

1 SALT LAKE CITY, UTAH, THURSDAY, APRIL 5, 2018

2 PM SESSION

3 THE COURT: Counsel, I'm told that we got problems
4 with WiFi; is that right?

13:16:28 5 MR. GARRIOTT: I was the one that reported it. It
6 looks like it's back on.

7 THE COURT: It's back on?

8 MS. HEALY-GALLAGHER: I believe we're connected
9 with our equipment, so....

13:16:35 10 THE COURT: Okay. All right. I wanted to check
11 with you on the Exhibit 329 -- or 829, the affidavit of
12 nonappearance. We had a discussion yesterday about those
13 exhibits. Can we receive the affidavit?

14 MS. HEALY-GALLAGHER: I believe we sent it.

13:16:55 15 THE COURT: You've got it. I just want to know if
16 it should be received. It was marked as Exhibit 829.

17 MS. HEALY-GALLAGHER: Oh, it's more for
18 admissibility purposes, so that does not have to be admitted,
19 but we certainly can.

13:17:07 20 THE COURT: Okay. As to exhibits offered in the
21 depositions, we've been through them. We have objections that
22 have been overruled and sustained, but I had some questions,
23 and you may want to take this down.

24 In the Peter Gregg deposition there's a reference
13:17:28 25 to Exhibit 347. It's an e-mail from Greg Shepard. We don't

1 to what each side claims the evidence from Roulhac, Perez and
2 Reinken shows or doesn't show, its contributions and its
3 defects.

4 So think about that, but let's go ahead with
13:20:29 5 Miss Reinken.

6 MS. HINES: Your Honor, the United States calls
7 Miss Amanda Reinken to the stand.

8 AMANDA REINKEN,
9 called as a witness at the request of Plaintiff,

13:20:35 10 having been first duly sworn, was examined
11 and testified as follows:

12 THE WITNESS: I do.

13 THE CLERK: Thank you. If you'll, please, take a
14 seat.

13:20:54 15 DIRECT EXAMINATION

16 BY MS. HINES:

17 Q. Good afternoon, Miss Reinken.

18 A. Good afternoon.

19 Q. Could you, please, state your business address for
13:21:16 20 the record?

21 A. 555 Fourth Street Northwest, Washington, DC.

22 THE COURT: And could you state and spell your name
23 for the record, please?

24 THE WITNESS: Amanda A-M-A-N-D-A, last name
13:21:27 25 Reinken, R-E-I-N-K-E-N.

1 A. Yes.

2 Q. And so you how did you account for these items in
3 your spreadsheet?

13:39:09

4 A. I included them based upon their description on the
5 bank statements.

6 Q. So again, this first line has July 1st. What was
7 the descriptor you used for that transaction?

8 A. More than likely recurring transfer from RaPower3.
9 Probably abbreviated business checking.

13:39:25

10 Q. And what about the second line?

11 A. I probably just listed that as interest.

12 Q. So in reviewing all of the bank records and all of
13 the deposit or credit items did you add a descriptor for every
14 deposit or credit item that you reviewed?

13:39:44

15 A. I did.

16 Q. Miss Reinken, do you recall what years the bank
17 records went through?

18 A. I believe it was from roughly 2008 to early 2017.

13:40:01

19 Q. Okay. Let's take a look at Plaintiff's
20 Exhibit 735. Ms. Reinken, do you recognize Plaintiff's
21 Exhibit 735?

22 A. I do.

23 Q. What is Plaintiff's Exhibit 735?

13:40:19

24 A. It is the gross receipts for RaPower3, LLC, from
25 2009 to 2016.

1 Q. And is Plaintiff's Exhibit 735 a document you
2 created?

3 A. It is.

13:40:31

4 Q. Can you explain to me briefly how you went from an
5 Excel spreadsheet to arrive at the table that is on the top
6 half of Plaintiff's Exhibit 735?

13:40:55

7 A. I put my original data that I entered into the
8 spreadsheet. I used the function Excel calls pivot tables. I
9 narrowed the data by only the main accountholder as being
10 RaPower3, LLC, and I told Excel to exclude certain items to
11 come up with these amounts.

12 Q. Okay. So if you excluded certain items, did you
13 include specific items?

14 A. Correct.

13:41:09

15 Q. What were the specific items that you included in
16 your pivot table creation?

17 A. For the entities, I included all deposits, any ACH
18 transactions, wire transfers and anything that was quantified
19 as interest or dividend credit.

13:41:30

20 Q. So we just a few minutes ago walked through a
21 transfer on Plaintiff's Exhibit 684. How if at all is an item
22 that was identified as a transfer on a bank statement
23 reflected in your chart on Plaintiff's Exhibit 735?

13:41:50

24 A. If it was not a wire transfer it wasn't included,
25 or ACH transfers.

1 Q. So if it wasn't a wire transfer or a ACH transfer,
2 any other item identified as a transfer on a bank statement
3 was not included.

4 A. Correct.

13:42:02 5 Q. Miss Reinken, the top, the title says, gross
6 receipts for 2009 through 2016. What, if anything, does the
7 years indicated in the title reflect about the records that
8 you reviewed for RaPower3?

9 A. I believe it was just those records that we had for
13:42:24 10 RaPower3.

11 Q. So you only had records for 2009 through 2016?

12 A. I believe so, yes.

13 Q. Miss Reinken, what, if anything, is the difference
14 between the table at the top of Exhibit 735 and the graph on
13:42:38 15 the bottom of 735?

16 A. There is really no difference. It's just putting
17 in a line graph.

18 Q. Miss Reinken, is Plaintiff's Exhibit 735 a true and
19 accurate copy of the document you created?

13:42:54 20 A. It is.

21 MS. HINES: Your Honor, at this time plaintiff
22 would moved Plaintiff's Exhibit 735 into evidence.

23 MR. EGAN: No objection, Your Honor.

24 THE COURT: 735 is received.

13:43:03 25 (Whereupon, Plaintiff's Exhibit 735 was received.)