

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

GOODFELLAS WEAR, LLC, a Michigan
limited liability corporation,
and WISSAM AOUN,

Case No. 08-018235-CZ
Hon. Kathleen MacDonald

Plaintiffs,

vs.

WAYNE COUNTY, WAYNE COUNTY
SHERIFF'S DEPARTMENT, WARREN C.
EVANS, Wayne County Sheriff,
MACY'S RETAIL HOLDINGS, INC.,
a New York corporation, and
DOUGLAS BUCHER,

Defendants.

The deposition of DOUGLAS BUCHER, taken
before Hope M. Markowitz, CSR-3900, Notary Public in
and for the County of Oakland, acting in the County of
Wayne, Michigan, at 535 Griswold Street, Suite 2400,
Detroit, Michigan, on Thursday, July 16, 2009, at or
about 1:00 p.m.

APPEARANCES:

CYRIL C. HALL, P.C.
BY: TIMMOTHY YOUSIF, ESQ.
149 Franklin Boulevard
Pontiac, Michigan 48341

On behalf of the Plaintiffs.

ASSISTANT CORPORATION COUNSEL
WAYNE COUNTY CORP. COUNSEL
BY: MARGARET M. FLANAGAN, ESQ.
600 Randolph Street, Suite 253
Detroit, Michigan 48226

On behalf of the Defendants,
Wayne County and Evans.

(Appearances continued on Page 2)

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1 APPEARANCES (CONTINUED):

2 PLUNKETT COONEY

3 BY: JENNIFER G. DAMICO, ESQ.

4 535 Griswold Street, Suite 2400

5 Detroit, Michigan 48226

6 On behalf of the Defendants,

7 Macy's and Bucher.

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1 Detroit, Michigan

2 July 16, 2009

3 at or about 1:00 p.m.

4 --- --

5 DOUGLAS BUCHER,

6 was called as a witness and having been first duly

7 sworn to tell the truth, the whole truth and nothing

8 but the truth was examined and testified as follows:

9 MR. YOUSIF: Thank you. Mr. Bucher, we met

10 a little earlier and you were able to observe the

11 deposition of Vereea Boatman. You heard the

12 original -- you saw (sic) what originally I asked

13 her --

14 THE WITNESS: Yes.

15 MR. YOUSIF: -- with the court reporter

16 taking everything down. If you have any questions,

17 just free feel to ask. Okay?

18 THE WITNESS: Okay.

19 EXAMINATION

20 BY MR. YOUSIF:

21 Q Can you state and spell your name for the record?

22 A Doug Bucher. And it's B-U-C-H-E-R.

23 Q Is your first name Doug or is it Douglas?

24 A Douglas.

25 Q It is Douglas. Okay.

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1 I N D E X

2 Witness: Page

3 DOUGLAS BUCHER

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1 And Douglas is D-O-U-G-L-A-S?

2 A Correct.

3 Q Okay. And you are currently employed with Macy's?

4 A Yes.

5 Q What's your position with Macy's currently?

6 A I'm the special investigations unit manager.

7 Q Is that different from the organized retail criminal

8 investigations manager?

9 A Yes.

10 Q Okay. So you were promoted to that position?

11 A It was a change in title, correct.

12 Q Okay. So it's the same position; just different

13 titles?

14 A Different focus but still some of the same focus.

15 Q Okay. When were you -- when did you become special

16 investigations unit manager?

17 A In May of 2008.

18 Q How long have you been employed with Macy's?

19 A This time going on 25 years.

20 Q And in December 2007 what was your position with

21 Macy's?

22 A The ORC investigations manager.

23 Q ORC investigations manager?

24 A Correct.

25 Q ORC stands for organized retail criminal?

- 1 A Yes, or crime.
 2 Q How long were you in that position?
 3 A I believe the position changed a few times over the
 4 last seven years but that title was approximately two
 5 years.
 6 Q Can you explain what you mean when you say it
 7 changed?
 8 A Approximately seven years ago I became the
 9 investigations manager and we focused on a lower
 10 level. It wasn't considered organized retail crime
 11 but more of a financial crime career criminal similar
 12 as well as internal investigations at a higher level.
 13 Q Did you have any training to -- in order to become an
 14 ORC investigator?
 15 A Yes.
 16 Q What type of training did you go through?
 17 A A lot of computer based training, on-the-job
 18 training. We also went through a week of training
 19 back when we were owned as part of the Target
 20 Corporation, which was held in Texas.
 21 Q Okay. And this training that you went through was
 22 in-house training through Macy's or through Target?
 23 A Yes.
 24 Q Were you provided any training through a third party
 25 vendor?

- 1 A The training that was provided by Target did have some
 2 third party speakers at the training like there was a
 3 prosecutor talking about surveillances.
 4 Q And the ORC investigator -- the manager -- what are
 5 your duties and obligations or responsibilities with
 6 regards to that position?
 7 A There is a manager team that would focus on organized
 8 retail crime investigations and assist when needed.
 9 Q And there's a hierarchy with regards to the ORC,
 10 correct?
 11 A Correct.
 12 Q And you were a manager?
 13 A Yes.
 14 Q Who would your manager have been?
 15 A Tim Bowers.
 16 Q And under you there would have been investigators?
 17 A Correct.
 18 Q And those investigators would have been Vereea Griffin
 19 or Boatman now?
 20 A Correct.
 21 Q And, also, Mark Haire?
 22 A Correct, at that time in December.
 23 Q Right.
 24 Any other investigators at that time?
 25 A Not at that time.

- 1 Q What region or what locations did you specifically
 2 manage?
 3 A All locations in Michigan, Macy's locations.
 4 Q Are you familiar with the names, Mohammed Aoun?
 5 A Yes.
 6 Q And Ibrahim Aoun?
 7 A Yes.
 8 Q Nithal Aoun?
 9 A Yes.
 10 Q How did you become aware of the names that I just
 11 mentioned?
 12 A They were part of an investigation that was being
 13 conducted by Vereea Griffin or Boatman.
 14 Q So Miss Boatman would have advised you that she was
 15 conducting an investigation with regards to these
 16 individuals?
 17 A Correct.
 18 Q Are you also familiar with the name, Wissam Aoun?
 19 A Yes.
 20 Q And how and when did you become familiar with that
 21 name?
 22 A During the same time of the investigation.
 23 Q Was Miss Boatman -- was she the lead in the
 24 investigation regarding these individuals?
 25 A Yes.

- 1 Q And she would answer to you or give you updates? How
 2 would that occur?
 3 A Correct. She would inform me of the status of the
 4 investigation and also come to me when she was
 5 performing certain tasks for safeness reasons. They
 6 would get permission to perform certain roles.
 7 Q Did you ever witness Ibrahim Aoun, Mohammed Aoun,
 8 Nithal Aoun, purchase any Macy's merchandise?
 9 A I did not witness it directly.
 10 Q Did you hear any tapes of any of those individuals
 11 purchase any merchandise from Macy's?
 12 A I did hear tapes. It was actually a digital recorder.
 13 I did not use tapes but it was a very poor quality.
 14 It was very hard to decipher.
 15 Q Do you know who has possession of those digital
 16 recorders?
 17 A The recorder, I believe, is still at Macy's but the
 18 recording was transferred to a CD and supplied to
 19 Wayne County.
 20 Q Do you know if Macy's has a copy of the CD?
 21 A I do not recall.
 22 Q But you do have the recorders with the recording?
 23 A I do not know if the recording is still stored on that
 24 recorder or if it was deleted after it was transferred
 25 to CD.

- 1 Q Okay. Did you ever witness Wissam Aoun purchase any
2 Macy's merchandise?
3 A No.
4 Q Did you ever witness Goodfellas or any
5 representatives/clerks from Goodfellas purchase any
6 Macy's merchandise?
7 A No.
8 Q Now, you were involved in the investigation of
9 Goodfellas, correct?
10 A Correct.
11 Q And you were involved as your position as the ORC
12 investigating manager, correct?
13 A Yes.
14 Q What role did you play in your position as the manager
15 with regards to this investigation?
16 A I would as her -- Vereca's supervisor give her
17 guidance, be her resource. I also participated in
18 surveillances. I also assisted in some of the
19 research.
20 Q Okay. You were part of a surveillance?
21 A Yes.
22 Q And did you tape or videotape or audio record any of
23 the times that you were conducting surveillance?
24 A There was times that Mark Haire and myself were
25 occupying the same vehicle and we did do recordings.

- 1 I don't recall if I was holding the camera or if Mark
2 Haire was.
3 Q Okay. Do you know who has possession of those
4 recordings?
5 A It would be with Macy's and with Wayne County. Copies
6 were supplied to Wayne County.
7 Q You heard Miss Boatman testify that she was keeping a
8 file?
9 A Correct.
10 Q Did you keep a same file?
11 A I would take some notes but she was primarily
12 responsible for taking the notes of the investigation.
13 Q Did you have a separate file or would all your notes
14 go into the same file that Miss Boatman had?
15 A It would go in the same file.
16 Q Okay. During your surveillance -- well, you testified
17 earlier you never saw Goodfellas or Wissam Aoun
18 purchase any stolen Macy's merchandise, correct?
19 A I did not see it directly, correct.
20 Q Okay. During your surveillance did you see Mohammed
21 Aoun purchase any stolen merchandise?
22 A I did not see the sale, no.
23 Q Was there ever a time when you saw Mohammed Aoun with
24 a Macy's bag, walking into Goodfellas?
25 A Yes.

- 1 Q Can you, please, tell me what happened during that
2 surveillance?
3 A Subsequent to a sale of the purported Macy's
4 merchandise we participated in a surveillance
5 following Mohammed. Mohammed had drove back to his
6 residence, which, I believe. Was in Dearborn
7 Heights. I was there for a short time. He then left
8 that location and went -- drove to Goodfellas. At
9 Goodfellas we were able to see him carry the bag that
10 was supplied to him from the undercover officer into
11 Goodfellas.
12 Q Okay. He -- now, when Mohammed walks into Goodfellas,
13 you see him walking in with the bag you said?
14 A Correct.
15 Q And that was a Macy's bag?
16 A It was a white Macy's bag with a red star.
17 Q Okay. And did it look to you as if it had merchandise
18 inside of the bag?
19 A Yes.
20 Q Okay. How long was he inside Goodfellas before he
21 exited?
22 A I would have to refer to my notes. I would guess
23 around 20 minutes.
24 Q Do you have your notes with you today?
25 A No, I do not.

- 1 Q They would be in the file?
2 A Yes.
3 Q When Mohammed Aoun was inside Goodfellas, did you see
4 what he was doing inside?
5 A No.
6 Q Did you ever enter Goodfellas when Mohammed Aoun was
7 inside Goodfellas at that time?
8 A No.
9 Q When Mohammed Aoun exited, did you conduct or -- I'm
10 sorry -- did you continue your surveillance of
11 Mohammed Aoun?
12 A No. Once he entered his vehicle and left we no longer
13 surveilled him.
14 Q Now, there was a raid that eventually occurred at
15 Goodfellas that you're familiar with, correct?
16 A Correct.
17 Q Okay. And prior to the raid there was a debriefing at
18 a certain location regarding the raid, correct?
19 A Yes.
20 Q Were you present at that debriefing?
21 A Yes, I was.
22 Q At that briefing who from Macy's was present?
23 A It would be myself, Tim Bowers, Kevin Newcomber,
24 Theresa Rivas, Adam Stokes, Mark Haire and Vereca
25 Griffin.

1 Q And during that briefing there were going to be three
 2 locations that would have been raided, correct?
 3 A Correct.
 4 Q Okay. One of the locations is Goodfellas, another
 5 location was Da Hook Up and, also, Mohammed Aoun's
 6 residence, correct?
 7 A Correct.
 8 Q And did you participate in any of the raids?
 9 A Yes.
 10 Q Which raid did you participate in?
 11 A I -- subsequent to a reverse buy of TVs, which I also
 12 participated in that surveillance, we merely went to
 13 Goodfellas. I helped establish the initial search
 14 warrant and moved on to Da Hook Up.
 15 Q Okay. First you said a reverse buy. What's a reverse
 16 buy?
 17 A The sale of purported stolen merchandise.
 18 Q From who to who?
 19 A It was going from an undercover office to Mohammed
 20 Aoun.
 21 Q Okay. So reverse buy would be an actual undercover
 22 officer selling to somebody who's purchasing stolen
 23 items?
 24 A Yes.
 25 Q And you said you were aware of a reverse buy regarding

1 which deputy?
 2 A It was Officer Maxwell.
 3 Q Officer Maxwell selling to Mohammed Aoun?
 4 A Correct.
 5 Q And he was selling him a TV?
 6 A It was several TVs.
 7 Q Several TVs that the deputy or the officer was selling
 8 to Mohammed Aoun, correct?
 9 A Correct.
 10 Q Do you recall where that occurred?
 11 A It was in the back of a vacant Kmart building
 12 located -- I believe it was Michigan and Southfield,
 13 near the mall there in Dearborn.
 14 Q Okay. Was anything else sold, other than the TVs, on
 15 that occasion?
 16 A On that occasion I believe it was just the TVs.
 17 Q Why would you have been present at that reverse buy?
 18 A We had representatives from Macy's, Target and Home
 19 Depot during that sale with the officers to assist and
 20 made observations of the sale.
 21 Q Was it relevant to Macy's at that time that Mohammed
 22 Aoun was purchasing stolen televisions?
 23 A It was a combined effort of investigation with Target
 24 and Home Depot to determine the scope of the
 25 investigation -- the activity.

1 Q Okay. So, again, Mohammed Aoun didn't purchase any
 2 Macy's stolen items on that date, correct?
 3 A No.
 4 Q How many sales -- reverse buys did you witness of
 5 Mohammed Aoun take place?
 6 A I didn't actually witness the sale but I participated
 7 in -- I believe there was three of Macy's and two of
 8 non-Macy's merchandise.
 9 Q When you say you participated, what was your
 10 participation in these reverse buys?
 11 A To assist with the surveillance.
 12 Q What did that entail?
 13 A We would be in vehicles and follow the vehicle after
 14 the purchase.
 15 Q After the purchase -- after the reverse buy -- you
 16 wouldn't have witnessed the reverse buy, correct?
 17 A Correct.
 18 Q Okay. But after the reverse buy you would then follow
 19 Mohammed Aoun?
 20 A Yes, along with other vehicles. There was multiple
 21 vehicles involved.
 22 Q Multiple vehicles would follow Mohammed Aoun?
 23 A Yes.
 24 Q And who was in the vehicle that you would have been
 25 in?

1 A One night it was Tim Bowers and that was after a
 2 purchase of, I believe, two televisions and it was in
 3 the evening and the other one I was with a
 4 representative of the auto theft task force and that
 5 was during the -- I believe there was around --
 6 approximately 10 TVs sold and I was in the vehicle
 7 with the task force but I don't know what his role
 8 was.
 9 Q How many of these reverse buys did you participate in
 10 you said?
 11 A I believe it was five.
 12 Q Five.
 13 And all of these reverse buys took place
 14 with Mohammed Aoun being a participant?
 15 A Correct.
 16 Q Wissam Aoun was never a participant in these reverse
 17 buys that you were surveilling, correct?
 18 A Not to my aware -- I did not see the buy so I don't
 19 know who was present.
 20 Q Is there a reason you couldn't see the buys?
 21 A Usually my position was to assist in surveillance.
 22 There would be other people that would have what we
 23 call have eye, would be sitting, watching the actual
 24 sale. All other cars would be further away to take a
 25 position if needed.

- 1 Q Okay. Were you able to hear the conversation that was
2 going on between the officer and Mohammed Aoun?
3 A No.
4 Q How would you know to start following the vehicle?
5 A We would be in communication through two-way radio or
6 cell phone.
7 Q Okay. So you had communication with the other
8 officers?
9 A Correct.
10 Q Or other individuals that were present at the raid --
11 I'm sorry -- at the reverse buy?
12 A Correct.
13 Q There were approximately five of these reverse buys
14 and all five you would surveill Mohammed Aoun's
15 vehicle?
16 A At some point, yes.
17 Q And you would follow Mohammed Aoun's vehicle?
18 A At some point. It was not constant. We would rotate
19 vehicles during the surveillance.
20 Q Okay. And it's fair to assume that during one of
21 these reverse buys you said Mohammed Aoun went home
22 first and then went to Goodfellas, correct?
23 A Correct.
24 Q When he walked into his house, did he take the Macy's
25 bag inside his house?

- 1 A I was not able to see that. We were too far away and
2 before we pulled up to the house he was already
3 inside.
4 Q Did you see him exit the house?
5 A Yes.
6 Q Did he have anything in his hands when he exited the
7 house?
8 A Not from what we could see.
9 Q Okay. And then immediately after he left his
10 residence you would have saw him go to Goodfellas?
11 A Correct.
12 Q Okay. And you were able to observe him walk into
13 Goodfellas obviously with the Macy's bag that you
14 referred to before?
15 A Correct.
16 Q Now, during the briefing or after the briefing you
17 said that you did go to Goodfellas?
18 A Yes.
19 Q Okay. And prior to the raid, correct?
20 A Prior to the raid I did not go to Goodfellas.
21 Q Well, after the briefing --
22 MS. FLANAGAN: On the day of the raid?
23 MR. YOUSIF: On the day of the raid.
24 Q (By Mr. Yousif): Were the briefing and the raid a
25 different day?

- 1 A No. It was the same day.
2 Q It was the same day. Okay.
3 So you were present at the briefing.
4 correct?
5 A Correct.
6 Q And immediately after the briefing where do you go?
7 A I went with the officers to the location where the
8 sale was to take place at the Kmart building.
9 Q Okay. So after the briefing there was another sale?
10 A Yes.
11 Q And I'm talking about the same day as the raid now.
12 A Correct.
13 Q Okay. So there was an actual reverse buy on the day
14 of the raid?
15 A Yes.
16 Q What happened at the reverse buy?
17 A Well, from my vantage point I couldn't see exact
18 details but through communication we could see the
19 area. It's my understanding that Mohammed purchased
20 the televisions out of the back of a van that was
21 being sold to him by Officer Maxwell.
22 Q Okay. What did you do after this reverse buy?
23 A They took -- immediately after the sale they took
24 custody of Mohammed and a passenger, who I do not know
25 who that is, and then we drove up and assisted in

- 1 identifying the merchandise; that it was still there
2 and basically observed as the officers just secured
3 the scene and took the subjects into custody.
4 Q You were able to observe this?
5 A Yes.
6 Q Okay. And after the arrest takes place what did you
7 do next?
8 A At that point we proceeded to Goodfellas.
9 Q Okay. When you made it to Goodfellas, had the raid
10 began at that time?
11 A Yes.
12 Q What did you do when you were at Goodfellas?
13 A I assisted with getting the supplies in to assist with
14 the search, with the executed search warrant -- and I
15 did execute the search warrant and walked through the
16 store; just observing. That was my first time in the
17 store; just assessing the scene.
18 Q Okay. And the raid was taking place already when you
19 arrived, correct?
20 A The scene was secure. There was not a whole lot of
21 activity going on at that time.
22 Q Okay. Did you direct any Macy's representatives or
23 any of the individuals present at the raid to seize
24 certain items?
25 A No. I did not give direction on what to seize. That

1 was being handled more by Vereea in assigning the
 2 different areas where people were working.
 3 Q So from what you saw Vereea was assigning certain
 4 areas for certain people to work at?
 5 A Correct. They had drawn a map out and divided it so
 6 they would know where the merchandise had come from,
 7 where it was located in the store and then was helping
 8 get the right people in the right spot along with
 9 fellow investigators from other retailers.
 10 Q What was your purpose in going to Goodfellas?
 11 A As a supervisor; just oversee, to assist if needed, to
 12 get help -- get things started.
 13 And then I went from there over to Da Hook
 14 Up.
 15 Q What did you do to assist in getting things started?
 16 A I helped carry supplies in. I was there to assist
 17 Vereea in any questions and help walk through this
 18 store to see if there was other merchandise that we
 19 may have seen; just to determine what was in different
 20 rooms along with officers.
 21 Q During the briefing who in your opinion was in charge
 22 of directing people what to do?
 23 A At the briefing it was being mainly held by Maxwell --
 24 Officer Maxwell or Detective -- Deputy Maxwell and Sam
 25 Milanovich and then I assisted with directing which

1 Macy's employees would be at which location.
 2 Q Was there an understanding of what items or
 3 merchandise was to be seized during these raids?
 4 A Yes.
 5 Q Okay.
 6 A It was Macy's merchandise and Macy's like merchandise.
 7 Q And who made that determination that that was the
 8 items or merchandise that was to be seized?
 9 A That was with the Wayne County Sheriff's. I don't
 10 recall which deputy or if it was Sergeant Milanovich.
 11 Q Okay. Are you fairly confident it was a deputy and
 12 you're just not certain which deputy it was?
 13 A Yes.
 14 Q When you were at Goodfellas, the location, you
 15 testified that Vereea Griffin was directing which
 16 individuals or representatives from Macy's or the
 17 other locations to take certain quadrants?
 18 A Yeah. We were assigned to certain quadrants in the
 19 store.
 20 Q Were you there when the merchandise was being seized?
 21 A I was leaving just as it was starting.
 22 Q Okay. So as the seizure was starting you leave?
 23 A Right. Correct.
 24 Q So you don't know at that time what's being seized or
 25 what the representatives are actually taking or

1 seizing, correct?
 2 A Correct.
 3 Q You went over to Da Hook Up?
 4 A Correct.
 5 Q Did you ever go back to Goodfellas during the raid?
 6 A I do not believe I did.
 7 Q Did you ever become aware of what merchandise was
 8 taken from Goodfellas?
 9 A I was never told specifically. I was in communication
 10 with Vereea just on the status of how long they had to
 11 go and what was -- but not -- we weren't talking
 12 specific items.
 13 Q You're aware of a lawsuit that Goodfellas filed
 14 against the Wayne County Sheriff's, correct?
 15 A Yes.
 16 Q And --
 17 A I mean --
 18 MS. FLANAGAN: Objection just to form.
 19 Are you talking about the first lawsuit,
 20 Tim?
 21 MR. YOUSIF: Yes.
 22 THE WITNESS: Yeah. I was aware of some
 23 type of legal action. I wasn't sure that it was a
 24 lawsuit.
 25 MR. YOUSIF: Okay. If I could just have

1 that marked.
 2 (Plaintiffs' Exhibit No. 1 was marked for
 3 identification)
 4 (Whereupon a short recess was taken)
 5 Q (By Mr. Yousif): We just handed you what's been
 6 marked as Plaintiff's Exhibit 1. Can you, please,
 7 identify for the record what Exhibit 1 or -- I'm
 8 sorry -- proposed Exhibit 1 is?
 9 A An affidavit from myself that I signed.
 10 Q It's four pages long?
 11 A Correct.
 12 Q And on the fourth page is your signature?
 13 A Yes.
 14 Q Do you know who prepared this affidavit?
 15 A I believe it was Margaret Flanagan.
 16 Q And obviously before signing it you did have an
 17 opportunity to read it, correct?
 18 A Yes.
 19 Q And when you read it and signed it, it was notarized?
 20 A I believe it was. I don't remember specifically it
 21 being notarized.
 22 Q Okay. Well, you would agree the first paragraph, the
 23 introductory paragraph, you were being sworn when you
 24 were signing this?
 25 A Yes.

1 Q So everything in this affidavit was true and accurate
 2 at the time you signed it, correct?
 3 A To the best of my knowledge.
 4 Q Okay. After the merchandise was seized from
 5 Goodfellas do you know where that merchandise was
 6 taken?
 7 A To a Home Depot location that's in Livonia.
 8 Q Okay. Did you ever have an opportunity to observe the
 9 merchandise that was taken from Goodfellas?
 10 A Yes.
 11 Q How many times would you have seen that merchandise?
 12 A Well, I seen the cartons containing the merchandise
 13 the evening that it was unloaded and was placed there
 14 and either one or two more occasions. I don't
 15 remember exactly how many.
 16 Q So on the evening of the raid you would have only saw
 17 the containers; you wouldn't have saw the merchandise,
 18 correct?
 19 A Correct.
 20 Q Did you ever conduct an inventory of the merchandise?
 21 A I did assist somewhat of the inventory, not the entire
 22 inventory.
 23 Q What did your assistance consist of?
 24 A Help reading off the UPCs and the descriptions of the
 25 merchandise.

1 Q Okay. So you --
 2 A Handling the merchandise. I'm sorry. Yes. During
 3 the inventory, yes, I did see the merchandise, yes, I
 4 did.
 5 Q So you were reading off the UPC symbols to somebody
 6 else, who was writing it down?
 7 A Correct.
 8 Q Why were you conducting an inventory at that time?
 9 A To assist with the Wayne County Prosecutor's Office
 10 and to list all the items that were taken or seized in
 11 the search warrant.
 12 Q And did you do that pursuant to a judge's order?
 13 A Yes.
 14 Q Okay. Who was present during that inventory?
 15 A From Macy's was Vercea Boatman, Mark Haire. There was
 16 investigators, I believe, from Home Depot and, also,
 17 deputies from Wayne County.
 18 Q Any attorneys present?
 19 A There was somebody present but I did not meet them
 20 directly and I did not know who they were but there
 21 was a person in a suit that was present.
 22 Q Okay. You said that you were there for part of the
 23 inventory; is that correct?
 24 A Correct.
 25 Q Is there a reason you were only there for part?

1 A Just different roles, other responsibilities during
 2 that time.
 3 Q Okay. Do you know how long that inventory took?
 4 A I don't recall.
 5 Q Do you recall how long you were present at that
 6 inventory?
 7 A I believe I was there for part of one of the days and
 8 it took a couple days.
 9 Q Were you able to see that inventory again on a
 10 different day?
 11 A Not specifically Goodfellas', no. I seen inventory
 12 of merchandise or seen some of the merchandise from
 13 Da Hook Up.
 14 Q Okay. Were the inventory from Da Hook Up and
 15 Goodfellas kept at different locations?
 16 A They were in the same location but separated.
 17 Q Okay. So you knew which items were from Da Hook Up
 18 and you knew which items were from Goodfellas?
 19 A Correct.
 20 Q There was approximately 70 boxes of merchandise that
 21 were taken from Goodfellas?
 22 A I wouldn't -- I don't know. I don't recall.
 23 Q I'm sorry. I'm looking at paragraph 12 of your
 24 affidavit.
 25 A Okay.

1 Q Is that correct?
 2 A To the best of my knowledge. I don't exactly recall
 3 at this time but if that's what I said then, that
 4 probably was accurate.
 5 Q Okay. And in paragraph 12 you state that if a court
 6 allows this claim to continue that you're willing to
 7 assist the Wayne County Sheriff's Department in
 8 personally identifying all the merchandise contained
 9 in the approximately 70 boxes of merchandise currently
 10 in the custody of the sheriff's department should the
 11 Plaintiff produce legitimate receipts proving
 12 ownership and SKU and/or manufacturer identifying
 13 numbers to support his claim of ownership?
 14 A Yes.
 15 Q Okay. So you weren't trying to determine if -- in
 16 paragraph 12 you weren't trying to determine if
 17 those -- if that merchandise was stolen from Macy's,
 18 were you?
 19 A Correct.
 20 Q You were trying to determine if -- well, strike that.
 21 What were you trying to determine in
 22 paragraph 12?
 23 A To determine if those UPCs were -- belonged to
 24 merchandise that was shipped directly to Macy's or to
 25 Goodfellas.

- 1 Q Would you able to determine that based on the
2 information in paragraph 12?
3 A No. I was not able to determine that.
4 Q Did you have an opportunity to --
5 A To try.
6 Q -- to try and determine that?
7 A Correct.
8 Q But you were unable?
9 A Correct.
10 Q Well, Plaintiff did everything that they were supposed
11 to do with regarding providing you the inventory or
12 the receipts, correct?
13 A They did not provide it to me.
14 Q Were you able to --
15 A I did see a list of items. The sheets that they
16 listed did not include the UPCs. It included item
17 numbers that would be universal, similar to UPC.
18 Q Okay. Well, let's do it this way: If Macy's
19 purchases items from a certain vendor, what
20 identifying information would you have to say that
21 this merchandise was sold by Macy's?
22 A The items contained price tags with UPCs and I can run
23 the UPCs through a system that will tell that that's
24 an item that is sold by Macy's.
25 Q Okay. If I purchase an item from Macy's right now and

- 1 I hand it to you, can you tell if I specifically
2 purchased that from Macy's as opposed to any other
3 location?
4 A It would depend on the item. A lot -- most vendors do
5 not specify which UPCs go to which vendors so,
6 therefore, it could be a UPC that would be used by
7 another retailer.
8 Q Okay. So there is no way for you to determine if a
9 piece of inventory was purchased at Macy's as opposed
10 to Goodfellas, for example?
11 A I could show that if Macy's carried that item but I
12 could not specifically show that only Macy's carried
13 that item.
14 Q In paragraph 13 you state that if the Court allows
15 this claim to continue that we be afforded at least 30
16 days from the time confirmed verified manufacturer
17 receipts are produced by the Plaintiff to conduct a
18 thorough inspection proving that the items are not
19 counterfeit, stolen or otherwise being sold without
20 being an authorized dealer of the product by each
21 respective manufacturer. You state that in
22 paragraph 13?
23 A Yes.
24 Q Okay. Did you have an opportunity to determine if any
25 of the items sold by Goodfellas were, in fact,

- 1 counterfeit?
2 A No. I am not an expert in identifying counterfeit
3 merchandise. We did take a partner with a business
4 that does look at counterfeit merchandise.
5 Q Okay. And that partner is Recon?
6 A Recon Management, yes.
7 Q Recon Management.
8 Do you know if Recon Management had an
9 opportunity to investigate and determine whether the
10 merchandise from Goodfellas was, in fact, counterfeit?
11 A They looked at the merchandise and at the time of the
12 seizure they had speculated that some hats were
13 counterfeit.
14 Q And you said speculated?
15 A Well, they had determined -- I'm sorry -- determined
16 that it was but I don't know the final outcome but
17 it's -- they had made a determination at that time
18 that there was counterfeit hats.
19 Q Okay. And those caps -- were they New Era Caps?
20 A I believe so.
21 Q Were you able to contact or did you contact New Era
22 Caps to advise them of the information that you
23 received from Recon Management?
24 A No.
25 Q Do you know if anybody from Macy's contacted New Era

- 1 Caps to advise them that they had information that led
2 them to believe that Goodfellas was selling
3 counterfeit caps?
4 A No.
5 Q Do you know if anybody contacted New Era Caps to
6 advise them?
7 A I don't know.
8 Q Did you contact New Era Caps at all with regards to
9 Goodfellas?
10 A No.
11 Q Did you contact Akademiks?
12 A Yes.
13 Q Okay. With regards to Goodfellas and the seizure of
14 the merchandise at Goodfellas?
15 A It was regarding this investigation.
16 Q Do you recall who you spoke with at Akademiks?
17 A No. It would be in the notes, in the file.
18 Q Do you recall what information you gave to Akademiks?
19 A I just asked them -- I was trying to determine if UPCs
20 could be determined -- if by supplying a UPC if they
21 could determine if it was shipped to a Macy's or
22 another company and if Goodfellas was an authorized
23 dealer.
24 Q Okay. And did you receive that information?
25 A Yes.

- 1 Q Okay. What did they tell you?
 2 A I believe they said yes.
 3 Q Yes, that Goodfellas was an authorized dealer?
 4 A Was an authorized dealer, yes.
 5 Q And did you receive information regarding whether you
 6 could determine if based on a UPC where a product was
 7 sold?
 8 A Yes. They were not able to specifically say what
 9 retail received it.
 10 Q Okay. Do you recall who you spoke with at Akademiks?
 11 A No, I do not.
 12 Q Would that be in your notes do you think?
 13 A I believe so, yes.
 14 Q Now, you told me that or you testified that you
 15 contacted Akademiks with regards to the investigation
 16 of Goodfellas, correct?
 17 A That was the purpose of why I called them.
 18 Q Okay. And did you tell them that?
 19 A I told them that I was -- who I was with and I just
 20 needed to know those two things.
 21 Q Did you tell them why you were investigating
 22 Goodfellas?
 23 A No.
 24 And I need to clarify something.
 25 Q Sure.

- 1 A Out of a list of vendors that I contacted I was --
 2 without referring to the notes I can't remember
 3 specifically which vendors were able to confirm but I
 4 believe there was approximately seven that I spoke
 5 with or that I contacted. I believe five of them I
 6 reached confirmation or I was able to actually speak
 7 to somebody and -- to get the information.
 8 Q Okay. So you contacted you said about seven vendors?
 9 A Around there, yes.
 10 Q And you were only able to have a conversation with
 11 five vendors?
 12 A Without looking at my notes there was a couple that
 13 was not able to -- did not get back to me timely.
 14 Q Okay. Well, we'll go through them right now. Were
 15 you able to speak with anybody from Coogi?
 16 A Yes.
 17 Q Were you able to speak with anybody from Geno Green?
 18 A I don't recall.
 19 Q New Era Cap?
 20 A No. I never spoke to them.
 21 Q Pelle-Pelle?
 22 A I don't recall that was one.
 23 Q Sean John?
 24 A Yes, I did.
 25 Q ENYCE?

- 1 A I believe so but I don't know for sure.
 2 Q Roca Wear?
 3 A I did call them. Yeah. I'm not sure if that's one I
 4 spoke to.
 5 Q Azurre?
 6 A I don't recall speaking to them or calling them.
 7 Q Ed Hardy?
 8 A I do, yes.
 9 Q Cezer?
 10 A No.
 11 Q Have you heard of Cezer?
 12 A No.
 13 Q Miskeen Originals?
 14 A No.
 15 Q Akoo?
 16 A No.
 17 Q And Parish?
 18 A No.
 19 Q Okay. You did speak with a representative from Coogi,
 20 correct?
 21 A Yes.
 22 Q And with regards to Coogi you were trying to determine
 23 if by looking at a UPC you can determine whether that
 24 person or that store sold Coogi items?
 25 A Correct.

- 1 Q Were they able to tell you that yes, you can or no,
 2 you can't determine?
 3 A They said I could not determine.
 4 Q Did you find out if Goodfellas was an authorized Coogi
 5 representative?
 6 A Yes, they were.
 7 Q I'm sorry. Seller?
 8 A Yes.
 9 Q Did you tell that representative from Coogi what the
 10 basis of your phone conversation or phone call to them
 11 was?
 12 A No.
 13 Q You didn't tell them that you were investigating
 14 Goodfellas?
 15 A I told them I was with Macy's investigations and that
 16 I needed to determine if Goodfellas was an authorized
 17 dealer of theirs.
 18 Q Did you tell that representative that you were
 19 investigating them -- Goodfellas for counterfeit items
 20 or for selling stolen items?
 21 A No.
 22 Q Do you recall who you spoke with at Coogi?
 23 A It would be in my notes and I remember it was kind of
 24 a street name. It wasn't -- *it was like Biggie* or
 25 something like that.

1 Q The representative from Coogi?
 2 A Yes. It was with their security division.
 3 Q Okay. That was the name he gave you?
 4 A Yes.
 5 Q That's fair.
 6 And with regards to Sean John you did have
 7 an opportunity to speak with a representative from
 8 Sean John?
 9 A Yes.
 10 Q Do you remember that person's name?
 11 A I do not.
 12 Q Okay.
 13 A But they told me that they didn't -- that Goodfellas
 14 was no longer -- that they were not dealing directly
 15 with Goodfellas any longer.
 16 Q Okay. They did tell you that?
 17 A Yes.
 18 Q Do you know when that conversation would have
 19 occurred?
 20 A No. I don't remember a specific date.
 21 Q Did they tell you why they didn't sell to Goodfellas
 22 any longer?
 23 A No, they did not.
 24 Q Did they tell you whether it was based on this raid or
 25 another phone call they would have received?

1 A Correct.
 2 Q We had numerous telephone conversations in an attempt
 3 to assist the county answering the lawsuit and
 4 appearing at a court hearing, correct?
 5 A Correct.
 6 Q And do you recall -- you said you weren't sure
 7 that the first case was an actual lawsuit because it
 8 actually required us to go to a hearing right away,
 9 did it not?
 10 A Correct.
 11 Q Okay. And you appeared at that hearing in front of
 12 Judge Wendy Baxter; do you recall that?
 13 A I remember appearing at a hearing in front of that
 14 judge. I don't remember exactly -- I don't know how
 15 many times I was there and which one I attended.
 16 Q Okay.
 17 A I attended one.
 18 Q And did you ever have to take the stand to give any
 19 live testimony?
 20 A No.
 21 Q In preparation for a hearing on the first lawsuit you
 22 worked with myself in the preparation of an affidavit;
 23 is that correct?
 24 A Correct.
 25 Q And do you remember working with me over the telephone

1 A No. They just said they had been doing business with
 2 them; that they used to sell to Goodfellas but they
 3 did not any longer.
 4 Q Did they tell you when their relationship terminated
 5 or when they stopped selling to Goodfellas?
 6 A No.
 7 Q Were they able to tell you that yes, you can or no,
 8 you can't determine whether an item sold was sold at a
 9 certain location?
 10 A Yes.
 11 Q What did they tell you?
 12 A They said they could not determine it.
 13 MR. YOUSIF: I have no further questions.
 14 Thank you.
 15 MS. FLANAGAN: I just have a couple
 16 questions.
 17 EXAMINATION
 18 BY MS. FLANAGAN:
 19 Q Do you know who -- Mr. Bucher, my name is Margaret
 20 Flanagan. I represent Wayne County.
 21 We have met before, correct?
 22 A Yes.
 23 Q Okay. And that was in connection with the first
 24 lawsuit filed in late 2007 by Goodfellas against Wayne
 25 County Sheriff's Department; is that correct?

1 to actually craft the language that would go into your
 2 affidavit?
 3 A Yes.
 4 Q So at any time there wasn't a document sent to you
 5 that you had no input on for your signature, correct?
 6 A Correct.
 7 Q Do you remember actually offering language to me to
 8 put into the affidavit in connection with this first
 9 lawsuit?
 10 A Offering language through our conversation -- I guess
 11 I don't --
 12 Q Go ahead.
 13 A I don't know exactly what you mean by offered
 14 language.
 15 Q That you supplied the information that would go into
 16 the affidavit or much of the information that's in the
 17 affidavit, correct?
 18 A Correct.
 19 Q Including your job title and --
 20 A Yes.
 21 Q And, in fact, for the majority of every paragraph
 22 located in this affidavit, correct?
 23 A Correct.
 24 Q And do you know who Sabrina Bridges is? She's the
 25 notary that signed the affidavit. Do you happen to

1 know who that is?
 2 A I don't know.
 3 Q Okay. And for the record she is a notary for Macomb
 4 County, correct? Well, I'm sorry. You have Exhibit 1
 5 in front of you?
 6 A Yes.
 7 Q And she was acting in the County of Macomb when she
 8 signed the affidavit, correct?
 9 A Yes. I do recall this. Yes.
 10 Q Okay. Do you know when that was notarized?
 11 A Not without looking at it. But I do remember
 12 taking -- going to the courthouse and having it
 13 notarized.
 14 Q Okay. It was notarized at the courthouse?
 15 A Yes.
 16 Q Okay. So that was, again, not something that --
 17 A Oh, I'm sorry. It was actually notarized at a bank.
 18 I'm sorry. I do know who Sabrina Bridges is. I
 19 don't -- didn't recognize the last name.
 20 Q Okay. And who is she?
 21 A She works at the credit union where I do business.
 22 Q Okay. So did you, in fact, contact Miss Bridges to
 23 have this affidavit notarized?
 24 A Yes. Yes, I did.
 25 Q Okay. So there was no time that you sent a blank

1 affidavit in to myself that we then notarized at a
 2 later time?
 3 A Correct. I'm sorry. Yes. I was mistaken earlier.
 4 Q Okay. So as you sit here today you remember getting
 5 this notarized and sending this to me?
 6 A Yes, I do.
 7 Q You have had a chance to review this for your
 8 deposition today?
 9 A Yes.
 10 Q And is there anything in here that isn't true as we
 11 sit here today?
 12 A No.
 13 MS. FLANAGAN: Okay. I have nothing
 14 further.
 15 MS. DAMICO: I have some follow-up questions
 16 for you.
 17 EXAMINATION
 18 BY MS. DAMICO:
 19 Q These conversations that you had with Akademiks,
 20 Coogi, Sean John and a few others -- although
 21 you can't recall exactly which ones out of the list
 22 that Mr. Yousif said, when did you make those phone
 23 calls, were they before the raid or after the raid?
 24 A They were after the raid.
 25 Q Okay. And were they -- how long after the raid did

1 you make these?
 2 A I don't recall.
 3 Q Okay. Did anyone direct you to make these phone
 4 calls?
 5 A It was with Margaret Flanagan.
 6 Q Okay. And she asked you to do this to help in the
 7 Wayne prosecution of these gentlemen, correct?
 8 A Yes.
 9 Q Okay. And what was your purpose in making these phone
 10 calls?
 11 A To determine if this merchandise was sold exclusively
 12 at Macy's and determine if these -- if Goodfellas was
 13 an authorized retailer of this merchandise.
 14 Q Did you ever tell any representative from these
 15 companies referenced by Mr. Yousif that Goodfellas was
 16 the subject of a police raid?
 17 A No.
 18 Q Did you ever tell any of these representatives that
 19 Goodfellas was under suspicion or did sell counterfeit
 20 merchandise?
 21 A No.
 22 Q Did you ever tell any of these people not to do
 23 business with Goodfellas?
 24 A No.
 25 Q Was it your purpose or any part of your purpose in

1 making these phone calls to jeopardize or ruin the
 2 relationship between these manufacturers and
 3 Goodfellas?
 4 A No.
 5 Q Okay. Did you know -- with respect to the
 6 manufacturers referenced by Mr. Yousif prior to making
 7 these phone calls did you know whether or not
 8 Goodfellas had any contracts with these manufacturers?
 9 A No.
 10 Q After the raid and prior to these phone calls being
 11 made did you know if any of these manufacturers had
 12 any type of business relationship with Goodfellas?
 13 A No.
 14 Q Okay. Did you ever have any type of fraudulent or
 15 wrongful intent to cause any type of harm to the
 16 relationship that may or may not have existed between
 17 these manufacturers and Goodfellas when you made these
 18 phone calls?
 19 A No.
 20 Q In fact, you were doing this under the direction of
 21 the Wayne County -- of the Wayne County attorney, Miss
 22 Flanagan, when you made these phone calls?
 23 A Yes.
 24 Q You were trying to assist her?
 25 A Correct.

1 Q Were you present in the courtroom when the judge
2 requested that Macy's assist in contacting these
3 manufacturers to determine if they could find out
4 where the merchandise was sold?
5 A Correct.
6 Q You, in fact, made these phone calls?
7 A Yes.
8 Q So, in fact, you were under the direction of the Court
9 when you made these calls?
10 A Yes.
11 Q Did you ever contact any other person, company, media,
12 and tell them about what happened in the raid?
13 A Not about what happened in the raid. I partnered with
14 Recon to assist in the investigation.
15 Q And Recon who was present during the --
16 A The raid.
17 Q -- raid?
18 Okay. Did you ever make any statements to
19 any news or media outlet regarding the raid?
20 A No.
21 Q After you made these phone calls to determine where
22 the merchandise was sold and whether they were
23 authorized sellers of merchandise have you had contact
24 with any of these manufacturers since then to discuss
25 anything about Goodfellas?

1 A No.
2 MS. DAMICO: I have nothing further.
3 MS. FLANAGAN: I have a couple follow-ups on
4 yours and I'm going to mark this.
5 (Defendants' Exhibit No. 1 was marked for
6 identification)
7 RE-EXAMINATION
8 BY MS. FLANAGAN:
9 Q Okay. Mr. Bucher, I'm going to hand you what's been
10 marked as Defendant's Exhibit No. 1, an order from
11 Judge Wendy Baxter dated January 28th, 2008, and ask
12 you to review it to yourself. It's actually a
13 five-page document that's accompanied by a proof of
14 service.
15 MS. DAMICO: Can I make a copy of this
16 after?
17 MS. FLANAGAN: Absolutely.
18 MS. DAMICO: Let's read it together.
19 Q (By Ms. Flanagan): You had a chance to review this
20 with your attorney?
21 A Yes.
22 Q Okay. Specifically what is this document I handed
23 you, if you know?
24 A I don't know.
25 Q Could it be the order from Judge Baxter that ordered

1 you to or, rather, ordered Wayne County to verify the
2 receipts with alleged manufacturers and compare the
3 receipts to the clothing that was currently in the
4 possession of the sheriff's department?
5 A Yes.
6 Q Do you remember seeing this order before?
7 A No.
8 Q Okay. Do you remember being in the court, though,
9 when an inventory was ordered by Judge Wendy Baxter?
10 A Yes.
11 Q And now that you reviewed this order do you understand
12 that it also ordered that the Defendants verify by the
13 manufacturers that the items were legitimately
14 purchased by the Plaintiff and try and match the SKU
15 numbers or other identification number to items
16 currently in the possession of the Wayne County
17 Sheriff's Department?
18 A Yes.
19 Q Okay. It was after this court hearing when the
20 inventory took place, correct?
21 A Yes.
22 Q And it would have been after this court hearing that
23 any phone call would have been made by yourself to
24 these manufacturers to ascertain information about the
25 UPC numbers, correct?


1 A Yes.
2 Q You never made any phone calls before we were in court
3 that day? Do you know?
4 A I don't recall. I don't think so.
5 Q Okay. And after this court ordered inventory, which
6 occurred in early February 2008, do you ever
7 remember -- do you remember when you made your phone
8 calls, what month you made your phone calls?
9 A No, I do not.
10 Q Okay. Would that be in your notes?
11 A Possibly.
12 Q Do you ever remember getting communication from our
13 office that the case had been dismissed with prejudice
14 and was over?
15 A Yes.
16 Q Do you remember if that occurred in March of 2008?
17 A I don't recall.
18 Q Do you remember making any phone calls after getting
19 notification from my office that the case was over and
20 dismissed with prejudice?
21 A No.
22 Q So if the court records indicate that the order of
23 dismissal was entered on March 11th, 2008, would that
24 refresh your recollection at all as to whether you
25 would have made phone calls after May 11th, 2008 to

1 these manufacturers to ascertain information about the
 2 UPC numbers?
 3 A No.
 4 Q It doesn't refresh your recollection?
 5 A I don't remember the dates of the phone calls. I just
 6 remember it was after --
 7 Q Fair enough.
 8 Is it fair to say that you didn't find out
 9 about this UPC issue or the fact that you're not able
 10 to actually ascertain which vendor the clothing was
 11 shipped to until we conducted this inventory?
 12 A Correct.
 13 Q Court ordered inventory?
 14 A Correct.
 15 Q And that presents a problem for you as a loss
 16 prevention manager, correct?
 17 A I'm not sure I understand what you mean by cause a
 18 problem.
 19 Q How then in the future would you ascertain whether
 20 items sold in another store were stolen if you didn't
 21 have an opportunity to put hidden identifiers on them
 22 before they left the Macy's store?
 23 MS. DAMICO: I'm going to let him answer and
 24 I'm going to object to anything that may be a
 25 subsequent remedial measure. That's not admissible.

1 MS. FLANAGAN: Okay. Fair enough.
 2 MS. DAMICO: Legal talk.
 3 THE WITNESS: Yes. It makes it difficult to
 4 identify any merchandise belonging to Macy's based on
 5 that the UPC cannot identify specifically that it was
 6 owned by Macy's.
 7 Q (By Ms. Flanagan): Okay. And you did not realize
 8 that difficulty until after this inventory took place,
 9 correct?
 10 A Correct.
 11 Q So it was your belief at the time that the Court was
 12 ordering this inventory in lawsuit number one that you
 13 would have been able to ascertain with certainty
 14 whether certain items were Macy's merchandise,
 15 correct?
 16 A Correct.
 17 MS. FLANAGAN: Thank you. I have nothing
 18 further.
 19 RE-EXAMINATION
 20 BY MR. YOUSIF:
 21 Q Real quick did you contact any of the vendors I
 22 mentioned before? Did you contact any of those
 23 vendors, which did not sell Macy's merchandise?
 24 A No.
 25 Q So the only vendors you contacted would have been

1 those that actually sold Macy's merchandise, correct?
 2 A Correct.
 3 MR. YOUSIF: Okay. No more questions.
 4 (Deposition concluded at 2:00 p.m.)
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1 CERTIFICATION
 2
 3 STATE OF MICHIGAN)
 4)ss
 5 COUNTY OF OAKLAND)
 6
 7 I, Hope M. Markowitz, Notary Public and Court Reporter
 8 in and for the above county and state, do hereby
 9 certify that the deposition of DOUGLAS BUCHER was
 10 taken before me at the time and place hereinbefore set
 11 forth; that the witness was by me first duly sworn to
 12 testify to the truth, the whole truth and nothing but
 13 the truth; that thereupon the foregoing questions were
 14 asked and foregoing answers made by the witness, which
 15 were duly recorded by me stenographically, and by my
 16 later reading from stenographic notes prepared the
 17 foregoing deposition transcript in final form; and I
 18 certify that this is a true and correct transcript of
 19 my stenographic notes so taken.
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 25


 HOPE M. MARKOWITZ, CSR-3900
 Notary Public
 County of Oakland, State of Michigan
 My Commission expires: 12-10-12