette owned the Liberty property? 57:16 A. Ron was really big into Irish setters. On the 57:17 mailbox was an Irish setter. Also, they had a dog run in 57:18 the back that was built on, which was the same as they had 57:19 in Corbett for his dogs. 57:20 They had -- they had their horse stables 57:21 with their horses that they had renovated. 57:22 Their year supply room in the backyard that 57:23 had their generator and supplies and everything just 57:24 reminded me of what they usually would have in their 57:25 Corbett home. 58:1 Ron's green color and the Irish setters. 58:2 Q. Anything else? 58:3 A. No. 58:4 Q. How did you know what Ron and Annette would		Object to 57:2-58:3 under <u>Fed. R. Evid. 602</u> and <u>701</u>. Again, Ms. Watkins has no personal knowledge about who owned the Liberty Property, and these are accordingly inadmissible assumptions. See United States' response to Watkins Opinion Testimony Motion. Ms. Watkins' testimony is that she believed Ron and Annette Talmage to be the owners of the Liberty Property based on the décor of the home and Mr. Talmage's deep interest in Irish Setters. Her opinion is rationally based on what she perceived, and therefore, admissible under Rules 602 and 701.		OVERRULED (see [267] Order)

<p>Case Name: United States v. Talmage, et. al Case Number: 1:16-19-DN-PMW Deposition of Sara Watkins taken May 30, 2018^{1,2}</p>				
<p>Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)</p>	<p>Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)</p>	<p>Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE</p>	<p>Exhibits</p>	<p>Ruling</p>
<p>58:5 usually have in their Corbett home? 58:6 A. Because it showed on their vehicles, in their 58:7 house. They would always have green. It was his favorite 58:8 color. His cars were green. He had one that was silver. 58:9 He loved Irish setters so much, he had like a -- I think a 58:10 statue made out of one of them that had died. And their 58:11 Corbett property. It was everywhere. 58:12 And he loved his Irish setters a lot. He 58:13 would put them to bed at a certain time every night, feed 58:14 them. You had to be quiet, and you had to go to bed. So 58:15 that's how you know that Ron really -- that's how I know 58:16 that -- it was his life. He made everything a part of the 58:17 Irish setter -- the Irish setters are a part of everything 58:18 in his life. 58:19 Q. Did you visit the Corbett, Oregon, property? 58:20 A. Yes. 58:21 Q. About how many times? 58:22 A. I want to say three or four times. 58:23 Q. And then about the conversations that you had</p>		<p>Object to 58:23-59:23 under <u>Fed. R. Evid. 602, 701, and 802</u>. Ms. Watkins has no knowledge of these matters beyond the inadmissible hearsay statements purportedly made by Annette Talmage.</p>		<p>OVERRULED (see [267] Order)</p>

Case Name: United States v. Talmage, et. al Case Number: 1:16-19-DN-PMW
Deposition of Sara Watkins taken May 30, 2018^{1,2}

Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>58:24 with your mom about the owner of the Liberty property --</p> <p>58:25 A. Yes.</p> <p>59:1 Q. -- what was -- what was her tone when she was</p> <p>59:2 describing the situation to you?</p> <p>59:3 A. Just very -- what's the word for her? -- she</p> <p>59:4 tried to give me bits and pieces without saying it</p> <p>59:5 straight; right? So she could say that she doesn't say</p> <p>59:6 anything, but she would -- that's just -- tell me just</p> <p>59:7 basically, and if I asked more questions, it was kind of</p> <p>59:8 like, no, she wouldn't answer it.</p> <p>59:9 Q. Did you believe what she was telling you?</p> <p>59:10 A. Yes, because she didn't tell me anything. She</p> <p>59:11 wouldn't tell us anything at that point. She was very,</p> <p>59:12 very secretive.</p> <p>59:13 If I got her to where she was maybe tired,</p> <p>59:14 like she would talk to me more when she was tired of all</p> <p>59:15 of it, and usually at these times, she would tell me more</p> <p>59:16 things, or if it was a time that we would be frustrated</p> <p>59:17 about the situation, she would try to give us hope by</p>		<p>Ms. Watkins is describing Annette Talmage's demeanor during a conversation the two of them had, and why she believed what Annette told her. Ms. Watkins is also describing Annette's general secretiveness, and that Annette would occasionally let her guard down when tired or fed up. Ms. Watkins' testimony proves her personal knowledge. There is no opinion being offered under Rule 701, and to the extent there is, it is rationally based on Ms. Watkins' perception and familiarity with Annette. There are no statements by Annette in 58:23-59:23, and thus, no inadmissible hearsay. As to the admissibility of Ms. Watkins' opinion on ownership and Annette's statements regarding ownership, see United States' responses to Watkins Opinion Testimony Motion and Watkins Hearsay Motion.</p>		

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59:18 saying we're gonna be here for a while, don't worry about 59:19 it or things like that. That's how she was. 59:20 She was very secretive, but every once in a 59:21 while when she would be fed up, she would try to give us a 59:22 little bit to hold us off kind of thing, from being upset 59:23 at Ron or her.				
62:2 Q. Have you heard of Worldwide Investment Services 62:3 Limited? 62:4 A. Yes, because that was their email. 62:5 Q. Whose email? 62:6 A. Ron and my mom's. 62:7 MS. HUBBARD: That was the -- 62:8 THE WITNESS: I remember the email was -- 62:9 THE REPORTER: I'm sorry? 62:10 THE WITNESS: Oh, I'm sorry. I'm just talking to 62:11 her. 62:12 I remember her email was like 62:13 atalmage@wwisltd.com. She had it forever. I don't know 62:14 why I -- 62:15 And Ron's was very similar.				

<p align="center">Case Name: United States v. Talmage, et. al Case Number: 1:16-19-DN-PMW Deposition of Sara Watkins taken May 30, 2018^{1,2}</p>				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>62:16 MS. HUBBARD: It was rtalmage.</p> <p>62:17 THE WITNESS: Yeah.</p> <p>62:18 And so I looked it up. I didn't know that's</p> <p>62:19 what it was, and then I saw it was a private investing</p> <p>62:20 firm or something.</p> <p>62:21 Q. BY MS. GOLDEN: How long was Annette's email the</p> <p>62:22 atalmage@wwisltd?</p> <p>62:23 A. I want to say from 2002 till -- jeez, I don't</p> <p>62:24 know. A long time. Two thousand -- I don't know --</p> <p>62:25 eleven-ish. I don't remember when she changed it.</p> <p>63:1 Q. How long did he use the wwis email?</p> <p>63:2 A. Probably around the same time, because whatever</p> <p>63:3 she did, it was under him, and when he had -- they had to</p> <p>63:4 get new emails -- that's when they started changing their</p> <p>63:5 emails and stuff and their phone number.</p> <p>63:6 Q. Why did they use the wwis email?</p> <p>63:7 A. I didn't know at the time, but I guess it was his</p> <p>63:8 business one, that I knew of. I didn't know that –</p> <p>63:9 Q. · Was Annette involved in Ron's business at all?</p>		<p>Object to 63:6-8 under <u>Fed. R. Evid. 602</u> and <u>701</u>. Ms. Watkins expressly states that she does not know the answer to this question and that her response is just a “guess.”</p> <p>Ms. Watkins is explaining her understanding of the source of the email address and the extent of her knowledge. She was not aware of its source at the time but later understood it to be a business email of Mr. Talmage. There is no opinion testimony under Rule 701.</p>		<p>OVERRULED (see [267] Order)</p>

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63:10· · · A· ·Not that I knew of· She didn't know anything 63:11· about his business that I knew. 63:12· · · · ·MR. INGRAM:· You're going to have to talk louder, 63:13· Ms. Watkins. 63:14· · · · · You what?· Can you repeat that? 63:15· · · · ·THE WITNESS:· She didn't know anything about his 63:16· business that I knew of.				
63:17 Q. BY MS. GOLDEN: Do you know why Annette had the 63:18 wwis email if she wasn't involved in the business? 63:19 A. I don't, other than the fact that he wanted to 63:20 control her email and to watch what went in and what went 63:21 out, because he -- a lot of times we didn't know if her 63:22 email was coming from her or him because the tone got 63:23 really nasty sometimes, and I'm thinking to myself, that's 63:24 not my mom, but really probably just to monitor her email. 63:25 Q. Did you email with Ron or Annette through those 64:1 emails? 64:2 A. Yeah, I did. There was a big exchange of mean 64:3 words for a while through that email.				

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<p>64:23 Q. BY MS. GOLDEN: How often did Ron and Annette</p> <p>64:24 switch emails?</p> <p>64:25 A. I really don't know. It was often after</p> <p>65:1 everything kinda started going south for them.</p> <p>65:2 Q. When was that?</p> <p>65:3 A. 2016, I thought, or maybe a little bit before.</p> <p>65:4 Q. How would you find out that they got a new email</p> <p>65:5 address?</p> <p>65:6 A. She would give it to me, my mom.</p> <p>65:7 Q. Have you ever heard of WWIS Limited?</p> <p>65:8 A. No, isn't that the same thing?</p> <p>65:9 Q. I can't -- I can't really I can't really answer</p> <p>65:10 that for you.</p> <p>65:11 A. That's okay.</p> <p>65:12 Q. So have you heard of WWIS Limited?</p> <p>65:13 A. Yes.</p> <p>65:14 Q. Is there anything additional about WWIS Limited</p> <p>65:15 besides what we have talked about?</p> <p>65:16 A. No.</p> <p>65:17 Q. · So other than the familiarity with Ron and</p> <p>65:18 Annette's email addresses, you've not heard of WWIS</p>				

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<p>65:19· Limited?</p> <p>65:20· · · A· ·No.</p> <p>65:21· · · Q· ·Did you ever email with anybody else associated</p> <p>65:22· with Ron and Annette at a WWIS email?</p> <p>65:23· · · A· ·No.</p>				
<p>67:8 Q. These three exhibits, 184, 185, and 186 --</p> <p>67:9 A. Yeah.</p> <p>67:10 Q. -- seem to show that there's around \$5,000 that</p> <p>67:11 was transferred from Heng Cheong Pacific Limited to Joe</p> <p>67:12 and Sara Watkins in March of 2014?</p> <p>67:13 A. Uh-huh.</p> <p>67:14 Q. Do you recall getting \$5,000 around that time?</p> <p>67:15 A. Yes.</p> <p>67:16 Q. What was that for?</p> <p>67:17 A. That was for Victoria's wedding.</p> <p>67:18 I did her wedding, just because I'm, like,</p> <p>67:19 her mom, so I have to take care of her, obviously.</p> <p>67:20 Just kidding.</p> <p>67:21 Q. Who sent you the money for Victoria's wedding?</p> <p>67:22 A. My mom or Ron; I don't know.</p> <p>67:23 Q. Do you remember noticing at the time that it came</p> <p>67:24 from this overseas entity --</p>		<p>Object to 67:8-13 under <u>Fed. R. Evid. 602</u> and <u>901</u>. The document referenced in this testimony was not produced by Ms. Watkins and she did not testify that she has any personal knowledge of it. Ms. Watkins also did not provide any testimony to authenticate the document.</p> <p>The document discussed is not being moved into evidence, so a Rule 901 objection is meritless. At 67:14–19, Ms. Watkins testifies that she remembers receiving the \$5,000 referenced on exhibits 184–186. This testimony is based on her own recollection and receipt of the funds and is proper under Rule 602.</p> <p>Object to 67:21-22 under <u>Fed. R. Evid. 602</u>. Ms. Watkins expressly states that she does not know who sent her the money.</p> <p>Ms. Watkins is testifying that either Ron or Annette Talmage sent her money for her sister’s wedding. This testimony is proper under Rule 602.</p>	184, 185, 186	<p>OVERRULED (see [267] Order)</p> <p>OVERRULED (see [267] Order)</p>

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<p>67:25 A. No.</p> <p>68:1 Q. -- Heng Cheong Pacific Limited?</p> <p>68:2 A. Huh-uh, I don't. I don't think I realized that.</p> <p>68:3 Q. How did your mom tell you that she was sending</p> <p>68:4 the money?</p> <p>68:5 A. She just asked for my account, and she said they</p> <p>68:6 were gonna put it in there so I could put a deposit down</p> <p>68:7 on the wedding venue and start buying stuff for her</p> <p>68:8 wedding to decorate.</p>		<p>Object to 68:3-8 under <u>Fed. R. Evid. 802</u>.</p> <p>Ms. Watkins is describing how and why Annette Talmage sent the money to her. This is not hearsay. Ms. Watkins knew, independently of Annette, that the money was being sent to pay for her sister's wedding (<i>see</i> 67:14–19).</p> <p>Object to Exhibits 184, 185, and 186 on the grounds that they were not disclosed in the Government's <i>Pretrial Disclosures</i>.</p> <p>The United States does not intend to offer exhibits 184 through 186 into evidence, which is why they were not listed as trial exhibits in the United States' pretrial disclosures. The United States' pretrial disclosures provided page-and-line designations for Ms. Watkins' testimony, which made clear that the United States intended to refer to the exhibits to contextualize Ms. Watkins' testimony.</p>		<p>OVERRULED (<i>see</i> [267] Order)</p> <p>SUSTAINED</p>
<p>68:12 Q. Have you ever heard of somebody named John</p> <p>68:13 Wadsworth?</p> <p>68:14 A. Yes, from my mom.</p> <p>68:15 Q. How did you -- how did you hear of him, again?</p> <p>68:16 A. My mom spent a Christmas with them. It might</p>				

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<p>68:17 have been the year we moved there, and I was wondering why</p> <p>68:18 they weren't spending Christmas with us, but she said they</p> <p>68:19 were going to John and Amy's house.</p> <p>68:20 Q. Who is Amy?</p> <p>68:21 A. John's wife, I assume.</p> <p>68:22 Q. When did you first hear of John and Amy?</p> <p>68:23 A. I think that was my first time. She -- it seems</p> <p>68:24 like she mentioned they were friends of theirs, but I</p> <p>68:25 never, you know, knew where they were from or anything.</p> <p>69:1 Q. Let me try to unpack that.</p> <p>69:2 So when is the first time you heard those</p> <p>69:3 names, John and Amy?</p> <p>69:4 A. John and Amy?</p> <p>69:5 It seems like it was around that time.</p> <p>69:6 Q. What year was that?</p> <p>69:7 A. 2010, that I can recall.</p> <p>69:8 Q. And then the time that your mom said that she was</p> <p>69:9 going to John's house, when was that?</p> <p>69:10 A. Around Christmastime.</p> <p>69:11 Q. In 2010?</p> <p>69:12 A. Yeah.</p> <p>69:13 Q. Just based on what you know, do you have a sense</p>		<p>Object to 68:22-28 under <u>Fed. R. Evid. 802</u>.</p> <p>Ms. Watkins is describing how she knew John and Amy Wadsworth were the Talmages' friends, and when she first learned of that friendship. This is not hearsay. Any embedded statements by Annette can also be offered to show her understanding of the Talmage-Wadsworth relationship and her intent behind the Liberty Property arrangements. <u>See Fed. R. Evid. 801(c)</u>.</p> <p>Object to 69:13-17 under <u>Fed. R. Evid. 602, 701, and 802</u>. Ms. Watkins has no personal knowledge of the relationship between John Wadsworth and Ronald Talmage; her assumption/opinion here is based on nothing more than the inadmissible hearsay statement purportedly made by Annette Talmage.</p> <p>Ms. Watkins is describing her personal understanding of the relationship between John Wadsworth and Ron Talmage, gleaned from interactions with her mother. This is proper testimony under Rule 602. It is not opinion testimony under Rule 701; to the extent it is, Ms. Watkins has a rational basis for her perception. There is no statement by</p>		<p>OVERRULED (see [267] Order)</p> <p>OVERRULED (see [267] Order)</p>

<p align="center">Case Name: United States v. Talmage, et. al Case Number: 1:16-19-DN-PMW Deposition of Sara Watkins taken May 30, 2018^{1,2}</p>				
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69:14 of what John's relationship is with Ron? 69:15 A. From what my mom said, they were really, really 69:16 good friends of theirs, people that they really liked and 69:17 trusted.		Annette Talmage in 69:13-17, and thus, no inadmissible hearsay. If there are any statements by Annette, they can be offered to show her understanding of the Talmage-Wadsworth relationship and her intent behind the Liberty Property arrangements. <i>See</i> <u>Fed. R. Evid. 801(c)</u> .		
70:10 Q. BY MS. GOLDEN: I think the question I had asked 70:11 was what was your -- what was your sense of the 70:12 relationship between John and your mom?		<p>Object to 70:10-16 under <u>Fed. R. Evid. 602</u> and <u>701</u>. By her own statement, Ms. Watkins has no personal knowledge of the relationship, if any, between John Wadsworth and Annette Talmage.</p> <p>Ms. Watkins is describing her personal understanding of the relationship between Annette Talmage and John Wadsworth's wife, gleaned from interactions with her mother. This is proper testimony under Rule 602. It is not opinion testimony under Rule 701; to the extent it is, Ms. Watkins has a rational basis for her perception.</p>		OVERRULED (see [267] Order)
70:14 THE WITNESS: I don't think there was a 70:15 relationship, other than my mom was friends with Amy 70:16 because John and Ron were good friends. 70:17 Q. BY MS. GOLDEN: How did you know your mom was 70:18 friends with Amy? 70:19 A. She would talk about how nice she was. I don't		<p>Object to 70:10-16 under <u>Fed. R. Evid. 602</u> and <u>701</u>. By her own statement, Ms. Watkins has no personal knowledge of the relationship, if any, between John Wadsworth and Annette Talmage.</p> <p>Ms. Watkins is describing her personal understanding of the relationship between Annette Talmage and John Wadsworth's wife, gleaned from interactions with her mother. This is</p>		OVERRULED (see [267] Order)

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70:20 remember any specific time. I just remember her saying 70:21 she was a really nice person. They were nice people, 70:22 their kids. I don't know how many kids they had or 70:23 anything like that. It wasn't very in-depth. 70:24 It kind of hurt my feelings, honestly, 70:25 because of -- yeah.		proper testimony under Rule 602. It is not opinion testimony under Rule 701; to the extent it is, Ms. Watkins has a rational basis for her perception.		
71:24 Q. When was the last time you heard anything about 71:25 John Wadsworth? 72:1 A. Just when my mom had mentioned to me about the 72:2 house. 72:3 Q. That was -- those were the conversations we 72:4 talked about earlier? 72:5 A. Yeah. 72:6 Q. About -- around 2011? 72:7 A. Oh, I'm sorry. 72:8 No, it was during all this stuff with the 72:9 police coming in and Kory and how they were trying to take 72:10 their house. That was actually the last time I had heard 72:11 anything. 72:12 Q. When was that? 72:13 A. I want to say around two thousand -- until they 72:14 stopped talking to them. They were kind of upset that	73:8 Q. · Have you ever heard of Western Land & Livestock, 73:9 LLC? 73:10 · · A. · I have not. 73:11 · · Q. · Have you ever heard of Western Reserve Mortgage, 73:12 LLC? 73:13 · · A. · I have not. 73:14 · · Q. · Have you ever heard of Preferred Leasing, LLC? 73:15 · · A. · No, I have not. 73:16 · · Q. · Have you ever heard of Fortus Property Group, 73:17 LLC? 73:18 · · A. · No, I have not.	Object to 72:8-16 under <u>Fed. R. Evid. 802</u> . Ms. Watkins is describing when she last heard anything from her mother about John Wadsworth and her mother's demeanor during that conversation. This is not hearsay. To the extent there are any embedded statements by Annette Talmage, they are admissible under Rule 803(3) to show her feeling that John and Kory "had betrayed them."		OVERRULED <i>(see [267] Order)</i>

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72:15 their friend had betrayed them and that Kory had betrayed 72:16 them. 72:17 Q. What year was that? 72:18 A. 2017 is probably the last time we had a 72:19 conversation about that, and that was only when Ron wasn't 72:20 around. 72:21 Q. Is this a conversation you had with your mom over 72:22 the phone? 72:23 A. Yes. Or video chat. 72:24 Q. Do you know anything about what John Wadsworth 72:25 does for work? 73:1 A. Just from my mom that he was in the business 73:2 world with Ron investing. I don't know where his position 73:3 was in that whole business or anything like that. 73:4 Q. Do you know how long John was in the business 73:5 with Ron? 73:6 A. From as far as they were married, my mom and Ron 73:7 were married.		Object to 72:24-73:7 under <u>Fed. R. Evid. 602</u> and <u>701</u> . Ms. Watkins has no personal knowledge about what John Wadsworth does for work; by her own statement, her only knowledge comes from inadmissible hearsay statements purportedly made by Annette Talmage. Ms. Watkins is testifying to her personal knowledge of Mr. Wadsworth's work, gleaned from her own knowledge and interactions with her mother. This is proper testimony under Rule 602. It is not opinion testimony under Rule 701; to the extent it is, Ms. Watkins has a rational basis for her perception.		OVERRULED (see [267] Order)
81:16 Q. Do you have any written documents to verify what 81:17 you were told by Annette regarding the ownership of the 81:18 Liberty property?	81:4 Q. When your mother told you this in a 81:5 conversation -- I think you said that happened sometime in 81:6 2011 in a car ride or -- 81:7 A. Yes.	Object to 81:16-82:13 under <u>Fed. R. Evid. 602, 701, 802, and 901</u> . By her own statement, Ms. Watkins has nothing to substantiate the inadmissible hearsay statements purportedly made by Annette Talmage.		OVERRULED (see [267] Order)

Case Name: United States v. Talmage, et. al Case Number: 1:16-19-DN-PMW Deposition of Sara Watkins taken May 30, 2018^{1,2}				
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81:19 A. No, but there was something published in the 81:20 paper about them asking for a permit to put up a fence on 81:21 their property, and it was quickly removed after I told 81:22 her I saw their information was in the paper. 81:23 Q. Okay. You said there was something in the paper 81:24 posted? 81:25 A. Yep. 82:1 Q. And how do you know that? 82:2 A. Or online, actually. 82:3 I looked it up trying to find more truth to 82:4 their story. 82:5 Q. Okay. Do you have a copy of that document? 82:6 A. No, it was removed from the Internet. 82:7 Q. Okay. 82:8 A. I think Ron freaked out about it. 82:9 Q. Do you know where I can find this document? 82:10 A. Probably with the city where you apply for a 82:11 permit. 82:12 Q. Okay. 82:13 A. Or the county. 82:14 Q. Do you have any other written document to verify	81:8. . . Q. --- is that right? In Ogden? 81:9. . . A. Correct. 81:10. . . Q. Did she ever show you any documents to 81:11 substantiate what she told you? 81:12. . . A. No. 81:13. . . Q. Did she ever show you any bank statements or 81:14 checks to substantiate what she told you? 81:15. . . A. No.	Ms. Watkins is explaining the basis for her belief that the Talmages owned the Liberty Property, which includes having seen a newspaper listing. This testimony is proper under Rules 602 and 701. The strength of that basis is a matter of weight rather than admissibility. The United States does not seek to admit the newspaper ad into evidence, so there is no basis for the Rule 901 objection. The newspaper listing is not hearsay under Rule 802 because it is not being offered for the truth of the matter asserted, and is mentioned to explain Ms. Watkins' basis for her opinion on ownership. See also United States' responses to Watkins Hearsay Motion and Watkins Opinion Testimony Motion.		

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82:15 anything that you were told by Annette? 82:16 . . . A. . No. 82:17 . . . Q. . No? 82:18 . . . A. . No.				
85:17 Q. Has Ron Talmage ever lied to you? 85:18 A. Yes. 85:19 Q. How many times? 85:20 A. I can't even count. 85:21 Q. Is he a prolific liar? 85:22 A. Yep.	85:23 Yes. I'm sorry. 85:24 . . . Q. . Has Annette ever lied to you? 85:25 . . . A. . She has. 86:1 . . . Q. . How many times? 86:2 . . . A. . Um, I can't count. 86:3 . . . Q. . You can't count, meaning there's so many? 86:4 . . . A. . No, she just -- she doesn't lie; she just doesn't 86:5 tell the full truth. 86:6 . . . Q. . She doesn't tell what? 86:7 . . . A. . The full truth. She hides the most -- 86:8 . . . Q. . How many times has your mother not told the whole 86:9 truth? 86:10 . . . A. . I don't know. 86:11 . . . Q. . More than once? 86:12 . . . A. . I really can't answer that, because I still 86:13 don't -- 86:14 . . . Q. . More than twice? 86:15 . . . A. . I don't know. 86:16 . . . Q. . Many times? 86:17 . . . A. . I don't know. 86:18 . . . Q. . Do you trust everything that your mother tells 86:19 you?			

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	<p>86:20· · · A· ·Yes· She's my mom· I try.</p> <p>86:21· · · Q· ·Okay· So notwithstanding the half-truths you've</p> <p>86:22· been told, you still trust everything your mother tells</p> <p>86:23· you?</p> <p>86:24· · · A· ·Except for Santa Claus, I really can't answer</p> <p>86:25· that.</p> <p>87:1 Q· ·You said that Annette really didn't know anything</p> <p>87:2· about Ron's business; is that right?</p> <p>87:3· · · A· ·Only little bits and pieces she would hear.</p> <p>87:4· · · Q· ·Okay· Do you know if Annette participated in the</p> <p>87:5· management of Ron's business?</p> <p>87:6· · · A· ·I don't know, no.</p> <p>87:7· · · Q· ·Do you know if Annette kept track of bank</p> <p>87:8· accounts for Ron's business?</p> <p>87:9· · · A· ·No, she had her own bank account.</p> <p>87:10· · · Q· ·Do you know if Annette kept track of investment</p> <p>87:11· accounts for Ron's business?</p> <p>87:12· · · A· ·No.</p> <p>87:13· · · Q· ·Do you know if Annette participated in the lease,</p> <p>87:14· purchase, finance or sale of the Liberty property?</p> <p>87:15· · · A· ·I don't know that.</p>			

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	<p>87:16· · · Q· ·Do you have any documents that would evidence</p> <p>87:17· that she participated in either the lease, purchase, sale</p> <p>87:18· or finance of the Liberty property?</p> <p>87:19· · · A· ·I don't know that.</p> <p>87:20· · · Q· ·Is your understanding of what she told you about</p> <p>87:21· the property based upon what she told you Ron had told</p> <p>87:22· her?</p> <p>87:23· · · A· ·I don't know how she heard it· She wouldn't tell</p> <p>87:24· me.</p> <p>87:25· · · Q· ·Do you know if Ron has ever lied to your mother?</p> <p>88:1· · · A· ·I don't know, honestly.</p> <p>88:2· · · Q· ·Do you think it's possible Ron has lied to your</p> <p>88:3· mother?</p> <p>88:4· · · A· ·Mmm, I don't know.</p> <p>88:5· · · Q· ·You don't know, meaning he could have, but you</p> <p>88:6· have no understanding one way or another whether Ron has</p> <p>88:7· lied to your mother?</p> <p>88:8· · · A· ·I'm not in their conversations, so I don't know.</p> <p>88:9· · · Q· ·So Ron is a prolific liar to you, but he's not a</p> <p>88:10· liar to your mother; is that what your saying?</p> <p>88:11· · · A· ·He is a liar to me, yes· I don't know --</p>			

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	88:12· · · Q· ·Is he a liar to anybody else? 88:13· · · A· ·I don't know· I'm not close enough to him for me 88:14· to know that. 88:15· · · · ·MR. INGRAM:· All right. 88:16· · · · · I have no further questions, other than I'm 88:17· going to preserve for the record a motion to exclude her 88:18· testimony based upon hearsay and Rule 802. 88:19· · · · ·MS. GOLDEN:· 802? 88:20· · · · ·MR. INGRAM:· Federal Rule of Evidence 802.			
93:1 DECLARATION UNDER PENALTY OF PERJURY 93:2 I, the undersigned, 93:3 declare under penalty of 93:4 perjury, that I have read the foregoing transcript of the 93:5 testimony taken on Wednesday, May 30, 2018, in the 93:6 above-referenced matter, and that the foregoing is a true 93:7 and correct transcript of my testimony contained therein, 93:8 except for the changes, if any, noted on the attached 93:9 errata sheet. 93:10 Executed this ____ day of _____, 93:11 20____. 93:12 (Signature waived.)				

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<p>93:12</p> <hr/> <p>93:13 SARA ANN WATKINS</p> <p>94:1 REPORTER'S CERTIFICATE</p> <p>94:2 I CERTIFY that the foregoing deposition was</p> <p>94:3 taken by me pursuant to Notice; that I was then and there</p> <p>94:4 a Certified Reporter for the State of Arizona, and by</p> <p>94:5 virtue thereof authorized to administer an oath; that the</p> <p>94:6 witness before testifying was duly sworn by me to testify</p> <p>94:7 to the truth; that the questions propounded by counsel and</p> <p>94:8 the answers of the witness thereto were taken down by me</p> <p>94:9 in shorthand and thereafter transcribed under my</p> <p>94:10 direction, and that the foregoing typewritten pages</p> <p>94:11 contain a full, true, and accurate transcript of all</p> <p>94:12 proceedings had upon the taking of said deposition, all</p> <p>94:13 done to the best of my skill and ability; that deposition</p> <p>94:14 review and signature was not requested; that Alliance</p> <p>94:15 Reporting Solutions, Registered Firm R1015, is designated</p>				

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94:16 to produce, distribute and invoice the transcript. 94:17 I FURTHER CERTIFY that I am in no way 94:18 related to nor employed by any of the parties hereto, nor 94:19 am I in any way interested in the outcome hereof. 94:20 DATED at Phoenix, Arizona, this 12th day of 94:21 June 2018. 94:22 94:22 Melissa Gonsalves, RMR, CRR 94:23 Arizona Certificate No. 50070				
DEFENDANT COUNTER-DESIGNATIONS (Plaintiff Complete Designations)	PLAINTIFF COUNTER-DESIGNATIONS			
71:1 Q. Have you ever met John Wadsworth? 71:2 A. No, I've never met John. 71:3 Q. Have you ever met Amy Wadsworth? 71:4 A. No.				
74:9 Have you ever spoken with John Wadsworth? 74:10 · · · A. · No. 74:11 · · · Q. · Have you ever had any communications with John 74:12 · Wadsworth? 74:13 · · · A. · I tried to call the number that Carolyn gave me				

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74:14· to see if I could check the home for personal items, but I 74:15· never got a call back· I just left messages. 74:16· · · Q· ·Okay· Other than that, have you ever had any 74:17· communications with John Wadsworth? 74:18 No. 74:19 Q. And why did you reach out to John Wadsworth? 74:20 A. To try and get family -- to see if there was 74:21 family heirlooms at the Liberty property because my 74:22 grandma had just died and my mom had all of that stuff 74:23 there.				
75:8 Q. Have you ever spoken with Mrs. Chen? 75:9 A. Just saying hello that summer of 2011. 75:10 Q· ·Have you ever had any communications with 75:11· Mrs. Chen? 75:12· · · A· ·No. 75:13· · · Q· ·Have you ever met or heard of a person by the 75:14· name of Paul Judd? 75:15· · · A· ·No. 75:16· · · Q· ·Have you ever spoken with Paul Judd? 75:17· · · A· ·No. 75:18· · · Q· ·Have you ever had any communications with Paul				

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<p>75:19· Judd?</p> <p>75:20· · · A· ·No.</p> <p>75:21· · · Q· ·Have you ever had any communications with a</p> <p>75:22· representative of Heng Cheong Pacific Limited?</p> <p>75:23· · · A· ·No.</p> <p>75:24· · · Q· ·Have you ever participated in the management or</p> <p>75:25· operation of Heng Cheong Pacific Limited?</p> <p>76:1 A· ·No.</p> <p>76:2· · · Q· ·Have you ever had any communications with a</p> <p>76:3· representative of New Century Property Limited?</p> <p>76:4· · · A· ·No.</p> <p>76:5· · · Q· ·Have you ever participated in the management or</p> <p>76:6· operation of New Century Property Limited?</p> <p>76:7· · · A· ·No.</p> <p>76:8· · · Q· ·Have you ever had any communications with a</p> <p>76:9· representative of Worldwide Investment Limited or WWIS</p> <p>76:10· Limited?</p> <p>76:11· · · A· ·No.</p> <p>76:12· · · Q· ·Have you ever participated in the management or</p> <p>76:13· operation of either Worldwide Investment Limited or WWIS</p> <p>76:14· Limited?</p> <p>76:15· · · A· ·No.</p>				

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<p>76:16 · · · Q · Have you ever had any communications with a</p> <p>76:17 · representative of Western Land & Livestock, LLC?</p> <p>76:18 · · · A · No.</p> <p>76:19 · · · Q · Have you ever participated in the management or</p> <p>76:20 · operation of Western Land & Livestock, LLC?</p> <p>76:21 · · · A · No.</p> <p>76:22 · · · Q · Have you had any communications with a</p> <p>76:23 · representative of Western Reserve Mortgage, LLC?</p> <p>76:24 · · · A · No.</p> <p>76:25 · · · Q · Have you ever participated in the management or</p> <p>77:1 · operation of Western Reserve Mortgage, LLC?</p> <p>77:2 · · · A · No.</p> <p>77:3 · · · Q · Have you had any communications with a</p> <p>77:4 · representative of Preferred Leasing, LLC?</p> <p>77:5 · · · A · No.</p> <p>77:6 · · · Q · Have you ever participated in the management or</p> <p>77:7 · operation of Preferred Leasing, LLC?</p> <p>77:8 · · · A · No.</p> <p>77:9 · · · Q · Have you ever had any communications with a</p> <p>77:10 · representative of Fortus Property Group, LLC?</p> <p>77:11 · · · A · No.</p>				

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<p>77:12· · · Q· ·Have you ever participated in the management or</p> <p>77:13· operation of Fortus Property, LLC?</p> <p>77:14· · · A· ·No.</p> <p>77:15· · · Q· ·Have you ever -- money with Ron Talmage?</p> <p>77:16· · · · · THE REPORTER· I'm sorry.</p> <p>77:17· · · · · Repeat that.</p> <p>77:18· · · · · THE WITNESS· I didn't hear that either.</p> <p>77:19· · · Q· ·BY MR. INGRAM· Have you ever invested money with</p> <p>77:20· Ron Talmage?</p> <p>77:21· · · A· ·No.</p> <p>77:22· · · Q· ·Have you ever worked for Ron Talmage?</p> <p>77:23· · · A· ·No.</p> <p>77:24· · · Q· ·Have you ever participated in any sort of</p> <p>77:25· business with Ron Talmage?</p> <p>78:1· · · A· ·No.</p> <p>78:2· · · Q· ·Now, we were talking about a piece of property</p> <p>78:3· located in Liberty, Utah· May I refer to this as the</p> <p>78:4· "Liberty property"?</p> <p>78:5· · · A· ·Yes.</p> <p>78:6· · · Q· ·Have you ever participated in the lease,</p> <p>78:7· purchase, sale or finance of the Liberty property?</p> <p>78:8· · · A· ·No.</p>				

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78:9· · · Q· ·Have you ever seen a lease agreement, purchase 78:10· contract, loan agreement, deed, or title instrument from 78:11· Liberty property? 78:12· · · A· ·No. 78:13· · · Q· ·Do you know how the purchase of the Liberty 78:14· property was financed? 78:15· · · A· ·I don't know· Just from what my mom said. 78:16· · · Q· ·Anything other than what your mom said? 78:17· · · A· ·No. 78:18· · · Q· ·Do you know the source of funds used to purchase 78:19· the Liberty property? 78:20· · · A· ·I assume Kory Talmage, since he was bringing 78:21· money over. 78:22· · · Q· ·Okay· Now, you say you assume· Who told you 78:23· that? 78:24· · · A· ·My mom. 78:25· · · Q· ·Anything other than what your mom told you?· Do 79:1· you know the source of funds used to purchase the Liberty 79:2· property? 79:3· · · A· ·No. 79:4· · · Q· ·Have you ever seen bank statements showing money 79:5· for the purchase of the property? 79:6· · · A· ·No.		Defendants do not waive their specific objections under Rules 602, 701, and 802 with respect to 78:15-79:3 (to be read only if other testimony is allowed by the Court).		Specific objections have been OVERRULLED

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79:7· · · Q· ·Do you know who the title owner is of the 79:8· property? 79:9· · · A· ·No. 79:10· · · Q· ·Have you ever participated in the maintenance of 79:11· the Liberty property? 79:12· · · A· ·No. 79:13· · · Q· ·Have you ever seen a payment for utilities, 79:14· improvements, maintenance or mortgage on the Liberty 79:15· property? 79:16· · · A· ·No. 79:17· · · Q· ·Do you know how the maintenance of the Liberty 79:18· property was financed? 79:19· · · A· ·No. 79:20· · · Q· ·Do you know how the mortgage on the Liberty 79:21· property was financed? 79:22· · · A· ·No. 79:23· · · Q· ·Do you know the source of funds used to maintain 79:24· the Liberty property? 79:25· · · A· ·No.				
80:14 Q· ·Okay· So, your understanding of ownership is 80:15· based upon, one, a conversation you had with your mother, 80:16· and, two, what you observed were the living arrangements 80:17· at the Liberty property; is that correct? 80:18· · · A· ·Correct.		Defendants do not waive their specific objections under Rules 602, 701, and 802 with respect to 80:14-18 (to be read only if other testimony is allowed by the Court).		Specific objection have been OVERRULED

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80:19· · · Q· ·Okay· Do you know who paid for the improvements 80:20· to the Liberty property? 80:21· · · A· ·I don't. 80:22· · · Q· ·Do you know how those improvements were financed? 80:23· · · A· ·I don't. 80:24· · · Q· ·Do you know who paid for the dog run? 80:25· · · A· ·No.				
83:1· · · Q· ·Did Ron or Annette ever tell you that Fortus 83:2· Property Group, LLC, paid cash to close the Liberty 83:3· property? 83:4· · · · · MS. GOLDEN:· Objection; misstates the evidence. 83:5· · · Q· ·BY MR. INGRAM:· You can answer. 83:6· · · A· ·No. 83:7· · · Q· ·Do you have any facts or information to dispute 83:8· this? 83:9· · · A· ·No. 83:10· · · Q· ·Did Ron or Annette ever tell you that Heng Cheong 83:11· Pacific Limited or Mrs. Chen loaned money for the purchase 83:12· of the liberty property? 83:13· · · · · MS. GOLDEN:· Objection -- 83:14· · · · · THE WITNESS:· No. 83:15· · · · · MS. GOLDEN:· -- misstates the evidence.		The United States maintains its form objections as transcribed at 83:1–83:4 83:10–18, and 84:6–9. The Court will hear the evidence to be adduced at trial on these points.		OVERRULED

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83:16· MR. INGRAM:· What was that? 83:17· MS. GOLDEN:· I said, objection; misstates the 83:18· evidence. 83:19· MR. INGRAM:· And what was her answer? 83:20· THE WITNESS:· No. 83:21· . . Q· BY MR. INGRAM:· Do you have any facts or 83:22· information to dispute this? 83:23· . . A· No. 83:24· . . Q· Did Ron and Annette ever tell you that the loans 83:25· from Heng Cheong Pacific Limited are personally guaranteed 84:1· by John Wadsworth? 84:2· . . A· No. 84:3· . . Q· Do you have any facts or information to dispute 84:4· this? 84:5· . . A· No. 84:6· . . Q· Did Ron or Annette ever tell you that Fortus 84:7· Property Group, LLC, has made payments on the loans from 84:8· Heng Cheong Pacific Limited? 84:9· MS. GOLDEN:· Objection; misstates evidence. 84:10· THE WITNESS:· No. 84:11· . . Q· BY MR. INGRAM:· Do you have any facts or 84:12· information to dispute this? 84:13· . . A· No.				

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91:10 MR. INGRAM: Just another preservation that I'm 91:11 also going to exclude testimony based upon Federal Rule of 91:12 Civil Procedure 602, lack of personal knowledge or 91:13 foundation on most, if not everything, she's testified to 91:14 regarding alleged ownership. 91:15 MS. GOLDEN: You mean evidence rule 602? 91:16 MR. INGRAM: Yes.				

Instructions: One form should contain all designations for a witness. Plaintiff Designations (column 1) and Defendant Designations (column 2) will show the full deposition text that the party proposes to read in its case-in-chief. Completeness designations are proposed by the other party, under [Fed. R. Civ. P. 32\(a\)\(6\)](#), to be read with the designations. Counter-designations are read following the designations and completeness designations, similar to cross examination. This form should be provided in word processing format to the other party, who then will continue to fill in the form. The form is then returned to the proposing party for review, resolution of disputes, and further editing. The parties should confer and file a final version in PDF format using the event “Notice of Filing” and also submit a final word processing copy to the court at dj.nuffer@utd.uscourts.gov, for ruling.

All objections which the objecting party intends to pursue should be listed, whether made at the deposition, as with objections as to form, or made newly in this form, if the objection is of a type that was reserved.

Case Name United States v. Talmage, et. al Case Number 1:16-cv-19-DN-PMW Deposition of Korianton Talmage taken July 19, 2018				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
PLAINTIFF DESIGNATIONS	DEFENDANT -DESIGNATIONS			
5:1 KORANTON TALMAGE, 5:2 was called as a witness, and having been first duly sworn 5:3 to tell the truth, the whole truth, and nothing but the 5:4 truth, testified as follows: 5:5 5:6 EXAMINATION 5:7 BY MS. GOLDEN: 5:8 Q. Good morning. Could you please state your full 5:9 name for the record. 5:10 A. Korianton Edward Talmage. 5:11 Q. Are you known by any other names? 5:12 A. Kory.	5:13 Q. What is your current address? 5:14 A. I don't know it off -- you know, I don't 5:15 remember it. I just recently moved, so. 5:16 Q. What city, state and country? 5:17 A. It's in Tokyo. 5:18 Q. How long have you lived in Japan? 5:19 A. Most of my life. Let's see, like, yeah, just 5:20 most of my life. 5:21 Q. This most recent iteration, when did you start 5:22 living in Japan? 5:23 A. About 15 years ago. 5:24 Q. Have you ever lived in Utah before? 5:25 A. Yes. 6:1 Q. Went was that? 6:2 A. When I was in university. 6:3 Q. Can you give me the approximate years? 6:4 A. 2000 to 2003. 6:5 Q. And since then you've lived in Japan? 6:6 A. Yes.			
9:2 Q. Can you briefly summarize your work background 9:3 since you graduated from college? 9:4 A. Okay. So I started out as the IT guy for a	8:1 Q. What did you do to prepare for this deposition? 8:2 A. I met with my attorney. 8:3 Q. Did you meet with anybody else to prepare? 8:4 A. No.			

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9:5 company, and did that for about 13 years. And then I 9:6 became a freelancer translator, and I also taught 9:7 English. That's about it. 9:8 Q. The freelance work in English teaching, is that 9:9 in Japan? 9:10 A. Yes. 9:11 Q. What about the company that you worked for for 9:12 13 years, what company was that? 9:13 A. It was WWIS Limited.	8:5 Q. Did you speak to Mr. Ingram prior to this 8:6 deposition? 8:7 A. No. 8:8 Q. Did you speak to John Wadsworth in preparation 8:9 for this deposition? 8:10 A. No. 8:11 Q. Did you review any documents in preparation for 8:12 this deposition? 8:13 A. No. 8:14 Q. Did you review the draft letters rogatory the 8:15 United States prepared to compel your testimony in Japan? 8:16 A. No.			
9:20 Q. What line of business was the company in?				
9:22 THE WITNESS: Investments.				
10:2 Q. Do you know who owned the company? 10:3 A. On paper? Liu Hsiu Chen. 10:4 Q. Who ultimately owned the company, then, in 10:5 substance?				
10:8 THE WITNESS: I don't know. 10:9 BY MS. GOLDEN: 10:10 Q. Did you have a title when you did the IT work 10:11 for WWIS? 10:12 A. No official title. 10:13 Q. Can you describe the kind of IT duties that you				

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10:14 performed for WWIS? 10:15 A. Yes. So I was in charge of managing the 10:16 servers, and any kind of security system, and e-mail 10:17 servers and hardware. 10:18 Q. Where did you work? 10:19 A. In Japan. 10:20 Q. The entire 13 years this IT work you did was 10:21 all in Japan? 10:22 A. Yes.				
11:10 Q. You said it was in investments. Can you 11:11 elaborate more on that answer?				
11:14 THE WITNESS: Investment fund where people will 11:15 send money to invest. 11:16 BY MS. GOLDEN: 11:17 Q. It ran an investment fund? 11:18 A. Yes, that's what I was told. 11:19 Q. Who told you that? 11:20 A. Ronald Talmage. 11:21 Q. Who is Ronald Talmage? 11:22 A. He's my father. 11:23 Q. I take it you've known him your whole life? 11:24 A. Yes. 11:25 Q. How would you characterize your relationship 12:1 with your father?				
12:3 THE WITNESS: Which timeframe are you referring 12:4 to?	13:5 Q. Why did you make the decision about two years			

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12:5 BY MS. GOLDEN: 12:6 Q. Let's start with present day. 12:7 A. Presently, I have no -- absolutely no contact 12:8 with him. And I don't want to have contact with him. 12:9 Q. And when did you stop having contact with your 12:10 dad? 12:11 A. Approximately two years ago. 12:12 Q. Prior to that, how was your relationship with 12:13 Ronald Talmage? 12:14 A. Not -- probably not a normal father-and-son 12:15 relationship. 12:16 Q. Why do you say that? 12:17 A. It's hard to explain. Sorry, I don't know how 12:18 to explain it. I'm not -- I don't know how to say. 12:19 Q. Well, can you maybe elaborate more on why you 12:20 feel it wasn't a normal relationship? 12:21 A. Because I lived in Japan and he didn't. So the 12:22 only communication that we had was basically by e-mail or 12:23 on the phone. And, I guess, because I didn't enjoy being 12:24 around him. 12:25 Q. What about him made you not enjoy being around	13:6 ago to cut off contact with your father? 13:7 A. Because I found out that he was a fraud. 13:8 Q. Can you elaborate more on that? 13:9 A. Yes. So as you know, I worked for WWIS, and 13:10 through -- I don't know how much I should elaborate, but 13:11 I found out that he was running a, you know, fraudulent 13:12 scheme, and was being dishonest.	Objection to 13:11–12 under Rules 602 and 701. In his testimony at 120:3-121:18, Kory Talmage explains that this opinion is based on his personal knowledge and perceptions, including information and documents he reviewed while investigating Ronald Talmage's scheme in Hong Kong.		OVERRULED

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13:1 him? 13:2 A. His character. 13:3 Q. What's his character like? 13:4 A. Fake.				
13:24 Q. As far as you know, what was Ron Talmage's role 13:25 at WWIS?				
14:2 THE WITNESS: As far as I know, he was managing 14:3 finances. 14:4 BY MS. GOLDEN: 14:5 Q. When was the last time you spoke or had contact 14:6 with your father? 14:7 A. Two years ago. 14:8 Q. What did you discuss at that time? 14:9 A. I wanted him to come clean. 14:10 Q. What was -- 14:11 A. Admit to the scams and the fraud he was 14:12 committing. 14:13 Q. What was your dad's response? 14:14 A. He denied it. 14:15 Q. In this final conversation you had with your 14:16 father, did it take -- how did it take place? Meaning, 14:17 was it on the phone or by e-mail? 14:18 A. The final, final conversation was I was telling				

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<p>14:19 him to get away from me. It was in person. 14:20 Q. Where in person? 14:21 A. Where? 14:22 Q. Sorry, that was a -- 14:23 A. Location? 14:24 Q. -- that was a bad question. 14:25 Where did this in-person conversation take 15:1 place? 15:2 A. It was in Liberty, Utah. 15:3 Q. What kind of property in Liberty, Utah did this 15:4 take place at? 15:5 A. It was a home.</p>				
<p>15:7 THE WITNESS: Residential property. Outside, 15:8 not inside. 15:9 BY MS. GOLDEN: 15:10 Q. Who was living at that residential property at 15:11 the time of this conversation?</p>				
<p>15:14 THE WITNESS: At the time, I didn't think 15:15 anyone was living there. 15:16 BY MS. GOLDEN: 15:17 Q. Did you later find out that somebody was? 15:18 A. Yes, I later found out that Ronald Talmage was 15:19 living there. 15:21 Do you know where Ronald Talmage is currently 15:22 living? 15:23 A. No.</p>				

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15:24 Q. Do you have any current contact information for 15:25 him? 16:1 A. No. Like I said, I haven't talked to him or 16:2 seen him for two years. No contact whatsoever. 16:3 Q. Can you think of anyone who might know where 16:4 Ronald Talmage is living? 16:5 A. No. 16:6 Q. Can you think of anyone who might know how to 16:7 contact him? 16:8 A. No.				
16:14 Q. Do you know what Ronald Talmage does for work?				
16:16 THE WITNESS: Now? 16:17 BY MS. GOLDEN: 16:18 Q. Yes. 16:19 A. No. 16:20 Q. Have you ever previously known what he does for 16:21 work? 16:22 A. Previously, yes. 16:23 Q. And what was -- what kind of work was that?				
16:25 THE WITNESS: I said this earlier, he was 17:1 managing finances. 17:2 BY MS. GOLDEN: 17:3 Q. For WWIS? 17:4 A. Yes. 17:5 Q. As far as you know, how long had he managed the				

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17:6 finances for WWIS?				
17:8 THE WITNESS: As long as I was working there. 17:9 BY MS. GOLDEN: 17:10 Q. You said you were there 13 years. I'm going to 17:11 try to put some approximate years on that. 17:12 So is it 2003 to 2016; is that right? 17:13 A. Yeah. 17:14 Q. Where was WWIS located? 17:15 A. In Hong Kong. 17:16 Q. Where did it conduct business? 17:17 A. In Hong Kong.				
18:1 BY MS. GOLDEN: 18:2 Q. Are there any other entities associated with 18:3 the WWIS investment business? 18:4 A. Yes. 18:5 Q. Which ones? 18:6 A. HCPL. 18:7 Q. What does that stand for? 18:8 A. I don't remember. 18:9 Q. Does Heng Cheong Pacific Limited ring a bell? 18:10 A. Yes, it does. 18:11 Q. Now, how do you know that HCPL is associated 18:12 with WWIS? 18:13 A. Because I was told that. 18:14 Q. Who told you that?				

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18:15 A. I believe it was Ronald Talmage.				
18:20 Q. Who else worked for WWIS?				
18:22 THE WITNESS: You mean who was an employee? 18:23 BY MS. GOLDEN: 18:24 Q. Yes. 18:25 A. I don't remember their names. 19:1 Q. Do you recall how many people worked for WWIS? 19:2 A. A handful. 19:3 Q. As far as you know, what was their -- what was 19:4 their role? 19:5 A. As far as I know, they were doing office work. 19:6 Q. And what do you mean by "office work"? 19:7 A. I don't know. I don't know what they were 19:8 doing in the office. They were working in the office. 19:9 Q. Okay. By "office work," you mean you -- did 19:10 you observe them being present in the office -- 19:11 A. Yes. 19:12 Q. -- doing work? 19:13 A. I have observed them doing that, yeah. 19:14 Q. Do you have any idea what the substance of the 19:15 kind of work they did?				

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19:16 A. Not in detail, I don't. 19:17 Q. Do you have a general sense of the kind of work 19:18 they did? 19:19 A. Make documents or something. I'm not sure. 19:20 Q. Sorry, what was that, "make documents"? 19:21 A. Making documents. 19:22 Q. Do you know what kind of documents they made? 19:23 A. No, I don't.				
20:16 Q. Just to clarify, earlier you had said that as 20:17 far as you know, Ron Talmage's job for WWIS was that he 20:18 managed finances. Did I get that accurately? 20:19 A. Yes.	20:8 Q. Do you know who founded WWIS? 20:9 A. I don't know. 20:10 Q. Do you know how much money Ronald Talmage made 20:11 working for WWIS? 20:12 A. No.			
21:2 Q. As far as you know, has Ronald Talmage ever run 21:3 a business?				
21:6 THE WITNESS: Are you asking me if he was part 21:7 of running a business or if he was in charge of running a 21:8 business? 21:9 BY MS. GOLDEN: 21:10 Q. In charge of? 21:11 A. I don't know. 21:12 Q. Okay. As far as you know, has he ever been 21:13 part of running a business?				

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22:5 Q. As far as you know, has Ronald Talmage ever 22:6 worked with high net-worth individuals in Asia?				
22:10 THE WITNESS: As far as I know, yes. 22:11 BY MS. GOLDEN: 22:12 Q. What kind of work? 22:13 A. Again, investments. 22:14 Q. When did Ronald Talmage work with these high 22:15 net-worth individuals?				
22:17 THE WITNESS: I don't know exactly when. 22:18 BY MS. GOLDEN: 22:19 Q. Can you give an approximate timeframe?				
22:21 THE WITNESS: From when I was young to when I 22:22 started working for him. 22:23 BY MS. GOLDEN: 22:24 Q. And you were young, is that the 1980s? 22:25 A. I believe so, yes. 23:1 Q. That's 1980s to about 2003? 23:2 A. No, I mean beyond 2003. 23:3 Q. Oh, beyond. Okay. So when did -- as far as 23:4 you know, when did Ronald Talmage stop working with high 23:5 net-worth individuals in Asia?				
23:8 THE WITNESS: I don't know, because I left the				

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23:9 company. 23:10 BY MS. GOLDEN: 23:11 Q. Just now you said you worked for your father? 23:12 A. I worked for WWIS. 23:13 Q. When you worked for WWIS, who did you report 23:14 to? 23:15 A. It depends on the time, I guess. I reported 23:16 back to staff in the Hong Kong office, or I reported to 23:17 my father, Ronald Talmage. 23:18 Q. For what time did you report to -- is it Stef? 23:19 A. Staff. 23:20 Q. Oh, staff. 23:21 When did you report to staff in Hong Kong? 23:22 A. When -- are you talking about what kind of 23:23 situation or timeframe? 23:24 Q. Both. But let's break that down. 23:25 When -- during what timeframe did you report to 24:1 staff in Hong Kong? 24:2 A. When I was working for them. 24:3 Q. And in what situations would you report to 24:4 staff in Hong Kong? 24:5 A. So I was managing IT. When there was				

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24:6 IT-related things that I needed to address, I would 24:7 report to them. 24:8 Q. During what timeframe did you report to your 24:9 father? 24:10 A. Same. During -- like I said, depended on what 24:11 I was working on, what IT-related thing I was working on. 24:12 Q. In what situations would you report to your 24:13 father instead of staff in Hong Kong? 24:14 A. You want like in specific situations? 24:15 Q. Like something that isn't - - might serve as an 24:16 example or a general description. 24:17 A. Okay. I'll give you an example. If, for 24:18 example, the e-mail server wasn't working, I would report 24:19 to him and walk him through troubleshooting. 24:20 Q. Did you ever do any work for WWIS that was not 24:21 IT related? 24:22 A. No. 24:23 Q. Who was your supervisor when you worked for 24:24 WWIS? 24:25 A. I was -- I was managing -- I was the head of IT 25:1 I guess you can say.				

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25:2 Q. So you didn't have a supervisor? 25:3 A. No. 25:4 Q. Who was the head of WWIS?				
25:7 THE WITNESS: At the time, I thought it was 25:8 Ms. Liu Chen. 25:9 BY MS. GOLDEN: 25:10 Q. Later what made you change that belief? 25:11 A. When I found out Ronald Talmage was running a 25:12 fraudulent scheme, I found out that Ms. Chen was simply a 25:13 front. 25:14 Q. You mentioned that from when you were young 25:15 until sometime relatively recently that your father 25:16 worked in the investment -- sorry, worked with high 25:17 net-worth individuals in Asia. Before WWIS, do you know 25:18 where he worked? 25:19 A. Yes, I do. 25:20 Q. Where? 25:21 A. He worked for -- let me try to remember the 25:22 name. Rothschild. 25:23 Q. What kind of a company was Rothschild? 25:24 A. You'll have to ask them, I don't know. I mean, 25:25 I think they did investments, but.				

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26:1 Q. Do you know if they were a 26:2 bank or a hedge fund 26:3 or what type of company? 26:3 A. I can give you what I 26:4 assume they did. I don't 26:4 know for sure, though. 26:5 Q. So tell me what your 26:6 understanding is of what 26:6 Rothschild did. 26:7 A. They were an investment 26:8 bank.				
30:8 Q. As far as you know, has 30:9 Ronald Talmage ever 30:10 worked as an investment advisor 30:11 in Asia? 30:10 A. What is your definition of 30:11 "investment 30:12 advisor"? 30:12 Q. Like, speaking generally, 30:13 like would he -- 30:13 somebody who either gives 30:14 people advice on how to invest 30:14 their money, or solicits money 30:15 from them to then manage? 30:15 A. Yes, I believe he did both 30:16 of those.	27:23 Q. Did you have any personal 27:24 involvement in the 27:24 foundation fund? 27:25 A. If I was managing or not? Or 27:26 if I had money 27:27 put in there? 27:28 Oh, I see. Well, let's -- were you 27:29 involved in 27:30 managing the foundation fund? 27:31 A. No.			
30:22 Q. Sure. What kind of 30:23 investment advisory work 30:24 did Ronald Talmage do?				
31:1 THE WITNESS: The two 31:2 examples you mentioned 31:3 earlier when I asked you what the 31:4 definition is, is what 31:5 he did. 31:6 BY MS. GOLDEN:				

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31:5 Q. Did he do this individually or with a company?				
31:7 THE WITNESS: What I believe is he did it 31:8 representing a company. 31:9 BY MS. GOLDEN: 31:10 Q. What company was that? 31:11 A. WWIS Limited.				
32:7 Q. How much were you paid for your IT work for 32:8 WWIS? 32:9 A. I don't remember in detail, but when I first 32:10 started it was about -- it was in Japanese yen. But if 32:11 it was U.S. dollars, it would be about 4,000 U.S. dollars 32:12 a month. And over the years it went up a little bit, to 32:13 about 5,000 something. 32:14 Q. So by the time you left WWIS in about 2016, 32:15 your salary was 5,000 a month? 32:16 A. Approximately, yes. 32:17 Q. How was your salary paid to you? 32:18 A. It was wired into a bank account in Japan. 32:19 Q. That's your personal bank account in Japan? 32:20 A. Yes.				
33:2 Q. Sure. What company did the wires come from? 33:3 A. WWIS Limited.				

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<p>33:4 Q. And do you know where the bank account for WWIS</p> <p>33:5 was located?</p> <p>33:6 MR. STEPHENS: Are you asking physically or</p> <p>33:7 which bank?</p> <p>33:8 MS. GOLDEN: Both.</p> <p>33:9 THE WITNESS: I would assume it was coming from</p> <p>33:10 Hong Kong, because the company is based in Hong Kong.</p> <p>33:11 BY MS. GOLDEN:</p> <p>33:12 Q. Did you ever look at the wire transfer deposits</p> <p>33:13 in your, say, bank account statement?</p> <p>33:14 A. Of course.</p> <p>33:15 Q. And when you looked at it, then where would it</p> <p>33:16 say the money was coming from?</p> <p>33:17 A. From WWIS Limited.</p> <p>33:18 Q. But based on looking at the deposits on your</p> <p>33:19 own bank statements, you couldn't tell where WWIS --</p> <p>33:20 where WWIS's bank account was located?</p> <p>33:21 A. Like I said, I think it was Hong Kong.</p>				
<p>34:8 Q. Do you have any idea what your father did in</p> <p>34:9 response to the tax fine?</p> <p>34:10 A. I know that he's been running.</p>				

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34:11 Q. What do you mean by "running"? 34:12 A. Hiding. Avoiding to have the pay the fines, I 34:13 guess. 34:14 Q. As far as you know, has Ron been in touch with 34:15 anybody else in your family? 34:16 A. As far as I -- as far as I know, he hasn't.				
34:23 Q. As far as you know, has Ronald Talmage ever put 34:24 property or money in other people's names so that it's 34:25 less traceable to him?				
35:2 THE WITNESS: I can make assumptions that he 35:3 did. I believe he did --				
35:7 Q. Can you elaborate more on why you believe 35:8 Ronald Talmage put -- may have put property in other 35:9 people's names? 35:10 A. Yes. As I mentioned earlier, he was using 35:11 Ms. Chen as a front, so, which means he was using her 35:12 name.				
37:17 Q. Is Ronald Talmage a dog enthusiast? 37:18 A. Yes. 37:19 Q. Does he like any particular breed of dog?				

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37:20 A. When I knew him, when I still had contact with 37:21 him, he liked Irish Setters. 37:22 Q. Does he often keep dogs at the places where he 37:23 lives? 37:24 A. He does. I don't know if he does now, but he 37:25 used to. 38:1 Q. Can you recall the names of any dogs that 38:2 Ronald Talmage had? 38:3 A. Suzy, Mojo, Chrissy. Suzy and Chrissy, by the 38:4 way, were Irish Setters that I grew up with. That's why 38:5 I know. There were many others, but I don't remember the 38:6 names. 38:7 Q. Is Ronald Talmage a horse enthusiast? 38:8 A. I believe he is. 38:9 Q. And does he often keep horses at the places 38:10 that he lives? 38:11 A. Back when I had contact with him, he used to. 38:12 I don't know if he still does. 38:13 Q. Can you recall the names of any horses that 38:14 Ronald Talmage had? 38:15 A. No. 38:16 Q. Do you know Annette Talmage? 38:17 A. Yes.				

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38:18 Q. Who is she? 38:19 A. She is Ron Talmage's wife. 38:20 Q. Is she also your mother? 38:21 A. My stepmother. 38:22 Q. How long have you known Annette? 38:23 A. Since she married Ronald Talmage. 38:24 Q. What year was that? 38:25 A. I don't remember. 39:1 Q. Have they been married more than ten years? 39:2 A. I think so. 39:3 Q. More than 20 years? 39:4 A. No.				
39:7 Q. What's your current relationship with Annette 39:8 like? 39:9 A. Just like Ron, I haven't been in touch with her 39:10 for over -- for at least two years. 39:11 Q. Why is that? 39:12 A. Because I severed ties with Ronald Talmage. 39:13 Q. When is the last time you spoke to or had 39:14 contact with Annette? 39:15 A. The same time I last spoke to Ronald Talmage. 39:16 Q. That was the in-person conversation in Liberty, 39:17 Utah? 39:18 A. Yes.				

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39:19 Q. What did you and Annette discuss? 39:20 A. We didn't really discuss anything. I just 39:21 remember her yelling.				
40:10 Q. What is Annette's relationship with Ron like? 40:11 A. That's kind of hard to describe. I don't think 40:12 it's a typical husband-and-wife relationship. 40:13 Q. Why do you say that? 40:14 A. Because Ronald Talmage is very controlling. 40:15 Q. What is Annette's personality like? 40:16 A. It's kind of hard to describe. She's -- when I 40:17 still had contact with her, she was kind of a kind 40:18 person, I guess.				
42:23 Q. Is Annette fond of horses? 42:24 A. I believe so. 42:25 Q. And does she often keep horses at the places 43:1 she lives? 43:2 A. Same answer. She lived with Ronald at the 43:3 time. I don't know what they do now but, so, yes.				
43:7 Q. Do you know a person called Liu Hsiu Chen or 43:8 Mrs. Chen? 43:9 A. Yes, I actually mentioned her earlier.				

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43:10 Q. And who is Mrs. Chen? 43:11 A. A Taiwanese woman. 43:12 Q. About how old is she? 43:13 A. My guess is she's in her 60s. 43:14 Q. How do you know her? 43:15 A. From introduction. I was introduced to her. 43:16 Q. And when did the introduction take place? 43:17 A. I don't remember the exact date. 43:18 Q. Was it more than ten years ago? 43:19 A. Yes. 43:20 Q. Was it more than 20 years ago? 43:21 A. Probably not. 43:22 Q. Who introduced you to Mrs. Chen? 43:23 A. Ronald Talmage. 43:24 Q. Where did that introduction take place? 43:25 A. I -- I don't remember where we first met. 44:1 Q. Was it in the United States? 44:2 A. No. 44:3 Q. Was it in Japan? 44:4 A. Most likely, yes. 44:5 Q. What was discussed at that introduction? 44:6 A. I don't remember. 44:7 Q. I'm going to show you a document that's				

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<p>44:8 previously been marked as Exhibit 89.</p> <p>44:9 Is Mrs. Chen in this photo?</p> <p>44:10 A. Yes.</p> <p>44:11 Q. Can you identify her and describe what she's</p> <p>44:12 wearing?</p> <p>44:13 A. She is the one with the white hat.</p> <p>44:14 Q. Are Ronald and Annette Talmage in this photo?</p> <p>44:15 A. Yes.</p> <p>44:16 Q. Can you identify them and describe what they</p> <p>44:17 are wearing?</p> <p>44:18 A. So Ronald is standing behind Mrs. Chen with a</p> <p>44:19 white shirt, and Annette is standing next to Ronald with</p> <p>44:20 the black sunglasses.</p> <p>44:21 Q. Do you recognize any of the other people in the</p> <p>44:22 photo?</p> <p>44:23 A. Yes, I believe this person with red hair is</p> <p>44:24 Penny. Penny Nunnally.</p> <p>44:25 Q. That's the woman standing next to Annette?</p> <p>45:1 A. Yes.</p> <p>45:2 Q. Do you recognize anybody else?</p> <p>45:3 A. I'm not certain, but this man holding the dog</p> <p>45:4 might be Penny's son. I'm not sure though.</p>				

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<p>45:7 Q. What's your current relationship with Mrs. Chen</p> <p>45:8 like?</p> <p>45:9 A. I don't have a relationship with her. I</p> <p>45:10 haven't seen her for -- I haven't seen her or talked to</p> <p>45:11 her for two years.</p> <p>45:12 Q. When was the last time you spoke to or had</p> <p>45:13 contact with Mrs. Chen?</p> <p>45:14 A. The last time would be approximately two years</p> <p>45:15 ago when I went to see her in Taiwan.</p> <p>45:16 Q. What did you discuss at that time?</p> <p>45:17 A. I explained to her that Ron, Ronald Talmage had</p> <p>45:18 been running a fraud, a scam.</p>		<p>Objection to 45:17–18 under Rules 602 and 701.</p> <p>In his testimony at 120:3-121:18, Kory Talmage explains that this opinion is based on his personal knowledge and perceptions, including information and documents he reviewed while investigating Ronald Talmage's scheme in Hong Kong.</p>		OVERRULED
<p>45:23 Q. Prior to that conversation two years ago in</p> <p>45:24 Taiwan, how often did you keep in touch with Mrs. Chen?</p>				
<p>46:2 THE WITNESS: I would maybe see her once a</p> <p>46:3 year.</p> <p>46:4 BY MS. GOLDEN:</p> <p>46:5 Q. Was that in person?</p> <p>46:6 A. Yes.</p> <p>46:7 Q. Where did you see her?</p> <p>46:8 A. I've seen her in Taiwan, and I've seen her in</p> <p>46:9 the U.S.</p> <p>46:10 Q. Where in the U.S.?</p>				

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46:11 A. Depends on which year. 46:12 Q. Can you name the various places in the U.S. 46:13 you've met with Mrs. Chen? 46:14 A. In Oregon and in Utah. 46:15 Q. And Oregon, was that at the Corbett property 46:16 that you mentioned earlier? 46:17 A. Yes, I met her there. And it wasn't always in 46:18 the property, but yes. 46:19 Q. And what about in Utah? Where did you meet 46:20 Mrs. Chen? 46:21 A. I've met her at a rodeo. I've met her at the 46:22 Liberty property. And I've met her at, like, 46:23 restaurants, where, you know, wherever Ron took her. 46:24 Q. Who else was present when you met with 46:25 Mrs. Chen? 47:1 A. Ronald Talmage and Annette Talmage. 47:2 Q. Anybody else? 47:3 A. Sometimes I would be traveling with my family, 47:4 so my family.				
47:24 Q. And does Mrs. Chen speak English? 47:25 A. Very little English. Hardly any. 48:1 Q. When you've spoken to her, what language did				

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48:2 the two of you use to communicate? 48:3 A. Mostly Japanese. 48:4 Q. And what about when she spoke to your father, 48:5 what language did they communicate in? 48:6 A. If I remember correctly, in Japanese. 48:7 Q. What does Mrs. Chen do for work?				
48:9 THE WITNESS: I don't know.				
48:25 Q. So before that discovery, what was your 49:1 understanding of what Mrs. Chen did for work? 49:2 A. My understanding was that she was acting 49:3 chairman. 49:4 Q. Acting chairman of what? 49:5 A. Of the company I worked for. 49:6 Q. WWIS? 49:7 A. Yes. 49:8 Q. As far as you understood, was Mrs. Chen in 49:9 charge of any other companies? 49:10 A. I believe she was also like in charge, chairman 49:11 or something of HCPL. But that might be inaccurate. 49:12 That might just be what I thought. 49:13 Q. Any other companies?				

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49:14 A. Not that I can remember, no. 49:15 Q. And after 2016, and your discovery that year, 49:16 what's your understanding of what Mrs. Chen did for work? 49:17 A. Nothing. She just lent her name. 49:18 Q. You said, "lent her name"? 49:19 A. Yes. 49:20 Q. And why did she agree to do that?				
49:23 THE WITNESS: From the information I got after 49:24 2016, she was being paid. 49:25 /// 50:1 BY MS. GOLDEN: 50:2 Q. Who paid her? 50:3 A. Ronald Talmage.				
50:6 Q. How do you know Ron paid her? 50:7 A. I believe that that's what she said. 50:8 Q. That's what she told you?				
50:10 THE WITNESS: Yes.				
51:7 Q. What is Mrs. Chen's relationship with Ronald 51:8 Talmage?				
51:12 THE WITNESS: Like friends and a business 51:13 relationship. 51:14 BY MS. GOLDEN:				

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<p>51:15 Q. And what's the basis for your current</p> <p>51:16 understanding as to this relationship?</p> <p>51:17 A. Basis is from what I saw at the time.</p> <p>51:18 Q. Is this what you observed while working for</p> <p>51:19 WWIS?</p> <p>51:20 A. Yes.</p> <p>51:21 Q. Is it also based on your personal relationship</p> <p>51:22 with Ronald Talmage?</p> <p>51:23 A. Yes.</p> <p>51:24 Q. How did Mrs. Chen and Ronald Talmage meet?</p>				
<p>52:1 THE WITNESS: I believe they met through</p> <p>52:2 Mrs. Chen's husband. An introduction from the husband.</p> <p>52:3 BY MS. GOLDEN:</p> <p>52:4 Q. What's Mrs. Chen's husband's name?</p> <p>52:5 A. Mr. Seki.</p> <p>52:6 Q. Can you spell that?</p> <p>52:7 A. S-E-K-I.</p> <p>52:8 Q. How did Mr. Seki know Ron?</p> <p>52:9 A. Are you asking me how they met?</p> <p>52:10 Q. Yes.</p> <p>52:11 A. I don't know.</p> <p>52:12 Q. What was -- what was their relationship?</p>				

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<p>52:13 Meaning, were they friends, business, you know,</p> <p>52:14 acquaintances, anything else?</p> <p>52:15 A. So from the knowledge I have now, Mr. Seki was</p> <p>52:16 another one of Ron's, I guess, puppets, you know, he was</p> <p>52:17 using. Ron was using Mr. Seki's name.</p> <p>52:18 Q. Previously what was your understanding of</p> <p>52:19 Mr. Seki's relationship with Ronald Talmage?</p> <p>52:20 A. So I grew up being told by Ronald Talmage that</p> <p>52:21 Mr. Seki was a very high net-worth wealthy individual.</p> <p>52:22 Q. Based on what you know now, do you believe that</p> <p>52:23 is true?</p> <p>52:24 A. What are you talking about when you say is it</p> <p>52:25 true?</p> <p>53:1 Q. That Mr. Seki was a wealthy high-net worth</p> <p>53:2 individual?</p> <p>53:3 A. He wasn't wealthy.</p> <p>53:4 Q. What about Mrs. Chen? Is she a wealthy</p> <p>53:5 high-net worth individual?</p> <p>53:6 A. No.</p> <p>53:7 Q. How do you know about Mr. Seki introducing</p> <p>53:8 Mrs. Chen to Ron?</p>				

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<p>53:9 A. At one point Ronald Talmage told me.</p> <p>53:10 Q. And how long has Mrs. Chen known Ron?</p> <p>53:11 A. I don't know.</p> <p>53:12 Q. Thinking back to your childhood, let's say the</p> <p>53:13 1980s, did Mrs. Chen know Ronald Talmage at that time?</p> <p>53:14 A. 1980s I was a little boy, I don't remember.</p> <p>53:15 Q. What about the -- what about the early 1990s?</p> <p>53:16 A. I had no interest in what my father was doing</p> <p>53:17 in business, so I don't know.</p> <p>53:18 Q. Well, at what point did you become aware that</p> <p>53:19 Mrs. Chen had this friends and business relationship with</p> <p>53:20 Ron Talmage?</p> <p>53:21 A. I don't remember the exact point when I found</p> <p>53:22 out.</p> <p>53:23 Q. Was it before you started working for WWIS?</p> <p>53:24 A. I don't remember.</p>				
<p>54:10 Q. Based on your meetings with Mrs. Chen and your</p> <p>54:11 familiarity with her, how knowledgeable is she about --</p> <p>54:12 how knowledgeable is she about the work that WWIS did?</p>				
<p>54:14 THE WITNESS: She had very little knowledge.</p>				

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54:16 Q. How do you know that? 54:17 A. So when John and I went to see her in Taiwan in 54:18 2016, I don't remember the exact questions we asked, but 54:19 when we asked her about the company, she didn't know very 54:20 much. 54:21 Q. Which company did you ask her about? 54:22 A. I don't know if we asked about a specific 54:23 company, but the assumption was WWIS. 54:24 Q. As far as you know, did Ronald Talmage ever 54:25 send out messages using Mrs. Chen's name?				
55:3 THE WITNESS: As far as I know, yes, he did. 55:4 BY MS. GOLDEN: 55:5 Q. And what kind of messages? 55:6 A. Like the content? Are you asking me about 55:7 like -- 55:8 Q. Both the medium and the content. 55:9 A. E-mail. 55:10 Q. And what was the content of those e-mails? 55:11 A. I don't know. 55:12 Q. As far as you know, did Ronald Talmage ever		Object to 55:12-19 under <u>Fed. R. Evid. 602</u> . Mr. Talmage's testimony is clear that he is "not certain" about the subject matter discussed here. Mr. Talmage is testifying that while he was in Hong Kong investigating a purported fraud by Ron Talmage, he "believes" that Ron forged Mrs. Chen's name. His belief is based on his own rational perception and is proper under Rules 602 and 701.		OVERRULED

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55:13 sign documents using Mrs. Chen's name?				
55:16 THE WITNESS: As far as I know, my knowledge is 55:17 very -- you know, it's been -- there's been so much time. 55:18 I believe he did, but I'm not certain anymore, because I 55:19 just don't care anymore. 55:20 BY MS. GOLDEN: 55:21 Q. How do you know that Ron sent out e-mails using 55:22 Mrs. Chen's name?				
55:25 THE WITNESS: As you know, I was head of IT. I 56:1 managed the e-mail servers. And when I started getting 56:2 suspicious about what he's up to in 2016, it was evident 56:3 that Mrs. Chen wasn't the one sending it. So my 56:4 assumption was that it's Ron, because he had access. 56:5 BY MS. GOLDEN: 56:6 Q. And why was it evident that Mrs. Chen wasn't 56:7 sending e-mails? 56:8 A. Mrs. Chen told me and John that she doesn't use 56:9 a computer.				
56:18 Q. How did you form the belief that Ron signed 56:19 documents using Mrs. Chen's name?		Object to 56:18-23 under <u>Fed. R. Evid. 602</u> . Mr. Talmage states that he is making an assumption about this based on the circumstances, not personal knowledge.		OVERRULED

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		<p>Mr. Talmage is testifying that while he was in Hong Kong investigating a purported fraud by Ron Talmage. Based on his own perception, he formed an opinion as to whether Ron Talmage was forging certain documents. This testimony is proper under Rules 602 and 701.</p>		
<p>56:21 THE WITNESS: Because Mrs. Chen had no idea 56:22 what was going on. And my conclusion was that Ron was 56:23 behind all of it.</p>		<p>Object to 56:18-23 under <u>Fed. R. Evid. 602</u>. Mr. Talmage states that he is making an assumption about this based on the circumstances, not personal knowledge.</p> <p>Mr. Talmage is testifying that while he was in Hong Kong investigating a purported fraud by Ron Talmage. Based on his own perception, he formed an opinion as to whether Ron Talmage was forging certain documents. This testimony is proper under Rules 602 and 701.</p>		OVERRULED
<p>57:3 Q. As far as you know, what was Mrs. Chen's 57:4 relationship with Annette Talmage? 57:5 A. I think they were friends.</p>				
<p>57:14 Q. I'd like to circle back to talk more about your 57:15 impression of Mrs. Chen prior to your 2016 discovery of</p>				

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<p>57:16 what you described as a fraud.</p> <p>57:17 Prior to that, what -- did you -- did you</p> <p>57:18 believe that Mrs. Chen was a wealthy woman?</p> <p>57:19 A. Yes, that's what I believed.</p> <p>57:20 Q. How did you come to that belief?</p> <p>57:21 A. That's what Ronald Talmage said to me. I mean,</p> <p>57:22 I had no reason to doubt him, he was my father. He is my</p> <p>57:23 father.</p> <p>57:24 Q. Prior to that, did you believe that Mrs. Chen</p> <p>57:25 had an active role in WWIS?</p> <p>58:1 A. I don't think she ever had an active role.</p> <p>58:2 Q. Well, prior to 2016, what was your</p> <p>58:3 understanding of Mrs. Chen's duties at WWIS?</p> <p>58:4 A. She was the chairman. She would kind of just</p> <p>58:5 oversee everything, but not really be part of the</p> <p>58:6 operation.</p> <p>58:7 Q. Prior to 2016, did you believe that Mrs. Chen</p> <p>58:8 was responsible for helping to solicit investors?</p> <p>58:9 A. I think I did believe that, yeah.</p>				

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58:10 Q. And how did you form that belief? 58:11 A. The fact that she was a chairman. I -- yeah, 58:12 that's why. 58:13 Q. Were -- when you -- you said you mentioned that 58:14 you met with Mrs. Chen about once a year in person at 58:15 various places. Were there ever any WWIS clients present 58:16 at those meetings? 58:17 A. No. 58:18 Q. Were those meetings business in nature or 58:19 personal in nature? 58:20 A. Personal.				
59:6 Q. When you worked for WWIS, did you ever interact 59:7 with the other employees that you mentioned? 59:8 A. In Hong Kong? 59:9 Q. I'm referring to earlier, I think you said you 59:10 have a few other employees at WWIS. 59:11 A. Yes. 59:12 Q. So what kind of interactions did you have with 59:13 them? 59:14 A. Well, I had to schedule visits to work on 59:15 computers and servers. 59:16 Q. Did you discuss anything else with them besides				

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59:17 IT? 59:18 A. No, it was always IT related. 59:19 Q. How often did you visit WWIS's office? 59:20 A. Maybe once a year. Depends on the year, 59:21 though. 59:22 Q. And when you visited the office, did you often 59:23 observe Ronald Talmage there? 59:24 A. No. 59:25 Q. Did you ever observe him there? 60:1 A. I have about once or twice, yes. 60:2 Q. And what was he doing? 60:3 A. He was having a meeting. 60:4 Q. Do you recall who he was meeting with? 60:5 A. Suzana. 60:6 Q. Who is Suzana? 60:7 A. A person that worked in Hong Kong. 60:8 Q. What was Suzana's role at WWIS? 60:9 A. I think she managed the office. 60:10 Q. And when you visited the WWIS office, did you 60:11 ever see Mrs. Chen there? 60:12 A. Never. 60:13 Q. If you only visited the WWIS office about once				

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<p>60:14 a year, how did you perform your IT work the rest of the</p> <p>60:15 year?</p> <p>60:16 A. Remotely.</p> <p>60:17 Q. How did you keep in touch with the other people</p> <p>60:18 at the company?</p> <p>60:19 A. E-mail. And sometimes by phone.</p> <p>60:20 Q. Did you manage any employees at WWIS?</p> <p>60:21 A. No.</p> <p>60:22 Q. Were you the only person in the IT group?</p> <p>60:23 A. Yes. It wasn't a very big company. We didn't</p> <p>60:24 need other IT staff.</p> <p>60:25 Q. You mentioned earlier that you were responsible</p> <p>61:1 for managing an e-mail server?</p> <p>61:2 A. Yes.</p> <p>61:3 Q. What happened to that e-mail server?</p> <p>61:4 A. I don't know. After I severed ties with the</p> <p>61:5 company, I don't know what happened.</p> <p>61:6 Q. What was stored on the e-mail server?</p> <p>61:7 A. E-mails.</p>				
<p>61:18 Q. If I recall correctly, earlier you mentioned</p> <p>61:19 that when you started getting suspicious about what Ron</p>				

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<p>61:20 was doing, you looked into some of the e-mails.</p> <p>61:21 Did I recall that correctly?</p> <p>61:22 A. I was never able to read the e-mails, though.</p> <p>61:23 Q. Oh. Why weren't you able to read the e-mails?</p> <p>61:24 A. The e-mails were all encrypted.</p> <p>61:25 Q. What do you mean by "encrypted"?</p> <p>62:1 A. We -- like I said, I was in charge of IT, so I</p> <p>62:2 set up an encryption system for the company.</p> <p>62:3 Q. How did that encryption system work?</p> <p>62:4 A. It was -- it's a software called PGP. And each</p> <p>62:5 person has their own encryption key and signature key.</p> <p>62:6 Do you want me to go into detail? I don't know</p> <p>62:7 if you're interested.</p> <p>62:8 Q. How about just a general example. So then if I</p> <p>62:9 wanted -- if I worked for WWIS and wanted to send an</p> <p>62:10 e-mail, it would be -- would it be automatically</p> <p>62:11 encrypted when I sent it?</p> <p>62:12 A. Yes. So there's a plug-in for the e-mail</p> <p>62:13 client on your computer, and you -- there's basically</p>				

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<p>62:14 buttons you can push to encrypt or decrypt or sign.</p> <p>62:15 Q. So if I worked for WWIS and I want to send an</p> <p>62:16 encrypted e-mail, I would just push the encrypt button</p> <p>62:17 and then --</p> <p>62:18 A. Once it's set up, yes.</p> <p>62:19 Q. Okay. And then let's say if I received one of</p> <p>62:20 these encrypted e-mails, how would I decrypt it?</p> <p>62:21 A. You click on decrypt and type in your pass</p> <p>62:22 phrase.</p> <p>62:23 Q. Okay. Do I need -- do you need to get the pass</p> <p>62:24 phrase from the sender of the e-mail?</p> <p>62:25 A. No, it's your personal pass phrase. So the</p> <p>63:1 sender has your private -- not private, sorry -- public</p> <p>63:2 keys, and they encrypt with your public keys. And once</p> <p>63:3 it's sent to you, you decrypt with your private keys.</p> <p>63:4 Q. So when you looked at the e-mails on the</p> <p>63:5 server -- I understand you couldn't open any of them --</p> <p>63:6 were you able to glean any data about those e-mails, such</p> <p>63:7 as who they were from?</p> <p>63:8 A. Can I correct something?</p>				

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<p>63:9 Q. Yes.</p> <p>63:10 A. I was able to look at them, but they were all,</p> <p>63:11 you know, just gibberish. I can't read it because it was</p> <p>63:12 encrypted.</p> <p>63:13 Q. They're encrypted. Okay.</p> <p>63:14 Does that mean -- were you able to see who sent</p> <p>63:15 the e-mails?</p> <p>63:16 A. Yes. I can see the sender and the receiver.</p> <p>63:17 Q. Well, who -- from what you observed, who were</p> <p>63:18 the senders on the e-mails?</p> <p>63:19 A. There were a lot of people.</p> <p>63:20 Q. Can you name the various people who --</p> <p>63:21 A. Ronald Talmage, John Wadsworth.</p> <p>63:22 Q. Anybody else?</p> <p>63:23 A. The staff in the Hong Kong office and, you</p> <p>63:24 know, anyone that they would send e-mail to and receive.</p> <p>63:25 Q. Okay. What about the recipients of the</p> <p>64:1 e-mails?</p> <p>64:2 A. What about them?</p> <p>64:3 Q. Who -- from what you observed, who were the</p> <p>64:4 recipients of the e-mails?</p> <p>64:5 A. I never really cared. You know, that wasn't my</p>				

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64:6 responsibility to check who they were e-mailing, so I 64:7 never really looked into it much. 64:8 Q. Was Mrs. Chen one of the senders of the 64:9 e-mails? 64:10 A. There was an e-mail address in her name, but as 64:11 I said, I later found out in 2016 that she wasn't even 64:12 using it. It wasn't her.				
64:17 Q. Could you tell when the e-mails were being 64:18 sent? 64:19 A. When? 64:20 Q. Like, I'm picturing you are -- you're looking 64:21 on the server, and you said you'd pull up the e-mails, 64:22 they are all encrypted. Can you tell if there's a 64:23 timestamp on it? 64:24 A. Yes, there was a timestamp. 64:25 Q. What was the timeframe of the e-mails being 65:1 sent? 65:2 A. The whole time I was managing it. 65:3 Q. So from 2003 to 2016? 65:4 A. Yes. 65:5 Q. As far as you know, why was John Wadsworth 65:6 given an encryption key and e-mail address on the server?				

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65:7 A. To communicate securely. 65:8 Q. With whom? 65:9 A. With whomever he wanted to communicate with.				
69:13 Q. So at that time when you were a child, did you 69:14 have a normal father-son relationship with your dad? 69:15 A. When I was a child, yes, I did think that was 69:16 normal, because that's all I knew. 69:17 Q. When did that change? 69:18 A. I think it changed when I went to university, 69:19 and, you know, I started making friends, and I would hear 69:20 about their families. 69:21 Q. What was different about their families versus 69:22 yours? 69:23 A. It's really hard to explain. There was always 69:24 some kind of distance between me, my sisters and my dad. 69:25 Q. What made you feel that there was that 70:1 distance? 70:2 A. I don't know how to explain this. It feels 70:3 like he doesn't have much empathy. Like, he's not good 70:4 at showing empathy.				
70:22 Q. Was he forthcoming about the kind of work he 70:23 did?				

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70:24 A. No. 70:25 Q. What gave you that impression? 71:1 A. He wouldn't really talk about work.				
71:17 Q. After you graduated from college and started 71:18 working for WWIS, how did that -- well, did your 71:19 relationship with your father change during that time? 71:20 A. Yes, it changed, because it became a business 71:21 relationship. 71:22 Q. Were you on good terms business wise? 71:23 A. Most of the time. We had arguments but, yes	71:24 Q. Are there any other aspects of the changing 71:25 relationship with him? 72:1 A. Can you clarify your question? 72:2 Q. Is there anything else that changed about your 72:3 relationship with your dad once you started working for 72:4 WWIS? 72:5 A. Yes. 72:6 Q. What aspects were those? 72:7 A. I mean, it took time, but I did start to see 72:8 that he lacked integrity. 72:9 Q. What gave you that impression? 72:10 MR. INGRAM: Object to the form of the 72:11 question. 72:12 THEWITNESS: I don't know if there was a 72:13 specific situation that gave me that impression. Just 72:14 time working gave me that impression. 72:15 BYMS. GOLDEN: 72:16 Q. Did you observe him not being forthcoming with 72:17 other WWIS employees?			

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	72:18 A. I don't know about his internet -- his 72:19 interaction with other employees. 72:20 Q. Did you observe him lying, in general? 72:21 A. Yes, in general. Like non-business you mean? 72:22 Is that what you're asking?			
72:23 Q. Can you try to come up with an example of why 72:24 you felt that Ron was not trustworthy and you came -- you 72:25 know, over the course of your working with him? 73:1 A. He would change what he said previously, and 73:2 deny that he said something previously. 73:3 Q. Would these be important things, like... 73:4 A. I wouldn't say it was that important. 73:5 Q. What kind of things would he change his story 73:6 about? 73:7 A. Like I'm not talking about business things 73:8 right now. I'm -- so like, for example, he would say he 73:9 went somewhere, but he actually didn't go.				
73:18 Q. I know we've talked some length about WWIS.				

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73:19 Can you tell me what does WWIS stand for? 73:20 A. World-Wide Investment Services, I think. I 73:21 think that's what it stands for. 73:22 Q. Is there another entity that's just called 73:23 WWIS, the initials, or does WWIS always refer to 73:24 World-Wide? 73:25 A. That's what I refer to. 74:1 Q. When was the first time you heard of WWIS, 74:2 meaning World-Wide Investment Services? 74:3 A. First time I heard about it was before I 74:4 started working for them. Before I was hired. 74:5 Q. In about 2003? 74:6 A. Yes. 74:7 Q. How did you hear about it? 74:8 A. Ronald Talmage told me about it. 74:9 Q. What did Ron tell you about WWIS?				
74:11 THE WITNESS: That it was a company that 74:12 managed investments. 74:13 BY MS. GOLDEN: 74:14 Q. And I apologize if there's some repetition, but 74:15 who owns WWIS?				
74:18 THE WITNESS: Prior to 2016, my understanding				

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74:19 was that Mrs. Chen did. 74:20 BY MS. GOLDEN: 74:21 Q. Okay. And what's your understanding now of who 74:22 owns it?				
74:25 THE WITNESS: I guess I'm not talking about 75:1 ownership, though, but I believe Ronald Talmage was 75:2 controlling it. 75:3 BY MS. GOLDEN: 75:4 Q. Is that presently, or prior to 2016?				
75:6 THE WITNESS: Presently, I have no idea what's 75:7 going on with the company. 75:8 BY MS. GOLDEN: 75:9 Q. So prior to -- I just want to make sure I've 75:10 got it. Prior to 2016, you believe that Ronald Talmage 75:11 controlled -- 75:12 A. Prior? 75:13 Q. Yes.				
75:15 THE WITNESS: No, prior to 2016, I believe that 75:16 Mrs. Chen did.	75:18 Q. So when you testified just earlier that Ron 75:19 controlled WWIS, what time period are you referring to? 75:22 When I found out that he was 75:23 running a fraudulent scheme, my conclusion was that he's 75:24 controlling it.	Objection to 75:18–24 under Rule 701. In his testimony at 120:3-121:18, Kory Talmage explains that this opinion is based on his personal knowledge and perceptions, including information and documents he reviewed while investigating Ronald Talmage's scheme in Hong Kong.		OVERRULED

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76:8 Q. Prior to 2016, did you see any indications that 76:9 Ron Talmage controlled WWIS? 76:10 A. Yes, I think -- I believed he had -- you know, 76:11 like the operations, he was a big part of it. I don't 76:12 think he -- like, I don't believe he was the only person 76:13 controlling it. 76:14 Q. What did you observe Ron Talmage doing in terms 76:15 of operations of WWIS?				
76:17 THE WITNESS: My understanding was that he was 76:18 in charge of managing the investments. 76:19 BY MS. GOLDEN: 76:20 Q. Do you know whose investments he was managing? 76:21 A. Investors. Both the investors. 76:22 Q. Do you have a sense of how many investors? 76:23 A. I couldn't say for certain. 76:24 Q. Is it more than a handful?				
77:1 THE WITNESS: I would think so.	78:16 Has John Wadsworth ever worked with WWIS? 78:19 THE WITNESS: He was an investor. 78:20 BY MS. GOLDEN: 78:21 Q. Has John Wadsworth ever been employed by WWIS? 78:23 THE WITNESS: My understanding is he was never	Objection to 78:16–24 under Rule 602. This was in response to the United States' own question. Kory Talmage's testimony that he—not John Wadsworth—worked for WWIS (<i>see</i> 9:11-13, 13:9, 18:20-19:23, 23:11-12) is sufficient basis for his understanding that John Wadsworth was ever an employee.		OVERRULED

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	78:24 an employee.			
80:8 Q. Again, apologize for slight repetition, but 80:9 regarding Heng Cheong Pacific Limited, or HCPL, when did 80:10 you first hear about that entity?				
80:12 THE WITNESS: I believe I heard about it a few 80:13 years after I started working for WWIS. 80:14 BY MS. GOLDEN: 80:15 Q. Earlier, I believe you said that Ronald Talmage 80:16 told you about HCPL. 80:17 Do I recall correctly? 80:18 A. I think so, yes. 80:19 Q. What does HCPL do, as far as you know?				
80:22 THE WITNESS: My understanding is that it was a 80:23 vehicle for the investments. 80:24 BY MS. GOLDEN: 80:25 Q. How did you come to that understanding? 81:1 A. I don't remember the exact specifics, but I 81:2 think Ronald Talmage told me that. 81:3 Q. Who owns HCPL?				
81:6 THE WITNESS: My understanding is that it was 81:7 Mrs. Chen prior to -- prior to 2016, my understanding was 81:8 that it was Mrs. Chen.				

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81:9 BY MS. GOLDEN: 81:10 Q. What's your basis for that understanding? 81:11 A. Again, I think it's because Ronald Talmage told 81:12 me that.				
82:4 Q. What about prior to 2016, what's your 82:5 understanding of who controlled HCPL?				
82:7 THE WITNESS: Mrs. Chen.	83:15 Q. Has John Wadsworth ever -- has John Wadsworth 83:16 ever owned HCPL? 83:17 A. No. 83:18 Q. Has John Wadsworth ever been involved in the 83:19 operation of HCPL? 83:20 A. I don't believe so.	Objection to 83:15–20 under Rule 602. This was in response to the United States' own question. Kory Talmage states that this is his belief, and it is reasonably based on his knowledge of HCPL (<i>see</i> 18:2-15, 80:8-82:7).		OVERRULED
84:5 Have you ever heard of an entity called New 84:6 Century Properties Limited? 84:7 A. I have. 84:8 Q. How did you hear of it? 84:9 A. My memory is kind of vague, but I believe when 84:10 Mr. Seki was still alive, that was a company -- you know, 84:11 I don't know exactly how they used the company, but I 84:12 recall hearing about it. 84:13 Q. When did you first hear about New Century 84:14 Properties Limited? 84:15 A. I don't remember.				

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84:16 Q. Was it while you were a child? 84:17 A. It was before I started working for WWIS. 84:18 Q. I'm going to refer to New Century Properties 84:19 Limited as NCPL. 84:20 A. Okay. 84:21 Q. Do you have any idea what NCPL does? 84:22 A. No. 84:23 Q. Do you know who owns NCPL? 84:24 A. No. 84:25 Q. Do you know who controlled it? 85:1 A. No. 85:2 Q. Do you know when it was created? 85:3 A. No. 85:4 Q. Do you know if NCPL owns any property? 85:5 A. No.				
85:24 Q. Have you ever received any money from NCPL? 85:25 A. I don't think so. 86:1 Q. Do you know if anyone else in your family has 86:2 gotten money from NCPL? 86:3 A. I don't know.				
88:18 Q. For the witness, do you recall receiving about 88:19 \$1.5 million from WWIS or another foreign entity, over				

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<p>88:20 the course of the past -- over the course of 2002 to 88:21 2016? 88:22 MR. STEPHENS: I'm going to ask for a quick 88:23 break. I need to talk to the witness about a potential 88:24 issue. I haven't seen this, nor have we had a chance to 88:25 talk about it. 89:1 MS. GOLDEN: Okay. 89:2 MR. HALVERSON: There's a question pending. 89:3 MR. STEPHENS: I know there's a question 89:4 pending, that's why I need to talk to him. 89:5 MS. GOLDEN: I think it might affect the 89:6 answer, though, so that's fine. 89:7 MR. STEPHENS: We'll take a quick break and let 89:8 me talk to the witness. 89:9 THE VIDEOGRAPHER: Going off the record. The 89:10 time is 10:28 a.m. 89:11 (Break.) 89:12 THE VIDEOGRAPHER: Going back on the record. 89:13 The time is 10:34 a.m. 89:14 MS. GOLDEN: Would please read back what the 89:15 final question was before the break?</p>				

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89:16 (Reporter read requested portion.) 89:17 MR. INGRAM: Objection; vague. 89:18 THE WITNESS: I don't recall. 89:19 MS. GOLDEN: Just to confirm, for the record, 89:20 the previously requested break to consult with the -- for 89:21 Mr. Talmage to consult with his attorney, that was, I 89:22 assume, for the basis of determining whether there's a 89:23 privilege or something else to be asserted? 89:24 MR. STEPHENS: Correct. 89:25 MS. GOLDEN: Okay. And that's been resolved 90:1 now? 90:2 MR. STEPHENS: As to that question.				
90:21 Q. This appears to be an e-mail from Ron Talmage. 90:22 And in it, it states, "I would also like to install my 90:23 son Kory as a director of NCPL." 90:24 Do you recall being appointed the director of 90:25 NCPL? 91:1 A. No. 91:2 Q. Ron Talmage never said anything to you about 91:3 getting involved with NCPL?		Object to 90:21-23 under <u>Fed. R. Evid.</u> <u>802</u> and <u>901</u> . The statements purportedly from Ronald Talmage are inadmissible hearsay. The referenced email is also not authenticated. The email is not being offered into evidence, so there is no basis for an objection under Rule 901. The statement itself is admissible under Rule 803(3) and 807. In the alternative, the statement is not being offered for the truth of the matter asserted, so it is not hearsay.		OVERRULED

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91:4 A. He has never said anything about this.				
100:2 Q. I'm going to go back actually to Exhibit 9, and 100:3 specifically page JW-353. It's the last page of 100:4 Exhibit 9. 100:5 <u>A. 353?</u> 100:6 Q. Uh-huh. There appears to be an e-mail that 100:7 Ronald Talmage received from somebody named Annie Wong, 100:8 confirming that Korianton Edward Talmage will be 100:9 appointed as the new director of WWIS. 100:10 Do you recall ever being appointed a director 100:11 of WWIS? 100:12 A. No.		Object to 100:2-9 under <u>Fed. R. Evid. 802</u> and <u>901</u> . The referenced email is inadmissible hearsay and is not authenticated. This email is not being offered into evidence, so there is no basis for an objection under Rule 901 or 802. What the email purports to say is used only for the purposes of asking Mr. Talmage if he remembers being appointed as director of WWIS.		OVERRULED
100:22 Q. Who is Annie Wong? 100:23 A. She was one of the office staff in Hong Kong. 100:24 Q. What were her duties? 100:25 A. I don't know exactly what she... 101:1 Q. What kind of work did you observe her doing? 101:2 A. Communication with Ronald Talmage.				
102:7 Q. Speaking of John Wadsworth, based on our 102:8 earlier conversations today, I take it you're familiar 102:9 with Mr. Wadsworth?				

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102:10 A. Yes. 102:11 Q. How do you know him? 102:12 A. I went to church in the same building or same 102:13 church as him when I was younger. That's how we first 102:14 met. 102:15 Q. Where was the church? 102:16 A. In Tokyo. 102:17 Q. Do you recall about what year you met John 102:18 Wadsworth for the first time? 102:19 A. No, I was pretty young. 102:20 Q. Was it in the '80s? 102:21 A. I don't -- I don't even remember. 102:22 Q. You can't recall if it was in the '80s or the 102:23 '90s? 102:24 A. It was either the '80s or the '90s. 102:25 Q. Who introduced you to John? 103:1 A. I don't know if anyone ever introduced me to 103:2 him. We just went to the same church. 103:3 Q. What's the nature of your relationship with 103:4 John? 103:5 A. We're friends. 103:6 Q. Have you been friends since you met in church? 103:7 A. Well, he's quite a bit older than me. You				

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103:8 know, when you're young, a few years difference is quite 103:9 a bit. 103:10 So when we were young, not exactly friends. We 103:11 knew each other. 103:12 Q. When did you first become friends with John? 103:13 A. I don't remember. It was something that 103:14 happened, not like a one moment. 103:15 Q. I understand. 103:16 Was it before you started working for WWIS? 103:17 A. Yes. 103:18 Q. Before college? 103:19 A. During college.				
104:24 Q. How often do you keep in touch with John? 104:25 A. Lately, maybe a phone call once in about four 105:1 months, three months. 105:2 Q. Was there a time when you were keeping in touch 105:3 with John more? 105:4 A. Yes, there was a time. 105:5 Q. What time period was that? 105:6 A. When I was working for WWIS. 105:7 Q. During that time, how often did you keep in 105:8 touch with John?	104:7 Q. Well, is John talkative? 104:8 A. Yeah. Well, yeah, kind of. 104:9 Q. Is he outgoing? 104:10 A. I would say he is, at times. 104:11 Q. Do you find him trustworthy? 104:12 A. Yes. 104:13 Q. Why do you find him trustworthy? 104:14 A. His character. 104:15 Q. Can you give me a few examples of things you've 104:16 observed over the years in knowing John? 104:17 A. Well, I believe he's a person of integrity, and			

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105:9 A. I don't recall. It was more than now though. 105:10 Q. When you were working for WWIS, what mechanisms 105:11 did you use to keep in touch with John? 105:12 A. Phone, e-mail, and sometimes in person. 105:13 Q. When you were working for WWIS, what did you 105:14 and John talk about? 105:15 A. Hobbies. 105:16 Q. Did you ever talk about WWIS? 105:17 A. Yeah, sometimes. 105:18 Q. What topics were discussed? 105:19 A. What software we should use for security. 105:20 What -- you know, if there's an e-mail server issue, what 105:21 I think it is, how I can fix it. Just random stuff like 105:22 that. 105:23 Q. Did you ever talk about the investment work 105:24 that WWIS did with John? 105:25 A. Sometimes there was a topic, yes. 106:1 Q. What came up during those conversations? 106:2 A. How the fund is doing. Like, you know, the 106:3 yield on the fund.	104:18 he's honest. And he -- he's a family guy. Yeah. 104:19 Q. So just based on your knowing John over the 104:20 years? 104:21 A. Uh-huh, yes.			

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107:16 Q. Did John Wadsworth play a role in your decision 107:17 to voluntarily appear for this deposition? 107:18 A. He didn't play a role, no. 107:19 Q. Did somebody else? 107:20 A. No, I guess not. 107:21 Q. Again, I don't want to get into any 107:22 attorney-client privilege stuff, but why did you decide 107:23 to voluntarily appear for this deposition? 107:24 A. Because I was told that you guys are going to 107:25 come to Japan otherwise, and that's -- that's ridiculous. 108:1 That's why.				
109:5 Q. Did John Wadsworth tell you that we were 109:6 interested in seeking your testimony in Japan? 109:7 A. I believe he did at one point. 109:8 Q. When he did mention it, was that the first time 109:9 you found out? 109:10 A. Yes, I think so.				
109:20 Q. Did John Wadsworth persuade you to come appear 109:21 for this deposition? 109:22 A. No. 109:23 Q. Is John Wadsworth paying for any of your travel				

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109:24 costs in attending this deposition? 109:25 A. Yes. 110:1 Q. Which ones? 110:2 A. Airfare. 110:3 Q. That's airfare from Japan? 110:4 A. Yes. 110:5 Q. Is he paying for any other costs of your visit 110:6 to Salt Lake City? 110:7 A. No. 110:8 Q. Is John Wadsworth paying for the hotel that 110:9 you're staying at? 110:10 A. I'm staying at my mother's place.				
111:2 Q. Is John Wadsworth paying for your attorney for 111:3 this case? 111:4 A. Yes. 111:5 Q. When did you first obtain Mr. Stephens as your 111:6 attorney? 111:7 A. I don't remember when it was. 111:8 Q. Was it sometime within this year, 2018? 111:9 A. Yes. 111:10 Q. Do you know why John Wadsworth is paying for 111:11 your attorney? 111:13 THE WITNESS: Because I can't afford it.				

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111:20 Q. Do you know what Mr. Wadsworth currently does 111:21 for work?				
111:23 THE WITNESS: I believe he's a distributor for 111:24 some company. 111:25 /// 112:1 BY MS. GOLDEN: 112:2 Q. Do you recall the name of the company? 112:3 A. I think it's Morinda. 112:4 Q. How do you know that Mr. Wadsworth is a 112:5 distributor for Morinda? 112:6 A. Because he's been a distributor as long as I've 112:7 known -- you know, as long as I've known him since 112:8 university.				
113:21 Q. During your friendship with John, have you 113:22 often talked about the work that he does? 113:23 A. The Morinda work? Or his -- 113:24 Q. Yes. 113:25 A. -- is that what you're referring to? 114:1 Q. Yes. Sorry, that was unclear. 114:2 A. Yes. Yeah.	113:15 Q. Have you ever been involved in any of John's 113:16 work? 113:17 A. No. 113:18 Q. Have you ever been involved in the Morinda 113:19 distributorship? 113:20 A. No.			
114:7 Q. Well, based on your conversations with John 114:8 over the years, what all have you learned about the				

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114:9 Morinda distributorship?				
114:12 THE WITNESS: That a product they sell is Noni 114:13 Juice.				
114:21 Q. Do you know what Noni Juice is? 114:22 A. Yes. 114:23 Q. What is it? 114:24 A. It's a juice made by Noni. 114:25 Q. I don't know what Noni is. 115:1 A. It's like a fruit, I guess.				
117:2 Q. How did John meet Ron?	115:16 Q. Prior to 2016, did John have a relationship 115:17 with Ron Talmage? 115:19 THE WITNESS: Yes, he was an investor. John 115:20 was an investor. 115:21 BY MS. GOLDEN: ¹ 115:22 Q. An investor in what? 115:23 A. In Ron's -- 115:24 MR. INGRAM: Same objection. 115:25 THE WITNESS: -- companies. 116:1 MR. INGRAM: Same objection; lacks foundation, 116:2 calls for speculation. 116:3 BY MS. GOLDEN: 116:4 Q. When you say, "Ron's companies," what companies	Objection to 115:16–20 under Rule 602. Kory Talmage testifies repeatedly throughout the deposition about his personal knowledge of John Wadsworth and the nature of his relationship with Ron Talmage. <i>See, e.g.,</i> 102:7-10, 103:3-19, 212:17.		OVERRULED

¹ All completeness designations are made subject to any corresponding objection to the Western Parties' affirmative designations.

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	116:5 are you referring to? 116:6 MR. INGRAM: Same objections. 116:7 THE WITNESS: So I need to clarify, I'm talking 116:8 in my current knowledge. 116:9 BY MS. GOLDEN: 116:10 Q. Okay. 116:11 A. So he was investor in the company that Ron was 116:12 controlling. 116:13 Q. I didn't quite hear. Investor in what? 116:14 A. In the fund that he was managing, Ron was 116:15 managing. 116:16 Q. Was that fund associated with any of the 116:17 entities that we've discussed today? 116:18 MR. INGRAM: Same objections. 116:19 THE WITNESS: Yes. 116:20 BY MS. GOLDEN: 116:21 Q. Which ones? 116:22 A. I think it was HCPL. 116:23 Q. Was it also associated with WWIS? 116:24 MR. INGRAM: Same objections. 116:25 THE WITNESS: I believe so, yes.			
117:4 THE WITNESS: I would guess -- sorry, I				

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117:5 shouldn't be guessing. The same as me, in church. 117:6 BY MS. GOLDEN: 117:7 Q. How long have John and Ron known each other? 117:8 A. I don't know. 117:9 Q. Has it been more than 10 years? 117:10 A. Yes. 117:11 Q. Has it been more than 20 years? 117:12 A. I can't say for certain. 117:13 Q. Somewhere between 10 and 20 years? 117:14 A. Or maybe more, I'm not sure.				
118:3 Q. Did John ever help recruit other investors to 118:4 the fund?	117:22 Q. As far as you know, has John ever been involved 117:23 in Ron's work? 117:25 THE WITNESS: As an investor in the fund Ron 118:1 was managing.	Objection to 117:22–118:1 under Rule 602. Talmage testifies repeatedly throughout the deposition about his personal knowledge of John Wadsworth and the nature of his relationship with Ron Talmage. <i>See, e.g.,</i> 102:7-10, 103:3-19, 212:17.		OVERRULED
118:6 THE WITNESS: I believe he had friends that he 118:7 introduced to Ron. 118:8 BY MS. GOLDEN: 118:9 Q. How do you know that? 118:10 A. Because I've met some of them. 118:11 Q. You've met them? 118:12 A. I met a few of them, yes.				

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118:13 Q. Do you recall any of their names?				
118:18 THE WITNESS: Person C. ² 118:19 MR. STEPHENS: Spell them, because you are 118:20 going to get asked anyway. 118:21 THE WITNESS: Person C. And Person A, 118:22 which is Person A. 118:23 BY MS. GOLDEN: 118:24 Q. As far as you know, did Person A and Person C 118:25 end up investing in the fund after John introduced them?		The names identified at 118:18, 21-22, and 24 are designated CONFIDENTIAL by Defendants pursuant to the <i>Protective Order</i> . The United States will agree to redact these names as stated in the pretrial order.		SUSTAINED
119:3 THE WITNESS: I believe so.	119:17 Q. You described that there was somewhat of a 119:18 split in -- a change in John's relationship with Ron; 119:19 that previously he was an investor, but currently he has 119:20 no relationship with Ron. 119:21 Why did Ron and John have a falling out? 119:22 That's just the term I'm putting on it, you know. 120:1 THE WITNESS: Because Ron defrauded John. 120:2 BY MS. GOLDEN: 120:3 Q. And what's your basis for that understanding?	Objection to 119:17–122:18 under Rules 602, 701, and 702. Mr. Talmage is not an expert witness and cannot opine on the existence of an alleged fraudulent scheme. If this testimony is not exclude, the United States proposes a completeness designation at 121:19–122:18. Kory Talmage is testifying about things that he personally observed and documents he personally reviewed, and his opinions reasonably drawn from that information. The Western Parties do not tender Kory Talmage as an expert, and his opinions are permissible under Rule		OVERRULED

² In accordance with the Protective Order in this case, the parties have agreed to use pseudonyms for certain individuals and entities. A legend identifying these individuals and entities was emailed to the court along with the Word versions of the designation forms.

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	120:4 A. Through the discovery we did when we went to 120:5 Hong Kong in 2016. 120:6 Q. What did that discovery uncover? 120:7 A. That Ronald Talmage was running a Ponzi scheme 120:8 using investor funds. 120:9 Q. Are you familiar with what a Ponzi scheme is? 120:10 A. Yes. 120:11 Q. How did you -- 120:12 A. I think I am. 120:13 Q. How did you conclude that Ron had been running 120:14 a Ponzi scheme? 120:15 A. Because he was taking money. Maybe Ponzi isn't 120:16 the right term for it. But he was taking money as an 120:17 investment, but he didn't actually invest anything. 120:18 Q. Well, people that invested in the fund, what 120:19 did they get back in return for their investments? 120:22 THE WITNESS: They got tears. 120:23 MR. STEPHENS: Vague. 120:24 BY MS. GOLDEN: 120:25 Q. Sorry. What? 121:1 A. Tears. 121:2 Q. Did any of the investors ever get their money 121:3 back, as far as you know?	701. The Western Parties do not object to the completeness designation.		

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	<p>121:6 THE WITNESS: As far as I know, no.</p> <p>121:7 BY MS. GOLDEN:</p> <p>121:8 Q. How do you know Ron Talmage didn't actually</p> <p>121:9 invest the money that he obtained from the investors?</p> <p>121:12 THE WITNESS: So when we did the discovery, it</p> <p>121:13 was apparent that there was no investment fund.</p> <p>121:14 BY MS. GOLDEN:</p> <p>121:15 Q. Why? How was that apparent?</p> <p>121:16 A. So when we did the discovery, we had bank</p> <p>121:17 statements, and it is clear that an investment came in</p> <p>121:18 and it was just used.</p> <p>121:19 Q. Used in what way?</p> <p>121:20 MR. INGRAM:</p> <p>Objection; lacks foundation, calls</p> <p>121:21 for speculation.</p> <p>121:22 THE WITNESS: All</p> <p>kind of ways. Sorry. I</p> <p>121:23 don't remember exactly what it was used for, but it</p> <p>121:24 wasn't an investment.</p> <p>121:25 ///</p> <p>122:1 BY MS. GOLDEN:</p> <p>122:2 Q. How could you tell where the money was being</p> <p>122:3 used?</p> <p>122:4 A. How?</p> <p>122:5 Q. Correct.</p>			

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	<p>122:6 A. I don't know. I mean, it was clear just</p> <p>122:7 looking at the documents.</p> <p>122:8 Q. What kind of documents were you looking at?</p> <p>122:9 A. Bank statements and e-mails, like the ones we</p> <p>122:10 were looking at earlier.</p> <p>122:11 Q. Anything else?</p> <p>122:12 A. No. That's basically what it was, a bunch of</p> <p>122:13 correspondence and bank statements.</p> <p>122:14 Q. What did the bank statements show?</p> <p>122:15 MR. INGRAM:</p> <p>Objection; the document speaks for</p> <p>122:16 itself, hearsay.</p> <p>122:17 THE WITNESS:</p> <p>Showed a balance, deposits,</p> <p>122:18 debits, you know, whatever, everything.</p>			
	<p>122:20 Q. So by looking at the deposits, balance, and</p> <p>122:21 debits, like how did you conclude that the money was not</p> <p>122:22 going towards an investment?</p> <p>122:23 A. Because we can track an investor's fund going</p> <p>122:24 in, but it wouldn't go to an investment.</p> <p>122:25 Q. Did you see any evidence that any of the money</p> <p>123:1 went towards an investment?</p> <p>123:2 A. There was none.</p>	<p>Objection to 122:20–123:10 under Rules 602, 701, and 702. Mr. Talmage is not an expert witness and cannot opine on the existence of an alleged fraudulent scheme.</p> <p>Kory Talmage is testifying about things that he personally observed and documents he personally reviewed, and his opinions reasonably drawn from that information. The Western Parties do not tender Kory Talmage as an expert, and</p>		OVERRULED

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	123:3 Q. It never went to a bank? 123:4 A. A bank is not an investment. 123:5 Q. Did it ever go to stocks? 123:6 A. No. 123:7 Q. Did it ever go to bonds? 123:8 A. No. 123:9 Q. Did it ever go to an investment fund? 123:10 A. No.	his opinions are permissible under Rule 701.		
	125:17 Q. Did you ever speak to Gil Miller? 125:18 A. No. I don't know who that is.			
	126:8 Q. Of the bank records that you obtained, what 126:9 entities did they pertain to? 126:10 A. WWIS Limited and HCPL. And I believe there was 126:11 that one that you mentioned earlier, New Century, I 126:12 guess. 126:13 Q. NCPL you're referring to? 126:14 A. HCPL, and then, yes, NCPL, yes. 126:15 Q. Do you recall the approximate time period the 126:16 bank records covered? 126:17 A. I don't recall exactly, but it was from before 126:18 I started working for WWIS. 126:19 Q. Up through what year? 126:20 A. <u>2016</u> , I think. 126:21 Q. Let's talk more about the evidence gathering			

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	126:22 trip. Can you tell me when that trip took place? 126:23 A. I believe it was either April or May of 2016. 126:24 Q. How long did the trip last? 126:25 A. Over two weeks. 127:1 Q. Was it one trip or two trips? 127:2 A. It was one trip. 127:3 Q. Who else accompanied you on the trip? 127:4 A. John. 127:5 Q. Anybody else? 127:6 A. No. 127:7 Q. What was the purpose of the trip? 127:8 A. To find out what was going on. 127:9 Q. About what? 127:10 A. We had our suspicions that something was wrong 127:11 with the finances. 127:12 Q. Finances of? 127:13 A. Like the investment fund. 127:14 Q. So with WWIS? 127:15 A. Uh-huh, yes. 127:16 Q. Whose idea was the trip? 127:17 A. It was both of our ideas; John and I. 127:18 Q. Why did the two of you decide to go? 127:19 MR. STEPHENS: Asked and answered. 127:20 THE WITNESS: We decided to go because Ronald			

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	<p>127:21 Talmage wasn't reliable anymore.</p> <p>127:22 BY MS. GOLDEN:</p> <p>127:23 Q. Why do you say that?</p> <p>127:24 A. He would not answer our phone calls. He would</p> <p>127:25 not respond to e-mails. He lies about having cancer and</p> <p>128:1 so on. I mean, there's a lot of things I can go through</p> <p>128:2 that...</p> <p>128:3 Q. So what specifically prompted the trip?</p> <p>128:4 A. Investors were getting nervous.</p> <p>128:5 Q. How did you know they were getting nervous?</p> <p>128:6 A. And John was nervous about his investments.</p> <p>128:7 Q. Okay. Well, were investors contacting you</p> <p>128:8 asking where their money was?</p> <p>128:9 A. I believe some of them did contact me because I</p> <p>128:10 was Ron's son.</p> <p>128:11 Q. Were investors contacting John?</p> <p>128:14 THEWITNESS: I believe so.</p> <p>128:15 BY MS. GOLDEN:</p> <p>128:16 Q. Were investors not getting paid?</p> <p>128:18 THEWITNESS: That's my understanding.</p> <p>128:20 Q. What's your basis for that understanding?</p>	<p>Objection to 128:4–6, 128:11–14, and 128:16–18 under Rule 602. Subject to these objections, the United States proposed designations under Rule 32(a)(6) at 128:20–129:1.</p> <p>The counter-designation provides the foundation for Kory Talmage's testimony in the passages that are the subject of the Government's objections. The Western Parties do not object to the completeness designation.</p>		OVERRULED

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	128:21 A. My basis is -- I guess I was told that from 128:22 John. 128:23 Q. Did any investors ever tell you that they 128:24 weren't getting paid? 128:25 A. No. None of them have told me that they 129:1 weren't getting paid.			
	129:2 Q. Where did you and John go on the trip? 129:3 A. We went to Taiwan, Taipei, and Hong Kong. 129:4 Q. What did you do in Taiwan? 129:5 A. We met with Liu Hsiu Chen. 129:6 Q. Did you meet with anybody else? 129:7 A. In Taiwan, no. 129:8 Q. What was discussed with Mrs. Chen? 129:9 A. We explained to her that we were worried about 129:10 how Ron was acting lately.			
130:20 Q. Does the name Commence Company ring a bell? 130:21 A. Yes. 130:22 Q. Is that the name? 130:23 A. Yes. 130:24 Q. As far as you know, what was the Commence's 130:25 role with WWIS? 131:1 A. I think they were like a management company.	130:1 Q. Did she agree to help you find bank records? 130:2 A. So the purpose was to get her permission, so I 130:3 guess that's helping, because she gave us permission. 130:4 Q. You said she gave you permission? 130:5 A. Yes. 130:6 Q. Why did you need Mrs. Chen's permission to get 130:7 the records?			

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	130:8 A. Because at the time it was our understanding 130:9 that she was the chairman, or in charge. 130:10 Q. Do you have a copy of the permission letter? 130:11 A. No. 130:12 Q. Was there, in fact, a letter? 130:13 A. Yes. 130:14 Q. Do you know who has that? 130:15 A. I don't know who has it now. 130:16 Q. What did you do with the permission letter? 130:17 A. We took it to the Hong Kong office. 130:18 Q. And it's WWIS's Hong Kong office? 130:19 A. Yes.			
	131:11 Q. When we last left off, I think we were talking 131:12 about the visit to the WWIS office. 131:13 And just to confirm, you said you obtained the 131:14 bank records for WWIS, HCPL, NCPL? 131:15 A. Yes. 131:16 Q. Did you obtain any other bank records for any 131:17 other entities? 131:18 A. I don't recall. 131:19 Q. Did you obtain any other kinds of records?			

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	131:20 A. I think they were all correspondence and bank 131:21 records. 131:22 Q. Correspondence such as the e-mail 131:23 correspondence we've looked at today? 131:24 A. Yes.			
	132:14 Q. Oh. Well, then, did you -- in Japan, did you 132:15 speak to any of the investors of the alleged Ponzi 132:16 scheme? 132:17 A. After the discovery, yes. 132:18 Q. Who did you speak to? 132:19 A. The two names I mentioned earlier. And there 132:20 were several other investors, I can't remember their 132:21 names right now. 132:22 Q. That's the two earlier, Person C and Person A? ³ 132:23 A. Yes.	The names identified at 132:22 are designated CONFIDENTIAL by Defendants pursuant to the <i>Protective Order</i> . The United States will agree to redact these names as stated in the pretrial order.		SUSTAINED
	133:2 Q. Who else went to speak -- sorry. 133:3 Who else went to visit the investors with you? 133:4 A. John. 133:5 Q. Anybody else? 133:6 A. No. 133:7 Q. What was discussed during those conversations?			

³ The highlighted names at 132:22 are designated CONFIDENTIAL by Defendants pursuant to the *Protective Order*.

<p align="center">Case Name United States v. Talmage, et. al Case Number 1:16-cv-19-DN-PMW Deposition of Korianton Talmage taken July 19, 2018</p>				
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	133:8 A. We were there to explain that Ronald Talmage 133:9 was running a fraudulent scheme, and they are victims of 133:10 the scheme.	Objection to 133:8–10 under Rules 602 and 701. This answer is given in response to the United States’ own question. The United States asked, and Kory Talmage can explain, his understanding of the purpose of the meeting. (Corroborated by John Wadsworth.) Furthermore, in his testimony at 120:3-121:18, Kory Talmage explains that his understanding is based on his personal knowledge and perceptions, including information and documents he reviewed while investigating Ronald Talmage’s scheme in Hong Kong.		OVERRULED
	134:23 Q. Do you recognize these documents? 134:24 A. Yes, I do. 134:25 Q. What are they? 135:1 A. These are documents showing that these 135:2 people actually invested, and... 135:3 Q. Who drafted the documents? 135:4 A. I believe John did, with probably the help of 135:5 an attorney or someone. 135:6 Q. Were you involved in the drafting of the 135:7 documents? 135:8 A. I did not help with the drafting. I did see 135:9 it, though.	Objection to 135:1–2 under Rule 602. Again, this answer is given in response to the United States’ own question. The United States asked, and Kory Talmage can explain, his understanding of the purpose of the documents. (Corroborated by John Wadsworth.) Furthermore, Kory Talmage testified that he has seen these documents and that he was present when they were signed by the signatories. <i>See</i> 135:6-13.		OVERRULED

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	135:10 Q. Were you there when the investors signed the 135:11 documents? 135:12 A. I don't know if I was there for every single 135:13 case, but I was there on some of the cases.			
	136:21 Q. Do you know what the basis is for the 136:22 information contained in the affidavits? 136:23 A. The basis? The fact that they invested. 136:24 Q. And where did that information come from? 136:25 A. What do you mean, where the information came 137:1 from? 137:2 Q. Like, for example, on the first affidavit here 137:3 on page WADS-422, it mentions somebody intrusting 137:4 \$2.2 million with HCPL Investment Company, formed and 137:5 controlled by Ronald Talmage. Then they go on to say 137:6 they were promised a liquidation that they never 137:7 received. 137:8 Where did that information come from? 137:9 A. From discovery, and what the investors said. 137:10 Q. So just by way of example, did you go talk to	Objection to 136:21–137:18 under Rules 602, 701, and 802. Again, this answer is given in response to the United States' own question. The United States asked, and Kory Talmage can explain, his understanding of the purpose of the documents. (Corroborated by John Wadsworth.) Furthermore, Kory Talmage testifies that the basis for this is his review of the documents in Hong Kong and his conversations with the investor victims. <i>See</i> 137:8-138:21. The Western Parties are not offering the underlying documents or the investors' statements, so there is no hearsay in this testimony.		OVERRULED

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	<p>137:11 an investor and they would tell how much they invested</p> <p>137:12 and when?</p> <p>137:13 A. In some cases I think so, yes.</p> <p>137:14 Q. Why do you say "in some cases"?</p> <p>137:15 A. Sometimes it was pretty obvious from our</p> <p>137:16 discovery.</p> <p>137:17 Q. So based on the bank records?</p> <p>137:18 A. Yes.</p> <p>137:19 Q. Out of all the affidavits here, which ones were</p> <p>137:20 the investors that you met with?</p> <p>137:21 A. I honestly don't remember exactly which ones I</p> <p>137:22 met with.</p> <p>137:23 Q. So we've got Adkisson, did you meet with that</p> <p>137:24 person?</p> <p>137:25MR. INGRAM: All these names are confidential.</p> <p>138:1 THE WITNESS: Yes, I did meet with him. And</p> <p>138:2 Person I I did meet.</p> <p>138:3 BY MS. GOLDEN:</p> <p>138:4 Q. Person A?</p> <p>138:5 A. Yes, I did meet.</p> <p>138:6 Q. Person F?</p> <p>138:7 A. Yes.</p> <p>138:8 Q. And Person G?</p> <p>138:9 A. Yes, I did.</p>			

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	<p>138:10 Q. You met with all the people then --</p> <p>138:11 A. That are here, yeah.</p> <p>138:12 Q. -- that are here?</p> <p>138:13 And did they personally tell you the</p> <p>138:14 information that's contained in the affidavits?</p> <p>138:15 A. I don't remember exactly what we discussed.</p> <p>138:16 But I do know that is accurate, though.</p> <p>138:17 Q. And how do you know it's accurate?</p> <p>138:18 A. From the discovery.</p> <p>138:19 Q. Based on -- again, based on talking to the</p> <p>138:20 investors and the bank records you looked at?</p> <p>138:21 A. Yes.</p> <p>138:22 (Confidential Portion Ends Page 138, Line 21.)⁴</p>	<p>Objection to 138:13–21 under Rules 602, 701, and 802.</p> <p>Same as to prior objection.</p> <p>Objection to 138:16–22 under Rule 702.</p> <p>Same as to two prior objections.</p>		<p>OVERRULED</p> <p>OVERRULED</p>
	<p>140:13 Q. Was John Wadsworth involved in the alleged</p> <p>140:14 Ponzi scheme at all?</p> <p>140:17 THEWITNESS: He was a victim of the Ponzi</p> <p>140:18 scheme.</p>	<p>Objection to 140:13–18 under Rules 602, 701, and 702.</p> <p>Kory Talmage is not being tendered as an expert witness, and this is admissible lay witness opinion testimony that is reasonably based on Kory Talmage’s personal knowledge of John Wadsworth, Ron Talmage, and Ron Talmage’s Ponzi Scheme. <i>See, e.g.,</i> 102:7-10, 103:3-19, 120:3-121:18, 212:17.</p>		OVERRULED

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142:17 Q. Earlier you mentioned that John Wadsworth had 142:18 an e-mail address on the e-mail server for WWIS. 142:19 Did any of the other investors have an e-mail 142:20 address -- 142:21 A. Yes. 142:22 Q. -- on that server? 142:23 A. Yes. 142:24 Q. How many? 142:25 A. I don't remember exactly how many. 143:1 Q. Did all of the investors have addresses on the 143:2 e-mail server?				
143:4 THE WITNESS: No. 143:5 BY MS. GOLDEN: 143:6 Q. Do you recall about what percentage of 143:7 investors had e-mails on the server?				
143:9 THE WITNESS: Percentage, no, I don't recall. 143:10 BY MS. GOLDEN: 143:11 Q. Was it more than half of them? 143:12 A. I would say --				
143:14 THE WITNESS: -- less than half, but more than 143:15 a quarter. 143:16 BY MS. GOLDEN: 143:17 Q. Do you know why some of the investors were				

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<p>143:18 given e-mail addresses on the server and not others?</p> <p>143:19 A. There were -- some people probably didn't use</p> <p>143:20 e-mail, some of the investors.</p> <p>143:21 Q. As far as you know, why were the investors</p> <p>143:22 given e-mail addresses on the server?</p> <p>143:23 A. For communication, correspondence.</p> <p>143:24 Q. Why could they just not use their regular</p> <p>143:25 e-mail addresses?</p>				
<p>144:2 THE WITNESS: For security purposes.</p> <p>144:3 BY MS. GOLDEN:</p> <p>144:4 Q. What kind of security purposes?</p> <p>144:5 A. I don't know. I was IT guy, I was just told to</p> <p>144:6 secure it.</p> <p>144:7 Q. By "secure," does that mean the encryption we</p> <p>144:8 previously discussed?</p> <p>144:9 A. Yes.</p> <p>144:10 Q. And just to confirm, your basis for knowing</p> <p>144:11 that some investors did have e-mail addresses on the</p> <p>144:12 server, that's because in your IT capacity, you managed</p> <p>144:13 that server?</p> <p>144:14 A. Yes.</p>				

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146:25 Q. Do you know of any meetings prior to 2016 147:1 between Mrs. Chen and John Wadsworth? 147:2 A. I believe they have met prior to 2016. 147:3 Q. Can you tell me what you know about those 147:4 meetings? 147:5 A. No.				
154:15 Q. Mr. Talmage, are you familiar with a property 154:16 in Liberty, Utah that Ronald and Annette Talmage used to 154:17 live at? 154:18 A. Yes. 154:19 Q. How are you familiar with that property? 154:20 A. I've been there. 154:21 Q. When was the first time you went there? 154:22 A. I don't remember the first time. 154:23 Q. Was it within the past ten years? 154:24 A. Past what? 154:25 Q. Ten years. 155:1 A. Yes. 155:2 Q. How often have you been there? 155:3 MR. INGRAM: How many times? 155:4 MS. GOLDEN: Sure. 155:5 THE WITNESS: I don't know how many times. I				

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155:6 don't remember how many times. 155:7 BY MS. GOLDEN: 155:8 Q. Can you give an estimate of how many times 155:9 you've been there? 155:10 A. Ten.				
156:20 Q. Between 2010 and the present, who has lived at 156:21 the Liberty property?	156:11 Q. Do you know how much the company paid for the 156:12 Liberty property? 156:13 A. I don't know. 156:14 Q. Do you know where the funds for the purchase of 156:15 the property came from? 156:16 A. Say again? 156:17 Q. Do you know where the funds for the purchase of 156:18 the property came from? 156:19 A. No.			
156:24 THE WITNESS: I know that Ron -- Ronald Talmage 156:25 and Annette Talmage lived there at one time. 157:1 BY MS. GOLDEN: 157:2 Q. During what time did they live there?				
157:4 THE WITNESS: I don't know the exact timeframe. 157:5 BY MS. GOLDEN: 157:6 Q. In 2010 did they live at the Liberty property?				
157:8 THE WITNESS: 2010, I'm not sure. 157:9 BY MS. GOLDEN:				

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157:10 Q. Did they live there in 2011?				
157:12 THE WITNESS: I don't remember. 157:13 BY MS. GOLDEN: 157:14 Q. Do they still live at the Liberty property?				
157:16 THE WITNESS: I don't know. I doubt it. 157:17 BY MS. GOLDEN: 157:18 Q. How do you know that Ron and Annette lived at 157:19 the property at one time?				
157:21 THE WITNESS: Because I've -- because I've seen 157:22 them there. 157:23 BY MS. GOLDEN: 157:24 Q. When you saw them there, were their belongings 157:25 at the property? 158:1 A. Like? 158:2 Q. Like their clothes and other personal items? 158:3 A. Yes. 158:4 Q. Were their dogs on the property? 158:5 A. Yes. 158:6 Q. Were their horses on the property? 158:7 A. Yes. 158:8 Q. Was there anything else that made -- that you 158:9 observed that indicated that Ron and Annette lived there? 158:10 A. Their cars.				

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158:11 Q. Anything else? 158:12 A. Paintings. 158:13 Q. Anything else? 158:14 A. Not that I can think of right now. 158:15 Q. When you visited, was anyone besides Ron and 158:16 Annette living at the Liberty property? 158:17 A. No. 158:18 Q. Did you ever find out anything about Ron and 158:19 Annette's living arrangements at the property?				
158:21 THE WITNESS: I was told that he was renting 158:22 it. 158:23 BY MS. GOLDEN: 158:24 Q. Who told you that? 158:25 A. Ron. 159:1 Q. Did Ron say who they were renting the property 159:2 from? 159:3 A. From John. 159:4 Q. As far as you know, what were the terms of the 159:5 lease? 159:6 A. I don't know any of the terms. 159:7 Q. Okay. Do you know how much the rent was?				
161:9 Q. Based on knowing Ron and Annette, do you have 161:10 any idea why they were living at the Liberty property?	161:2 Q. Did Ron or Annette ever tell you that they 161:3 owned the Liberty property? 161:5 THE WITNESS: No.			

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161:13 THE WITNESS: Ron grew up in Utah. I'm sure 161:14 that's part of the reason why. 161:15 BY MS. GOLDEN: 161:16 Q. At the time Ron and Annette were living at the 161:17 Liberty property, were there other family members nearby?				
161:19 THE WITNESS: I believe Annette's daughter's or 161:20 son's family, I don't know exactly -- I don't know her 161:21 family that well. But her family was living somewhere 161:22 close. 161:23 BY MS. GOLDEN: 161:24 Q. Do you recall the name of Annette's son? I'm 161:25 sorry, daughter? 162:1 A. I think it was Sarah. 162:2 Q. Sarah Watkins? 162:3 A. I don't know. 162:4 Q. Do you know her last name? 162:5 A. No. 162:6 Q. At the time Ron and Annette were living at the 162:7 Liberty property, were any of your sisters living nearby? 162:8 A. I wouldn't consider it nearby, but within the 162:9 state, yes. 162:10 Q. About how far away from Liberty?				

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162:11 A. My sister lived in Centerville, so whatever 162:12 that distance is from Liberty. 162:13 Q. You don't know what the distance is between 162:14 Centerville and Liberty? 162:15 A. I don't know the exact distance. You can look 162:16 it up on the map. 162:17 Q. When Ron and Annette were living at the 162:18 property, was Ron's mother living nearby? 162:19 A. Yes, she --				
162:22 THE WITNESS: She lives in Bountiful. 162:23 BY MS. GOLDEN: 162:24 Q. Is Bountiful near Liberty? 162:25 A. You can look at it on the map, same as 163:1 Centerville. It's close to Centerville. 163:2 Q. Can you tell me what the distance is between 163:3 Bountiful and Liberty? 163:4 A. No.				
163:9 Q. Can you tell me the approximate driving time? 163:10 A. Driving would be about one hour. 163:11 Q. Does Ron have other siblings living in Utah? 163:12 A. Yes. 163:13 Q. How many?				

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163:14 A. One. I think one. 163:15 Q. What's their name? 163:16 A. Carolyn Black. 163:17 Q. And that's your aunt? 163:18 A. Yes. 163:19 Q. At the time Ron and Annette lived at the 163:20 Liberty property, did Carolyn Black live nearby?				
163:23 THE WITNESS: Again, I don't know if that would 163:24 be considered nearby, but Carolyn Black lived close to my 163:25 grandmother, Ron's mother. 164:1 BY MS. GOLDEN: 164:2 Q. In Bountiful? 164:3 A. Yes. 164:4 Q. Do you know where Ron and Annette lived before 164:5 the Liberty property? 164:6 A. I don't know the address. 164:7 Q. What state? 164:8 A. I believe they lived in Colorado. 164:9 Q. What city? 164:10 A. I don't know.				
165:13 Q. Do you know why Ron and Annette left the 165:14 Liberty property? 165:15 A. One of the reasons is because, I believe, John 165:16 kicked them out. 165:17 Q. Any other reasons that you're aware of?				

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165:18 A. They are running. They are hiding.				
167:16 Q. Has John ever lived at the Liberty property? 167:17 A. I don't think so. 167:18 Q. Has John ever visited the Liberty property? 167:19 A. Yes. 167:20 Q. How many times? 167:21 A. I don't know.				
167:25 Q. How do you know John visited the property? 168:1 A. Because I was with him. 168:2 Q. Were there other times besides the -- I think 168:3 summer 2016 visit you described, when John visited the 168:4 property? 168:5 A. I don't know. 168:6 Q. To your recollection, the only time you know of 168:7 that John Wadsworth visited the property was that time in 168:8 summer 2016? 168:9 A. From personal experience, yes, that's the only 168:10 time. 168:11 Q. Has Mrs. Chen ever lived at the Liberty 168:12 property?				
168:15 THE WITNESS: When you say, "lived," do you 168:16 mean that was her address or she was there for a period 168:17 of time?				

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168:18 BY MS. GOLDEN: 168:19 Q. Let's split that up. 168:20 Let's go with the has she ever been there for a 168:21 period of time? 168:22 A. Yes. 168:23 Q. What timeframes were those? 168:24 A. I don't remember the exact timeframe. 168:25 Q. Do you recall approximately when the first time 169:1 was? 169:2 A. No. 169:3 Q. Do you recall when the last time was? 169:4 A. No. 169:5 Q. Do you recall how many instances there were of 169:6 Mrs. Chen being at the property? 169:7 A. All I recall is it was more than two times. 169:8 Q. Were Mrs. Chen's visits all within the last ten 169:9 years? 169:10 A. I believe so. 169:11 Q. How do you know that she visited the property? 169:12 A. Because I saw her there. 169:13 Q. As far as you know, why was she visiting the 169:14 property? 169:15 A. Because she was invited by Ron to come and 169:16 visit.				

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169:24 Q. As far as you know, was this just a temporary 169:25 visit, or did Mrs. Chen actually live at the property for 170:1 those periods of time?				
170:3 THE WITNESS: It was temporary. 170:4 BY MS. GOLDEN: 170:5 Q. When did Mrs. Chen use the Liberty property as 170:6 an address? 170:7 A. I don't think she did. 170:8 Q. Okay. So when you mentioned using it as an 170:9 address, that was just a clarification of the question? 170:10 A. Yes, yes. 170:11 Q. When you visited Liberty -- sorry. 170:12 When you visited the Liberty property, who else 170:13 came with you? 170:14 A. My family. 170:15 Q. Anybody else? 170:16 A. No. 170:17 Q. Who else was at the property when you visited? 170:18 A. Besides -- who are you talking about? 170:19 Q. I mean besides Ron and Annette. Like were 170:20 there any other visitors? 170:21 A. Neighbors. 170:22 MR. INGRAM: When Kory was present?				

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170:23 MS. GOLDEN: Yes. 170:24 THE WITNESS: People that I don't know.				
	171:9 Q. Are you aware of any conversations between Ron 171:10 Talmage and John Wadsworth about the Liberty property? 171:11 A. No. 171:12 Q. Are you aware of any conversations between Ron 171:13 Talmage and Mrs. Chen about the Liberty property? 171:14 A. No. 171:15 Q. Are you aware of any conversations between -- 171:16 excuse me – John Wadsworth and Mrs. Chen about the 171:17 property? 171:18 A. Can you say that again? 171:19 Q. Are you aware of any conversations between John 171:20 Wadsworth and Mrs. Chen about the property? 171:21 A. No.			
175:1 Q. You mentioned that you visited the Liberty 175:2 property in June -- I'm sorry -- in summer of 2016; is 175:3 that right? 175:4 A. Yes. 175:5 Q. Who else went with you when you visited? 175:6 A. John and that person that was on one of these				

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175:7 documents. I can't remember his name.				
175:15 Q. Do you mind taking a minute to figure out which 175:16 document and tell me the exhibit number. 175:17 A. I believe it's this person, Richard. I don't 175:18 know. This copy is not very good, so I can't remember 175:19 the last name, but Richard. 175:20 Q. I think it says Richard Stanczyk. Does that 175:21 match your memory? 175:22 A. My memory is really vague. It's been two 175:23 years, but I believe it was him. If you had a picture of 175:24 him I could say it's him, but I'm not sure. 175:25 Q. Earlier I think you mentioned that Richard was 176:1 the accountant that John had hired; is that right? 176:2 A. I believe so. 176:3 Q. And do you recall an accountant coming with you 176:4 to the Liberty property in summer 2016? 176:5 A. Yes, yes. 176:6 Q. What was the purpose of your visit to the 176:7 property? 176:8 A. To assess whether Ron still lived there or not.				

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<p>176:9 Q. What was the result of your assessment?</p> <p>176:10 A. He was living there, Ron was.</p> <p>176:11 Q. Did you talk to Ron at the time?</p> <p>176:12 A. I wouldn't call it a conversation, but, yes.</p> <p>176:13 Q. How would you describe the encounter?</p> <p>176:14 A. So he drove up when -- we were outside, he</p> <p>176:15 drove up with his wife Annie. And he grabbed a gun, put</p> <p>176:16 it in his pocket, and started walking towards us.</p> <p>176:17 Q. And what happened after that?</p> <p>176:18 A. Then I told him to stay back.</p> <p>176:19 Q. And did he?</p> <p>176:20 A. No, he kept walking towards us, and so I walked</p> <p>176:21 away.</p> <p>176:22 Q. Okay. At some point did Ron put the gun away?</p> <p>176:23 A. I don't know. He had his hand in his pocket</p> <p>176:24 the whole time, so I don't know.</p> <p>176:25 Q. You said, "he grabbed a gun," so did you see</p> <p>177:1 the gun?</p> <p>177:2 A. Yes, from -- when he stepped out of the car.</p>				

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<p>177:3 Q. After the gun -- I'll just call it "the gun</p> <p>177:4 incident." After that, did you, John and Richard leave</p> <p>177:5 the property?</p> <p>177:6 A. Not immediately. But we did eventually leave.</p> <p>177:7 Q. Well, what happened immediately after?</p> <p>177:8 A. I stepped away and, you know, I was watching</p> <p>177:9 from a distance that John was talking with Ron. I</p> <p>177:10 believe John was trying to calm Ron down.</p> <p>177:11 Q. And what was John saying to Ron?</p> <p>177:12 A. I couldn't hear. I was far away. Enough that</p> <p>177:13 I couldn't hear the conversation.</p> <p>177:14 Q. Did Ron eventually calm down?</p> <p>177:15 A. What is your definition of calming down?</p> <p>177:16 Q. Did he put the gun away?</p> <p>177:17 A. I don't know.</p> <p>177:18 Q. When I say, "calm down," what do you understand</p> <p>177:19 that to mean?</p> <p>177:20 A. Whether he was aggressive in any way.</p> <p>177:21 Q. Okay. Well, after John spoke to Ron, was he</p> <p>177:22 still aggressive?</p>				

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177:23 A. I don't know. I kept my distance, so I'm 177:24 actually not sure. 177:25 Q. How long after the gun incident did you, John 178:1 and Richard depart the property? 178:2 A. I don't remember. 178:3 Q. Was it within an hour after that? 178:4 A. I don't remember.				
179:15 Q. So previously you've talked about a property in 179:16 Corbett, Oregon. If I refer to this property as the 179:17 "Rivercliff property," will you understand what I mean? 179:18 A. Yes. 179:19 Q. Again, I apologize, it's been a long day, so I 179:20 may be asking you this again, how are you familiar with 179:21 this property? 179:22 A. How? I've seen it. 179:23 Q. I take it you visited the property? 179:24 A. Yes. 179:25 Q. And who was living there when you visited? 180:1 A. Ron. 180:2 Q. Anybody else? 180:3 A. My mother was for a short time, and my younger 180:4 sister. 180:5 Q. Is that Lillian? 180:6 A. Yes.				

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180:7 Q. At the time you visited, who owned the 180:8 Rivercliff property?				
180:11 THE WITNESS: I don't know the exact details on 180:12 who owned it. 180:13 BY MS. GOLDEN: 180:14 Q. What details did you know? 180:15 A. That Ron --				
180:17 THE WITNESS: That Ron was living there with my 180:18 mother and my sister. 180:20 Q. And just to be clear, all you knew was that Ron 180:21 and your mom and your younger sister were living there, 180:22 you have no idea who ultimately owned the place? 180:25 THE WITNESS: Yes, I didn't know who ultimately 181:1 owned it.				
181:3 Q. Over the years, how many times have you visited 181:4 the Rivercliff property? 181:5 A. I don't remember the exact number of times I 181:6 visited. 181:7 Q. Can you give me an estimate? 181:8 A. No. I don't remember. 181:9 Q. And when was the last time you visited the 181:10 Rivercliff property? 181:11 A. The last time is in 2016.				

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181:12 Q. What time of year? 181:13 A. Early summer. 181:14 Q. Was that around the same time you visited the 181:15 Liberty property? 181:16 A. It was before. 181:17 Q. Immediately before? 181:18 A. What is "immediate" for you? What are you 181:19 talking about? 181:20 Q. Was it -- did you visit it a few days before 181:21 you went to Liberty? 181:22 A. I think it was a few days. I don't remember 181:23 exactly, but. 181:24 Q. And who else went with you to the Rivercliff 181:25 property? 182:1 A. John. 182:2 Q. Anybody else? 182:3 A. No. 182:4 Q. What was the purpose of the visit? 182:5 A. My mother might have been there, I can't 182:6 remember. 182:7 Q. What was the purpose of the visit? 182:8 A. The purpose was to see the condition of the 182:9 property. 182:10 Q. And why were you trying to see the condition?				

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182:11 A. Our goal was to get it back for the investors. 182:12 Q. Why was it your goal to get it back for the 182:13 investors? 182:14 A. Because investors were defrauded. 182:15 Q. Why did you take it upon yourself to try to 182:16 recover the property? 182:19 THEWITNESS: Because my father defrauded 182:20 people.		Objection to 182:12–182:20 under Rule 702. In his testimony at 120:3-121:18, Kory Talmage explains that this opinion is based on his personal knowledge and perceptions, including information and documents he reviewed while investigating Ronald Talmage’s scheme in Hong Kong.		OVERRULED
182:22 Q. What happened when you went to the Rivercliff 182:23 property? 182:24 A. What happened? Nothing. We just walked 182:25 around. Looked around. 183:1 Q. Did you go inside the property? 183:2 A. Yes. 183:3 Q. What was the condition of the property on the 183:4 inside? 183:5 A. The condition was -- I don't know. I mean, I 183:6 don't know what to compare it to. 183:7 Q. Was it in good -- was it clean? 183:8 A. It wasn't in a bad condition. 183:9 Q. Was it tidy? Organized? 183:10 A. Generally, yes.		Object to 182:22-185:4 under <u>Fed. R. Evid. 402</u> . This visit to the Rivercliff Property has no relevance to the claims and defenses at issue in the present litigation. This testimony is relevant because it goes towards Mr. Talmage’s propensity to tell the truth, his willingness to aid John Wadsworth in ignoring corporate formalities; and intimidating people to gain access to property in which Ronald Talmage holds the beneficial interest. The United States seeks to use the report for several reasons, including showing Mr. Wadsworth and Mr. Talmage’s motive, intent, and plan with respect to their efforts to get a hold of property belonging to Ron Talmage.		OVERRULED

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183:11 Q. Was there furniture inside? 183:12 A. Yes. 183:13 Q. Were there a lot of personal belongings? 183:14 A. There were. 183:15 Q. What kind of belongings did you see at the 183:16 property? 183:17 A. Dog-related things. 183:18 Q. Whose dogs did they relate to? 183:19 A. Ron. 183:20 Q. What kind of dog-related things? 183:21 A. There was like a bronze statue. I guess it was 183:22 bronze of one of the Irish Setters. And pictures. 183:23 Q. Did you remove anything from the property when 183:24 you visited? 183:25 A. No. 184:1 Q. Did John remove anything from the property? 184:2 A. No. 184:3 Q. Did -- oh, nobody else was there. Okay. 184:4 Did you interact with anybody, besides John, 184:5 when you visited the property? 184:6 A. Say that again? 184:7 Q. Did you interact with anybody, besides John, 184:8 when you visited the property?				

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<p>184:9 A. Inside the property?</p> <p>184:10 Q. Or outside?</p> <p>184:11 A. Yes, outside the property.</p> <p>184:12 Q. Who did you interact with outside the property?</p> <p>184:13 A. I don't remember his name.</p> <p>184:14 Q. Was it somebody who lived at the property?</p> <p>184:15 A. I believe he -- I don't know if he was living</p> <p>184:16 there or not, but he managed -- managed like the yard and</p> <p>184:17 stuff. I'm not sure.</p> <p>184:18 Q. Like the gardener?</p> <p>184:19 A. I don't know if -- whether to call him a</p> <p>184:20 gardener or -- I'm not sure exactly.</p> <p>184:21 Q. Okay. Well, what was your understanding of his</p> <p>184:22 role at the property?</p> <p>184:23 A. He mowed the lawn. Kept the property in good</p> <p>184:24 shape.</p> <p>184:25 Q. Does the name Paul Peek ring a bell?</p> <p>185:1 A. Yes, it does.</p> <p>185:2 Q. Is that the man that you talked to who mowed</p> <p>185:3 the lawn and kept up the property?</p> <p>185:4 A. I believe so.</p>				

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<p>186:23 Q. Were the police called in connection with your</p> <p>186:24 2016 visit to the Rivercliff property?</p> <p>186:25 A. I didn't call the police, no.</p> <p>187:1 Q. Did anybody else call the police?</p> <p>187:2 A. I believe so.</p> <p>187:3 Q. Who called the police?</p> <p>187:4 A. I don't know who called the police. I don't</p> <p>187:5 know who did.</p> <p>187:6 Q. But police showed up?</p> <p>187:7 A. Yes.</p> <p>187:8 Q. And what transpired during the police visit?</p> <p>187:9 A. The police wanted to make sure we were allowed</p> <p>187:10 on to the property, like we were -- you know, we weren't</p> <p>187:11 trespassing.</p> <p>187:12 Q. What did you tell the police in response?</p> <p>187:13 A. I believe we said we were representing</p> <p>187:14 Mrs. Chen.</p> <p>187:15 Q. And was that satisfactory to the police?</p> <p>187:16 A. Not right away, no.</p> <p>187:17 Q. So how did you end up satisfying the police</p> <p>187:18 that you weren't trespassing?</p> <p>187:19 A. I think it took a few days just talking with</p>		<p>Object to 186:23-188:3 under <u>Fed. R. Evid. 402</u>. This visit to the Rivercliff Property has no relevance to the claims and defenses at issue in the present litigation.</p> <p>This testimony is relevant because it goes towards Mr. Talmage's propensity to tell the truth, his willingness to aid John Wadsworth in ignoring corporate formalities; and intimidating people to gain access to property in which Ronald Talmage holds the beneficial interest. The United States seeks to use the report for several reasons, including showing Mr. Wadsworth and Mr. Talmage's motive, intent, and plan with respect to their efforts to get a hold of property belonging to Ron Talmage.</p>		<p>OVERRULED</p>

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187:20 them. 187:21 Q. Did you show them any paperwork concerning the 187:22 Liberty property -- I'm sorry, the Rivercliff property? 187:23 A. I did not. 187:24 Q. Did you show them any paperwork concerning 187:25 NCPL? 188:1 A. I did not. 188:2 Q. Did John show the police anything, any 188:3 paperwork concerning the Rivercliff property?				
188:5 THE WITNESS: I believe he did, yes. 188:6 BY MS. GOLDEN: 188:7 Q. As far as you're aware, what did John show the 188:8 police?		Object to 186:23-188:3 under <u>Fed. R. Evid. 402</u> . This visit to the Rivercliff Property has no relevance to the claims and defenses at issue in the present litigation. Assuming that this objection is actually towards 188:5–188:8, this testimony is relevant because it goes towards Mr. Talmage’s propensity to tell the truth, his willingness to aid John Wadsworth in ignoring corporate formalities; and intimidating people to gain access to property in which Ronald Talmage holds the beneficial interest. The United States seeks to use the report for several reasons, including showing Mr. Wadsworth and Mr. Talmage’s motive, intent, and plan with respect to their efforts to get a hold of property belonging to Ron Talmage.		OVERRULED

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<p>188:11 THE WITNESS: I don't remember the exact</p> <p>188:12 document.</p> <p>188:13 BY MS. GOLDEN:</p> <p>188:14 Q. Can you recall anything about the general</p> <p>188:15 nature of the document?</p> <p>188:16 A. It was something to show that we were allowed</p> <p>188:17 on to the property.</p> <p>188:18 (Exhibit 189 marked for identification.)</p> <p>188:19 BY MS. GOLDEN:</p> <p>188:20 Q. I'm going to show you a document that's been</p> <p>188:21 marked as Exhibit 189. And I'll represent to that you</p> <p>188:22 it's a sheriff's report from the Multnomah County</p> <p>188:23 Sheriff.</p>		<p>Object to 188:11-188:3 under <u>Fed. R. Evid. 402</u>. This visit to the Rivercliff Property has no relevance to the claims and defenses at issue in the present litigation.</p> <p>This testimony is relevant because it goes towards Mr. Talmage's propensity to tell the truth, his willingness to aid John Wadsworth in ignoring corporate formalities; and intimidating people to gain access to property in which Ronald Talmage holds the beneficial interest. The United States seeks to use the report for several reasons, including showing Mr. Wadsworth and Mr. Talmage's motive, intent, and plan with respect to their efforts to get a hold of property belonging to Ron Talmage.</p> <p>Object to Exhibit 189 under <u>Fed. R. Evid. 402</u>, <u>608(b)</u>, and <u>802</u>. As set forth in the Western Parties' <i>Motion in Limine to Exclude Testimony and Police Report of Joseph Graziano</i> (<u>Dkt. 249</u>, May 30, 2019), this document contains numerous hearsay statements from the non-party caretaker of the RiverCliff Property, Paul Peak, and others. The document concerns entirely the RiverCliff Property, and is unrelated to the Liberty Property at issues in the present action. Additionally, Deputy Graziano's statements are not admissible to impeach</p>	189	<p>OVERRULED</p> <p>SUSTAINED (see [267] Order)</p>

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		<p>John Wadsworth's character under Rule 608(b).</p> <p>This objection lacks merit for the reasons stated in the United States' Motion to Admit the Report of Joseph Graziano (Dkt. 253) and the United States' response to the Western Parties' Motion to exclude this report and Deputy Graziano's testimony.</p>		
<p>192:5 Q. On page 20 of 77, in the second paragraph, the</p> <p>192:6 sheriff writes, "Kory Talmage told Paul" --</p> <p>192:7 MR. INGRAM: Which line are you looking at?</p> <p>192:8 MS. GOLDEN: Line?</p> <p>There's no line. Second</p> <p>192:9 paragraph.</p> <p>192:10 MR. INGRAM: Okay.</p> <p>192:11 BY MS. GOLDEN:</p> <p>192:12 Q. Second sentence there says -- begins, "Kory</p> <p>192:13 Talmage told Paul in an angry tone, 'There will be</p> <p>192:14 consequences.'"</p> <p>192:15 Do you recall telling that to Mr. Paul Peek?</p> <p>192:16 A. In an angry tone, no.</p> <p>192:17 Q. Do you recall telling Mr. Peek that there will</p> <p>192:18 be consequences?</p> <p>192:19 A. I recall talking to him, but I don't recall</p> <p>192:20 saying that, no.</p>		<p>Object to 192:5-193:15 under <u>Fed. R. Evid. 602</u> and <u>802</u>. The statements in the referenced report (which is inadmissible for the reasons stated in the prior objection) are inadmissible hearsay. Additionally, Mr. Talmage has no firsthand knowledge of the referenced report as he did not prepare it.</p> <p>The Rule 802 objection lacks merit for the reasons stated in the United States' Motion to Admit the Report of Joseph Graziano (Dkt. 253) and the United States' response to the Western Parties' Motion to exclude this report and Deputy Graziano's testimony. With regard to the Rule 602 objection, Mr. Talmage's testimony is proper because he has personal knowledge of the events described in the report.</p>		OVERRULED

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<p>192:21 Q. What did you tell Mr. Peek?</p> <p>192:22 A. I don't remember.</p> <p>192:23 Q. On the following page, page 21 of 77, the</p> <p>192:24 sheriff writes in the first paragraph -- looks like he's</p> <p>192:25 talking about John,</p> <p>"Wadsworth said he didn't have a</p> <p>193:1 court order. He said they had gone to the Secretary of</p> <p>193:2 State's office in Salem where they obtained a document</p> <p>193:3 showing proof of ownership."</p> <p>193:4 Is that accurate?</p> <p>193:5 A. Can you repeat that?</p> <p>Which part are you</p> <p>193:6 reading? I'm lost right now.</p> <p>193:7 Q. In the first paragraph, it says, "Wadsworth</p> <p>193:8 said he didn't have a court order. He said they had gone</p> <p>193:9 to the Secretary of State's office in Salem where they</p> <p>193:10 obtained document showing proof of ownership."</p>				
<p>193:13 Q. And I'm asking, is that accurate?</p> <p>193:14 A. I believe so, yes.</p> <p>193:15 Q. Did you accompany Mr. Wadsworth to the</p> <p>193:16 Secretary of State's office in Salem?</p> <p>193:17 A. Yes.</p>		<p>Object to 192:5-193:14 under <u>Fed. R. Evid. 602</u> and <u>802</u>. The statements in the referenced report (which is inadmissible for the reasons stated in the prior objection) are inadmissible hearsay. Additionally, Mr. Talmage has no firsthand knowledge of the referenced report as he did not prepare it.</p>		<p>OVERRULED</p>

Case Name United States v. Talmage, et. al Case Number 1:16-cv-19-DN-PMW Deposition of Korianton Talmage taken July 19, 2018				
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193:18 Q. And how did you end up obtaining the proof of 193:19 ownership described in this report? 193:20 A. I didn't obtain it. 193:21 Q. Who obtained it? 193:22 A. John did. 193:23 Q. How did John obtain it? 193:24 A. I don't know. 193:25 Q. What were you doing at the Secretary of State's 194:1 office while John was obtaining the document? 194:2 A. I was -- I believe I was waiting in the car. 194:3 Q. So you didn't go in the building with him? 194:4 A. No. 194:5 Q. Further on in the same paragraph the sheriff 194:6 writes that John showed him a business registry business 194:7 name search, and that it listed John Wadsworth as the 194:8 president and Kory Talmage as the secretary. 194:9 Do you recall seeing such a document? 194:10 A. Yes, I do recall seeing. 194:11 Q. And is this accurately described in the 194:12 sheriff's report?		The Rule 802 objection lacks merit for the reasons stated in the United States' Motion to Admit the Report of Joseph Graziano (<u>Dkt. 253</u>) and the United States' response to the Western Parties' Motion to exclude this report and Deputy Graziano's testimony. With regard to the Rule 602 objection, Mr. Talmage's testimony is proper because he has personal knowledge of the events described in the report. Object to 194:5-14 under <u>Fed. R. Evid. 602</u> and <u>802</u> . The statements in the referenced report (which is inadmissible for the reasons stated in the prior objection) are inadmissible hearsay. Additionally, Mr. Talmage has no firsthand knowledge of the referenced report as he did not prepare it. The Rule 802 objection lacks merit for the reasons stated in the United States' Motion to Admit the Report of Joseph Graziano (<u>Dkt. 253</u>) and the United States' response to the Western Parties' Motion to exclude this report and Deputy Graziano's testimony. With regard to the Rule 602 objection, Mr. Talmage's testimony is proper because he has personal knowledge of the events described in the report.		OVERRULED
194:14 THE WITNESS: Yes. 194:15 BY MS. GOLDEN:		Object to 194:5-14 under <u>Fed. R. Evid. 602</u> and <u>802</u> . The statements in the referenced report (which is inadmissible		OVERRULED

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194:16 Q. Why did you get -- I'm sorry. Let me rephrase. 194:17 Why did you and John get yourselves listed as 194:18 the president and secretary, respectively, of the 194:19 business? 194:20 A. Because Mrs. Chen gave us permission to. 194:21 Q. And what business was this? 194:22 A. What business? 194:23 Q. Yes. It says there's a business registry 194:24 business name search. And what business does this refer 194:25 to?		for the reasons stated in the prior objection) are inadmissible hearsay. Additionally, Mr. Talmage has no firsthand knowledge of the referenced report as he did not prepare it. The Rule 802 objection lacks merit for the reasons stated in the United States' Motion to Admit the Report of Joseph Graziano (<u>Dkt. 253</u>) and the United States' response to the Western Parties' Motion to exclude this report and Deputy Graziano's testimony. With regard to the Rule 602 objection, Mr. Talmage's testimony is proper because he has personal knowledge of the events described in the report.		
195:3 THE WITNESS: I don't know. 195:4 BY MS. GOLDEN: 195:5 Q. Was it New Century Properties Limited?				
195:7 THE WITNESS: I don't know. 195:8 BY MS. GOLDEN: 195:9 Q. Was it Rivercliff Farm, Inc? 195:10 A. I don't know.				
195:13 BY MS. GOLDEN: 195:14 Q. And to be clear, your testimony is that while 195:15 you recall seeing this document where John is listed as 195:16 president and you were a secretary of the business, you 195:17 can't recall what the name of that business was?		Object to 195:14-25 under <u>Fed. R. Evid. 602</u> and <u>802</u> . The document referenced is inadmissible hearsay. Mr. Talmage testified that he "can't recall" the subject matter of these questions. The document is not being moved into evidence, so there is no basis for the Rule 802 objection. With regard to the		OVERRULED as to 195:14-19; SUSTAINED at to 195:20-25

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<p>195:18 A. Yes, I can't recall, because it's been two</p> <p>195:19 years since I saw whatever document this is referring to.</p> <p>195:20 Q. And turning to page 22 of 77, the fourth</p> <p>195:21 paragraph, the one beginning, "I immediately called</p> <p>195:22 Paul." The sheriff is describing, he says—referring</p> <p>195:23 to Paul, I believe, "He also told me that he had watched</p> <p>195:24 the men during the day and saw the men exit with two</p> <p>195:25 large stuffed backpacks."</p> <p>196:1 Did you and John leave the Rivercliff property</p> <p>196:2 with two large stuffed backpacks?</p> <p>196:3 A. No.</p> <p>196:4 Q. Did you remove anything from the property?</p> <p>196:5 A. No.</p> <p>196:6 Q. Do you recall there being a safe at the</p> <p>196:7 property?</p> <p>196:8 A. I don't recall there being a safe. Even if</p> <p>196:9 there was, I wouldn't know the number for it.</p> <p>196:10 Q. On page 23 of 77, the second paragraph, the</p> <p>196:11 sheriff is describing himself going inside, and he</p> <p>196:12 says—</p>		<p>Rule 602 objection, Mr. Talmage confirmed at 194:5–14 that the business registry document is accurately described in Deputy Graziano's report, and that he recalls seeing such a document. Here, he is only answering whether he recalls certain events described in the report. Under Rule 602, Mr. Talmage can testify as to what he does or does not remember.</p> <p>Object to 196:10-19 under <u>Fed. R. Evid. 802</u>. The referenced police report is inadmissible hearsay for the reasons previously stated and those stated in the Western Parties' <i>Motion in Limine (Dkt. 249)</i>.</p>		SUSTAINED

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<p>196:13 MR. STEPHENS: Hang on just a minute. Okay.</p> <p>196:14 MR. INGRAM: Next one, page 23?</p> <p>196:15 MS. GOLDEN: Yes.</p> <p>196:16 BY MS. GOLDEN:</p> <p>196:17 Q. "Sergeant Bevens and I then went inside and</p> <p>196:18 inspected the premises with Paul. He noted that a shelf</p> <p>196:19 full of photographs were gone."</p> <p>196:20 Did you and John remove a shelf full of</p> <p>196:21 photographs from the Rivercliff property?</p> <p>196:22 A. No.</p> <p>196:23 Q. Then later on in the same paragraph it says,</p> <p>196:24 "He escorted us to the bathroom on the main floor of the</p> <p>196:25 residence where a hidden safe was located. We saw that</p> <p>197:1 the door covering the safe was left open, exposing the</p> <p>197:2 safe. The actual safe door was locked shut."</p> <p>197:3 Do you recall opening the door covering the</p> <p>197:4 safe?</p> <p>197:5 A. Now that I read this, I do recall seeing a</p> <p>197:6 safe, yes.</p> <p>197:7 Q. Were you able to open the safe?</p> <p>197:8 A. No.</p>		<p>The Rule 802 objection lacks merit for the reasons stated in the United States' Motion to Admit the Report of Joseph Graziano (<u>Dkt. 253</u>) and the United States' response to the Western Parties' Motion to exclude this report and Deputy Graziano's testimony.</p> <p>Object to 196:23-197:2 under <u>Fed. R. Evid. 802</u>. The referenced police report is inadmissible hearsay for the reasons previously stated and those stated in the Western Parties' <i>Motion in Limine</i> (<u>Dkt. 249</u>).</p> <p>The Rule 802 objection lacks merit for the reasons stated in the United States' Motion to Admit the Report of Joseph Graziano (<u>Dkt. 253</u>) and the United States' response to the Western Parties' Motion to exclude this report and Deputy Graziano's testimony.</p>		OVERRULED

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198:25 Q. Have you had a chance to read the e-mails? 199:1 A. Yeah. Yep. 199:2 Q. To the best of your knowledge, are these 199:3 e-mails accurate copies? 199:4 MR. INGRAM: 33 through what? 199:5 MS. GOLDEN: 36. 199:6 THE WITNESS: I believe so. 199:7 BY MS. GOLDEN: 199:8 Q. And are these e-mails that you sent and 199:9 received on the times described in the e-mails? 199:10 A. I don't remember. But if it has my name on it, 199:11 I guess so. 199:12 Q. Do you have any reason to doubt that these 199:13 aren't e-mails that you sent and received? 199:14 A. No.		Object to 198:25-199:14 under <u>Fed. R. Evid. 802</u> . The referenced emails are inadmissible hearsay. The Rule 802 objection lacks merit for the reasons stated in the United States' Motion to Admit the Report of Joseph Graziano (<u>Dkt. 253</u>) and the United States' response to the Western Parties' Motion to exclude this report and Deputy Graziano's testimony. The emails from Kory Talmage in Deputy Graziano's report are admissible under Rule 803(3) because they establish Mr. Talmage's and Wadsworth's intent, motive, and plan.		OVERRULED
200:23 Q. And in these e-mails, you mentioned locking in 200:24 flights to Oregon. 200:25 Were you flying in from Japan when you visited? 201:1 A. Yes. 201:2 Q. Did you pay for your own plane tickets? 201:3 A. I don't remember. Wait. I don't think I did 201:4 pay them.	201:15 Q. Has John ever helped you pay your rent? 201:16 A. No. 201:17 Q. Has John ever helped you pay a mortgage for a 201:18 property you're living at? 201:19 A. No. 201:20 Q. Has John ever helped you pay any of your other 201:21 personal expenses? 201:22 A. No.			

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201:5 Q. Did John for you to fly to Oregon to visit the 201:6 Rivercliff property? 201:7 A. I believe that's how it was, yes. 201:8 Q. Did he also pay for you to travel to Liberty, 201:9 Utah to visit that property? 201:10 A. I think that's how it was, yeah.	201:23 Q. Has John ever helped pay any expenses on behalf 201:24 of your family members, meaning your wife and your 201:25 children? 202:1 A. no.			
202:19 Q. Before the break we were talking about the 202:20 Multnomah County Sheriff's Report and how there was a 202:21 business paper from the State of Oregon saying that you 202:22 were the secretary of a business. 202:23 So did John ask you to put your name on the 202:24 paperwork to be the secretary? 202:25 A. I didn't put the name on this paperwork. 203:1 Q. Do you know who did? 203:2 A. I believe John did. 203:3 Q. Did anybody else go into the Oregon Secretary 203:4 of State's office while you were waiting outside in the 203:5 car? I mean, anybody from your -- 203:6 A. I don't believe so. 203:7 Q. Anybody you're familiar with? 203:8 A. No.		Object to 202:19-203:8 under <u>Fed. R. Evid. 602</u> and <u>802</u> . The referenced police report is inadmissible hearsay for the reasons previously stated and those stated in the Western Parties' <i>Motion in Limine</i> (<u>Dkt. 249</u>). Further, Mr. Talmage testified that this is only his belief, not that he has any personal knowledge of the subject matter. The Rule 802 objection lacks merit for the reasons stated in the United States' Motion to Admit the Report of Joseph Graziano (<u>Dkt. 253</u>) and the United States' response to the Western Parties' Motion to exclude this report and Deputy Graziano's testimony. Furthermore, Mr. Talmage is allowed to testify as to his beliefs under Rule 602 and 701. He can testify as to his own personal observations such that he did not put his name on the paperwork, and he did not recognize anyone else going into the Secretary of State's office.		OVERRULED

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203:23 Q. Did John tell you that he was going to put your 203:24 name down as the secretary for the business in Oregon? 203:25 A. Yes.				
204:6 Q. Did you give John permission to put your name 204:7 on the paperwork? 204:8 A. Yes. 204:9 Q. Have you ever met with Mrs. Chen when it's just 204:10 the two of you? 204:11 A. No. 204:12 Q. Quite a bit earlier this morning you were 204:13 talking about how you ended up getting into business 204:14 arguments with Ron Talmage. 204:15 Can you elaborate more on what you meant by 204:16 that? 204:17 A. I don't remember the exact situation that got 204:18 us into the argument. 204:19 Q. When were those arguments taking place? 204:20 A. While I was working for WWIS. 204:21 Q. Do you recall when the first argument occurred? 204:22 A. No. 204:23 Q. Do you recall when the last argument occurred? 204:24 A. No.				

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204:25 Q. What were you arguing about? 205:1 A. I don't remember. 205:2 Q. Was it related to WWIS? 205:3 A. Yes. 205:4 Q. Was it related to the alleged Ponzi scheme 205:5 we've discussed earlier today? 205:6 A. No. 205:7 Q. Was it related to IT work? 205:8 A. Yes. 205:9 Q. And I believe when you were describing the 205:10 changing nature of your relationship with Ron to become 205:11 more businesslike as you got older -- did I correctly 205:12 recall your testimony? 205:13 A. Uh-huh, yes.				
205:17 Q. In what ways did your relationship become more 205:18 businesslike? 205:19 A. I don't know. He felt distant. And so 205:20 obviously we were -- we were father and son, but the 205:21 correspondence we had wasn't always a father and son, you 205:22 know, it was like work related. 205:23 Q. So you were talking more about work rather than 205:24 personal things? 205:25 A. Yes, I would say so. 206:1 Q. As you got older and the relationship became				

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206:2 more businesslike, as you say, were you communicating 206:3 with Ron less? 206:4 A. Yes. 206:5 Q. Were you seeing him in person less? 206:6 A. Sorry, let me correct that. 206:7 Q. Sure. 206:8 A. I wouldn't say, "less," because we were -- we 206:9 never really communicated a whole lot anyway.				
206:24 Q. What kind of stuff in his personal life did Ron 206:25 share with you?				
207:2 THE WITNESS: About his hobbies, which 207:3 sometimes I despised. 207:4 BY MS. GOLDEN: 207:5 Q. Which hobbies did you despise? 207:6 A. Like dogs. I mean, I like dogs, but I didn't 207:7 like how he was so focused on it. 207:8 Q. Did you feel that Ron was only interested in 207:9 talking to you about work?				
207:11 THE WITNESS: I wouldn't say only about work, 207:12 but only about himself.				
208:17 Q. So despite sometimes vacationing together and 208:18 you communicating with Ron about personal life and some				

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208:19 work, you felt that he was still distant? 208:20 A. Yes. 208:21 Q. I guess what I'm trying to drive at is what -- 208:22 you know, what is giving you that impression? 208:23 A. My -- okay. So I wouldn't ever want to have a 208:24 relationship like that with my son. That's what I'm 208:25 trying to say, I guess.				
209:15 Q. Look, I'm trying to get a general sense of your 209:16 father's character and his behavior. 209:17 A. Okay. 209:18 Q. You know, and how well he relates to his 209:19 family. All right? 209:20 A. Okay. I would have severed ties with him if I 209:21 wasn't working for a company he was working for.				
211:4 Q. You were asked several questions about 211:5 character. I believe you testified there were instances 211:6 where Ron has lied to you over the years. One of those, 211:7 I think, was having cancer I think you said? 211:8 A. Yes. 211:9 Q. How did he lie to you about having cancer?	210:12 Q. Did you ever actually witness Ron Talmage ever 210:13 sign a document for WWIS for anything? 210:14 A. I don't believe I have witnessed him signing 210:15 anything. 210:16 Q. Did you ever actually witness Ron Talmage send 210:17 an e-mail from a WWIS account? Physically push send?			

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211:10 What was that? 211:11 A. So he told me that he was going to be in the 211:12 hospital for treatment, chemotherapy. And this was 211:13 before discovery, but this was when we were getting 211:14 suspicious about what he's up to. 211:15 And I believe the day after he said that, or he 211:16 e-mailed me that, John actually saw him, like not in the 211:17 hospital. 211:18 Q. What about instances where you said where he 211:19 was at one location but you found out he was not, how 211:20 many times did that happen? 211:21 A. I can't recall how many times, but more than 211:22 once. 211:23 Q. Okay. I think you testified you are Ron 211:24 Talmage's son, you spent some time living with him, you 211:25 spent some time working for WWIS and interacting with him 212:1 there. 212:2 During this time and these interactions, have 212:3 you been able to formulate an opinion about Ron's 212:4 propensity to tell the truth? 212:5 A. Yes.	210:18 A. I have never seen him push send, but I set up 210:19 his e-mail on his computer. 210:20 Q. Okay. What about any -- you were talking about 210:21 investments, real estate deals involving WWIS. Did you 210:22 ever actually witness any transaction that was 210:23 consummated by a document signing or anything like that? 210:24 MS. GOLDEN: Objection; vague. 210:25 THE WITNESS: By Ron? 211:1 BY MR. INGRAM: 211:2 A. By Ron, yes. 211:3 A. No.			

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212:6 Q. And do you have an opinion on that? 212:7 A. Yes. 212:8 Q. And what is your opinion about Ron's ability to 212:9 tell the truth? 212:10 A. I think he's a pathological liar.				
219:1 CERTIFICATE 219:2 State of Utah) 219:2 ss. 219:3 County of Salt Lake) 219:4 219:4 I, Darla J. Murray, a Registered Professional 219:5 Reporter, do hereby certify: 219:6 That the testimony of KORANTON TALMAGE, the 219:6 witness in the foregoing proceeding named, was taken on 219:7 July 19, 2018; that said witness was by me, before 219:7 examination, duly sworn to testify the truth, the whole 219:8 truth, and nothing but the truth in said cause; 219:9 That the testimony of said witness was reported 219:9 by me in stenotype and thereafter transcribed into 219:10 typewritten form; 219:11 That the same constitutes a true and correct 219:11 transcription of said testimony so taken and transcribed	212:11 Q. I'm sorry. 212:12 You've also had a chance to meet, interact with 212:13 John over the years, I understand? 212:14 A. Uh-huh. 212:15 Q. Do you have any reason to believe that John 212:16 Wadsworth was ever perpetrating a Ponzi scheme on anyone? 212:17 A. I don't think he was ever. 212:18 Q. Do you have any reason to believe that John was 212:19 ever involved in defrauding investors? 212:20 A. No. He was a victim. 212:21 Q. Do you believe that -- do you have any reason 212:22 to believe that John understood that a Ponzi scheme was 212:23 being perpetrated against him and other investors prior 212:24 to 2016? 212:25 MS. GOLDEN: Objection; assumes facts not in	Objection to 212:15–213:3 under Rule 602, 701, and 702. Kory Talmage's opinions here are reasonably based on his personal perceptions described throughout the deposition, including for example at 102:7-10, 103:3-19, 120:3-121:18, 137:8-138:21.		OVERRULED

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219:12 and that the said witness testified as in the foregoing 219:12 annexed pages set out. 219:13 219:13 I further certify that I am not of kin or 219:14 otherwise associated with any of the parties of said 219:14 cause of action and that I am not interested in the event 219:15 thereof. 219:16 WITNESS MY HAND at Salt Lake City, Utah, this 219:16 27th day of July, 2018. 219:17 219:18 219:19 219:20 219:20 219:21 _____ Darla J. Murray, RPR, CSR 219:22 219:23 219:24 219:25	213:1 evidence, mischaracterizes evidence. 213:2 THE WITNESS: Prior to 2016, no. He didn't 213:3 know. 213:4 BY MR. INGRAM: 213:5 Q. In all of your interactions with John over the 213:6 years, have you been able to develop an opinion about his 213:7 propensity to tell the truth? 213:8 A. Yes, I think he's a man of integrity. Honest.			
	PLAINTIFF COUNTER DESIGNATIONS			
	(In response to the Western Parties' purported completeness designation at 104:7–21) 104:22 Q. Do any specific examples come to mind? 104:23 A. Not at the moment, no.			

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	123:11 Q. Do you have any experience in reading bank 123:12 statements?			
	123:14 THE WITNESS: Very limited, but enough to know 123:15 what's going on. 123:16 BY MS. GOLDEN: 123:17 Q. Do you have any finance background? 123:18 A. Not a very strong one, no. 123:19 Q. Do you have an accounting background? 123:20 A. No. 123:21 Q. Did you ever take any courses in college 123:22 related to finance or accounting? 123:23 A. Yes, I did. 123:24 Q. How many? 123:25 A. Just a few. 124:1 Q. Did you analyze the bank records yourself? 124:2 A. No. 124:3 Q. Who analyzed them? 124:4 A. Well, first John and I looked at them, then we 124:5 had -- I guess they were an accountant look at it. 124:6 Q. What was the accountant's name? 124:7 A. I don't remember. I don't remember the firm's 124:8 name.			

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	<p>124:9 Q. Was the accountant in the U.S.?</p> <p>124:10 A. No, it was in Hong Kong.</p>			
	<p>(In response to the Western Parties' purported completeness designation at 130:1–19)</p> <p>129:21 Q. Did Mrs. Chen agree to undertake any actions</p> <p>129:22 after this meeting?</p> <p>129:23 A. No.</p> <p>129:24 Q. Did she agree to contact any investors?</p> <p>129:25 A. No.</p>			
	<p>132:5 Q. During the trip, did you speak to any investors</p> <p>132:6 in the -- in the alleged Ponzi scheme perpetrated by Ron</p> <p>132:7 Talmage?</p> <p>132:8 A. I didn't, no.</p> <p>132:9 Q. You never spoke to any of the investors?</p> <p>132:10 A. While I was in Hong Kong? No.</p> <p>132:11 Q. I'm asking, in general, during the trip to</p> <p>132:12 Asia.</p> <p>132:13 A. Well, I lived in Japan, that's Asia.</p> <p>132:14 Q. Oh. Well, then, did you -- in Japan, did you</p> <p>132:15 speak to any of the investors of the alleged Ponzi</p> <p>132:16 scheme?</p>			

Case Name United States v. Talmage, et. al Case Number 1:16-cv-19-DN-PMW Deposition of Korianton Talmage taken July 19, 2018				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
	132:17 A. After the discovery, yes. 132:18 Q. Who did you speak to? 132:19 A. The two names I mentioned earlier. And there 132:20 were several other investors, I can't remember their 132:21 names right now.			

Instructions: One form should contain all designations for a witness. Plaintiff Designations (column 1) and Defendant Designations (column 2) will show the full deposition text that the party proposes to read in its case-in-chief. Completeness designations are proposed by the other party, under Fed. R. Civ. P. 32(a)(6), to be read with the designations. Counter-designations are read following the designations and completeness designations, similar to cross examination. This form should be provided in word processing format to the other party, who then will continue to fill in the form. The form is then returned to the proposing party for review, resolution of disputes, and further editing. The parties should confer and file a final version in PDF format using the event “Notice of Filing” and also submit a final word processing copy to the court at dj.nuffer@utd.uscourts.gov, for ruling.

All objections which the objecting party intends to pursue should be listed, whether made at the deposition, as with objections as to form, or made newly in this form, if the objection is of a type that was reserved.

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Kumiko Talmage taken August 15, 2017				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
PLAINTIFF DESIGNATIONS	DEFENDANT -DESIGNATIONS			
4:6 KUMIKO WAKO TALMAGE, 4:7 Called by the Plaintiff, having been duly 4:8 Sworn, is examined and testifies as follows:				
4:23 Q. Could you please state your full name? 4:24 A. Kumiko Wako Talmage. 4:25 Q. And do you have any former names? 5:1 A. No. That's all. 5:2 Q. Do you have any nicknames or aliases? 5:3 A. No, I don't.				
9:20 Q. So how do you know Ronald Talmage? 9:21 A. At first when I first met him, he was a 9:22 missionary in Japan. 9:23 Q. When did you meet him? 9:24 A. It was around 19 -- it was around 1972. 9:25 Q. When did you get married to Mr. Talmage? 10:1 A. It was around 1974. 10:2 Q. And when did you and Mr. Talmage divorce? 10:3 A. I think it was the year 2000 or 2001. 10:4 Q. How would you characterize your relationship 10:5 with Mr. Talmage?				

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Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
10:6 A. What kind of relationship are you talking about? 10:7 Q. Just how would you characterize your current 10:8 relationship? 10:9 A. Right now I have no contact with him. 10:10 Q. How long has that been the case? 10:11 A. Ever since our divorce. 10:12 Q. Since the divorce, have you ever met Ronald 10:13 Talmage in person? 10:14 A. Yes. From my children's wedding. 10:15 Q. How many times was that? 10:16 A. Four or five times. Other than weddings. 10:17 Q. When was the last time? 10:18 A. It might be five or six years ago, but I don't 10:19 remember correctly.				
10:25 Q. What did you discuss the last time you saw 11:1 Mr. Talmage? 11:2 A. I never have discussion after the divorce. 11:3 Q. So just to be clear, since the divorce, even 11:4 though you saw Mr. Talmage at your children's weddings or 11:5 other events, you never talked to him?	12:1 Q. Have you ever talked to the IRS about Ronald 12:2 Talmage? 12:3 A. Yes, I have about 10 years ago. 12:4 Q. Was that in connection with the IRS matter you 12:5 mentioned before where you were deposed? 12:6 A. Yes. And after that I talked to them one more	Objection to 12:1–8 under Rule 401.		OVERRULED

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Kumiko Talmage taken August 15, 2017				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
11:6 A. That is correct. I didn't talk. 11:7 Q. The last time you saw Mr. Talmage, did you know 11:8 where he was living? 11:9 A. No, I didn't know. 11:10 Q. Since the divorce, did you keep in touch with 11:11 Ronald Talmage in any other ways, such as by phone or 11:12 email or letters? 11:13 A. No, there was none. 11:14 Q. Do you have any idea where Mr. Talmage is living 11:15 currently? 11:16 A. No. No, I would like to know. 11:17 Q. Do you have any idea how to contact Mr. Talmage? 11:18 A. I don't know any -- I don't have any contact 11:19 information. 11:20 Q. Do you know if there's anybody else who would 11:21 know where Mr. Talmage is living? 11:22 A. I don't know. 11:23 Q. Do you know of anyone else who might know how to 11:24 contact Mr. Talmage? 11:25 A. As far as I know, nobody knows. Page 12	12:7 time. I talked to them because they wanted to know where 12:8 Talmage might be.			
13:15 Q. And did you know this Seki person?	13:8 Q. Going back to the first time you talked to the	Objection to 13:8–14 and 14:2--3 under Rule 401.		OVERRULED

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW
Deposition of Kumiko Talmage taken August 15, 2017

Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>13:16 A. I heard that he -- this person Seki used to be</p> <p>13:17 the president of the -- of the Ronald Talmage.</p> <p>13:18 Q. The president of Ronald Talmage?</p> <p>13:19 A. Yes.</p> <p>13:20 Q. Did you ever meet this Seki?</p> <p>13:21 A. Yes.</p> <p>13:22 Q. About how many times did you meet him?</p> <p>13:23 A. I met him about three months before he passed</p> <p>13:24 away.</p>	<p>13:9 IRS when you got the subpoena, what did you tell the IRS</p> <p>13:10 at that time?</p> <p>13:11 A. Are you asking what kind of question they asked?</p> <p>13:12 Q. Yes. Just generally what you told them.</p> <p>13:13 A. I remember they ask me about the person whose</p> <p>13:14 name is Seki.</p> <p>13:25 Q. What did you discuss?</p> <p>14:1 A. I don't remember.</p> <p>14:2 Q. Did you tell the IRS anything else?</p> <p>14:3 A. No, I don't think so. And I don't remember.</p> <p>14:4 Q. About 10 years ago when you go the IRS subpoena,</p> <p>14:5 did you know where Ronald Talmage was living at that time?</p> <p>14:6 A. I think he was living in Rivercliff Farm.</p> <p>14:7 Q. What's Rivercliff Farm?</p> <p>14:8 A. That's the house in Corbett. That's a house in</p> <p>14:9 Corbett.</p> <p>14:10 Q. How did you know he was living there?</p> <p>14:11 A. It was right after the divorce, and I knew he</p> <p>14:12 was living there with his new wife.</p> <p>14:13 Q. Has Ronald Talmage ever sent you any money since</p>			

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Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
	14:14 the divorce? 14:15 A. I didn't receive anything that's not related to 14:16 the divorce. 14:17 Q. What did you get related to the divorce? 14:18 A. I received a settlement. 14:19 Q. Do you remember how much that was when you got 14:20 it? 14:21 A. It was -- I think it was 1.4 million. 14:22 Q. Then that divorce settlement was the last time 14:23 that you got any money from Mr. Talmage? 14:24 A. Yes. 14:25 Q. You mentioned Ronald Talmage's new wife. Who is 15:1that? 15:2 A. I think her name was Annette. Annette. 15:3 Q. What was that? 15:4 A. Annie. 15:5 Q. Do you know Annette? 15:6 A. I've -- I've met her a few times. 15:7 Q. When did you first meet her? 15:8 A. It might have been my child's wedding. 15:9 Q. How would you characterize your relationship 15:10 with Annette? 15:11 A. I've never spoke to her.			

<p>Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Kumiko Talmage taken August 15, 2017</p>				
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	15:12 Q. Do you keep in touch with Annette at all? 15:13 A. No. Nothing. 15:14 Q. Just to be clear, no phone calls or emails or 15:15 letters involving Annette? 15:16 A. Nothing. 15:17 Q. And when you would see her at things like your 15:18 children's wedding, you wouldn't talk to her? 15:19 A. Correct. 15:20 Q. Do you have any idea where Annette is living 15:21 right now? 15:22 A. I don't know. 15:23 Q. Do you have any idea how to contact Annette? 15:24 A. No.			
16:7 Q. Do you know Korianton or Kory Talmage? 16:8 A. Yes. 16:9 Q. How do you know him? 16:10 A. My son.				
23:25 Are you familiar with someone named Liu Hsiu 24:1 Chen, also known as Mrs. Chen? 24:2 A. Yes. I met her once at the deposition. 24:3 Q. That's the only time that you met her? 24:4 A. Yes. 24:5 Q. Who introduced you? 24:6 A. It's just that I notice her at the deposition.				

<p><i>Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW</i></p> <p><i>Deposition of Kumiko Talmage taken August 15, 2017</i></p>				
<p>Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)</p>	<p>Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)</p>	<p>Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE</p>	<p>Exhibits</p>	<p>Ruling</p>
<p>24:7 Q. Before the deposition you had not ever met</p> <p>24:8 Mrs. Chen?</p> <p>24:9 A. No.</p> <p>24:10 Q. Have you had any other contact with Mrs. Chen</p> <p>24:11 since that deposition?</p> <p>24:12 A. I have no contact with her.</p> <p>24:13 Q. Have you seen her at any point since then?</p> <p>24:14 A. No, I didn't see her. I think she lives in</p> <p>24:15 Taiwan.</p> <p>24:16 Q. Do you have any idea where she -- where in</p> <p>24:17 Taiwan she is living right now?</p> <p>24:18 A. No, I don't.</p> <p>24:19 Q. Do you know of anybody else who might know where</p> <p>24:20 Mrs. Chen is living or how to contact her?</p> <p>24:21 A. I don't know anyone.</p>				
<p>25:3 Q. Who's Mrs. Seki?</p> <p>25:4 A. That Japanese woman was the wife. That's what I</p> <p>25:5 heard.</p> <p>25:6 Q. So your understanding is that Mrs. Chen and</p> <p>25:7 Mrs. Seki is the same person?</p> <p>25:8 A. Yes.</p> <p>25:9 Q. And where did you get this information about</p> <p>25:10 Mrs. Chen?</p>				

<p><i>Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW</i></p> <p><i>Deposition of Kumiko Talmage taken August 15, 2017</i></p>				
<p>Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)</p>	<p>Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)</p>	<p>Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE</p>	<p>Exhibits</p>	<p>Ruling</p>
<p>25:11 A. When Mr. Seki was still 25:12 alive, he said that his 25:13 wife was from Taiwan. 25:13 Q. How did you find out that 25:14 Mrs. Seki became 25:15 president after Mr. Seki died? 25:15 A. I learned about that at the 25:16 deposition. 25:16 Q. And before the 25:17 deposition, had you met Mr. Seki 25:18 before? 25:18 A. Are you talking about 25:19 Mr. Seki or Mrs. Seki? 25:19 Q. Mister. 25:20 A. I met him several times 25:21 while I was still 25:22 married. 25:22 Q. What did Ron Talmage 25:23 tell you about Mr. Seki? 25:23 A. That time, around that 25:24 time? 25:24 Q. Yes. 25:25 A. So when we were in 26:1 Japan, Ron told me that 26:1 Mr. Seki is somebody who helps 26:2 with -- Mr. Seki is a 26:2 client who helps with his business. 26:3 Q. And did Ron tell you 26:4 anything about what 26:4 Mrs. Chen or Mrs. Seki did? 26:5 A. So I heard that while -- 26:6 when Mr. Seki was still 26:6 alive and he was living in Japan, his wife was in Taiwan,</p>				

<p align="center">Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Kumiko Talmage taken August 15, 2017</p>				
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26:7 and he would go see her every once in a while, but I heard 26:8 that his wife was a housewife. 26:9 Q. And when you said you heard, who told you this 26:10 information?				
26:12 Q. Who told you the information about Mrs. Chen 26:13 that she's in Taiwan and she's a housewife? 26:14 A. Mr. Seki told me. 26:15 Q. And do you know what Mrs. Chen did after 26:16 Mr. Seki passed away? 26:17 A. So when I went to the deposition, I learned that 26:18 she became the president. 26:19 I found out. 26:20 Q. Who told you that at the deposition? 26:21 A. It's hard to explain, but before the deposition, 26:22 Ron sent me a letter saying that she became the president. 26:23 Q. The president of what? 26:24 A. So Mr. Seki's company -- so Ron was the 26:25 president originally then, but Mr. Seki became the 27:1 president. Then after his passing, Mrs. Seki became the 27:2 president. 27:3 Q. What's the name of the company?				

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27:4 A. I don't remember right now. It was Pacific 27:5 something. I don't remember really well. 27:6 Q. Does the name Trans-Pacific Partners, Ltd.? 27:7 A. Pacific. 27:8 Q. Does that ring a bell? 27:9 A. Yes. 27:10 Q. Did you hear anything about Mrs. Chen after the 27:11 deposition? 27:12 A. No, I didn't.				
27:19 Q. Have you ever heard of an entity called New 27:20 Century Properties Limited? 27:21 A. Yes. I heard about it first time when -- after 27:22 my divorce, after I moved out of the house. 27:23 Q. What did you hear about it? 27:24 A. It was listed as one of his companies on the 27:25 divorce paper. That's when I first found out. 28:1 Q. When you say "one of his companies" that's 28:2 referring to Ronald Talmage? 28:3 A. Yes. 28:4 Q. Do you have any idea what New Century Properties 28:5 Limited does? 28:6 INTERPRETER: I'm sorry. Could you repeat the				

<p>Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Kumiko Talmage taken August 15, 2017</p>				
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<p>28:7 name of the company? 28:8 Q. New Century Properties Limited. 28:9 A. I had no idea at that time. 28:10 Q. And do you know if New Century Properties 28:11 Limited owns any property or does any business? 28:12 A. I didn't know that they would -- they were 28:13 dealing with properties. 28:14 MRS. TALMAGE: I don't think it was related with 28:15 a property. 28:16 Q. That's fine. I'm just asking if you knew. 28:17 Do you know if there's anyone else associated 28:18 with New Century Properties Limited besides Ronald 28:19 Talmage? 28:20 A. Seki's name was included. 28:21 Q. Anybody else? 28:22 A. That's all I know.</p>				
<p>29:7 Q. Okay. I'd like to show you a document that's 29:8 going to be marked as Exhibit 85 and that's Bates stamped 29:9 WADS006556. I'm sorry. 6556 to 6563. 29:10 (Exhibit 85 marked) 29:11 Q. I'll note for the record this document does have</p>		<p>Object to 29:7-24 under <u>Fed. R. Evid. 602, 802, and 901</u>. Ms. Talmage does not have personal knowledge of the document referenced, does not lay foundation for it, and the document itself is inadmissible hearsay.</p> <p>This testimony is proper under Rule 602 because Ms. Talmage has personal knowledge of receiving payments for her</p>	85, 86	OVERRULED

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Kumiko Talmage taken August 15, 2017				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>29:12 the confidential information label. So it's subject to</p> <p>29:13 the protective order.</p> <p>29:14 A. Does it explain how the money was used?</p> <p>29:15 Q. Well, I'll represent to you that this is a</p> <p>29:16 document we got from John Wadsworth. And at the top it</p> <p>29:17 says, "New Century Properties General Ledger," and it</p> <p>29:18 appears to be for the year 2001. And then in --</p> <p>29:19 there's -- in March 9th, 2001, it shows a transfer to --</p> <p>29:20 appears to be a transfer to you of about \$4,000. Do you</p> <p>29:21 remember what that transfer was for?</p> <p>29:22 A. All I could think of is that it might have been</p> <p>29:23 for the -- to pay for my daughter's tuition, college</p> <p>29:24 tuition.</p> <p>29:25 Q. Which daughter is that?</p> <p>30:1 A. The youngest one.</p> <p>30:2 Q. What's her name?</p> <p>30:3 A. Lillian, but I don't remember really well.</p> <p>30:4 Q. Do you remember getting this \$4,000 payment in</p> <p>30:5 March 2001?</p> <p>30:6 A. I think I remember that they sent a few times to</p> <p>30:7 pay the tuition for my daughter.</p>		<p>children's college tuition from Mr. Talmage. The document is not being offered into evidence, so the Rule 802 and 901 objections lack merit. Further, this document and any statement within are not offered for the truth of the matter asserted and were shown to the witness to refresh her recollection under Rule 612.</p>		

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<p>30:8 Q. I'm going to hand you a document that we're</p> <p>30:9 going to mark as Exhibit 86, and it's Bates stamped</p> <p>30:10 WADS006625 to 6633.</p> <p>30:11 (Exhibit 86 marked)</p> <p>30:12 Q. I'll represent to you that this is another</p> <p>30:13 document we got from John Wadsworth. It appears to be a</p> <p>30:14 New Century Properties Limited Cash Disbursement Journal</p> <p>30:15 for the year 2002. If you look --</p> <p>30:16 A. What is it? What do I look at?</p> <p>30:17 Q. Oh. So if you look -- throughout this document</p> <p>30:18 there appears to be a few periodic transfers to you of</p> <p>30:19 \$10,500. So there's on February 21st of 2002, then</p> <p>30:20 March 25th, April 23rd, May 28th and June 24th. I think</p> <p>30:21 it's in chronological order. So if you just look for the</p> <p>30:22 dates.</p>		<p>Object to 30:12-22 under <u>Fed. R. Evid. 602, 802, and 901</u>. Ms. Talmage does not have personal knowledge of the document referenced, does not lay foundation for it, and the document itself is inadmissible hearsay.</p> <p>This testimony is proper under Rule 602. Ms. Talmage has already testified that she received payments from Ron Talmage. It is appropriate to question her further about other payments she may have received. The document itself is not being offered into evidence, so there is no basis for the Rule 802 or 901 objections. Further, the document and any statements within are not offered for the truth of the matter asserted and were shown to the witness to refresh her recollection under Rule 612.</p> <p>Object to Exhibits 85 and 86 on the grounds that they were not disclosed in the Government's <i>Pretrial Disclosures</i>.</p> <p>These documents were not disclosed because the United States does not intend to offer them into evidence.</p>		<p>OVERRULED</p> <p>SUSTAINED</p>

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Kumiko Talmage taken August 15, 2017				
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<p>31:1 MS. GOLDEN: I'll say it out loud again as I</p> <p>31:2 mark them. So there's one on February 21st, 2002. So all</p> <p>31:3 these dates are going to be 2002. One on March 25th. One</p> <p>31:4 on April 23rd. One on May 28th. One on June 24th. And</p> <p>31:5 one on August 27th. And then those are all in the amount</p> <p>31:6 of 10,500 according to this document. And then there's a</p> <p>31:7 final transfer on September 26th, 2002, that is in the</p> <p>31:8 amount of \$51,775. And that last one is on page</p> <p>31:9 WADS006631.</p> <p>31:10 A. Probably. I don't remember really well. But</p> <p>31:11 after the divorce, about three years, he didn't pay me --</p> <p>31:12 three years, he didn't pay me the settlement, and instead</p> <p>31:13 I think he said that he would pay the interest.</p> <p>31:14 Q. That's your understanding, to the best of your</p> <p>31:15 recollection, that the 10,500 payments that you got</p> <p>31:16 throughout 2002, that's interest on your divorce</p> <p>31:17 settlement?</p> <p>31:18 A. Yes, I think so.</p> <p>31:19 Q. And the last payment there on September 26th,</p>		<p>Object to 31:1-22 under <u>Fed. R. Evid. 602, 802, and 901</u>. Ms. Talmage does not have personal knowledge of the document referenced, does not lay foundation for it, and the document itself is inadmissible hearsay.</p> <p>This testimony is proper under Rule 602. Ms. Talmage has already testified that she received payments from Ron Talmage. It is appropriate to question her further about other payments she may have received. The document itself is not being offered into evidence, so there is no basis for the Rule 802 or 901 objections. Further, the document and any statements within are not offered for the truth of the matter asserted and were shown to the witness to refresh her recollection under Rule 612.</p>		<p>OVERRULED</p>

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Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
31:20 2002, of \$51,775, was that also for the divorce 31:21 settlement? 31:22 A. I think it was the part of it.				
32:2 (Exhibit 87 marked) 32:3 Q. I'll represent to you that this is another 32:4 document we got from John Wadsworth. It appears to be the 32:5 New Century Properties Ltd. general ledger for the year 32:6 2004. If you look on page WADS006902, there appears to be 32:7 a transfer dated January 20th, 2004, to you in the amount 32:8 of \$133,395. And do you recall getting this transfer? 32:9 A. I remember I received the interest in one 32:10 payment for the year. 32:11 Q. Just to confirm, this 133,000 payment was the 32:12 interest on your divorce settlement for the year 2004? 32:13 A. I think so.		<p>Object to 32:3-13 under <u>Fed. R. Evid. 602, 802, and 901</u>. Ms. Talmage does not have personal knowledge of the document referenced, does not lay foundation for it, and the document itself is inadmissible hearsay.</p> <p>This testimony is proper under Rule 602. Ms. Talmage has already testified that she received payments from Ron Talmage. It is appropriate to question her further about other payments she may have received. The document itself is not being offered into evidence, so there is no basis for the Rule 802 or 901 objections. Further, the document and any statements within are not offered for the truth of the matter asserted and were shown to the witness to refresh her recollection under Rule 612.</p> <p>Object to Exhibit 87 on the grounds that it was not disclosed in the Government's <i>Pretrial Disclosures</i>.</p> <p>This document was not disclosed because the United States does not intend to offer it into evidence at trial.</p>	87	<p>OVERRULED</p> <p>SUSTAINED</p>

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Kumiko Talmage taken August 15, 2017				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
33:1 Q. Have you heard of an entity called WWIS Limited? 33:2 A. Yes, once -- once I heard of it after the 33:3 divorce in the email. Is it the email? I think I -- I 33:4 think I heard something. 33:5 Q. So after the divorce you heard something about 33:6 email? 33:7 A. I heard about this name. 33:8 Q. How did you hear of it? 33:9 A. I think I saw it once in an email. 33:10 Q. Who was the email from? 33:11 A. From Talmage. 33:12 Q. That's Ronald Talmage? 33:13 A. Yes, I think so. 33:14 Q. Who showed you the email? 33:15 A. I don't think I received -- I don't think the 33:16 email came directly from him, but it may have been that 33:17 his -- his notice of his wedding, but I don't remember. 33:18 Q. So if the email was not directly from him, did 33:19 somebody forward that to you? 33:20 A. I think so. 33:21 Q. Do you recall who forwarded it? 33:22 A. I don't remember. 33:23 Q. Other than that email, did you hear anything				

<p align="center">Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Kumiko Talmage taken August 15, 2017</p>				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
33:24 else about WWIS Limited? 33:25 A. No, I haven't.				
34:4 Q. Do you know if anybody else is associated with 34:5 WWIS besides Ronald Talmage? 34:6 A. I think it was the wife. 34:7 Q. Is that Annette? 34:8 A. Yes. 34:9 Q. And other than Annette, do you know if there's 34:10 anybody else associated with WWIS? 34:11 A. No. 34:12 Q. Have you heard of an entity called Trans-Pacific 34:13 Partners, Ltd.? 34:14 A. Yes, I've heard of it. 34:15 Q. How did you hear of it? 34:16 A. When I was still married and living in Japan, I 34:17 heard about the company. 34:18 Q. And who told you about it? 34:19 A. From Talmage. 34:20 Q. And do you know what Trans-Pacific Partners 34:21 does? 34:22 A. I don't know. 34:23 Q. Do you know if anybody else besides Ronald 34:24 Talmage, and I believe earlier you said Mr. Seki was 34:25 associated with Trans-Pacific Partners?			88	

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Kumiko Talmage taken August 15, 2017				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>35:1 A. Lloyd Tupper and Keiji Yamane.</p> <p>35:2 Q. Can you spell those names?</p> <p>35:3 A. So it's the bottom two.</p> <p>35:4 So I'm being handed a piece of paper. It says</p> <p>35:5 Lloyd Tupper, appears to be L-L-O-Y-D, and then</p> <p>35:6 T-U-P-P-E-R. And then the second name is Keiji, K-E-I-J-I</p> <p>35:7 Yamane, Y-A-M-A-N-E.</p> <p>35:8 Okay. Do you know what Lloyd Tupper and Keiji</p> <p>35:9 Yamane roles were with Trans-Pacific Partners?</p> <p>35:10 A. Talmage was the president, but I don't know -- I</p> <p>35:11 don't know those -- I don't know their roles, but I think</p> <p>35:12 they were partners.</p> <p>35:13 Q. Did you ever get any money from Trans-Pacific</p> <p>35:14 Partners Limited?</p> <p>35:15 A. I don't know which one it was, but I remember</p> <p>35:16 one of them sent me money after my divorce.</p> <p>35:17 Q. I'm going to show you a document that's being</p> <p>35:18 marked as Exhibit 88 and that's Bates stamped WADS008222.</p> <p>35:19 (Exhibit 88 marked)</p> <p>35:20 Q. I'll represent to you that this is a document we</p>		<p>Object to 35:17-36:11 under <u>Fed. R. Evid. 602, 802, and 901</u>. Ms. Talmage does not have personal knowledge of the document referenced, does not lay foundation for it, and the document itself is inadmissible hearsay.</p>		<p>OVERRULED</p>

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Kumiko Talmage taken August 15, 2017				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>35:21 got from John Wadsworth. It appears to be -- it appears</p> <p>35:22 to be a receipt or some kind of transfer confirmation</p> <p>35:23 for -- in the amount of \$2528.94.</p> <p>35:24 A. When is it?</p> <p>35:25 Q. Dated March 20th, 2000. That's at the top</p> <p>36:1 right.</p> <p>36:2 A. Okay.</p> <p>36:3 Q. And it says, "Beneficiary, Kumiko Talmage."</p> <p>36:4 A. Where is the amount written? This one?</p> <p>36:5 Q. Yes. It's in the top left box here.</p> <p>36:6 And then at the bottom it says, "Trans-Pacific,</p> <p>36:7 Partners Limited." So it seems to be a transfer from</p> <p>36:8 Trans-Pacific Partners to yourself.</p> <p>36:9 And I'm sorry, I think --</p> <p>36:10 A. It was the year 2000. So I think it was</p> <p>36:11 something related to Lillian.</p> <p>36:12 Q. How old was Lillian at the time?</p> <p>36:13 A. Last year in high school.</p> <p>36:14 Q. And one small correction. I think I misspoke.</p> <p>36:15 It says the remittance amount is 2500 and then there</p> <p>36:16 appear to be an additional \$28.94 of charges.</p> <p>36:17 A. I don't remember that.</p>		<p>This testimony is proper under Rule 602. Ms. Talmage has already testified that she received payments from Ron Talmage. It is appropriate to question her further about other payments she may have received. The document itself is not being offered into evidence, so there is no basis for the Rule 802 or 901 objections. Further, the document and any statements within are not offered for the truth of the matter asserted and were shown to the witness to refresh her recollection under Rule 612.</p>		

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Kumiko Talmage taken August 15, 2017				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>36:18 Q. And I'm sorry if I asked you this before, but do</p> <p>36:19 you have any idea what Trans-Pacific Partners does?</p> <p>36:20 A. I think I heard that they do something regarding</p> <p>36:21 consultant, consulting.</p> <p>36:22 Q. Who did you hear that from?</p> <p>36:23 A. From him.</p> <p>36:24 MRS. TALMAGE:</p> <p>Talmage.</p> <p>36:25 A. Talmage. But I don't know any details.</p>		<p>Object to 36:14-17 under <u>Fed. R. Evid. 602, 802, and 901</u>. Ms. Talmage does not have personal knowledge of the document referenced, does not lay foundation for it, and the document itself is inadmissible hearsay.</p> <p>This testimony is proper under Rule 602. Ms. Talmage has already testified that she received payments from Ron Talmage. It is appropriate to question her further about other payments she may have received. The document itself is not being offered into evidence, so there is no basis for the Rule 802 or 901 objections. Further, the document and any statements within are not offered for the truth of the matter asserted and were shown to the witness to refresh her recollection under Rule 612.</p> <p>Object to Exhibit 88 on the grounds that it was not disclosed in the Government's <i>Pretrial Disclosures</i>.</p> <p>This document was not disclosed because the United States does not intend to offer it into evidence at trial.</p>		<p>OVERRULED</p> <p>SUSTAINED</p>
<p>40:19 Q. Before you met John Wadsworth in person last</p> <p>40:20 year, had you ever heard of him?</p> <p>40:21 A. Yes, I heard a little bit about his name.</p> <p>40:22 Q. And what did you hear?</p>	<p>41:19 Q. Have you ever heard of an entity called Western</p> <p>41:20 Land & Livestock, LLC?</p> <p>41:21 A. No, I haven't.</p> <p>41:22 Q. Have you ever heard of an entity called Western</p> <p>41:23 Reserve Mortgage, LLC?</p>			

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Kumiko Talmage taken August 15, 2017				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
40:23 A. I only heard his name. Because long time ago 40:24 when I was in a Japan, I knew his parents through church. 40:25 Q. Did you ever hear about John Wadsworth from 41:1 Ronald Talmage? 41:2 A. No, I didn't. 41:3 Q. Did you ever hear about John Wadsworth from Kory 41:4 Talmage? 41:5 A. We had dinner together and that's all. 41:6 Q. Before that dinner in Oregon, had Kory told you 41:7 anything about John Wadsworth? 41:8 A. So my -- his parents were going to the same ward 41:9 at the church with me. So... 41:10 Q. That's in Japan? 41:11 A. Yes. 41:12 Q. So just to be -- just to confirm, before you had 41:13 dinner with Mr. Wadsworth in Oregon last year, Kory never 41:14 told you anything about him? 41:15 A. I think I remember I heard his -- about his name 41:16 a few times. 41:17 Q. Anything else besides the name? 41:18 A. No.	41:24 A. No, I haven't. 41:25 Q. Have you ever heard of an entity called 42:1 Preferred Leasing, LLC? 42:2 A. No, I haven't. 42:3 Q. Have you heard -- have you ever heard of an 42:4 entity called For This Property Group, LLC? 5 A. I haven't.			
42:11 Q. And what's your understanding of the				

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<p>42:12 relationship between Mr. Wadsworth and your son Kory?</p> <p>42:13 A. I think it was a business relationship.</p> <p>42:14 Q. Do you have any idea what kind of business?</p> <p>42:15 A. I think they were working for Ron, but I don't</p> <p>42:16 know.</p> <p>42:17 Q. Do you have any idea what they were doing for</p> <p>42:18 Ron?</p> <p>42:19 A. I don't know the detail.</p>				
<p>46:2 Q. (BY MR. INGRAM) This is a photograph that was</p> <p>46:3 provided to me. Do you recognize the woman in the hat?</p> <p>46:4 A. I think I met -- I met her once at the</p> <p>46:5 deposition, but I don't remember well.</p> <p>46:6 Q. Do you know who this is?</p> <p>46:7 A. I think that's Mrs. Seki because she's with</p> <p>46:8 them.</p> <p>46:9 Q. Mrs. Chen you mean?</p> <p>46:10 A. Yes.</p> <p>46:11 Q. And is this Ron next to Mrs. Chen?</p> <p>46:12 A. Yes.</p> <p>46:13 Q. And is this Annette next to Ron?</p> <p>46:14 A. Yes.</p> <p>46:15 Q. Thank you.</p>			89	

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Kumiko Talmage taken August 15, 2017				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
46:16 MS. GOLDEN: Can we clarify -- since there was 46:17 pointing, can we clarify which people in the photograph? 46:18 MR. INGRAM: I said the woman in the hat. And 46:19 then -- there's only on woman with the hat. Then the 46:20 gentleman next to her. There's only one gentleman 46:21 standing next to her. Then the woman next to Ron. 46:22 There's only one other woman next to her. So I think the 46:23 record is clear.				
46:25 Q. Mrs. Talmage, you were asked about Exhibits 85 47:1 and 86 and 87 regarding transfers from New Century 47:2 Properties Limited. For the monies that were transferred 47:3 to you, do you have any idea where New Century Properties 47:4 Limited obtained those funds? 47:5 A. So as far as I know, I thought when we were 47:6 still in Japan, he received commissions from the companies 47:7 promised him, Taki Huigi, and we were talking about moving 47:8 to the US. So I thought the plan came from there. 47:9 Q. After your divorce, do you know where the monies 47:10 came from?		Object to 46:25-47:21 under <u>Fed. R. Evid. 602</u> and <u>701</u> . Ms. Talmage does not have personal knowledge of the documents referenced, does not lay foundation for them, and the documents themselves are inadmissible hearsay. Ms. Talmage also expressly states that her testimony about these matters is what she “assumed,” not that she had personal knowledge of them. The United States concedes that 47:9–47:21 can be excluded under Rule 602. The remaining designations are proper because Ms. Talmage is basing her testimony on knowledge obtained while married to Mr. Talmage and conversations they had about moving to the United States. The documents are not being offered into evidence, so the Rule	85, 86, 87	OVERRULED as to 46:25-47:8; SUSTAINED as to 47:9-21

<p align="center">Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Kumiko Talmage taken August 15, 2017</p>				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>47:11 —A. Even after the divorce I assumed that they were 47:12 living with—he was living with 47:13 —on this commission he 47:14 received from these companies. 47:15 —Q. Do you know how Mr. Talmage was obtaining the 47:16 commission? 47:17 —A. How he received? 47:18 —Q. How he earned the 47:19 commission? 47:20 —A. I think he received it as a 47:21 reward for 47:22 counseling. 47:23 —Q. What kind of counseling? 47:24 —A. I don't know that much 47:25 detail.</p>		<p>802 objection lacks merit. Further, the statements contained within the documents are not being offered for the truth of the matter asserted and are only used to refresh the witness' recollection under Rule 612.</p> <p>Object to Exhibits 85, 86, and 87 on the grounds that they were not disclosed in the Government's <i>Pretrial Disclosures</i>.</p> <p>These documents were not disclosed because the United States does not intend to offer them into evidence at trial.</p>		
<p>50:25 Q. Okay. You were married to Mr. Talmage for about 51:1 25 years; is that correct? 51:2 A. Twenty-seven. 51:3 Q. Twenty-seven. And during that time were you 51:4 able to formulate an opinion about his trustworthiness? 51:5 A. My personal opinion? 51:6 Q. Yes. 51:7 A. You are asking me about him, that I could trust 51:8 him? 51:9 Q. Do you have a personal opinion about his 51:10 trustworthiness? 51:11 A. My opinion he was more like a perfectionist,</p>				

<p><i>Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW</i> <i>Deposition of Kumiko Talmage taken August 15, 2017</i></p>				
<p>Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)</p>	<p>Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)</p>	<p>Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE</p>	<p>Exhibits</p>	<p>Ruling</p>
<p>51:12 controlled, and sometimes manipulate kind of person. 51:13 So... He was hard. I'm not sure if I was able to trust 51:14 him or not. 51:15 Q. Do you have an opinion about his ability to tell 51:16 the truth? 51:17 A. I didn't know then at the time. 51:18 Q. And what is your opinion now? 51:19 A. I think he's a liar.</p>				
<p>56:1 CERTIFICATE 56:2 56:2 STATE OF UTAH) 56:3) SS. 56:3 COUNTY OF SALT LAKE) 56:4 56:5 I, Susan S. Sprouse, a Registered Professional 56:5 Reporter, Certified Court Reporter, and Notary Public in 56:6 and for the State of Utah, do hereby certify: 56:7 That the deposition of Kumiko Wako Talmage, the 56:7 witness in the foregoing deposition named, was taken on 56:8 August 15, 2017; that said witness was by me, before 56:8 examination, duly sworn to testify the truth, the whole</p>				

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW
Deposition of Kumiko Talmage taken August 15, 2017

Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>56:9 truth, and nothing but the truth in said cause.</p> <p>56:10 That the testimony of said witness was reported by</p> <p>56:10 me in stenotype and thereafter transcribed by computer,</p> <p>56:11 and that a full, true, and correct transcription of said</p> <p>56:11 testimony so taken is set forth in the foregoing pages;</p> <p>56:12</p> <p>56:12 That a copy of the same was sent to Kumiko Wako</p> <p>56:13 Talmage for reading and signature before a Notary Public,</p> <p>56:13 and to be returned to my office within 30 days of the date</p> <p>56:14 hereon.</p> <p>56:15 I further certify that I am not of kin or</p> <p>56:15 otherwise associated with any of the parties to said</p> <p>56:16 cause of action, and that I am not interested in the</p> <p>56:16 event thereof.</p> <p>56:17</p> <p>56:18 WITNESS MY HAND and official seal at Salt Lake City,</p> <p>56:19 Utah, this 31st day of August, 2017.</p> <p>56:20</p> <p>56:21</p> <p>56:22</p> <p>_____</p> <p>56:23</p>				

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Kumiko Talmage taken August 15, 2017				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
56:24 SUSAN S. SPROUSE 56:25 License No. 5965543-7801				
DEFENDANT COUNTER-DESIGNATIONS	PLAINTIFF COUNTER-DESIGNATIONS			
5:8 Q. One threshold matter since we have the Japanese 5:9 interpreter in this deposition is that so the record is 5:10 going to be in English, but I will try to ask you guys to 5:11 follow the interpreter procedures. So that is, I will ask 5:12 a question. Please wait for me to finish. And then the 5:13 interpreter will translate the question into Japanese and 5:14 you can answer in Japanese, and then the interpreter will 5:15 translate back into English. So only the English question 5:16 and answer are going to be on the record.				
5:24 INTERPRETER: She just like me to repeat. 5:25 Q. Ms. Talmage, have you ever been deposed before? 6:1 A. Yes, I have. About 10 years ago because I 6:2 receive a subpoena. 6:3 Q. What case was that in connection with?				

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Kumiko Talmage taken August 15, 2017				
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6:4 A. I receive a subpoena from IRS when I was in 6:5 Portland. 6:6 Q. Do you know whose taxes that case concerned? 6:7 A. Ronald Talmage.				
18:23 Q. Have you ever talked to the IRS about Kory? 18:24 A. Yes. 18:25 Q. What did you tell the IRS? 19:1 A. I think I -- my son said that he was also 19:2 deceived by his father. 19:3 Q. When did you talk to the IRS about this? 19:4 A. I think it was the last time I talked to them. 19:5 Q. That's five or six years ago? 19:6 A. Yes.				
22:22 Q. What -- and what are you concerned about in 22:23 terms of your son? 22:24 A. So my son, he -- he was -- he was -- he -- he 22:25 was deceived by his father. And I also have been 23:1 threatened many times. So I feel scared. And my son -- I 23:2 think my son is trying to avoid to come to the US. 23:3 Q. I'm sorry to hear you've been threatened. Do 23:4 you know who's been doing that? 23:5 A. From Ronald after the divorce. 23:6 Q. What kind of things did he do?		Objection to 22:22–25 under Rule 602. The foundation for Ms. Talmage's testimony is at 18:23-19:2.		OVERRULED

<p>Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Kumiko Talmage taken August 15, 2017</p>				
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23:7 A. Many things, including the -- the -- the words 23:8 that he speaks to me, the kind of words. 23:9 Q. So when was the last time he threatened you with 23:10 these words? 23:11 A. It may have been the time that he was testifying 23:12 at deposition. 23:13 Q. And that's about 10 years ago? 23:14 A. That's what I remember.				
32:23 Q. Have you heard of an entity called Worldwide 32:24 Investment Services Limited? 32:25 A. No, I haven't.				
37:2 Are you familiar with John Wadsworth? 37:3 A. I know him. 37:4 Q. When did you first meet him? 37:5 A. Last year in Oregon. 37:6 Q. And how did you come to meet him? 37:7 A. I'm not sure if it was last year, but he came to 37:8 Oregon and I met him together with my son. 37:9 Q. And that's Kory? 37:10 A. Yes.				
39:6 Q. Other than the office visit, did you and 39:7 Mr. Wadsworth discuss anything else about Kory? 39:8 A. I think I heard that both of them were deceived		Objection to 39:6–39:15 under Rules 602 and 802. This is not being offered for the truth of the matter asserted, but to show the		OVERRULED

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Kumiko Talmage taken August 15, 2017				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
39:9 by Ronald. 39:10 Q. When you say “deceived,” in what way? 39:11 A. That Ronald took money from both of them. 39:12 Q. Did you and Mr. Wadsworth discuss anything else 39:13 about Kory? 39:14 A. I think that’s all we talked about. I don’t 39:15 remember well.		nature of the conversations Ms. Talmage had with Mr. Wadsworth.		
43:7 Q. Are you familiar with a large property out in 43:8 Liberty, Utah, that Ronald and Annette Talmage used to 43:9 live at? 43:10 A. The place they used to live? 43:11 Q. Yes. 43:12 A. I think I heard that they lived somewhere in 43:13 Ogden. 43:14 Q. How did you hear that? 43:15 A. I don't remember how. 43:16 Q. Just to be clear, you're not familiar with the 43:17 property in Liberty, Utah, that Ronald and Annette 43:18 previously lived at? 43:19 A. I don't know anything.				
47:24 Q. Did you ever at any time hold a position with 47:25 New Century Properties Limited? 48:1 A. Myself, no, because I found out about this 48:2 company after the divorce.				

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Kumiko Talmage taken August 15, 2017				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
48:3 Q. Okay. And so I assume you were never employed 48:4 with New Century Properties Limited? 48:5 A. Correct.				
48:17 Q. Had Ronald Talmage ever previously threatened 48:18 your life? 48:19 A. He was threatening me regularly with words. 48:20 Q. Did he ever threaten to physically harm you? 48:21 A. Repeatedly he threatened me with his words but 48:22 not physically.				

Instructions: One form should contain all designations for a witness. Plaintiff Designations (column 1) and Defendant Designations (column 2) will show the full deposition text that the party proposes to read in its case-in-chief. Completeness designations are proposed by the other party, under [Fed. R. Civ. P. 32\(a\)\(6\)](#), to be read with the designations. Counter-designations are read following the designations and completeness designations, similar to cross examination. This form should be provided in word processing format to the other party, who then will continue to fill in the form. The form is then returned to the proposing party for review, resolution of disputes, and further editing. The parties should confer and file a final version in PDF format using the event “Notice of Filing” and also submit a final word processing copy to the court at dj.nuffer@utd.uscourts.gov, for ruling.

All objections which the objecting party intends to pursue should be listed, whether made at the deposition, as with objections as to form, or made newly in this form, if the objection is of a type that was reserved.

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Lillian Talmage Wilkins taken August 16, 2017				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
PLAINTIFF DESIGNATIONS	DEFENDANT -DESIGNATIONS			
4:3 LILLIAN TALMAGE WILKINS, 4:4 called as a witness, by and on behalf of the plaintiff, 4:5 having been first duly sworn, was examined and testified as 4:6 follows:				
4:18 Q. Could you please state your full name? 4:19 A. Lillian Wilkins. 4:20 Q. Do you have any former names? 4:21 A. Talmage. My maiden name is Talmage. 4:22 Q. Do you have any nicknames or aliases? 4:23 A. No.				
8:16 Q. And do you know Ronald Talmage? 8:17 A. Yes. 8:18 Q. How do you know him? 8:19 A. He's my father. 8:20 Q. I take it you've known him your whole life? 8:21 A. Yes. 8:22 Q. And do you keep in touch with your dad? 8:23 A. No. 8:24 Q. When was the last time you talked to him? 8:25 A. I don't remember. 9:1 Q. Do you have a sense if it was within the last few				

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Lillian Talmage Wilkins taken August 16, 2017				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
9:2 years or is it longer than that? 9:3 A. It's been a long time. I've avoided him for a 9:4 long time. 9:5 Q. I see. Does he communicate with you in any way, 9:6 such as by phone or e-mailing you or sending you letters? 9:7 A. No. 9:8 Q. Does he send you any cards on your birthday? 9:9 A. No. 9:10 Q. So, for quite awhile now, essentially, you've had 9:11 no contact with your dad? 9:12 A. Correct. 9:13 Q. I probably know the answer to this already but 9:14 just to ask, do you have any idea where he's living right 9:15 now? 9:16 A. No. 9:17 Q. Do you have any idea how to contact him? 9:18 A. No. 9:19 Q. Do you know if there is anyone who would know 9:20 where he's living or how to contact him? 9:21 A. No.				
9:24 Q. Has he ever sent you money? 9:25 A. He paid for my college tuition, but, no. I mean, 10:1 other than maybe birthday gifts like ten years ago. I don't				

<p align="center">Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Lillian Talmage Wilkins taken August 16, 2017</p>				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>10:2 remember the last time.</p> <p>10:3 Q. So, it's been around ten years since he last sent</p> <p>10:4 you any form of money?</p> <p>10:5 A. That I recall.</p> <p>10:6 Q. Do you know Annette Talmage?</p> <p>10:7 A. Yes.</p> <p>10:8 Q. How do you know her?</p> <p>10:9 A. She's my aunt.</p> <p>10:10 Q. And how long have you known her?</p> <p>10:11 A. My whole life.</p> <p>10:12 MR. INGRAM: Are you talking about Annette</p> <p>10:13 Talmage?</p> <p>10:14 Q. Yes. I think we might be talking about the wrong</p> <p>10:15 person here.</p> <p>10:16 A. Oh, I'm sorry. I was talking about my aunt. No,</p> <p>10:17 my stepmother. Sorry. I was thinking of the wrong person.</p> <p>10:18 Sorry, there are two in my family.</p> <p>10:19 Q. Oh, I didn't realize that. Okay.</p> <p>10:20 A. That was my mistake. She is my stepmother. Can</p> <p>10:21 I correct that?</p> <p>10:22 Q. Yes. Yes, of course.</p> <p>10:23 A. How long have I known her? Since my senior year</p> <p>10:24 of high school.</p> <p>10:25 Q. That's about 2001?</p>				

<p align="center">Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW</p> <p align="center">Deposition of Lillian Talmage Wilkins taken August 16, 2017</p>				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
11:1 A. When they got married. 11:2 Q. 2001 or 2002? 11:3 A. I think 2002 when they got married. I don't know 11:4 her well though. I know who she is, I guess. 11:5 Q. How well do you keep in touch with Annette 11:6 Talmage? 11:7 A. How well? 11:8 Q. Yes. 11:9 A. I don't at all. 11:10 Q. When was the last time you saw her? 11:11 A. I don't remember. Yeah, I don't remember. 11:12 Q. Did you see her when your dad got married to 11:13 her? 11:14 A. No, I wasn't there.				
11:19 Q. Does Annette Talmage, does she keep in touch with 11:20 you in any other way such as by phone, sending you e-mails or 11:21 letters or anything? 11:22 A. No. 11:23 Q. And do you have any idea where Annette Talmage 11:24 might be living? 11:25 A. No. 12:1 Q. Or how to contact her? 12:2 A. No. 12:3 Q. Do you know anyone else who might know where 12:4 she's living or how to contact her?				

<p align="center">Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Lillian Talmage Wilkins taken August 16, 2017</p>				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
12:5 A. No.				
12:12 Q. And do you know Kory Anton, or Kory Talmage? 12:13 A. Yes. 12:14 Q. Who is he? 12:15 A. My brother. 12:16 Q. And have you known Kory your entire life? 12:17 A. Yes.				
15:5 Q. Are you familiar with somebody called Liu Shiu Chen or Ms. Chen? 15:7 A. I have met her. 15:8 Q. When did you meet her? 15:9 A. At my wedding. 15:10 Q. When was that? 15:11 A. August 26, 2006. 15:12 Q. Did you talk to Ms. Chen at all? 15:13 A. Just polite greetings. 15:14 Q. Who introduced you to her? 15:15 A. My dad. 15:16 Q. So, is that potentially the last time you saw 15:17 your dad was at the wedding? 15:18 A. I've seen him at nieces' baptisms and things like 15:19 that, but we didn't speak much. 15:20 Q. Do you remember if Mrs. Chen spoke any English? 15:21 A. I don't remember. I spoke to her in Japanese. 15:22 Q. I see. Other than your wedding, did you ever				

<p align="center">Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Lillian Talmage Wilkins taken August 16, 2017</p>				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
15:23 talk to Mrs. Chen again? 15:24 A. No.				
17:9 Q. Just wondering if you knew. I'm actually going 17:10 to show you a document that's been marked as Exhibit 89. And 17:11 that's Bate stamped WADS005952. So this is a picture that we 17:12 got from John Wadsworth. 17:13 A. Uh-huh. 17:14 Q. And you can see at the bottom it appears to be 17:15 dated 2006. And so this -- I'm pointing to the woman in 17:16 sunglasses and a white hat and a striped shirt. Is that the 17:17 Mrs. Chen that you met? 17:18 A. I think so. 17:19 Q. And then the taller gentleman standing next to 17:20 her, is that your dad? 17:21 A. Yes. 17:22 Q. And then the blond woman in sunglasses next to 17:23 him, who is that? 17:24 A. That's Annie. 17:25 Q. That's your stepmother? 18:1 A. Yes			89	
19:16 Q. You can set that exhibit aside. I'm going to 19:17 show you a document that's Bate stamped WADS006102 and will 19:18 be marked as Exhibit 96.		Object to 19:16-20:1 under <u>Fed. R. Evid. 602</u> and <u>802</u> . The document referenced is inadmissible hearsay. Ms. Wilkins expressly states that she has no personal knowledge of the entity referenced in the	96	OVERRULED

<p>Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Lillian Talmage Wilkins taken August 16, 2017</p>				
<p>Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)</p>	<p>Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)</p>	<p>Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE</p>	<p>Exhibits</p>	<p>Ruling</p>
<p>19:19 (Deposition Exhibit No. 96 was marked.) 19:20 Q. I'll represent to you this is a document we got 19:21 from John Wadsworth in this case. It appears to be a 19:22 telegraphic transfer request from an entity called Heng 19:23 Cheong Pacific Limited. It's dated across the top June 12, 19:24 2006. It shows a transfer of \$25,000 dollars to Lillian 19:25 Talmage. 20:1 A. Okay. 20:2 Q. Do you recall getting \$25,000 dollars somewhere 20:3 around June 2006? 20:4 A. Yes. This was the amount my father gave me to 20:5 pay for my wedding. 20:6 Q. And did you know at the time that it came from 20:7 this Hong Kong entity, Heng Cheong Pacific Limited? 20:8 A. No. 20:9 Q. Had you ever heard of Heng Cheong Pacific 20:10 Limited? 20:11 A. No. 20:12 Q. Did your dad say anything about this entity? 20:13 A. No. 20:14 Q. So he didn't tell you where the money was coming 20:15 from?</p>		<p>document or of the source of the money transferred to her.</p> <p>This testimony is proper under Rule 602 because Ms. Wilkins has personal knowledge of receiving a \$25,000 payment from her father. Further, she is allowed to testify as to whether or not she has ever heard of HCPL or knows the source of the payment. The Rule 802 objection is meritless because the document is not being offered into evidence and any statements contained within are not being offered for the truth of the matter asserted. They were shown to the witness to refresh her recollection under Rule 612.</p> <p>Object to Exhibit 96 on the grounds that it was not disclosed in the Government's <i>Pretrial Disclosures</i>.</p> <p>This document was not disclosed because the Government does not intend to offer it into evidence.</p>		<p>SUSTAINED</p>

<p align="center">Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Lillian Talmage Wilkins taken August 16, 2017</p>				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
20:16 A. He just said he was giving me money for my 20:17 wedding. 20:18 Q. Was this the last time that you recall that your 20:19 dad sent you any money? 20:20 A. I think so. In -- let me think -- 2010, he 20:21 bought me plane tickets. I can't remember if he sent me the 20:22 money or if he paid for them himself. That was the last 20:23 time. 20:24 Q. Do you remember where that money came from? 20:25 A. No.				
21:9 Q. All right. So, showing the witness Exhibit 86, 21:10 Bate stamped WADS006625 to 6633, I'll represent to you this 21:11 is a document we got from John Wadsworth. It appears to be 21:12 the Cash Disbursements Journal for an entity called New 21:13 Century Properties Limited for the calendar year 2002. 21:14 Throughout this document, there's various 21:15 transfers from this entity. The document shows transfers 21:16 from this entity to either yourself or something called the 21:17 Lillian Talmage Irrevocable Trust. I'll give you a chance to 21:18 look it over.		Object to 21:9-23:11 under <u>Fed. R. Evid. 602, 701, and 802</u> . The document referenced was not produced by Ms. Wilkins and she does not state that she has any personal knowledge of it. Ms. Wilkins states that she only knows “very little” about the transactions referenced in the document, and that she is thus “assum[ing]” what the transactions were. The document itself is inadmissible hearsay, as are all statements read from it by counsel and Ms. Wilkins. Ms. Wilkins has personal knowledge of receiving various payments for her expenses during college. While she states that she does not know for certain, her testimony is that the payments listed are consistent with that she received during	86	OVERRULED

<p align="center">Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Lillian Talmage Wilkins taken August 16, 2017</p>				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>21:19 A. Okay.</p> <p>21:20 Q. There appear to be approximately monthly</p> <p>21:21 transfers from this New Century Properties Limited to</p> <p>21:22 yourself in the amount of \$1,250 usually. Do you have any</p> <p>21:23 idea what that was for?</p> <p>21:24 A. I think it was for my college tuition and living</p> <p>21:25 expenses. I didn't ever get them directly or at -- let me</p> <p>22:1 think. Back then in 2001 -- I can't remember when this</p> <p>22:2 happened. I was young and didn't understand what was</p> <p>22:3 happening, but I was given money through -- oh, wait, 2001, I</p> <p>22:4 was still in high school.</p> <p>22:5 Q. This is 2002, it looks like, if that makes a</p> <p>22:6 difference. It looks like from January to around September</p> <p>22:7 2002 that we're talking about.</p> <p>22:8 A. I'm sorry, where are we?</p> <p>22:9 Q. I was trying to summarize. So there's various</p> <p>22:10 transfers -- we're just focusing on the transfers that appear</p> <p>22:11 to be you individually. So there was one on the first page,</p> <p>22:12 January 25th, 2002, \$1,250, and then there's another one on</p> <p>22:13 February 25th, and then again on March 25th. There's various</p>		<p>the periods listed. The document itself is not being offered into evidence, and is being used to refresh Ms. Wilkins' recollection under Rule 612.</p>		

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Lillian Talmage Wilkins taken August 16, 2017				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
22:14 sort of roughly monthly ones of \$1,250 dollars. 22:15 A. I'm confused. All the dates I see are 2001. 22:16 Q. It should say 2002 unless I've handed you the 22:17 wrong one. 22:18 A. These all say 2001. 22:19 Q. Oh, I've handed you 85 instead of 86. That's the 22:20 problem. 22:21 A. Okay. I see. So you want me to tell you what I 22:22 know about this? 22:23 Q. Yes. 22:24 A. Very little. I was in high school still in 22:25 January and February of 2002. From what I understand, this 23:1 was child support, and so it went to an account in my name 23:2 but my mom was, I think, joint on the account. I can't 23:3 remember actually. But that was child support. Because they 23:4 were separated by then, or divorced maybe. I don't know when 23:5 they got divorced. 23:6 Q. So your best recollection was the \$1,250 dollars 23:7 is approximately the amount of the child support that was 23:8 owed? 23:9 A. I assume so. I don't remember. I was an				

<p align="center">Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Lillian Talmage Wilkins taken August 16, 2017</p>				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>23:10 irresponsible college student and I didn't pay attention to</p> <p>23:11 my funds -- or I mean high school student, whatever.</p> <p>23:12 Q. That's completely understandable. It looks like</p> <p>23:13 the last payment was in August 2002. Did you turn 18 around</p> <p>23:14 that time?</p> <p>23:15 A. June of 2002, I did.</p> <p>23:16 Q. And then throughout the same document, Exhibit</p> <p>23:17 86, there's also periodic transfers of usually around \$750</p> <p>23:18 dollars to something called the Lillian Talmage Irrevocable</p> <p>23:19 Trust. Do you have any idea what those are for?</p> <p>23:20 A. I don't -- I didn't understand what was going on.</p> <p>23:21 All I knew was that he was -- I don't know, it seemed -- I</p> <p>23:22 never talked to him about money because he was weird about</p> <p>23:23 money. And it had something to do with paying for college</p> <p>23:24 and things like that.</p> <p>23:25 Q. Got it. So, to the best of your knowledge, the</p> <p>24:1 2002 payments were for child support or for college</p> <p>24:2 expenses?</p> <p>24:3 A. Yes, that's what I understand.</p>		<p>Object to 23:16-24:3 under <u>Fed. R. Evid. 602, 701, and 802</u>. The document referenced was not produced by Ms. Wilkins and she does not state that she has any personal knowledge of it. Indeed, Ms. Wilkins testified that she “didn’t understand what was going on” with the transactions being discussed. The document itself is inadmissible hearsay, as are all statements read from it by counsel and Ms. Wilkins.</p> <p>Ms. Wilkins has personal knowledge of receiving various payments for her expenses during college. While she states that she does not know for certain, her testimony is that the payments listed are consistent with that she received during the periods listed. The document itself is not being offered into evidence, and is being used to refresh Ms. Wilkins’ recollection under Rule 612.</p>		<p align="center">OVERRULED</p>

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Lillian Talmage Wilkins taken August 16, 2017				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
24:4 Q. And did your mom or dad ever say anything about 24:5 where the money was coming from? 24:6 A. No. 24:7 Q. Have you ever heard of New Century Properties 24:8 Limited? 24:9 A. No. 24:10 Q. You can set Exhibit 86 aside. Have you ever 24:11 heard of an entity called Worldwide Investment Services 24:12 Limited? 24:13 A. No. 24:14 Q. Have you ever heard of an entity called WWIS 24:15 Limited? 24:16 A. No.		Object to Exhibit 86 on the grounds that it was not disclosed in the Government's <i>Pretrial Disclosures</i> . This document was not disclosed because the Government does not intend to offer it into evidence.		SUSTAINED
24:17 Q. Are you familiar with a John Wadsworth? 24:18 A. I've met him. 24:19 Q. When did you first meet Mr. Wadsworth? 24:20 A. That I remember? At my wedding. 24:21 Q. Did you guys talk much there? 24:22 A. No. I was just introduced to him. 24:23 Q. Who introduced him to you? 24:24 A. My dad at their wedding reception. We've been to				

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Lillian Talmage Wilkins taken August 16, 2017				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
24:25 his house once but I can't remember if that was before or 25:1 after my wedding. 25:2 Q. Where was the house? 25:3 A. I don't remember. It was a long drive from 25:4 Provo, that's all I remember. 25:5 Q. It was somewhere in Utah? 25:6 A. Yes. 25:7 Q. When your dad introduced Mr. Wadsworth to you, 25:8 did he say anything to you about what the relationship was? 25:9 A. No. 25:10 Q. Did Mr. Wadsworth ever say anything about what 25:11 his relationship was to your dad? 25:12 A. I've never really talked to him other than a 25:13 brief introduction, that I remember anyway. 25:14 Q. And so yesterday we talked to your sister Lisa 25:15 and she mentioned that she had grown up in Japan at least 25:16 through high school. Did you grow up in Japan at all? 25:17 A. I did. 25:18 Q. Do you remember going to church with the 25:19 Wadsworth family in Japan? 25:20 A. I don't remember, no. I've heard I have but I 25:21 don't remember them.				

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25:22 Q. I see. You were much younger at that time; 25:23 right? 25:24 A. Yes. 25:25 Q. About when did you move to the U.S.? 26:1 A. On my 15th birthday in two -- when was that? Let 26:2 me do the math. 1999? No. Is that right? Yeah, it should 26:3 be. June 9th of 1999. I remember it was my birthday because 26:4 I was really mad about it.				
26:8 Q. So, other than the time at your wedding reception 26:9 and when you went to Mr. Wadsworth's house, have you seen him 26:10 any other times? 26:11 A. No. 26:12 Do you keep in touch with Mr. Wadsworth at all? 26:13 No.				
28:15 Q. Are you familiar at all with the property in 28:16 Liberty, Utah that Ronald and Annette Talmage used to live 28:17 at? 28:18 A. Yes. 28:19 Q. How are you familiar with it? 28:20 A. He lived there. And in January, early January 28:21 after he left, my dad, I don't know, he left a bunch of	28:3 Q. Understood. Have you ever heard of an entity 28:4 called Western Land and Livestock LLC? 28:5 A. No. 28:6 Q. Have you ever heard of an entity called Western 28:7 Reserve Mortgage LLC? 28:8 A. No. 28:9 Q. Just a couple more. Have you ever heard of an 28:10 entity called Preferred Leasing LLC?			

Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW Deposition of Lillian Talmage Wilkins taken August 16, 2017				
Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
28:22 things there. So my Aunt Carolyn and my sister and I went 28:23 to look through it to see if there were any of our 28:24 belongings. 28:25 Q. Did you find anything there that was of note or 29:1 value to you? 29:2 A. I took a few plates. 29:3 Q. To confirm, that was in January of this year? 29:4 A. Yes. 29:5 Q. Was that the first time you had heard about that 29:6 property? 29:7 A. I'd heard of it -- rumors. I don't know. But 29:8 that was the first time I knew it really existed. 29:9 Q. And do you recall at all when the first time was 29:10 that you heard about it? 29:11 A. A few years back. 29:12 Q. How did you hear about that? 29:13 A. I think it was from my Aunt Carolyn. I don't 29:14 remember. 29:15 Q. Did she say anything else about the property at 29:16 the time? 29:17 A. No. I told her I didn't want to talk about it 29:18 usually. That's usually what I say. I did get the address	28:11 A. No. 28:12 Q. Have you ever heard of an entity called Fortus 28:13 Property Group LLC? 28:14 A. No.			

<p>Case Name: United States v. Talmage, et. al Case Number: 1:16-cv-19-DN-PMW</p> <p>Deposition of Lillian Talmage Wilkins taken August 16, 2017</p>				
<p>Plaintiff Designations – BLUE Defendant Completeness—PURPLE Defendant Counter-Designations – RED (at end)</p>	<p>Defendant Designations – RED Plaintiff Completeness—PURPLE Plaintiff Counter Designations – BLUE (at end)</p>	<p>Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE</p>	<p>Exhibits</p>	<p>Ruling</p>
<p>29:19 and sent my dad a birthday card that year, to be obnoxious I</p> <p>29:20 suppose, and it was returned to me.</p> <p>29:21 Q. That was from a few years ago?</p> <p>29:22 A. Yeah. When was that?</p> <p>29:23 Maybe 2012, 2013. I don't remember.</p> <p>29:24 Q. Do you happen to remember the address that you</p> <p>29:25 sent it to?</p> <p>30:1 A. No. I think that's the same house, anyway. I</p> <p>30:2 don't remember. I just remember it was close to his birthday</p> <p>30:3 so I thought I would be snarky and send him a birthday card.</p> <p>30:4 I don't know.</p> <p>30:5 Q. When it came back returned, did it have -- what</p> <p>30:6 did it say to show that it was returned?</p> <p>30:7 A. If I remember right, his handwriting on it said</p> <p>30:8 "Return to Sender." But, otherwise, I don't -- I wasn't sure</p> <p>30:9 what was going on or anything.</p> <p>30:10 Q. And it didn't have a forwarding address on it or</p> <p>30:11 anything?</p> <p>30:12 A. No.</p> <p>30:13 Q. Do you have any idea why your dad would have</p> <p>30:14 marked it "Return to Sender"?</p>				

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<p>30:15 A. No, I don't know why, other than he didn't want 30:16 people to know he lived there, I assume. Right? He'd been 30:17 telling -- from what I understand, he'd been telling my whole 30:18 family he lived elsewhere. So that's why I sent it, to let 30:19 him know I knew he was lying, I guess. I don't know. 30:20 Q. And where was he telling people he was living? 30:21 A. From what I understand, he was saying he was 30:22 living half the year in South Dakota somewhere and half the 30:23 year in Taiwan. But I did not have contact with him during 30:24 those years, so I don't know.</p>				
<p>31:24 Q. When you were there, do you remember seeing any 31:25 like dog customization features like a dog kennel or dog 32:1 run? 32:2 A. Yeah, there were dog kennels in the basement. 32:3 Q. Any other features in terms of the dog features? 32:4 A. Well, my dad is kind of obsessive about his dogs. 32:5 So he had a lot of like Irish setter paraphernalia all over. 32:6 I don't know. 32:7 Q. Did he own a lot of Irish setters?</p>				

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<p>32:8 A. Yes.</p> <p>32:9 Q. Any other types of dogs?</p> <p>32:10 A. Other than when I was a child, not that I know</p> <p>32:11 of. We had dachshunds. He is a dog person, from what I</p> <p>32:12 know.</p>				
<p>32:18 Q. Do you happen to remember the names of any of</p> <p>32:19 your dad's favorite setters?</p> <p>32:20 A. Suzi was the one I grew up with, and Krissy.</p> <p>32:21 But, otherwise, no, I don't remember them. I was already</p> <p>32:22 out of the house and in college by the time he had many</p> <p>32:23 dogs.</p> <p>32:24 Q. Do any of these other dog names sound familiar:</p> <p>32:25 Clancey?</p> <p>33:1 A. I may have heard it mentioned. It sounds</p> <p>33:2 familiar.</p> <p>33:3 Q. Sonny?</p> <p>33:4 A. Sounds familiar.</p> <p>33:5 Q. Smoky?</p> <p>33:6 A. I don't think I've heard that one.</p> <p>33:7 Q. Joker?</p> <p>33:8 A. No.</p> <p>33:9 Q. I'm sorry if I already asked you this but other</p> <p>33:10 than the one time you visited the property in January of</p>				

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<p>33:11 2017, have you been there otherwise?</p> <p>33:12 A. No.</p>				
<p>33:20 Q. Do you know when your dad and Annette moved out</p> <p>33:21 of the Liberty property?</p> <p>33:22 A. Sometime in December is all I've heard.</p> <p>33:23 Q. And did you hear that from Aunt Carolyn as well?</p> <p>33:24 A. Yes.</p>				
<p>40:10 Q. Okay. You said that you try to avoid anything to</p> <p>40:11 do with your father. Do you remember that?</p> <p>40:12 A. Yes.</p> <p>40:13 Q. Why is that?</p> <p>40:14 A. He's not a good person and I don't want to have</p> <p>40:15 anything to do with him.</p> <p>40:16 Q. Have you been able to form an opinion about your</p> <p>40:17 father's propensity to tell the truth?</p> <p>40:18 A. Would you rephrase that?</p> <p>40:19 Q. Have you been able to formulate an opinion about</p> <p>40:20 your father's propensity to tell the truth?</p> <p>40:21 A. Yeah.</p> <p>40:22 Q. And what is your opinion?</p> <p>40:23 A. He is a liar.</p> <p>40:24 Q. Anything else about his trustworthiness you have</p>				

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40:25 an opinion about? 41:1 A. Just that he is not someone you can trust.				
43:1 C E R T I F I C A T E 43:2 43:2 S T A T E O F U T A H) 43:3 :ss 43:3 C O U N T Y O F S A L T L A K E) 43:4 43:5 T H I S I S T O C E R T I F Y t h a t t h e deposition of LILLIAN 43:5 T A L M A G E W I L K I N S, t h e witness in the foregoing deposition 43:6 n a m e d, w a s t a k e n b e f o r e m e, Rashell Garcia, Certified 43:6 S h o r t h a n d R e p o r t e r a n d N o t a r y Public in and for the State of 43:7 U t a h, r e s i d i n g i n S a l t L a k e C i t y. 43:8 T h a t t h e s a i d w i t n e s s w a s b y me, b e f o r e e x a m i n a t i o n, 43:8 d u l y s w o r n t o t e s t i f y t h e t r u t h, t h e whole truth, and 43:9 n o t h i n g b u t t h e t r u t h i n s a i d c a u s e. 43:10 T h a t t h e t e s t i m o n y o f s a i d witness was by me reported in 43:10 S t e n o t y p e, a n d t h e r e a f t e r c a u s e d to be transcribed into 43:11 t y p e w r i t i n g, a n d t h a t a f u l l, t r u e, and correct transcription 43:11 o f s a i d t e s t i m o n y s o t a k e n a n d transcribed is set forth in 43:12 t h e f o r e g o i n g p a g e s, n u m b e r e d from 2 to 43, inclusive, and 43:12 s a i d w i t n e s s d e p o s e d a n d s a i d a s i n t h e f o r e g o i n g a n n e x e d				

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43:13 deposition. 43:14 I further certify that a reading copy of the same was 43:14 mailed to the witness at 715 Eagle Pass, North Salt Lake, 43:15 Utah, 84054, for reading and signature, signing before a 43:15 Notary Public, and to be returned within 30 days of the date 43:16 hereon. 43:17 I further certify that I am not of kin or otherwise 43:17 associated with any of the parties to said cause of action, 43:18 and that I am not interested in the event thereof. 43:19 WITNESS MY HAND and official seal at Salt Lake City, 43:19 Utah, this _____ day of _____, 2017. 43:20 43:21 My Commission Expires: _____ 43:21 01-23-2018 Rashell Garcia C.S.R. 43:22 License No. 144 43:23 43:24 43:25				
DEFENDANT COUNTER-DESIGNATIONS	PLAINTIFF COUNTER-DESIGNATIONS			
34:5 Q. Did you ever hear why your dad and Annette were 34:6 living at the Liberty property?				

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34:7 A. No. 34:8 Q. And did you ever hear anything about how they 34:9 were paying for it? 34:10 A. No.				
38:8 Q. Do you have any information of the lease 38:9 agreement for the property? 38:10 A. No. 38:11 Q. Okay. Do you know who the actual parties were 38:12 who were leasing the property? 38:13 A. No.				
38:19 Q. Have you ever seen purchase documents for the 38:20 property? 38:21 A. No. 38:22 Q. Have you ever seen a rent agreement? 38:23 A. No. 38:24 Q. Ever seen a mortgage payment? 38:25 A. No. 39:1 Q. Ever seen a rent payment? 39:2 A. No.				
39:12Q. We were talking about a couple of entities on 39:13 Exhibit 96 and Exhibit 85. One was Heng Cheong Pacific 39:14 Limited. Do you remember that? 39:15 A. Yes. 39:16 Q. Do you have any idea what the business of that 39:17 company was? 39:18 A. No.				

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39:19 Q. Do you have any idea who owned it? 39:20 A. No. 39:21 Q. Do you have any idea where the funds were 39:22 acquired to transfer to you? 39:23 A. No. 39:24 Q. Okay. Same thing with New Century Properties 39:25 Limited, do you know anything about that company? 40:1 A. No. 40:2 Q. Do you know how it acquired the funds to transfer 40:3 to you? 40:4 A. No.				

Instructions: One form should contain all designations for a witness. Plaintiff Designations (column 1) and Defendant Designations (column 2) will show the full deposition text that the party proposes to read in its case-in-chief. Completeness designations are proposed by the other party, under Fed. R. Civ. P. 32(a)(6), to be read with the designations. Counter-designations are read following the designations and completeness designations, similar to cross examination. This form should be provided in word processing format to the other party, who then will continue to fill in the form. The form is then returned to the proposing party for review, resolution of disputes, and further editing. The parties should confer and file a final version in PDF format using the event “Notice of Filing” and also submit a final word processing copy to the court at dj.nuffer@utd.uscourts.gov, for ruling.

All objections which the objecting party intends to pursue should be listed, whether made at the deposition, as with objections as to form, or made newly in this form, if the objection is of a type that was reserved.

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PLAINTIFF DESIGNATIONS	DEFENDANT -DESIGNATIONS			
3:5 LISA ALLEN, 3:6 Called by the Plaintiff, having been duly 3:7 Sworn, is examined and testifies as follows:				
4:17 Q. Okay. Okay. So Ms. Allen, do you have any 4:18 former names? 4:19 A. I do. My maiden name is Talmage. This is 4:20 actually my second marriage and so my former name before 4:21 Allen was Hamler. H-A-M-L-E- R. 4:22 Q. Okay. Any other ones? 4:23 A. Nope.				
9:20 Q. Okay. Do you know Ronald Talmage? 9:21 A. Yes. 9:22 Q. And how do you know him? 9:23 A. He's my father. 9:24 Q. And so you've known him, I assume, since you 9:25 were born? 10:1 A. Yes, my whole life. 10:2 Q. How well do you keep in touch? 10:3 A. Not very well at all. 10:4 Q. When was the last time you made contact or he 10:5 made contact with you?				

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<p>10:6 A. Um, I believe it was -- let me think. The last</p> <p>10:7 time I saw him was about four years ago when my daughter</p> <p>10:8 was getting baptized. I had invited him to the baptism.</p> <p>10:9 And so he came for that and left right after the ceremony,</p> <p>10:10 and so we didn't have much interaction.</p> <p>10:11 And then I believe almost two years ago, I</p> <p>10:12 emailed him to invite him and his wife to another family</p> <p>10:13 event. It was actually for my son, and he declined the</p> <p>10:14 invitation, and I haven't had any interaction with him</p> <p>10:15 since.</p> <p>10:16 Q. Okay. When you emailed him, do you know what</p> <p>10:17 his email is?</p> <p>10:18 A. So the one that I had then -- can I look it up?</p> <p>10:19 Q. Sure. By all means.</p> <p>10:20 A. I think it was like Ronaldbtalmage@wwsi, or</p> <p>10:21 something like that. Let me see if I can find it. Let's</p> <p>10:22 see.</p> <p>10:23 Sorry. I'm not finding it. It might have been</p> <p>10:24 too long ago, but I could -- I probably have it at home</p> <p>10:25 maybe on my computer.</p>				

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11:9-10 Q. Have you had any phone contact with him? 11:10 A. No. 11:11 Q. Do you know a good phone number to reach him? 11:12 A. I don't. I don't believe so. I could look and 11:13 see. It's -- let me see. I don't, but I did find an 11:14 email address. 11:15 Q. Oh, okay. Great. 11:16 A. It's Ron, R-O-N-T-A-L-M-A-G-E, Ron Talmage, all 11:17 one word at WWISLTD.com.	11:18 Q. Great. Thank you. Has Mr. Talmage ever sent 11:19 you any letters or anything like that? 11:20 A. Um, it wasn't consistently, but I would write 11:21 sometime, occasionally get like a birthday card or 11:22 Christmas card from him. 11:23 Q. Okay. When was the last time that happened? 11:24 A. Oh, I would say at least two years. 11:25 Q. Okay. Do you recall any return addresses on the 12:1 letters that he sent you? 12:2 A. Yes, I do. It was an address in Sioux Falls in 12:3 South Dakota. 12:4 Q. Do you know if they lived there for a while; 12:5 that is Mr. Talmage? 12:6 A. That was my understanding that they lived there, 12:7 but I'd never gone to visit or anything. So I don't know 12:8 for sure. 12:9 Q. How did you get that understanding? 12:10 A. Well, that's what -- they just said they lived 12:11 in Sioux Falls.			
14:19 Q. Has Mr. Talmage ever sent you any money?				

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14:20 A. Besides -- yes, for birthdays. Occasionally I 14:21 would get like \$50 or so. 14:22 Q. And that was it? There was no other time he 14:23 sent you any money that you can think of? 14:24 A. I'm trying to think. There might have been a 14:25 time at Christmas where he sent us a check, but -- for 15:1 like maybe \$200, but it was a few years ago. It wasn't 15:2 recent. 15:3 Q. Okay. So it sounds like it was always in the 15:4 context of a birthday or Christmas -- 15:5 A. Yes. 15:6 Q. -- or something like that? 15:7 A. Yes. 15:8 Q. You said it was in relatively small amounts? 15:9 A. Yes. 15:10 Q. Okay. Do you know Annette Talmage? 15:11 A. Yes. 15:12 Q. And how do you know her? 15:13 A. She is married to my father. 15:14 Q. Okay. So that would make her your stepmother? 15:15 A. Yes.				

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15:16 Q. Do you keep in touch with Annette Talmage at 15:17 all? 15:18 A. I don't. 15:19 Q. When was the last time you saw her? 15:20 A. Oh, at the same time, four years ago. 15:21 Q. Okay. At your daughter's baptism? 15:22 A. Yes. 15:23 Q. Do you ever call her independently of your dad, 15:24 Ron? 15:25 A. No. 16:1 Q. Did you ever email her? 16:2 A. I don't think -- I don't remember. I might have 16:3 emailed her at the same time that, you know, I had invited 16:4 my dad. 16:5 Q. Sure. Does she ever call you? 16:6 A. No.				
16:7 Q. Okay. And does she ever email you? 16:8 A. Um, she may have. 16:9 Q. Okay. Do you know her email address? 16:10 A. Yeah. Let's see. I think it's -- so it's Annie 16:11 Talmage, A-n-n-i-e T-a-l-m-a-g-e at WWISLTD.com.				
17:10 Q. Okay. And do you know Korianton Talmage? I 17:11 probably butchered that name.				

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17:12 A. Yeah, Korianton. 17:13 Q. And you know him? 17:14 A. Yes. 17:15 Q. And how do you know him? 17:16 A. He is my brother. 17:17 Q. And he goes by Kory; right? 17:18 A. Yes.				
20:18 Q. There was reference to a Mrs. Seki or a Mrs. 20:19 Chen. Do you recall that? 20:20 A. Yes, I do. 20:21 Q. Do you know who that is? 20:22 A. I have met her maybe once or twice. 20:23 Q. Do you remember when you met her? 20:24 A. It's been years -- a few years, but it was a few 20:25 years ago I went and visited my dad and Annie in Portland 21:1 and she happened to be visiting at the same time and 21:2 staying with them. So I met her then. 21:3 Q. Okay. I'm going to show you what we marked as 21:4 Exhibit 89. 21:5 A. Okay. 21:6 Q. Now there's a woman in a hat in that picture? 21:7 A. Yes.			89	

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<p>21:8 Q. Is that the woman that you met in Portland?</p> <p>21:9 A. Yes.</p> <p>21:10 Q. Okay. Did you talk with her when you met her in</p> <p>21:11 Portland?</p> <p>21:12 A. No. She didn't speak English --</p> <p>21:13 Q. Okay.</p> <p>21:14 A. -- so -- and she didn't speak very much Japanese</p> <p>21:15 either. So those are the only two languages I speak.</p> <p>21:16 Q. Sure. Was that the first time that you had met</p> <p>21:17 her?</p> <p>21:18 A. I believe so. I -- I had heard her name, but</p> <p>21:19 that was the first time I had met her.</p> <p>21:20 Q. Where did you hear her name before that?</p> <p>21:21 A. Just through my dad. He had mentioned that</p> <p>21:22 he -- I had met her husband when I lived in Japan. And he</p> <p>21:23 had mentioned her name, that he was married to a Taiwanese</p> <p>21:24 woman.</p> <p>21:25 Q. What did your dad, Ron, say about Mrs. Chen?</p> <p>22:1 A. That he was -- that he worked for her.</p> <p>22:2 Q. Okay. Did he say anything else?</p>				

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22:3 A. Um, not that I recall. 22:4 Q. And when you met her in Portland, you may have 22:5 said this, forgive me if I'm going back -- 22:6 A. No, it's fine. 22:7 Q. When was that about? 22:8 A. Oh, I don't remember the exact year. I want to 22:9 say it's been maybe eight years ago, about. 22:10 Q. And have you seen her since that time in 22:11 Portland? 22:12 A. No, I haven't. 22:13 Q. Have you had any other contact with Mrs. Chen? 22:14 A. No. 22:15 Q. Do you know anyone that would know how to get 22:16 ahold of her? 22:17 A. I don't. 22:18 Q. Do you have any idea where she is living? 22:19 A. I don't.				
23:24 Q. Okay. Now I'm going to show you what we'll mark 23:25 as Exhibit 92. And this is a two-page document starting 24:1 on Bates No. WADS006023 through 6024. 24:2 (Exhibit 92 marked) 24:3 A. Okay. 24:4 Q. Okay. And I'll represent to you that these are		Object to 23:24-24:20 under <u>Fed. R. Evid. 602, 802, and 901</u> . The document referenced in this testimony was not produced by Ms. Allen and she did not testify that she has any personal knowledge of it. The document referenced also constitutes inadmissible hearsay. Finally, Ms. Allen did not provide any testimony that would authenticate the document.	92	OVERRULED

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24:5 documents that we received in this case from 24:6 Mr. Wadsworth. 24:7 A. Okay. 24:8 Q. I'll direct you towards the top of the page. 24:9 There's an entry that says, "Payee." Do you see that? 24:10 A. Yes. 24:11 Q. Okay. And then underneath it says, "Justin Allen and Lisa T. Allen." 24:12 A. Okay. 24:14 Q. Do you see that? 24:15 A. I do. 24:16 Q. Do you know if that's referring to you? 24:17 A. Yes. 24:18 Q. It is. Okay. And then above that it says, 24:19 "Amount remitted \$1,000." 24:20 A. Yes. 24:21 Q. Do you know with what that \$1,000 is for? 24:22 A. I do actually. This was -- my husband was 24:23 running for City Council in 2005. And I believe he did 24:24 get a donation from my dad for his campaign. 24:25 Q. Did he win? 25:1 A. Yes. 25:2 Q. So this is a donation from your dad to your 25:3 husband's campaign?		Ms. Allen testified that she had personal knowledge of a \$1,000 payment made to her husband's campaign. Her testimony is proper under Rule 602. The objections under Rules 802 and 901 lack merit because Exhibit 92 is not being offered as evidence. As such, there is no need to authenticate the document, and Ms. Allen's testimony is based on her own memory of the payment being made rather than any statements contained in Exhibit 92. Object to Exhibit 92 on the grounds that it was not disclosed in the Government's Pretrial Disclosures. Exhibit 92 was not disclosed in the United States' Pretrial Disclosures because the United States does not intend to offer it into evidence at trial. The designated portion of Ms. Allen's testimony that references Exhibit 92 was disclosed in the United States' Pretrial Disclosures.		SUSTAINED

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25:4 A. That was my understanding, yeah. 25:5 Q. Okay. Have you -- did you know at the time what 25:6 Heng Cheong Pacific Limited is? 25:7 A. I didn't, no. I don't -- 25:8 Q. And let me -- like, for the record at the top 25:9 left of that page, do you see -- do you see the name 25:10 there, Heng Cheong Pacific Limited? 25:11 A. I do. 25:12 Q. It's spelled H-e-n-g C-h-e-o-n-g Pacific 25:13 Limited. 25:14 A. I'm not familiar with that company.				
25:24 Q. Okay. Here's Exhibit 85. 25:25 A. Okay. 26:1 Q. Now, on that first page 6556 -- 26:2 A. Yes. 26:3 Q. -- you go a little ways down in the column with 26:4 all the names and there's a name, Lisa T. Hamler. Do you 26:5 see that? 26:6 A. Let's see. 26:7 Q. And the date entry is January 23rd, 2001. 26:8 A. Okay. Yes. 26:9 Q. Are you with me? And it looks like they're --		<p>Objection to 25:24-27:15 under <u>Fed. R. Evid. 602, 802, and 901</u>. The document referenced in this testimony was not produced by Ms. Allen and she did not testify that she has any personal knowledge of it. Ms. Allen also expressly testified that she has no knowledge of the purported transfers that were the subject of the questions posed to her. The document referenced also constitutes inadmissible hearsay. Finally, Ms. Allen did not provide any testimony that would authenticate the document.</p> <p>Under Rule 602, Ms. Allen can testify that she does not recall a purported payment to her or recognize a document.</p>	85	OVERRULED

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<p>26:10 well, first of all, Lisa T. Hamler, does that refer to</p> <p>26:11 you?</p> <p>26:12 A. Yes, that does.</p> <p>26:13 Q. Okay. And then there's a credit amount for</p> <p>26:14 \$6,032.10. Do you see that?</p> <p>26:15 A. Yes.</p> <p>26:16 Q. Do you know what that was for?</p> <p>26:17 A. 2001.</p> <p>26:18 Q. And while you're looking at that and thinking,</p> <p>26:19 I'll point out that this is one of the documents that's</p> <p>26:20 marked as confidential.</p> <p>26:21 A. Okay. So is it possible that this 3210 was --</p> <p>26:22 Q. It could be --</p> <p>26:23 A. -- like, a fee or something?</p> <p>26:24 Q. It could be that that could be a remittance. I</p> <p>26:25 don't know. Do you recall getting a \$6,000 transfer from,</p> <p>27:1 it looks like the company at the top, it refers to New</p> <p>27:2 Century Properties Limited. Do you see that?</p> <p>27:3 A. I do. I see that. I don't recall receiving</p> <p>27:4 that, and I don't know what it would have been for.</p> <p>27:5 Q. Okay. If we go down the page a little bit to</p>		<p>Ms. Allen has personal knowledge of what she does or does not recall. The United States does not intend to offer Exhibit 85 as evidence, so there is no basis for objecting under Rules 802 or 901.</p>		

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27:6 June 27th, 2001. 27:7 A. Okay. 27:8 Q. There's another, looks like another transfer to 27:9 Lisa T. Hamler. Do you see that? 27:10 A. Yes, I do. 27:11 Q. And that one's for approximately \$1,900. 27:12 \$1,938.52. 27:13 A. Okay. 27:14 Q. Do you know what that was for? 27:15 A. June of 2001. I don't. 27:16 Q. Okay. Had you -- have you ever heard of New 27:17 Century Properties Limited? 27:18 A. Yes. 27:19 Q. What's your understanding of that company? 27:20 A. All I know is that that was the company that my 27:21 dad worked for. 27:22 Q. Okay. 27:23 A. Or that was my understanding, anyway. 27:24 Q. And is it your testimony then that you really 27:25 don't know why you received some of this money from New 28:1 Century Properties? 28:2 A. I don't. I don't know why.		<p>Objection to 27:24-28:2 under <u>Fed. R. Evid. 602</u>. Ms. Allen expressly denied any personal knowledge of the purported transactions that are the subject of the questions posed to her</p> <p>As stated, under Rule 602, Ms. Allen has personal knowledge of what she does and does not recall, so she is allowed to testify that she does not recall receiving funds from NCPL.</p>		<p align="center">OVERRULED</p>
28:5 Q. Okay. So let's circle back real quick. Had you 28:6 heard of a company called Heng Cheong Pacific Limited				

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28:7 before? 28:8 A. I had not. 28:9 Q. And you did say you'd heard of New Century 28:10 Properties; correct? 28:11 A. Yes. 28:12 Q. And your understanding was that was your dad's 28:13 company -- 28:14 A. Yes. 28:15 Q. -- rather that he worked for? 28:16 A. Yes. 28:17 Q. Okay. What else do you know about New Century 28:18 Properties Limited? 28:19 A. Not much else, other than that was the company 28:20 he worked for. 28:21 Q. Okay. Did your dad say who he worked for within 28:22 that company? 28:23 A. Um, I don't -- I'm sure he did, and I don't 28:24 remember.				
29:3 Q. Okay. Have you heard of a company called 29:4 Worldwide Investment Services, Limited? 29:5 A. No, I never heard of that one. Oh, is that the 29:6 WWIS? Possibly. I don't know. 29:7 Q. Okay. Have you heard of another company called 29:8 WWIS, Limited?				

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29:9 A. Just from his email. 29:10 Q. Just from the email. 29:11 A. Yeah. 29:12 Q. Have you heard of John Wadsworth before? 29:13 A. Yes. 29:14 Q. Okay. When did you first hear about him? 29:15 A. When I was growing up in Japan, his family 29:16 attended the same church as I did. 29:17 Q. Do you have a rough time frame about when that 29:18 was? 29:19 A. Oh, let's see. 29:20 Q. I understand it was a while ago. 29:21 A. It was. Like, when I was in junior high. Late 29:22 80s, early 90s. 29:23 Q. Did you meet John Wadsworth then? 29:24 A. Yes. We didn't know each other very well. 29:25 Q. So you say your families went to church together 30:1 in Japan? 30:2 A. Yes. 30:3 Q. Have you ever heard of him in connection with 30:4 your dad, Ron Talmage? 30:5 A. Yes. Years ago I knew that they had started 30:6 working together.				

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<p>30:7 Q. Okay. Do you know what they did together?</p> <p>30:8 A. I don't.</p> <p>30:9 Q. Do you know about when they started working</p> <p>30:10 together?</p> <p>30:11 A. There -- so in about 2005, maybe, I -- my dad</p> <p>30:12 and Annie were visiting Utah. And they said that they</p> <p>30:13 were visiting some friends and asked us to come with them.</p> <p>30:14 And those friends that they were visiting were John and</p> <p>30:15 his wife.</p>				
<p>30:18 Q. Going back to the time in Japan, is it your</p> <p>30:19 understanding that John Wadsworth was living with his</p> <p>30:20 family in Japan at that time, or was it just his parents?</p> <p>30:21 I just want to clarify that.</p> <p>30:22 A. No, I think John was living with his parents.</p> <p>30:23 Q. Okay. Gotcha.</p> <p>30:24 A. We were all teenagers.</p> <p>30:25 Q. Okay. And was your dad friends with his</p> <p>31:1 parents?</p> <p>31:2 A. Um, I think they knew each other, but I don't</p> <p>31:3 know if they were friends.</p> <p>31:4 Q. Okay. Have you had -- well, okay. So you sort</p>		<p>Object to 30:25-31:3 under <u>Fed. R. Evid. 602</u> and <u>701</u>. Ms. Allen expressly testified that she has no knowledge of whether Ron Talmage was “friends with” John Wadsworth’s parents. This lack of personal knowledge means that the question posed to her calls for impermissible opinion testimony by a lay witness.</p>		<p align="center">OVERRULED</p>

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<p>31:5 of knew him back in the early 80s, early 90s when you were 31:6 living in Japan. Then you met him again in 2005 when your 31:7 dad was in Utah visiting them as friends; correct? 31:8 A. Exactly, yeah. 31:9 Q. Any other times you met with John Wadsworth? 31:10 A. No, that was the only time, until last summer. 31:11 Q. Okay. Until last summer. And what was last 31:12 summer? 31:13 A. My brother was in Utah staying with me for about 31:14 a week. And I briefly saw John when he was dropping Kory 31:15 off at my house. 31:16 Q. Okay. Did you talk with John? 31:17 A. We said hello and, you know, just -- it's been a 31:18 long time. 31:19 Q. Sure. 31:20 A. But not -- nothing -- it was not an extensive 31:21 conversation. 31:22 Q. Okay. When you were -- let's say circle back 31:23 one more time. 31:24 A. Okay. 31:25 Q. Hopefully this will be the last one.</p>		<p>Ms. Allen's testimony that she doesn't know if Mr. Talmage was friends with Mr. Wadsworth's parents is permissible under Rule 602 because Ms. Allen has personal knowledge as to what she does and does not know. Ms. Allen also says that she knew Mr. Talmage and Mr. Wadsworth's parents knew each other.</p>		

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<p>32:1 When you were living in Japan in the late 80s,</p> <p>32:2 early 90s --</p> <p>32:3 A. Uh-huh.</p> <p>32:4 Q. -- how long were you living there for?</p> <p>32:5 A. Oh, I lived there from the time that I was about</p> <p>32:6 two years old until I graduated from high school.</p> <p>32:7 Q. Oh, okay.</p> <p>32:8 A. So till 1984 I lived in Japan.</p>				
<p>32:14 Q. So is it fair to say then, leaving aside your</p> <p>32:15 time in Japan in the early 90s, the two encounters you've</p> <p>32:16 had with Mr. Wadsworth since then was in 2005 about and</p> <p>32:17 then last year?</p> <p>32:18 A. Yes.</p> <p>32:19 Q. Okay. Any other times you can think of?</p> <p>32:20 A. No.</p> <p>32:21 Q. Now when you met with him in 2005 --</p> <p>32:22 A. Uh-huh.</p> <p>32:23 Q. -- who was present at that meeting?</p> <p>32:24 A. So I had my husband and I, my two children, Ron,</p> <p>32:25 Annie, and then John and Amy.</p> <p>33:1 Q. And what about last year?</p> <p>33:2 A. It was just John.</p>				

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<p>33:3 Q. I'm sorry. Didn't you say Kory was there too?</p> <p>33:4 A. Oh, yeah, sorry, to drop my brother off at my</p> <p>33:5 house</p> <p>33:6 Q. Gotcha. Okay. I just wanted to be clear for</p> <p>33:7 the record so we're on the same page.</p> <p>33:8 Do you remember about what time it was last</p> <p>33:9 year?</p> <p>33:10 A. It was the end of June into beginning of July.</p> <p>33:11 Q. Do you have an understanding about why John was</p> <p>33:12 here?</p> <p>33:13 A. Um, just what Kory told me. He said that he was</p> <p>33:14 here to meet with attorneys regarding, I'm assuming, this</p> <p>33:15 case. I'm not sure.</p>				
<p>34:3 Q. Okay. Now do you know, did Kory say -- I mean,</p> <p>34:4 is it your understanding that Kory was working for your</p> <p>34:5 dad?</p> <p>34:6 A. Yes.</p> <p>34:7 Q. And is it your understanding that John Wadsworth</p> <p>34:8 was working for your dad as well?</p> <p>34:9 A. Yes.</p>		<p>Object to 34:3-9 under <u>Fed. R. Evid. 602</u> and <u>701</u>. There is no testimony by Ms. Allen to establish that she has personal knowledge of these matters, or that these opinions (or “understandings”) are rationally based on her perception.</p> <p>Ms. Allen’s statements are based on her conversations with her father and her time staying at the Liberty Property. This establishes her personal knowledge. Ms. Allen is not providing opinion testimony. To the extent she is, the strength of the</p>		<p>OVERRULED</p>

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		<p>basis for her understanding is a matter of weight rather than admissibility.</p> <p>Ms. Allen has already testified that her father, Ron Talmage, told her that Mr. Wadsworth worked for Ron Talmage.</p> <p>Furthermore, in response to this objection, the United States has added 33:6–15 to the preceding designation. The statements of Kory Talmage described therein are admissible as non-hearsay because they are not being offered for the truth of the matter asserted. They are being offered to show the basis for Ms. Allen’s belief that Mr. Wadsworth and Kory Talmage had previously worked for Ron Talmage. Even if these statements were hearsay, they would be admissible under Rules 803(3) and 807.</p>		
<p>34:25 Q. Are you familiar with a property in Liberty, 35:1 Utah, that your dad and Annette used to live at? 35:2 A. Yes.</p>	<p>34:16 Q. Okay. Have you heard -- ever heard of a company 34:17 called Western Land & Livestock? 34:18 A. No. 34:19 Q. What about Western Reserve Mortgage? 34:20 A. No. 34:21 Q. How about Preferred Leasing? 34:22 A. No. 34:23 Q. Forest Property Group? 34:24 A. No.</p>			

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	<p>35:3 Q. What's your understanding of who owned that</p> <p>35:4 property?</p> <p>35:5 A. Um, my understanding just based on what my</p> <p>35:6 brother has told me that it's owned by John.</p>			
<p>35:7 Q. Okay. Prior to -- so -- let's back up a little</p> <p>35:8 bit. When did you first learn that your dad and Annette</p> <p>35:9 were living at that property?</p> <p>35:10 A. Not until -- I want to say a couple of years ago</p> <p>35:11 my aunt had told me about this property. So this is my --</p> <p>35:12 this is Ron's sister.</p> <p>35:13 Q. Okay.</p> <p>35:14 A. She said that she had Googled the property and</p> <p>35:15 found that he lived there. Um, so I believe I sent him a</p> <p>35:16 birthday card or Christmas card, I can't recall exactly</p> <p>35:17 what, but some kind of card to that mailing address she</p> <p>35:18 had given to me, but it was returned. And so I thought</p> <p>35:19 maybe they didn't live there.</p> <p>35:20 Q. Did you ever go there personally?</p> <p>35:21 A. Yes. So I went there earlier this year with my</p>				

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<p>35:22 sister because I believe John had contacted my aunt, the</p> <p>35:23 same aunt.</p> <p>35:24 Q. What's that aunt's name?</p> <p>35:25 A. Caroline. And said that they had moved out, but</p> <p>36:1 they left a lot of stuff there.</p> <p>36:2 Q. Okay.</p> <p>36:3 A. And so my Aunt Caroline and my sister and I went</p> <p>36:4 to the property to see if there was anything there that</p> <p>36:5 belonged to us, just to see because he had said that there</p> <p>36:6 was a lot of property just left behind. We wanted to see</p> <p>36:7 if there were, like, photo albums or anything of</p> <p>36:8 sentimental value that was left behind. So we went to the</p> <p>36:9 property.</p> <p>36:10 Q. Okay. Prior to earlier this year, had you ever</p> <p>36:11 been at this property in Liberty?</p> <p>36:12 A. No, that was the first time I had been and the</p> <p>36:13 only time.</p>				
<p>37:4 Q. Do you have any idea when your dad and Annette</p> <p>37:5 left the property?</p> <p>37:6 A. So the -- we had gone, I believe it was January</p> <p>37:7 of this year. And so that's all I know is that they</p> <p>37:8 weren't living there in January.</p>	<p>36:25 Q. So prior to Kory telling you that he thought</p> <p>37:1 John owned it, did you have any idea of who owned the</p> <p>37:2 property?</p> <p>37:3 A. No, I didn't.</p>			

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37:9 Q. Got it. Okay. Do you know why they left? 37:10 A. I don't.				
37:11 Q. Your dad was really into Irish Setters; right? 37:12 A. Yes. 37:13 Q. Do you recall the names of any of those Irish 37:14 Setters? Like, any of his favorite dogs? 37:15 A. The first dog he had was Susie. But he had 37:16 quite a few. I mean -- 37:17 Q. Okay. 37:18 A. -- up to, like, 15 dogs at a time. 37:19 Q. Oh, wow. 37:20 A. And so I don't know all of their names. I 37:21 believe the last one I remember him having was named 37:22 Clancy. 37:23 Q. Is -- 37:24 A. I don't really know.				
37:25 Q. Sure. Does Sony ring a bell? 38:1 A. Oh, Sony, yeah. 38:2 Q. Was he a big fan of Sony? 38:3 A. Yes. That was one of the earlier dogs he had. 38:4 Q. What about Smokey? 38:5 A. Yeah. That sounds familiar but -- 38:6 Q. Okay. How about Joker?				

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38:7 A. No, that doesn't sound familiar. 38:8 Q. Okay.				
39:17 Back when you were talking about when you said 39:18 your father, Ron Talmage, had worked for Mrs. Chen, did he 39:19 ever tell you what work he did for her? 39:20 A. He was pretty vague about it when I would ask 39:21 him. He said he did, like, asset management, financial 39:22 planning, and he had several clients who had a lot of 39:23 money and he helped them manage their money. 39:24 Q. Did he represent Mrs. Chen as being one of his 39:25 clients? 40:1 A. I don't know. 40:2 Q. Did he ever make any statement to you, 40:3 representation about her wealth or her assets? 40:4 A. Just that she was the president of the company 40:5 after her husband died. 40:6 Q. And what company is that? 40:7 A. Um, I don't recall. 40:8 Q. New Century Properties Limited? 40:9 A. Yes, I believe so.				

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40:10 Q. Did you have an understanding who owned that 40:11 company? 40:12 A. It was my understanding that she owned the 40:13 company.				
40:25 Q. Do you know what NCPL did? 41:1 A. That's New Century? 41:2 Q. Excuse me, yes. If I refer to New Century 41:3 Properties Limited as NCPL, is that okay? 41:4 A. Yes. 41:5 Q. Do you know what the company did? 41:6 A. I don't. 41:7 Q. Do you know who the president was besides 41:8 Mrs. Chen? 41:9 A. I don't. 41:10 Q. Do you know who the shareholders were? 41:11 A. I don't. 41:12 Q. Later in your testimony you had made the comment 41:13 that John Wadsworth was working for your dad. Do you 41:14 remember that? 41:15 A. That was my understanding. 41:16 Q. Okay. Who told you that? 41:17 A. My dad. 41:18 18 Q. Okay. Did anybody else tell you that?	42:5 Q. Have you ever seen a paycheck from your dad to 42:6 John Wadsworth? 42:7 A. No. 42:8 Q. Have you ever seen a W-2 or tax form? 42:9 A. No. 42:10 Q. Ever seen a letterhead? 42:11 A. No. 42:12 Q. Do you have any other indication that John 42:13 Wadsworth worked for your father other than your 42:14 understanding? 42:15 A. No, I don't have any other proof or -- 42:16 Q. Okay. Is it possible that that understanding 42:17 that he worked for your father is incorrect? 42:18 A. Yes.	Object to 41:12-17 under <u>Fed. R. Evid. 602</u> and <u>802</u> . There is no testimony by Ms. Allen to establish that she has personal knowledge of this matters. Indeed, the sole basis for her "understanding" is the inadmissible hearsay statement of Ronald Talmage. The hearsay statement is not admissible as an opposing party statement because Ronald Talmage is no longer a party to this action, and even if he was it is not being offered against him. It is also not admissible as a statement against interest because it does not have a tendency to expose Ronald Talmage to civil or criminal liability. Finally, it is not admissible under the residual exception because there are no circumstantial guarantees of trustworthiness and because there will be more probative evidence available at trial, namely the testimony of John Wadsworth about the relationship between himself and Ronald Talmage. The statements of Ron Talmage are admissible under Rule 801(c) because they are offered to prove the basis for Ms. Allen's knowledge regarding the		OVERRULED

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41:19 A. Uh, no. 41:20 Q. Did he say working for or working with? 41:21 A. This is back in 2005. So I -- I can't recall. 41:22 From my memory it was he was working for -- 41:23 Q. Okay. 41:24 A. -- but... 41:25 Q. But you're not 100 percent sure if he was 42:1 working for -- 42:2 A. I'm not a hundred percent sure. 42:3 Q. -- or working with? 42:4 A. No. I might have misunderstood.		relationship between John Wadsworth and Ronald Talmage. They are also admissible to show Mr. Wadsworth's motive and bias. Further, this testimony is admissible under Rules 804(b)(3) and 807. (Defendants only intend to introduce 41:18-42:18 if their objections to Plaintiff's designation of 41:12-17 are overruled.)		
43:7 Q. Have you ever talked to your father about the 43:8 Liberty property? 43:9 A. No. He denied that he lived there. 43:10 Q. When did he deny living there? 43:11 A. When I -- whenever he -- we asked him where he 43:12 was living, he said that he lived in either Brigham City 43:13 or Ogden. He never gave me an address. It was -- he kind 43:14 of moved around between this Brigham City RV park is what 43:15 he said, and Sioux Falls and Hong Kong, and so I was never	42:19 Q. The Liberty property, you said you'd only ever 42:20 been there once? 42:21 A. Yes. 42:22 Q. And that was after your father had vacated? 42:23 A. Yes. 42:24 Q. Do you know who paid for the property? 42:25 A. No, I don't. 43:1 Q. Do you know who paid the utilities for the 43:2 property? 43:3 A. I don't. When we were there, the utilities were 43:4 not on. 43:5 Q. Do you know who the property is titled to?			

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43:16 really aware of where he was living. 43:17 Q. When you said denied living at the Liberty 43:18 property, did you ever specifically ask him about that? 43:19 A. Well, the reason I said denied was because I had 43:20 tried to mail something to him to that property and it was 43:21 returned. 43:22 Q. Okay. 43:23 A. So I assumed that he didn't want me to know that 43:24 he was living there. 43:25 Q. Okay. 44:1 A. That's just my assumption. 44:2 Q. With respect to -- do you even know for sure if 44:3 he was living at the Liberty property or not? 44:4 A. When we went, when my sister and I went in 44:5 January, there was evidence that he was living there. 44:6 Just based on the pictures that were on the walls, the 44:7 things that were left behind that I knew were his. 44:8 Q. Okay. 44:9 A. So I'm just assuming. That's just a guess based 44:10 on what I saw. 44:11 Q. How did you get access to the property?	43:6 A. I don't.			

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44:12 A. I guess -- I'm not positive. But my Aunt 44:13 Caroline was in contact with John, and I guess John had a 44:14 property manager or someone who was taking care of the 44:15 place after it was vacated, and he was the one that let us 44:16 in.				
45:19 Q. Okay. Over the years have you been able to form 45:20 an opinion about your dad's trustworthiness? 45:21 A. Yes, I have. 45:22 Q. And what's your opinion of his trustworthiness? 45:23 A. I don't think he's trustworthy at all. 45:24 Q. What about your opinion as far as telling the 45:25 truth? 46:1 A. He's -- he doesn't tell the truth. 46:2 Q. You heard your mother testify earlier that she 46:3 believed he was a liar and manipulator? 46:4 A. Yes. 46:5 Q. Do you share that opinion? 46:6 A. I do. 46:7 Q. Sorry. I have no further questions.				
46:10 Q. I just have a couple of quick follow-ups. I 46:11 wanted to clarify one thing.				

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<p>46:12 So when we're talking about your dad, Ron, and</p> <p>46:13 Mrs. Chen --</p> <p>46:14 A. Yes.</p> <p>46:15 Q. -- what's your understanding of who worked for</p> <p>46:16 who?</p> <p>46:17 A. My understanding was that he worked for</p> <p>46:18 Mrs. Chen.</p> <p>46:19 Q. He worked for Mrs. Chen?</p> <p>46:20 A. Yeah.</p> <p>46:21 Q. Okay. And that was with respect to which</p> <p>46:22 company, do you know?</p> <p>46:23 A. This New Century Properties.</p>				
<p>47:21 Q. Great. Thank you.</p> <p>47:22 And last question, or last couple of questions</p> <p>47:23 at least. So you said your dad, Ron, had denied living at</p> <p>47:24 the Liberty property.</p> <p>47:25 A. Well, I guess that probably wasn't the correct</p> <p>48:1 word.</p> <p>48:2 Q. Okay.</p> <p>48:3 A. Yeah.</p> <p>48:4 Q. So --</p> <p>48:5 A. What I was basing that on was that letter that I</p> <p>48:6 had sent to him that was returned.</p> <p>48:7 Q. Got it. Okay. And when -</p> <p>- when was that about,</p>				

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48:8 time frame wise? 48:9 A. Oh, it was at least two years ago, maybe three 48:10 or four. 48:11 Q. So it's fair to say between, like, two and four 48:12 years? 48:13 A. Yeah, I would say so.				
53:1 C E R T I F I C A T E 53:2 53:2 STATE OF UTAH) 53:3) SS. 53:3 COUNTY OF SALT LAKE) 53:4 53:5 I, Susan S. Sprouse, a Registered Professional 53:5 Reporter, Certified Court Reporter, and Notary Public in 53:6 and for the State of Utah, do hereby certify: 53:7 That the deposition of Lisa Allen, the witness in 53:7 the foregoing deposition named, was taken on August 15, 53:8 2017; that said witness was by me, before examination, 53:8 duly sworn to testify the truth, the whole truth, and 53:9 nothing but the truth in said cause. 53:10 That the testimony of said witness was reported by 53:10 me in stenotype and thereafter transcribed by computer,				

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<p>53:11 and that a full, true, and correct transcription of said</p> <p>53:11 testimony so taken is set forth in the foregoing pages;</p> <p>53:12</p> <p>53:12 That a copy of the same was sent to Lisa Allen for</p> <p>53:13 reading and signature before a Notary Public, and to be</p> <p>53:13 returned to my office within 30 days of the date hereon.</p> <p>53:14</p> <p>53:14 I further certify that I am not of kin or</p> <p>53:15 otherwise associated with any of the parties to said</p> <p>53:15 cause of action, and that I am not interested in the</p> <p>53:16 event thereof.</p> <p>53:17 WITNESS MY HAND and official seal at Salt Lake City,</p> <p>53:18 Utah, this 31st day of August, 2017.</p> <p>53:19</p> <p>53:20</p> <p>53:21</p> <p>53:22</p> <hr/> <p>53:23</p> <p>53:24 SUSAN S. SPROUSE</p> <p>53:25 License No. 5965543-7801</p>				
DEFENDANT COUNTER-DESIGNATIONS	PLAINTIFF COUNTER-DESIGNATIONS			

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Instructions: One form should contain all designations for a witness. Plaintiff Designations (column 1) and Defendant Designations (column 2) will show the full deposition text that the party proposes to read in its case-in-chief. Completeness designations are proposed by the other party, under Fed. R. Civ. P. 32(a)(6), to be read with the designations. Counter-designations are read following the designations and completeness designations, similar to cross examination. This form should be provided in word processing format to the other party, who then will continue to fill in the form. The form is then returned to the proposing party for review, resolution of disputes, and further editing. The parties should confer and file a final version in PDF format using the event “Notice of Filing” and also submit a final word processing copy to the court at dj.nuffer@utd.uscourts.gov, for ruling.

All objections which the objecting party intends to pursue should be listed, whether made at the deposition, as with objections as to form, or made newly in this form, if the objection is of a type that was reserved.