

Exhibit “A”

McDill Columbus Corp. v. Daniel Delpiano, et al.
Daniel David Delpiano

March 24, 2009

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -x
MCDILL COLUMBUS CORPORATION, a Florida corporation,

Plaintiff,

-against-

DANIEL DELPIANO, a/k/a DANIEL DAVID DELPIANO; PAMELA
DELPANO, a/k/a PAMELA L. DELPIANO; DELPIANO
ENTERPRISES, LLC, DELPIANO FAMILY HOLDING TRUST, and ADJ
INVESTMENT TRUST #1,
Defendants.

- - - - -x
80 29th Street
Brooklyn, New York

March 24, 2009
9:00 a.m.

DEPOSITION of DANIEL DAVID DELPIANO, the DEFENDANT
in the above-entitled action, held at the above time and
place, taken before JOANNE GADALETA, a Shorthand
Reporter and Notary Public of the State of New York,
pursuant to the Federal Rules of Civil Procedure,
Order and stipulations between Counsel.

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APPEARANCES:

GRAY ROBINSON, P.A.

Attorneys for Plaintiff

201 N. Franklin Street, Suite 2200

Tampa, Florida 33602

BY: STEPHANIE BIERNACKI-ANTHONY, ESQ.

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STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED, by and among counsel for the respective parties hereto, that the filing, sealing and certification of the within deposition shall be and the same are hereby waived;

IT IS FURTHER STIPULATED AND AGREED that all objections, except as to form of the question, shall be reserved to the time of the trial;

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

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2 D A N I E L D A V I D D E L P I A N O, the
3 Defendant herein, having first been duly sworn by the
4 Notary Public, was examined and testified as follows:

5 EXAMINATION BY

6 MS. BIERNACKI-ANTHONY:

7 Q. What is your name?

8 A. Daniel David DelPiano.

9 Q. Where do you reside?

10 A. 80 29th Street, Brooklyn, New York.

11 MS. BIERNACKI-ANTHONY: My name is Stephanie
12 Anthony, and I'm an attorney representing the
13 McDill Columbus Corporation. We are here today for
14 your deposition.

15 Would you go ahead and state your full name
16 for the record.

17 A. Daniel David DelPiano.

18 Q. Have you ever had your deposition taken
19 before?

20 A. Yes.

21 MS. BIERNACKI-ANTHONY: So you know generally
22 what is going to happen. I'm going to ask you
23 questions, and the Court Reporter is going to take
24 down your answers. You have to answer audibly. If
25 you shake your head yes or no, she has a little

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2 trouble taking that down. If you need a break or
3 you don't understand my question completely, let me
4 know, and I will do my best to accommodate you.

5 A. Yes.

6 I'd like to make a statement on the record. I
7 received Notice from the Court on the 25th of February
8 that let me know the Court approved me being able to
9 come here and take a deposition. I did not call to find
10 a date for the deposition. I just received yesterday
11 the -- your Notice from McDill that was dated the 3rd
12 says that you certified I was furnished with a Notice on
13 March 3rd as to the deposition.

14 However, the envelope says the 17th of March, and I
15 just received it yesterday. When legal mail comes to
16 the prison, it goes through a little process that takes
17 more than two or three days, so I just received it
18 yesterday afternoon from my case manager.

19 With that in mind, I have not had any opportunity
20 to prepare for this deposition. I don't have an
21 attorney present for this deposition, and this facility
22 is a holdover. I am being transferred to Camden
23 Atlanta, and I should be there soon, and to me that
24 would be more conducive to be at because I would have
25 access to records from the attorney and also have an

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2 attorney come to visit with me to attend the deposition.

3 I communicated to my criminal attorney in Georgia,
4 Jerry Folic. I didn't speak to him directly. I spoke
5 to him through my daughter because I wasn't able to
6 contact him directly because the phone system is
7 difficult. I can't gain access to a recording device.
8 You can't leave a message. I had to speak through my
9 daughter, Amber.

10 With that in mind, he gave me very strict
11 instructions that I am to take the fifth amendment in
12 relation to your questions.

13 MS. BIERNACKI-ANTHONY: I actually spoke
14 with him probably last week, and he told me that
15 you would be pleading the fifth, and I told him
16 that I would have to go through with the
17 deposition and ask you the questions, and we would
18 proceed. I apologize if you are just getting notice
19 of the deposition. I think what happened is your
20 inmate number wasn't on it, so it came back and
21 then they had to resend it.

22 But, you know, the legal department here,
23 we've been coordinating with them for quite some
24 time. Sorry they didn't give you a heads up
25 because they've certainly known about the date.

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2 That having been said, there is a judgment
3 in favor of McDill, so basically what I am going to
4 ask you about is some assets that we believe you
5 may have information as to and some individuals and
6 I understand if you are going to plead the fifth,
7 you are going to do that, but we have to ask you
8 the questions anyway.

9 Off the record.

10 [Discussion held off the record.]

11 Q. Are you familiar with property located at
12 3915 Merriweather Woods, Alpharetta, Georgia?

13 A. On the advice of counsel, I plead the fifth
14 amendment.

15 Q. Are you familiar with a property located at
16 Park Place on Peachtree in Atlanta, Georgia, Units 39C
17 and 49C?

18 A. Repeat.

19 Q. If you want to say "same response," that
20 might be a little easier.

21 Are you familiar with the property located
22 at 1212 Utoy Springs Road, Southwest Number 3 in
23 Atlanta, Georgia?

24 A. Same response.

25 Q. Same property but Unit Numbers 33, 34, 31;

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2 are you familiar with those properties?

3 A. Same response.

4 Q. Also have Units 30, 29, 26 and 27 at that
5 same location.

6 A. Same response.

7 Q. Are you familiar with the property located
8 at 122 Southeast Rio Angelic Way, Port St. Lucie,
9 Florida?

10 A. Same response.

11 Q. Are you familiar with property located at
12 2500 Coral Way, Las Vegas, Nevada?

13 A. Same response.

14 Q. Are you familiar with a property located at
15 9375 Chandler Bluff in Alpharetta, Georgia?

16 A. Same response.

17 Q. Are you familiar with the property located
18 at 119 Southeast Mira Lavella, Port St. Lucie, Florida?

19 A. Same response.

20 Q. Are you familiar with a property located at
21 2660 Peachtree Road Northwest in Atlanta, Georgia?

22 A. Same response.

23 Q. Are you familiar with a property located at
24 50 Hunter Northwest in Atlanta, Georgia?

25 A. Same response.

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2 Q. Are you familiar with the property located
3 at 3182 Ashford Dunwoody Road Northeast in Atlanta,
4 Georgia?

5 A. Same response.

6 Q. Are you familiar with the property located
7 at 8895 Clover River Drive, Buford, Georgia?

8 A. Same response.

9 Q. Are you familiar a property located at 10450
10 Belladrum Drive in Alpharetta, Georgia?

11 A. Same response.

12 Q. Are you familiar with a property located at
13 13247 Springs Boulevard, Suite 10, in New Port Richey,
14 Florida?

15 A. Same response.

16 Q. Are you familiar with a property located at
17 4330 North AlA, Suite 701, North Hutchinson Island in
18 Florida?

19 A. Same response.

20 Q. Do you know who Tim Weisswasher is?

21 A. Same response.

22 Q. Are your currently married?

23 A. Same response.

24 Q. Are you familiar with the DelPiano Family
25 Holding Trust?

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2 A. Same response.

3 Q. Do you know who Lonnie Crockett is?

4 A. Same response.

5 Q. Are you familiar with the address or a
6 property located 90 Club Court in Alpharetta, Georgia?

7 A. Same response.

8 Q. Are you familiar with the DelPiano
9 Enterprises, LLC?

10 A. Same response.

11 Q. Do you know who DelPiano Enterprises, LLC's
12 registered agent is?

13 A. Same response.

14 Q. Do you know where the physical location of
15 DelPiano Enterprises, LLC is?

16 A. Same response.

17 Q. Do you know what the ADJ Investment Trust #1
18 is?

19 A. Same response.

20 Q. Who is a trustee of ADJ Investment Trust?

21 A. Same response.

22 Q. Do you know who Jason Deleto is?

23 A. Same response.

24 Q. Do you know who Corbin Reese is?

25 A. Same response.

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2 Q. I believe I asked you about the property
3 located at 2660 Peachtree Road Northwest in Atlanta,
4 Georgia. I am now asking you specifically whether
5 you're familiar with Units 39 and 40C at that location?

6 A. Same response.

7 Q. Do you know who Christopher Leeder is?

8 A. Same response.

9 Q. Do you know who Mario Chabayta,
10 C-H-A-B-A-Y-T-A, is?

11 A. Same response.

12 Q. Do you know who Roland and Sarah Herradine
13 are?

14 A. Same response.

15 Q. Do you know who Ronald -- I'll spell it --
16 J-A-C-H-I-M-O-W-I-C-Z, is?

17 A. Same response.

18 Q. Do you know who Gwendolyn McClare is?

19 A. Same response.

20 Q. Do you know what the status of the federal
21 tax lien on your property is?

22 A. Same response.

23 Q. Do you know who Pamela DelPiano is?

24 A. Same response.

25 Q. Do you know where she is currently located?

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2 A. Same response.

3 Q. Do you know who William Siciliano is?

4 A. Same response.

5 Q. Do you know where he is located?

6 A. Same response.

7 Q. Do you know who Jinn-Lad, J-I-N-N, L-A-D LLP
8 is or what that is actually?

9 A. Same response.

10 Q. Do you know any individuals that are
11 associated with that LLP?

12 A. Same response.

13 Q. Have you done any business with that entity?

14 A. Same response.

15 Q. Are you familiar with Lot 84 of Tysarro,
16 Flat No. 3, in Port St. Lucie County?

17 A. Same response.

18 Q. How about Lot 116 of that same division?

19 A. Same response.

20 Q. Have you done any business with Tim
21 Weisswasher?

22 A. Same response.

23 Q. Who is Victoria Burrows?

24 A. Same response.

25 Q. Do you know who V. Michael Gillette is?

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2 A. Same response.

3 Q. Are you a trustee of the Delpiano Family
4 Holding Trust?

5 A. Same response.

6 Q. Do you know who set up that trust?

7 A. Same response.

8 Q. If you're not a trustee, who is the trustee
9 of that trust?

10 A. Same response.

11 Q. Do you know who set up Delpiano Enterprises,
12 LLC?

13 A. Same response.

14 Q. Are there any trusts or other trusts in
15 which you are a trustee for?

16 A. Same response.

17 Q. Do you know who set up the ADJ Investment
18 Trust?

19 A. Same response.

20 Q. Have you ever been a trustee for that trust?

21 A. Same response.

22 Q. Do you know of any trustees for that trust?

23 A. Same response.

24 Q. Do you know where I could locate a trustee
25 for the ADJ Investment Trust?

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2 A. Same response.

3 Q. Do you know where I can locate a trustee for
4 the DelPiano Family Holding Trust?

5 A. Same response.

6 Q. Do you know if there are any vehicles titled
7 to DelPiano Enterprises, LLC?

8 A. Same response.

9 Q. If so, where would they be located?

10 A. Same response.

11 Q. Do you know who set up the Jinn-Lad St.
12 Lucie Limited LLP?

13 A. Same response.

14 Q. Do you know who John Gant, Jr. is?

15 A. Same response.

16 Q. I am looking at two quitclaim deeds relating
17 to the properties I referenced earlier, the Lot 116 and
18 Lot 84 of the Tysarro flat numbers 3 and 4, the public
19 record of St. Lucie County. It is between Pamela
20 DelPiano and the DelPiano Family Trust.

21 Do you know who accepted these quitclaim
22 deeds on behalf of the DelPiano Family Trust?

23 A. Same response.

24 MS. BIERNACKI-ANTHONY: I am going to mark
25 these as Plaintiff's Exhibit 1.

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2 [The document was hereby marked as
3 Plaintiff's Exhibit 1 for identification, as of
4 this date.]

5 MS. BIERNACKI-ANTHONY: Off the record.

6 [Discussion held off the record.]

7 Q. I am looking at another document here, and
8 it appears to be signed by Pamela Delpiano, individually
9 and as a member of the Board of Trustees of the Delpiano
10 Family Trust.

11 Do you know who else is on the Board of
12 Trustees for that trust?

13 A. Same response.

14 Q. And the next document I am looking at is
15 signed by Tim Weisswasher, and he also signed
16 individually and as a trustee and that is of Delpiano
17 Family Trust. Again, you don't know where he is
18 located?

19 A. Same response.

20 Q. Looking at another document, it is signed by
21 you. It is a warranty deed. It says individually and
22 as secretary/manager. It appears to be on behalf of the
23 Delpiano Family Trust.

24 Do you recognize this document?

25 A. Same response.

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2 Q. On this warranty deed, the trust is the
3 grantor, and William M. and Marilyn A. Siciliano are the
4 grantees.

5 Do you know who they are?

6 A. Same response.

7 Q. Do you know where I can locate them?

8 A. Same response.

9 Q. Have you ever transferred any assets to
10 William and Marilyn Siciliano?

11 A. Same response.

12 Q. If you have, was there any consideration
13 exchanged for the same?

14 A. Same response.

15 Q. Do William and Marilyn Siciliano owe any
16 money to you?

17 A. Same response.

18 Q. Are the Sicilianos holding any property for
19 you?

20 A. Same response.

21 Q. Looking at another document, it is a note,
22 and it relates to a balloon mortgage in the amount of
23 \$295,000. It appears that pursuant to the note, William
24 and Marilyn Siciliano owe that amount to the Delpiano
25 Family Trust.

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2 Have you ever seen this document before?

3 A. Same response.

4 Q. Do you know whether they paid this
5 obligation to the DelPiano Family Trust?

6 A. Same response.

7 Q. Are you familiar with the William M.
8 Siciliano and Marilyn Siciliano living trust?

9 A. Same response.

10 Q. Do you know who the beneficiaries of that
11 trust are?

12 A. Same response.

13 Q. Do you know who the trustees of that trust
14 are?

15 A. Same response.

16 MS. BIERNACKI-ANTHONY: I am going to attach
17 as a composite exhibit the group of documents
18 that I was just looking at.

19 [The documents were hereby marked as
20 Plaintiff's Exhibit 2 for identification, as of
21 this date.]

22 Q. Do you know who Mark Diamond is?

23 A. Same response.

24 Q. Do you know how I can locate Mark Diamond?

25 A. Same response.

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2 Q. Do you know who signs checks on behalf of
3 the Delpiano Trust?

4 A. Same response.

5 Q. Have you ever signed checks for that trust?

6 A. Same response.

7 Q. Do you know who Bona and Cara S. Herring
8 are?

9 A. Same response.

10 Q. Are you familiar with a company called LSHC
11 Consulting LLC?

12 A. Same response.

13 Q. Are you familiar with a company called LSHC
14 Leasing LLC?

15 A. Same response.

16 Q. Are you familiar with a company called LSHC
17 Atlanta LLC?

18 A. Same response.

19 Q. Are you familiar with a company called LSHC
20 of Georgia LLC?

21 A. Same response.

22 Q. Are you familiar with a company called LSHC,
23 LLC?

24 A. Same response.

25 Q. Do you know who any of the registered agents

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2 are for those companies?

3 A. Same response.

4 Q. Have you done any business with those
5 companies?

6 A. Same response.

7 Q. Have you ever been an officer, director,
8 employee of any of them?

9 A. Same response.

10 Q. Are you familiar with a property identified
11 as Lot 352, Desert Highlands, Phase 1, Maricopa County,
12 Arizona?

13 A. Same response.

14 Q. Have you ever seen this document before? It
15 is a Special Power of Attorney. It relates to Lot 352,
16 Desert Highlands, Phase 1.

17 A. Same response.

18 Q. It appears to appoint you as a Power of
19 Attorney for Pam DelPiano.

20 Do you recognize her signature on this
21 document?

22 A. Same response.

23 Q. Do you know what the purpose of this Special
24 Power of Attorney is?

25 A. Same response.

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2 MS. BIERNACKI-ANTHONY: Please mark this as
3 Plaintiffs Exhibit 3.

4 [The document was hereby marked as
5 Plaintiff's Exhibit 3 for identification, as of
6 this date.]

7 Q. I am looking at another document, Affidavit
8 of Attorney in Fact or Agent. It appears to be signed
9 by you.

10 Do you recognize this document?

11 A. Same response.

12 Q. Do you know what the purpose of this
13 document is?

14 A. Same response.

15 MS. BIERNACKI-ANTHONY: Mark as Plaintiff's
16 Exhibit 4.

17 [The document was hereby marked as
18 Plaintiff's Exhibit 4 for identification, as of
19 this date.]

20 Q. This document is notarized by Michael
21 Gillette as are several other documents that we talked
22 about today.

23 Do you know where he works?

24 A. Same response.

25 Q. The next document I am looking at is a Deed

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2 of Trust; Pamela DelPiano is the borrower under this
3 document.

4 Have you ever seen this before?

5 A. Same response.

6 Q. Do you recognize her signature on this
7 document?

8 A. Same response.

9 Q. Do you know what the purpose of this
10 document was?

11 A. Same response.

12 MS. BIERNACKI-ANTHONY: Please have this
13 marked as Plaintiff's Exhibit 5.

14 [The document was hereby marked as
15 Plaintiff's Exhibit 5 for identification, as of
16 this date.]

17 Q. Are you familiar with the property referred
18 to in this Deed of Trust, 10040 East Happy Valley Road,
19 No. 352, in Scottsdale, Arizona?

20 A. Same response.

21 Q. Have you ever seen this document before?

22 A. Same response.

23 Q. Do you know what the purpose of this Deed of
24 Trust is?

25 A. Same response.

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2 Q. It appears to be signed by Pamela DelPiano.
3 Do you recognize her signature on this
4 document?

5 A. Same response.

6 MS. BIERNACKI-ANTHONY: Mark that as
7 Plaintiff's Exhibit 6.

8 [The document was hereby marked as
9 Plaintiff's Exhibit 6 for identification, as of
10 this date.]

11 Q. The next document is called a Memorandum of
12 Trust ADJ Investment Trust #1.

13 Have you ever seen this document before?

14 A. Same response.

15 Q. Do you recognize any of the signatures on
16 this document?

17 A. Same response.

18 Q. Do you know who Shelly Enniss, E-N-N-I-S-S,
19 is?

20 A. Same response.

21 MS. BIERNACKI-ANTHONY: Mark that as
22 Plaintiff's Exhibit 7.

23 [The document was hereby marked as
24 Plaintiff's Exhibit 7 for identification, as of
25 this date.]

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2 Q. Do you know if Shelly Enniss is still a
3 trustee of ADJ Investment Trust?

4 A. Same response.

5 Q. Are you familiar with a property located at
6 21630 North 55th Drive in Glendale, Arizona?

7 A. Same response.

8 Q. Do you know who Famous R. Lestee is?

9 A. Same response.

10 Q. Are you familiar with a property described
11 as Lot 10, Arrowhead Lakes, Unit 4 in Maricopa County,
12 Arizona?

13 A. Same response.

14 Q. Looking at a Disclaimer Deed, it appears to
15 be signed by you.

16 Do you recognize this document?

17 A. Same response.

18 Q. Do you know what the purpose of this
19 document is?

20 A. Same response.

21 MS. BIERNACKI-ANTHONY: Mark that as
22 Plaintiff's Exhibit 8.

23 [The document was hereby marked as
24 Plaintiff's Exhibit 8 for identification, as of
25 this date.]

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2 Q. The next document I'm looking at is a Deed
3 of Trust. It appears to be executed by Pamela DelPiano.

4 Have you seen this document before?

5 A. Same response.

6 Q. Do you recognize her signature on the
7 document?

8 A. Same response.

9 Q. Do you know what the purpose of the Deed of
10 Trust is?

11 A. Same response.

12 Q. Are you familiar with the property
13 referenced in the Deed of Trust, which is 9375 Chandlers
14 Road in Alpharetta, Georgia?

15 A. Same response.

16 MS. BIERNACKI-ANTHONY: Mark as Plaintiff's
17 Exhibit 9.

18 [The document was hereby marked as
19 Plaintiff's Exhibit 9 for identification, as of
20 this date.]

21 Q. The next document I am going to show you is
22 a Deed of Trust and Assignment of Rent Due On Sale.

23 Do you recognize this document?

24 A. Same response.

25 Q. Do you know what the purpose of this

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2 document was?

3 A. Same response.

4 Q. Do you know whether William and Marilyn
5 Siciliano are still located at 433 North A1A, Fort
6 Pierce in Florida?

7 A. Same response.

8 Q. This appears to be signed by Pamela
9 Delpiano.

10 Do you recognize her signature?

11 A. Same response.

12 MS. BIERNACKI-ANTHONY: Mark that as
13 Plaintiff's Exhibit 10.

14 [The document was hereby marked as
15 Plaintiff's Exhibit 10 for identification, as
16 of this date.]

17 Q. Are you familiar with that property, 4330
18 North A1A, Unit 701, in Fort Pierce?

19 A. Same response.

20 Q. Do you know who Daryl Johnson is?

21 A. Same response.

22 Q. Do you know what the company called Web
23 Diamond is or was?

24 A. Same response.

25 Q. Do you know who Antonnia Mocerì is,

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2 A-N-T-O-N-N-I-A, M-O-C-E-R-I?

3 A. Same response.

4 Q. What were Pamela DelPiano's duties in
5 connection with DelPiano Enterprises, LLC?

6 A. Same response.

7 Q. What were Pamela DelPiano's duties in
8 connection with Web Diamond.com Inc.?

9 A. Same response.

10 Q. What were your duties at DelPiano
11 Enterprises, LLC?

12 A. Same response.

13 Q. Are you familiar with the physical address
14 located at 3155 East Patrick Lane, Suite 1, in Las
15 Vegas, Nevada?

16 A. Same response.

17 Q. How about the mailing address of P.O. 2740
18 in Las Vegas, Nevada?

19 A. Same response.

20 Q. Are you currently an officer or director of
21 Web Diamond.com Inc.?

22 A. Same response.

23 Q. Are you an officer or director of any
24 companies?

25 A. Same response.

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2 Q. What were your duties for Web Diamond.com
3 Inc.?

4 A. Same response.

5 Q. Do you manage your family's legal business?

6 A. Same response.

7 Q. Do you manage your family's financial
8 matters?

9 A. Same response.

10 Q. What role did Pamela DelPiano play in making
11 any financial decisions?

12 A. Same response.

13 Q. Do you have any checking or savings
14 accounts?

15 A. Same response.

16 Q. Do you have any personal or business bank
17 statements including cancelled checks?

18 A. Same response.

19 Q. Do you have any personal accounts receivable
20 ledgers?

21 A. Same response.

22 Q. Do you have any copies of deed, liens,
23 mortgages or other written instruments evidencing
24 interest on any real property at any time within the
25 past four years?

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2 A. Same response.

3 Q. Do you have a bill of sale or other written
4 evidence of any real property purchased or sold during
5 the four years immediately preceding this deposition?

6 A. Same response.

7 Q. Do you have any motor vehicles?

8 A. Same response.

9 Q. Do you have any documents relating to motor
10 vehicles owned by you individually or in part?

11 A. Same response.

12 Q. Do you have any financial statements as to
13 your personal and business assets and liabilities for
14 you or your companies in the past four years?

15 A. Same response.

16 Q. Do you have any lists, schedules or for
17 example, documents reflecting furniture, fixtures,
18 furnishings and equipment owned by you solely or in
19 part?

20 A. Same response.

21 Q. Do you have any documents including or
22 relating to the stocks or tangible evidence in ownership
23 stock and bonds held individually or owned by you,
24 including any stock or brokerage accounts?

25 A. Same response.

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2 Q. Do you have any policies of insurance,
3 including real or personal property where you are listed
4 as an insurance beneficiary or where you are otherwise
5 related?

6 A. Same response.

7 Q. Do you have any policies of life insurance
8 for which you are an insured beneficiary or other
9 related party?

10 A. Same response.

11 Q. Are there any documents reflecting the
12 existence of assets transferred by you during the past
13 four years from family members to you?

14 A. Same response.

15 Q. Any promisory notes, debts-in-miss or
16 retired or extinguished or otherwise released or
17 transferred from you during the past five years?

18 A. Same response.

19 Q. Do you have any records of property and
20 insurance appraisals modeling the existence and/or the
21 value of real and personal property owned by you solely
22 or in part during the past three years?

23 A. Same response.

24 Q. Do you have any documents reflecting the
25 identity of any business entity that you currently

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2 maintain, own or possess or are in control of any assets
3 formerly owned by you including good will, contractual
4 relationships, employer-employee relations, equipment,
5 landlord-tenant relations, telephone numbers or any
6 other billing concerns, business assets?

7 A. Same response.

8 Q. Do you have any documents that are related
9 to your pension and/or retirement benefits?

10 A. Same response.

11 Q. Do you have any records pertaining to any
12 and all savings accounts held either in your name or for
13 your benefit and use?

14 A. Same response.

15 Q. Do you have any documents reflecting the
16 existence of any business entity in which you maintained
17 an ownership interest and the existence of such interest
18 during the past four years?

19 A. Same response.

20 Q. Do you have a passport?

21 A. Same response.

22 Q. Do you have any other evidence of foreign
23 travel or investment during the past four years?

24 A. Same response.

25 Q. Do you have any prior existing passports?

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2 A. Same response.

3 Q. Do you have any statements evidencing
4 frequent flyer, hotel or other travel statements for the
5 past five years?

6 A. Same response.

7 Q. Do you have any documents reflecting the
8 identity of any business entities in which you've
9 maintained an ownership during the past four years?

10 A. Same response.

11 Q. Do you have any licenses?

12 A. Same response.

13 Q. Do you have any copies or originals of any
14 wills, trusts or any amendments or codicils or either or
15 both of same?

16 A. Same response.

17 Q. Do you have any probate, testamentary
18 documents or trust documents in which you possess an
19 interest as beneficiary, trustee, permanency, devisee,
20 legatee or testamentary beneficiary?

21 A. Same response.

22 Q. Do you have any appraisals, bills of sale,
23 office receipts or any other evidence of your personal
24 ownership of antiques or art objects?

25 A. Same response.

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2 Q. Do you have any documents evidencing your
3 relationship with McDill Columbus Corporation?

4 A. Same response.

5 Q. Do you have any documents reflecting the
6 assets, liabilities, income and expenses of yours at any
7 point in time since January 1999 through present?

8 A. Same response.

9 Q. Do you have any documents that you
10 generated, prepared, executed, delivered or received in
11 connection with any transfer of assets?

12 A. Same response.

13 Q. Do you have any copies of any personal
14 financial statements, loan applications or other
15 documents requesting credit?

16 A. Same response.

17 Q. Do you have any documents related to any
18 accounts maintained either by you or any financial
19 institution or any of your companies at any financial
20 institute during the year preceding, including monthly
21 financial statements, cancelled checks, wire transfers,
22 deposit slips, cashier's checks, certified checks,
23 teller's checks, withdrawals and/or transfers reflecting
24 any form of deposit or withdrawal?

25 A. Same response.

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1 DANIEL DELPIANO

2 Q. Same questions for any documents relating to
3 accounts held by Pam DelPiano?

4 A. Same response.

5 Q. Do you have any documents relating to the
6 current or former trustees of the DelPiano Family Trust
7 or family holding trust, including but not limited to
8 the DelPiano Family Trust?

9 A. Same response.

10 Q. Do you have any documents relating to the
11 current or former trustees of the ADJ Investment Trust #
12 1, including but not limited to their identity and
13 physical location?

14 A. Same response.

15 Q. What real property do you currently own?

16 A. Same response.

17 Q. How much cash do you have in any of your
18 cumulative bank accounts?

19 A. Same response.

20 Q. How much cash do you have anywhere?

21 A. Same response.

22 Q. What checking or savings or other financial
23 accounts do you have?

24 A. Same response.

25 Q. Do you have any certificate of deposits or

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1 DANIEL DELPIANO

2 shares in any banks, savings and loans?

3 A. Same response.

4 Q. Do you have any shares in any credit union
5 or brokerage or cooperatives?

6 A. Same response.

7 Q. Do you have any security deposits with any
8 utility companies, landlords or otherwise the same?

9 A. Same response.

10 Q. What household goods and furnishings do you
11 own?

12 A. Same response.

13 Q. What books, pictures and other art objects
14 do you own?

15 A. Same response.

16 Q. Do you have any antiques, stamps, coins,
17 records, tapes, compact discs or other collections that
18 you own?

19 A. Same response.

20 Q. Do you have any jewelry?

21 A. Same response.

22 Q. Do you have any sports, photographs or other
23 hobby equipment?

24 A. Same response.

25 Q. Do you have any annuities?

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2 A. Same response.

3 Q. Do you have any interest in any IRA or other
4 pension or profit sharing plan?

5 A. Same response.

6 Q. Do you have any interest or stocks in any
7 incorporated or unincorporated businesses?

8 A. Same response.

9 Q. Do you have any interest in any partnerships
10 or other corporations?

11 A. Same response.

12 Q. Do you have any government or corporate
13 bonds or other negotiable interests?

14 A. Same response.

15 Q. Does anybody owe you any money?

16 A. Same response.

17 Q. Do you receive any money as support or
18 property settlement?

19 A. Same response.

20 Q. Do you have any equitable or future
21 interest, licenses, rights or powers accessible other
22 than as previously stated?

23 A. Same response.

24 Q. Do you have any contingent or noncontingent
25 interest in estate death benefits and planned life

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2 insurance claim?

3 A. Same response.

4 Q. Do you have any other contingents or
5 unrelated claims of any nature, including tax refunds?

6 A. Same response.

7 Q. Do you have any patent or copyright or other
8 intellectual property?

9 A. Same response.

10 Q. Do you have any franchises or other
11 intangibles?

12 A. Same response.

13 Q. Do you have any boats anywhere?

14 A. Same response.

15 Q. Do you have any aircraft?

16 A. Same response.

17 Q. Do you have any office equipment, including
18 furnishings or other supplies anywhere?

19 A. Same response.

20 Q. Do you have any machinery, fixtures,
21 equipment or other supplies of that nature?

22 A. Same response.

23 Q. Do you have any animals that are worth any
24 money?

25 A. Same response.

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2 MS. BIERNACKI-ANTHONY: Off the record.

3 [Discussion held off the record.]

4 Q. Are you growing any crops?

5 A. Same response.

6 Q. Do you have any farming equipment or
7 supplies?

8 A. Same response.

9 Q. Do you have any income from any business
10 operations?

11 A. Same response.

12 Q. Do you have any income other than from
13 business operations?

14 A. Same response.

15 Q. Have you made any payments in the past 20
16 days that exceed \$600?

17 A. Same response.

18 Q. Have you caused any payments to be made to
19 anyone in the past that exceeded \$600?

20 A. Same response.

21 Q. Are you the subject of any suits,
22 administrative proceedings, garnishments or attachments?

23 A. Same response.

24 Q. Are any of your properties subject to those
25 types of action?

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2 A. Same response.

3 Q. Have you been subject to any repossession,
4 foreclosure or otherwise in the past year?

5 A. Same response.

6 Q. Has your property been subject to any
7 assignment or relinquishing within the past 120 days?

8 A. Same response.

9 Q. Have you caused any gifts or charitable
10 contributions to be made over \$100 in the past year?

11 A. Same response.

12 Q. Have you suffered any losses to your
13 property from fire or theft or other casualty in the
14 past year?

15 A. Same response.

16 Q. Have you caused any property to be
17 transferred outside the ordinary course of business in
18 the past two years?

19 A. Same response.

20 Q. Have you transferred any property in the
21 past 10 years to the self-settled trust with similar
22 device which you are the beneficiary of?

23 A. Same response.

24 Q. Have you caused any financial accounts to be
25 closed in the past year?

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2 A. Same response.

3 Q. Do you have any safety deposit boxes
4 anywhere?

5 A. Same response.

6 Q. Do you have any property for the benefit of
7 another person?

8 A. Same response.

9 Q. Does anyone hold property for the benefit of
10 you?

11 A. Same response.

12 Q. Can you identify all your prior addresses
13 for the past five years?

14 A. Same response.

15 Q. Can you identify all businesses in which you
16 are an officer, director, partner or manager or
17 executive of a corporation within the past six years?

18 A. Same response.

19 Q. Can you identify all businesses and the
20 nature of the businesses in which you were a partner in
21 a partnership, sole proprietorship, self-employed, in a
22 trade profession or other activity, either full-time or
23 part-time in the past six years?

24 A. Same response.

25 Q. Can you identify any company in which you

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2 own five percent or more of the voting or equity
3 security in the past five years?

4 A. Same response.

5 Q. Can you identify all bookkeepers and
6 accountants that you talked to personally or on behalf
7 of your companies or your trusts?

8 A. Same response.

9 Q. Can you list any firm or individuals who
10 have audited the books and accounts, your books and
11 accounts, for any of your companies or trusts?

12 A. Same response.

13 Q. Are there any firms or individuals that have
14 prepared a financial statement for you, your company or
15 any of your trusts?

16 A. Same response.

17 Q. Can you list any firms or individuals who
18 are in possession of your books and accounts?

19 A. Same response.

20 Q. Can you list all financial institutions or
21 creditors or other parties to handle financial
22 statements that was issued by your wife, Pamela DelPiano,
23 within the past two years?

24 A. Same response.

25 Q. Have any inventories been taken of your

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2 assets?

3 A. Same response.

4 Q. You have asserted your fifth amendment right
5 at the beginning of the deposition. With respect to
6 that, I want to give you an opportunity to tell us what
7 the harm is in answering these questions. What are you
8 trying to protect? Is there an ongoing criminal
9 investigation, something of that nature or such that you
10 are asserting the fifth amendment, if you know?

11 A. There may be, yes.

12 MS. BIERNACKI-ANTHONY: I think I have
13 covered most of the areas. Once this gets
14 transcribed, I will want a word with your attorney
15 as to if there are any questions that I will
16 subsequently request an answer to after you go over
17 your fifth amendment rights with him and determine
18 if there is anything that you can answer.

19 So I guess, technically, I am not
20 concluding. We are kind of suspending the
21 deposition to give you an opportunity to talk to
22 your attorney, and to the extent we are not
23 satisfied with his determination as to what you can
24 and cannot answer, subsequently we will file a
25 motion with the Court to compel your answer.

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DANIEL DELPIANO
I appreciate your time.
Thank you. Good luck.
[Time noted: 11:50 a.m.]

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I N D E X

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(Exhibits Retained By Counsel)

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CERTIFICATION

I, JOANNE GADALETA, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose testimony as herein set forth, was duly sworn by me; and that the within transcript is a true record of the testimony given by said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of April, 2009.

JOANNE GADALETA

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