

GOODFELLAS WEAR, LLC, ET AL v. WAYNE
COUNTY, ET AL

VIRGINIA LEIGH SMITH

August 17, 2009

Prepared for you by



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<p style="text-align: right;">Page 1</p> <p>1 STATE OF MICHIGAN 2 IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE 3 4 GOODFELLAS WEAR, LLC, a 5 Michigan limited liability 6 company and WISSAM AOUN, 7 Plaintiffs, 8 vs. Case No. 08-018235 CZ 9 Hon. Kathleen MacDonald 10 WAYNE COUNTY, WAYNE COUNTY 11 SHERIFF'S DEPARTMENT, WARREN 12 C. EVANS, WAYNE COUNTY SHERIFF, 13 MACY'S RETAIL HOLDINGS, INC., a 14 New York Corporation and DOUGLAS 15 BUCHER, 16 Defendants. 17 _____ 18 19 The Deposition of VIRGINIA LEIGH SMITH, 20 Taken at 149 Franklin, 21 Pontiac, Michigan, 22 Commencing at 9:17 a.m., 23 Monday, August 17, 2009, 24 Before Nora Morrissy, CSR-2642. 25</p>	<p style="text-align: right;">Page 3</p> <p>1 TABLE OF CONTENTS 2 3 WITNESS PAGE 4 VIRGINIA LEIGH SMITH 5 6 EXAMINATION 7 BY MS. DAMICO: 5 8 9 EXHIBITS 10 11 EXHIBIT PAGE 12 (Exhibits not offered.) 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: 2 3 TIMOTHY J. YOUSIF 4 Cyril Hall, P.C. 5 149 Franklin Boulevard 6 Pontiac, Michigan 48341 7 248.333.7880 8 Appearing on behalf of the Plaintiff. 9 10 JENNIFER G. DAMICO 11 Plunkett Cooney, P.C. 12 535 Griswold, Suite 2400 13 Detroit, Michigan 48226 14 313.965.3900 15 Appearing on behalf of the Defendant Macy's and 16 Bucher. 17 18 ALSO PRESENT: 19 Wissam Aoun 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 Pontiac , Michigan 2 Monday, August 17, 2009 3 9:17 a.m. 4 5 VIRGINIA LEIGH SMITH, 6 was thereupon called as a witness herein, and after 7 having first been duly sworn to testify to the truth, 8 the whole truth and nothing but the truth, was 9 examined and testified as follows: 10 MS. DAMICO: Let the record reflect that 11 this is the deposition of Virginia Smith taken 12 pursuant to notice to be used for all purposes in the 13 case of Goodfellas versus Macy's and Wayne County. 14 Just for the record Margaret Flanagan, 15 counsel for Wayne County, is not present today, and 16 she's asked that I put in a reservation on the record 17 that she can redepose these witnesses if any new 18 information comes to light. 19 MR. YOUSIF: For the record we would 20 object. These depositions have been noticed since 21 July 27, 2009. These are independent witnesses. 22 MS. DAMICO: All right. Miss Smith, my 23 name is Jennifer Damico. I represent Macy's. I'm 24 going to be asking you some questions about your 25 employment with Goodfellas and what happened back in</p>

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1 December of 2007.
2 Have you ever had a deposition taken
3 before?
4 THE WITNESS: No.
5 MS. DAMICO: Just a few ground rules. Nora
6 is taking down everything that's said in this room,
7 so, wait until I finish my question before you answer
8 and I'll try to do the same thing.
9 THE WITNESS: Okay.
10 MS. DAMICO: If she can't hear you or
11 you're not speaking loud enough, she'll let us know.
12 Also I speak really quickly, so, I'm going to try to
13 slow down and if you can slow down also.
14 If you understood my question, I'm going to
15 assume you are giving me a full and complete answer.
16 If you don't understand it, just tell me, and no head
17 shakes or uh-huhs or uh-uhs. We'll remind you if you
18 do that.
19 EXAMINATION
20 BY MS. DAMICO:
21 Q. Virginia, what's your present address?
22 A. 1705 Central, Detroit, Michigan.
23 Q. What's your date of birth?
24 A. 9-20-83.
25 Q. That makes you how old today?

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1 A. Twenty-five.
2 Q. And are you currently employed?
3 A. Yes, I am.
4 Q. Where are you employed?
5 A. Goodfellas Wear.
6 Q. How long have you been employed?
7 A. Two years.
8 Q. When did you start?
9 A. August of '07.
10 Q. What's your title or position?
11 A. I'd say sales.
12 Q. Do you do any type of managerial duties?
13 A. Just making sure everything is fine in the store. I'm
14 the oldest one there. I just kind of look over
15 everybody.
16 Q. When you say oldest one, you mean you've been there
17 the longest?
18 A. Been there the longest and the oldest.
19 Q. Seniority and age. Get that clear. Do you have a
20 supervisor?
21 A. Sam.
22 Q. When you say Sam, you mean Wissam?
23 A. Wissam, yes.
24 Q. We'll call him Mr. Aoun. When you are working, is
25 Mr. Aoun always there when you're there?

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1 A. It depends on if he has something to do or other
2 engagements, then no, I'll be the one looking after
3 the store.
4 Q. Is there any managers that are above you below
5 Mr. Aoun?
6 A. No.
7 Q. When you were working as a salesperson, typically how
8 many other people are working with you?
9 A. Two.
10 Q. Two other people? Two other salespeople?
11 A. Yes.
12 Q. Prior to working for Goodfellas, where did you work?
13 A. Cheetah's.
14 Q. And Cheetah's is an adult entertainment?
15 A. Yes, ma'am.
16 Q. Where is that, is that on Eight Mile?
17 A. Yes, it is. You can put down I was a waitress too,
18 please.
19 Q. I was going to ask you. I don't care what you did.
20 Everyone's got to make a living. How long did you
21 work at Cheetah's?
22 A. Almost two years.
23 Q. And I won't ask you if that's where you met Mr. Aoun
24 because that's not important.
25 A. Oh, no.

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1 Q. I'm kidding. And where did you work before that if
2 you had any full-time employment before that?
3 A. Oh, my God. Cheetah's, I worked at a place for MTZ's
4 for a few months.
5 Q. M or N?
6 A. M.
7 Q. As in Mary?
8 A. Yes.
9 Q. What is MTZ?
10 A. It was kind of like a temp service. We went to
11 different sites and did different jobs.
12 Q. Briefly tell me your educational history. Did you go
13 to high school?
14 A. Yes.
15 Q. What high school?
16 A. I never went to high school. I went one week.
17 Q. Where did you do the one week?
18 A. Casa Maria.
19 Q. Do you have a GED?
20 A. No, I'm working on my GED right now.
21 Q. Are you married?
22 A. No.
23 Q. Single?
24 A. Yes.
25 Q. Back in August of - I want to focus on a period like

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1 August until December of 2007, so, in your first three
2 or four months of work did you have a typical schedule
3 at Goodfellas?
4 A. Just a few days a week.
5 Q. You were considered part time then?
6 A. Yes.
7 Q. And did you have particular hours that you would work?
8 A. No, it just varied.
9 Q. Who would make the schedule?
10 A. At the time Isabel Roman did.
11 Q. When you first started, would you consider her your
12 superior?
13 A. Yes, ma'am.
14 Q. Did she have a title other than sales?
15 A. I'm not too sure.
16 Q. From what period of time did you work with Isabel
17 Roman? I know she is no longer there. If you started
18 in August -
19 A. From August until I'd say December. No, wait a
20 minute. Like around tax time would be like January,
21 February, somewhere around there, but I'm not too sure
22 about the dates.
23 Q. Of 2008 or 2009?
24 A. 2008.
25 Q. And she is no longer with the company?

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1 A. No.
2 Q. Do you keep in contact with her?
3 A. Yes, once in a while.
4 Q. Do you have a phone number for her?
5 A. Yes, but not on me.
6 Q. And where is she now, where is she working?
7 A. Comcast.
8 Q. In the Detroit area?
9 A. I'm not too sure about that. I just know she works
10 for the company.
11 Q. How many hours were you working back in August through
12 December 2007?
13 A. I had just started so it was just a few days, maybe
14 like two, three days.
15 Q. Were they eight-hour shifts?
16 A. Sometimes they were, sometimes they weren't.
17 Q. You were working less than 20 hours?
18 A. I would say less than 20 hours.
19 Q. Are you currently full time or do you work more than
20 20 hours?
21 A. No, still the same. I go to school for my GED.
22 Q. Do you currently have any other employment or just
23 Goodfellas?
24 A. Just Goodfellas.
25 Q. When you started at Goodfellas in August of 2007, did

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1 you earn just a regular salary or was it based on
2 salary and commissions?
3 A. Just salary, no commission.
4 Q. Has that ever changed?
5 A. No, ma'am.
6 Q. Back in December of 2007, do you know what your
7 schedule was? Was it just randomly -
8 A. Just random. It's always like that.
9 Q. Do you know Mr. Aoun's brother Mohammed Aoun?
10 A. Yes.
11 Q. How is it that you know him?
12 A. He just comes in the store once in a while just to say
13 hi and bye.
14 Q. Have you ever worked for Mohammed Aoun?
15 A. No.
16 Q. Did you ever work for someplace called Da Hook Up or
17 Da Jump Off?
18 A. No.
19 Q. Have you ever worked for Wissam Aoun's relatives?
20 A. No.
21 Q. When you were working at Goodfellas - let me strike
22 that. The raid that we are here for today, were you
23 at the store when the raid occurred?
24 A. Yes, ma'am.
25 Q. That occurred according to my records on December

Page 12

1 12th. When I say the raid, that's the date that this
2 occurred. Does that sound about right to you?
3 A. Okay. I don't remember the date but I remember it was
4 in December right before Christmas.
5 Q. Prior to December 12th, 2007, do you have any idea
6 what kind of sales numbers, how much merchandise
7 Goodfellas was selling?
8 A. I could look it up on the computer system that we have
9 but I was just there like very shortly. So, I really
10 didn't have the right to go and look.
11 Q. Okay. That's fine. Prior to December 12th, 2007 did
12 you ever witness Mohammed Aoun bringing bags of
13 merchandise into the store?
14 A. No.
15 Q. Are part of your duties at Goodfellas to stock or
16 restock the sales floor?
17 A. Yes.
18 Q. And who tells you what to put out, when to put out
19 items?
20 A. Usually -- well, we know what comes in, what's being
21 shipped from UPS from the companies, we count the
22 merchandise, we make sure everything is there. If
23 everything is there we put it in the computer which we
24 put on our own stickers for and then we sensor it, we
25 hang it and then we display it.

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1 Q. So, certain manufacturers would ship on certain days
2 of the week?
3 A. Yes.
4 Q. Did anyone direct you on how to do this or is this
5 something you learned?
6 A. I was trained by somebody by the name of JJ. She had
7 trained me for two weeks and then she had left, she
8 moved out of state.
9 Q. Is there any time that you ever put items on the sales
10 floor that were not shipped to Goodfellas from a
11 manufacturer like by UPS or another service?
12 A. No.
13 Q. Is there like a back room or like a stock area --
14 A. There's a storage room where we keep our shoes and our
15 plain T-shirts. We sell plain T-shirts and we keep
16 them stocked up there on hangers and stuff like that.
17 Q. Is there like a receiving area where shipments come
18 in?
19 A. It's just through the front door.
20 Q. If the merchandise gets UPSed or sent by UPS and you
21 don't have time to put it out that day, where does it
22 go, where do you put --
23 A. Usually we put it to the side. So, that way the
24 person that comes in the next day knows to start
25 working on it right away.

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1 Q. Did you ever put it back in some type of storage room?
2 A. If it's stuff that doesn't match with something, then
3 we seal it and put it in the back room and wait for
4 UPS to pick it back up.
5 Q. You send it back?
6 A. Yeah.
7 Q. Was Wissam Aoun ever giving you merchandise that was
8 not shipped from a manufacturer and told to put it on
9 the shelf?
10 A. No.
11 Q. Has anyone at Goodfellas be it Mr. Wissam Aoun or
12 anyone else, Isabel, anyone ever told -- given you
13 bags of merchandise or merchandise that wasn't in a
14 box and told you to put it on the sales floor?
15 A. No.
16 Q. Are you aware of -- you were there when the raid took
17 place, correct?
18 A. Yes.
19 Q. Tell me what you were doing that day. What time did
20 the raid occur?
21 A. I think it was about 11, 11:30, me and Ashley were
22 standing behind the counter and I don't know if we
23 were cleaning up or if we had a shipment, what we were
24 doing, but we were standing behind the counter and I
25 happened to look back because I seen some vehicles

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1 pulling into the parking lot and there was like eight,
2 nine of them and that's when we seen them jump out
3 with guns.
4 Q. What's Ashley's name?
5 A. Young.
6 Q. Is she still there?
7 A. No, she's not.
8 Q. Who else was working that day besides you and Ashley?
9 A. There was a guy named Dave there.
10 Q. What's Dave's last name?
11 A. I believe Burton.
12 Q. Is he still with the company?
13 A. No.
14 Q. What time did you open that day?
15 A. 10:00.
16 Q. What did you do -- what happened next, did she just
17 come in through the door?
18 A. They came in. We put our arms up because they had
19 guns pointed at us. First they told us to get from
20 behind the counter and they told us to put our hands
21 on the counter and then they moved us around to the
22 front of the counter right where the register is at
23 where we ring people out and they told us to stay in
24 there with our hands on the counter.
25 Q. In the storage room at Goodfellas did you ever see

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1 large screen TVs?
2 A. No.
3 Q. Did you ever see large screen TVs anywhere at
4 Goodfellas not attached to the walls and being used?
5 A. No.
6 Q. When the officers and the personnel came in during the
7 raid, did you recognize anyone that had ever been in
8 Goodfellas before?
9 A. One man.
10 Q. Okay. Did you ever get his name?
11 A. No, they were kind of rude.
12 Q. And was this one man you recognized, do you know if he
13 was a Wayne County sheriff deputy or someone else?
14 A. I'm not too sure. They didn't have like any
15 identification on them saying if they were regular
16 cops or Wayne County or whatever.
17 Q. Do you know if this man you recognized was an actual
18 cop?
19 A. He had like a bulletproof vest on so I'm thinking so.
20 Q. Did he have a badge hanging around his neck?
21 A. I don't remember.
22 Q. Did you speak with any of the people during the raid?
23 A. One cop, I didn't get his name. He sat down and
24 talked to us. He was just talking crap pretty much.
25 Q. What do you mean crap, what was he saying?

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1 A. Talking stuff about my boss, about his office and what
2 kind of clothes does he sell to have a shower in his
3 bathroom and just saying nasty comments.
4 Q. Did he talk about the merchandise or what they were
5 looking for?
6 A. No. He just said it wasn't right what was going on in
7 the store is why they were there.
8 Q. How long were they in the store?
9 A. For awhile, a few hours I'd say.
10 Q. Did you call anyone?
11 A. No.
12 Q. Were you allowed to call anyone?
13 A. No, our purses were -- we always keep our purses
14 behind the counter and when they were searching the
15 place, they dumped out our purses all over the floor.
16 Q. Did they ever show you or Ashley or this Dave a copy
17 of the search warrant?
18 A. Yeah, briefly.
19 Q. Did you read it?
20 A. No.
21 Q. What was your understanding what they were looking
22 for?
23 A. I didn't know at the time.
24 Q. At some time after did you find out what they were
25 looking for?

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1 A. They were taking merchandise so I guess it was
2 merchandise.
3 Q. Can you tell me how many people actually came into the
4 store during the raid, like how many people the team
5 comprised of if you know?
6 A. I'd say like 15, 15 to 20, I'm not sure. There were a
7 lot of people in and out of the store. There were a
8 lot of cars in the parking lot.
9 Q. Did there appear to be a person that was controlling
10 the raid or telling people what to do?
11 A. There was two ladies that came in and were pointing at
12 stuff like we don't have that and stuff like that. To
13 not take this, not take that.
14 Q. Can you describe the ladies?
15 A. They looked like mid-age. They were kind of dressed a
16 little proper. One had a pea coat on and a hat and I
17 think the other one had a short black pea coat on.
18 I'm not too sure.
19 Q. Let's start with the first lady. Could you identify
20 either of them as being with law enforcement?
21 A. They didn't look like it.
22 Q. They didn't have any badges?
23 A. No badges. They didn't have -- you know the jackets
24 they wear, they didn't have them on.
25 Q. You saw nothing that identified either of those two

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1 women as law enforcement?
2 A. Right.
3 Q. Let's talk about the first lady. Were they both
4 African-American or Caucasian?
5 A. I think one lady looked like she could be mixed and
6 the other lady was African-American.
7 Q. Did you get any names?
8 A. No, we weren't really allowed to talk to anybody.
9 Q. And you put them both around the same age?
10 A. Yeah.
11 Q. What would you say?
12 A. I'd say between 32 and 37.
13 Q. And it's your understanding that these two ladies were
14 instructing what was to be taken?
15 A. Uh-huh.
16 Q. And what were they saying this looks like --
17 A. I really didn't -- because we were sitting in the
18 corner and they were sitting by the -- they were like
19 right in front of the entrance but I could hear them
20 talking no, not like that, them saying stuff pointing
21 and stuff.
22 Q. And then who would actually take the merchandise off
23 the racks?
24 A. The police officers.
25 Q. And what happened to -- did you see what happened to

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1 the merchandise after it was taken off the racks?
2 A. Well, our walls are really high so we had this long
3 pole. They were just like taking the pole and hitting
4 the merchandise and it was just falling on the ground
5 and they were just picking it up and rolling it up and
6 sticking it in boxes.
7 Q. At some point did Mr. Aoun come to the store, Wissam?
8 A. Yeah, it was later on but he was at the door. I guess
9 they said he couldn't come in.
10 Q. Did the police officers search you or any of your
11 belongings?
12 A. Yes.
13 Q. Did they search your person? Did they pat you down?
14 A. I believe so. I don't remember.
15 Q. Did they search your belongings, search your purse?
16 A. They dumped our purses out behind the register.
17 Q. Other than merchandise, do you know if anything else
18 was seized from the Goodfellas store?
19 A. All I seen was merchandise.
20 Q. As an employee or salesperson of Goodfellas, had you
21 ever found any guns in the dressing rooms?
22 A. No.
23 Q. Do you know if any guns were kept in the -- on the
24 sales floor that is behind the counter at the store?
25 MR. YOUSIF: Objection to relevance.

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1 BY MS. DAMICO:
2 Q. You can go ahead and answer.
3 A. No.
4 Q. At any time prior to this raid did you have the access
5 code to Mr. Aoun's office?
6 A. No.
7 Q. Have you ever had the access code?
8 A. No.
9 Q. Did you have a set of keys to the store?
10 A. No.
11 Q. Do you now have a set of keys?
12 A. No.
13 Q. Is there a code to get into the building so you don't
14 need keys?
15 A. You need keys and it has an alarm. So, you would need
16 the code and the keys to get into the store.
17 Q. If you are the first one there in the morning, how do
18 you get in?
19 A. Someone usually opens up the store for us.
20 Q. And who is the someone who usually opens it up?
21 A. John.
22 Q. And who is John?
23 A. John is just someone that opens up the store.
24 Q. What's his last name?
25 A. I'm not too sure.

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1 Q. Is he an employee?
2 A. No, he's a friend of Sam's.
3 Q. So, does he meet the first person there in the
4 morning?
5 A. Uh-huh.
6 Q. And you think that the whole raid took a couple hours?
7 A. Yes. We were there for a long time.
8 Q. Can you estimate the percentage of merchandise from
9 the store that was taken during the raid?
10 A. I'd say almost half of our merchandise.
11 Q. After the raid did you have any conversations with
12 Wissam Aoun about what happened, like hey, what the
13 heck had happened?
14 A. He asked us what had happened and what they had said
15 and if we had seen the papers of the raid.
16 Q. The warrant?
17 A. The warrant or whatever, that was about it, and then
18 he started looking around and asked us what they took.
19 Q. Did you ever figure out why they were there and why
20 they were taking merchandise from Goodfellas?
21 A. After the news and stuff, yeah.
22 Q. And what did you learn?
23 A. That something stolen property from something, I
24 really don't remember. I know Hamoodi (phonetic) got
25 arrested.

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1 Q. Who?
2 THE WITNESS: What's your brother's real
3 name.
4 MR. AOUN: Mohammed.
5 BY MS. DAMICO:
6 Q. What do you call him?
7 A. Hamoodi. It's just a nickname.
8 Q. The raid occurred on the 12th. When did you go back
9 to work?
10 A. We actually stayed in the store afterwards and then a
11 little bit to straighten up because it was a mess and
12 the next day we came in to try to patch up the walls,
13 try to make it look like we had inventory.
14 Q. Patch up, you mean restock?
15 A. Yep.
16 Q. Are you in charge or have you ever been in charge of
17 buying merchandise for Goodfellas?
18 A. No.
19 Q. When shipments come in from UPS, do you have to sign
20 for them or do you pay for them?
21 A. We sign for them and sometimes COD comes in and we'll
22 have to wait for Sam to come in or if we have the
23 money in the register, one of us will go and get a
24 money order and pay them.
25 Q. Okay. Are there certain times of year a year when you

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1 get bigger shipments of clothes, let's say you get
2 like a fall shipment --
3 A. Usually when the seasons change over.
4 Q. And what are the season change times?
5 A. It would be like right now would be the end of August
6 would be going into fall.
7 Q. Right.
8 A. And then like February, March would be going into
9 spring and then May would be like going into summer.
10 Q. Okay.
11 A. But then we do get shipments in between them too.
12 Q. So, when this raid occurred, you pretty much had the
13 fall and winter merchandise out?
14 A. Uh-huh. Usually bigger shipments say around November
15 because of the holiday season.
16 Q. Okay. Did Goodfellas as far as you know shut down and
17 was it unable to do business for a period of time
18 after the raid?
19 A. No, our business just slowed down.
20 Q. Because you didn't have merchandise?
21 A. Merchandise and then what it said on the TV.
22 Q. And what do you mean what it said on the TV?
23 A. It said we were selling I believe fake and stolen
24 merchandise.
25 Q. Do you know who was on the TV that said this?

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1 A. Some news lady.
2 Q. Did you ever see anyone from Macy's on the TV or a
3 representative from Macy's?
4 A. I just seen the caster.
5 Q. The newscaster?
6 A. Yeah.
7 Q. At any time after the raid did you receive -- did you
8 have any conversations with any of the vendors, when I
9 say vendors, the manufacturers like Coogi or Sean
10 John, anybody who sells your merchandise?
11 A. I don't buy the merchandise --
12 Q. Let me finish my question. Did you have any telephone
13 conversations with anyone from the manufacturers after
14 this raid?
15 A. No.
16 Q. Did you ever hear from anyone who came into the store
17 or anyone you know that anyone from Macy's was going
18 around bad-mouthing Goodfellas?
19 A. No, I never heard that.
20 Q. Did you ever hear anyone from Wayne County was going
21 around bad-mouthing Goodfellas?
22 A. No.
23 Q. Do you know where this news lady got this information
24 from? Did she state where she got the information
25 from?

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1 A. No, I just seen a clip on TV.
2 Q. Did you ever go to the hearings in court as a result
3 of this raid?
4 A. No.
5 Q. Did you participate in any of the inventorying of the
6 seized merchandise after it was taken away from Wayne
7 County? Did you ever go anywhere and count stuff and
8 participate in that?
9 A. After it was gone?
10 Q. Yeah, after it was gone.
11 A. No.
12 Q. Did you ever have any conversations with Wissam Aoun
13 regarding the state of the business and what was going
14 on after the raid?
15 A. No.
16 Q. Did anyone, any employees of Goodfellas get laid off
17 or let go after this raid because of anything that --
18 because business was slow?
19 A. No.
20 Q. Did you guys get your February, March shipment in 2008
21 for the spring season?
22 A. I don't remember.
23 Q. At some point the merchandise that was seized was
24 returned to the store?
25 A. Yes.

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1 Q. And what did you do with that merchandise?
2 A. We unpacked it and steam ironed most of it.
3 Q. Because it was wrinkled?
4 A. Yes.
5 Q. It had been in boxes?
6 A. Yes.
7 Q. What happened after it was steam ironed?
8 A. We put what we could back on the walls and the rest we
9 had to put on sale because it was old.
10 Q. When you say it was old, what do you mean?
11 A. Old like a month or two old. If something sits for
12 too long, then we have to put it on discount.
13 Q. When you say old, do you mean it's old in that it's
14 just not stylish anymore?
15 A. Just old like our customers want the newest latest
16 things come in. So, if it's a month or two old, they
17 consider it old.
18 Q. And things that you put on sale were just old as far
19 as style, correct, not old because they were worn out
20 or --
21 A. No, just style.
22 Q. And who made the determination of what was put on sale
23 and what was put on regular price?
24 A. Salespeople.
25 Q. So, you were someone -- you made some of those

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1 decisions?
2 A. Uh-huh.
3 Q. Did Wissam tell you how much you could mark down the
4 sale stuff or is that something you know already?
5 A. It's something we know already.
6 Q. Tell me what kind of merchandise was put on sale.
7 A. We had and Enyce and then a lot of our Coogi.
8 Q. E N Y C E ?
9 A. Yeah, I believe so.
10 Q. What else was put on sale?
11 A. Our Pelle Pelle leathers.
12 Q. Okay. Anything else?
13 A. I'm trying to think what else did they take. I don't
14 remember anything else.
15 Q. What type of merchandise from Enyce, Coogi -- Pelle
16 Pelle is leather. What kind of items?
17 A. It would be jeans, shirts and hoodies and the same
18 thing with Coogi.
19 Q. And when you say shirts, what kind of shirts?
20 A. It would be like polos or T-shirts.
21 Q. Are jeans something that you sell year round?
22 A. Yes.
23 Q. Same with shirts, polos?
24 A. Uh-huh.
25 Q. What about hoodies?

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1 A. Would just be like spring -- I mean like fall and
2 winter.
3 Q. Do you know what percentage you mark those items down
4 that were put on the sale rack?
5 A. Enyce was 50, Coogi was like 25 percent off and then
6 our Pelle leathers were like 15 -- I'd say 15 or 20
7 percent off.
8 Q. And who made the decision to mark those -- who made
9 the decision to have those percentages taken off?
10 A. It was just based on how long it was there. So, it
11 was us that --
12 Q. When you say us, you mean you --
13 A. Me and Ashley and Isabel. We would ask first like
14 what do you think it should be marked down to.
15 Q. And you'd ask who?
16 A. Isabel.
17 Q. When did Isabel leave? You told me that already. Tax
18 season. So, Februaryish?
19 A. Yes.
20 Q. When Isabel left, who became in charge, did you just
21 kind of move up to that position?
22 A. No.
23 Q. Okay.
24 A. We had all been working there for a minute. So,
25 everybody knew their role and knew what to do. So,

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1 It's not like we needed to have a supervisor there.
2 Q. Did the Enyce merchandise sell, could you move it?
3 A. Slowly but surely.
4 Q. What about the Coogi, the 20 or 25 percent off?
5 A. It sold, yeah.
6 Q. And the Pelle Pelle?
7 A. We actually still have some of the leathers now.
8 Q. Are leathers typically more expensive than a typical
9 pair of jeans?
10 A. Yes.
11 Q. Usually hard to sell those?
12 A. Usually around Christmas time is when we have our
13 people that want to buy somebody that would splurge on
14 an eight hundred dollar coat for a Christmas gift.
15 Q. Right. Of these items that were placed on the sales
16 rack, the Enyce, Coogi and Pelle Pelle, did they ever
17 go through additional markdowns, or was it you just
18 put them at 50 percent and that was it?
19 A. That was it.
20 Q. Same with the Coogi and the Pelle Pelle?
21 A. Yes.
22 Q. What percentage of items that were returned after the
23 raid were put on the sales rack that we just talked
24 about and what was -- percentage was put on the sales
25 floor just as regular items? That's a terrible

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1 question.
2 You said about 50 percent of the
3 merchandise was taken from the store. I'm not going
4 to hold you to these percentages.
5 A. Okay.
6 Q. Of that merchandise that was returned what percentage
7 was the Enyce, Coogi and Pelle Pelle that was put on
8 the sales rack and what was the rest?
9 A. I'd say a little less than half.
10 Q. So, a little less than half went on the sales rack?
11 A. Uh-huh.
12 Q. And the other merchandise was just put on the regular
13 racks?
14 A. Uh-huh.
15 Q. Do you have any way to track or do you know if there
16 is any way to track what was sold as far as the
17 merchandise that was returned after the raid?
18 A. No, not that I know of.
19 Q. I know it's been a long time, a couple of seasons have
20 gone through in a year and a half or so. That
21 merchandise that's been returned, have you gotten rid
22 of most of it other than the Pelle Pelle leather?
23 A. Yes.
24 Q. When I say gotten rid of, I mean sold.
25 A. Yes.

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1 Q. Of the returned merchandise, was any in a condition
2 that couldn't be sold?
3 A. I think there was a few Coogi sweaters that were
4 snagged that we had to give a little bit more discount
5 on and a few pairs of pants. Some items where the
6 tags were just completely off, so --
7 Q. But they weren't ruined?
8 A. No, there were just like a few knitted sweaters that
9 were snagged and stuff.
10 Q. You put those on extra discount?
11 A. Yeah, they were expensive.
12 Q. How many of those Coogi sweaters do you think were
13 snagged?
14 A. I'd say about five.
15 Q. So, those were put on super discount?
16 A. Yeah.
17 Q. Do you know what the price was off of those, the
18 percentage?
19 A. No.
20 Q. More than 20 to 25 percent though?
21 A. Yeah.
22 Q. Of the merchandise that was returned after the raid,
23 was any of it dirty and it had to be cleaned or did it
24 just need to be steamed?
25 A. Some of it was like just dusty and stuff like that.

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1 Q. Could shake it out and --
2 A. Pretty much.
3 Q. After the raid did you have any conversations with
4 Wissam about Wissam unable to get credit or financing
5 to purchase items?
6 A. Yeah, they had stopped -- I remember him saying
7 something about they stopped our Sean John account and
8 him saying he was having a hard time with his vendors.
9 Q. Did he tell you what the hard time was about?
10 A. About what had happened in the raid and the stuff on
11 the news I guess.
12 Q. Do you know if any stolen merchandise from Macy's was
13 actually recovered in the raid?
14 A. No, I don't know that.
15 Q. Did you ever have any conversations with Mohammed Aoun
16 after this incident about the raid?
17 A. No.
18 Q. Did you ever overhear any conversations between
19 Mohammed or Wissam where Wissam was yelling or seemed
20 angry at his brother?
21 A. No.
22 Q. This occurred again back in December of 2007 and it's
23 now -- where are we, August 2009. So, getting close
24 to two years.
25 Do you think that based upon your opinion

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1 as an employee who's been there for almost -- just
2 about two years that business has changed since the
3 raid or it's come back up to the level it was before
4 the raid? What's your opinion?
5 A. To be honest I think our business has slowed down
6 since the raid but I don't know if that has something
7 to do with the raid or not.
8 Q. Could be just due to the economy?
9 A. Maybe so.
10 Q. Did you have any conversations with any customers who
11 came in after the raid and said look, we saw you on
12 the news, what's going on here?
13 A. Yes.
14 Q. How many of those types of conversations did you have?
15 A. Lots.
16 Q. Was that just for a brief period of time after the
17 raid occurred?
18 A. Yeah, and then sometimes we get some customers that
19 come in and say just little comments about it being
20 fake or stolen goods or something like that.
21 Q. Who else helped you put the merchandise after it was
22 returned back on the sales floor?
23 A. Me, Ashley, I believe Isabel and then I asked my niece
24 because it was a mess to come help me.
25 Q. What is your niece's name?

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1 A. Cynthia. She wasn't an employee, I just called and
2 asked her to --
3 Q. Come and help?
4 A. Yeah.
5 MS. DAMICO: I have nothing further for
6 you.
7 MR. YOUSIF: I have no questions.
8 (The deposition was concluded at 9:54 a.m.
9 Signature of the witness was not requested by
10 counsel for the respective parties hereto.)
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Page 36

1 CERTIFICATE OF NOTARY
2 STATE OF MICHIGAN)
3) SS
4 COUNTY OF WAYNE)
5
6 I, NORA MORRISSY, a Notary Public in
7 and for the above county and state, do hereby
8 certify that the above deposition was taken before
9 me at the time and place hereinbefore set forth;
10 that the witness was by me first duly sworn to
11 testify to the truth, and nothing but the truth;
12 that the foregoing questions asked and answers made
13 by the witness were duly recorded by me
14 stenographically and reduced to computer
15 transcription; that this is a true, full and correct
16 transcript of my stenographic notes so taken; and
17 that I am not related to, nor of counsel to either
18 party nor interested in the event of this cause.
19
20
21
22 _____
23 NORA MORRISSY, CSR-2642
24 Notary Public,
25 Wayne, County, Michigan
My Commission expires: 9-13-13

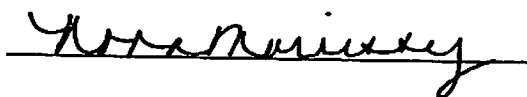
CERTIFICATE OF NOTARY

STATE OF MICHIGAN)

) SS

COUNTY OF WAYNE)

I, NORA MORRISSY, a Notary Public in
and for the above county and state, do hereby
certify that the above deposition was taken before
me at the time and place hereinbefore set forth;
that the witness was by me first duly sworn to
testify to the truth, and nothing but the truth;
that the foregoing questions asked and answers made
by the witness were duly recorded by me
stenographically and reduced to computer
transcription; that this is a true, full and correct
transcript of my stenographic notes so taken; and
that I am not related to, nor of counsel to either
party nor interested in the event of this cause.



NORA MORRISSY, CSR-2642

Notary Public,

Wayne County, Michigan

My Commission expires: September 13, 2013

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