

1 IN THE CIRCUIT COURT OF THE 15TH JUDICIAL
2 CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

3 GENERAL JURISDICTION DIVISION

4 CASE NO.: 502009 CAO29903XXXXMB AG

5 CONSOLIDATED WITH

6 CASE NO.: 502009 CAO40295XXXXMB AG

7 FD DESTINY, LLC, et al.,

8 Plaintiffs,

9 vs.

10 AVP DESTINY, LLC, et al.

11 Defendants.

12 _____ /

13 515 East Las Olas Boulevard

14 Suite 1200

15 Fort Lauderdale, Florida

16 Thursday, 9:06 a.m. to 9:48 a.m.

17 August 4, 2016

18 DEPOSITION OF ROBERT ODDO

19
20 Taken on behalf of the Plaintiff before
21 Janet Baldauf, RPR, FPR, and Notary Public in and
22 for the State of Florida at Large, pursuant to
23 Notice of Taking Deposition in the above cause.
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APPEARANCES:

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(NO EXHIBITS MARKED)

1 THE VIDEOGRAPHER: We are now on the video
2 record. My name is Todd Cohen representing
3 Veritext. Today's date is August 4th, 2016, and
4 the time on the video record is 9:06 a.m. The
5 deposition is being held at the offices of Holland
6 & Knight, located at 515 East Las Olas Boulevard
7 in Fort Lauderdale, Florida.

8 The caption of the case is FD Destiny, LLC
9 et al. versus AVP Destiny, LLC, et cetera, et
10 al. The case is being held in the Circuit
11 Court of the 15th Judicial Circuit in and for
12 Palm Beach County, Florida.

13 The name of our witness today is Mr. Bob
14 Oddo. At this time may I please have all
15 parties in the room announce themselves for the
16 video record after which our court reporter,
17 Janet Baldauf of Veritext, will swear in
18 Mr. Oddo, and we can begin our deposition.

19 MR. HUTCHISON: Rick Hutchison and Ben
20 Taormina here on behalf of the FD parties.

21 MR. MARIANI: John Mariani, counsel in the
22 consolidated cases for the Pugliese parties.

23 THE REPORTER: Would you raise your right
24 hand. Do you solemnly swear or affirm the
25 testimony you are about to give will be the truth,

1 the whole truth and nothing but the truth?

2 THE WITNESS: Yes.

3 DIRECT EXAMINATION

4 THE WITNESS: Yes.

5 BY MR. HUTCHISON:

6 Q. Please state your full legal name for the
7 record.

8 A. Robert Louis Oddo.

9 Q. And Mr. Oddo, spell your last name.

10 A. O-D-D-O.

11 Q. As I introduced myself a few minutes ago, my
12 name is Rick Hutchison, and I represent Fred DeLuca and
13 his respective companies in this lawsuit.

14 Every answer you give has to be audible.
15 In other words, it has to be a yes, a no, an I don't
16 know. The court reporter can't take down a shake of
17 the head or a shrug of the shoulders. Do you
18 understand that?

19 A. Okay.

20 Q. Another important point, I will let you
21 finish your answer before I ask my question. You have
22 to let me finish my question before you give an answer
23 because the court reporter can only take down one of us
24 at a time. Can you do that?

25 A. Yes.

1 Q. And if you don't understand anything, let me
2 know, and I can reask or rephrase the question in a
3 different way. Okay?

4 A. Okay.

5 Q. What's your current address?

6 A. 414 Southeast 11th Street. Southwest.
7 Sorry.

8 Q. Southwest 11th Street?

9 A. Yes.

10 Q. House or --

11 A. It's a duplex.

12 Q. So it's 414 Southwest 11th Street, and
13 what's the town?

14 A. Fort Lauderdale.

15 Q. And what's the zip code?

16 A. 33315.

17 Q. How long have you lived there?

18 A. About nine months.

19 Q. Where did you live before that?

20 A. I lived -- let me just give you my house
21 address that I own. That's probably the easiest thing.
22 9926 Northwest 66th Manor.

23 Q. Is that Fort Lauderdale?

24 A. That's Parkland. I still own the house.
25 I'm just not living in it.

1 Q. Do you rent it?

2 A. No. My ex-wife lives in it.

3 Q. And you live at 414 Southwest 11th Street
4 alone?

5 A. No. Girlfriend.

6 Q. And how old are you?

7 A. 59.

8 Q. Have you ever given a deposition before?

9 A. Yes, I think I have years ago. I couldn't
10 tell you what it was about.

11 Q. Only once?

12 A. As far as I can recall.

13 Q. Okay. Do you recall anything about it?

14 A. Not much, no. I couldn't even tell you what
15 the topic was, but I do remember I've done it before.

16 Q. Were you a party or were you just a witness,
17 do you know? Were you a plaintiff or defendant?

18 A. No. I would have been a witness I would
19 think. I don't recall in all honesty.

20 Q. Who asked you to be a witness in this
21 lawsuit?

22 A. John Mariani.

23 Q. And when was that?

24 A. A few months ago.

25 Q. And how did you meet Mr. Mariani?

1 A. Anthony Pugliese.

2 Q. Did you meet him in person?

3 A. I have met him in person, yes.

4 Q. Well, tell me about the first time you met
5 John Mariani. How did that come about?

6 A. Geez, let me think about that. I believe it
7 was at a luncheon. I think we were all at a lunch
8 together.

9 Q. Who was there?

10 A. John, Anthony, Patrick, Phil, maybe Steve
11 Seger. I don't remember exactly.

12 Q. John being John Mariani, the gentleman
13 sitting here?

14 A. Right.

15 Q. He represents Anthony Pugliese. You
16 understand that?

17 A. Yes.

18 Q. Anthony was Anthony Yanez, another lawyer
19 that represents Anthony Pugliese?

20 A. No, never met him.

21 Q. Oh, you meant Anthony Pugliese?

22 A. Yes.

23 Q. My mistake. So present was John Mariani,
24 Anthony Pugliese, somebody named Patrick. Who is
25 Patrick?

1 A. A casual friend of ours.

2 Q. What's his last name?

3 A. I don't even know his last name to tell you
4 the truth.

5 Q. And who is Phil?

6 A. Phil Pike.

7 Q. And what does Phil Pike do?

8 A. Manages money.

9 Q. He's a --

10 A. Stockbroker of some sort.

11 Q. For what company?

12 A. I'm not sure.

13 Q. How do you know Phil Pike?

14 A. Casual friends, golf buddies.

15 Q. Is he your stock broker?

16 A. No. I'm in the cellular phone business.

17 Q. Okay. And what does Patrick do?

18 A. I don't know. I'm not sure. Casual
19 friends. They are not, like, close friends.

20 Q. And who is Steve Seger, S-E-G-E-R?

21 A. Steve Seger worked for subway. I don't know
22 if he still does. He was a franchisee.

23 Q. Franchisee for Subway?

24 A. Yes.

25 Q. And why did all of you meet for lunch?

1 A. I believe it was at Steve's restaurant. He
2 owns a restaurant called Zingers.

3 Q. Uh-huh. And why did you meet?

4 A. No reason. To have lunch.

5 Q. How did it come about? Did Anthony call you
6 and ask you to join him for lunch?

7 A. No. I think Phil did.

8 Q. Okay. And tell me about what was discussed
9 at lunch.

10 A. Can you be more specific? I don't remember.

11 Q. Well, you were asked to be a witness at
12 lunch that day?

13 A. Yeah. Okay. So pertaining to that.

14 Q. Yes.

15 A. All right. The discussion was around my
16 dealings with Fred DeLuca and Fred Florio regarding a
17 business proposition that they had approached me with.

18 Q. And tell us about that discussion -- well,
19 what did Anthony Pugliese say about the lawsuit?

20 A. Not much. I don't really know a whole heck
21 of a lot about it. I know there's an issue between the
22 two over ownership of the property, but not much else.

23 Q. Did Anthony Pugliese tell you anything else
24 about the lawsuit?

25 A. No.

1 Q. Did John Mariani tell you anything else
2 about the lawsuit?

3 A. No, other than my piece of it.

4 Q. What's your piece of it?

5 A. You want me to start at the beginning?

6 Q. It's a good place to start.

7 A. All right. I've known Fred DeLuca and Fred
8 Florio for a long time. I've known Fred Florio
9 probably 30 years, something like that.

10 Q. How many years?

11 A. Probably 30, something like that. We both
12 lived in Coral Springs together, played golf together,
13 members of the same club.

14 Q. Are you as good a golfer as Florio tells me
15 he is?

16 A. Yeah, he's pretty good.

17 Q. Is he as good as you?

18 A. Yeah, we are pretty equal.

19 Q. All right.

20 A. So anyway, we were golf buddies. I know he
21 worked for Subway. I met Fred DeLuca, you know, I
22 don't know how many years ago, probably 15 years ago,
23 maybe longer. Casual friends. I would be invited to
24 his house for parties. We would meet, you know, for
25 lunches or dinners or whatever occasionally. But more

1 closer friends with Fred Florio than DeLuca. DeLuca I
2 knew casually.

3 Q. What did you understand that Florio did for
4 Subway?

5 A. Seemed to me, appeared to me it's like
6 DeLuca's right-hand man. He did pretty much --

7 Q. Was he DeLuca's right-hand man in
8 investments other than Subway or did he actually work
9 for the Subway chain of restaurants or the franchisor?

10 A. As far as I know, he worked for Subway. I
11 mean, I met -- we did some business with -- like, Steve
12 Seger, that's where I met Steve Seger was probably at a
13 party at Fred DeLuca's house, and we did some business
14 with some of the franchisees through that relationship.
15 As far as I knew, Fred Florio worked for Subway.

16 Q. Did he tell you he was working for Subway?

17 A. Yeah.

18 Q. Okay. He did. Florio told you that?

19 A. Yeah.

20 Q. Okay. Very good. And what did he tell you
21 he did for Subway?

22 A. Whatever Fred DeLuca needed him to do. He
23 was pretty much Fred's right-hand man.

24 Q. Did you ever see Florio's business cards?

25 A. I don't recall.

1 Q. Did they say he worked for Subway on his
2 business cards?

3 A. I have no idea.

4 Q. Did you ever e-mail back and forth with
5 Florio?

6 A. No. I don't think he had an e-mail address.
7 His wife did. I e-mailed back and forth with his wife
8 which she would give him.

9 Q. Okay. So when you first met -- so you knew
10 Florio for 30 years, and how did you know Florio?

11 A. Through golf, through, you know, socially in
12 Coral Springs. Mutual friends.

13 Q. And how did you meet DeLuca?

14 A. Through Fred Florio.

15 Q. So let's keep going. You were telling me
16 about the beginning so --

17 MR. MARIANI: Objection. Form. You've
18 interrupted. He's done.

19 MR. HUTCHISON: He can answer.

20 BY MR. HUTCHISON:

21 Q. Go ahead, Mr. Oddo.

22 A. So we were socially friends. In the
23 meantime, I started a business around 2003 and grew to
24 about 2 million a year. And we were doing very well
25 doing managed wireless for cellular.

1 So at some point -- I don't remember at
2 what point I met Anthony. I didn't know Anthony at
3 this point. I met Anthony actually -- I remember
4 where I met him because it was an unusual place. I
5 met him at a party at Harry Sargent's house. It was
6 a birthday party for Charlie Crist.

7 And I had heard about him because Fred
8 Florio knew him and he would tell me, he's a nice
9 guy, you know, whatever, you need to meet this guy.
10 I never met him though. So I met him at this party.
11 We were -- happened to be standing next to each
12 other talking, and we finally introduced each other
13 ourselves and figured out, okay, we both know Fred.
14 So at the time that's when I think they were doing
15 this real estate deal. I think it was ongoing. I
16 don't know. I don't know much about that.

17 The only thing I knew about it is I did
18 go shooting up there one time. I called Fred DeLuca
19 to use it as a gun range. We went up there to
20 Yeehaw Junction, and they set up some hay bales and
21 allowed us to shoot target practice up there. And
22 they were both involved in it at that time.

23 Q. So that would have been about ten years ago?

24 A. I couldn't even tell you. Yeah, that was
25 years ago. I couldn't tell you what year that was. It

1 was a long time ago.

2 Q. And you only went up there once?

3 A. Yeah.

4 Q. Did you go up there with Anthony Pugliese?

5 A. No.

6 Q. Florio?

7 A. No.

8 Q. DeLuca?

9 A. No.

10 Q. Okay. You just went up there, you and your
11 friends went to shoot guns?

12 A. Uh-huh. I have a friend that has a house up
13 there in Lake Placid, so we stayed there, and we went
14 over to that area because it was a safe place to shoot
15 guns.

16 Q. Lot of land?

17 A. Yeah, a lot of land with nothing on it.

18 Right. So anyway, I met Anthony at some point in that
19 time. I couldn't tell you the timing on that on when
20 that was.

21 Then somewhere around end of 2011 or
22 beginning of 2012, somewhere in that neighborhood,
23 Fred Florio comes to me with a business proposition.
24 He didn't actually start out with a proposition to
25 me. He started out just telling me that he was

1 looking for a company to invest in, in partnership
2 with Fred DeLuca. DeLuca was going to invest in a
3 company. He was looking for a company that was
4 already in business and profitable, not a start-up,
5 not a pie-in-the-sky type of thing, that he could
6 invest around \$2 million in with a stipulation that
7 Fred Florio would become part of that company and go
8 to work for it and move from Subway to whatever that
9 company was off the Subway payroll.

10 Q. And was Florio interested in that?

11 A. Pardon me?

12 Q. Was Florio interested in doing that?

13 MR. MARIANI: Objection. Form.

14 THE WITNESS: Yeah, he brought it to me.

15 BY MR. HUTCHISON:

16 Q. Okay. What did he tell you about that?

17 A. Pretty much in the beginning that was it.

18 Like, this is what I'm looking for, and he said your
19 company could be a candidate, are you interested in it.

20 I said so what we are talking about is \$2 million
21 investment in the company, and we bring you in as a
22 partner, employee, and we use that money to expand the
23 business. Right. I said yeah, why not. I'm
24 interested.

25 Q. And Florio would become part owner of your

1 company?

2 A. Well, not part owner. Fred DeLuca would
3 become part owner, I would assume. We never got that
4 far. We got as far as that development, are you
5 interested, yes, okay. Let me continue my due
6 diligence, I'll talk to DeLuca about it. Okay. Which
7 he did. He came back, and he said I'm recommending to
8 DeLuca that we do this deal with you and your company
9 because I think that's the best fit. I said okay,
10 fine.

11 So didn't hear anything for a while. It
12 kind of went quiet. And so I -- subsequent to that
13 somewhere in early '12, I ran into DeLuca at a
14 restaurant, and I took him aside and asked him, you
15 know, what's the deal. I understand that, you know,
16 you are interested in doing something with my
17 company, but it's kind of gone dormant, are you
18 serious about this or what do you want to do. And
19 he says yeah, I'm serious about it, but I need Fred
20 Florio to be a witness for me.

21 So I said to him, I thought he is a
22 witness for you. And he goes well, he is, but I
23 need him to say what I need him to say. And unless
24 he's willing to do that, I can't move forward.

25 Q. I need him to say what I need him to say.

1 Did he say anything else?

2 A. Not really. I mean I didn't know much about
3 the lawsuit or what's there. And the last thing I
4 wanted to do is get in the middle of it. So I'm, like,
5 all right. So I let it go at that. And then I talked
6 to Fred Florio subsequently probably the next day.

7 Q. Is that the last time you spoke with DeLuca?

8 A. No. I saw him socially. I saw him out a
9 few times, you know, said hello, how are you doing.

10 Q. But the time you saw him --

11 A. Last time I talked to him about the
12 business, yeah.

13 Q. So when you saw DeLuca in early 2012 where
14 was it?

15 A. At YOLOs.

16 Q. And who were you with?

17 A. I was meeting my girlfriend who was late.
18 She ended up not coming. I ended up going over to her
19 house, but --

20 Q. And who was he with?

21 A. Oh, he was with a gang of people. I
22 couldn't even tell you. He was set up at a big table
23 with probably 10 or 15 people.

24 Q. And he said I need him to say what I need
25 him to say?

1 A. Yeah, words to that effect.

2 Q. To that effect. Is that exactly what he
3 said or you don't remember?

4 A. I don't recall exact words, but it was clear
5 to me that he wanted Fred Florio's testimony to be in
6 his favor, basically.

7 Q. Well, did he ever say he wanted Fred Florio
8 to lie?

9 A. We didn't -- no, he didn't say that
10 specifically. He said I need his testimony -- I need
11 his testimony for me basically.

12 Q. But did he ever tell you that he needed
13 Florio to lie?

14 A. No, he didn't say that.

15 Q. Did he ever tell you he wanted Florio to say
16 something that wasn't true?

17 A. No, he didn't say that.

18 Q. Did he say anything else other than I need
19 him to say what I need him to say?

20 MR. MARIANI: Objection. Form.

21 THE WITNESS: I don't recall exact words
22 but --

23 BY MR. HUTCHISON:

24 Q. Did he say anything else other than that?

25 A. I'm sure he did, but I don't know exactly

1 what he said.

2 Q. Do you remember any other parts of your
3 conversation with Fred DeLuca at YOLOs that night?

4 A. No. Just BS, typical, you know.

5 Q. So what happened with the business
6 investment? Did you ever have any other discussions
7 with DeLuca about whether he would invest or not?

8 A. No. I did with Florio. I went back to --

9 Q. I want to stay with DeLuca now, and then
10 we'll go to Florio.

11 A. No, I didn't talk to DeLuca any further
12 about the business. Most of the discussions were
13 between Florio and DeLuca. That was really the only
14 direct discussion I had with DeLuca about it.

15 Q. So as far as your discussions with DeLuca,
16 did you have any other discussions with DeLuca about
17 investing in your business?

18 A. No.

19 Q. Did you have any other discussions with
20 DeLuca about Fred Florio?

21 A. No.

22 Q. Did you have any discussions at all with
23 Fred DeLuca about the lawsuit?

24 A. No.

25 Q. When he said I need Florio to say what I

1 need him to say, what was he referring to?

2 A. He was referring to -- I assumed he was
3 referring to the testimony about the lawsuit.

4 Q. How do you -- why did you assume that?

5 A. Because it just made sense. I mean, if you
6 look at what he was doing, he was moving Fred Florio
7 out of Subway into my company. I'm assuming that would
8 make him a better witness. I don't know. And then the
9 deal fell apart because he tells me that Fred Florio
10 won't say what he wants him to say. I mean, I don't
11 know. You read into it what you want to.

12 Q. How did you link that to the lawsuit, to the
13 lawsuit against Pugliese as opposed to anything else?

14 A. Well, it was obvious that's what they were
15 talking about. That was the big deal on the -- the
16 elephant in the room.

17 Q. Why was it obvious to you? Did DeLuca
18 actually mention the lawsuit against Pugliese?

19 A. He didn't in that conversation. He said in
20 the lawsuit is what he said.

21 Q. So you just assumed it was the lawsuit
22 regarding Pugliese?

23 A. Yeah. And I talked to --

24 Q. That was an assumption that you made?

25 A. Yes.

1 Q. Okay. Then after your discussion with Fred
2 DeLuca, did you have any discussions with anyone else?

3 A. Fred Florio.

4 Q. Okay. Let's talk about that. When did you
5 speak with Florio?

6 A. Probably the next day.

7 Q. Okay. Tell me about your discussion with
8 Florio.

9 A. I told him that I ran into DeLuca at YOLOs,
10 and I had a conversation with him about the deal, and I
11 told him what he said. And Florio said to me, he said,
12 yeah, he wants me to lie for him and I can't do that.

13 Q. Florio said that?

14 A. Yes.

15 Q. Oh, okay.

16 A. So I said, well, I guess that means the
17 deal's off. And he goes, yeah, I guess so. So that
18 was pretty much it. Pretty much dropped that at that
19 point. That was the end of it.

20 Q. Did you have any other discussions with
21 Florio?

22 A. About?

23 Q. About DeLuca.

24 A. No.

25 Q. Did you have any other discussions with

1 Florio about buying into your business?

2 A. No.

3 Q. Did you have any other discussions --

4 A. Because recall it wasn't me that prompted
5 that. I wasn't looking for an investor at the time.

6 Q. I just have to ask the questions.

7 A. Yeah. No. That was the end of it. It
8 dropped.

9 Q. Did you have any other discussions with
10 Florio about the lawsuit that DeLuca was in with
11 Pugliese?

12 A. No.

13 Q. Did you ever have any discussions -- and you
14 never -- is it accurate -- well, did you ever have a
15 discussion with DeLuca about his lawsuit with Pugliese?

16 A. No.

17 Q. Did you understand what the lawsuit between
18 Pugliese and DeLuca were?

19 A. Not exactly. I know it's battle over
20 ownership rights of the property.

21 Q. And who told you that?

22 A. Well, it's been in the paper. There's been
23 stuff all over about it.

24 Q. Did Anthony Pugliese tell you anything about
25 the lawsuit?

1 A. No.

2 Q. What did John Mariani tell you about the
3 lawsuit?

4 A. Not much. Pretty much -- all we really
5 talked about was my testimony.

6 Q. So did Fred Florio give your name to John
7 Mariani and Anthony Pugliese?

8 A. I don't know.

9 Q. Well, how is it that -- you got a call out
10 of the blue and met Anthony and John Mariani. How do
11 you think that came about?

12 MR. MARIANI: Objection. Form.

13 THE WITNESS: No, it wasn't specifically to
14 talk to me. We were having lunch together.

15 BY MR. HUTCHISON:

16 Q. Okay. So then how did your story come out?
17 What you testified today about your conversations with
18 Florio and DeLuca, how did that come out during the
19 lunch?

20 MR. MARIANI: Objection. Form.

21 THE WITNESS: I don't recall exactly the
22 conversation in all honesty.

23 BY MR. HUTCHISON:

24 Q. Did you tell them at lunch what you just
25 told us this morning?

1 A. Yeah. I told John that.

2 Q. When did you tell John that? John being
3 John Mariani?

4 A. Yes. At lunch that day.

5 Q. What else did you tell John Mariani?

6 A. That's pretty much it.

7 Q. Did you tell John Mariani anything more than
8 what you told me this morning?

9 A. No. There isn't anymore. That's pretty
10 much it.

11 Q. How many times did you talk with John
12 Mariani?

13 A. One other time probably after that when he
14 called to ask me to give a deposition.

15 Q. And tell me about that call.

16 A. It was a brief call, and he told me that --
17 he asked me if I would be willing to give a deposition
18 based on what we just talked about, and I said, yes, I
19 would. He says okay. Well --

20 Q. Anything else?

21 A. No.

22 Q. Did you ever do any business with Fred
23 Florio?

24 A. No.

25 Q. Any business at all, not the one you told us

1 about, but any other business?

2 A. Huh-uh, no.

3 Q. Did you ever do any business with Fred
4 DeLuca?

5 A. Other than what I told you about with some
6 of the franchisees. We handled their cellular phones
7 for them years back. Mostly with Steve Seger. He had
8 a group of franchisees that were Florida based, and we
9 came -- one of our people would go in and speak to
10 them and say here's a deal we can offer you as a Subway
11 franchisee. That was -- I couldn't even tell you how
12 long --

13 Q. So that deal came through Steve Seger?

14 A. Yes. Exactly. He was some kind of super
15 franchisee.

16 Q. He owns several franchisees or something
17 like that?

18 A. Either that or he managed them. I'm not
19 sure exactly.

20 Q. Your deal wasn't with Fred DeLuca. It was
21 with Steve Seger?

22 A. Yeah.

23 Q. Is that accurate?

24 A. Uh-huh. Yes.

25 Q. Thank you. Did you read any documents or do

1 anything to prepare for this deposition?

2 A. Did I do what? I'm sorry.

3 Q. Read any documents?

4 A. No.

5 Q. Did you do anything to prepare for this
6 deposition?

7 A. No.

8 Q. And you don't have any -- you didn't do any
9 business at all with Fred DeLuca or take any loans from
10 Fred DeLuca; is that accurate?

11 A. No, nothing.

12 Q. And what about Anthony Pugliese, did you do
13 any business with Anthony Pugliese?

14 A. No.

15 Q. Any loans or any business transactions with
16 Anthony Pugliese?

17 A. No, nothing.

18 Q. Let me finish my question.

19 A. Oh, sorry.

20 Q. Did you ever do any business or have any
21 loans with Anthony Pugliese?

22 A. No.

23 Q. When is the last time you saw Anthony
24 Pugliese?

25 A. A few months ago.

1 Q. Where was that?

2 A. Lunch.

3 Q. The same lunch you told us about?

4 A. No. This is another lunch. This was a
5 little place on Delray, a little Lebanese restaurant.

6 Q. Who was at that lunch?

7 A. Anthony was there, Phil Pike, some of the
8 same characters, Patrick. I can't think of Patrick's
9 last name. Frank Chirkinian.

10 Q. Spell his last name.

11 A. You want me to look it up?

12 Q. Yeah.

13 A. I think I have it on my phone. I have
14 Patrick in there, but it just says Patrick.
15 C-H-I-R-K-I-N-I-A-N.

16 Q. Anyone else at lunch?

17 A. Not that I remember. Could have been, but I
18 don't remember.

19 Q. At that lunch did you talk about DeLuca at
20 all?

21 A. No.

22 Q. Did you talk about Anthony Pugliese's
23 lawsuit against DeLuca?

24 A. No.

25 Q. When is the last time you spoke with Anthony

1 Pugliese?

2 A. At that lunch.

3 Q. When is the last time you spoke with Fred
4 Florio?

5 A. Played golf a few weeks ago.

6 Q. When is the last you spoke with Fred Florio
7 about Fred DeLuca?

8 A. I don't remember. Probably maybe when he
9 died, shortly after he died.

10 Q. Tell me about that conversation.

11 A. That he died.

12 Q. That was it?

13 A. Yeah, pretty much.

14 Q. No comment?

15 A. No. It was like questions I asked -- I
16 probably asked him things like what happens to his
17 estate, you know. Sad that he died.

18 Q. When is the last time -- I'm sorry. I think
19 I asked you when is the last time you saw Florio. When
20 is the last time you spoke with Florio?

21 MR. MARIANI: Objection. Asked and
22 answered.

23 THE WITNESS: I thought I answered that. A
24 few weeks ago.

25 BY MR. HUTCHISON:

1 Q. Sometimes I forget what I ask, so be patient
2 with me. When is the last time you spoke with Florio?

3 A. A few weeks ago.

4 Q. At that time did you talk to him about your
5 deposition?

6 A. I don't know. I may have mentioned that I'm
7 doing it. I don't know. I don't recall.

8 Q. Did you talk to him about that you may be a
9 witness at trial?

10 A. No. I didn't know there was going to be a
11 trial. Is there going to be one?

12 Q. There's one scheduled.

13 A. Oh, that means I'll be a witness if it goes?

14 Q. That's why you are here.

15 A. Okay. I thought I was giving a deposition.

16 Q. Well, you are giving a deposition because
17 there's going to be a trial.

18 A. Okay.

19 Q. Or at least there's a trial scheduled. So
20 when is the -- did you talk about this deposition with
21 anybody?

22 A. My girlfriend.

23 Q. Other than her?

24 A. No.

25 Q. Did she know Fred DeLuca?

1 A. No, I don't think so.

2 Q. And I may have asked you this too, so
3 indulge me if I did. Did you have any business deals
4 with Florio at all other than discussing buying into
5 your business?

6 MR. MARIANI: Objection.

7 THE WITNESS: No.

8 BY MR. HUTCHISON:

9 Q. Did you have any e-mails with John Mariani
10 or Anthony Pugliese?

11 A. Not that I can recall.

12 Q. Do you have his e-mail address? Did you
13 e-mail him?

14 A. I don't know. Let me see if he's in my
15 phone.

16 MR. MARIANI: Whom are you asking about in
17 your question, the pronoun he?

18 MR. HUTCHISON: She can read back the
19 question.

20 MR. MARIANI: Okay. Would you read back the
21 question, please.

22 THE WITNESS: I do have his e-mail address,
23 but I don't see any record of e-mails in my phone.

24 BY MR. HUTCHISON:

25 Q. And I may have asked you this too, and if I

1 did, I'm sorry, but I'm going to ask you now. Did you
2 have -- did anybody tell you anything about the
3 relationship between Pugliese and DeLuca with respect
4 to the land in Yeehaw Junction?

5 A. You mean other than they were partners and
6 going to do this development called Destiny? That's
7 it. I knew that.

8 Q. Who told you they were partners?

9 A. Well, when I went shooting that day, I think
10 I asked Anthony first about it. I called Anthony and
11 asked him could we use the property because I knew they
12 were partners on it. And he said -- he sent me to
13 DeLuca. He said DeLuca is the managing partner of
14 what's going on with that stuff. I forget the
15 caretaker's name that was managing the property. So he
16 sent me to DeLuca.

17 So I called DeLuca and said can we do it,
18 and he said yeah, no problem. So I knew they were
19 partners, and I knew they were doing a development,
20 but that's about it.

21 Q. Pugliese referenced him as a partner, is
22 that how you knew they were partners? When you say
23 partners --

24 A. I don't recall the exact conversation. This
25 was many years ago.

1 Q. So are you using partners in the legal sense
2 or are you just using partners as two people who
3 invested together?

4 MR. MARIANI: Objection to form.

5 THE WITNESS: Two people that invested
6 together, I guess. I wouldn't know.

7 BY MR. HUTCHISON:

8 Q. So that's my question. You don't know what
9 their legal relationship was?

10 A. No.

11 Q. Is that accurate?

12 A. That's accurate.

13 Q. So when you say partners, you are just
14 referring to the two people that invested together?

15 A. Yes.

16 Q. It's accurate that you are not using
17 partners in a legal sense, correct?

18 MR. MARIANI: Objection. Form.

19 THE WITNESS: No. I'm not an attorney.

20 BY MR. HUTCHISON:

21 Q. That's correct?

22 A. That's correct.

23 Q. Do you have any experience in developing
24 land at all?

25 A. None.

1 Q. Did Fred Florio ever tell you about
2 WineStyles?

3 A. Yeah, I knew about WineStyles.

4 Q. What do you know about WineStyles?

5 A. I looked at it actually, so I forgot about
6 that. When he had WineStyles going on, when I started
7 my business in 2003, I looked at WineStyles as a
8 potential business. I left -- I was with AT&T
9 Wireless.

10 I left AT&T because they were
11 consolidating, and they wanted to move me to
12 Seattle, so I was looking at business opportunities.
13 And one of the things I did look at was WineStyles.
14 I forgot about that.

15 Q. How did you know about WineStyles? What
16 brought your attention to WineStyles?

17 A. I knew he had it. I knew it was a franchise
18 opportunity. I was looking to get out of the wireless
19 business because I had been in it since 1990.

20 Q. Does Fred Florio own WineStyles at that
21 point?

22 A. As far as I know he did.

23 Q. And he still does?

24 A. I have no idea. I don't know. I don't know
25 what happened to it.

1 Q. Tell me, what did Florio tell you about
2 WineStyles?

3 A. Well, there was one open in Coral Springs,
4 so I saw one. I went in one. And I looked at the --
5 whatever they call the franchise papers that they do.
6 So I looked at that as a potential to do WineStyles
7 franchises. I also talked to DeLuca about Subway at
8 the time which they were pretty saturated. There
9 wasn't really opportunities. I was also friends with
10 Dave Thomas. So I talked to Dave about --

11 Q. Dave Thomas as of Wendy's?

12 A. Yeah. So I talked to Dave about Wendy's
13 opportunities, and there was one in Europe at the time.
14 There was an opportunity to do England and Ireland.
15 There was really nothing in the US. It was pretty much
16 saturated. So we were kicking that around. He died
17 though shortly after that.

18 Q. Dave Thomas founded Wendy's. How did you
19 meet Dave Thomas?

20 A. Golf. That's how I met most people I know
21 is through golf. He was neighbors and good friends of
22 a golf buddy of mine, and we ended up becoming friends
23 and playing golf together.

24 Q. And Florio wanted to sell you a franchise of
25 WineStyles?

1 MR. MARIANI: Objection. Form.

2 BY MR. HUTCHISON:

3 Q. Is that why you looked at WineStyles?

4 A. Yes, as a potential investment as a business
5 opportunity.

6 Q. But Florio was the franchiser?

7 A. Yeah.

8 Q. Is that right?

9 A. Uh-huh.

10 Q. Yes?

11 A. Yes.

12 Q. And why did you not buy a WineStyles?

13 A. It just didn't -- it looked to me like when
14 I looked at the opportunity, it looked like it was more
15 geared to someone looking to make a salary basically.
16 I didn't see enough money in it. It looked like if you
17 opened one of these stores you could make a salary. If
18 you ran it yourself you could make a salary, and that's
19 really not what I was looking for. I was looking for a
20 higher income opportunity. It didn't look like a good
21 fit.

22 Q. Any other discussions with Florio about
23 going into business?

24 A. No. That was it.

25 Q. Does Florio still own WineStyles today?

1 A. I don't know to tell you the truth. I'm not
2 sure. He never mentions it.

3 Q. Do you have any personal knowledge about the
4 Yeehaw Junction property or what was going on with
5 respect to developing the Yeehaw Junction property?

6 MR. MARIANI: Objection. Form.

7 THE WITNESS: Only what I saw in the paper.

8 BY MR. HUTCHISON:

9 Q. Okay.

10 A. I mean, I knew it was a green development,
11 all inclusive. It looked like a pretty exciting deal
12 from what I saw.

13 Q. And that was all based on what you read in
14 the paper?

15 A. Yes.

16 Q. You never discussed that -- did you ever
17 discuss that with Anthony Pugliese?

18 A. No. I might have with Fred Florio. He
19 might have told me about the concept.

20 Q. Did you ever discuss it with Fred DeLuca?

21 A. No.

22 Q. And did you ever discuss it with Anthony
23 Pugliese?

24 A. No.

25 Q. Did you ever discuss the fact that Anthony

1 Pugliese was convicted of crimes for stealing from that
2 project?

3 MR. MARIANI: Objection. Form.

4 THE WITNESS: I read about it in the paper.

5 BY MR. HUTCHISON:

6 Q. Did you ever discuss it with Anthony
7 Pugliese?

8 A. No.

9 Q. Did you ever discuss it with Fred DeLuca?

10 A. No.

11 Q. Did you ever discuss what the dispute
12 between DeLuca and Pugliese was about with Fred DeLuca?

13 A. No.

14 Q. Did you ever discuss what the dispute
15 between Pugliese and DeLuca was with Pugliese?

16 A. No.

17 Q. Did you ever discuss the dispute with Fred
18 Florio?

19 A. Yes.

20 Q. Okay. What did Florio tell you?

21 A. Geez, I don't recall exactly how he put it.
22 He said basically it was a dispute over ownership of
23 the land.

24 Q. Did he tell you anything more than that?

25 A. No, I didn't really want to -- I didn't

1 really want to know much, and he didn't really want to
2 talk about it.

3 Q. Do you remember Florio telling you anything
4 more than that?

5 A. No.

6 Q. Did you ever discuss the theft that Anthony
7 Pugliese was accused and convicted of with Fred Florio?

8 MR. MARIANI: Objection. Form.

9 THE WITNESS: I don't think so, no.

10 BY MR. HUTCHISON:

11 Q. Did you ever discuss the fact that Pugliese
12 was accused of stealing money from DeLuca or the
13 project --

14 MR. MARIANI: Objection.

15 BY MR. HUTCHISON:

16 Q. -- with Fred Florio?

17 MR. MARIANI: Objection. Form.

18 THE WITNESS: No.

19 MR. HUTCHISON: I need about five minutes to
20 go over my notes, and we are going to be finishing
21 up really quickly. Take a five-minute break. Hit
22 the men's room. Get a drink of water.

23 THE WITNESS: I'm good.

24 MR. HUTCHISON: There's sodas and waters
25 there.

1 THE VIDEOGRAPHER: Stand by to go off media
2 unit number one. Going off at 9:41 a.m.

3 (Thereupon, a recess was taken in the proceedings
4 from 9:41 a.m to 9:44 a.m.)

5 THE VIDEOGRAPHER: We are now back on media
6 unit number one. The time back on is 9:44 a.m.

7 BY MR. HUTCHISON:

8 Q. What's the name of your company?

9 A. I'm sorry.

10 Q. What's the name of your company?

11 A. Global Communication Systems, Inc.

12 Q. Are you still working at that company?

13 A. Yes.

14 Q. So that's your full-time job?

15 A. Yes.

16 Q. And you said -- did you meet with anybody
17 prior to today to talk about this deposition?

18 A. No.

19 MR. MARIANI: Objection. Form.

20 BY MR. HUTCHISON:

21 Q. So the only discussion you had was several
22 weeks ago with John Mariani on the phone?

23 A. Right.

24 Q. And how did you know to come here today?

25 Oh, you had a subpoena?

1 A. That.

2 MR. MARIANI: I think you served him with a
3 subpoena.

4 MR. HUTCHISON: I couldn't remember if you
5 were kind enough to accept service, but then I
6 realized you never do that, so I had to serve a
7 subpoena.

8 MR. MARIANI: No. You had to serve a
9 subpoena because we don't represent the witness.
10 And I think you knew that.

11 BY MR. HUTCHISON:

12 Q. So tell me what Global Communications does?

13 A. Okay. It started out doing managed wireless
14 for large companies. Like, our largest client is
15 Republic Services, and they have 35,000 phones in their
16 portfolio, company-managed phones. We manage that
17 portfolio for them, meaning we create a custom website
18 with their rules and regulations in it on what's
19 allowed and what isn't. We get orders come to us.
20 When someone needs a replacement phone or a new phone
21 or what have you, we get the appropriate approvals,
22 process the order. We handle all their tier one
23 support, customer support and so forth. That's the
24 managed wireless piece.

25 The other side that we do is distribute

1 antenna systems. If you take a building like that
2 one right there -- that's not one of our projects,
3 but that's typical of them. There's a new building
4 code that requires all buildings over 10,000 square
5 feet to have complete coverage for police and fire
6 two-way radio. And with the new glass codes for --
7 they call it Low-E glass. It blocks that signal.
8 It also blocks the sun's radiation. So very few
9 buildings will pass the test especially in the
10 elevators and stairways.

11 So we come in and we'll put in a series
12 of antenna systems throughout the building and
13 retransmit those two-way radio signals inside. And
14 we do the same thing for cellular.

15 Q. Is that a State law or a County?

16 A. It's a State law that's being enforced in
17 local jurisdictions. They call it AHJ, authority
18 having jurisdiction. So it's being enforced right now
19 in Broward, Dade and Palm Beach and hasn't expanded to
20 the rest of the state yet. So I ended up back in the
21 communications business. I couldn't get out.

22 Q. It's what you know, right?

23 A. Yeah, exactly. And that's kind of what
24 happened. I looked at other opportunities, and I'm,
25 like, why am I beating my head against the wall here

1 when this is what I know.

2 MR. HUTCHISON: Give me two minutes to look
3 at my notes, and I think we are done.

4 BY MR. HUTCHISON:

5 Q. When is the last time you spoke with Fred
6 DeLuca?

7 MR. MARIANI: Objection. Form. Asked and
8 answered.

9 THE WITNESS: I don't recall. It was before
10 he got sick.

11 BY MR. HUTCHISON:

12 Q. And the last time you spoke with Fred DeLuca
13 about Florio or about investing in your business was
14 that time at YOLOs you discussed earlier?

15 A. Yes.

16 Q. I assume you are friends with Fred Florio's
17 wife?

18 A. Yes.

19 Q. You never discussed --

20 A. No.

21 Q. -- anything with Fred Florio's wife
22 regarding Fred DeLuca and Anthony Pugliese?

23 A. No.

24 Q. Is that accurate?

25 A. Yes, that's accurate.

1 MR. HUTCHISON: I have no more questions at
2 this time.

3 MR. MARIANI: Are you going to instruct the
4 witness of his right to read the transcript?

5 MR. HUTCHISON: The court reporter will
6 instruct him. I have no more questions. We are
7 done unless there's something else that you want
8 to say.

9 THE WITNESS: No.

10 MR. HUTCHISON: You have the right to read
11 or waive, and the court reporter will tell you
12 what that means.

13 THE VIDEOGRAPHER: Stand by to go off media
14 unit number one. This concludes our deposition.
15 The time off the record is 9:48.

16 (Thereupon, the reading and signing of the
17 transcript were waived and the deposition was
18 concluded at 9:48 a.m.)

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CERTIFICATE OF OATH OF WITNESS

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

I, JANET BALDAUF, Registered Professional Reporter, Florida Professional Reporter, Notary Public in and for the State of Florida at Large, certify that the witness, ROBERT ODDO, personally appeared before me on 8-4-16 and was duly sworn by me.

WITNESS my hand and official seal this 4th day of August 2016.



JANET BALDAUF, RPR, FPR
Notary Public
State of Florida at Large

Notary # FF208072
My Commission Expires: 3-31-2019

1 REPORTER'S DEPOSITION CERTIFICATE

2
3 I, JANET BALDAUF, Registered Professional
4 Reporter, Florida Professional Reporter certify that
5 I was authorized to and did stenographically report
6 the deposition of ROBERT ODDO, the witness herein;
7 that a review of the transcript was not requested;
8 that the foregoing pages numbered from 1 to 45
9 inclusive is a true and complete record of my
10 stenographic notes of the deposition by said
11 witness; and that this computer-assisted transcript
12 was prepared under my supervision.

13 I further certify that I am not a
14 relative, employee, attorney or counsel of any of
15 the parties, nor am I a relative or employee of any
16 of the parties' attorney or counsel connected with
17 the action.

18 DATED this 10th day of August 2016.

19
20 
21

22 _____
JANET BALDAUF
23 Florida Professional Reporter
24 Registered Professional Reporter
25

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FLORIDA RULES OF CIVIL PROCEDURE

Rule 1.310

(e) Witness Review. If the testimony is transcribed, the transcript shall be furnished to the witness for examination and shall be read to or by the witness unless the examination and reading are waived by the witness and by the parties. Any changes in form or substance that the witness wants to make shall be listed in writing by the officer with a statement of the reasons given by the witness for making the changes. The changes shall be attached to the transcript. It shall then be signed by the witness unless the parties waived the signing or the witness is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within a reasonable time after it is furnished to the witness, the officer shall sign the transcript and state on the transcript the waiver, illness, absence of the witness, or refusal to sign with any reasons given therefor. The deposition may then be used as fully as though signed unless the court holds that the reasons given for the refusal to sign require rejection of

the deposition wholly or partly, on motion under rule 1.330(d)(4).

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2014. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.