

DONALD B. VEAZEY)
Plaintiff,)
-vs-) Case CL-2012-4532
JOSEPH J. BECKETT, et al.,)
Defendants.)

Deposition of THOMAS R. DUBREUIL, taken
before Pamela C. Herrmann, (formerly Pamela C.
Washington), Registered Professional Reporter and
Notary Public, at the law offices of Sergovic,
Carmean & Weidman, 142 East Market Street, Georgetown,
Delaware, on January 15, 2014, beginning at 10:00 a.m.

APPEARANCES :

On behalf of the Plaintiff:
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On behalf of the Defendants:
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I-N-D-E-X

WITNESS:

THOMAS R. DUBREUIL

Examination by Mr. Masselli 3

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1 WHEREUPON:

2 THOMAS R. DUBREUIL,
3 having first been duly sworn by the court reporter,
4 thereupon testified upon his oath as follows:

5 BY MR. MASSELLI:

6 Q Mr. DuBreuil, can you state your full
7 name and address for the record?

8 A Thomas R. DuBreuil, 23 Stony Drive,
9 Dover, Delaware.

10 Q Now, Mr. DuBreuil, my name is David
11 Masselli and I represent Donald Veazey who's sitting
12 to my left, he's a plaintiff in a lawsuit entitled
13 Donald B. Veazey versus Joseph J. Beckett, which is
14 pending in the Circuit Court for Prince William
15 County, Virginia. I'm going to be asking you
16 questions concerning issues in that lawsuit --

17 A Correct.

18 Q -- and your responsibility is to answer
19 my questions to the best of your ability.

20 A Okay.

21 Q Now, if you can't hear a question,
22 please let me know and I'll repeat it. Let me ask,
23 have you ever been deposed before?

24 A No.

25 Q No, okay. Because we have a court

1 reporter here, what we need to do is make sure we
2 don't talk over each other.

3 A Okay.

4 Q So, you know, if you wait until I
5 finish a question before answering, and I'll try to
6 make sure that I don't interrupt your answers. If my
7 question is not clear, please let me know; otherwise,
8 if you answer a question, we're going to assume that
9 you have understood it. So, again, as I say, if you
10 don't know, let us know.

11 One other thing, this is just kind of
12 housekeeping, but because this deposition is being
13 transcribed, if the answer to a question is yes or no,
14 you need to say the words yes or no; not a gesture
15 that the court reporter can't -- there's nothing on
16 there that notes a shake up or a shake down.

17 And one other thing, if you need a
18 break at any time, just tell me and we'll take a
19 break --

20 A Okay.

21 Q -- for whatever reason, you know, that
22 is fine. Now, and this is a fairly standard question
23 that gets asked in all depositions that you almost
24 always start with, are you taking any medication or
25 drugs or suffering from any illness that would affect

1 your ability to understand or answer any questions I
2 might ask?

3 A No.

4 Q Good. Now, you gave your address; how
5 long have you been living there?

6 A 28 years.

7 Q Who do you reside with at that address?

8 A My wife, Deborah W. DuBreuil.

9 Q Do you have any children?

10 A Yes.

11 Q Do they live with you now?

12 A Yes.

13 Q Now, where did you live before you
14 lived on Stony Court?

15 A Stony Drive.

16 Q Stony Drive?

17 A I lived in Albany, Georgia.

18 Q For how long?

19 A Five years.

20 Q And before that?

21 A Omaha, Nebraska.

22 Q And how long?

23 A About two-and-a-half.

24 Q And before that?

25 A Wilson, North Carolina.

1 Q And how long?

2 A I was in college probably about I'd say
3 two years where I actually lived there.

4 Q Okay. Now, what's your date of birth?

5 A 12/16/1952.

6 Q And where were you born?

7 A Worster, Ohio.

8 Q Now, I asked you previously about
9 depositions; have you ever testified in court, in a
10 court hearing?

11 A No.

12 Q Have you ever been a plaintiff or a
13 defendant in a lawsuit?

14 A No.

15 Q Have you ever been arrested?

16 A No.

17 Q Now, can you tell me what you did to
18 prepare for this deposition?

19 A Essentially I reviewed -- you know, I
20 used I guess the description of what I was to bring,
21 you know, or what I was to provide for you, you know,
22 prior to the deposition, and I just kind of reviewed
23 the notes and, you know, basically just the records,
24 you know, related to what, you know, specifically you
25 were asking just so I was -- I knew what I was talking

1 about.

2 Q Now, about a week ago, you sent me some
3 documents, for which I thank you. Do you have any
4 other documents that you have come across since then?

5 A You know, other than those two, I
6 had -- I had some documents, some print-outs that were
7 off of our -- and mainly for my own, you know,
8 edification, some statements, you know, from -- about
9 the accounts that had information that I thought was
10 relevant.

11 Q Okay, when you say about the accounts,
12 are these accounts with your current employer or are
13 these Wachovia accounts?

14 A Current employer.

15 Q Okay. Now, I mentioned earlier that
16 this lawsuit is entitled Donald Veazey versus Joseph
17 Beckett; do you know the plaintiff, Donald Veazey?

18 A Yes.

19 Q About how long have you known him?

20 A Probably since about 2008, 2009; I
21 can't remember exactly.

22 Q And how did you come to meet him?

23 A I came to meet Don when I was working
24 for Wachovia and he was working on the wrongful death
25 lawsuit of his father and so we, you know, started

1 communicating then.

2 Q And do you know Joseph J. Beckett?

3 A Yes.

4 Q About how long have you known him?

5 A Probably a little bit longer, I would
6 say, approximately the same amount of time.

7 Q Now, in correspondence and Email, do
8 you frequently refer to Joseph Beckett as Jack?

9 A Yes.

10 Q And is that what he's generally known
11 as?

12 A Yes.

13 Q And let me be clear, you said you
14 started working or knew Donald Veazey starting in
15 about 2008; and about how much earlier did you meet
16 Jack Beckett?

17 A I would say probably -- I may have met
18 him earlier a few times, but not very often. You
19 know, I have known both of them through, you know,
20 through Alberta.

21 Q Okay. Do you know Jack socially, or is
22 this meeting him in the context of your business?

23 A Meeting him in the context of the
24 business.

25 Q Okay. Now, do you know E. or Ester

1 Alberta Veazey?

2 A Yes.

3 Q About how long have you known her?

4 A I have known her since about -- I think
5 we started working together since about 2000.

6 Q Did you know her only in a business
7 context?

8 A Yes.

9 Q Did you know Alberta Veazey's late
10 husband, Samuel Veazey?

11 A I had met him a few times. I knew him.

12 Q And did you also know him in the
13 context of your business?

14 A Yes.

15 Q Now, the case of Veazey versus Beckett
16 is scheduled for a trial in Manassas, Virginia
17 beginning on February 24th, 2014; are you planning on
18 being a witness in that case?

19 A If I'm called. I hadn't planned on it,
20 but if I am asked.

21 MR. MASSELLI: Okay, I think we're
22 going to conduct this as if it were a de bene esse
23 deposition.

24 MS. MURPHY: Okay.

25 MR. MASSELLI: Because obviously we

1 have no way of compelling Mr. DuBreuil's appearance; I
2 don't believe either side does. We can compel him to
3 appear at a deposition in Delaware but...

4 MS. MURPHY: I mean we'll object on the
5 grounds that it wasn't noticed as a de bene esse
6 deposition, but you can ask whatever questions you
7 need.

8 MR. MASSELLI: Okay.

9 BY MR. MASSELLI:

10 Q Mr. DuBreuil, can you tell me about
11 your educational background?

12 A I'm a high school graduate.

13 Q And where did you go to high school?

14 A Pascack Hills High School, Montvale,
15 New Jersey.

16 Q And when did you graduate?

17 A 1970.

18 Q After high school?

19 A I took -- I worked for a year and then
20 I started -- went -- I started at Bryant College in
21 Smithfield, Rhode Island, and that was from 1971 to
22 1975.

23 Q And how is that spelled?

24 A B-r-y-a-n -- which one, Bryant?

25 Q Yes.

1 A B-r-y-a-n-t.

2 Q Did you receive a degree from Bryant
3 College?

4 A Yes, a Bachelor of Science in Business
5 Administration.

6 Q And after you graduated from Bryant
7 College, did you do any postgraduate work?

8 A Yes, I did; I got a Master's degree
9 in -- an MBA at Wilmington College, and I went there
10 from 1986 to 1988.

11 Q Okay, and you received an MBA?

12 A Uh-huh.

13 Q Have you done any other postgraduate
14 work?

15 A Um-mmm. No.

16 Q And is that Wilmington College in
17 Delaware?

18 A Yes.

19 Q Now, have you taken any other courses
20 either educational or vocational with respect to your
21 employment?

22 A Yes. I'm required on a regular basis,
23 because of my licenses, I'm required to take quite a
24 few continuing education courses; I do that throughout
25 the year.

1 Q Okay. Now, as an adult, where did you
2 first go to work?

3 A As an adult? First place I went to
4 work I guess was after college, permanent, I worked
5 for Swift and Company in Wilson, North Carolina.

6 Q And how long did you work there?

7 A Actually, I worked -- I worked for the
8 company because I moved from Wilson to Omaha with the
9 same company, probably I would say four years total.
10 I started in 197 -- I started in 1976, and I separated
11 employment from them in 1979.

12 Q Okay. And what was the nature of your
13 employment?

14 A I started out with them as a quality
15 control technician, moved into like a management
16 intern program, and then I was a production supervisor
17 with Swift.

18 Q And what kind of production were you
19 supervising?

20 A Meat processing.

21 Q Meat processing? What was the reason
22 for your leaving that job?

23 A Well, we were living in the Midwest at
24 the time, and my wife, Debbie, at the time did not
25 want to stay in the Midwest, so she wanted to move

1 closer to where her parents were when they lived in
2 North Carolina.

3 Q So after you left Swift and Company,
4 what was your next job?

5 A Miller Brewing as basically a
6 warehouse -- I was I would say a distribution
7 technician, shipping and things along those lines, and
8 then I moved into high speed packaging operations as a
9 supervisor.

10 Q What were the dates of that employment?

11 A The brewing started November of 1979
12 through I believe it was August of 1984.

13 Q And where did you work?

14 A Albany, Georgia.

15 Q Was this a management position you
16 held?

17 A Yes.

18 Q And what was your reason for leaving?

19 A Basically it was a reduction in force,
20 you know. For economic reasons, the Miller Brewing
21 significantly reduced the managerial work force at
22 that facility.

23 Q Okay. Now, after Miller Brewing, where
24 was your next job?

25 A Playtex in Dover.

1 Q And what were the dates of that
2 employment?

3 A It would have been November of 1986
4 through -- I can't remember -- through 1988; I can't
5 remember the exact date.

6 Q So am I correct that after you left --
7 did you go to business school after you left --

8 A I went to school, night school, while I
9 was at Playtex, so it was basically took courses at
10 night and that's how I got my MBA. So I was going
11 while I was working.

12 Q Okay. And where did you work or what
13 did you do between August of 1984 and November of
14 1986?

15 A Playtex. '84 to '86 was -- '84 to -- I
16 correct myself, I apologize. I started there in 1984
17 and through about -- actually, I left there about 1987
18 when they also did a reduction in force. And I
19 stayed -- I finished up my -- because they were paying
20 for my MBA, and so I finished my Master's and I paid
21 for it myself during that time.

22 Q Okay. And while you were at Playtex,
23 what were your responsibilities?

24 A I was -- basically, I was in
25 distribution management. I was supervisory with them

1 initially, and then I managed a second shift
2 distribution shipping operation for them within the
3 same location.

4 Q Did you have a title?

5 A It was, yeah, shift manager at the end,
6 and then production supervisor. So I had two jobs
7 with them.

8 Q This RIF, was it a large RIF or small
9 RIF or --

10 A It was a large RIF, yeah. They were
11 purchased in a leverage buyout by another firm.

12 Q Okay. So after Playtex, where did you
13 go?

14 A Spent -- oh, was out of work for about
15 a year or a little less than a year. Had a short
16 stint, I can't remember how long, with International
17 Paper as a production supervision up in Philadelphia,
18 and I can't remember exactly how long, I don't think
19 it was even a year. We decided, wife decided she
20 didn't want us to move to Philly, and it was a long
21 drive, so we -- I found another position at Johnson
22 Controls in Middletown, Delaware, just to try to get
23 closer to home. And the dates are -- exactly, I can't
24 remember offhand.

25 Q Okay, well, let's go back briefly to --

1 A Sure.

2 Q -- International Paper; what was your
3 job at International Paper?

4 A Production supervisor third shift.
5 Actually -- well, yeah, production supervisor third
6 shift.

7 Q And that was a management position?

8 A Uh-huh. Yes.

9 Q Okay, and then after International
10 Paper?

11 A Johnson Controls, production supervisor
12 once again.

13 Q And where were they located?

14 A Middletown, Delaware.

15 Q And how long did you work there?

16 A Probably a little over a year.

17 Q Okay, so let me try to go back and
18 establish some time frames. You said that after
19 Playtex, you were out of work for about a year; would
20 that have been 1989?

21 A Yeah, I think so.

22 Q And when do you think you started
23 working at International Paper?

24 A Probably around the same time. I would
25 say late '89.

1 Q And you worked until?

2 A Like I say, the exact dates, because it
3 was so quick, best of my knowledge, it was like 1990.

4 Q And now at Johnson Controls, how long
5 did you work there?

6 A Probably I would say less than a year.
7 Now we're talking into, you know, maybe mid to late
8 1990.

9 Q And what was your reason for leaving
10 that job?

11 A Well, for one thing, it was third
12 shift. The reason I left with Johnson Controls,
13 you're asking, is that right?

14 Q Yes.

15 A Basically, I was asked by the personnel
16 manager of General Foods the large General Foods plant
17 in Dover, to come with them. So actually -- I had
18 actually known him socially, and they were in need of
19 a production supervisor for their -- to produce jello,
20 that's where they produced all the jello.

21 Q Okay. So is General Foods your next
22 job?

23 A Uh-huh. Yes.

24 Q And what are the dates of your
25 employment there?

1 A That was from 1990 through 1994.

2 Q And what were your responsibilities?

3 A I spent two years as a production
4 supervisor with them, and then two years in the --
5 basically, it was a sales function within there where
6 we bought raw materials, you know, bought track
7 shipments because they also -- we bought sugar, cocoa,
8 coconut for, you know, operations there.

9 Q Okay. And these were both management
10 positions?

11 A One was -- one was management, and then
12 one was sales is more of a -- it was more of a lateral
13 move, but it was just a different, you know, type of
14 function. I had expressed an interest in it so
15 they -- there was a position open, and I interviewed
16 and got the position.

17 Q And what was your reason for leaving
18 that job?

19 A Well, the reason for leaving that is
20 that General Foods decided to move the Baker's -- one
21 of the where they produced Baker's chocolate to
22 Winnipeg, Canada, and they asked me to move to
23 Winnipeg, Canada along with that group because that's
24 where it was going to be housed. And I turned them
25 down because that didn't -- I didn't want to move, my

1 wife and I didn't want to move to Winnipeg.

2 Q Now, by the way, where were you working
3 for General Foods?

4 A Dover, Delaware.

5 Q Did they maintain any operations in
6 Dover?

7 A Yeah. They still do, they still --
8 they just were moving that specific operation up.
9 They still today, now, they're -- now it's not General
10 Foods anymore, but they still produce jello, they
11 produce Stove Top Stuffing, things along those lines,
12 so it's all food processing.

13 Q Now, were you offered a position with
14 General Foods in Dover?

15 A No.

16 Q And was there any reason for that or --

17 A Just wasn't anything -- I didn't -- I
18 didn't really want to -- I really wasn't offered. I
19 was offered the position in Winnipeg, and there wasn't
20 another position in Dover, you know, that I was doing,
21 you know, at the time. So they said -- there was, you
22 know, there was no opportunity.

23 Q Okay. And what did you do after
24 General Foods?

25 A Basically, I still stayed in management

1 but I moved into retail, I got a store manager
2 position with Toys R Us fairly quickly in 1994.

3 Q And where was that located?

4 A Dover.

5 Q And when did that begin again?

6 A 1994. Mid year, summer.

7 Q And how long were you there?

8 A Through 1997.

9 Q And you were a store manager?

10 A Yes. I was not the director, store
11 director; I was a department manager but, you know,
12 they call it a store manager, that was our title.

13 Q And what department did you manage?

14 A All of them; sales, front end
15 operations, receiving, storage operations. So they
16 cycled us through on a regular basis, so the whole
17 store.

18 Q And this was a management position,
19 correct?

20 A Uh-huh, yes.

21 Q And what was your reason for leaving?

22 A Essentially, I saw the -- I noticed
23 that Toys R Us were having some financial
24 difficulties, there was talk of possibly the store
25 closing. And so instead of -- I decided to make, at

1 that point in time, 1997, I decided to make a career
2 change because I saw the landscape of economically and
3 things that were happening, and so I decided to go
4 into the financial services business. And in 1997, I
5 took a position with American Express Financial
6 Advisers as a financial adviser.

7 Q And where did you work for American
8 Express?

9 A Actually, I had an office, I trained up
10 in Wilmington or corporate headquarters, but made
11 friends with another adviser, we actually opened up an
12 independent shop right in Dover.

13 Q Okay, and what was the nature of your,
14 after your training, when you opened this office?

15 A It was essentially, it was sales and
16 prospecting for clients, but then we were -- you know,
17 it was essentially a comprehensive financial planning,
18 so we were trained on all the -- all aspects of
19 financial planning.

20 Q And how long were you with American
21 Express?

22 A I was with them through basically 19 --
23 right at the very end of 1998 when my partner I was
24 with left unceremoniously, just left the firm. So we
25 were -- we had to pay rent and all this kind of stuff,

1 and so it didn't make, financially it didn't make
2 sense to -- like I just couldn't maintain the
3 operation financially, we hadn't developed it for a
4 long enough period of time to where it had, you know,
5 proper cash flow.

6 Q Now, who was this partner?

7 A Chris Malstrom.

8 Q How is the last name spelled?

9 A M-a-l-s-t-r-o-m.

10 Q Is that male or female?

11 A Male. Christopher.

12 Q And why did he leave?

13 A He actually took -- he took a position
14 with another -- he took a position as an insurance
15 wholesaler with the firm -- I can't remember the name.
16 He decided he didn't want to do the, you know, I guess
17 the financial advisory work, so that was -- and that
18 was rather sudden.

19 Q Okay, so after this happened, were
20 there any other positions available to you at American
21 Express?

22 A Well, I could have either stayed in
23 Dover, which was kind of what I really wanted to do, I
24 wanted to work local, or I could have worked up in
25 Wilmington, which at the time I didn't want to do.

1 And so right at that time, my banker
2 who was working for at the time Core States Bank in
3 Dover, they were in the process of being purchased by
4 First Union National Bank. And they told -- I was
5 told about a financial specialist position which could
6 essentially use my skills and knowledge in the
7 investment world, you know, in planning and insurance
8 and investments, along with learning the banking
9 business. And so it was a sales position, so I
10 interviewed and got that position and started with
11 them in January of 1999.

12 Q Okay, how long did you work for First
13 Union?

14 A Well, they were -- it became First --
15 was First Union, then it became Wachovia, but I worked
16 for them until May, 2010 in Rehoboth Beach, Delaware.

17 Q And what was the nature of the work you
18 did for the bank, First Union and then Wachovia?

19 A It was essentially what's called a
20 financial specialist position. It was a sales and
21 advisory position, so we would -- we were able to, you
22 know, offer -- we'd do comprehensive reviews of
23 people's finances, you know, bank finances, and offer
24 solutions to problems based on products, like
25 financial services products. On the investment side,

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1 you know, mutual funds and annuities; and on the bank
2 side, deposit products, savings, checking for both
3 personal and small business, as well as small business
4 loans and consumer loans. Auto, second mortgages,
5 home mortgages, not first mortgages and the like,
6 credit cards, debit cards, things along those lines.

7 Q Did you work at the same location
8 during this entire period?

9 A No; I would say most of it. I was
10 asked to go to the Dover location briefly in the
11 middle it, and I can't remember the dates offhand, and
12 that lasted about six months because I was taking -- I
13 had to take somebody's place for a while because it
14 was temporary, and then I went back to -- back to the
15 Rehoboth location.

16 Q So except for this six-month period in
17 Dover, you were in the Rehoboth Beach --

18 A Uh-huh, that's correct.

19 Q -- location? I want to go back for
20 just a moment --

21 A Uh-huh.

22 Q -- to the prior employment which was
23 with American Express. While you were with American
24 Express, did you have any interaction with Donald
25 Veazey?

1 A No.

2 Q While you were at American Express, did
3 you have any interaction with Jack Beckett?

4 A No.

5 Q While you were at American Express, did
6 you have any interaction with Alberta Veazey?

7 A No.

8 Q While you were at American Express, did
9 you have any interaction with Samuel Veazey?

10 A No.

11 Q About how many people worked in the
12 Rehoboth Beach office that you were in for most of
13 this time?

14 A Let me see. I would say probably -- it
15 varied, but it was probably 10 to 12 people, and the
16 majority of those were tellers.

17 Q Did you have any supervisory authority?

18 A No, not supervisory authority.

19 Q Now, while you were at the Rehoboth
20 Beach, Delaware location of First Union and then
21 Wachovia, did you have any interactions with Donald
22 Veazey?

23 A While I was there, yes.

24 Q By the way, about when did First Union
25 become Wachovia?

Q While you were at First Union and then Wachovia, did you have any business interactions with

1 Alberta Veazey?

2 A Yes, I did.

3 Q And what were the nature of those?

4 A It started out actually first --
5 business interactions were essentially when I first
6 met her, we talked about she had a retirement account
7 that, you know, she wanted to move over, it was an
8 IRA. And so she -- we talked and, you know, gave her
9 the pros and cons of different products and services
10 and, you know, decided on an annuity, I believe.

11 And actually, it wasn't for her, it was
12 for Sam, because she pretty much handled the finances,
13 now that I remember. And so she -- you know, that's
14 how our relationship started was that, because it
15 wasn't -- that's right, because it wasn't her's, it
16 was Sam's.

17 Q Okay. And again, while you were at
18 First Union and then Wachovia, did you have any
19 business relationship with Sam Veazey?

20 A Other than that initial relationship,
21 very little other than maybe, you know, he might have
22 come in and, you know, service on a checking account
23 or things along those lines, but no other products
24 sold.

25 Q Now, when did you stop working for

1 Wachovia?

2 A Well, at the time when I stopped
3 working for them, they were -- at the time, they were
4 Wells Fargo, so that would have been May of 2010.

5 Q And what were your reasons for leaving
6 their employment?

7 A Essentially, the function that I was
8 doing was no longer -- they did not have a financial
9 specialist function at that branch anymore, so they
10 were completely changing the, you know, the branch
11 operations so one or two people were not responsible
12 for all of the investment and deposit, you know, bank
13 sales and service.

14 Q Well, were they getting out of the
15 financial products business?

16 A No; they were just doing it
17 differently. They were actually -- what they were
18 doing is that they were having, from an investment
19 standpoint, they essentially split that so there
20 wasn't -- there wasn't anybody that did both
21 investments and banking sales and service in the
22 retail -- you know, at the retail customer facing
23 level.

24 The investment advisory service, you
25 know, stocks, bonds, mutual funds, annuities and such

1 was being taken care of by a broker, and that broker
2 had responsibility for several branches. So they were
3 essentially changing how they did business.

4 The bank employees were essentially,
5 you know, the day-to-day bank employees essentially
6 handled, you know, deposits, services, debit cards,
7 opening accounts, things along those lines. So it was
8 a much more -- they were going back to a much more
9 traditional banking model, whereas First Union and
10 Wachovia were very non-traditional in that regard.

11 So it was -- mine was a unique
12 position, you know, that's just how it was. And there
13 were quite a few other people who on that day and
14 subsequent days, people that I know were also
15 terminated throughout the Delaware footprint.

16 Q Okay. So you were terminated by Wells
17 Fargo?

18 A Uh-huh, that's right.

19 Q Were you offered any other positions by
20 them or were there any discussions of that?

21 A They were -- well, what they were
22 saying is they were putting out feelers that, you
23 know, it's a good idea, if you want, this may be
24 coming down the line, but they weren't really -- and
25 so we were -- you know, I was applying for other

1 positions within the bank, other locations, other
2 types of work, and I didn't get anything. So no one
3 that I know that was let go at that time took
4 positions with Wells Fargo. So it was just -- that
5 was just their model.

6 Q Now, after Wells Fargo, where did you
7 next work?

8 A After Wells Fargo, that year I
9 basically used my licenses that I still kept, and I
10 went to work for a brief time with Swarthmore
11 Financial Services, essentially it was a sub-agency of
12 Massachusetts Mutual Life Insurance Company, located
13 in New Castle, Delaware.

14 Q And how long were you with Swarthmore?

15 A About a year.

16 Q And what did you do when you were at
17 Swarthmore?

18 A It was very similar to what I had done,
19 actually exactly what I had done at American Express.
20 I was an agent for -- I was an insurance agent for
21 Mass. Mutual, but I was also, because of my licenses,
22 I was a financial adviser and I maintained an
23 investment advisory designation. So basically
24 investment, registered investment adviser is also what
25 I had.

1 them in July, right at the end of July of 2010 so,
2 yes, a year-and-a-half.

3 Q Now, when you were at Swarthmore, did
4 you have any business relationship with Jack Beckett?

5 A Yes.

6 Q And what was that?

7 A Jack contacted me -- actually, Kristen
8 contacted me and we discussed the situation with
9 Jack's -- you know, his management of Alberta's
10 finances, and he was not able to get access to any of
11 the records. And at that time, and I can't remember
12 the timing, he was basically -- he was already -- he
13 was either assigned or in the process of being
14 assigned as the guardian and also -- well, as the
15 guardian, so he needed to be able to access
16 information regarding his mother's finances, and he
17 could not; he told me he wasn't able to do that.

18 So because of the relationship I had
19 primarily with his mother and the work that I did in
20 primarily 2009 when I really got to know both Don and
21 Jack and helping them essentially distribute the money
22 that came from Sam's mesothelioma to the various
23 parties, and so I did a lot of work -- actually did a
24 lot of work with Don back then, because Don was the
25 one charged with the, you know, doing the work and

1 that. So that's -- so I had knowledge of the -- of
2 her finances, I knew everything, you know, about her
3 finances.

4 Q Okay, let me stop you there for a
5 moment. You began this answer by talking about
6 Kristen contacting you.

7 A Uh-huh.

8 Q Are you referring to Kristen Long?

9 A Uh-huh. Yes, I am.

10 Q Okay. And Kristen Long is a person who
11 has had a long-time relationship with Jack Beckett, is
12 that correct?

13 A That's correct.

14 Q And I didn't ask you this but let me
15 ask this: When you were at Wells Fargo -- I'm sorry,
16 First Union then Wachovia --

17 A Right, that's okay.

18 Q -- and then Wells Fargo, besides
19 interacting with Don Veazey and Jack Beckett and
20 Alberta Veazey, did you also at that time have any
21 interactions with Kristen Long?

22 A Yes. And not personal finances, I
23 didn't do any of her personal financial stuff banking
24 and all. But I did have some interaction with
25 Kristen, you know, in relation to Alberta.

Q Okay, and I take it that Kristen sought
or help with respect to the situation?

A Yes.

MS. MURPHY: Objection, leading.

BY MR. MASSELLI:

Q You can answer the question.

A Yeah, I think she was acting on Jack's, as helping Jack. So she was the one that because -- that actually found me. After the settlement of the suit in '09, I really had very little contact with any of them for up to that point.

Q Now, do you recall about when Kristen
acted you?

A It was -- I believe it was in October

Q Now, we have discussed the contact you
Kristen Long, I just want to clarify that
were at Swarthmore, were either Jack Beckett
n Long clients of yours, did they have

MS. MURPHY: Objection, relevance. You

BY MR. MASSELLI:

Q You can answer.

1 A Can I answer?

2 MS. MURPHY: Yeah, you can answer.

3 THE WITNESS: No, they did not.

4 BY MR. MASSELLI:

5 Q Okay, let me just clarify --

6 A Sure.

7 Q -- by the way, something, which is that
8 Miss Murphy has the ability to make objections on the
9 record for a variety of reasons, I do the same when
10 I'm defending depositions. Unless she directs you not
11 to answer, the objection is noted and then you can
12 answer. There's no reason you would have any reason
13 to know that --

14 A Okay.

15 Q -- not having been deposed before. So
16 very often she'll object, I may rephrase the
17 question --

18 A Okay.

19 Q -- I may stop the question, or I may
20 simply say please answer.

21 A Sure. I get it.

22 Q Thank you. Now, let's turn to, is it
23 Rockwell Associates?

24 A Uh-huh.

25 Q Where were they located?

1 A They were located in Wilmington,
2 Delaware.

3 Q And how long have you worked there?

4 A From January of 2012 to the present.

5 Q And what are your responsibilities?

6 A I am essentially, I'm a financial
7 adviser, so it is my responsibilities to prospect --
8 sales, you know, prospect for clients. And we -- and
9 essentially we do it as a holistic, you know,
10 financial planning process, to help clients with all
11 manner of, you know, life goals, needs, wants, you
12 know, from a financial standpoint.

13 Q Do you have a specific title?

14 A Financial strategist is the title
15 that's on my card.

16 Q Are you in management at Rockwell?

17 A No.

18 Q Are you a salaried employee?

19 A Basically, I do have a salary; it's
20 essentially a salary plus whatever commissions I make
21 on the products that I sell.

22 Q Let me be clear. Is this a draw
23 against commissions or is this a --

24 A No, it's actually a salary, that's how
25 they -- that's how the -- Rockwell is an agency of the

1 Penn Mutual Life Insurance Company, and this is how
2 they choose to administer it.

3 Q Now, other than life insurance
4 products, does Rockwell provide other services?

5 A Yes. Well, Rockwell provides, through
6 Penn Mutual, they provide life insurance and fixed and
7 variable annuities. Through their broker dealer,
8 Horner, Townsend and Kent, they provide all manner of
9 investment products, stocks, bonds, mutual funds,
10 IRAs, things along those lines.

11 Q Now, could you clarify a little bit
12 more the relationship between Rockwell and Horner,
13 Townsend and Kent?

14 A Rockwell -- with Rockwell being an
15 agency of Penn Mutual, Penn Mutual maintains --
16 maintains a broker dealer, mainly because they -- for
17 initially the primary purpose because of the variable
18 annuity products that they sell, because they are
19 regulated by FINRA. So they had to remain -- they
20 have a broker dealer relationship, so they had to have
21 that from a regulatory standpoint.

22 What they do, though, in addition to,
23 they also offer the whole host of mutual funds and,
24 you know, stocks, bonds, mutual funds, if, you know,
25 if you're properly licensed, through Pershing as their

1 clearing house. So Horner, Townsend and Kent is the
2 dealer, Pershing Financial is the clearing house, and
3 that's how we can offer brokerage accounts, you know,
4 mutual funds, you know, whatever, those types of
5 products.

6 Q And I'm going to refer to Horner,
7 Townsend and Kent as HTK --

8 A Right.

9 Q -- sometimes in this.

10 A It's HTK, yes, that's the -- you know,
11 you probably wouldn't have because it's just -- it
12 isn't like a large wire house like a Morgan Stanley or
13 a Merrill Lynch, but it is the brokerage arm of the
14 Penn Mutual Life Insurance Company.

15 Q Okay, so HTK is owned by Penn Mutual?

16 A Yes. actually, it was started by them;
17 they started the company from the ground, up, you
18 know, I guess as a division of Penn Mutual, if that's
19 the best way I can describe it.

20 Q Okay. So HTK is owned by Penn
21 Mutual --

22 A Uh-huh.

23 Q -- and Rockwell is an agent of Penn
24 Mutual, correct?

25 A Agency, yeah, agency of, right.

1 Rockwell is a Penn Mutual agency. That's a life
2 insurance term, life insurance agency.

3 Q And so in your job with Rockwell, are
4 you able to offer both life insurance products and
5 investment products?

6 A Yes.

7 Q Are you registered and in some way
8 affiliated with HTK?

9 A Yes.

10 Q And what is the nature of that?

11 A I am -- I hold a general securities
12 representative Series 7 license, and that's
13 regulatory, that is through FIBRA, a regulatory body.
14 I also hold it's a Series 63, which is a state
15 regulatory, you know, law license. And then I am a
16 Series 65, which is a registered investment adviser.

17 Q Now, am I correct that in order to
18 operate under a Series 7 license, your license
19 essentially has to be parked or associated with a
20 brokerage firm?

21 A Right.

22 Q And in this case, your license, your
23 Series 7 license, is associated with HTK, correct?

24 A Correct.

25 Q Now, who is your Series 63 license

1 associated with?

2 A Through -- all -- the Series 7, 63, and
3 65 are all being held associated with HTK.

4 Q Okay. Now, if you generate business
5 that's covered by your Series 7, 63, or 65 licenses,
6 do you receive commissions on that business?

7 MS. MURPHY: Objection, relevance. You
8 can answer.

9 THE WITNESS: Yes.

10 BY MR. MASSELLI:

11 Q Now, do those commissions come from
12 Rockwell or HTK?

13 MS. MURPHY: Objection, relevance.

14 THE WITNESS: Basically they come from
15 HTK.

16 BY MR. MASSELLI:

17 Q Now, if you generate life insurance
18 business, life insurance, annuities, et cetera, do you
19 receive commissions for that business?

20 MS. MURPHY: Same objection, relevance.

21 THE WITNESS: Yeah. Yes.

22 BY MR. MASSELLI:

23 Q And do those commissions come from
24 Rockwell or Penn Mutual?

25 MS. MURPHY: Same objection, relevance.

1 THE WITNESS: Penn Mutual.

2 BY MR. MASSELLI:

3 Q And I just want to be clear here. We
4 mentioned earlier that you receive a salary plus
5 commissions?

6 A Uh-huh.

7 Q Do all of your commissions come from
8 either Penn Mutual or HTK?

9 MS. MURPHY: Objection, relevance. You
10 can answer.

11 THE WITNESS: Yes. We also have a
12 relationship with -- if I'm -- if a client wants
13 something like long-term care or disability, or they
14 are not able to be qualified, let's say someone with a
15 life insurance policy and they could not qualify for a
16 Penn policy for health reasons or whatever, I have the
17 ability to go out to a broker called Zenith Marketing
18 and offer the products of various other companies in
19 the insurance market, that's either life, health,
20 disability or long-term care.

21 Q And again, if you generate business
22 through Zenith Marketing, do you receive a commission?

23 MS. MURPHY: Same objection.

24 THE WITNESS: Yes.
25

1 BY MR. MASSELLI:

2 Q And that commission comes from Zenith,
3 correct?

4 MS. MURPHY: Same objection.

5 THE WITNESS: It comes from whichever
6 company I place the business with. So if I place
7 business with Metropolitan, I get commissions from --
8 you know, Metropolitan would pay Penn Mutual, and then
9 I would get paid, you know, in my paycheck. But the
10 origin of the commission would come from whatever the
11 company I place the business with.

12 BY MR. MASSELLI:

13 Q Okay. Now, about how many employees
14 does Rockwell have?

15 A Currently, I believe about 20.

16 Q Do they have just one location?

17 A Yes.

18 Q Now, is Jack Beckett a client of
19 Rockwell?

20 MS. MURPHY: Objection, relevance. You
21 can answer.

22 THE WITNESS: Yes, he is.

23 BY MR. MASSELLI:

24 Q Now, Mr. Beckett wears a number of
25 different hats, quite legitimately, so let me just go

1 through them. Is Jack Beckett as an individual a
2 client of Rockwell?

3 MS. MURPHY: Objection, relevance.

4 THE WITNESS: Yes.

5 BY MR. MASSELLI:

6 Q And Mr. Beckett is also the guardian of
7 the Estate of Alberta Veazey; is the Estate of Alberta
8 Veazey a client of Rockwell?

9 A Not the estate. The client is the
10 E Alberta Veazey Family LLC, Jack Beckett, Guardian.

11 Q Now, we might be getting ahead of
12 ourselves here, but are any of the financial accounts
13 which Mr. Beckett controls pursuant to the Delaware
14 guardianship proceeding, are any of them clients of
15 Rockwell?

16 A The only account that we have is the
17 one that I did describe, and he is, you know, listed
18 from a legal title standpoint as guardian; that's the
19 only account that is held with Rockwell.

20 MR. MASSELLI: I'm noticing that it's
21 11:10; do you think it would be appropriate to take a
22 break?

23 MS. MURPHY: Yeah, let's take a short
24 break.

25 (Whereupon, a short recess was taken.)

1 BY MR. MASSELI:

2 Q Mr. DuBreuil, you're still under oath.
3 Let me get a little more clarification about the types
4 of licenses you have.

5 A Uh-huh.

6 Q You mentioned that you had a Series 7
7 license?

8 A Uh-huh, that's correct.

9 Q Could you tell me what that allows you
10 to do?

11 A Essentially, it allows me to I guess
12 trade or purchase not just mutual funds but any, you
13 know, general securities products, stocks, bonds,
14 mutual funds. It does not, you know -- it's not -- I
15 can't do derivatives, I can't do commodities, so it is
16 essentially what is referred to as a broker's license.

17 Q And how long have you had that license?

18 A Since 1997.

19 Q And can you tell me what states you're
20 licensed in?

21 A Right now, I am licensed in Delaware,
22 Pennsylvania, Georgia, and North Carolina.

23 Q Now, to get your Series 7 license, you
24 took an exam, correct?

25 A Uh-huh, that's correct.

1 Q Do you recall about when that was?

2 A 19 -- I had to do it in 1997. It was
3 towards the end of 1997 that I took the exam, yeah.

4 Q Now, when we were discussing your
5 employment history, we talked about the period of time
6 that you were with Swarthmore Financial.

7 A Uh-huh.

8 Q During that period of time, would your
9 license have been with MML Investor Services?

10 A Correct. That's correct.

11 Q And also when you worked for American
12 Express, were you also an agent for IDS Insurance
13 Company?

14 A Yes, I was.

15 Q Now, you're also an investment adviser,
16 correct?

17 A Correct.

18 Q And are you licensed as an investment
19 adviser?

20 A Yes, that's correct.

21 Q Can you tell me what that license
22 allows you to do?

23 A Basically it allows me to do certain
24 investment advisory products. I can essentially,
25 within Horner, Townsend and Kent, I have got the

1 capability of managing, doing what's, you know, like
2 fee-based business accounts if I so choose. So I can
3 actually do what's, you know, vernacular called a wrap
4 account where I could, you know, charge a fee,
5 percentage of assets under management and I can -- and
6 those types of accounts can be, you know, mutual
7 funds, stocks, bonds, whatever.

8 Q Do you do that, by the way?

9 A I don't have it -- I have in the past;
10 I don't have any of those types of accounts right now
11 under management at Rockwell.

12 Q Now, when did you qualify as an
13 investment adviser?

14 A Excuse me, when?

15 Q Yes.

16 A Right in 1997, American Express
17 required us to get -- before they would even allow us
18 to work, start working, they required us to get our
19 Series 7, the 65, 63, and also all of our life
20 licenses, life insurance licenses, life, health,
21 variable annuity. So I have been -- I have maintained
22 those licenses except that -- except that when I
23 discovered when I was with Wachovia that somehow they,
24 and through their own admission, dropped the ball and
25 let my Series 65 lapse and so I had to take the test

1 again and get recertified.

2 Q Now, did you take the test in 2007?

3 A Yes. Yeah, that's -- yeah. Up to that
4 point, I didn't realize that -- when I tried to work
5 with another broker to place a trade, I discovered
6 that and so ...

7 Q Well, that was just for your investment
8 adviser's license or was it for your --

9 A No, no, just the investment advisers
10 only.

11 Q Okay. Now, could you describe, we know
12 that you got the licenses, that you took exams; what
13 are the requirements to retain the licenses?

14 A Continuing education.

15 Q About how much?

16 A Each year, we need to take -- we're
17 required to take certain ethics credits, and basically
18 U.S. Patriot Act, money laundering education. And
19 then we have a choice of topical things that we may,
20 you know, want to know more about or get extra
21 education on, and that varies widely, really. But
22 there are certain, you know, requirements.

23 Q Now, I want to turn back for some
24 detailed questions to your time at Wachovia.

25 A Okay.

1 Q And I want to ask you to go back to
2 approximately the beginning of 2008.

3 A Okay.

4 Q Now, am I correct that you were working
5 in the Rehoboth Beach location in 2008?

6 A Correct.

7 Q And what was your title?

8 A Financial Specialist.

9 Q Okay.

10 A Actually, technically it was Licensed
11 Financial Specialist.

12 Q Okay. Now, we have talked about your
13 background in securities and investment advising; when
14 you were at the Rehoboth Beach location, were you also
15 a banker?

16 A Yes.

17 Q And what kind of authority did you have
18 as a banker?

19 A Authority to open up any of the
20 accounts of deposit, accounts, you know, checking,
21 savings, credit cards, debit cards, any of the bank
22 products like that. I also had lending authority, we
23 could do -- I could do up to a million dollars in
24 secured lending for like real estate, secured lending
25 for second mortgages, lines of credit, term loans. I

1 also had about a million dollar authority to do small
2 business lending, so small businesses could borrow up
3 to that amount, you know, work with that on my own
4 lending authority to initiate and close those loans.

5 Q Now, at this point in time in 2008,
6 were you having any dealings with Alberta Veazey?

7 A Yes. I had, you know, I had maintained
8 a relationship with Alberta and I would -- I would
9 call her, you know, occasionally to come in and, you
10 know, we'd sit down and have meetings and talk about
11 finances and things along those lines.

12 Q Again, and I'm asking you now to think
13 about 2008, at that point in time, did she seem like
14 someone who understood her financial situation?

15 A At that time, she did, I felt she did.
16 And, you know, as she was aging, I could tell there
17 were starting to have, you know, memory issues and
18 lapses, but we hadn't really -- much of the business
19 that we had done, I mean in the past we hadn't
20 really -- you know, I hadn't done any investment
21 business for her, I can't really remember the last
22 time I did, you know, trades of securities, you know,
23 for her.

24 But much of what the dealings were, at
25 the time, was related to her bank accounts. A couple

1 times I noticed she had overdrawn her accounts, she
2 had -- you know, she would -- I'd have to contact
3 members of the family because, you know, she had
4 issues with the credit cards, she had issues with her
5 bank accounts being overdrawn, and so I think there
6 were some issues there I was noticing. The dates
7 are -- like I say, during that time she was starting
8 to have some I would say cognitive issues.

9 Q Now, were you aware back in 2008 that
10 she had a Wachovia brokerage account?

11 A Yes.

12 Q Did you handle that account?

13 A I was not the broker of record on that
14 account. Because in the interim years past, we
15 weren't -- although I was licensed, there were
16 actually other brokers of record on that, on those
17 accounts. But because of my advisory licenses, I had
18 the legal ability to make recommendations, you know,
19 pursuant to what I -- you know, licenses I held. But
20 a lot of times I would ask another -- the other broker
21 to sit in on a lot of meetings with me, you know,
22 various asundry clients.

23 Q Now, were the brokers of record in
24 Rehoboth Beach or were they in Philadelphia?

25 A Actually, the one -- at the time, the

1 broker of record was in Rehoboth Beach.

2 Q Do you recall who that was?

3 A David Reed.

4 Q And was he in the same office?

5 A He was in the same building; he had an
6 office off to the side from the main branch.

7 Q Now, did you have occasion to discuss
8 with Alberta Veazey the mesothelioma lawsuit?

9 A Not directly. I may have, and I
10 honestly can't remember any specific conversation that
11 I had had with her. You know, I became aware of it
12 through family members, Don, Jack, and then Kristen
13 Long; I knew that it was going on, I knew what was
14 happening.

15 Q Now, what was your understanding of
16 what was happening?

17 MS. MURPHY: Objection, relevance. You
18 can answer.

19 THE WITNESS: My understanding was that
20 Sam Veazey had died of lung issues. And I had
21 actually found out -- I had sort of known and realized
22 that, you know, he worked at the Philadelphia Navy
23 Yards, I believe, and so he was exposed to asbestos.
24 And so my understanding was that the family was
25 contacted by a law firm to, you know, to litigate the

1 case. And so that's sort of how I, you know, became
2 aware of it.

3 BY MR. MASSELI:

4 Q Okay, looking back to this 2008 time
5 frame, did you have any dealings with Donald Veazey?

6 A If it was in 2008, I did have dealings
7 with Don. You know, I do remember that he was
8 working, you know, with the family and that we were,
9 you know --

10 (Whereupon, there was a discussion held
11 off the record.)

12 THE WITNESS: Okay, yes.

13 MR. MASSELI: Why don't we just go off
14 the record until the train passes.

15 (Whereupon, there was a discussion held
16 off the record.)

17 (Whereupon, the pertinent part of the
18 record was read.)

19 THE WITNESS: And that they were --
20 that Don was handling the, you know, the litigation, I
21 guess on his end working with the attorneys to
22 basically get a settlement because of his -- I believe
23 it was a wrongful death, a wrongful death lawsuit.

24 BY MR. MASSELI:

25 Q Now, did there come a time when you

1 became aware that Don Veazey was thinking of
2 establishing a trust to protect certain of his
3 mother's assets?

4 MS. MURPHY: Objection, leading. You
5 can answer.

6 THE WITNESS: I became aware of it -- I
7 became aware that a trust existed or was being thought
8 of. And I did actually know that while I was at
9 Wachovia the trust was actually executed, along with
10 the family LLC. So, yes.

11 BY MR. MASSELI:

12 Q I'd like to show you an Email dated
13 June 3rd, 2009 from you to Don Veazey.

14 A Okay.

15 MR. MASSELI: I'm going to mark that as
16 Exhibit 1.

17 (DuBreuil Exhibit 1, marked for
18 identification.)

19 BY MR. MASSELI:

20 Q Do you recognize that Email?

21 A No, I don't. That doesn't mean -- I
22 don't recognize it, but that doesn't mean that, you
23 know, it didn't happen.

24 Q Does it appear to be an Email from you
25 to Don Veazey?

1 A Oh, it's definitely an Email from me to
2 Don, yeah, and it's my signature down at the bottom.

3 Q And do you recall reading over the
4 trust agreement?

5 A Yes, I do.

6 Q I'd like to show you an Email dated
7 June 15th, 2009 which appears to be an Email from you
8 to Don Veazey and which contains at the bottom of the
9 Email an Email from Mr. Veazey to you.

10 (DuBreuil Exhibit 2, marked for
11 identification.)

12 BY MR. MASSELLI:

13 Q Do you recognize this Email?

14 A I vaguely remember the sort -- this is
15 sort of coming back to me from the times. Looking at
16 the dates, it sounds familiar; I can't remember
17 specifics but, you know, I did do it.

18 Q Okay, what was your understanding of
19 what the limited liability company was going to be?

20 MS. MURPHY: Objection, relevance and
21 lack of foundation. He can answer.

22 THE WITNESS: Really, I didn't --
23 the -- I didn't really have an understanding of what
24 it would be used for. My interest is because there
25 were going to be, basically I was putting my banker

1 hat on, because I do remember there was going to come
2 a time when an account, you know, would need to be
3 opened to hold funds for that. So essentially, I had
4 to look over -- you know, any time I get a trust
5 agreement and/or a family, something like this, this
6 was a rarity, really, I don't see many quite like
7 this, but it's all in relation to, you know -- a lot
8 of times it's in relation to account openings.

9 And so I have to, you know, make
10 sure and I have to pass it by -- would have to
11 pass it by our legal department to -- you know,
12 can we open this account, how should it be titled,
13 so on and so forth. So this is usually kind of
14 how it typically works out.

15 Aside from that, you know, the fact
16 that the trust existed and the purpose of it, I
17 didn't really -- I don't remember discussing; I
18 may have, but I don't remember discussing the
19 specific purpose of why the trust was being set
20 up. I know I had to have tax ID numbers if an
21 account was going to be set up, and so on and so
22 forth, so I need certain, you know, things to be
23 done in that regard.

24 BY MR. MASSELI:

25 Q Now, do you recall reading the trust

1 agreement?

2 A You know, I do recall reading it, I
3 read over the trust agreement. I don't know in quite
4 how much detail, but I did read it over.

5 Q Do you recall discussing it with
6 Alberta Veazey?

7 A No.

8 Q Now, in your role as a financial
9 adviser, have you had occasion to provide advice to
10 elderly people who are coming into or have significant
11 amounts of money?

12 A Uh-huh. Yes, I do; I have had occasion
13 to do that.

14 Q So when you said you hadn't really seen
15 anything or a family LLC was somewhat rare, is this
16 compared to other investment vehicles that you had
17 seen used for people like Mrs. Veazey?

18 A Actually, I have not. Many of the
19 trusts that I see are typically, you know, revocable,
20 you know, trusts set up for, you know, business
21 purposes. This is a more complex, you know,
22 instrument.

23 And so -- and, like I say, I can only
24 give -- I can't give -- I'm not an attorney so I can't
25 give legal advice. I can't, you know, say whether or

1 not it is good or appropriate in her, you know, in her
2 circumstance; I was actually leaving that up to --
3 leaving that up to, you know, to Don.

4 I had to read it over, you know, as
5 part of what I was being asked to do but, you know, I
6 certainly don't give it -- I can't give, you know,
7 specific advice on that, although I am certainly aware
8 of how certain things work and purposes of certain
9 things.

10 Q Did you sign the documents opening the
11 two accounts for the Veazey Family LLC?

12 A As far as I know, I did, yeah.

13 Q Okay. Let me show you a document
14 produced by Wells Fargo in response to a subpoena.
15 This one has a date of June 22nd, 2009, and I'm
16 marking this as Exhibit 3.

17 (DuBreuil Exhibit 3, marked for
18 identification.)

19 BY MR. MASSELLI:

20 Q Is that your signature at the bottom?

21 A Yes, it is.

22 Q And at the top, there's this number
23 2000031033345.

24 A Right.

25 Q Would that be the account number?

1 A Yes.

2 Q Okay. And I'd like to show you another
3 document produced by Wells Fargo in response to a
4 subpoena and dated June 23rd, 2009, which I'm marking
5 as Exhibit 4.

6 (DuBreuil Exhibit 4, marked for
7 identification.)

8 BY MR. MASSELLI:

9 Q Is that your signature at the bottom?

10 A Yes, it is.

11 Q And 3345 are the last digits of the
12 account number?

13 A No -- oh, yes. There's actually two
14 accounts there.

15 Q There's also a 3332, correct?

16 A Correct.

17 Q And these are both for E. Alberta
18 Veazey Family LLC?

19 A Right. One's a checking and one's a
20 money market.

21 Q Okay. And is the signature below yours
22 the signature of Don Veazey?

23 A Yes.

24 Q So these were the documents used to
25 open the two Alberta Veazey LLC accounts?

1 A Yes, they were.

2 Q Now, did you have the ability to move
3 funds into and out of these accounts from other
4 accounts?

5 A From other -- what do you mean by
6 other; other accounts within Wachovia or other
7 accounts outside of Wachovia?

8 Q Let me be clear, and thank you for the
9 clarification. Did you have the ability to move funds
10 into and out of these accounts from other accounts at
11 Wachovia?

12 A If directed by the, you know, the
13 person that opened the account, the legal -- person
14 legally responsible, yes.

15 Q I'd like to show you an Email dated
16 June 23rd, 2009 which I'm marking as Exhibit 5, which
17 appears to be an Email from you to
18 don@elysiumeast.com. And I apologize for the small
19 print, this was the way we got these documents.

20 (DuBreuil Exhibit 5, marked for
21 identification.)

22 THE WITNESS: Okay.

23 BY MR. MASSELI:

24 Q Do you recognize that document?

25 A Yeah, actually, I do.

1 Q And does this discuss you moving funds
2 into that account, into an account?

3 A Does it -- yeah. Well, yes, I mean it
4 does. It's making -- it's saying a single check and
5 splitting the deposit equally between the two
6 accounts. A single check for 16,235.36 and half -- so
7 half was going to money market, and half was going to
8 the checking.

9 Q Okay, I'd like to show you an Email
10 exchange which includes an Email from you dated
11 June 24th, 2009 which I'm going to mark as Exhibit 6.

12 (DuBreuil Exhibit 6, marked for
13 identification.)

14 BY MR. MASSELI:

15 Q Do you recognize the top Email?

16 A Yeah. Wait, let me read it. Yeah.

17 Q Do you recall receiving the Email from
18 Mr. Veazey which is at the bottom of that page?

19 A Uh-huh. Yes, I do.

20 Q Do you recall the circumstances under
21 which this arose?

22 A You know what? I honestly -- let me
23 just read something here, bear with me. You know,
24 I -- it appears that the -- because the minimum amount
25 to keep an account open is a hundred dollars, and

1 that's just based on, if you look at Exhibit 4, that's
2 a typical requirement.

3 So a check would have come in, so the
4 check, 16,235 would have been -- had to have been
5 titled in such a respect that it would have been able
6 to be deposited into the account with the titling of
7 such. And so that's my -- you know, that's typical,
8 you know, understanding.

9 So this -- I'm not, you know, it was --
10 I understood one thing, Donny understood something
11 else. And so, you know, I certainly -- and I
12 apologized for my error and made it back to the way he
13 wanted.

14 Q Okay, I'd like to ask you to look at
15 the second sentence in your Email.

16 A Which is the -- okay, the top one.
17 Second sentence. Yeah.

18 Q Now, does this correctly reflect an
19 understanding you had that the proceeds from the
20 mesothelioma lawsuit were going to be placed in the
21 LLC?

22 A You know, I honestly don't -- I
23 honestly don't remember specifically that, you know,
24 the -- you know, that's going back to, you know, 2009.
25 I honestly don't quite know exactly what showed me to

1 do what I did, and how it was deposited and how it was
2 split. So I'm not sure quite what my understanding
3 was, to be honest with you, at the time; I just don't
4 recall. It's not that I'm not sure what it was, I
5 just don't recall.

6 Q Now, in the second paragraph of your
7 Email, you talk about experience with these types of
8 situations; can you tell us what experience you're
9 talking about?

10 A Well, there have been times when, you
11 know, I have been asked to -- you know, clients would
12 come in, I have been asked to open up accounts that
13 may be from lawsuits, that may be from estate
14 settlements. And so my experience is, understanding,
15 you know, how account -- I'm required as a banker to
16 understand, you know, how an account is supposed to be
17 titled, how a check should be titled, how it would
18 clear and so, you know, does the trust language meet
19 with or whether a document language met with the bank
20 guidelines.

21 And so a lot of times, any time I would
22 receive any kind of legal document like that, I would
23 typically just fax it up to, you know, our legal
24 department, have them look at it, should I open an
25 account, this is what I asked, sent it back, and that

1 would be it, just as a, you know, matter of course to
2 ensure, because I don't want anything on the bank to
3 have any liability or, you know, in the future.

4 Q Thank you. As a financial adviser, are
5 you familiar with mechanisms used to protect the
6 assets of elderly individuals from claims by Medicare
7 or Medicaid for nursing home costs?

8 MS. MURPHY: Objection, relevance and
9 lack of foundation. You can answer.

10 THE WITNESS: I'm familiar with them
11 and -- you know, I'm familiar with that kind of stuff.
12 BY MR. MASSELLI:

13 Q Have you as a financial adviser
14 provided advice to other elderly people besides
15 Alberta Veazey concerning how to handle their assets?

16 A Yes.

17 Q Are you familiar with the fact that
18 when nursing home costs are paid by Medicare or
19 Medicaid -- I think by Medicaid -- that Medicaid has
20 the right, after a person dies, to recapture those
21 funds from any assets of the person?

22 MS. MURPHY: Objection, lack of
23 foundation.

24 THE WITNESS: I'm not -- I'm not
25 completely familiar. You're talking about after the

1 fact, after a person dies?

2 BY MR. MASSELLI:

3 Q Yes.

4 A That, I'm not, you know, familiar with.
5 I'm usually familiar with how, you know, how things go
6 prior to someone going into a nursing home, that's a
7 lot of things that I have seen. Whereas someone, you
8 know, wants to protect assets or what should I do,
9 this is -- you know, so I might give a, you know,
10 give an opinion, you know, what I heard based on, you
11 know, my knowledge and course work and all, but
12 that's really about it. What you describe, no, I
13 didn't.

14 Q Are you familiar with the term Medicaid
15 trust?

16 A Yes. Well, Medicaid trust, and I'm
17 familiar with what they call Qualified Miller Trusts,
18 and I have actually opened accounts related to those
19 whereby people's like Social Security payments, they
20 have to go to a nursing home, they don't have the
21 assets and the -- that basically directs the nursing
22 home to be able to use, you know, use the funds for
23 the care that they're receiving in payments from, you
24 know, Social Security or Medicaid or whatever they're
25 getting.

1 Q Was it your understanding that part of
2 the reason for the gifting trust and establishing the
3 LLC was to protect assets that belonged to Alberta
4 Veazey?

5 MS. MURPHY: Objection, leading,
6 stating facts not in evidence. You can answer the
7 question, if you know the answer.

8 THE WITNESS: I didn't -- I wasn't
9 really sure specifically. I had -- I sort of had an
10 inkling or idea what he may be trying to do. And I
11 know at the time that Alberta was not in a nursing
12 home, although, you know cognitive -- you know, we
13 discussed cognitive issues.

14 What's typical of those types of
15 things, though, is if you're going to protect the
16 assets in such a manner, if somehow the person was
17 in a nursing home and whoever was the guardian or
18 something like that wished to say, look, I want
19 Medicaid to pay for it, Medicaid will typically do
20 an investigation and there is up to a five year --
21 well, now it's actually up to a seven-year
22 look-back as to where -- you know, so if the
23 person has assets and someone was trying to
24 protect them inside of a trust mechanism, then,
25 you know, they would, you know, they would look at

1 that and they would question it. Whether they
2 would allow it or not, it's hard to know that;
3 that would be up to the individual investigation.
4 So -- but, yeah, that's, you know, that's my
5 understanding of it.

6 BY MR. MASSELLI:

7 Q Now, when you talk about the five to
8 seven year look-back, is it the case that these
9 transfers have to be irrevocable or they're always
10 subject to recapture?

11 MS. MURPHY: Objection, he's not an
12 expert, it's speculative, but he can answer.

13 THE WITNESS: You know, I agree, I am
14 not an expert and it's -- you know, like I say, each
15 case is individual. So it's conceivable that, you
16 know -- or it could be -- if somebody's going to put
17 money in an asset, into a trust asset, thinking they
18 may be able to protect it from Medicaid, the Medicaid
19 does their investigation and finds out that, you know,
20 the person was trying to protect the assets, protect
21 the assets for the family so that Medicaid would pay,
22 Medicaid is -- you know, isn't in the habit of -- that
23 I understand, they want to make sure that does the
24 person really not have the assets and how, you know,
25 how is this protected, what's the legal language?

1 So that's, like I say, it's an
2 understanding. I don't know all the mechanisms
3 and, like I say, I'm not an attorney so I can't
4 really -- and that is a legal, you know, legal
5 questions.

6 BY MR. MASSELI:

7 Q Now, continuing to focus on the summer
8 of 2009, do you recall undertaking other tasks with
9 respect to the various accounts involving Alberta
10 Veazey?

11 A Yes.

12 Q I'd like to show you an Email from you
13 to Don@elysiumeast.com dated June 23rd, 2009, which I
14 have marked as Exhibit 7.

15 (DuBreuil Exhibit 7, marked for
16 identification.)

17 THE WITNESS: Okay.

18 BY MR. MASSELI:

19 Q Does that appear to be an Email that
20 you sent?

21 A Uh-huh. Yes, it is, I did send it.

22 Q And so you were aware that Alberta
23 Veazey had a safe deposit box, correct?

24 A Oh, yes.

25 Q And you were providing the information

1 to Don about that, correct?

2 A Correct.

3 Q Let me show you another Email dated
4 June 30th, which is from you again to
5 Don@elysiumeast.com, which I'm marking as Exhibit 8.

6 (DuBreuil Exhibit 8, marked for
7 identification.)

8 BY MR. MASSELI:

9 Q Do you recognize that Email?

10 A Uh-huh. Yep.

11 Q And this deals with one of the LLC
12 accounts, correct?

13 A Yes.

14 Q Okay. Do you know who John Ryan is?

15 A Yes, I do.

16 Q Who is he?

17 A He's an attorney.

18 Q And what was your understanding of what
19 Mr. Ryan was doing?

20 A He was -- my understanding is that he
21 was advising Don, Don Veazey, on I guess disposition
22 of assets and things along those lines and, you know,
23 for the -- on how to deposit -- where to put assets,
24 how to title assets from the mesothelioma lawsuit.

25 MR. MASSELI: I just wanted to note

1 it's about 12:10. I've got about 15, almost maybe 20
2 more minutes of questions dealing with 2009; I thought
3 we would try to do those and then take a break, unless
4 anyone feels --

5 THE WITNESS: Just so you know, I am a
6 diabetic, and if I don't eat something fairly soon, I
7 don't want to -- even if it's a candy bar or something
8 like that. I would much rather get through those but
9 I don't know if anybody in the office -- I just need
10 to get something to put in my stomach.

11 MR. MASSELI: That's exactly one reason
12 I was asking the question.

13 (Whereupon, there was a discussion held
14 off the record.)

15 (Whereupon, a short recess was taken.)

16 BY MR. MASSELI:

17 Q Just show you one more Email which is
18 from you to Don@elysiumeast.com, and to another person
19 which, frankly, I didn't bring my glasses but you will
20 read it in a moment, this is marked as Exhibit 9.

21 (DuBreuil Exhibit 9, marked for
22 identification.)

23 THE WITNESS: Oh, yeah. Actually, this
24 is a correction of -- the financial adviser, and I
25 can't remember when this happened, Richard Modell is a

1 financial adviser that was at the Rehoboth branch.
2 David Reed, he replaced David Reed, and I can't
3 remember, I don't remember exactly when David Reed
4 left, but now it -- the fact that this was copied to
5 Richard, he was the broker of record for the Rehoboth
6 branch. So that's why I copied him on this, because
7 it regarded municipal bonds that Alberta had owned.

8 BY MR. MASSELLI:

9 Q Okay. And, again, this sort of Email
10 sort of demonstrates that you had a general --
11 actually more than general knowledge of Alberta
12 Veazey's financial situation, correct?

13 A Oh, yes.

14 Q Okay. Now, did there come a time in
15 September of 2009 when there was a major distribution
16 of funds from the mesothelioma lawsuit to Jack Beckett
17 and his brother, Bob Beckett?

18 A Uh-huh. Yes.

19 Q Do you recall that?

20 A Yes, I do.

21 Q I'd like to ask you to look at a
22 document entitled Agreement and Memorandum of
23 Understanding which has been produced multiple times
24 by both sides in discovery in this case, which I'm
25 marking as Exhibit 10.

1 (DuBreuil Exhibit 10, marked for
2 identification.)

3 BY MR. MASSELLI:

4 Q Do you recognize that document?

5 A Yes, I do.

6 Q It's signed by four parties, Alberta
7 Veazey, Joseph J. Beckett, Robert Beckett, and Donald
8 B. Veazey; were you present when any of them signed
9 it?

10 A Yes.

11 Q Were you present when they all signed
12 it or some?

13 A Yes; all signed it.

14 Q Now, paragraph six states that Alberta
15 Veazey intends to gift \$418,000 to Joseph J. Beckett,
16 who is Jack Beckett, and Robert Becket; are you aware
17 of whether those funds were transferred to either Jack
18 Beckett or Bob Beckett?

19 A Yes.

20 Q Did you play any role in the transfer?

21 A I played a role in the transaction of
22 opening up the appropriate accounts for both and
23 making the deposit of the money into it, because the
24 money had to have been, if I'm not mistaken, the money
25 was -- had been deposited in an account with Wachovia

1 at the time, you know, the funds to fund those other
2 accounts.

3 Q Now, you stated you were present when
4 this document was signed?

5 A Uh-huh. That's my -- that's what I
6 recall.

7 Q Did you have any occasion to discuss
8 this document with Alberta Veazey?

9 A You mean prior or at the time?

10 Q Okay, let me start, did you have any
11 occasion to discuss this document with Alberta
12 Veazey --

13 A Sure.

14 Q -- before the 25th?

15 A No, not before.

16 Q Okay. Did you discuss it with her on
17 the 25th?

18 A Yes.

19 Q Did she understand what the document
20 was about?

21 A Yes.

22 Q Do you think the document represented
23 her intention to equalize recoveries to her three
24 children?

25 A Yes.

1 Q Okay. Now, I know you're not a doctor,
2 but do you believe that Alberta Veazey was competent?

3 MS. MURPHY: Objection.

4 BY MR. MASSELI:

5 Q -- when she signed this document?

6 MS. MURPHY: Objection as to the term
7 competent; he is not a medical expert. He can answer
8 as to his observations.

9 THE WITNESS: I observed at the time
10 that I felt she was, because I actually do remember
11 asking her several times, you know, do you understand
12 this is what you want to do, and I did ask her that,
13 you know, on several occasions. And she seemed, you
14 know, like she understood.

15 BY MR. MASSELI:

16 Q Now, I'm going to ask you to look at a
17 number of bank statements for Wachovia accounts for
18 the period 8/27/2009 through 9/25/2009; these were
19 produced by Wells Fargo in discovery. And I'm going
20 to represent that the first document which is Exhibit
21 11 for an account ending in 9982 is being marked as
22 Exhibit 11.

23 (DuBreuil Exhibit 11, marked for
24 identification.)

25 MR. MASSELI: We're going to take them

1 sort of as a group. The second document which we
2 marked as Exhibit 12 is for an account ending in the
3 numbers 2646, the account owner is listed as E Alberta
4 Veazey POD Jack Beckett.

5 (DuBreuil Exhibit 12, marked for
6 identification.)

7 MR. MASSELI: And the third account
8 which will be marked as Exhibit 13 is for an account
9 ending in the numbers 2633, which is titled E Alberta
10 Veazey POD Bob Beckett.

11 (DuBreuil Exhibit 13, marked for
12 identification.)

13 BY MR. MASSELI:

14 Q Do you recognize these documents?

15 A Uh-huh. I do. I recognize -- I
16 recognize -- you know, I recognize that they are
17 statements of, you know, for all three.

18 Q Now, each of them, near the bottom of
19 the first page of each of them, there's a line that
20 says Debit To Close Account, and a date 9/25?

21 A Right.

22 Q In Exhibit 11, the debit is
23 \$227,451.36s; in Exhibit 12 the amount is \$244,336.07;
24 and in Exhibit 13 the amount is \$244,336.07. Can you
25 tell me what a debit to close account is?

1 A It's basically a debit memo or a debit
2 to -- in other words it's an off-setting transaction,
3 you know. The debit is to be off-set by a credit, so
4 it's one half of a transaction.

5 Q Would these accounts normally show the
6 other half of the transaction? Would these
7 statements, I'm sorry?

8 A No, not normally.

9 Q Where would the credits be listed?

10 A Could be -- credit could be listed as
11 a -- depending on how the credit was done, could have
12 been a manual credit at a branch, or could have been a
13 transfer out of -- you know, could be a check written
14 on the account, you know. Could be, you know, several
15 different ways to, you know, to transact -- make a
16 transaction within the bank.

17 Q Now, is a debit to close account
18 normally done by the account owner or by a bank
19 official?

20 A Well, it is authorized by the
21 account -- the account owner has to authorize that,
22 and so the transaction will physically -- could
23 physically be done by a bank official.

24 Q Okay, let me ask, could a non-bank
25 official do a debit to close account?

1 A Could a non-bank official? If it was
2 done in the branch, probably not. It's conceivable
3 that it could be done either via an online, you know,
4 mechanism of some sort or -- not necessarily, but if
5 it's, you know -- there are manual ways to do that and
6 it can be done, you know, either way.

7 Q Do you recall if you were the one who
8 closed out any of these accounts?

9 A I don't recall, no.

10 Q This is a fairly significant amount of
11 money; would you be likely to recall it if you did?

12 A If I saw something, you know, my
13 handwriting on it, I could -- you know, it's possible
14 I might recall, you know, but I don't remember
15 specifically doing this.

16 Q Okay.

17 A Doesn't mean I didn't.

18 Q I'd like to show you another exhibit
19 which I'm going to mark as Exhibit 14, which consists
20 of four debit memos which were produced by Wells Fargo
21 in response to various requests for production.

22 (DuBreuil Exhibit 14, marked for
23 identification.)

24 BY MR. MASSELI:

25 Q Let's start with the first one which is

1 a debit memo for 80,000 --

2 A No, not 80-.

3 Q \$8,017.68 --

4 A Uh-huh.

5 Q -- dated 6/24/09.

6 A Okay.

7 Q Is that your signature at the bottom?

8 A Yes, it is.

9 Q And do you recall what this transfer
10 was about?

11 A Uh-huh. Yes, I do. It was basically
12 correcting what Don had asked me to correct when the
13 deposits were made into -- those were the two LLC
14 accounts, both the checking and the money market. And
15 so that's a debit out, because Don said he only wanted
16 a hundred dollars, and he stated so in his Email, that
17 he wanted a hundred dollars into those accounts.

18 So that is \$100 less than the initial
19 deposits; if you look at the Email on Exhibit 5 where
20 the deposits on each of those were \$8,117.60, that is
21 \$100 less than either of those two deposits. So that
22 is the correction that Don had asked me to make to
23 correct my misunderstanding.

24 Q All right. Do either the first of the
25 two debit memos or the second of the two debit memos

1 show where the money is going?

2 A No. These things? Well, let's see,
3 wait a minute, before I -- no.

4 Q Am I correct that they show where the
5 money is from?

6 A Correct.

7 Q So how would the money get to where it
8 was supposed to go?

9 A Well, a check would be -- could be
10 written, it could be a transfer within the bank to
11 another account, which is possible. You know, so
12 that's how it could be. In other words, there could
13 be an off-setting credit, and that can take many --
14 that can take different forms.

15 Q Well, do you recall, I mean in this
16 case, Don had asked you to put money back, I think, so
17 how would that have been accomplished?

18 A Well, to put money back, I'd have to
19 know where it came from. So what I would have to know
20 is what form did the deposit that went into the
21 accounts originally take? So the total deposit that
22 was split between the two accounts was 16,235.36, I
23 would have to know how that deposit got -- what the
24 deposit was in the first place, that would be the
25 track.

1 Q -- how this works. So you have written
2 the debit memos?

3 A Uh-huh.

4 Q Don asked that the money go somewhere;
5 is there another document that you then write to get
6 the money there?

7 A Well, it's common -- I wouldn't
8 necessarily write it, but I might take something like
9 this to a teller -- actually, I would, and they would
10 create -- could create a check, possibly, like a bank
11 check.

12 Q Okay, let me --

13 A Which is possible, or, you know ...

14 Q Would you perhaps take a deposit slip
15 for the account that it's supposed to go into and hand
16 the teller --

17 A Sure.

18 Q -- the deposit slip?

19 A That would be another, an off-setting
20 credit, so that would be a transfer in my vernacular.
21 A deposit slip, sure, could work.

22 Q Okay, I mean part of what I'm trying to
23 find out here is we have thousands of pages of bank
24 records which includes deposit slips, memos, et
25 cetera, and I'm just trying to figure out what I

1 should be looking at as the match for this document.
2 In other words, if I want to find out where the debit
3 memo went, is there something specific that I should
4 be looking for?

5 A Well, let's see. You could look for a
6 credit memo, you know, manual credit memo. You could
7 look for a check. You could look for a deposit slip
8 which, you know, within -- as long as it's being -- as
9 long as it's being put back into an account within the
10 bank.

11 Q Okay.

12 A So it would have to be either deposit
13 slip for that or a -- you know.

14 (Whereupon, there was a discussion held
15 off the record.)

16 BY MR. MASSELI:

17 Q Now, I note that this is a Wachovia
18 Bank form that has a debit memo typeset on it; does
19 Wachovia have forms that have credit memo --

20 A Sure.

21 Q -- typeset?

22 A They did at the time, yeah.

23 Q Okay. I'd like to ask you to turn to
24 the third page which is also 6/23/09, and it appears
25 to be a debit memo again for \$8,117.68, and the

1 account number ends in 2844. First, is that your
2 signature below the date?

3 A Yes, it is.

4 Q And there is a second signature, do you
5 recall who that is?

6 A She at the time was the branch manager.

7 Q And what was her name?

8 A Christine Styer.

9 Q Is there some reason why this one is
10 counter-signed and the other two aren't?

11 A Not that I can recall.

12 Q Okay. And do you have any recollection
13 of what this transaction is?

14 A Honestly, I don't. This one, I cannot
15 recall. I know -- the only difference is that the
16 number is a hundred dollars more than the other two,
17 and that the account number coming from is different.
18 Because these were -- I don't know what -- what
19 account number that is, although --

20 MS. MURPHY: 2844.

21 THE WITNESS: 2844? Unless that was
22 a -- I don't know. I don't know.

23 BY MR. MASSELI:

24 Q Let me just check for a moment. While
25 I'll looking at that, I'd like to ask you to look at

1 the fourth of the debit memos, which is --

2 A The larger account, the large number.

3 Q -- which is, yes, dated 9/28/2009 in
4 the amount of \$238,874.50.

5 A Yep.

6 Q And also involves account 2844. Do you
7 recall this document?

8 A Yeah. I mean it's like I don't
9 recall -- obviously, I wrote it, I don't remember --
10 so I did write it, but I can't remember under which
11 circumstances it was written for, to tell you the
12 truth.

13 Q And again, this is co-signed by --

14 A Christine Styer.

15 Q -- Christine Styer? And this is a very
16 large --

17 A Uh-huh.

18 Q -- a very large withdraw that happens
19 at about the time of the transactions pursuant to the
20 September 25th memorandum agreement; do you recall if
21 that might be what this is about?

22 A It's all -- it could very well be
23 related, although the agreement of memorandums, the --
24 let's see -- because this last transaction occurred
25 after -- shortly after -- after the agreement of

1 memorandum was written, because that was secured on
2 the 25th, if I'm not mistaken, and -- I honestly, I
3 just don't know what I was directed to do in this
4 case, I'm not sure what it was for. There has to be,
5 you know, like I said, what's the off-set? Was it a
6 check, was it a deposit slip? I honestly can't
7 recall.

8 Q Okay, but you had the ability to do
9 this kind of transaction?

10 A Yeah. Yes, I did.

11 Q And presumably you would have done it
12 pursuant to a request from someone involved with those
13 accounts, right?

14 A Correct.

15 Q Okay. I'd like to ask you to look at a
16 document I'm marking as Exhibit 15.

17 (DuBreuil Exhibit 15, marked for
18 identification.)

19 BY MR. MASSELI:

20 Q This is a deed between Alberta Veazey
21 and the E. Alberta Veazey Family LLC; I'd like to ask
22 you to look at page two of that document; is that your
23 signature as a Notary?

24 A Uh-huh. Yes.

25 Q Do you recall notarizing this document?

1 A How long had I been a Notary?

2 Q Yes.

3 A Well, having been an officer of the
4 bank, I did have to have a Notary, so most -- during
5 most of the time that I was with the bank.

6 Q Do you believe that Alberta Veazey was
7 competent at the time she signed this deed and you
8 notarized it?

9 A Yes.

10 MS. MURPHY: Objection. The term
11 competence is not defined, he's not an expert, it's
12 not an issue that's been raised in my pleading to the
13 case. But to the extent that he can, he can answer.

14 THE WITNESS: Because it was -- I'd
15 answer the same question, I believed at the time that
16 she was competent.

17 BY MR. MASSELI:

18 Q Now, although you're not a doctor, you
19 are a Notary, would you notarize a document if you
20 thought it was being signed by someone who didn't know
21 what they were doing?

22 MS. MURPHY: Same objection as before,
23 but he can answer.

24 THE WITNESS: I would have
25 reservations, you know, when doing something like

1 that, of course.

2 BY MR. MASSELLI:

3 Q Okay. Have you ever run into a
4 situation where you were asked to notarize a document
5 for someone you didn't think was competent or knew
6 what they were doing?

7 A No.

8 MS. MURPHY: Same objection. You can
9 answer.

10 THE WITNESS: No.

11 MR. MASSELLI: I'm going to suggest it's
12 12:48, and we actually now have a convenient breaking
13 point because we're going to take up probably in the
14 year 2011 when we return.

15 MS. MURPHY: Okay.

16 (Whereupon, a luncheon recess was
17 taken.)

18 BY MR. MASSELLI:

19 Q Mr. DuBreuil, I'd like to show you an
20 Email dated November 11th, 2011 from you to attorney
21 Robert Thomas, I have marked it as Exhibit 16.

22 (DuBreuil Exhibit 16, marked for
23 identification.)

24 BY MR. MASSELLI:

25 Q Do you recognize that Email?

25	Q	On your computer or --
----	---	------------------------

1 A Yes, I do.

2 Q Does it go back fairly far?

3 A Let's see, the same computer,
4 probably -- I could probably -- I think it does, yeah.

5 Q Does it show appointments and meetings?

6 A Does it show -- yes.

7 Q Would you be willing to turn that over,
8 redact it so that it only shows appointments and
9 meetings involving Mr. Thomas, his law partner,
10 Mr. Beckett, and Miss Long?

11 A I will say that as far as the
12 calendar -- are you talking about calendar or Email?
13 Because my calendar, I may be able to go back, and I'd
14 have to go see how far back it goes.

15 Q No; I understood from our prior
16 conversation that your business Email was subject to
17 certain restrictions --

18 A Yes.

19 Q -- and I'm not asking you for the
20 business Emails; if I had wanted those, perhaps I
21 should have subpoenaed your employers, but I didn't.
22 So what I'm asking here about is a calendar that you
23 might maintain, and I'm only asking that it show
24 meetings with Mr. Jack Beckett, Miss Long, Mr. Thomas,
25 I believe he had a partner named Craig Karsnitz, and

1 Mr. Warrington. I don't care about other meetings,
2 and I'm only asking that it show the dates of the
3 meetings.

4 MS. MURPHY: Without speaking to
5 Mr. Karsnitz, I'll just place an objection on the
6 record it's subject to attorney work product, to the
7 extent that any of these involve things that were in
8 preparation for litigation.

9 MR. MASSELLI: Well, I think a record
10 of meetings is not attorney work product, for one
11 thing, it's not something done by the attorney.

12 MS. MURPHY: But the meeting itself
13 would be, or the communications arising therefrom.

14 MR. MASSELLI: We're just asking at
15 this point for a listing of the meetings.

16 MS. MURPHY: Again, I'm placing the
17 objection to preserve it.

18 MR. MASSELLI: Okay.

19 BY MR. MASSELLI:

20 Q Now, I see that in this Email, you're
21 listed as working for Swarthmore Financial Services,
22 is that correct?

23 A That's correct.

24 Q Now, this is pretty close to the end of
25 your time there?

1 A Uh-huh, that's right.

2 Q This November 30th, would this be
3 fairly close to the date that you said you had been
4 contacted by Kristen Long?

5 A Yes.

6 Q All right. Now, do you recall, again,
7 it doesn't have to be exact, whether at the time of
8 this Email how long you had been in contact with
9 Mr. Thomas?

10 A No. I know -- I mean looking at the
11 Email, you know, I had started working with Jack
12 before the 30th of November, 2011. And so I had --
13 you know, Jack asked me to kind of help him out with
14 things, and so I would -- I had looked at documents
15 and I just had a question, I had, you know, legal
16 questions because of what I had seen, you know, from
17 a -- you know, in looking at all this. I have to have
18 a general, good understanding, reasonable
19 understanding of what legal titles are and whether or
20 not, you know, certain titles supersede others, and so
21 this was one of the questions that I had. And so I,
22 you know, was just kind of doing research and asking a
23 question and, you know, generic to this case of
24 course.

25 Q Okay, now, in this Email, you say you

1 will send what documentation that I have about the
2 accounts; what accounts were those?

3 A Let's see, hold on a second. I don't
4 see where this mentions accounts. I've got, you
5 know -- statements, I mean I had been given, you know,
6 documentation that Jack had in his possession, you
7 know, based on what he wanted me to do so, you know,
8 obviously the LLC and the Power of Attorney, but they
9 weren't really -- this doesn't refer to any accounts
10 specifically that I can see.

11 Q Well, you were the one that was
12 writing --

13 A No, wait, wait, wait, let me see.
14 Okay, the accounts that I had -- I got all the data
15 basically from Jack, so I did not have in my own
16 possession any -- basically, I did not leave Wachovia
17 with any financial documentation or information
18 related to this case, and that was -- you know, in
19 being terminated from Wells Fargo, that was done by
20 design. And so, you know, because that's proprietary
21 information to them.

22 So I basically started whatever I had
23 and whatever I was analyzing, you know, account
24 documents, legal documents, things along those lines,
25 you know, I had gotten from Jack.

1 Q Okay, and what kind of documents did
2 Jack Beckett give you?

3 A Like similar documents, account
4 statements that he had, legal documents, the trust
5 document. Will, you know, Alberta's Will. Investment
6 documents, things like related to the Nationwide
7 annuity and to her brokerage account that he had, you
8 know. And things related to the LPL account that
9 was -- the trust account that was over at LPL
10 Advisers. Things along those lines.

11 Q Okay, so Mr. Beckett had some documents
12 in his possession about both the trust and Alberta
13 Veazey's personal accounts?

14 A Yes.

15 Q And he provided them to you, right?

16 A Yes.

17 Q Now, at that point when he was asking
18 you to look these over, was this something you were
19 doing for Swarthmore, or was it something you were
20 doing for someone you knew?

21 A I was doing it for -- you know, I was
22 doing it for Jack. I mean Jack had asked me to help
23 at the time because he needed -- he was, you know,
24 basically asking me to try to help him put together
25 because I had knowledge of Alberta's accounts, and --

1 I'd know her financial dealings, not necessarily the
2 accounts, and that I would recognize certain things
3 and remember certain things, so he's trying to find
4 out where her money was.

5 So in order for him to execute his --
6 and basically it was related to his duty as Alberta's
7 guardian that he was concerned about because he didn't
8 have -- he didn't know where anything was or had
9 access to. So how he came about those, you know, the
10 documents, I'm sure he had it, maybe at one time he
11 had handled her finances; I wasn't really cognizant of
12 all the timing in that regard. So I had to basically
13 start with, you know, whatever he had given me and try
14 to sort it out from there.

15 Q Now, just to be clear, you weren't
16 getting paid for this, were you?

17 A In my capacity as an RIA, I did,
18 because I produced basically an aggregation report
19 through a software system that we had; I did get -- I
20 did charge a fee to do this for Jack, you know, to do
21 this for Jack. Because it didn't -- because a lot of
22 it was -- I wasn't -- it wasn't product knowledge.

23 And so what I was able to do, it would
24 be run an aggregation report of her assets and things,
25 kind of how that was so I could at least have a

1 baseline to, you know, to go from. And so, yes, I
2 charged a fee, I was allowed to do so.

3 Q What's an aggregation report?

4 A It's -- essentially, it's a standard
5 financial software. So when we're doing -- helping
6 people with financial planning and things like that,
7 it basically takes the data that -- so this was for
8 Alberta Veazey, and basically trying to put in a
9 single report or pages, you know, all of her
10 financial, you know, data, you know, how it was
11 titled, you know, what she had, you know, based on
12 what documentation I had.

13 So this kind of helped me try to help
14 track for Jack, you know, where the money might be
15 and, you know, where he can get access to it, and
16 things along those lines. He was trying to get a
17 handle on it himself.

18 Q Now, the financial planning software
19 that's mentioned in this Email, is that the software
20 that was going to produce the aggregation report?

21 A Uh-huh. Yes.

22 Q And at the time you sent this Email, am
23 I correct that you're telling Mr. Thomas that you
24 haven't populated it with all the data, correct?

25 A Right. I was just trying to -- that's

1 right.

2 Q So you were waiting for more data?

3 A Yeah, that's correct.

4 Q Now, did there ever come a time when
5 you sent Mr. Beckett or Mr. Thomas a report, an
6 aggregation report?

7 A Yeah. Actually, I met with Jack not
8 long before I left Swarthmore, and basically what we
9 did is -- you know, typically what we do with those
10 kind of things and for doing financial planning for
11 individuals, and this was sort of unusual so you look
12 at the report, you look -- you take what you're being
13 asked to do, and then you're making recommendations,
14 you know, financial recommendations, whether it's for
15 products or whatever, to, you know, to make a
16 recommendation for that. You know, whether they
17 decide to take that, you know, do what you ask them to
18 do, it's a recommendation.

19 Q But you gave Mr. Beckett a hard copy
20 of --

21 A Uh-huh.

22 Q -- of a report?

23 A Yep.

24 Q And this would have been sometime in
25 December of 2011 or January of 2012?

1 A Yeah. It would have been actually
2 January -- it would have been -- no, actually would
3 have been December of 2011.

4 Q Okay.

5 A This was basically the last thing I did
6 before I actually moved over to Rockwell, was the last
7 client work I had done.

8 Q Okay, I'm going to show you the first
9 of a number of Emails that were sent on December 1st
10 of 2011. This is an Email sent on 12/1/2011 at
11 4:23:58, and I'm going to mark it as Exhibit 17.

12 (DuBreuil Exhibit 17, marked for
13 identification.)

14 BY MR. MASSELLI:

15 Q Now, do you recognize the Email you
16 sent which is at the top of the page?

17 A Yes.

18 Q Can you tell me what the nature of the
19 discussion concerning the Power of Attorney was?

20 A Well, I had in hand both a Power of
21 Attorney that, you know, Don -- actually, Don and Jack
22 were both on the Power of Attorney, if my memory
23 serves me correctly. And so Power of Attorney
24 designation showed up on several of the financial
25 documents, it showed up on the brokerage account that

1 she had with at the time was Wells Fargo.

2 And then so I also -- you know, and I
3 know Jack had had a guardianship agreement. So that
4 was a legal -- that document was used to change legal
5 title on -- well, on the brokerage account, I know for
6 a fact, and possibly some of the other accounts that,
7 you know, that Alberta may have had -- or did have,
8 not may have had.

9 And so I'm trying to just get a picture
10 of what -- you know, of essentially what Jack's rights
11 and responsibilities are so I understand it. So that,
12 you know, that just to me was -- I was just doing my
13 own due diligence in that regard, you know, for that
14 because I think it was important for me to understand
15 that.

16 Q Okay, now I'm going to show you another
17 Email from December 1st, 2011 at 4:56 p.m., which I'm
18 marking as Exhibit 18.

19 (DuBreuil Exhibit 18, marked for
20 identification.)

21 BY MR. MASSELLI:

22 Q Do you recognize that?

23 A Yes, I do.

24 Q Did you send it?

25 A Yes, I did.

1 Q Okay. Can you tell me what was so
2 disturbing about Don Veazey being the annuitant on the
3 Nationwide account?

4 A Well, on an annuity, there's several
5 different levels, you know, there's -- they're the
6 owners of the annuity, and then there's the annuitant.
7 And essentially, Alberta owned the annuity, it was her
8 annuity, and the annuitant typically, or not, although
9 not always because I just hadn't seen it, that's why I
10 thought it was disturbing me, if Alberta died, it
11 would be Don's money. So, you know, as I understand
12 of how the pecking order would be.

13 So if she were to pass away, you know,
14 there are beneficiaries where everybody would be a
15 beneficiary, but also there was an annuitant, and an
16 annuitant would basically have the ability to
17 annuitize the annuity because that's what -- annuities
18 a lot of times can be used for -- you can annuitize,
19 it creates an income stream. But there are also
20 beneficiaries, and all three brothers, Bob, Jack, and
21 Don, were all beneficiaries on it.

22 So that was the pecking order, so it
23 disturbed me because it would give -- I thought in my
24 mind, well, that might give Don -- you know, he could
25 conceivably, not that he would, but he could

1 conceivably use that money to, you know, for himself,
2 he would legally be able to do that.

3 And so that -- it's very common that if
4 someone opens up an annuity, like say Alberta opened
5 up an annuity, and because of the tax laws that were
6 surrounding it, it's basically tax deferred, you know.
7 And my understanding, it was a non-qualified -- it was
8 a non-qualified annuity, meaning it wasn't an IRA,
9 which is an investment vehicle, that at some point in
10 time they could start taking that money as an income
11 stream, kind of like you would a pension, which is all
12 really an annuity is, is just an annuitized pension.

13 Q Now, I gather from some of the
14 discussion we had about the various positions you had
15 held working, for example, for companies that were
16 associated with insurance companies, had you had a lot
17 of experience with annuities at that point?

18 A Yes, I did.

19 Q You had? Now, am I correct that the
20 annuitant, that if there is an annuity in the name of
21 Alberta Veazey, she can't be the annuitant?

22 A Oh, absolutely she could. It's
23 typical -- it's not unusual in marital situations, I
24 have seen where, you know, the owner and the annuitant
25 a lot of times are one in the same. Because typically

1 they would be -- would be the annuitant, and then if
2 that person died, then the beneficiaries would be the
3 ones to receive, you know, the proceeds, the actual
4 proceeds from the annuity itself.

5 So the annuitant is just -- has the
6 ability to annuitize and create that income stream,
7 which means the asset goes away and it creates an
8 income stream. That means, you know, so if an annuity
9 is annuitized, there is no asset; there is an income
10 stream.

11 And it's not -- it just seemed -- it
12 seemed very strange, because I have opened up many
13 annuities, and it's rare that I would see, you know, a
14 non-spousal person be an annuitant, especially someone
15 that is -- you know, that would be the Power of
16 Attorney for them. So it just struck me as, I don't
17 know, it just got my attention.

18 Q Now, at the time you wrote this Email,
19 did you know who the beneficiaries on the account
20 were?

21 A Yes, I did.

22 Q Okay, and could you tell us who the
23 beneficiaries were?

24 A Yes, it would be Don Veazey, Jack
25 Beckett, Bob Beckett, and those were the beneficiaries

1 that, if I'm not mistaken, they were all equal, equal
2 beneficiaries.

3 Q Now, do some insurance companies refuse
4 to open annuities if their prospective annuitant is
5 too old?

6 MS. MURPHY: Objection, calls for
7 speculation. You can answer.

8 THE WITNESS: Yes.

9 BY MR. MASSELLI:

10 Q So is it possible that Don Veazey was
11 the annuitant because, otherwise, it would have been
12 impossible to open the annuity?

13 MS. MURPHY: Objection, leading.
14 Objection, calls for speculation. You can answer.

15 THE WITNESS: In this case, no. They
16 were -- because the Nationwide's policy was to be able
17 to open for someone of Alberta's age. I can't
18 remember, but she was, if I'm not mistaken, she was
19 under 90 when that was opened. But in any event, she
20 was able to open it up on her age, on her age alone,
21 and that wasn't a policy of Nationwide. So, yeah, she
22 was allowed to do it.

23 BY MR. MASSELLI:

24 Q So Nationwide didn't have an age limit
25 for annuitants?

Q I'd like to show you another Email sent
on December 1st, 2011.

1 A Is that an 8?

2 Q Yes, that's an 8.

3 A Thank you. Okay, go ahead.

4 Q I'm marking this as Exhibit 19, and
5 it's sent on December 1st, 2011 at 12:11. Actually,
6 this should have been the first one of the group, I
7 thought I was wrong, and it actually was.

8 (DuBreuil Exhibit 19, marked for
9 identification.)

10 THE WITNESS: Okay, I remember sending
11 that.

12 BY MR. MASSELLI:

13 Q Do you recall what figure you had come
14 up with?

15 A No, I don't recall; I would have to
16 refer back. I know -- I do remember that the total
17 settlement, gross settlement, not net but gross
18 settlement, was approximately two-and-a-half million
19 dollars, that was before legal fees. It seems to me
20 that when everything was all said and done, the total
21 distributed to everybody in the memorandum was in the
22 vicinity of 1.6, 1.7 million, but I can't be -- I
23 can't be exact.

24 Q Did you ever send either Jack Beckett
25 or Mr. Thomas your estimate of what the total

1 settlement was?

2 A Actually, Jack was the one that
3 provided it to me. Because it was actually a
4 spreadsheet that Don had done, and I actually remember
5 seeing it because I was asking for that information
6 myself because I was trying to track what was going
7 on, and I remember a spreadsheet I saw during the time
8 I was dealing with them. So it was the same
9 spreadsheet everybody had, I believe. I know, because
10 Jack had actually given me that sheet of paper, and it
11 was -- so that's where I got the figures from.

12 Q I'd like to show you another Email that
13 appears to have been sent by you on December 5th,
14 2011, which I'm going to mark as Exhibit 20.

15 (DuBreuil Exhibit 20, marked for
16 identification.)

17 BY MR. MASSELLI:

18 Q Do you recognize this Email?

19 A Uh-huh.

20 Q Do you recall sending it?

21 A Uh-huh. Yes, I do.

22 Q I'd like to direct your attention to
23 the second paragraph where you talk about the primary
24 purpose of an annuity. Isn't it true that in
25 subsequent years, Jack Beckett has made withdraws from

1 the Nationwide annuity?

2 MS. MURPHY: Objection, calls for
3 speculation. He can answer if he knows.

4 THE WITNESS: In subsequent years? To
5 my knowledge, no. I know Jack, in recent times, has
6 had to take money out of the annuity because -- in
7 order to be able to pay for nursing home bills, and
8 that has been documented, and the whys and the
9 wherefores. And he actually did his own spreadsheet
10 actually on how much he needed, mainly because it was
11 the only money that was Alberta's directly that wasn't
12 tied to the family LLC or the trust or anything like
13 that where he could use the money.

14 Because now the long-term care
15 insurance policy that Alberta had that was helping
16 her pay for -- or is paying some of the nursing
17 home bills, the benefit had run out; that only
18 paid a limited benefit and it wasn't paying the
19 entire amount but it was able to do that. So
20 this, to the best of my knowledge, based on the
21 information that I had in front of me, what I saw,
22 was the only source of money that actually I saw
23 that Alberta owned that Jack had access to.

24 BY MR. MASSELLI:

25 Q So isn't that account actually

1 providing liquidity for Alberta Veazey's guardianship
2 estate?

3 A Sure.

4 MS. MURPHY: Objection.

5 THE WITNESS: Go ahead.

6 MS. MURPHY: Objection, calls for
7 speculation. He is not part of the guardianship
8 proceeding, but he can answer, if he knows.

9 THE WITNESS: Yes, it is providing
10 liquidity, it's just not maybe the most efficient way
11 to provide liquidity.

12 BY MR. MASSELLI:

13 Q Now, in the third paragraph, there's a
14 discussion of a Wells Fargo money market account.
15 It's not clear to me; when you wrote this, were you
16 aware that there was a Wachovia brokerage account that
17 had become a Wells Fargo account in Alberta Veazey's
18 name?

19 A Yes.

20 Q So I take it you are just wondering
21 whether John Ryan might be talking about another
22 account?

23 A John Ryan?

24 Q If you look at the letter below, I
25 think it relates to something that John Ryan had sent

1 to --

2 A All I see is the title, I don't see
3 anything -- it has his name on it, but I don't have
4 the body of the letter.

5 Q Okay, well, I'll withdraw that question
6 then. So what question is it that you're asking about
7 the Wells Fargo money market?

8 A Let me look here. Well, this is
9 relating to a -- it's relating, because my first
10 sentence is there are several questions to consider
11 for this transaction, and I can't remember which
12 transaction it's relating to. So there has to have
13 been -- there are -- there were several money markets
14 that were at -- you know, whether Alberta owned them,
15 or I don't know where they were so I'm not
16 specifically sure which one I was referring to in this
17 Email, because there had to have been a priority mail,
18 you know, to refer back to, that I can see.

19 Q Okay, I'm going to show you another
20 Email from December 5th, 2011 sent at 10:51 a.m.,
21 which I'm marking as Exhibit 21.

22 (DuBreuil Exhibit 21, marked for
23 identification.)

24 BY MR. MASSELLI:

25 Q Do you recognize this Email?

1 A Yes, I do.

2 Q Did you send it?

3 A Yes, I did.

4 Q In the third paragraph, you discuss two
5 Wachovia money market statements that were opened for
6 Alberta on 7/30/09; are these the POD Bob Beckett and
7 Jack Beckett accounts that we showed you earlier?

8 A Yes.

9 Q And you state that the accounts may
10 represent Alberta's share of Sam's wrongful death
11 settlement; can you tell me what the basis for that
12 statement was?

13 A It was the Memorandum of Agreement that
14 was written. Because essentially, you know, Alberta
15 gifted Bob and Jack a certain level of money and there
16 was a certain level of money that she had for herself.
17 And Alberta was always trying to be fair to everybody
18 when it comes to, you know, distribution of her
19 assets, of her accounts.

20 And so those two accounts were actually
21 opened up the night of the 30th of July, or whatever
22 the date was that we were in that meeting, I can't
23 remember if that was July, but I know the deposits
24 made into those accounts were very equal. And there
25 was a certain level of money that she wanted to make

1 sure, and it was her money but she wanted to make sure
2 if something happened to her and she were to die,
3 payable on death, you know, Jack would get his share,
4 Bob would get his share.

5 My understanding is that, you know,
6 from an equality standpoint, Don apparently had
7 already somehow gotten, you know, some money from the
8 settlement outside of this specific transaction, that
9 I gathered, I'm not a hundred percent positive. So,
10 you know, this is what I was witness to and this is
11 what I was asked to do.

12 Q But didn't you testify earlier that you
13 had arranged for the payment to both Jack and Bob of
14 their \$418,000?

15 A Yes. And I did.

16 Q So why would there be additional --

17 A It was Alberta -- the money -- the
18 initial -- the primary legal owner of that account was
19 Alberta Veazey. So it was two accounts titled in
20 Alberta Veazey, POD, payable on death, Jack Beckett;
21 second one equal amount payable on death Bob Beckett.
22 She was the owner, her Social Security number was the
23 primary social, that was her money.

24 Q And those accounts were closed out on
25 7/25/09, correct?

1 A Yeah.

2 Q And that was about the same time that
3 Bob and Jack each received their money?

4 A No, they weren't closed out on 7; they
5 were closed out on 9/25.

6 Q You're correct, 9.

7 A 9/25. They had received their money
8 and this was, you know, Alberta's instructions, this
9 is how she wanted it done. That's what I was directed
10 to do, how I was directed to open the account and how
11 I was supposed to title it.

12 Q And did you close out those accounts?

13 A Not that I'm aware of, no.

14 Q Now, we have gone over five Emails
15 between December 1st and December 5th discussing
16 accounts, the Nationwide annuity, Wachovia money
17 market accounts, and the like.

18 A Uh-huh.

19 Q Is it fair to say that in this time
20 frame, you were putting a lot of time into trying to
21 resolve the issues raised by Jack concerning the
22 money?

23 A Yes.

24 Q Was this perhaps the major thing you
25 were doing in that time frame?

1 A It wasn't major; I had other business
2 that I was doing, but I was doing what I was asked to
3 do and I was paid to do.

4 Q I'll show you an Email dated
5 December 15th at 3:58 that appears to have been sent
6 by you, which I'm marking as Exhibit 22.

7 (DuBreuil Exhibit 22, marked for
8 identification.)

9 BY MR. MASSELLI:

10 Q Do you recognize this Email?

11 A Yes, I do.

12 Q Did you send it?

13 A Yes, I did.

14 Q Now, it is your conclusion that the
15 Nationwide annuity was not an asset of the gifting
16 trust, correct?

17 A Based on legal titling, that's how I
18 drew my conclusion, but, yes.

19 Q So if it didn't belong to the gifting
20 trust, who did it belong to?

21 A Alberta.

22 Q And if it belonged to Alberta Veazey,
23 wasn't it under Jack Beckett's control as her
24 guardian?

25 A Well, not according at the time, the

1 way I wrote this. At the time, no, because Don's name
2 appeared as Power of Attorney on that, so in order for
3 it to be legally controlled by Jack Beckett, his name
4 would have to be on there as -- you know, the title
5 would have to be run something like, you know,
6 E Alberta Veazey, Jack Beckett guardian.

7 Q Now, is that what eventually happened?

8 A Yes.

9 Q Now, at the time you wrote that, was
10 Mrs. Veazey in assistant living?

11 A Yes.

12 Q Now, if she was in assisted living and
13 the annuity belonged to her, wouldn't the annuity have
14 been sufficient to take care of her needs?

15 MS. MURPHY: Objection, calls for
16 speculation. He can answer if he has the answer.

17 THE WITNESS: I don't know. Only
18 because, you know, you don't know how long anybody's
19 going to live.

20 BY MR. MASSELLI:

21 Q I'd like to show you an Email that you
22 sent on December 19th, 2011 at 10:20, which I'm
23 marking as Exhibit 23.

24 (DuBreuil Exhibit 23, marked for
25 identification.)

1 BY MR. MASSELLI:

2 Q Do you recognize this Email?

3 A Yes.

4 Q Did you send it?

5 A Yes.

6 Q Now, does this Email confirm your view
7 that the annuity was an asset of Alberta Veazey and
8 not the LLC?

9 A It doesn't confirm my view. All I'm
10 looking at isn't a view or opinion, it's just
11 statement of fact. You know, if the assets were
12 Alberta's assets, they would be titled as such; if
13 they were part of the LLC, they would be titled as
14 such. So I'm just stating what I see on the
15 statements.

16 Q Now, I'm going to give you an Email
17 dated December 20th, 2011 at 4:28 p.m., which appears
18 to be from you, this is marked as Exhibit 24.

19 (DuBreuil Exhibit 24, marked for
20 identification.)

21 BY MR. MASSELLI:

22 Q Do you recognize this exhibit?

23 A Yes, I do.

24 Q Did you send this Email?

25 A Yes, I did.

1 Q There's a mention of a financial plan
2 that you delivered to Jack the previous day.

3 A Uh-huh.

4 Q Did you in fact meet with Jack Beckett
5 and deliver such a plan?

6 A Yes, I did.

7 Q Do you have a copy of that plan now?

8 A I have a copy of it in my -- I don't
9 have it with me, but I do have a copy of that plan.

10 Q Could you make that available?

11 A Sure.

12 Q Do you recall what the plan proposed?

13 A The plan didn't propose really
14 anything; it sort of -- it sort of put together the
15 data, the financial data that I had into a format, in
16 one thing, you know, that, you know, showed the
17 assets, the titles and the split, and showed how much
18 money was part of the trust, and part of Alberta's --
19 of the data that I had.

20 And the one concern that I had is
21 because a lot of this was predicated because Alberta
22 was in the nursing home and the long-term care
23 insurance policy that Alberta had taken out was
24 insufficient to pay the full monthly benefit to the
25 nursing home for her care, so Jack was making the

1 difference up out of his pocket.

2 So a lot of what we were trying to do
3 is take what assets that we knew existed that I was
4 able -- that I had proof that existed, and to somehow
5 create an income stream out of her assets that would,
6 you know, sufficiently pay for her nursing home care.
7 And so that's, you know, the, you know, the meeting
8 that we did have, if I remember correctly.

9 And Jack was present, there was taking
10 certain assets, suggestion maybe that some of the
11 annuity be used either as an income stream or
12 whatever, I can't remember what other assets. But we
13 put together a plan, I'd have to, you know, take a
14 look at what I had written for that or what suggestion
15 I had made for that based on the information I had at
16 the time.

17 Q Now, did you ever have a face-to-face
18 meeting with Robert Thomas and Jack to review the
19 plan?

20 A No, I did not; that never -- that
21 meeting never happened.

22 Q Is there some reason why it didn't
23 happen?

24 A No, I don't know why it didn't happen.

25 Q I'd like to show you an Email dated

1 January 23rd, 2012 at 9:22 which appears to have been
2 sent by you, which I'm going to mark as Exhibit 25.

3 (DuBreuil Exhibit 25, marked for
4 identification.)

5 BY MR. MASSELLI:

6 Q Your Email actually starts at the
7 bottom of the page.

8 A Okay.

9 Q This is the way the Email was produced
10 to us in discovery. So directing your attention to
11 your Email to Robert Thomas, do you recognize that
12 Email?

13 A Yes, I do.

14 Q Do you recall sending it?

15 A Yes, I do.

16 Q Now, I note the signature line shows
17 you as being at Rockwell Associates --

18 A That's right.

19 Q -- in Wilmington.

20 A That's right. That's where I was at
21 the time; that's when I started.

22 Q Is this very shortly after you started?

23 A Yes. I started there on January 9th,
24 2012.

25 Q Okay. And so you have left Swarthmore

1 and gone to Rockwell, but you're continuing to work on
2 this matter --

3 A Yes.

4 Q -- correct? You have already testified
5 that you were being paid for certain services while
6 you were at Swarthmore?

7 A I was paid a fee while at Swarthmore,
8 and that was done through Swarthmore to produce the
9 plan and put this together, so -- but, yes.

10 Q And now are you being paid a fee while
11 you're at Rockwell?

12 A No.

13 Q Okay. Are you ever paid a fee while
14 you're at Rockwell for services?

15 A Not -- I can be, you know, for certain
16 types of financial planning services and products, but
17 I am not currently being paid a fee by Jack or for any
18 other client for that.

19 Q I'm now going to show you a second
20 Email dated January 23rd, this one at 4:12 p.m. that
21 appears to be an Email sent by you; I'm marking this
22 as Exhibit 26.

23 (DuBreuil Exhibit 26, marked for
24 identification.)
25

1 BY MR. MASSELLI:

2 Q Do you recognize this Email?

3 A Yes, I do.

4 Q Did you send it?

5 A Yes, I did.

6 Q Is it correct that between Mr. Thomas'
7 Email to you at 10:15 in the morning, which is the top
8 of exhibit, the first page of Exhibit 25, and the time
9 of this Email, which is 4:00 o'clock, that you had
10 several conversations with Mr. Thomas?

11 A I had phone conversations with him, I
12 can say that. Let me look at the times here. Yeah,
13 yeah, we had a lot of conversations with Bob Thomas.

14 Q Do you recall the substance of these
15 conversations?

16 A No, I don't.

17 Q Now, in the third paragraph, you state
18 that you want to have a separate meeting to discuss
19 using the guardianship to obtain control over
20 "Alberta's personal assets other than" again in --

21 A Which Email are you referring to here?

22 Q I'm referring to Exhibit 26, I'm sorry.

23 A Okay. You said third paragraph?

24 Q In the third paragraph.

25 A Okay, I'm with you.

1 Q Let me do the full question.

2 A All right.

3 Q In the third paragraph of Exhibit 26,
4 you state that you want to have a separate meeting to
5 discuss using the guardianship to obtain control over
6 "Alberta's personal assets other than the," and,
7 again, in quotes, "one we have on January 31st in my
8 office." I have a number of questions. Do you recall
9 what the January 31st meeting in your office was
10 supposed to be?

11 A Well, let me just look at this one more
12 time here. Bear with me one minute, let me read it
13 over.

14 Okay. In relating to the guardianship,
15 and this is what I referred to before, is that the
16 account where Don was Power of Attorney, on which
17 we're referring to as the annuity, in order to get
18 Jack as the guardianship, what I did is I set up the
19 meeting on the 31st, started the process where I
20 called with Jack in the room the Nationwide annuity
21 company and discussed what we were trying to do, you
22 know, basically have Jack named as guardian, you know,
23 on that account.

24 And so we discussed, you know, the
25 technical issues of what we needed to do to get that

1 taken care of, you know, which would be typically
2 sending them the copy of the guardianship and then
3 having, you know, having Jack fill out a form, a
4 Nationwide form to put through their, you know, their
5 process. So that's -- that seems to me what that
6 would have been about. I believe that's true.

7 Q So the January 31st meeting was to deal
8 with Nationwide, is that correct?

9 A Yes, as far as I can remember, yes.

10 Q And did that meeting take place?

11 A I believe it did.

12 Q And what is this other meeting that you
13 wanted to have?

14 A I don't know, let me look. Well, maybe
15 I didn't read the full sentence. Jack and I, we must
16 have had another meeting to work on personal things,
17 so that was probably something that Jack and I
18 actually started working with from a personal nature.

19 This meeting, "To get all this
20 accomplished, I would like to schedule a separate
21 meeting other than the one we have on January 31st in
22 my office." So that obviously whatever meeting that
23 was scheduled was to take care of the annuity, and we
24 had already had one scheduled on the 31st for another
25 purpose. So I didn't read the full sentence; now that

1 makes sense.

2 Q Okay, so to be clear, the January 31st
3 meeting was concerning Jack's personal affairs?

4 A I believe that's likely so.

5 Q And then you were going to have another
6 meeting for Jack to contact Nationwide?

7 A Right, I was going to help him, right.

8 Q Now, in this process, now that you're
9 at Rockwell, are you providing -- again, remember that
10 Mr. Beckett wears several hats -- now I'm correct that
11 you're providing some advice to him on his personal
12 accounts with you, correct?

13 A He didn't have personal accounts with
14 me. I had actually engaged Jack to talk about
15 planning because, you know, other discussion came up,
16 he was getting close to retirement and so he wanted to
17 plan for that, so that's sort of what we decided to
18 do.

19 Q Okay. And --

20 A He had no open accounts at the time
21 with me.

22 Q And were you providing advice to Jack
23 in his role as a guardian?

24 A Yeah, I was, that's correct, I was
25 doing that.

1 identification.)

2 BY MR. MASSELLI:

3 Q Do you recognize that Email?

4 A Yes, I do.

5 Q Did you send it?

6 A Yes, I did. Actually, this -- just
7 make a note, the Exhibit 27 and the second page of
8 this, of 28, are one in the same.

9 Q Yes.

10 A Okay.

11 Q Now, what was the effect of taking Don
12 Veazey off the Nationwide annuity as POA and adding
13 Jack Beckett as guardian?

14 A The effect was to have basically --
15 basically execute the guardianship and to add Jack's
16 name as guardian on her account so he could have
17 access to the funds in case he needed it for Alberta's
18 care.

19 Q So does this mean that as of
20 approximately February 9th or 2012 or whenever the
21 final paperwork --

22 A Right.

23 Q -- was formalized, that Jack Beckett
24 now had the ability to draw funds from the annuity to
25 use to help his mother?

1 A Correct.

2 Q I'd like to show you an Email dated
3 February 17th, 2012 which appears to be from you to
4 bckttj@aol.com. And I'm marking that as Exhibit 29.

5 (DuBreuil Exhibit 29, marked for
6 identification.)

7 BY MR. MASSELLI:

8 Q Do you recognize that Email?

9 A Yes.

10 Q Did you send it?

11 A Yes.

12 Q Does this Email reflect the fact that
13 the formal change from Don Veazey to Jack Beckett as
14 the controlling party for the Alberta Veazey's annuity
15 has taken place?

16 A Yes.

17 Q When you say, and I quote, "This means
18 Jack can officially conduct business on this account,"
19 what did you mean?

20 A He has access to the account to, you
21 know, for the purpose of using it for his mother.
22 That just makes him -- it puts his name as part of the
23 legal title of the account so if he were to call and
24 request information or funds or whatever he was going
25 to do, he had that capability of doing so legally.

BY MR. MASSELLI:

Q Do you know if a surrender charge was

1 ever assessed when Mr. Beckett subsequently withdrew
2 funds from the --

3 A No.

4 Q -- Nationwide annuity?

5 A As far as I -- well, I was not -- I
6 know, you know, when he did do it, I was not part of
7 the -- I didn't help him with the transaction, other
8 than the fact that I did make him aware that whatever
9 money he did take out, whatever the level of the
10 contract value was, if you drew more than ten percent
11 of that value, that the money, that money -- anything
12 over and above that could be subject to a four percent
13 surrender.

14 Q Do you know if there is a provision in
15 the Nationwide annuity that provided that if Alberta
16 Veazey was in a nursing home, there was no limitation
17 on the amount of withdraws?

18 MS. MURPHY: Objection, calls for
19 speculation, no foundation laid for this question.
20 But he can answer.

21 THE WITNESS: I don't -- I don't know
22 specifically whether or not that particular contract
23 contained that provision. But there are -- you know,
24 it's not uncommon for those types of contracts to have
25 provisions like that.

1 BY MR. MASSELLI:

2 Q Did you ever review the contract to see
3 if it had that provision?

4 A I did, and I honestly can't remember if
5 I did see that. It may have, I honestly don't
6 remember.

7 Q I'd like to show you an Email that was
8 sent on February 20th, 2012 at 3:12 by you to Robert
9 Thomas, it's at the bottom of the first page of this
10 exhibit. And I'm marking this as Exhibit 30.

11 (DuBreuil Exhibit 30, marked for
12 identification.)

13 BY MR. MASSELLI:

14 Q Do you recognize the Email at the
15 bottom of the page?

16 A Yes, I do.

17 Q Did you send it?

18 A Yes, I did.

19 Q I'd like to direct your attention to
20 the paragraph on the second page that begins with the
21 words item two.

22 A Okay.

23 Q You mentioned you have concerns, can
24 you explain what you were concerned about?

25 A Okay, let me finish reading the

1 sentence.

2 Q By all means, we'll wait until you have
3 read it.

4 A Yeah, okay. Well, the concern I had is
5 that when -- in looking at some of the statements that
6 Jack provided me about Alberta's individual brokerage
7 account, that the -- when I left there, there was
8 probably -- I'm doing this by memory so I can't be
9 quoted -- but over \$200,000 in that account. And so
10 at the time on 1/31/2009, it had \$133,000, and so I'm
11 just -- and so I guess I'm answering or referring to
12 the items, so I'd have to have the actual what I was
13 answering or commenting on to really know specifically
14 what I was commenting.

15 But, you know, it refers to that Don
16 was Power of Attorney on that account, on her
17 brokerage account and the LPL brokerage account, which
18 the one for the LLC was started by Don with about
19 \$285,000. So I'm just mentioning that I had run into
20 a dead end to where the lawsuit money or the brokerage
21 account money went, you know.

22 I know that I'm going from a certain
23 time to a certain time, I'm seeing a statement with
24 one amount of money at one time. And this was also
25 Alberta's money and this was an issue, that was the

1 other money that she was -- that was her -- the
2 largest asset she had that was titled in her name, you
3 know, along with Don as Power of Attorney.

4 And I had seen statements to where, you
5 know, more recently than 2009 that except for 8- or
6 \$9,000, that there's no more money left in that
7 account. And so I don't know where the -- I was
8 concerned about where the money went.

9 Q Okay, I want to walk through some of
10 these numbers. You state that Alberta's share of the
11 mesothelioma lawsuit was \$427,000?

12 A Uh-huh.

13 Q And then you discussed the Wachovia
14 brokerage account with \$133,000, and the LPL account
15 with 285-.

16 A Uh-huh, that's right.

17 Q Now, don't those two numbers add up to
18 408,000?

19 A Which two? Yeah, the 133 and 285,
20 yeah, but they had two different sources. The 133 was
21 Alberta's Wachovia brokerage account that Don was the
22 Power of Attorney on, that accounted \$133,000, that
23 was money that Alberta had accumulated over a
24 lifetime, that was her money. And so I was stating --
25 I must have seen that, because I had a statement with

1 that, that's a month-end statement for January 31st,
2 '09. And the statement copy that I have shows Don as
3 POA on that account on that date, so Don was the Power
4 of Attorney on January 31st, 2009 when it had \$133,000
5 in it.

6 The LPL brokerage account was a totally
7 separate account, and that was a brokerage account
8 that was opened up where the title was the Alberta
9 Veazey Family LLC, and Don was the managing -- well,
10 the non -- what do they call it, the non- managing
11 member of it. That account was started from a totally
12 different source with \$285,000, so the mesothelioma
13 lawsuit.

14 So if you subtract the 427 which
15 Alberta received, I'm doing it because there was
16 documentation showing that the money that populated
17 that LPL account for the LLC with 285,000 came from
18 Alberta's, that I could see, came from her share of
19 the mesothelioma lawsuit. Those two accounts we
20 discussed earlier, the two bank accounts where Alberta
21 opened her two accounts equal amount of money, Bob
22 POD, Jack POD, that's where that -- you know, that's
23 where I was able to trace that money coming from and
24 going into.

25 Q Now, where did it go into?

1 A Into an LPL brokerage account for the
2 E Alberta Veazey Family LLC.

3 Q And how did you trace that?

4 A I used -- basically, I used bank
5 statements and records that actually was online
6 banking print-out that showed the amount being
7 transferred over from -- if I am correct, I'd have to
8 go look back -- but I do remember seeing that, showing
9 that money moving from the bank, Wachovia Bank, from
10 one of those accounts, to LPL Financial Advisers into
11 a brokerage account.

12 Q Now, didn't we, back in Exhibits 13,
13 14, and 15, show that the POD accounts were completely
14 closed out on 9/25/09?

15 A I don't know; I'd have to go look, I
16 can't remember. Yeah.

17 Q And when does the LPL account start?

18 A When does it start? I'd have to go
19 look that up in my records here. I don't know what
20 the date of the opening of the account was.

21 Q Doesn't it start sometime in 2010?

22 A I can't speculate until I look at the
23 records, I really don't know. It may have; I can't be
24 positive, though.

25 Q I'll represent that I believe it

1 started on February 4th, 2010. Now, what I'm
2 interested in is that when we were questioning you
3 earlier about the POD accounts with the debit memos to
4 close them out, it didn't appear that there was any
5 way of tracing where that money went.

6 MS. MURPHY: Objection as to form. You
7 can answer the question.

8 THE WITNESS: That was a statement; it
9 said it didn't appear. I don't know. I can see what
10 it says, but unless I'm able to look into my own
11 records, I can't say for sure, to be honest with you,
12 that's what I'm saying.

13 BY MR. MASSELLI:

14 Q Okay, let me be clear. Were you ever
15 able to trace where the money from the two POD
16 accounts in the name of Jack Beckett and Bob Beckett
17 went?

18 A Some of it, yes.

19 Q And how did you trace it?

20 A By using essentially online -- I used
21 Wachovia statement documents and documents that Jack
22 had provided me that I was able to put together and
23 trace that money going into -- and I saw the, you
24 know, a transfer out of an account, I can't remember
25 which account. Like I say I'd have to -- and

1 actually, you should be able to -- the answer to that
2 should be in what I sent you, as a matter of fact. I
3 sent you the financial analysis, and that answer is
4 amongst those documents in there.

5 Q Okay. We're going to get to that in a
6 moment but --

7 A Okay, I know, I'm sure you are, that's
8 just what I'm saying.

9 Q I'm just sort of interested, we have
10 accounts closing on September 25th, 2009, we have a
11 brokerage account that opens in February of 2010.

12 A Okay.

13 Q Were you able to trace where the money
14 was in the interim?

15 A You know what? I know I was. I'm not
16 sure that the time line is completely correct on this
17 and, like I said, you know, the only way -- because I
18 know I traced it. And I'm not sure kind of -- it may
19 have come from another source, but I was able to -- I
20 mean I have documentation to show that at least that's
21 where some of that money went from and where it went
22 to.

23 Q Now, is that documentation in the
24 material that you provided me?

25 A Yes.

1 Veazey intends to gift \$418,000 each to Joseph J.
2 Beckett and Robert Beckett.

3 A That's right.

4 Q So what does that add up to?

5 MS. MURPHY: I'm going to object to
6 this line of questioning since he's not the one --
7 he's a witness to this; he can answer as to what he
8 had knowledge of. And I object to the grounds of
9 relevance, but he can answer.

10 THE WITNESS: I mean if you do the
11 math, it does add up, you know, to approximately that.
12 BY MR. MASSELLI:

13 Q And in paragraph five, it says that
14 she's gifted \$15,000 to each of the other parties in
15 2009; does that ad up to 45,000?

16 A It -- she has gifted -- does that mean
17 to say that the gifts have already been made? But I
18 guess if you're talking about in the year 2009, you
19 know, you add everything up and that's what it comes
20 up to.

21 Q And then in paragraph seven it says she
22 will make additional gifts of 39,666?

23 A Right.

24 MS. MURPHY: I'm going to renew my
25 objection, because whatever gifts have or have not

1 been given, he's not the author of the document, he
2 can only testify as to what he knows. He can answer.

3 BY MR. MASSELLI:

4 Q Now, do you know what the Samuel Veazey
5 share of the mesothelioma recovery would have been?

6 MS. MURPHY: Objection, relevance. You
7 can answer.

8 THE WITNESS: The Samuel Veazey, I'm
9 not sure what you're asking Samuel Veazey share. Are
10 you referring to Samuel Veazey, the Estate of Samuel
11 Veazey?

12 BY MR. MASSELLI:

13 Q Yes, the Samuel Veazey Estate share.

14 A I do not know.

15 Q Now, you said you reviewed the spread
16 sheet that Don Veazey provided of the recoveries?

17 A Yes, I did.

18 Q Would it surprise you to know that the
19 Samuel Veazey share of the recovery, the Samuel Veazey
20 Estate share of the recovery, was 888,857?

21 MS. MURPHY: Objection, relevance.

22 THE WITNESS: What was that number
23 again?

24 BY MR. MASSELLI:

25 Q \$888,857.

1 A Yes, you are.

2 Q But if we go back to about February of
3 2012, do you have a recollection of the documentation
4 that you had available to you?

5 A A recollection? I have, yeah, I have
6 all -- I had all the documents. I can't -- you know,
7 the documents were so varied and different types of
8 statements, you know, all sorts of different bank and
9 investment statements and so on and so forth that I
10 basically pulled together, you know, did my own time
11 line and pulled together what I observed and what I
12 saw based on the information provided me.

13 You know, if I am -- I may be making,
14 you know, an assumption or a -- you know, basically an
15 assessment based on something that's incomplete, but,
16 you know, that's -- you know, that happens, that's
17 just the way it is.

18 Q Okay. I'm going to suggest that I had
19 not necessarily felt like putting a 91-page document
20 into the transcript, I was preparing earlier to depose
21 Mr. DuBreuil on a three-page letter he wrote on
22 March 1st, but I suspect we may need for purposes of
23 this deposition, and I have three copies of it, to do
24 that. Why don't we get to just before then and then
25 take a break?

1 A Do we have another Email?

2 Q That's actually from behind that period
3 of time.

4 MR. MASSELLI: Could we go off the
5 record for just a moment?

6 (Whereupon, there was a discussion held
7 off the record.)

8 MR. MASSELLI: It's 3:26, we'll take a
9 15 minute recess.

10 (Whereupon, a short recess was taken.)

11 BY MR. MASSELLI:

12 Q Now, Mr. DuBreuil, when we broke, we
13 were talking about your Email dated February 20th,
14 2012 where you indicated that there was a missing
15 \$275,000; do you recall any reaction from either Jack
16 Beckett or Robert Thomas to your statement that you
17 couldn't account for \$275,000?

18 A At the time of this Email, I didn't
19 receive anything back from them at that time. This
20 was sort of what I was able to come up with at the
21 time, so I don't remember if Bob gave a reaction, and
22 I don't remember what Jack had said, you know, in
23 reaction to that.

24 Q Okay, I'd like to show you an exhibit
25 that I'm going to mark as Exhibit 31, which is a

1 document that you sent to me last week, which appears
2 to be a letter dated March 1st, 2012 to Robert Thomas.

3 A That's right.

4 Q I'll give you that copy as well so you
5 can keep it.

6 A That would be part of the exhibit, all
7 right.

8 Q Yes.

9 A I'll go off of that, okay.

10 (DuBreuil Exhibit 31, marked for
11 identification.)

12 BY MR. MASSELLI:

13 Q Okay, do you recognize the letter?

14 A Yes, I do.

15 Q Did you write it?

16 A Yes, I did.

17 Q Did Mr. Thomas receive it?

18 A Yes, he did.

19 Q Did you also send copies of it to Jack
20 and/or Kristen?

21 A Yes.

22 Q Okay. Before I turn to specific
23 provisions in the letter, I want to ask whether or not
24 your analysis takes into account the fact that
25 Mrs. Veazey agreed to put most of her assets in trust?

1 MS. MURPHY: Objection, speculation.
2 You can answer.

3 THE WITNESS: Repeat the question.
4 BY MR. MASSELLI:

5 Q Okay.

6 A Just -- I just want to remember -- make
7 sure I understood what you said. I heard; I just want
8 to refresh my memory, if you don't mind.

9 Q Does your analysis take into account
10 the fact that Mrs. Veazey agreed to put most of her
11 assets into the Veazey Family Gifting Trust?

12 A I don't think it takes that into
13 consideration; it is just -- it's just a compilation
14 of -- you know, analysis based on information that I
15 had. And so I realize that that, you know, may have
16 been her intention to do that.

17 Q Now, does your analysis take into
18 account the million dollar gift that Mrs. Veazey made
19 for the 90 percent of which went to Jack and Bob
20 Beckett?

21 A Yes.

22 Q And could you tell me how it does that?

23 A If you look Alberta Veazey's share of
24 Samuel Veazey's wrongful death lawsuit, that's part of
25 it. So I'm -- you know, if you look at that

1 paragraph, on July 30th of '09, the sum, that sum was
2 deposited into equal shares, \$427,833.32, two equal
3 shares into the two money market accounts at Wachovia
4 bank, and pursuant to the Memorandum of Understanding
5 signed by Alberta Veazey and her three sons.

6 So those were deposited into an account
7 with her name on it, you know, based on her request.
8 So that what would have happened afterwards is it may,
9 you know -- it may, you know, be that those assets
10 were eventually all supposed to go into the trust.
11 You know, I was not privy to any of the dealings much
12 after that, you know, because, like I said, I received
13 my employ with Wachovia in May of the next year.

14 Q Now, was it your belief at the time you
15 wrote this letter that the deposits into the POD Bob
16 Beckett and POD Jack Beckett accounts were from
17 Alberta Veazey's share of the mesothelioma recoveries?

18 A Yes.

19 Q Now, looking at page two, the section
20 on Wachovia/Wells Fargo brokerage account, when you
21 wrote this letter, did you know that the Wells Fargo
22 brokerage account still existed?

23 A Yes.

24 Q So the statement that the entire
25 brokerage account was liquidated was incorrect?

1 A Entire? Let me see.

2 Q If you look at the last --

3 A Yeah, I know, I saw that, I saw that
4 statement. Actually, I may have been -- it's not --
5 it actually is currently, to the best of my knowledge,
6 still open, but there is very little -- there is
7 not -- not that much money in it. And I mean not
8 much, maybe 8-, \$10,000 the last time I looked, and
9 that was over a year ago.

10 Q Okay, now, you indicated earlier that
11 the best way to know what records you had before you,
12 what documents you had before you was to go through
13 the exhibits because they would show what you were
14 working with at that time --

15 A Uh-huh.

16 Q -- is that correct?

17 A Yep. The exhibits here, correct.

18 Q Okay. Now, if you go to the fourth
19 page, there is a list of exhibits.

20 A Yep.

21 Q Okay. And just to make it easier,
22 although, again, this is not an exhibit, but this is a
23 list. And also for those who eventually have this
24 electronically, it tells which page things start on.

25 MS. MURPHY: Okay.

1 THE WITNESS: Okay.

2 BY MR. MASSELLI:

3 Q So let's start with Exhibit A, the
4 Nationwide Exhibits. Now, at this time, you have
5 Nationwide statements through June 30th, 2011, is that
6 correct?

7 A Yes, it is.

8 Q Okay. Did you eventually get more
9 Nationwide statements after the writing of this
10 letter?

11 A It seems to me I may have seen other
12 statements since then because -- you know, since then.
13 I know -- I can't remember offhand under what
14 circumstances I did or what was on there.

15 Q Okay. Do you have any recollection as
16 to whether there was any significant change in the
17 value of the Nationwide annuity after June 30th, 2011?

18 A After June 30th, 2011?

19 Q That's your last name, I'm just
20 wondering if you have any personal knowledge?

21 A No, no personal knowledge, other than
22 the fact that there were -- and I can't remember the
23 dates -- let's see. This is -- hold on a second, let
24 me just look at this real quick.

25 Well, the withdraws, you know, since

1 this statement, everything pretty much is inception to
2 date show -- it shows the purchase payments, the
3 withdraw of \$37,000, and then of course the net -- the
4 withdraw and then the net investment result, and then
5 the end of contract value at that time.

6 Q Okay. Now, Exhibit B is a Transamerica
7 Life Insurance Company Secure Path Annuity?

8 A Yes.

9 Q Is this the final statement for that
10 annuity?

11 A As far as I know, it is.

12 Q And were the funds from this annuity
13 used to start the Nationwide annuity?

14 A Yes, I believe they were.

15 Q And is it your recollection that all of
16 the funds were used?

17 A Yes.

18 Q There was a roll-over?

19 A Yes.

20 Q Now, Exhibit C shows that Joseph
21 Beckett has been listed as guardian of the property of
22 E Alberta Veazey for the Nationwide annuity, is that
23 correct?

24 A Correct, that's correct.

25 Q And has there been any change in that,

1 to the best of your knowledge?

2 A Best of my knowledge, no, no change.

3 Q And Exhibit D is the change of
4 notification for the Wachovia brokerage account
5 6001-9730?

6 A That's right.

7 Q Do you know if Donald Veazey is still
8 listed as the POA on that account?

9 A I don't know for sure. I really don't
10 know. I believe he is not, but I can't be a hundred
11 percent positive.

12 Q Now, Exhibit E are Wachovia Securities
13 statements?

14 A Technically, they are 1099s.

15 Q They're 1099s?

16 A They're all 1099s.

17 Q And at some point, they become Wells
18 Fargo statements?

19 A Yeah, that's correct.

20 Q Now, at the time that you wrote this,
21 did you have the monthly statements as opposed to the
22 1099s?

23 A I may have had a few here and there,
24 but I didn't really have a lot of complete -- I may
25 have had a few statements from the account that I

1 didn't include in this exhibit, so I'd have to go back
2 and look at some other files -- at some of my other
3 files to see what I do have. But I didn't have
4 certainly a full chronological, you know, set of
5 statements.

6 Q So does this mean that, while you had
7 an awareness of how much money was in the account at
8 the end of each year, you didn't have specific
9 knowledge about what happened in the account during
10 the year?

11 A No, I did not. I didn't have -- other
12 than what, you know, what's in here.

13 Q It shows --

14 A I didn't have specific knowledge of,
15 you know, of that, no.

16 Q For example, if there was a wire out or
17 something other than the sale of a stock, you wouldn't
18 have had that?

19 A I would not have had that, no.

20 Q Okay. Now, when I come to the end of
21 the Wachovia 1099s, I find an Alberta Veazey tax
22 return for 2010; I'm not sure that that's listed in
23 your --

24 A Yeah, it's under Exhibit E, and it's
25 1099s for '08, '09 and 1040 for 2010.

Q And do you know if they came from Alberta Veazey's survivorship share or the Samuel Veazey Estate?

1 A I do not know that. I'd actually have
2 to see -- the only way I could tell that is I'd have
3 to see what the check itself or check or checks stated
4 on that. So I wouldn't -- I don't have that
5 recollection.

6 Q And Exhibit H is the Agreement of
7 Memorandum and Understanding --

8 A Right.

9 Q -- that we have?

10 A Yes.

11 Q Now, I note some handwriting on this
12 version of Exhibit H, it says 418,000, 39,666, 467,666
13 equal deposit, and Tom D; is that your handwriting?

14 A No.

15 Q It is not?

16 A It is not.

17 Q Do you have any idea of whose
18 handwriting --

19 A It's Jack's.

20 Q Okay, so it's Jack's. And what do you
21 think he was referring to?

22 A The deposits that went into their -- if
23 you look at the Memorandum of Understanding, these are
24 close to almost exact the sums of what was deposited
25 into or given to both himself and Bob Becket pursuant

1 to the proceeds, the 418,000 in item three and then
2 the 39,666 in item seven. So that's what the total
3 was deposited to or given as the gift, I'm assuming,
4 to both Bob and Jack.

5 Q Now, after that is a handwritten page
6 that begins with Wrongful Death Settlement For Sam
7 Veazey; is that your handwriting?

8 A That is my handwriting.

9 Q Okay. Now, items one and two list the
10 deposits to accounts 2633 and 2646, correct?

11 A Right.

12 Q And you did that based on the
13 statements that were earlier exhibits?

14 A Right, exactly.

15 Q And you say a check to Jack Beckett
16 deposited to Wachovia account ending in 6798, 9/25/09.

17 A Right, that's correct.

18 Q And you were aware of that check?

19 A Yes, I deposited it. I made the
20 transactions.

21 Q Okay.

22 A I did the transactions for both of
23 those.

24 Q Okay, which accounts did the money for
25 that check come from?

1 check, I indicated one was -- I honestly don't
2 remember; that would be something the bank records
3 should show, you know, the method by which those were
4 deposited into, whether it was a check or an internal
5 transfer from another account, you know, within the
6 bank that was, you know, titled for the estate of.

7 Q Okay. But you were the one who made
8 that transfer?

9 A Yeah, right.

10 Q And I take it Jack Beckett has never
11 turned to you and said, "Gee, I didn't get the money"?

12 A No.

13 Q Okay. Now, the check to Don Veazey,
14 did you do that check or --

15 A I believe I did. I believe it was
16 there that night that we all met in the branch.

17 Q Okay. Now, at the bottom, let's see,
18 we have a line entitled Don spreadsheet, no date; I
19 think it's been produced by both sides in discovery.

20 A That's on the next page.

21 Q Oh, it is. Thank you very much. And
22 you found a difference of \$65,796?

23 A Between everything, that was what I saw
24 as what was -- based on what was distributed. So I
25 took the total of what was distributed, and I

1 basically compared it to, you know, the figures that
2 were on here. So if you look at the settlement, 2.6
3 million; expenses, 54,000; net 1.69. Me, which would
4 have been Don, I'm assuming, he got that. And then
5 mom, which would have been Alberta, this is the pool
6 of money that was distributed to Jack and Bob and
7 based on that Memorandum of Understanding.

8 Q Now, when I look at this, you
9 distributed, if we go through number five, this shows
10 distributions of 1,761,545.33 --

11 A Right.

12 Q -- correct? And Don's spreadsheet
13 shows 1,695,748.72, is that correct?

14 A Yeah, that is correct.

15 Q So the difference here is that more
16 money was distributed than you would have thought from
17 Don's spreadsheet?

18 A No, not necessarily, because out of
19 that money, if you look at the spreadsheet and compare
20 the next figure over on the total, the 415,653.43,
21 it's the same number that is on my handwritten note
22 item five.

23 Q Well, let's turn to that. Doesn't this
24 really show a net of 1,695,748, Don's share of 415-,
25 and then Alberta's share of 1,280,000?

1 A Right.

2 Q So still at the end of the day, the
3 total net was 1,695,749?

4 A Correct, yeah, from the actual
5 settlement net of expenses, correct.

6 Q So that means that more money was
7 actually distributed than was listed in Don's
8 spreadsheet?

9 A Well, let's see. Subtotal before, if
10 you look at the subtotal that was distributed, items
11 one through four, 1,363,165. So, yeah, there's
12 definitely a discrepancy between this spreadsheet.
13 And because they don't have a date of the spreadsheet,
14 I don't know if any more funds, you know, may have
15 come through the settlement as of this date. Because
16 the last status date was -- or the due date was like,
17 you know, September 30th, 2009, and I remember a
18 comment, Don made a comment that there may be more
19 coming through but this is what was available to
20 distribute based on the Memorandum, and this is what
21 was distributed.

22 Q But what I'm trying to get at is this
23 \$65,796, that is not missing money, is it?

24 A No, no, it's just all I'm doing is
25 making observations, you know, at the difference

1 because I'm comparing -- I'm comparing what was
2 distributed. So his spreadsheet says 1,695,000. The
3 total distributed was -- and I don't know if there was
4 a question about the Manville Trust basically. So the
5 total distributed was 1,778,728. And then there was
6 something, the Manville Trust, that was just a
7 notation, I don't know what that was about. So that's
8 what was distributed, those are the facts. And, you
9 know ...

10 Q Now, Exhibit I is a Wachovia Bank
11 account status listing for Alberta Veazey.

12 A Yes, this is what -- yes, Jack provided
13 this for me as what he was able to get when he first
14 started looking, trying to look for his mom's accounts
15 at the bank.

16 Q Now, the transaction authority, does
17 that mean who can --

18 A Where are you?

19 Q There's a line, there's something that
20 says Account Status and then Transaction Authority.

21 A Wait a minute. That's the bank's --
22 apparently -- oh, it must mean that there is
23 transaction -- there is transaction authority on this
24 account, so it means essentially -- what it means is
25 it's an open account.

Q Now, there are handwritten notes on

A Nope; those are Jack's.

Q They're Jack's? Now, Exhibit J is the

A Let's see. No, one date --

Q There's a second month?

A Oh, oh, I see, two pages, I'm sorry.

Q And Exhibit K is Wachovia Bank, this is

A Yeah, it's online -- online banking

Q Okay. And the handwriting on that?

A You know what? At the top, I don't

Q Now, I'd like to draw your attention to

A Okay.

Q Now, first there is a transfer in from

1 A I don't recognize it. It may have
2 been, because I know they were -- wait a minute.
3 Seems to me we saw something, maybe in one of the
4 Emails; that may have been the money market companion
5 to the checking account ending in 3332. 3345, that
6 would have been very close from a sequence
7 standpoint. And the way our checkbooks were done,
8 they just picked two, so that's more likely that's
9 what that is.

10 Q And now on the next day, we have a
11 check out of \$285,000 on February 5th, 2010?

12 A Correct.

13 Q Do you believe that's a check that was
14 used to open the LPL account?

15 A Yes.

16 Q Okay. So in other words, these
17 statements show where the money that opened the LPL
18 account came from?

19 A Yes.

20 Q There's a chunk of money that's already
21 in this account, and then there's a transfer from
22 account 3345, which I will state is in fact the --

23 A Right.

24 Q -- LLC money market.

25 A Right. And since the money market was

1 on an account that would earn interest, most people
2 would house larger chunks of money that would earn
3 something, and if they needed to write a check, they
4 would just transfer it into the checking account or
5 companion checking account.

6 Q And then Exhibit L is an account
7 summary on the LPL account, correct?

8 A Right. That's right.

9 Q And so this shows a portfolio value in
10 February of 284,251 which is just a few days after the
11 account was opened, correct?

12 A Right, right.

13 Q And then you have later statements as
14 well, correct?

15 A Uh-huh, that's correct.

16 Q Does the value increase?

17 A Yeah. This is a year -- almost -- a
18 little less than a year later. So, yeah; the account
19 performed well.

20 Q Okay. Exhibit N is a letter of
21 instruction; can you tell me what that is?

22 A Let's see. Okay, it's a letter of
23 instruction to -- let me just read through it real
24 quick. Basically this is -- what I was doing here was
25 to inform LPL, which is what I was trying to do was

1 get the -- based on the action of sole member for
2 this, I was helping Jack send a letter or letter of
3 instruction to LPL to basically change the title, you
4 know, because based on the letter of -- the
5 resignation letter of Don, to change the title on that
6 account so Jack could have access to it. So I did
7 attempt to work with Jack on that, you know, so at
8 least that way he could use that account to, you know,
9 as he would need to or as he saw fit. Just trying to
10 give him access.

11 Q And did LPL Financial comply with the
12 letter of instruction?

13 A No, they did not.

14 Q They didn't?

15 A Nope.

16 Q But there does come a point in time
17 when you gained control over the LPL account?

18 A After contacting LPL quite a few times
19 and re-sending the letter of instruction, and still
20 got no compliance from them.

21 Q Okay. And Exhibit O is a letter from
22 John Ryan dated April 14th, 2011 that contains a
23 notice of Don's resignation?

24 A Yes.

25 Q And Exhibit P is the action of the sole

1 member of the family gifting trust, correct?

2 A Correct.

3 Q And that has the effect of appointing
4 Jack as the manager, correct?

5 A Correct.

6 (Whereupon, there was a discussion held
7 off the record.)

8 MR. MASSELLI: I did not know that this
9 was -- I was told we would be here until 5:30.

10 BY MR. MASSELLI:

11 Q Now, if we go back to this letter, this
12 is the last area I want to explore now and then we'll
13 figure out how if at all we continue this deposition.
14 You have an analysis of Alberta's Veazey's share of
15 Samuel Veazey's wrongful death lawsuit, correct?

16 A That's right.

17 Q Now, you say there are indications that
18 Don Veazey transferred some of the assets in the POD
19 Bob Beckett and POD Jack Beckett accounts to an
20 Alberta Veazey LLC account, that's on the last
21 paragraph.

22 A Very last paragraph? Of this?

23 Q Of the second page.

24 A Oh, the second page?

25 Q I'm sorry.

1 accounts, those two accounts, so I would have actually
2 expected that.

3 Q Now, in your Email dated December 5th,
4 2011, which is Exhibit 21 --

5 A Okay.

6 Q -- in the third paragraph --

7 A Okay.

8 Q -- discussing the Wachovia money
9 market, don't you express a view that these accounts
10 may represent Alberta's shares of Sam's wrongful death
11 settlement?

12 A Yeah, I would.

13 Q So you're not saying now or you weren't
14 saying then or at later times that the funds in the
15 two POD accounts were actually Alberta Veazey's share?

16 A You said I'm not saying or I am?

17 Q I'm asking you whether in this
18 March 1st --

19 A Oh, yeah, they are Alberta Veazey's.

20 Q Now, remembering that the distribution,
21 that the settlement has three parts, Estate of Samuel
22 Veazey, Alberta Veazey as survivor, Don Veazey,
23 survivor --

24 A Right.

25 Q -- are you saying that they're Alberta

1 Veazey's survivor funds?

2 A Yes.

3 Q You are? Okay. Well, let me now -- in
4 this case, I only have one copy due to some problems
5 with printing, but let me submit this as Exhibit 32.

6 (DuBreuil Exhibit 32, marked for
7 identification.)

8 BY MR. MASSELLI:

9 Q Is Exhibit 32 a letter from Wells Fargo
10 to Kimberley Murphy with a rather significant amount
11 of documentation which is for the POD accounts and
12 shows the \$449,304.17 in Samuel Veazey checks being
13 deposited into the accounts? I don't have multiple
14 copies, I can tell you what the name of this is
15 because you sent me --

16 MS. MURPHY: Yeah, yeah, I know I sent
17 it to you, just tell me the name of it.

18 MR. MASSELLI: It's Wachovia
19 20130929.pdf

20 MS. MURPHY: Okay.

21 BY MR. MASSELLI:

22 Q What I'd like to ask you to do, I have
23 tabbed it at a certain point here, and I'd like to ask
24 you: After that point, there are new account deposits
25 for POD Bob Beckett and POD Jack Beckett, and then

1 there are a series of checks; I wonder if you could
2 tell me what those checks are, and also the check
3 numbers. Go two pages -- yes. So we start --

4 A Start there?

5 Q Start there.

6 A Okay. So what are you --

7 Q Okay, what is the first check, can you
8 tell the check number and who it's to?

9 A The first?

10 Q Yes, and the amount?

11 A Donald B. Veazey, Personal
12 Representative of the Estate of Samuel Veazey, for the
13 amount of \$153,000.

14 Q And what is the check number?

15 A 49908.

16 Q Okay. And can you tell me what the
17 next check is?

18 A Pay to the order of Donald B. Veazey,
19 Personal Representative of the Estate of Samuel
20 Veazey, check in the amount of 93,500 even, no cents,
21 and check number 49923.

22 Q And what's the next check number?

23 A Check number --

24 Q Check and check number?

25 A Okay, the same pay to the Donald B.

1 Veazey, Personal Representative of the Estate of
2 Samuel Veazey, the amount of 42,500 even, check number
3 49914.

4 Q Okay, and the next check?

5 A Paid to the order of Alberta Veazey,
6 Surviving Spouse of Samuel Veazey, care of Donald
7 Veazey, check for \$20,416.66, check number 49912.
8 Next, Alberta Veazey, Surviving Spouse of Samuel
9 Veazey, care of Donald Veazey, \$44,916.66, check
10 number 49921. To Alberta Veazey, Surviving Spouse of
11 Samuel Veazey, \$73,500, check number 49906.

12 Q You're going to have to go a little bit
13 to get the next.

14 A Oh, I see. These are checks, AT&T Long
15 Distance.

16 Q It is what it is.

17 A You want me to keep reading them all --
18 oh, that's the last check. AT&T Long Distance, pay to
19 the order of \$7.08.

20 Q Okay. Well, anyhow, and there's more
21 behind it, I didn't want to stop at just the Donald
22 Veazey. But is it correct that this shows that there
23 are deposits from a number of sources in this account?

24 A Well, what it shows is that there were
25 checks made to Donald Veazey as representative of Sam,

1 and then there was checks made out to Alberta Veazey,
2 surviving spouse of Sam. So they were -- you know,
3 where these were -- I mean I didn't really add up in
4 my head if these checks add up to the two deposits you
5 showed me; I wouldn't make that assumption but ...

6 Q Okay, but let me ask. So this shows
7 that if one had believed that those two accounts
8 contained only money from the Alberta Veazey survivor
9 share, that would have been incorrect?

10 MS. MURPHY: Objection as to form. You
11 can answer.

12 BY MR. MASSELLI:

13 Q Let me reask that.

14 A Well, not -- go ahead -- well -- go
15 ahead, reask it.

16 Q Yes. Do the deposits in this account
17 come solely from the Alberta Veazey survivorship
18 recovery?

19 A Well, I can't say that definitively,
20 and only because I had to go based on the assumption
21 because it wasn't -- my understanding, and I'd have to
22 go back and look at it, that these checks would be --
23 you know, they're all from the same spot; whether or
24 not those were all -- whether they're survivor assets
25 or what other -- I will say, though, that checks like

1 this, if the legal title of a check does not match the
2 account it was being deposited into, typically bank
3 policy would be not to allow the deposit. So those
4 funds technically, theoretically, should have gone
5 into two separate accounts.

6 Now, what populated -- you know -- I
7 don't remember exactly on the, you know, going back to
8 that date, where those -- where the money, you know,
9 to populate those accounts was; was it from a single
10 account, was it from a group of checks, was it a
11 transfer in? I honestly don't recall. And so my -- I
12 had, you know -- I would have had to go based on the
13 assumption that it was the survivorship. I don't know
14 where these checks were deposited so I don't know.

15 Q Well, they're from the records
16 showing --

17 A I realize that; these were checks
18 written to this, to the, you know, to each of the
19 parties.

20 Q But they're deposited in those two
21 accounts?

22 A Were they? I don't know. I don't
23 see -- I don't see -- it shows that a new account
24 deposit. I mean I'd have to actually add up
25 everything -- well, and if it totals \$427,000. You

1 know, it's not something I can reasonably assume
2 though.

3 MS. MURPHY: I think he can speak as to
4 what knowledge he has. If he doesn't remember, I mean
5 the documents are what they are.

6 BY MR. MASSELLI:

7 Q Okay, let me ask you, have you had
8 occasion in the past to look at bank records that have
9 been produced by subpoena?

10 A No.

11 Q So then you don't have any experience
12 in interpreting --

13 A Well, whether or not --

14 MS. MURPHY: Objection as to form. I'm
15 not sure what you're asking, if you're talking in
16 terms of this case and what has been provided to him.
17 But he's not been called as an expert, he's not been
18 called for a financial analysis based on the
19 subpoenaed documents.

20 MR. MASSELLI: That's correct. I'm
21 just asking, he's a man with a very long career, and
22 people do different things at different times.

23 BY MR. MASSELLI:

24 Q I'm just asking whether, in your career
25 as a financial analyst, you have ever been asked to

1 review bank records as they are produced pursuant to
2 subpoena?

3 A I would say no; this is the first time.

4 Q Okay.

5 MR. MASSELLI: Why don't we go off the
6 record for a moment?

7 (Whereupon, there was a discussion held
8 off the record.)

9 BY MR. MASSELLI:

10 Q Okay, I'd like to show you a letter
11 dated April 25th from HTK, which I'm marking Exhibit
12 33.

13 (DuBreuil Exhibit 33, marked for
14 identification.)

15 BY MR. MASSELLI:

16 Q Do you recognize this letter?

17 A I recognize it. I haven't seen this
18 particular letter but this is the letter that would be
19 sent to -- letters like it that would be sent to
20 someone that a new account's opened for.

21 Q And in this case, who was the new
22 account?

23 A It's E Alberta Veazey Family LLC,
24 Joseph Beckett, Guardian.

25 MR. MASSELLI: Okay, can we go off the

1 record for just a minute?

2 (Whereupon, there was a discussion held
3 off the record.)

4 BY MR. MASSELLI:

5 Q Does this letter relate to the opening
6 of a brokerage account at HTK?

7 A Yes, it does.

8 Q With respect to the account 5HK-403309,
9 E Alberta Veazey Family LLC, do you recall the source
10 of funds for this account?

11 A Yes.

12 Q Could you tell us what they are?

13 A It was a transfer, an in-kind transfer
14 of assets from the LPL account, the Alberta Family
15 LLC.

16 Q Was that done pursuant to an ACATS?

17 A Yes.

18 Q Are you the account representative?

19 A Yes, I am.

20 Q And do you receive commissions or other
21 remuneration as a result of being the account
22 representative on this account?

23 A Not ongoing, no. I received -- I don't
24 receive ongoing income remuneration for this.

25 Q But did you receive income when it was

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1 opened?

2 A No.

3 Q No? Did you ever receive any income?

4 A Yes.

5 Q Okay, and when did you receive that
6 income?

7 A When I made trades, when I actually
8 purchased securities inside the account.

9 Q Now, of the original assets that were
10 traded in, what percentage of them were sold?

11 A Well, initially they were transferred
12 in-kind, and they were just left there. Ultimately,
13 upon discussion with, you know, discussions Jack and I
14 had as to what, you know, he wanted to do with the
15 assets, whether they wanted to remain in the types of,
16 you know, in the asset allocation that was currently
17 there or to reallocate the funds into another type of
18 allocation for a different purpose.

19 Q And what was the result of those
20 discussions?

21 A Well, the result of the discussions was
22 that, in discussing it with Jack, there was a couple
23 of issues. The current allocation really was a very,
24 you know, was a very good growth allocation, the one
25 that was initially put into, and so it was -- it had

1 certainly grown. But during the time that we made the
2 decision, the market was taking somewhat of a
3 downturn, and because a lot of the investment vehicles
4 were -- were aggressive, you know, emerging market
5 type stuff, small company, mid-cap, you know, stuff,
6 and the market was going down at the time between the
7 time that the assets were transferred into the account
8 and the time that I had made a decision to change --
9 they made a decision to change over the allocation.

10 So what we did is basically we, you
11 know, we -- I didn't want to -- I didn't want to lose
12 to the market, you know, a lot of what was gained, and
13 so I, you know, I told Jack we need to make a decision
14 pretty soon. So we decided on a course of action.

15 Q And what was that course of action?

16 A Well, what we decided to do was to --
17 what I looked at, I looked at a couple factors,
18 advising Jack: Number one, the account was, you know,
19 essentially, although it was a trust account, it
20 was -- it was -- and basically the primary owner was a
21 91-year-old-woman who was in a nursing home. And so,
22 you know, I asked is that allocation appropriate for
23 someone of that age, the current allocation? And I
24 decided, you know, it wasn't.

25 So I asked Jack what is he looking for

1 from the account. He was looking for, you know, a lot
2 of liquidity and something where he can make a few
3 percent, you know, maybe, you know, between two or
4 three or five percent on the account, you know, from
5 an income standpoint. So we -- I came up with an
6 allocation, I showed it to Jack, and essentially what
7 I did is I did not invest, you know, because Jack
8 wasn't sure what he was going to be doing with the
9 money or how much he would need, and basically I left
10 about at the time -- I'd have to go back in my
11 records -- probably between 85- and \$88,000 in just
12 cash, and invested the balance of what that was, and
13 I'd have to look at my records specifically what that
14 was.

15 Essentially what I did is I invested in
16 a ladder bond portfolio of corporate survivor option
17 bonds, basically what they call an estate put. So
18 they were individual corporate stuff, investment grade
19 rating that currently, if held to maturity, you know,
20 they produce about maybe \$10,000 worth of income a
21 year that gets directed -- that gets deposited
22 directly into the cash account of the account.

23 And so it produces a yield of about, I
24 don't know, between three and -- two and three percent
25 which is, you know, isn't setting the world on fire,

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1 but it is -- it's essentially a stop loss proposal.

2 So I don't want to, you know -- you
3 know, Don had certainly done a good job in working to
4 grow the fund, but Jack's concerns were what if I need
5 this for something for my mother, or I don't want to
6 do anything until this is all settled. So this was
7 sort of the best balance.

8 (Whereupon, there was a discussion held
9 off the record.)

10 MR. MASSELLI: Why don't we just leave
11 it here then.

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15 -----
16 THOMAS DuBREUIL
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C E R T I F I C A T E

STATE OF DELAWARE)

)

KENT COUNTY)

I, Pamela C. Herrmann, Registered
Professional Reporter and Notary Public, do hereby
certify the foregoing deposition of the witness
THOMAS R. DuBREUIL was taken before me at the time and
place indicated herein; that said witness was by me
duly sworn; that the testimony was stenographically
reported by me and thereafter reduced to typewriting
under my personal supervision; that I am neither of
counsel nor kin to parties in said action nor
interested in the outcome thereof.

WITNESS my hand this ____day of

_____, 2014.

Pamela C. Herrmann
Registered Professional Reporter
and Notary Public

Certificate Number: 128-PS

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