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1 UNITED STATES DISTRICT COURT
 2 FOR THE DISTRICT OF COLUMBIA

3 ----- X
 3D GLOBAL SOLUTIONS, INC., :
 4 Plaintiff, :
 vs. : CA No.
 5 : 1:06-CV-722 (GK)
 MVM, INC., :
 6 Defendant. :
 7 ----- X

8
 9 Vienna, Virginia
 10 Wednesday, May 2, 2007

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 14 Deposition of DARIO MARQUEZ, JR., a witness,
 15 called for examination by counsel for plaintiff,
 16 pursuant to notice, at the offices of MVM, Inc.,
 17 1593 Spring Hill Road, Suite 700, Vienna, Virginia
 18 22182, before Sandria L. Cox, a notary public in
 19 and for the Commonwealth of Virginia, beginning at
 20 10:23 a.m., when were present on behalf of the
 21 respective parties:
 22

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1 I-N-D-E-X

2 EXAMINATION BY COUNSEL FOR
 3 WITNESS PLAINTIFF,
 MR. TSIMPEDES:
 4 Dario Marquez, Jr. 4
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 10
 11 E-X-H-I-B-I-T-S
 12 (None marked)
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 21
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1 APPEARANCES:
 2

3 FOR THE PLAINTIFF:
 4 ATHAN T. TSIMPEDES, ESQUIRE
 Law Office of Athan T. Tsimpedes
 5 1420 New York Avenue, Northwest
 Washington, D.C. 20005
 6

7 FOR THE DEFENDANT:
 8 HERBERT S. ROSENBLUM, ESQUIRE
 Law Offices of Herbert S. Rosenblum, P.C.
 9 526 King Street
 Suite 211
 10 Alexandria, Virginia 22314
 703-694-0072

11 PATRICIA L. MASKELL, ESQUIRE
 Maskell & Gaba
 12 1197 Winter Hunt Road
 McLean, Virginia 22102
 13 703-893-8175

14
 15
 16 Also Present: Michael Dodd
 17 Erin East
 18
 19
 20
 21
 22

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1 P-R-O-C-E-E-D-I-N-G-S
 2 Whereupon,
 3 DARIO MARQUEZ, JR.,
 4 a witness, was called for examination by counsel
 5 for plaintiff, and, after having been first duly
 6 sworn, was examined and testified as follows:
 7 EXAMINATION BY COUNSEL FOR PLAINTIFF
 8 BY MR. TSIMPEDES:
 9 Q. Good morning. Would you please state
 10 your full name.
 11 A. Dario Marquez, Jr.
 12 Q. Can I call you "Mr. Marquez" or "Dario"?
 13 A. "Dario" is good.
 14 Q. My name is Athan Tsimpedes. I'm the
 15 attorney for 3D Global Solutions in this matter.
 16 You understand that MVM is involved in a
 17 lawsuit and I'm here today to ask you some
 18 questions in a deposition.
 19 If you do not understand my question for
 20 whatever reason, whether I verbalize it incorrectly
 21 or it just doesn't make sense, I want you to tell
 22 me. And I'm sure your attorney will tell me as

1 well.
 2 And any non-verbal communication will
 3 not be taken down by the court reporter, so it's
 4 important to verbalize any response that you have.
 5 Having said that, do you have any
 6 questions for me?
 7 A. No, I don't.
 8 Q. If you could tell me where you currently
 9 reside.
 10 A. I reside in McLean, Virginia.
 11 Q. Give me the address.
 12 A. 8560 Greensboro Drive, McLean.
 13 Q. How long have you lived there?
 14 A. About a year.
 15 Q. Before that, where did you live?
 16 A. Oakton, Virginia.
 17 Q. Give me the address.
 18 A. 2904 Bryan's Hill Lane, Oakton.
 19 Q. How long did you live there?
 20 A. Twenty-four years.
 21 Q. Are you married?
 22 A. No.

1 Q. There came a point in time --.
 2 Let me go back briefly.
 3 Give me your educational background.
 4 A. Bachelor's in business administration.
 5 Q. Where did you get that?
 6 A. I went to Southeast University.
 7 Q. When did you receive that degree?
 8 A. 19 -- tough question-- 71.
 9 Q. Tell me a little bit about MVM, its
 10 business, what it does, if you don't mind.
 11 A. It's a government contractor, federal
 12 government contractor, providing services for the
 13 law enforcement intelligence community primarily.
 14 Q. And does this require you to seek
 15 assistance from other companies to fulfill your
 16 obligations to the federal government?
 17 A Yes.
 18 Q. And is that how you became involved with
 19 3-D Global?
 20 A Yes.
 21 Q. Can you tell me what your knowledge is
 22 about 3D Global's relationship with MVM and when

1 Q. Any children?
 2 A Yes.
 3 Q. Tell me with your current employment.
 4 A. I'm the president and CEO of MVM.
 5 Q. That's your current position?
 6 A Yes.
 7 Q. Could you tell me when you first started
 8 with MVM?
 9 A. 1979.
 10 Q. What did you start off as?
 11 A. I was the founder.
 12 Q. The founder. Okay. You're the
 13 founder. And did you have any employees in 1979?
 14 A. Three partners.
 15 Q. What are their names?
 16 A. Marquez obviously. Vance and Mattman.
 17 Q. So from 1979 to the present you've been
 18 involved with MVM?
 19 A Yes.
 20 Q. As either president or --
 21 A. Executive capacity. That's exactly
 22 right.

1 that started?
 2 A. 3D Global was a subcontractor to us,
 3 providing staffing services.
 4 Q. For which project?
 5 A. I understand there were several, but the
 6 two that I can remember were projects --. The
 7 projects I remember were projects that we were
 8 supporting the military or Department of State.
 9 Q. Well, as it relates to this lawsuit,
 10 regards the security detail to Kabul, Afghanistan;
 11 is that correct?
 12 A. The Embassy in Afghanistan. US Embassy
 13 in Afghanistan.
 14 Q. Do you know how many personnel were
 15 provided by 3D Global to MVM?
 16 A. I would say approximately --. I don't
 17 know exact number, but I would say somewhere around
 18 250 people, approximately.
 19 Q. These 250 recruits by 3D Global provided
 20 to MVM, were they employed by MVM?
 21 A Yes.
 22 Q. And they were provided a contract by

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1 MVM; isn't that correct?
 2 A. They were employees of MVM. I don't
 3 know if they were provided a contract or not.
 4 Employment contract?
 5 Q. Correct.
 6 A. I don't know that.
 7 Q. Who would know that?
 8 A. The staff here.
 9 Q. Well, to the extent there's contracts --
 10 and I'll follow up with your attorney -- but I do
 11 want copies of all contracts regarding the recruits
 12 provided by 3D Global. Okay?
 13 A. Uh-huh.
 14 Q. You've got to verbalize.
 15 A Yes.
 16 Q. I'll follow up with your attorney on
 17 that.
 18 Were you satisfied with 3D Global's
 19 efforts in the past, prior to the Kabul,
 20 Afghanistan project?
 21 A. In all candor, the only time that I
 22 actually became aware of 3D was when we started the

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1 recruiting efforts -- personally involved -- was
 2 recruiting efforts for Afghanistan.
 3 My only knowledge at the time was that
 4 we had done work with them in the past and the
 5 people in market, specifically Rob Ruben, were
 6 satisfied with the work they had done with Mike
 7 Dodd.
 8 Q. Now, you raised recruiting efforts. Did
 9 MVM assist 3D Global in any recruiting efforts
 10 regarding the Kabul, Afghanistan contract, which
 11 would have taken place in Peru?
 12 Are you aware of any MVM recruiting
 13 efforts in that regard?
 14 A. Did we assist in recruiting efforts?
 15 Could you be more specific?
 16 Q. Sure. Sure.
 17 A. Well, did we actually send recruiting
 18 down there?
 19 Q. Let's start off this way. MVM send any
 20 employee to assist 3D Global in Peru?
 21 A Yes.
 22 Q. Who did they send and why?

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1 A. We sent --. I don't know how many. We
 2 sent at least one employee to support their
 3 administrative and record management. Putting
 4 files together.
 5 Q. By putting files together, would this
 6 employee discuss anything with the recruits?
 7 A. I don't know that.
 8 Q. Okay. Who would know that?
 9 A. He would know.
 10 Q. "He" being the employee?
 11 A Yes.
 12 Q. You say you don't know the name of the
 13 employee?
 14 A. I don't remember.
 15 Q. Does Clyde Slick sound familiar or Jason
 16 Turner?
 17 A. Jason Turner does. I don't remember if
 18 Clyde Slick ever traveled to Peru.
 19 Q. Do you know what Jason Turner
 20 discovered, if anything, while he was in Peru as it
 21 relates to any of the recruits? Were there any
 22 problems?

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1 A. Jason Turner never voiced any concerns
 2 to me.
 3 Q. Do you know the length of time Mr.
 4 Turner spent with 3D Global in Peru?
 5 A. I don't.
 6 Q. Who would have that information?
 7 A. Obviously he would, and Clyde Slick
 8 would, and --.
 9 Q. Are you familiar with the contract
 10 between MVM and the federal government as it
 11 relates to Kabul, Afghanistan?
 12 A. I am.
 13 Q. Are you familiar with the subcontract
 14 between MVM and 3D Global?
 15 A. I have never seen it.
 16 Q. Are you on the board of directors as
 17 well?
 18 A Yes.
 19 Q. Who is currently on the board of
 20 directors?
 21 A. Myself, my son Scott Marquez, and an
 22 individual, Dr. Ed Bersoff.

1 Q. Can you spell that last name?
 2 A. B-e-r-s-o-f-f.
 3 Q. Now, when lawsuits are initiated, do the
 4 lawsuits go before the board the directors?
 5 A. No.
 6 Q. They do not?
 7 A. No.
 8 Q. As it relates to the lawsuit involving
 9 MVM, has the board of directors reviewed any of the
 10 material, including the complaint?
 11 A. No.
 12 Q. Is there a reason why?
 13 A. It's not our practice to do that.
 14 Q. Do you know if MVM has countersued 3D
 15 Global?
 16 A. I do.
 17 Q. Do you know what the basis is for that?
 18 A. As I understand it, the basis for the
 19 countersuit is the lack of performance.
 20 Q. Could you describe what the lack of
 21 performance is?
 22 A. Being that the recruits that were sent

1 to Kabul were unqualified, did not meet the minimum
 2 standards of the government's requirements to us.
 3 Q. That's your understanding?
 4 A. Yes.
 5 Q. Is there anything more?
 6 A. No.
 7 Q. Do you know who on behalf of MVM
 8 authorized the countersuit?
 9 A. It would have been me.
 10 Q. Do you know if in the agreement with
 11 MVM, between MVM and 3D Global, is there any
 12 provision in that contract that called for any
 13 liability on behalf of 3-D Global should they not
 14 perform?
 15 A. I don't know.
 16 Q. Did MVM perform any recruitment for the
 17 Kabul, Afghanistan contract?
 18 A. Did MVM recruit by itself? Did MVM send
 19 recruiters itself to Peru to recruit?
 20 Q. Correct.
 21 A. No.
 22 Q. Not for Peru. Anywhere in the world

1 other than Peru.
 2 A. Did MVM send its own recruiters from
 3 here?
 4 Q. Yes.
 5 A. No.
 6 Q. Did MVM recruit any individuals from
 7 South Africa?
 8 A. Through a subcontractor.
 9 Q. What is the name of that subcontractor?
 10 A. I don't remember.
 11 Q. Could you provide that information to
 12 your attorney?
 13 A. Absolutely.
 14 MR. TSIMPEDES: Mr. Rosenblum, you will
 15 provide that information?
 16 MR. ROSENBLUM: Yes.
 17 I think the correct word is "vendor,"
 18 not "subcontractor," and I think 3-D was a vendor
 19 and not a subcontractor, and the party that
 20 supplied the South Africans was a vendor, not a
 21 subcontractor?
 22 A. Correct. That's correct.

1 BY MR. TSIMPEDES:
 2 Q. Is that the term you use?
 3 A. "Vendor," yes.
 4 Q. Not "subcontractor"?
 5 A. Yes.
 6 Q. But to the extent -- there might be
 7 legal differences as well -- so whatever you feel
 8 comfortable with is one thing, as opposed to what
 9 the law might say. It might consider them
 10 subcontractors.
 11 If you feel comfortable naming them
 12 "vendors," we'll call them "vendors." You can
 13 name them whatever you want?
 14 A. Right.
 15 Q. Just to be clear on that, we're not
 16 holding you to a conclusion of law on the term of
 17 art.
 18 MR. ROSENBLUM: That's fine.
 19 BY MR. TSIMPEDES:
 20 Q. Do you know how many recruits were
 21 obtained from South Africa?
 22 A. I want to say less than a hundred.

1 Probably around 85.
 2 Q. Do you know who did the recruiting on
 3 behalf of MVM for that project, for the South
 4 African --
 5 A. The actual--.
 6 I want a definition of terms.
 7 "Recruiter" to me means someone that
 8 actually goes there, sets up an operation and does
 9 the actual recruiting and screening and testing.
 10 We didn't send any recruiters.
 11 Q. What did MVM do then in South Africa to
 12 assist in its contract obligation in Kabul,
 13 Afghanistan.
 14 A. Hired a vendor.
 15 Q. Who hired a vendor and what was
 16 required?
 17 A. The vendor was hired by MVM and what was
 18 required was what was the statement of work given
 19 to us by the government.
 20 Q. Would you provide a copy of that
 21 contract between MVM and that vendor?
 22 A. Sure. If we have it, we will be happy

1 to give it to you.
 2 Q. Is there a reason why you wouldn't have
 3 it?
 4 A. Not that I can think of.
 5 Q. Do you know if there was an employee of
 6 MVM that was sent to South Africa?
 7 A. Not that I can recall.
 8 Q. Clyde Slick?
 9 A. I don't recall Clyde going to South
 10 Africa. He may have, but I don't recall it.
 11 Q. Do you know approximately when the
 12 recruits -- the TCNS -- the third country nationals
 13 that 3D Global provided to MVM that were deployed
 14 and were provided a contract -- do you know when
 15 they arrived in Kabul, Afghanistan, approximately?
 16 A. Sometime in November.
 17 Q. November of 2005?
 18 A. Yes.
 19 Q. Now, when, if at any time, did MVM
 20 realize there was a problem with the TCNS provided
 21 by 3D Global?
 22 A. I don't know when, because when you talk

1 about MVM, there's a project manager on the ground,
 2 that's Clyde Slick. But when I was made aware of
 3 it was December 2nd.
 4 Q. December 2, 2005?
 5 A. That's correct.
 6 Q. How were you made aware of that?
 7 A. We received a cure notice from the
 8 government.
 9 Q. Do you have a copy of that cure notice?
 10 A Yes, we do.
 11 Q. Would you provide that?
 12 MR. ROSENBLUM: I think you already have
 13 it, but we will.
 14 BY MR. TSIMPEDES:
 15 Q. Could you tell me what that cure notice
 16 stated, to the best of your--
 17 A. Sure. Basically it broke it down into
 18 two specific areas: that the Peruvians lacked
 19 English language capability; that they wanted to
 20 know -- that there were serious doubt that they
 21 would ever be able to have the language proficiency
 22 they needed to communicate with the RSO staff who

1 would be controlling them.
 2 They wanted to know what testing was
 3 done of these people before they were deployed and
 4 they wanted to know -- they wanted to know that
 5 because they said "as was certified in their
 6 resumes" that they had this language deficiency.
 7 The next was technical, that they lacked
 8 technical skills. Technical skills was primarily
 9 broken down into being able to conduct basic
 10 security functions and they lacked weapons
 11 proficiency.
 12 Q. Were the TCNS from Peru the only ones
 13 having a problem?
 14 A. No. The South Africans were having a
 15 problem also.
 16 Q. And the State Department said that as
 17 well?
 18 A Yes.
 19 Q. And did the South Africans have both a
 20 problem in the language and in technical skills?
 21 A Yes.
 22 Q. To your knowledge, did MVM review the

1 certification provided by 3D Global for the TCNs?

2 A. What do you mean by "review"? Did we
3 ask for test results? Did we ask for a
4 certification that was a valid certification on a
5 resume? Not to any knowledge.

6 Q. Let me ask it this way. What, if
7 anything, did MVM do to certificate the TCNs
8 provided by 3D Global?

9 MR. ROSENBLUM: At what time? Are you
10 talking about after the cure notice, or before.

11 MR. TSIMPEDES: Before the cure notice.

12 A. We accepted their certifications.

13 BY MR. TSIMPEDES:

14 Q. When you say accept, what do you mean
15 you accepted it?

16 A. When we were told that they had those
17 skills, we accepted that they did and that they had
18 been tested. It was pretty clear that they had to
19 speak a Level 2 English for the officers who
20 assumed that they did based on the certifications
21 that we were getting from the field.

22 Q. Did MVM do any testing on the TCNs prior

1 didn't send down anyone --.

2 As you will see when you get after the
3 cute notice, what we did to actually certify them
4 was completely different than what we did
5 beforehand.

6 So the purpose was not certification or
7 recruiting. The purpose was to assist in putting
8 together packages and getting them to the State
9 Department because we needed those names and
10 packages there expeditiously.

11 Q. Time was of the essence?

12 A. Sure.

13 Q. That's why you sent Jason Turner down
14 there to Peru?

15 A. We sent a team down to help in getting
16 those packages together.

17 Q. So it was a team?

18 A. Well, Jason.

19 Q. You said the word "team," so I'm just
20 asking you --

21 A. I don't know of anyone else.

22 Q. Could there have been others?

1 to the cure?

2 A. Not to my knowledge.

3 Q. None to your knowledge.

4 A No.

5 Q. Could have happened?

6 A. Not to my knowledge. I don't think it
7 ever happened, but I would say not to my knowledge.

8 Q. Okay. Do you know if Mr. Turner
9 evaluated any of the TCNs while he was in Peru on
10 behalf of MVM?

11 A. That wasn't his job and I wouldn't have
12 accepted it. He was there for administrative
13 purposes.

14 Q. How do you know that?

15 A. Because that's why we sent him down
16 there.

17 Q. You testified that you had no idea who
18 was sent down to Peru.

19 A. But we sent down -- we would have sent
20 down we were having difficulty making -- we wanted
21 to make sure we had all the packages in process and
22 delivered, so we sent down help to do that. We

1 A. I don't think so.

2 Q. But you would agree that part of the
3 packages that were going to be submitted to the
4 federal government included certifications of TCNs?

5 A Yes.

6 Q. Was MVM paid by the federal government
7 for the contract in Kabul, Afghanistan?

8 A. No.

9 Q. MVM received no money from the federal
10 government?

11 A. MVM expended monies, and eventually,
12 when it settled, was reimbursed for some of its
13 costs, not all of them.

14 Q. I'm just asking a simple question.

15 MR. ROSENBLUM: He gave you an answer.
16 He said that it received money.

17 MR. TSIMPEDES: Mr. Rosenblum, you're
18 not allowed to make --

19 MR. ROSENBLUM: I understand, but you're
20 not allowing --

21 MR. TSIMPEDES: You're not allowed to
22 make speaking objections.

1 MR. ROSENBLUM: You're not allowed to
2 argue with the witness.

3 MR. TSIMPEDES: I'm not arguing. You're
4 not allowed to make a speaking objection. It's
5 clear in the rules and I'm not going to have you
6 do it.

7 MR. ROSENBLUM: And in the rules, he
8 responded.

9 MR. TSIMPEDES: Mr. Rosenblum, I'm not
10 going to have you do that. Okay? If there's any
11 question that he doesn't understand, he can tell
12 me.

13 MR. ROSENBLUM: He answered the
14 question.

15 MR. TSIMPEDES: You could object and say
16 asked and answered. And I can ask him a million
17 times again.

18 MR. ROSENBLUM: Go right ahead.

19 MR. TSIMPEDES: Thank you.

20 BY MR. TSIMPEDES:

21 Q. Did MVM receive money from the federal
22 government for the Kabul, Afghanistan project?

1 object. That's all you're allowed to do on the
2 record.

3 MR. ROSENBLUM: The question is asked
4 and answered four times.

5 MR. TSIMPEDES: No, it's not.

6 MR. ROSENBLUM: Four times.

7 MR. TSIMPEDES: Could you repeat back
8 the question? I'll ask the court reporter, and
9 let's see how different it is.

10 MR. ROSENBLUM: Well, you're not going
11 to get him to say anything different.

12 MR. TSIMPEDES: I want it clear. If he
13 doesn't know what "receiving money" mean, that's
14 fine.

15 MR. ROSENBLUM: He said that it was
16 reimbursed.

17 MR. TSIMPEDES: He can testify. I'm not
18 going you to testify on behalf of your client.
19 We're going to stop this deposition right now.

20 MR. ROSENBLUM: I'm not trying to
21 testify.

22 You can stop it, but you're not going to

1 A. MVM was reimbursed partially for its
2 expenses.

3 Q. How much money did MVM receive for the
4 Kabul, Afghanistan?

5 A. MVM expended close to 6 million and it
6 received about 3.5 back.

7 Q. I just want to be clear about it. The
8 federal government paid MVM three-and-a-half
9 million dollars for the Kabul, Afghanistan project;
10 is that correct?

11 A. MVM was reimbursed three-and-a-half
12 million dollars of six million dollars in expenses.

13 Q. Okay. Would it be fair to say that MVM
14 received three-and-a-half million dollars from the
15 federal government --

16 MR. ROSENBLUM: Wait a minute. I
17 object. You have asked the same question four
18 times. You have received the same answer. There
19 is no question that MVM received money. My client
20 said that MVM --

21 MR. TSIMPEDES: Mr. Rosenblum, I'm not
22 going to have you talk about it. You could

1 restart it up again.

2 MR. TSIMPEDES: If you're going to keep
3 interrupting, we are going to stop and we are going
4 to go before Judge Kessler on this issue.

5 MR. ROSENBLUM: You can go before Judge
6 Kessler, because the point is he's answered the
7 question.

8 MR. TSIMPEDES: He's not answered the
9 question.

10 MR. ROSENBLUM: What hasn't he
11 answered?

12 MR. TSIMPEDES: Mr. Rosenblum, it's
13 over. If you keep interrupting, we'll stop it.
14 We'll keep dragging Mr. Marquez in for deposition.
15 It can last all day, you know.

16 MR. ROSENBLUM: We're not going to be
17 here all day.

18 MR. TSIMPEDES: I think we might.

19 MR. ROSENBLUM: I think we won't.

20 MR. TSIMPEDES: I think we ought to take
21 a break right now.

22 MR. ROSENBLUM: No, we're not.

1 MR. TSIMPEDES: Yes, we are. We're
 2 taking a break right now.
 3 MR. ROSENBLUM: No, we're not.
 4 MR. TSIMPEDES: I'm taking a break. I'm
 5 using the restroom.
 6 MR. ROSENBLUM: You've got three
 7 minutes.
 8 MR. TSIMPEDES: I'll take as long as I
 9 want.
 10 MR. ROSENBLUM: He's leaving at 11:30.
 11 MR. TSIMPEDES: He'll come back. He's
 12 part of this case.
 13 (Whereupon, a recess was taken.)
 14 MR. TSIMPEDES: We're back on.
 15 BY MR. TSIMPEDES:
 16 Q. All right, Dario. Where were we last?
 17 I was asking you how much money the -- if MVM
 18 received from the federal government regarding the
 19 Kabul, Afghanistan project, and you said --
 20 A. Three point five million dollars.
 21 Q. Okay.
 22 A. Approximately.

1 Q. Well, you say yes, but I want to know
 2 specifically regarding the TCNs that MVM recruited?
 3 A. That 3-D recruited?
 4 Q. Right.
 5 A. Yes. We provided information on those
 6 folks,, those TCNs, to Triple Canopy.
 7 Q. Did you think that was appropriate?
 8 A. Yes.
 9 Q. Why is that?
 10 A. We were trying to get these people who
 11 were without work employed.
 12 Q. Did they receive employment from Triple
 13 Canopy?
 14 A. I don't know that.
 15 Q. Who would know that?
 16 A. I'm sure our personnel department would
 17 probably know. I don't know who, if any, were
 18 employed by Triple Canopy or when they were
 19 employed or if they were employed.
 20 Q. Who would know that from Triple Canopy?
 21 A. I don't know.
 22 Q. In the personnel department, could you

1 Q. Okay. Has MVM done business with
 2 Triple Canopy?
 3 A. No.
 4 Q. Never has?
 5 A. No.
 6 Q. Has MVM ever received monies from Triple
 7 Canopy?
 8 A. Not to my knowledge, no.
 9 Q. Has MVM provided any supporting
 10 documents to Triple Canopy?
 11 A. Define "supporting documents."
 12 Q. Any administrative packages from TCNs?
 13 A. Yes.
 14 Q. Did MVM provide the administrative
 15 packages of the TCNs that were provided by 3D
 16 Global to Triple Canopy?
 17 A. We provided administrative packages to
 18 them. Whether they were packages directly from 3D
 19 or whether they were packages that were MVM
 20 administrative personnel files, I don't know.
 21 But we provided personnel information to
 22 3D, yes.

1 give me a name from MVM's side?
 2 A. I would just say that we probably have
 3 records to indicate what files were turned over to
 4 Triple Canopy here at corporate headquarters.
 5 Q. Do you know how this discussion started
 6 with Triple Canopy? How did it start where you
 7 provided this information to Triple Canopy? How
 8 did that all start?
 9 A. I was in --. It started because of me.
 10 I initiated it.
 11 Q. Why?
 12 A. Because we had been -- the contract had
 13 been terminated for default. We had a group of
 14 recruitments who were now without work and I wanted
 15 to do everything I could to see if I could get them
 16 employment.
 17 Q. And all of these efforts led you to --.
 18 Where did your efforts lead you?
 19 A. To begin looking at other vendors that
 20 were in the area that might need support.
 21 Q. Give me the names of who you contacted.
 22 A. I don't remember. I just remember that

1 we started looking at vendors in the area and I
 2 don't remember who they were. But they were
 3 vendors that were working in Iraq or Afghanistan
 4 that were doing the kind of work that we're doing.
 5 Q. Did you draft a letter?
 6 A. I don't know if we did phone calls to
 7 them or started personal contact with them. I
 8 think that's what we did. We were in Afghanistan
 9 and I think we started calling and seeing whose
 10 around and who had won a contract and who may be
 11 looking for support services.
 12 Q. To the extent that you have any
 13 documents relating to your efforts of securing
 14 employment of these TCNs that were recruited by 3D
 15 Global, I would like to get copies of all documents
 16 relating to that?
 17 A. Sure.
 18 MR. TSIMPEDES: And you will provide
 19 that, Mr. Rosenblum?
 20 MR. ROSENBLUM: To the extent we have
 21 it, you can have it.
 22 THE WITNESS: Absolutely.

1 Q. The MVM staff?
 2 A. Yes.
 3 Q. Which staff?
 4 A. The woman that just walked in here,
 5 Danielle, was there. Richard Sharrer was there.
 6 The project manager was there.
 7 Q. What was the project manager's name?
 8 A. I'll get it for you. I don't recall
 9 right now. It escapes me.
 10 MR. TSIMPEDES: You will provide that?
 11 MR. ROSENBLUM: Sure.
 12 BY MR. TSIMPEDES:
 13 Q. You said Richard --.
 14 A. Sharrer.
 15 Q. Can you spell that?
 16 A. S-h-a-r-r-e-r.
 17 Q. And Danielle that was just in here?
 18 A. It's Danielle --.
 19 Do you know how to spell Danielle's last
 20 name.
 21 A. B-r-u-d-e-a-u-x.
 22 MR. ROSENBLUM: And the project manager

1 BY MR. TSIMPEDES:
 2 Q. Okay. There came a point in team where
 3 Triple Canopy was interested in the TCNs; correct?
 4 A. There came a point in time when --.
 5 Yes, as I recall, Triple Canopy
 6 indicated that they may be able to utilize the
 7 Peruvians because they didn't have, as I recall,
 8 the same -- specifically language requirements --
 9 that were imposed on us.
 10 Q. Did you ever see the contract Triple
 11 Canopy had?
 12 A. No.
 13 Q. So you have no idea?
 14 A. I have no idea.
 15 Q. You're just speculating.
 16 A. I was told that they may be able to use
 17 them and that their requirements might be
 18 different. We said, If we can help you, we want to
 19 help the Peruvians. That would be great.
 20 Q. Who did you speak to?
 21 A. I didn't speak to anyone. This was done
 22 through the staff.

1 was Lynch; is that right?
 2 A. Uh-huh.
 3 BY MR. TSIMPEDES:
 4 Q. Lynch. Okay.
 5 Did you think you were helping out the
 6 TCNs by doing that with Triple Canopy?
 7 A. Yes.
 8 Q. Did you tell 3D Global that you were
 9 going to do that?
 10 A. No.
 11 Q. Is there a reason why?
 12 A. I didn't see a need to.
 13 Q. Did you know that by doing that, Triple
 14 Canopy would be receiving a benefit?
 15 A. That they would be receiving a benefit?
 16 Q. Sure.
 17 A. I don't understand the question.
 18 Q. By providing TCNs to Triple Canopy, did
 19 you realize that Triple Canopy would be receiving
 20 monies from the federal government?
 21 MR. ROSENBLUM: Objection.
 22 MR. TSIMPEDES: Objection for what? I

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1 want to hear this one. Please. What is the
2 objection, Mr. Rosenblum?
3 MR. ROSENBLUM: Your question assumes
4 facts that aren't in evidence.

5 MR. TSIMPEDES: That not a basis for an
6 objection in a deposition.

7 MR. ROSENBLUM: Yes, it is.

8 MR. TSIMPEDES: No, it's not. It has
9 nothing to do with an objection.

10 MR. ROSENBLUM: You can ask the
11 question.

12 MR. TSIMPEDES: I know I can ask him the
13 question. He'll answer it.

14 A. Could you repeat the question?

15 MR. TSIMPEDES: Could you read the
16 question back, please?

17 (The question was read by the reporter:)

18 Q. By providing TCNs to Triple Canopy, did
19 you realize that Triple Canopy would be receiving
20 monies from the federal government?

21 A. I didn't think of it at the time, but as
22 a general rule, yes, that they would be -- that

1 take place.

2 MR. ROSENBLUM: Transfer of what?

3 MR. TSIMPEDES: The TCNs.

4 A. Never happened.

5 BY MR. TSIMPEDES:

6 Q. Well, how did Triple Canopy obtain the
7 information from the TCNs?

8 MR. ROSENBLUM: Now, transfer of TCNs or
9 transfer of information?

10 MR. TSIMPEDES: Transfer of information.

11 A. Oh, the transfer of information. I'm
12 not sure how we did it. As I recall, we put
13 packages together of people that might be
14 interested and sent them over to them.

15 Q. Did you interview the TCNs that might be
16 interested in working for Triple Canopy before you
17 sent those packages to Triple Canopy?

18 A. While I was in Kabul, the contract was
19 terminated, we started talking to each and every
20 one of them on a constant basis and, yes, we
21 interviewed them as to what they might or might not
22 be willing to do.

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1 they would put these people to work in a contract
2 that they had with -- and I'm not sure the contract
3 was with the federal government.

4 So I didn't know who the contract was,
5 because as you well know, Triple Canopy and others
6 work with not just the federal government but
7 commercial companies. So I didn't know where that
8 was going.

9 The idea that we knew that they were
10 going to go to the federal government is not a
11 fact. I didn't know where they were going to go.
12 Or if they had a contract, for which I'm assuming
13 Triple Canopy would be paid and that they would pay
14 these workers, yes.

15 Q. So you would agree that Triple Canopy
16 would receive a benefit whether it's from the
17 federal government or --

18 A. Whoever their client was, yes. Yes.

19 Q. But to your knowledge, you don't know
20 what that benefit was, or compensation?

21 A. No. I have no idea.

22 Q. Can you tell me how did the transfer

1 We were closing out the contracts. We
2 were in constant communication with them.

3 Q. When with you arrive in Kabul,
4 Afghanistan?

5 A. I arrived on the 15th of December.

6 Q. That's 2005?

7 A. Correct.

8 Q. And when did the transfer of packages to
9 Triple Canopy occur regarding the TCNs?

10 A. Sometime after the 23rd of December. I
11 don't know when, but sometime after that time.

12 Q. Do you know who was in charge of that on
13 behalf of MVM?

14 A. Danielle.

15 Q. And when I mean "in charge," of
16 transferring the packages.

17 A. Danielle.

18 Q. Do you know if any cover letter was
19 created or correspondence to Triple Canopy?

20 A. I don't know.

21 Q. Danielle with know?

22 A. Yes.

1 Q. When you conducted these interviews, did
 2 you tell the TCNs what compensation they would be
 3 receiving?
 4 A. I didn't conduct the interviews.
 5 Q. Who did?
 6 A. Danielle was primarily talking to them.
 7 Q. Wouldn't the information of compensation
 8 be included those interviews?
 9 A. I don't know that.
 10 Q. Now, you testified before approximately
 11 250 TCNs were provided by 3D Global to the Kabul,
 12 Afghanistan project; correct?
 13 Q. Approximately. Has MVM compensated 3-D
 14 Global for any of TCNs provided to Kabul,
 15 Afghanistan?
 16 A. What compensation was given to 3-D
 17 during the course of this whole engagement I'm not
 18 aware of. I don't remember.
 19 Q. Okay. Do you remember receiving
 20 invoices from 3-D Global in December of 2005?
 21 A. I never received an invoice. The
 22 company may have received invoices, but I don't

1 off-and-on. And those are the two primary
 2 players. They all had staffs, but those were the
 3 two primary players. Lynch and Slick. Lynch was
 4 there on a full-time basis, and Slick would fly
 5 in-and-out.
 6 Q. When was Danielle --
 7 A. She was hired full-time. She was a
 8 full-time employee in Kabul.
 9 Q. In Kabul?
 10 A. Uh-huh. She was there when Lynch was
 11 there. She was part of the staff on the ground
 12 when they arrived.
 13 Q. Okay.
 14 A. She was the administrative manager.
 15 Q. I just want to backtrack. The notice of
 16 cure --
 17 A. Cure notice.
 18 Q. -- that you received from the federal
 19 government, or MVM received from the federal
 20 government, did you inform 3-D Global that you
 21 received such notice?
 22 A. I did not do it personally.

1 receive invoices personally.
 2 Q. Are you aware of invoices from 3-D
 3 Global?
 4 A Yes.
 5 Q. Okay. Do you know whether they were
 6 paid?
 7 A. I don't know which invoices were paid or
 8 not paid. I know there are outstanding invoices.
 9 Q. Do you know why they wouldn't be paid,
 10 the ones that weren't paid?
 11 A Yes.
 12 Q. What is the basis for not paying the
 13 invoices from 3-D Global?
 14 A. Because the recruits that were furnished
 15 to MVM did not meet the contract requirements.
 16 Q. Could you tell me who was present in
 17 Iraq -- strike that question.
 18 Could you tell me who was present in
 19 Kabul, Afghanistan from MVM when the TCNs arrived,
 20 the TCNs being from 3-D Global?
 21 A. The project manager was there. That's
 22 the primary representative. Clyde Slick was there

1 Q. Do you know if anyone from MVM notified
 2 3D Global?
 3 A. I don't know when that notification was
 4 made, if ever.
 5 Q. Do you know why it wouldn't be made? Is
 6 there a reason?
 7 A. I don't know that it wasn't made.
 8 Q. But do you know of any reason why 3-D
 9 Global would not be notified?
 10 A. No.
 11 Q. Okay. Are you familiar with the
 12 guaranty provision in the contract with 3-D Global?
 13 A. No, I'm not.
 14 Q. Well, the guaranty basically says
 15 that --
 16 MR. ROSENBLUM: Counsel, I don't think
 17 you should be testifying what is in the contract.
 18 MR. TSIMPEDES: I'm not testifying. I'm
 19 going to ask him --
 20 MR. ROSENBLUM: He says he doesn't know.
 21 He doesn't know what is in the contract. He has
 22 answered that.

1 MR. TSIMPEDES: Well, he says he doesn't
2 know about the guaranty provision.

3 MR. ROSENBLUM: He also said he has
4 never seen the contract. I think he said this
5 earlier. You can ask him again though.

6 BY MR. TSIMPEDES:

7 Q. Did you ever receive any correspondence
8 from Mike Dodd discussing the guaranty?

9 A. Did I personally?

10 Q. Yes.

11 MR. ROSENBLUM: At what point?

12 MR. TSIMPEDES: It doesn't matter any
13 point.

14 MR. ROSENBLUM: I'm asking, at what
15 point?

16 MR. TSIMPEDES: Mr. Rosenblum, is has
17 nothing to do with at what point. I'm asking the
18 question.

19 MR. ROSENBLUM: I'm asking to clarify
20 the question, at what point.

21 MR. TSIMPEDES: At any point.

22 A. Did I receive correspondence from Mike

1 Q. Mr. Ruben can make executory decisions
2 without your consent or approval?

3 A. He has my consent or approval to make.
4 He has my consent and approval to sign contracts
5 and commit MVM, yes.

6 Q. Even without you seeing a document?

7 A. Yes. He has signature authority at MVM.

8 Q. Has Mr. Ruben ever made mistakes?

9 A. That's a broad question. In what?

10 Q. Signing contracts.

11 A. Has he made mistakes in signing
12 contracts?

13 Q. Right.

14 A. No, not to any knowledge.

15 Q. Were you ever dissatisfied with Mr.
16 Ruben for any reason?

17 A. No.

18 Q. Have you ever provided testimony in any
19 court case before?

20 A. Yes, I have.

21 Q. What court cases?

22 A. Well, let me -- broad sense, I was a

1 Dodd?

2 BY MR. TSIMPEDES:

3 Q. Right.

4 A. Specifically about the guaranty
5 provision?

6 Q. Yes.

7 A. I received correspondence from Mike Dodd
8 Dodd. Whether it was about the guaranty provision
9 or not, I don't recall.

10 Q. Would you know whether you responded to
11 that guaranty provision?

12 A. I don't remember.

13 Q. Who makes the decisions as to -- well,
14 who signed the contract on behalf of MVM and 3-D
15 Global?

16 A. I believe it was Rob Ruben.

17 Q. Did you not review that contract?

18 A. The 3D contract? No, I didn't.

19 Q. Mr. Ruben has authority to enter into
20 contracts on behalf of MVM without you; is that
21 correct?

22 A. Yes, definitely.

1 Secret Service agent and had many cases.

2 Q. I'm assuming those Secret Services cases
3 were --

4 A. Criminal cases.

5 Q. Okay. I'm going to ask you cases which
6 you were a party.

7 MR. ROSENBLUM: A party or as an
8 officer?

9 MR. TSIMPEDES: A party.

10 A. What does that mean?

11 BY MR. TSIMPEDES:

12 Q. Where you were a named party. Where you
13 were sued or you were suing somebody.

14 MR. ROSENBLUM: As a named party. May I
15 explain this to him?

16 In other words, your name appeared on
17 the heading. Not MVM, but your name appeared
18 either as the plaintiff or the defendant. Do you
19 understand?

20 A. Yes.

21 No, none that I can --. No, I can't
22 remember any.

1 BY MR. TSIMPEDES:

2 Q. Okay. Have you provided depositions in
3 the past?

4 A Yes.

5 Q. Outside of the Secret Service. With
6 MVM?

7 A Yes.

8 Q. Could you name me some of the cases?

9 A. I don't remember them.

10 Q. You don't remember the cases?

11 A. No. I don't remember the names of the
12 cases.

13 Q. When was the last time you were deposed?

14 A. Years ago. Years ago.

15 Q. More than two?

16 A. More than two definitely.

17 Q. Were you ever held in contempt of court?

18 A. No.

19 Q. Would you be so kind to provide --. I
20 want a list of cases you were involved in on behalf
21 of MVM.

22 A. I'm afraid that that's probably

1 information -- I don't know how I would put that
2 together for you. I don't remember the cases that
3 I was deposed in.

4 Q. The past five years.

5 A. I was not deposed in a case in the last
6 five years.

7 Q. Has MVM been sued in the past five years
8 by any other vendor?

9 A. By a vendor?

10 MR. ROSENBLUM: Are you talking about an
11 employee or a vendor?

12 MR. TSIMPEDES: A vendor.

13 MR. ROSENBLUM: That does not include
14 employees.

15 A. Not that I can recall it, no.

16 BY MR. TSIMPEDES:

17 Q. Do you know if Mr. Ruben has been sued
18 by any vendor or employee?

19 A. Not to my knowledge.

20 Q. In the past ten years have you ever been
21 charged for any crime for moral turpitude?

22 A. No.

1 Q. Do you know of any conduct by Mr. Ruben
2 -- strike that question.

3 Do you know whether Mr. Ruben tried to
4 correct any TCN defects with 3-D Global?

5 A. I'm not sure I understand the question.

6 Q. Let me rephrase it. As it relates to
7 the English language proficiency and the technical
8 skills, do you know whether Mr. Ruben took on any
9 steps to rectify that with 3-D Global?

10 A. Let me tell you what I do remember. I
11 remember when we got the cure notice that we were
12 required to respond, and it's my recollection that
13 in trying to respond, we were trying to ascertain
14 if in fact we could replace Peruvians or others
15 with individuals that would meet contract
16 requirements.

17 And as I recall, Mr. Ruben had a
18 conversation with Mike Dodd about this.

19 Q. Do you know what happened after that
20 conversation or as a result of that conversation?

21 A. I don't know what happened with that
22 conversation. The fact of the matter is that

1 during the period of time that we were trying to
2 rectify this problem, we had a number of
3 initiatives going on, to include bringing in
4 trainers into the Sully Camp to first test,
5 evaluate, categorize the staff and then ascertain
6 what could be done to salvage any -- to salvaged
7 and then replace those.

8 But during that whole process is when we
9 received the termination notice. So whatever
10 discussions were being had or if in fact we did
11 receive something, there wasn't enough time to put
12 into action. I just never happened.

13 Q. But you would agree that the government
14 gave you a time to cure any deficiencies; is that
15 correct?

16 A. The government gave me an opportunity to
17 respond. When we gave our plan for response, our
18 response to how it would be cured, they did not
19 accept it.

20 So, no, the answer is they did not give
21 us time. They gave me time to come up with a
22 plan. They rejected my plan.

1 Q. Did you provide that plan to 3-D Global?

2 A. I didn't personally, no.

3 Q. Was 3-D involved in the plan at all?

4 A. I don't know what their involvement
5 would be or not be. I was in Kabul.

6 Q. But you developed a plan; correct?

7 A. I developed a plan in conjunction with
8 Rob Ruben and Joe Moreway, yes.

9 Q. Can I get a copy of that plan?

10 A. Sure.

11 MR. TSIMPEDES: Mr. Rosenblum.

12 A. That's the document that we submitted
13 to the government. We have it.

14 MR. ROSENBLUM: Yes. I thought that had
15 been previously supplied to you.

16 MR. TSIMPEDES: I don't think I have
17 that.

18 MR. ROSENBLUM: I'm sure it had, but if
19 not, we certainly will. It's not a problem.

20 MR. TSIMPEDES: Okay. Let me take a
21 break. I think I'm pretty much done but I do need
22 a brake.

1 questions they had, any pay questions, make sure
2 that they got their money that we had owed them and
3 things like that.

4 So we had an office there for a couple
5 weeks, making sure that that was done. And then we
6 shut that down once it was clear that their issues
7 were resolved.

8 Q. Did MVM place any of these Peruvian TCNs
9 in any other job or position?

10 A. No.

11 Q. Approximately how much was the cost to
12 charter the two flights back to Peru?

13 A. About a half million dollars.

14 Q. Is that part of the monies that was
15 reimbursed by the State Department?

16 A. Well, the State Department reimbursed me
17 3.5 of the approximately 6 million I spent.

18 Whether the flights were included in there or not,
19 I don't know.

20 MR. TSIMPEDES: I have a couple more.

21 Are you done?

22 MR. ROSENBLUM: Yes.

1 MR. ROSENBLUM: Okay.

2 (Whereupon, a recess was taken.)

3 MR. TSIMPEDES: We're done.

4 MR. ROSENBLUM: I have one or two
5 questions.

6 EXAMINATION BY COUNSEL FOR DEFENDANT
7 BY MR. ROSENBLUM:

8 Q. What happened to the TCNs that were in
9 Kabul?

10 A. They were all flown back.

11 Let's break that up.

12 The South Africans were sent back on
13 December 28th via a commercial flight. The
14 Peruvians -- I chartered two jets and they were
15 flown back just before New Years back to Peru, to
16 Lima, Peru.

17 Q. Did MVM have any further contact with
18 the TCNs in Peru after they were flown back to
19 Peru?

20 A. We set up a small office in Peru for
21 transition purposes and that's where we were trying
22 to make sure that anything they needed, any

1 BY MR. TSIMPEDES:

2 Q. Now, the monies received by MVM from the
3 the federal government, did the money stipulate or
4 state in any way or condition in any way that it
5 was for reimbursement?

6 A. Yes. Yes, we submitted invoices and we
7 submitted some expenses and they then agreed to pay
8 some of those back to us, yes.

9 Q. Did the invoices include the South
10 African detail TCNs that you submitted to the
11 federal government?

12 A. We submitted all of our invoices for all
13 of the labor, all of the travel, all of the costs
14 that we encountered, and then what we reached was a
15 settlement, an agreement, on how much they would
16 pay us back.

17 So, yes, all labor. If we paid out
18 labor, if we paid labor to the Peruvians and South
19 Africans, that was on the bill.

20 Q. So the TCNs that were provided in Kabul,
21 Afghanistan --.

22 Tell me about the labor. How were they

1 being paid while they were there?
 2 A. At a daily rate.
 3 Q. What was that daily rate?
 4 A. I don't recall exactly. Each category
 5 of employee had a daily rate.
 6 Q. Okay. So the Peruvians were paid?
 7 A Yes.
 8 Q. And the South Africans were paid.
 9 A Yes.
 10 Q. Could you tell me who set up this small
 11 office in Peru after the Peruvians --
 12 A. Danielle did.
 13 Q. She headed that small office?
 14 A. She did.
 15 Q. And the South Africans, when they were
 16 sent back was anything set up in South Africa for
 17 them?
 18 A. They went back with one of their leaders
 19 and he agreed to do the same thing back, because he
 20 had a small business there. And so one of their
 21 leaders was sent back and he agreed to take on the
 22 same responsibilities. If they had questions, they

1 We were trying to help everyone.
 2 Q. Just to be clear, MVM is a for-profit
 3 business; correct?
 4 A. Absolutely.
 5 Q. To your knowledge, does MVM do any
 6 charity work?
 7 MR. ROSENBLUM: What does that mean?
 8 MR. TSIMPEDES: I'm not asking you.
 9 He can answer the question.
 10 A Yes.
 11 BY MR. TSIMPEDES:
 12 Q. It does. Okay. What type of charity
 13 work does it do?
 14 A. It supports charitable causes that we
 15 specifically -- my family -- have a personal
 16 interest in.
 17 Q. Okay. No further questions.
 18 MR. ROSENBLUM: Well, I think we want to
 19 read.
 20 MR. TSIMPEDES: Mr. Marquez, as you
 21 know, the transcript, is going to be transcribed by
 22 the court reporter and you will be allowed to

1 would come to him. It was a funneling mechanism
 2 back to us.
 3 We received very little from the South
 4 Africans. There was some from Danielle that we
 5 resolved.
 6 Q. I just want to get an understanding.
 7 They came back to Kabul, Afghanistan -- the South
 8 Africans?
 9 A. No, no, no. We sent them back home with
 10 the leader. He had a business small business there
 11 and so he had a point of contact for them and we
 12 used him.
 13 Q. Okay. Were you concerned about the
 14 South Africans being employed as well?
 15 A. Sure. We were concerned about everyone.
 16 Q. Do you know if they were employed?
 17 A. No, I don't.
 18 Q. Did you provide package information of
 19 the South Africans to Triple Canopy?
 20 A. I don't know that for a fact. We were
 21 looking to help everyone. So I'm assuming the
 22 answer is yes. But I don't know that for a fact.

1 review it and make changes. Not to the substance
 2 but to any incorrect spellings that may be there.
 3 I'm sure your attorney will go over that with you.
 4
 5 (At 11:29 a.m. the deposition was
 6 concluded.)
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1 I have examined and read the
 2 foregoing 60 pages and find the
 3 answers contained therein with
 4 changes made by me, if any, to
 5 be true and correct.

6
 7 _____
 8 Dario Marquez, Jr.

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CERTIFICATE OF NOTARY PUBLIC/REPORTER

1 I, Sandria L. Cox, the officer before whom
 2 the foregoing proceedings were taken, do hereby
 3 certify that the witness whose testimony appears in
 4 the foregoing examination was duly sworn; that the
 5 testimony of said witness was taken by me in
 6 stenotype and thereafter reduced to transcript form
 7 under my direction to the best of my ability; that
 8 said examination is a true record of the testimony
 9 given by said witness; that I am neither counsel
 10 for, related to, nor employed by any of the parties
 11 to the action in which these deposition was taken;
 12 and further, that I am not a relative or employee
 13 of any attorney or counsel employed by the parties
 14 hereto, nor financially or otherwise interested in
 15 the outcome of the action.

17 Given under my hand this 28th day of June,
 18 2007.

19
 20 _____
 21 Sandria L. Cox, Notary Public

22 Commonwealth of Virginia
 My Commission expires: May 15, 2009

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