

IN THE CIRCUIT COURT OF THE 15th JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
Case No. 502009 CA029903XXXXMB AG

FD DESTINY, LLC, FREDERICK A. DELUCA, and
LAND COMPANY OF OSCEOLA COUNTY, LLC,

Plaintiffs,

vs.

AVP DESTINY, LLC; ANTHONY V. PUGLIESE,
III; ANTHONY V. PUGLIESE, INC. d/b/a THE
PUGLIESE COMPANY; and JOSEPH REAMER,
Defendants.

CONSOLIDATED FOR DISCOVERY ONLY
502009 CA040295XXXXAG

AVP DESTINY, LLC, a Florida limited
liability company, ANTHONY V. PUGLIESE,
III, individually,

Plaintiffs,

vs.

FREDERICK A. DELUCA, individually, FD
DESTINY, LLC, FD DESTINY CREDIT, LLC.,
and DOCTOR'S ASSOCIATES, INC.,
Defendants.

VIDEOTAPED DEPOSITION OF ALFRED FLORIO
Volume 4 of 4
Pages 477 through 590
Wednesday, June 11, 2014
9:07 a.m. - 5:22 p.m.
U.S. Legal Support
515 East Las Olas Boulevard, 3rd Floor
Fort Lauderdale, Florida 33301
Stenographically Reported By:
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Registered Professional Reporter
Florida Professional Reporter
Certified LiveNote Reporter

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EXHIBITS

DEPOSITION

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1 Videotape deposition taken before JANET L.
2 McKINNEY, Registered Professional Reporter, Florida
3 Professional Reporter, Certified LiveNote Reporter and
4 Notary Public in and for the State of Florida at Large
5 in the above cause.
6 *****
7 (Deposition resumed at 3:00 p.m.)
8 THE VIDEOGRAPHER: Back on the video record at
9 3:00 p.m.
10 MR. BELAVAL: Is it possible for you to tell
11 me what the last question I asked was? I'm so
12 sorry, but it was important.
13 (Read back.)
14 THEREUPON:
15 ALFRED FLORIO
16 having been previously duly sworn or affirmed, was
17 examined and testified as follows:
18 CROSS-EXAMINATION (Cont'd)
19 BY MR. BELAVAL:
20 **Q. Okay. Does that refresh. I mean, you said,**
21 **"in fact," and do you know what you were going to say**
22 **after that or not?**
23 A. Oh, I said -- I was going to say, in fact, you
24 guys both have copies of my investigation of Mr. Motta
25 in that box that you're copying right now.

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1 **Q. So eventually I will have a copy of it? I**
2 **don't have it right now, but I will?**
3 A. Right.
4 **Q. Okay.**
5 A. It's in that box. There's a whole file on
6 Mr. Motta and his life experiences.
7 **Q. The Jersey Associates money that came in, just**
8 **for clarification, you called it a stipend; correct?**
9 MR. HUTCHISON: Objection to form.
10 A. Yes.
11 BY MR. BELAVAL:
12 **Q. That stipend wasn't just pocket money. You**
13 **actually spent some of that money on expenses; correct?**
14 MR. HUTCHISON: Objection to the form.
15 A. Yeah. A majority of it I would say -- a good
16 portion of it was spent on my expenses, and the rest of
17 it was my personal money. The -- the Jersey Associates
18 account is kind of confusing because all the money that
19 came into Jersey Associates came into Jersey Associates
20 for -- just because it was -- the money was given to
21 me. So the money being given to me, I deposited into
22 that account because it was made out to Jersey
23 Associates.
24 BY MR. BELAVAL:
25 **Q. So my next question is --**

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1 A. A lot of the expenses --
2 **Q. Oh, I'm sorry.**
3 A. A lot of the expenses that I had were paid out
4 of my personal account, too. I mean, once the money
5 was mine, it was mine. It didn't matter whether I paid
6 expenses out of there or out of anything.
7 So if you look at the Jersey Associates
8 account, you'll see a lot of checks that were wrote --
9 were written out to cash, cash, cash. And this was
10 money that I would go to New Jersey, I would write
11 checks, tell me wife, go to the bank, cash this check
12 for me, I'm on -- I'm about ready to travel.
13 So there's a lot of checks that are made out
14 to Capital One Credit Card, which was my -- my Jersey
15 Associates credit card. And there's a lot of checks,
16 at least a couple checks a month, for me traveling to
17 New Jersey. When I traveled to New Jersey I brought
18 cash and used cash to do a lot of my things that I did
19 in Jersey.
20 **Q. Who bought the plane tickets?**
21 A. The plane tickets were usually supplied to me
22 from the -- the account in -- the -- the recycling
23 company. There were occasions when I bought the tickets
24 myself.
25 **Q. What the dinners? Did you have dinners up**

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1 **there?**
2 A. Yes.
3 **Q. Did you take people out to dinner?**
4 A. Yes.
5 **Q. Were they business dinners, or would you**
6 **qualify them as business dinners?**
7 A. I would qualify it as all business related.
8 **Q. And how much a month did RPAC, Zozzaro**
9 **Brothers, or Green Sky make during that time period, do**
10 **you know, in terms of income?**
11 A. I don't know what the exact number was. I
12 know that we had basically doubled the business from
13 the day we took it over to -- to that time, which
14 was -- in tonnage-wise I want to say it went from, you
15 know, 15,000 tons to maybe 30.
16 **Q. But for a jury to understand, I'd like you to**
17 **explain. In terms of money, are we talking a couple**
18 **hundred dollars a year, a couple thousand dollars a**
19 **year, a couple hundred thousand dollars a year that**
20 **these companies were generating?**
21 MR. HUTCHISON: Objection to form.
22 A. The company generated millions of dollars
23 worth of income.
24 BY MR. BELAVAL:
25 **Q. A year?**

1 A. Yes.
 2 **Q. So would you say that \$2,500 is like a drop in**
 3 **the bucket compared to the monthly income of RPAC?**
 4 MR. HUTCHISON: Objection to form.
 5 A. Of course. You know, \$2,500 compared to
 6 millions is -- is not much.
 7 BY MR. BELAVAL:
 8 **Q. Did Fred DeLuca object to -- ever object to**
 9 **Jersey Associates or RPAC paying you a stipend?**
 10 MR. HUTCHISON: Objection to form.
 11 A. I never addressed it with Fred DeLuca as it
 12 being a stipend. The course of the conversation was
 13 that, first of all, Fred asked me how I was -- how my
 14 expenses were being paid? And I said they were being
 15 handled by the company.
 16 BY MR. BELAVAL:
 17 **Q. By which company?**
 18 A. By the Destiny -- the Green Sky company.
 19 My -- all my travel and stuff up there, my expenses
 20 were being compensated.
 21 **Q. Just for clarification.**
 22 A. Yeah.
 23 **Q. Destiny had nothing to do --**
 24 A. Right.
 25 **Q. -- with Jersey Associates; is that correct?**

1 MR. HUTCHISON: Objection to the form.
 2 A. That's correct.
 3 BY MR. BELAVAL:
 4 **Q. And I need you to wait before you answer so**
 5 **that he can object and --**
 6 A. Okay.
 7 **Q. I will ask you a question and -- and after**
 8 **that question you don't what to --**
 9 A. Finish my answer.
 10 **Q. Okay.**
 11 A. I was given this money. I -- it was proposed
 12 by Tom San Giacomo and Joe Wojak that they would handle
 13 it in this manner. I was told that that's how
 14 Anthony's company is run.
 15 I went to Anthony, and I confirmed it with
 16 Anthony, that this is how you think that this --
 17 these -- this thing should be handled? And Anthony
 18 said, "Yes."
 19 Once Anthony said yes -- Anthony owned a third
 20 of the company. Tom owned a third of the company --
 21 there was no need for me to -- to go and talk to
 22 anybody else.
 23 **Q. Do you know if Anthony or Tom San Giacomo**
 24 **spoke to Fred Florio about how to pay your expenses?**
 25 A. Fred DeLuca you mean?

1 **Q. I'm sorry. Yes. Fred DeLuca.**
 2 A. I don't know. I don't know that answer.
 3 **Q. All the years that you knew Fred -- how many**
 4 **was there?**
 5 A. Well, I met Fred in '85.
 6 **Q. In 1985?**
 7 A. 30 years.
 8 **Q. And the last time you spoke to him was in**
 9 **2012, correct, you testified?**
 10 A. Yes.
 11 **Q. Did he ever offer you in that time an interest**
 12 **in any company or business, including LCOC or Zozzaro**
 13 **Brothers?**
 14 MR. HUTCHISON: Objection to form.
 15 A. According to David Cousins, an attorney at
 16 DAI, according to Al Quentel, Tommy kept on -- and
 17 Anthony kept on talking about the fairness of giving me
 18 stock in the company. And my name was in and out of
 19 that agreement half the times.
 20 Al Quentel told me, you know -- and I don't
 21 know whether Al was joking, I don't think he was --
 22 that there was 17 agreements, and I can tell you that
 23 my name was in half of them.
 24 **Q. Which company are you referring to?**
 25 A. Both the companies.

1 **Q. Okay. But here's my question: Did Fred ever**
 2 **offer? Nobody else.**
 3 A. No.
 4 **Q. Did Fred DeLuca ever -- wait, let me ask the**
 5 **question. Did Fred DeLuca ever offer you an interest**
 6 **in any company or business, including LCOC or Zozzaro**
 7 **Brothers?**
 8 A. Fred never offered it to me, but there were
 9 times when he agreed to give it to me through the --
 10 through Anthony and Fred. Did it ever happen? The
 11 answer is no.
 12 **Q. After the lawsuit, did Fred try and make you a**
 13 **partner in any new businesses?**
 14 A. Yes.
 15 **Q. Why do you think he did that?**
 16 MR. HUTCHISON: Objection as to form and
 17 foundation.
 18 A. I told Fred that I really wasn't happy, not
 19 happy -- not that I had to be, but I didn't agree with
 20 anything that was being done in these particular -- the
 21 lawsuits, and I really didn't want any part of it.
 22 And he said that his people weren't
 23 comfortable working with me, and -- for the reasons
 24 that I didn't agree with anything that they were going
 25 to do. I thought that it was just, again, a fellow

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1 with a lot of money just trying to browbeat somebody.
2 And when I told him, "I can't be a part of
3 this," he asked me that -- if I would stay, he would
4 give me money to buy a business that he would be
5 partners in. He offered me, you know, up to \$5 million
6 to stay and look for a business that I would like and
7 enjoy and succeed at.
8 I didn't feel comfortable with that at all. I
9 looked at a couple different things, and the more I
10 looked at it, I talked to him about a few things and he
11 never responded, so I thought it was just a ploy, you
12 know.
13 **Q. When was this?**
14 A. '09.
15 **Q. In 2009?**
16 A. Yeah, from '0 -- from '09 -- after I was told
17 not to go to the Destiny Project, which was May of '09.
18 This was later on the end of '09, the beginning of '10.
19 When I turned that offer down, I did get a call from
20 somebody telling me that Fred was interested in
21 investing in real estate and asked if I would
22 participate with them in a partnership with Fred to
23 handle some real -- some real estate.
24 And my answer to that was I wasn't interested
25 in getting more involved with businesses that Fred

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1 owned.
2 **Q. Why did you resign in April 2012?**
3 A. I just felt that I had a -- there was a huge
4 conflict between the way he was handling things and
5 approaching things, and I didn't see eye to eye with
6 him. He was adamant in the way that he was approaching
7 things, which was very much off the cuff.
8 I had people telling me what was happening --
9 what happened, and -- as far as Destiny. And not so
10 much in his discrepancy with Anthony, just on the
11 feasibility of the Destiny Project. And they were
12 telling me things, and I was laughing at it because
13 what they didn't understand is that I was there for
14 those four years. They didn't have to tell me what was
15 going on. They weren't there.
16 **Q. When you say "what was going on," what do you**
17 **mean?**
18 A. As far as our approval ratio, the positiveness
19 of the -- the deal, the feasibility of it, and what
20 exactly was going to happen.
21 **Q. Who were these people that were telling you**
22 **what had happened?**
23 A. I can't tell you that.
24 **Q. Why can't you tell me that?**
25 A. Because --

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1 **Q. Is it -- is it attorney-client?**
2 A. Yes.
3 **Q. Okay. Then no -- no problem.**
4 **Are they attorneys that are currently present**
5 **here?**
6 A. That's sort of like the same thing, isn't it?
7 **Q. No, I'm just asking. Is it -- is it the**
8 **attorneys that represent Mr. DeLuca in this lawsuit is**
9 **I guess my question?**
10 A. Yes.
11 MR. HUTCHISON: Objection as to -- look, if it
12 calls for attorney-client privilege then you
13 shouldn't answer it.
14 THE WITNESS: Well, a guy --
15 MR. HUTCHISON: I don't know what your answer
16 is going to be, but if it was any communications
17 with any attorneys that were representing Fred
18 while you were employed by Fred, then you shouldn't
19 answer.
20 A. Then I shouldn't answer.
21 (Simultaneous talking.)
22 BY MR. BELAVAL:
23 **Q. I'm asking for identification.**
24 **Just -- excuse me. I'm sorry.**
25 **Go ahead.**

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1 A. You're asking --
2 MR. HEFFNER: In the future instead of saying
3 "I can't answer that," just say -- just say, you
4 know, it was a conversation with --
5 THE WITNESS: Okay.
6 MR. HEFFNER: -- you know, attorney, you know,
7 so-and-so. And then we'll know what's going on and
8 then the appropriate objections will be made.
9 THE WITNESS: Okay.
10 BY MR. BELAVAL:
11 **Q. Just for clarity's sake, I don't want -- I**
12 **don't want you to tell me anything that an attorney**
13 **told you. I just want to know was it an attorney**
14 **working on this lawsuit?**
15 MR. HUTCHISON: Objection as to form. Was it
16 what?
17 MR. BELAVAL: The conversations that he's
18 talking about were the reason that he resigned.
19 MR. HUTCHISON: Well, the conversations he's
20 talking go about are attorney-client privilege,
21 I -- I understand.
22 MR. BELAVAL: I'm not asking for the
23 conversations themselves. I'm asking who it was
24 that was the source of it? Was it Proskauer Rose?
25 Was it Holland & Knight? And if you think that's

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1 attorney-client privilege you can assert it.
2 MR. HUTCHISON: Well, I'm only concerned about
3 the content of the conversation.
4 MR. BELAVAL: I don't want to know the
5 content.
6 MR. HUTCHISON: If you -- if his question --
7 whether directly or indirectly reveals the content
8 of the conversation, then it's privileged, and I'll
9 let Mr. Florio answer that.
10 MR. BELAVAL: Okay.
11 A. I did not agree --
12 BY MR. BELAVAL:
13 **Q. No, wait. No, you're about to disclose. I**
14 **don't want the content of the conversation.**
15 A. Okay.
16 **Q. I'm asking names.**
17 MR. HUTCHISON: You can't reveal the content
18 of the conversation.
19 MR. HEFFNER: What law firm was it that you
20 dealt with?
21 BY MR. BELAVAL:
22 **Q. Names of attorneys even?**
23 A. I dealt with Proskauer Rose, Holland & Knight,
24 and the Fred DeLuca management team that he appointed.
25 **Q. Okay. Now, that being said, how many times**

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1 **did you meet from September -- I'm sorry. When did you**
2 **testify you came back on to the LCOC project at**
3 **Mr. DeLuca's request?**
4 A. October of '9.
5 **Q. October of 2009.**
6 **From October of 2009 to April of 2012, how**
7 **many times did you meet with attorneys for Proskauer**
8 **Rose?**
9 A. Three to four times.
10 **Q. Okay. From -- do you know when Proskauer Rose**
11 **was -- when Holland & Knight replaced Proskauer Rose?**
12 **If you don't know, don't guess.**
13 A. No. No.
14 **Q. Okay. Did you have meetings with Holland &**
15 **Knight attorneys? Without telling me what might have**
16 **gone on in those meetings, any conversations, did you**
17 **have meetings with attorneys at Holland & Knight?**
18 A. Yes.
19 **Q. Where did you meet with these attorneys?**
20 A. At the Holland & Knight office in
21 Fort Lauderdale.
22 **Q. Did you ever meet at the Holland & Knight**
23 **offices in -- is it Boca Raton?**
24 **Does -- all right. Does Holland & Knight have**
25 **offices in Boca Raton?**

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1 A. I don't know. I've never been to any
2 Holland & Knight office other than the one in
3 Fort Lauderdale, which apparently has moved --
4 **Q. Okay.**
5 A. -- here. From where, I don't know.
6 **Q. What about in Palm Beach -- Palm Beach County?**
7 **Do you know -- do you know where their law firm --**
8 A. I've never been to any other Holland & Knight
9 office other than the one that I'm referring to the one
10 that's in Fort Lauderdale.
11 **Q. Could you turn to Exhibit 355, the affidavit**
12 **of Alfred A. Florio.**
13 A. Yeah.
14 **Q. What does the top left of the page read?**
15 A. State -- State of Florida, County of Broward.
16 **Q. Can you go to the last page of that affidavit,**
17 **where there's a signature block with what purports to**
18 **be your signature.**
19 **And I think you testified that was your**
20 **signature; right?**
21 A. Yes.
22 **Q. Okay. Where does it say -- what county is**
23 **that in? Bottom left.**
24 A. Yeah. It's a little seal.
25 **Q. No, above that.**

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1 A. Oh, Palm Beach.
2 **Q. So on the front it says Broward, at the bottom**
3 **it says County of Palm Beach. Where did you sign this**
4 **document?**
5 A. I signed -- I don't remember signing this
6 document.
7 **Q. Well, you testified yesterday you signed this**
8 **document. That's your signature.**
9 A. You asked me if that was my signature.
10 **Q. I didn't ask you any questions.**
11 **I'm sorry. Let me clarify.**
12 A. Okay.
13 **Q. Did you testify that you signed this document?**
14 A. Yes. And I think that I had a comment about
15 this document. I do not remember signing a document in
16 this form. I looked at the contents. The content
17 seems very, very familiar to what I did, and I referred
18 it back to a -- a meeting that I had at Holland &
19 Knight. And I said there was a couple things about
20 this document that I did not recognize.
21 Number one, I did not recognize the format or
22 the State of Florida, County. What I thought I gave at
23 the Holland & Knight office, from my recollection, was
24 a statement. There was no notary that I ever met. I
25 didn't show anybody my driver's license because I don't

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1 carry one.

2 **Q. So you're saying that this notary seal right**

3 **there, that the person on here Susan Berglund Silva --**

4 A. Right.

5 **Q. -- are you telling this court that that -- you**

6 **did not appear personally before this person and sign**

7 **in front of this person?**

8 A. I did not. I did -- never been to Palm Beach.

9 I never -- I don't know this lady.

10 **Q. Forgetting that it's in Palm Beach --**

11 A. I -- I --

12 **Q. Did you ever --**

13 A. I have questions about this because, first of

14 all, I don't remember signing a document in this form.

15 I don't remember, and I don't think I did. In fact, I

16 know I didn't sign it -- anything because I was part of

17 a -- again, now I'm going to get into a discussion.

18 **Q. No, you can't --**

19 A. I don't want to.

20 I don't remember this, and for a couple

21 reasons. Number one, I don't remember the format. And

22 if I signed a document that it had more than one page,

23 a document that had more than one page, I initialed the

24 bottom right-hand corner of everything I've ever done.

25 And I can't -- I don't see it there.

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1 As far as that -- that document goes, that's

2 it. We did go over it, so...

3 **Q. As you sit here today, can you state with**

4 **absolute certainty that you did not sign this**

5 **affidavit, three-page affidavit?**

6 A. Yes.

7 **Q. You're saying you -- this is not your**

8 **affidavit?**

9 A. Not the one that I recall signing.

10 **Q. You signed a different affidavit?**

11 A. I signed an affidavit that had very similar

12 contents to this. I did not sign in front of a notary,

13 and I did not sign it in this format.

14 **Q. Was it multiple pages?**

15 A. And my -- my initials aren't here, and so,

16 therefore, that tells me that it has been -- I -- I --

17 I don't know what it -- it wasn't -- I didn't sign

18 these three pieces of paper.

19 I don't have copies of this. I never did

20 receive a copy from when I did go and -- and have it.

21 For some reason or other, I was scheduled to go back to

22 the office at a different time, and as soon as I found

23 out that there was going to be a stenographer there

24 or -- I refused to go, and I decided --

25 **Q. Wait, wait. A stenographer where?**

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1 A. I was -- I had signed an affidavit. I did not

2 get a copy of the affidavit. I was told that I would

3 get a copy of the affidavit. Being that I was

4 scheduled to come back two days later, I was going to

5 get the affidavit when I went back to the office.

6 **Q. Was any -- was -- who were the attorneys, if**

7 **any, present when you did sign an affidavit?**

8 **You admit you signed an affidavit; correct?**

9 A. I was in the office of Holland & Knight in --

10 in Broward County. Right here.

11 **Q. And were there attorneys present in that**

12 **meeting?**

13 A. Yes.

14 **Q. Without telling me what you guys discussed or**

15 **anything like that, who were the attorneys present?**

16 **Was it more than one?**

17 A. Two.

18 **Q. Were -- who were the attorneys?**

19 A. Rick Hutchinson and John Chapman.

20 **Q. What about Matthew Zimmerman?**

21 A. I don't know who Matthew Zimmerman is.

22 **Q. Well, what about Susan Berglund Silva?**

23 A. I don't -- I never -- I don't know who Susan

24 Berglund Silva is.

25 **Q. Was there a staff member, secretary, paralegal**

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1 **in the meeting with you, Rick Hutchison, and**

2 **Mr. Chapman regard -- when you signed the affidavit?**

3 A. There was an office assistant that came in to

4 take the box of documents that I brought to begin to

5 copy them.

6 **Q. Did you ever give her your driver's license?**

7 A. I don't -- I didn't have a driver's -- I

8 didn't carry a driver's license.

9 **Q. What do you mean you don't carry a driver's**

10 **license?**

11 A. I don't carry a driver's license. I don't --

12 you know, I -- at that time my driver's license is in

13 my glovebox of my car. I don't usually carry a

14 driver's license.

15 **Q. Do you have it today?**

16 A. Yeah.

17 **Q. Why do you have it today if normally --**

18 A. Because I knew that I was going to be with her

19 and people that I didn't know and I might have to prove

20 my identity.

21 **Q. Well --**

22 A. Don't forget, I was going to a lawyer's office

23 that I considered to be there for -- you know, for all

24 the right reasons.

25 **Q. I don't want to hear conversations --**

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1 A. Okay.

2 **Q. -- between you and your lawyer.**

3 A. So I went there. I didn't figure that -- they

4 called me. I had known them. I had seen them. They

5 knew who I was. I didn't think that I had to prove my

6 identity to them.

7 **Q. For all -- for all you --**

8 A. In light -- in light of coming here today,

9 there's people here that I didn't know, and I thought

10 that I might just have to prove who I was, so I did go

11 to my glovebox and take out my driver's license.

12 **Q. Did you consider Holland & Knight,**

13 **Mr. Hutchison and Mr. Chapman, your attorneys back in**

14 **March of 2012?**

15 A. At the time that I went to see them, I was

16 uncomfortable because --

17 **Q. That's not -- no, I don't -- I'm not asking if**

18 **you're uncomfortable. I don't want to hear about --**

19 A. Well, I mean --

20 **Q. -- comments. Were they your attorneys or**

21 **weren't they?**

22 A. No.

23 **Q. Well, but they were the attorneys of your**

24 **employer, correct, at that time?**

25 A. Oh, right.

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1 **Q. Okay. So it was in furtherance of your**

2 **employment that you went to their offices; correct?**

3 MR. HUTCHISON: Objection to form.

4 A. Yeah.

5 BY MR. BELAVAL:

6 **Q. Did you go voluntarily or did you just show up**

7 **at their offices?**

8 A. No, no. I was --

9 **Q. Did you call them and tell them, "I need to**

10 **talk to you about some stuff"?**

11 A. No.

12 **Q. Why did you go to their offices?**

13 A. Because I was requested to go.

14 **Q. Okay. The documents attached -- and there are**

15 **50-plus documents attached to this affidavit.**

16 A. Right.

17 **Q. Were those attached to the affidavit you**

18 **signed?**

19 A. No.

20 **Q. Were they stapled non-exhibit but -- but in a**

21 **similar format given to you as exhibits?**

22 A. I -- I was shown numerous invoices from

23 companies, and I was pointed to look at the name of the

24 company, whether or not I recognized it, and the

25 invoice. There were also a stack of documents that

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1 were checks. And as I look at this, it was sort of

2 this format only I think they were more or less

3 original things. They weren't just copies of stuff.

4 **Q. Well --**

5 A. They were original invoices and some check

6 records of something.

7 **Q. Were there documents then attached or shown to**

8 **you that are not attached to this affidavit today?**

9 A. When I first saw the documents there was no

10 affidavit.

11 **Q. Well, when you -- you -- eventually, you**

12 **stated, you signed an affidavit; correct?**

13 A. Right. But the affidavit came after I was

14 shown these invoices. By looking through the invoices,

15 show me -- "You see this?" "You see this?" "You see

16 this?" "You see this?"

17 "Yes."

18 **Q. The affidavit you signed, did it refer to**

19 **these documents?**

20 A. Yes. Yes.

21 **Q. Okay. Now, paragraphs 3 and 4 you said were**

22 **accurate of the affidavit; correct?**

23 A. Yes.

24 **Q. Paragraph 5, you said, was somewhat accurate.**

25 **Do you remember testifying to that?**

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1 MR. HUTCHISON: Objection as to form.

2 A. That's acc- -- that's pretty acc- -- that's

3 accurate. I don't --

4 BY MR. BELAVAL:

5 **Q. Now, No. 5 is accurate?**

6 A. Yeah. Well, the -- the problem that I had

7 with No. 5 is that I had no involvement. I didn't have

8 any control. As far as "involvement" goes, what does

9 that mean? Was I familiar with the financial matters

10 of the -- of -- of the company? To somewhat degree I

11 was.

12 **Q. But if this sentence were in the affidavit you**

13 **signed, you would have signed the affidavit?**

14 **It's here today, and this is given to you as**

15 **an affidavit --**

16 A. I would --

17 **Q. -- would you sign it --**

18 A. I would --

19 **Q. -- and say it's accurate?**

20 A. I would have the same concerns, but I -- it's

21 possible that I would agree with that, that I had no

22 involvement in the control of the -- the finances,

23 because I had absolutely no control. And other than

24 involvement was -- is knowledge and -- of it, some of

25 the financial matters. So I would say that if I had to

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1 say whether or not this was accurate or not, I would
2 have to say it's accurate. I had no involvement or --
3 or control.
4 **Q. I believe paragraphs 7 and 8 you also**
5 **testified were accurate.**
6 **I mean, as you sit here today is this whole**
7 **document accurate? This affidavit?**
8 A. No. 8, I was -- is confusing to me because it
9 lists, again, all these companies that I, you know --
10 when it says was I not aware that -- or did I not
11 recognize or approve Pugliese or Joe Reamer to create
12 these companies, I don't even know what these companies
13 did.
14 As I stated yesterday, if there was a company
15 that was created by Anthony that did bill the company
16 and get reimbursed for, you know, things that it did
17 do, I couldn't tell you whether one of these companies
18 was one of those. I did not review the status of these
19 people's -- this work.
20 So, you know, from that point of view, when
21 you look at it, what it says is, you know, "I reviewed
22 the companies whose corporate documents are set forth
23 in Exhibit A. I was not aware and did not authorize or
24 approve that Anthony Pugliese" do that. It's a little
25 confusing because if one of these companies did

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1 legitimate work, then it's very well possible that I
2 would have approved it.
3 **Q. All right. But here's my question, or I guess**
4 **this will sum it up: You're sitting here saying that**
5 **this is not the affidavit that you signed. Is your**
6 **only basis for saying that, I mean, the fact that your**
7 **initials aren't on each page and that you don't think**
8 **there was a notary present?**
9 A. When the document was presented to me that I
10 was asked to review as something that I agreed to, it
11 was substantially long, and I crossed out numerous
12 things.
13 **Q. Okay.**
14 A. Okay.
15 **Q. Was that an affidavit that was presented to**
16 **you?**
17 A. It was what I -- I didn't -- it was supposedly
18 a statement from what I understood.
19 **Q. Did it say "affidavit" anywhere on it?**
20 A. I didn't see anything that said "affidavit."
21 **Q. Did you see anything that said: "Under**
22 **penalties of perjury, I declare that I have read the**
23 **foregoing paragraphs and that the facts stated in them**
24 **are true.**
25 **"Further affiant sayeth naught"?**

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1 A. No. No. No. And --
2 **Q. No, it didn't say it in that document?**
3 A. You mean this last "under penalties"? No.
4 **Q. Number 11 --**
5 A. No. It was a statement. It wasn't a -- it
6 wasn't a testimony. It wasn't a testimony. It was --
7 what I gave was a statement which, in essence, said
8 that I was not aware that Anthony Pugliese formed
9 companies to purposely defraud Fred DeLuca or the Land
10 Company of Osceola County. It was a statement that I
11 made based with my name on it and certain things here
12 that are here. Okay? But there was numerous pages. I
13 crossed them out. I finally settled on this is
14 something that is reasonable. It was a statement, and
15 I signed it. It wasn't an affidavit. It didn't say,
16 you know, "Affidavit of Alfred A. Florio"; it didn't
17 say "State of Florida"; it wasn't -- there wasn't a
18 notary there; I didn't give anybody my license; and I
19 initialed the bottom pages.
20 Was this taken from some of the stuff that was
21 handed to me that I had crossed out? I'm not aware. I
22 don't have a copy of what it is that I had. I did not
23 leave with a copy of what I had. I did -- I was
24 supposed to go back to that office a couple days later
25 and obtain my -- my copy. I didn't go. I decided to

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1 resign.
2 **Q. How many times did you meet with Mr. Hutchison**
3 **and Mr. Chapman or just Mr. Hutchison? Without telling**
4 **me what you guys talked about.**
5 A. Eight times, nine times.
6 **Q. When was the first time you met with**
7 **Mr. Hutchison?**
8 A. I couldn't tell you, but it's in those notes.
9 You have the book.
10 **Q. I don't have any notes --**
11 MR. HUTCHISON: No, the notes are
12 attorney-client privilege.
13 A. Okay. Well, whatever, Mr. Hutchison -- ask
14 him.
15 BY MR. BELAVAL:
16 **Q. When was the first time you met Mr. Chapman?**
17 A. I don't think I ever met Mr. Hutchison without
18 Mr. Chapman.
19 **Q. Is it your testimony as you sit here today**
20 **that this affidavit that's Exhibit 355 contains some of**
21 **what you signed and -- and other things were taken out?**
22 **Or is it that things were added in? I mean, if you**
23 **could just clarify as to what it is that's different**
24 **about this affidavit than whatever it is you signed.**
25 A. I don't think that there's much difference to

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1 this other than the clarification of certain things.
2 Certain paragraphs. Okay?
3 **Q. So you think certain paragraphs were taken**
4 **out?**
5 A. No. No. I don't know how I changed the
6 paragraphs that were originally presented to me. There
7 was paragraphs that were originally presented to me
8 that I scratched out and I said, "I don't agree to
9 this. I don't agree to this."
10 The -- the problem that I have in just reading
11 this -- if you want me to tell you what my problem is
12 here, the reason why I think that this might have been
13 some of the things that I -- I -- I crossed out or
14 didn't clarify, if you want me to tell you that, I'll
15 be happy to do that.
16 **Q. You can remember those things?**
17 A. I can't tell you specifically.
18 **Q. Then I don't want you guessing.**
19 A. I'm not guessing. I am telling you the
20 purpose of No. 7. Okay?
21 Okay. "I was not aware that Anthony Pugliese"
22 used "companies that he created to invoice...FD
23 Destiny...for services that were not provided..."
24 Okay? To me, that statement is stupid. Okay?
25 **Q. Clarify it, please.**

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1 A. Okay. I don't think that -- I don't think
2 that it existed. I wasn't aware that anything existed.
3 Was I aware that Anthony Pugliese was invoicing the
4 company for things that he didn't do? No. There was
5 no -- there was no -- I didn't know of any intent for
6 him to do that. So to me it was sort of like saying --
7 I don't know. I just didn't like it. I didn't like
8 the wording. To me it wasn't clear. Okay?
9 Do I know that Anthony formed companies to
10 deliberately defraud or do something against Fred
11 DeLuca? That to me is cut and dry and clear. Okay?
12 **Q. Well, did --**
13 A. No. The answer to the question was no.
14 **Q. Why not?**
15 A. I did not know.
16 **Q. You can see the name here --**
17 A. To me writing it this way is a little --
18 leaves something to be -- you know, maybe read into it.
19 **Q. So what does it leave? What is your**
20 **complete -- if you would complete it, go ahead and**
21 **complete it. What would you say in addition to that?**
22 A. I -- I would say that Anthony Pugliese did
23 not, you know, form, you know -- that I did not know
24 anything about him forming companies, again, to
25 deliberately defraud or -- or, you know, bill for

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1 services not rendered. Okay?
2 If Anthony Pugliese formed a company, that was
3 fine. You know. I knew that there were companies that
4 Anthony owned. There was a bunch of companies that
5 Anthony owned and operated. And I couldn't tell you
6 what the name of the leasing company is. I couldn't
7 tell you what the name of the -- the company was that
8 leased us the cars that Anthony had. I couldn't tell
9 you the number -- the name of the company that did
10 construction on -- and built a helipad on the -- the
11 Destiny property. I couldn't tell you the name of any
12 of Anthony's companies that billed R -- LCOC.
13 **Q. What --**
14 A. I could not tell you any one of those
15 companies. So looking at something like this, I could
16 not tell you whether or not -- was Walker &
17 Associates -- was that the company that owned the cars?
18 I don't know.
19 **Q. What cars are you talking about?**
20 A. The cars that we took from -- Anthony had
21 leases. Anthony had leases for cars that he had used
22 for his business that when we decided we needed cars
23 to --
24 **Q. What cars were they, specifically?**
25 A. They were big Suburban cars that -- where a

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1 lot of people --
2 **Q. Who owned those cars?**
3 A. I think the cars were leased from the
4 Pugliese -- for The Pugliese Company. When we took
5 over Destiny, we needed to get some cars and --
6 **Q. Who's "we"?**
7 A. LCOC. Okay --
8 **Q. When you say "when we took over," when was**
9 **that?**
10 A. Well --
11 **Q. I'm trying -- I'm just trying to be accurate.**
12 A. Yeah, I -- I -- I know. I'm trying --
13 **Q. Year.**
14 A. When we came -- well, when we were actively
15 using LCOC.
16 **Q. Was that 2005, 2006?**
17 A. Yeah. Yeah.
18 MR. HUTCHISON: Let him finish his answer,
19 Edgar. You asked him a question --
20 MR. BELAVAL: I'm sorry. I thought --
21 (Simultaneous speaking.)
22 A. We needed to have a couple cars to transport
23 people on the property to see the property and do this.
24 We said -- well, we'd been using up to that point, for
25 no charge, The Pugliese Company cars, and so we decided

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1 that we needed to get cars.
2 Anthony says, "Well, the Suburbans that I have
3 seem to be suitable for this purpose. They've worked
4 out okay. Why don't you -- why don't we lease those?
5 Why don't you just sublease those cars from me, or why
6 don't we use those cars. Let's letter them up
7 'Destiny' and have logos put on them."
8 And I thought that was a great idea because
9 his lease had somewhat been done and we didn't have to
10 sign, you know, any formal documentation with Anthony.
11 We were just going to take over and pay those -- for
12 those leases.
13 I don't know what the name of Anthony's
14 company was that he leased those cars under.
15 When we needed an apartment for -- for Bobby
16 Masters, Dale Lindon, other people coming down, we
17 leased an apartment from Anthony's -- one of Anthony's
18 companies. I do not know the name of the company that
19 owned the apartment. So if you ask me whether or not
20 Walker or whatever was that company that owned that
21 apartment, I couldn't tell you.
22 So my -- my problem, my main problem with --
23 with this documentation was just that it didn't read as
24 clear as I would like it to -- to be from my point of
25 view.

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1 **Q. So would you have signed this affidavit in its**
2 **current form?**
3 MR. HUTCHISON: Objection as to form.
4 A. I -- I might have. I might have -- not this
5 affidavit. I might have agreed to these -- to these
6 things. In essence --
7 BY MR. BELAVAL:
8 **Q. So you did agree to these?**
9 A. In essence, a lot of the stuff --
10 **Q. Did you agree to -- to -- to Exhibit 355 or**
11 **not? Is this your signature? Is this your affidavit?**
12 **Please tell the Court.**
13 A. I -- I told you that this looks like my
14 signature. It doesn't look like -- the paragraphs seem
15 to be of somewhat of the essence of stuff that I agreed
16 to to sign in a statement. I didn't sign an affidavit
17 saying the State of Florida, the County of this. It
18 was more or less in a letter form that I had done. I
19 did not see a notary, I did not give anybody my
20 driver's license, and I did not initial at the bottom
21 of every page, which I always do.
22 So if that tells me that this isn't the
23 document that I signed, I don't know what to tell you.
24 **Q. Is it or is it not the document you signed?**
25 MR. HUTCHISON: Objection. Asked and answered

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1 and form.
2 A. It doesn't appear to me to be the document
3 that I signed.
4 BY MR. BELAVAL:
5 **Q. Do you know 100 percent as you sit here today**
6 **this is the document you signed?**
7 MR. HUTCHISON: Objection as to form. Asked
8 and answered.
9 A. I -- I -- I tell you it's not.
10 BY MR. BELAVAL:
11 **Q. The statement that you signed, you called it a**
12 **"statement." Did you sign that under duress?**
13 MR. HUTCHISON: Objection as to form. Calls
14 for a legal conclusion.
15 BY MR. BELAVAL:
16 **Q. You do know what I mean what duress is. Do**
17 **you have -- do you have any understanding of what that**
18 **means?**
19 A. I -- I felt -- yes. I -- I understand what
20 you're talking about. And while I was there, I did
21 feel like my job was basically to, you know, to -- to
22 go there, and I did it because it had to do with my
23 job. If it wasn't my job, I wouldn't have done it. I
24 wouldn't have gone.
25 **Q. Are some of the items in this affidavit things**

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1 **that you crossed out and were added back in?**
2 MR. HUTCHISON: Objection to the form.
3 A. It appears to me, yes.
4 BY MR. BELAVAL:
5 **Q. Exhibit 355 is what I'm referring to.**
6 A. Yeah. Yeah.
7 Yes, it looks like there's -- there's some
8 things here that I would probably have crossed out.
9 **Q. In 2007 I believe you testified, and correct**
10 **me if I'm wrong, fourth quarter of 2007, you spoke to**
11 **Anthony Pugliese about setting aside monies; correct?**
12 A. Yes.
13 **Q. You didn't tell him how; right? That's what**
14 **you said?**
15 A. Correct.
16 **Q. Do you know who told him how to set aside**
17 **money?**
18 A. No.
19 **Q. Did he ask you, "What do you mean by that"?**
20 A. No.
21 **Q. Did you express concerns about DeLuca funding**
22 **in the future beyond 2007?**
23 A. Yes.
24 **Q. Did you specify, "I -- I think he's not going**
25 **to fund in the future"? Did you say those words?**

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1 MR. HUTCHISON: Objection to form.
2 A. I might not have said those words, but I did
3 say something that meant that. I -- I don't know how
4 exactly I told Anthony. I think I might have used the
5 word "squirrely." "In case Fred went squirrely on
6 me."
7 BY MR. BELAVAL:
8 **Q. Well, what do you mean by "squirrely"? As**
9 **you sit here today, what do you mean by "squirrely"?**
10 A. You know, nutty. Doing stuff that didn't make
11 any sense to do for -- for whatever reason.
12 **Q. Specifically, what did you mean?**
13 A. Okay. I was concerned -- when I went to
14 Anthony, I was concerned the situation with Tom was
15 sort of like the -- the final blow to me to turn around
16 and say here is a guy you're partners with, he's asking
17 you to do something, you agreed to it, yet you're not
18 doing it.
19 I was arguing about the changes to, you know,
20 people being hired and not having no contracts in
21 place. The people that were coming -- you weren't
22 going to get top notch people and do head hunting and
23 bring people over if you didn't have contracts of what
24 you could -- what you could offer them and have it in
25 writing to give to them.

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1 So it was impossible. He was impairing me
2 from doing -- impairing the company, the LCOC, from
3 hiring and doing what it had to do by just not --
4 impairing by -- by not acting. By not reacting. By
5 not doing what he was requested to do to agree to
6 compensate the people that needed to be done, was one
7 of the -- one of the items.
8 **Q. Okay. That was one of the items. Was any of**
9 **the other items other agreements? Rent? Was there**
10 **rent?**
11 A. Well --
12 MR. HUTCHISON: Objection. Objection to the
13 form.
14 A. Obviously, you know, if you don't pay the
15 rent -- in this particular case our rent was our
16 partner and, you know, you're talking about
17 discrepancy. It's not like arguing with the landlord
18 or trying to get the landlord to lower the rent.
19 When -- when it's your partner there's other
20 complications.
21 I was very concerned about which -- one of
22 my -- I can tell you this. All my concerns, all my
23 skepticism of what Fred DeLuca might do, okay, in a
24 situation -- call it my gut feel, call it my intuition,
25 call it my experience with him, call it whatever you

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1 want to call it -- came true. Okay? They all came
2 true. He stopped funding, he didn't communicate with
3 people, he -- I was told not to go to an office, I was
4 told that I couldn't even have a -- give a courtesy
5 phone call to the senator who I was working with for
6 \$2 billion worth of compensation to bring other
7 companies here. To me it was nuts.
8 That was the same feeling that I had had when
9 I went to Anthony and I said, "We have people, we have
10 employees, they have families, they have committed,
11 they have stayed here" -- many times they stayed and
12 waited for paychecks, and I was concerned that if he,
13 for -- just for the hell of being Fred DeLuca and did
14 not want to pay for whatever stupid ass reason that it
15 was, that he was going to stop and everybody was going
16 to suffer, including and not limited to the major
17 concern that I had was the project. The project was
18 something that was tops and foremost in -- in my
19 thoughts and everybody else's.
20 **Q. I'm going to read you a quote. You tell me if**
21 **this is you or somebody else.**
22 **"Anthony, you need to reserve money to protect**
23 **the project in the event DeLuca stops funding."**
24 **Is that something you said?**
25 A. Yes.

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1 MR. HUTCHISON: Objection as to form.
2 BY MR. BELAVAL:
3 **Q. When did you say that?**
4 A. I started saying that after Tom -- and -- and
5 like I said, that quarter after Tom's wedding and on
6 the 7th -- in '7.
7 **Q. Two thousand -- in --**
8 A. 2007.
9 **Q. -- fourth quarter 2007?**
10 A. Last -- last quarter. Tom got married in
11 July. It was after that and -- you know, right around
12 that time.
13 Which I think I've said a hundred times today.
14 **Q. Now, you said DeLuca stopped funding a second**
15 **time. When was that?**
16 A. The first time DeLuca stopped funding -- the
17 first time Anthony made up the money. Anthony just
18 kept on leaving the money. There was not any --
19 **Q. What do you mean he "made up the money"?**
20 A. Anthony put in the money.
21 **Q. How much money did Anthony put in?**
22 A. Oh, I have no idea. Whatever the bills were
23 for those months. When Fred didn't pay his share,
24 Anthony paid everything.
25 **Q. How many months did Fred DeLuca not pay his**

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1 **share?**
2 A. I -- I think that it was probably four months,
3 is my recollection.
4 **Q. Did you still go to The Pugliese Company or --**
5 **I'm sorry.**
6 **Did you still go to 101 Pugliese's Way during**
7 **those months?**
8 A. '??
9 **Q. Yeah. In the year 2007.**
10 A. Yes.
11 **Q. What was the work environment like then?**
12 MR. HUTCHISON: Objection to the form.
13 A. I think that Anthony pretty much still had
14 everything totally under control. I don't think that
15 he let the people know, other than the person that was
16 waiting for the money. In other words, whoever was
17 responsible, whether -- I guess at that time it was Tom
18 San Giacomo was responsible for getting the check and
19 getting it to Joe to pay the -- the bills.
20 I think that Anthony did a job not letting
21 anybody know that he had -- that there was any
22 discrepancy. The bills came due, they needed to be
23 paid, the money didn't come, the money didn't come,
24 Anthony stepped up and put the money in, paid the bills
25 so the company would continue to go forward and not

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1 have any disruption. So that particular time there was
2 some repercussions that I had to face from vendors
3 calling me because the money might have been late
4 getting to them, but it was always resolved that they
5 had the money.
6 The second time Fred stopped funding was a
7 little different. There was other things, I guess,
8 going on on the table. Him interviewing, you know,
9 Randy to take over; him, you know, contemplating
10 whether or not he was going to take over, so let's not
11 pay anybody that we have to pay. And at that
12 particular point I was concerned that he would -- he
13 would ever, you know, get back into the fold of the
14 business the way the business was originally organized,
15 that he might not have funded until he did get control.
16 That he might not have funded until he did hire Motta
17 or somebody else.
18 So I did have a lot more concerns, and at that
19 point I think that Anthony had the same concerns. And
20 so, therefore, bills that could have been paid weren't
21 going to be paid until DeLuca made the final -- made
22 his decision up, and they weren't going to be paid
23 until DeLuca paid, so nobody got paid -- no -- no bills
24 got paid.
25 **Q. Okay. In October of 2009 DeLuca takes over**

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1 **through FD Destiny Management; correct? He takes over**
2 **the LCOC project as manager?**
3 A. Okay. Again, if that's when you say he did
4 it, I'm not -- I don't know what -- what month it was.
5 **Q. You were working there, though; right?**
6 A. Yeah, but I don't know whether or not he did
7 it in October or November.
8 **Q. Okay. You don't have to be specific, but when**
9 **FD Destiny Management took over --**
10 A. Yeah.
11 **Q. -- and Fred DeLuca was in charge --**
12 A. Yeah.
13 **Q. -- he started the project back up again,**
14 **didn't he?**
15 A. No.
16 **Q. I mean, he met with all the guys.**
17 A. No.
18 **Q. Right?**
19 A. No.
20 MR. HUTCHISON: Objection to form.
21 A. No. There was -- there was no -- zero
22 communication. Again, here I'm -- I'm -- I'm the
23 representative for all intents and purposes to the
24 Destiny Project at that time to the vendors, to the
25 people, to the experts, to -- I was Fred DeLuca to

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1 them. I was the representative. I was there. Okay?
2 When they didn't see me, that was it. Fred
3 DeLuca wrote me a letter saying, "No communication.
4 You can't talk, you can't write, stay away." People
5 are calling. I have notes. In your -- in your box
6 you're going to get letters that I wrote to him.
7 Everybody's looking for me. Everybody's calling me.
8 I'm not answering my phone. You know? This is -- this
9 is -- you're ruining my reputation. My -- my
10 credibility has gone down the tank.
11 And I said to him, you know, "Did you tell the
12 employees? Did you go to the office? Did you tell the
13 receptionist? Who's answering the phone? Who's going
14 ahead and hosting the website? What is updated on the
15 website? Did you talk to the bottoming-range people?
16 Did you talk to this? Did you attend the meetings that
17 were all scheduled prior to you taking over?"
18 He didn't even tell the receptionist where to
19 forward the phone calls to.
20 **Q. So you're saying to me that Fred DeLuca didn't**
21 **start managing the project again? I mean, didn't he**
22 **meet with Bob Whidden?**
23 MR. HUTCHISON: Objection as to form.
24 A. Fred DeLuca did meet with Bob Whidden.
25

1 BY MR. BELAVAL:
 2 **Q. Isn't Bob Whidden the person who is the point**
 3 **man of getting this project moving forward?**
 4 MR. HUTCHISON: Objection to the form.
 5 A. I had a phone conversation with Fred. I had a
 6 phone call with his, you know, representatives -- Bobby
 7 Ray, Carolyn Bolton, David Friedman, and perhaps
 8 others -- where Fred had me on the phone telling me to
 9 ensure everybody that they would get paid.
 10 Fred himself assured Bobby Masters and Dale
 11 Lindon in a meeting at his house that I attended that
 12 they were going to get paid. Everybody was going to
 13 get paid. Bob Carpenter from the Army Corp, or
 14 whatever it was, had me on the phone in a conference
 15 call with Fred, where Fred guaranteed him that he was
 16 going to get paid and that he should communicate with
 17 me. Okay?
 18 **Q. So did these guys all --**
 19 **(Simultaneous speaking.)**
 20 MR. HUTCHISON: Let him finish his answer.
 21 A. The money never came. Okay? I can't tell you
 22 what I did with Adam Hodkin. That's going to be
 23 privileged. I -- and so, you know, I'm a little bit
 24 confused here. Right now I'm -- I'm torn because, you
 25 know, I can't tell you the conversations I've had

1 **Q. Did Fred DeLuca do anything in furtherance of**
 2 **obtaining entitlements for the 27,000-plus acres in**
 3 **Osceola County when he took over?**
 4 MR. HUTCHISON: Objection to the form.
 5 A. My recollection Fred didn't do anything, his
 6 staff didn't do anything to go forward, and the lack of
 7 him -- his effort or his team's effort into doing this
 8 was nothing but detrimental to the project going
 9 forward.
 10 BY MR. BELAVAL:
 11 **Q. You just said he met with Osceola County**
 12 **commissioners, so isn't that moving the project**
 13 **forward?**
 14 A. I don't think so. I don't think so.
 15 **Q. Did they submit anything to the DCA?**
 16 A. I don't know. I don't know of anything that
 17 they sent to them.
 18 **Q. So you don't know as you sit here today if**
 19 **Fred DeLuca submitted any additional documentation in**
 20 **response to an ORC report?**
 21 A. No.
 22 MR. HUTCHISON: Objection. Asked and
 23 answered.
 24 A. No, I don't -- I don't know of any -- any of
 25 that. All's I know --

1 because that's privileged, yet I have to answer a
 2 question --
 3 BY MR. BELAVAL:
 4 **Q. Well, no.**
 5 A. -- so...
 6 **Q. If it's not with an attorney you can tell me**
 7 **the conversation. You can't tell me stuff with an**
 8 **attorney.**
 9 A. Oh, I understand --
 10 **Q. So don't tell me anything with an attorney.**
 11 A. Okay. So I don't -- then I can't tell you
 12 what I told, you know --
 13 **Q. Did Fred DeLuca --**
 14 A. I can't tell you.
 15 **Q. -- meet with any of the county commissioners**
 16 **in Osceola County?**
 17 A. Yes.
 18 **Q. When?**
 19 A. After he took over the management he called
 20 Bob Whidden. He asked Bob Whidden and recruited Bob
 21 Whidden for some money and told him that he would pay
 22 him X number of dollars a month to be his consultant
 23 and for him to set up meetings with county
 24 commissioners, for him to bring him up to date with his
 25 opinion of the project, and -- and he did that. He --

1 BY MR. BELAVAL:
 2 **Q. Do you know --**
 3 A. -- is that the people that were waiting to get
 4 paid, the people that my -- my last conversations were
 5 assured that they would get paid, weren't paid. And
 6 you'll see in my -- well, you won't see it in my
 7 notes because you're not privileged to see that.
 8 **Q. Okay. Exhibit 428. It's in front of you.**
 9 **It's an appraisal.**
 10 **What's the date on that appraisal?**
 11 A. November 15th, 2007.
 12 **Q. On the fourth page, with C&P No. 7 with a**
 13 **bunch of zeros in front of it -- do you see that?**
 14 A. Yes.
 15 **Q. "Date of valuation." What's the date of the**
 16 **valuation?**
 17 A. 15th of November.
 18 **Q. What is the market value of fee simple estate**
 19 **of subject property on November 15th, 2007, down at the**
 20 **bottom?**
 21 A. 189,500.
 22 **Q. That's \$189,500,000; correct?**
 23 A. Yes.
 24 **Q. For 27,066 acres; correct?**
 25 A. Yes. They didn't -- this appraisal did not

1 include 350-something acres of land that was in Indian
2 River County, which was also part of the 27,410 acres
3 that were originally purchased for the \$137 million.

4 **Q. How much had LCOC paid for LM Land Company,
5 which is the 27,000 -- all the acreage, the 27,466?**

6 A. It -- it was 27,410 acres at \$5,000 an acre.

7 **Q. Okay. 27,410?**

8 A. 27,410 acres of land at 5,000 an acre. I
9 think it was someplace like a hundred -- you do the
10 math.

11 **Q. Does 137 million sound correct?**

12 A. That's exactly what it is.

13 **Q. Okay. Now we have the 300 acres missing,
14 right, from this particular...**

15 A. Yeah, I think that's 350 acres of land in
16 Indian River County. Again, you'll -- you'll have that
17 documentation as soon as you get your copies. It's all
18 in there.

19 **Q. And, in fact, it's a 50 percent increase in
20 the value of the property, correct, of 189,500,000 for
21 just the 27,000 acres?**

22 MR. HUTCHISON: Objection to form.

23 A. I'm not a mathematician but --

24 BY MR. BELAVAL:

25 **Q. Okay.**

1 **Q. At 7,000 an acre, 2,100,000?**

2 A. Yeah. Yeah. Yeah. Yeah.

3 **Q. So you add that onto 189,500, we've got
4 191-plus-or-minus million dollars?**

5 A. Right. \$191 million --

6 **Q. Subtract 140, that's --**

7 A. And there you have what the -- the -- the new
8 appraisal was worth.

9 And so when I was being told, okay, by some of
10 Fred's -- Fred's representatives -- not the lawyers,
11 representatives that this land didn't have more value
12 or wasn't worth more money, okay, I told them that that
13 was garbage because I know that it was.

14 Well, what do you -- you know, anything that
15 they wanted to question.

16 "Well, it's an appraisal. It's a certified
17 appraisal."

18 "Well, that doesn't mean anything."

19 "Well, what means something? You?" You know?
20 Mr. David Friedman, "You mean something? Telling me
21 that you don't think -- where's your experience? What
22 did you do? What have you ever done?"

23 **Q. And on that same page that you're on, land
24 use -- I'm sorry, "Zoning." What does it show the
25 zoning as?**

1 A. -- it's more. Well, 137 to 189 is -- is a big
2 increase, plus there's 350 acres that are not included
3 in this. So if you take the price -- if you divide
4 this price per acre and put it to the other one, it
5 would be a lot more than 180 -- you know.

6 **Q. Does 7,000 an acre sound accurate? Do the
7 math in your head if you can. I mean, I'm not asking
8 you to do the math.**

9 A. No, I -- I thought -- basically when I did it,
10 I -- I -- I thought it was -- like I said, it was
11 someplace between 7,500 and \$8,500.

12 **Q. Okay.**

13 A. Is what I -- what I remembered. If you're
14 saying that the math comes out to be \$7,000, that could
15 be right, but keep in mind that this math here, if you
16 divide this up, it doesn't -- the \$137 million included
17 the other 350 acres.

18 **Q. So it's another \$2 million?**

19 A. Well, exactly. So --

20 **Q. Okay. So let's call it \$191 million.**

21 MR. HUTCHISON: Objection as to form.

22 BY MR. BELAVAL:

23 **Q. Does that sound right? 191 million if you add
24 the 300 acres?**

25 A. Yeah. Closer to being right, yes.

1 A. Where was that?

2 **Q. Same page. C --**

3 A. Yeah, I know. I had --

4 **Q. -- &P 7, right in the middle. Zoning.**

5 A. "Zoning." "Agricultural --

6 **Q. "Agricultural conservation"; correct? And
7 then it shows "11 acres" --**

8 A. It says majority of the subject, but I -- from
9 what I recollect, that there was -- well, then there's
10 11 acres of commercial restricted. But from what I
11 understand, that the agricultural zoning allowed
12 building, which was one home for five acres.

13 **Q. But that was the same as the day they bought
14 it for 137 million; right?**

15 A. Yes.

16 **Q. How much has been spent? Do you know how much
17 money had been spent on reports, experts --**

18 A. Yeah, I --

19 **Q. -- in November of 2007?**

20 A. It's in my notebook there. You'll see in one
21 of the files there was a meeting with me and Fred, and
22 I sat down and I had a conversation with Fred is I
23 understand that we have spent a lot of money moving
24 this project into development. But let me tell you
25 what it was. It was \$500 an acre. I even cited the

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1 example to him. I was in the process of building a
2 home in Coral Springs, and I told him by the time I got
3 my survey, by the time I did my soil test, by the time
4 I tested the stuff for demucking and easements and
5 everything else that I had to check my property for, I
6 had spent \$1,200 for my lot on the same thing that we
7 had now spent, you know, less than \$500 an acre for
8 this.

9 So although we spent a large number, okay, for
10 looking at things and investigating things, doing due
11 diligence and preparing this thing to be rezoned, it
12 was a minuscule number to the value of the property and
13 the increase of it in value of the property.

14 I do not think that this appraiser had
15 anything to do with appraising the business aspect of
16 the land.

17 **Q. So he was just doing it based on the raw land
18 as is; correct?**

19 A. I think that this was basically raw land.

20 **Q. Okay.**

21 A. I do not think that this encompasses that we
22 spent \$8 million in things to approve this -- improve
23 this property.

24 **Q. But, in fact, you hadn't spend 8 million at
25 this point because Mr. DeLuca, in one of the earlier**

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1 **exhibits, stated that he had already spent his
2 \$6 million; correct?**

3 A. Well, correct. Whatever the number was.

4 **Q. Okay. So \$6 million is what had been spent as
5 of 2007 -- August of 2007, when he stopped funding the
6 first time, right, as a lender?**

7 MR. HUTCHISON: Objection to form and
8 foundation.

9 A. I mean, if you say so. If that's what the
10 math is. I don't know exactly when that number was
11 reached.

12 BY MR. BELAVAL:

13 **Q. Well --**

14 A. Okay. I understand that we've discussed this
15 and -- and we've said that --

16 **Q. Look at exhibit -- it says Exhibit 20 but I'm
17 not sure if that's -- is that right? Exhibit 20? A
18 one-page e-mail from Dave Worroll to Tom San Giacomo?**

19 A. Yeah. I saw -- I remember it.

20 **Q. Okay.**

21 A. Okay.

22 **Q. In that e-mail he says: "The likelihood is
23 that the loan will cap out at the agreed...\$111,000,000
24 and then Anthony and Fred will need to contribute any
25 additional cash required."**

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1 **You -- you -- you read that earlier?**

2 A. Yes.

3 **Q. Okay. Now, you're aware that Mr. DeLuca
4 claims that the \$6 million in funding is all he was
5 supposed to fund as a lender; right?**

6 A. Okay. So at the point of this, that's what we
7 had spent was \$6 million.

8 MR. HUTCHISON: Objection as to form and
9 foundation. Move to strike.

10 BY MR. BELAVAL:

11 **Q. And you're getting a return of 50-something
12 million dollars; is that correct?**

13 A. Yes.

14 **Q. I mean based just on the appraisal --**

15 A. Yes. Yes.

16 **Q. -- in its current form?**

17 A. Yes. Yes.

18 **Q. So you spend 6 million. So really the return
19 is 40-something million; right?**

20 A. Well --

21 **Q. Only 40-something million; right?**

22 A. -- based on this, which I think was shy.
23 Okay? I think that if they considered the work that
24 had been put into this land, that would have increased
25 this value much more. But cut and dry --

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1 **Q. Even arguing that.**

2 A. Okay. Cut and dry --
3 (Simultaneous speaking.)

4 MR. HUTCHISON: Let him finish his answer,
5 Edgar, please.

6 A. Cut and dried, acre for acre, yes, there was
7 a -- a minimum of \$40 million profit from this
8 appraisal and what we had spent at the time.

9 BY MR. BELAVAL:

10 **Q. And that's in the worst-case scenario in 2 --
11 November of 2007; right?**

12 A. Yes.

13 MR. HUTCHISON: Objection to form.
14 (Brief interruption.)

15 MR. HUTCHISON: Wait till we take a break.

16 BY MR. BELAVAL:

17 **Q. Had you heard any estimates -- I'm sorry. Had
18 you ever seen any of the offers from either the Fanjuls
19 or any other group back in 2005?**

20 A. I saw the Fanjul offer.

21 **Q. Did you discuss it with Fred DeLuca?**

22 A. Yes.

23 **Q. What did Fred DeLuca tell you in response to
24 that offer?**

25 A. He told me to talk to Anthony.

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1 **Q. And, ultimately, what was Fred DeLuca's**
2 **decision to do with respect to that offer?**
3 A. He agreed, and his opinion was that we
4 shouldn't sell it until we -- we went -- went further
5 into it, because obviously at this point we knew that
6 the worst case was -- is that it was worth twice as
7 much and why should we sell it. He agreed with
8 Anthony's idea.
9 But the -- the decision not to sell was a
10 mutual agreement.
11 MR. BELAVAL: If I can just take a few
12 minutes' break just to make sure that I'm done.
13 MR. HUTCHISON: Sure.
14 MR. BELAVAL: All right.
15 THE VIDEOGRAPHER: Going off the video record
16 at 4:05 p.m.
17 (Recess taken at 4:05 p.m.)
18 (Deposition resumed at 4:22 p.m.)
19 THE VIDEOGRAPHER: Back on the video record at
20 4:22 p.m.
21 MR. BELAVAL: I have no further questions of
22 this witness at this time.
23 MR. HUTCHISON: Glenn?
24 MR. CRICKENBERGER: I have no further
25 questions.

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1 REDIRECT EXAMINATION
2 BY MR. HUTCHISON:
3 **Q. Mr. Pugliese, do you have Exhibit 355 in front**
4 **of you.**
5 MR. BELAVAL: Mr. Florio.
6 BY MR. HUTCHISON:
7 **Q. I mean Mr. Florio. Strike that.**
8 **Mr. Florio, do you have Exhibit 355 in front**
9 **of you?**
10 MR. HEFFNER: Rick, which one is that?
11 MR. HUTCHISON: That's the affidavit.
12 A. Yeah.
13 BY MR. HUTCHISON:
14 **Q. Now, you signed a statement in Broward County;**
15 **correct?**
16 A. Yes.
17 **Q. Okay. So the front page, which says "State of**
18 **Florida, County of Broward," that is accurate; correct?**
19 A. Correct.
20 **Q. I'm going to go through these paragraphs with**
21 **you, starting with paragraph 3. Is -- is -- is**
22 **paragraph 3 accurate?**
23 MR. BELAVAL: Objection. Asked and answered.
24 Oh, I'm sorry. Just objection form.
25 MR. HEFFNER: Actually, I was going to make

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1 the same objection. And I say asked and answered
2 is legitimate.
3 BY MR. HUTCHISON:
4 **Q. Is paragraph 3 accurate?**
5 A. Yes.
6 **Q. Please read paragraph 4 to yourself.**
7 A. Yes.
8 **Q. Is paragraph 4 accurate?**
9 A. Yes.
10 **Q. Paragraph 5, the first sentence: "I had no**
11 **involvement or control over LCOC's finances."**
12 **Is that statement accurate?**
13 A. The concern I have about that is -- are the
14 words "no involvement." I did not have any control
15 over the finances; that's correct. Did I have any
16 involvement in knowing what the finances -- involvement
17 means to me did I know anything about it. And the
18 answer to that question was, you know, yes, I did know
19 about some of the financing stuff that was going on. I
20 didn't have any control over it, I didn't sign
21 checkbooks, I didn't authorize payments, but...
22 **Q. So is -- with respect to paragraph 5, is it**
23 **accurate that you had no control over LCOC's finances?**
24 A. Yes.
25 **Q. And with respect to the monthly funding, you**

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1 **were not involved in the monthly funding request sent**
2 **to Anthony Pugliese and Fred DeLuca; correct?**
3 A. Correct.
4 **Q. And regret -- and with respect to the loan,**
5 **you weren't involved in the loan to LCOC to purchase**
6 **the property, were you?**
7 A. No.
8 **Q. Is that accurate?**
9 A. Yes.
10 **Q. And respect to the terms of the -- with**
11 **respect to whether the loan was paid back to Fred**
12 **DeLuca by LCOC, you had no involvement in that;**
13 **correct?**
14 A. Right. Correct.
15 **Q. Now, the second sentence in paragraph 5: "I**
16 **did not keep the books and records of LCOC."**
17 **Is that accurate?**
18 A. Yes.
19 **Q. "All financial matters were handled by Anthony**
20 **Pugliese and Joe Reamer."**
21 **Is that accurate?**
22 A. Yes.
23 **Q. Paragraph 6: "Joe Reamer was responsible for**
24 **keeping LCOC's books and records and would generally**
25 **communicate directly with Mr. DeLuca's representatives**

1 regarding expenses and funding."

2 Is that accurate?

3 A. Yes.

4 Q. And the representatives referred to in that
5 sentence are Mr. DeLuca's representatives in
6 Connecticut; correct?

7 A. Correct.

8 Q. And then the next sentence in paragraph 6:
9 "Mr. Reamer would prepare each member's share of
10 expenses and send the amount that Mr. DeLuca owed to
11 Mr. DeLuca's offices in Connecticut each month."

12 Is that sentence accurate?

13 A. Correct.

14 Q. "I was not involved in calculating the
15 expenses, reviewing them, or authorizing payment of
16 them."

17 Is that sentence accurate?

18 A. Yeah. I guess. I -- I would say for the most
19 part. You know, again, you know, having the authority
20 to authorize payment, you know. Yeah, that's correct.

21 Q. What in that sentence is not accurate?

22 A. Well, I -- again, it just says I was not
23 involved in calculating expenses. That's right. I
24 wasn't responsible for reviewing them.

25 Q. Is that right?

1 A. That's correct. Or authorize payment of them.
2 You know. They were authored --

3 Q. Did you have responsibility for authorizing
4 payments of LCOC's expenses?

5 A. Not the general expenses, but I had the -- I
6 mean, I had authority to -- to, you know, if they came
7 to me and they said, "We want to go ahead and do the
8 conference table room over," I had -- and Anthony said
9 to me, "Fred, what do you think?" I had the authority
10 to say, "Sure. And I think that's a good idea. Go
11 ahead and do it."

12 Q. But --

13 A. The final decision was his.

14 Q. Right. So Anthony had the authority to
15 remodel the conference room even if you disagreed;
16 correct?

17 A. Correct.

18 Q. Okay. So with respect to final authority, did
19 you have --

20 A. Anthony had the final authority.

21 Q. Did you have final authority to authorize
22 payments of LCOC's expenses?

23 A. No.

24 Q. The next sentence in paragraph 6 is: "I did
25 not have authority to authorize expenses on behalf of

1 Mr. DeLuca or his company, FD Destiny, LLC."

2 Is that accurate?

3 A. Again, that's just a little confusing. I
4 was a -- was I an officer of the L -- at the LC -- the
5 Destiny, LLC? It's something different than -- than
6 the -- the Land Company. Okay? I don't know if I
7 was -- you know, had any responsibility to FD Destiny,
8 LLC.

9 Q. Well, did you ever have responsibility to
10 authorize expenses of Land Company of Osceola County on
11 behalf of Fred DeLuca?

12 A. That was never approached. I don't know. I
13 mean, again, I think that I was an officer of FD
14 Destiny, LLC, and so I don't know if I ever had -- the
15 point of the matter is that I never did. So--

16 Q. So --

17 A. -- whether or not I had the authority to do it
18 as an officer of the company and being probably the
19 only officer, I don't know.

20 Q. Well, do you know if you were an officer of FD
21 Destiny, LLC?

22 A. I don't recall.

23 Q. So, to your knowledge, did you have -- I --
24 I'm only asking what you know.

25 A. Okay.

1 Q. To your knowledge, did you have authority to
2 authorize expenses on behalf of Fred DeLuca or his
3 company FD Destiny, LLC?

4 A. I don't know.

5 Q. Did you ever authorize expenses on behalf of
6 FD Destiny, LLC or Fred DeLuca with respect to Land
7 Company of Osceola County?

8 A. Again, I think this -- this -- this sentence
9 is just commingled. Did I have the authority? Did I?
10 You're asking me first did I have the authority, and
11 whether I did or -- you know, I don't know. If they
12 came to me and they asked on my behalf did I have --
13 say, "Yes, you could -- yes, you -- that's okay to do,"
14 the final decision wasn't mine, but I -- if I said, "Go
15 ahead and do it," is that considered to have the
16 authority to do it or just because I said to do it now
17 they have to go check with somebody else?

18 Q. Well, they may have asked your opinion. I
19 understand.

20 A. Okay.

21 Q. And you could give your opinion. But with
22 respect to making decisions to spend Fred DeLuca's
23 money regarding Land Company of Osceola County, did you
24 have --

25 A. No.

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1 **Q. Let me --**
2 A. I didn't.
3 **Q. -- finish.**
4 A. Okay.
5 **Q. With respect to making decisions to spend Fred**
6 **DeLuca's money on or for Land Company of Osceola**
7 **County, did you have that authority?**
8 A. No.
9 **Q. With respect to making decisions to spend FD**
10 **Destiny, LLC's money with or for Land Company of**
11 **Osceola County, did you have that authority?**
12 A. I'm not sure.
13 **Q. Did you ever spend any of FD Destiny LLC's**
14 **money with regard to Land Company of Osceola County?**
15 A. No.
16 **Q. Paragraph 7: "During" the "involvement with**
17 **the development of the project, I was not aware that**
18 **Anthony Pugliese was using companies that he created to**
19 **invoice LCOC and FD Destiny, LLC for services that were**
20 **not provided..."**
21 **Did you know that Anthony Pugliese invoiced**
22 **LCOC for services that were not actually provided to**
23 **Land Company of Osceola County?**
24 A. No.
25 **Q. Paragraph 8: "I reviewed the companies whose**

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1 **corporate records as set forth in Exhibit A."**
2 **Do you recall reviewing corporate records of**
3 **companies when you were sitting in -- at the time you**
4 **signed a statement in Broward County at Holland &**
5 **Knight's offices?**
6 A. I remember being handed the -- the invoices of
7 companies, yes.
8 **Q. And do you remember seeing articles of**
9 **organization?**
10 **Let's turn three pages and there's an article**
11 **of organization.**
12 A. I remember me -- me being shown documents
13 of -- of organization, filings, checks. And so, yes, I
14 did review these -- those documents.
15 **Q. And were you also shown copies of invoices?**
16 A. Yes, I was shown copies of invoices.
17 **Q. And, to your knowledge, did you authorize**
18 **Anthony Pugliese to create companies that then billed**
19 **Land Company of Osceola County for services that those**
20 **companies did not provide to Land Company of Osceola**
21 **County?**
22 A. No.
23 **Q. Paragraph 9. Paragraph 9 (as read): I also**
24 **reviewed Exhibits B, C, and D, and attached hereto and**
25 **did not know or authorize the use of the companies as**

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1 **reflected in these documents. Specifically, I did not**
2 **authorize and was not aware that, one, bank accounts**
3 **were opened for Shell Companies --**
4 **And you know what the shell companies are.**
5 **They're defined up in paragraph 8. Remember?**
6 A. I remember.
7 **Q. Okay. (As read): Two, invoices were created**
8 **for the Shell Companies; three, checks were written on**
9 **LCOC's account to pay the invoices from the Shell**
10 **Companies for services that were not provided to LCOC;**
11 **and checks were written from the Shell Companies to**
12 **Anthony V. Pugliese, Inc. d/b/a The Pugliese Company.**
13 **Is that -- are those statements in paragraph 9**
14 **correct?**
15 A. Yes.
16 **Q. Paragraph 10. Did Anthony Pugliese or Joseph**
17 **Reamer discuss those companies that are identified in**
18 **paragraph 8 with you?**
19 A. Well, I -- I just said I didn't know that they
20 existed, so the answer is no, I didn't.
21 **Q. Okay.**
22 A. They never discussed it with me.
23 **Q. And the second sentence of paragraph 10 says:**
24 **"Because I had no knowledge of these companies and**
25 **invoices, I did not authorize or approve payment to the**

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1 **Shell Companies and never discussed them or their**
2 **invoices with Fred DeLuca or any of his representatives**
3 **during my work with LCOC."**
4 **Is that sentence that I just read true?**
5 A. Yes.
6 **Q. The last sentence in paragraph 10 says --**
7 **second-to-last sentence: "To my knowledge, Fred DeLuca**
8 **and his representatives did not authorize or approve**
9 **payments to the Shell Companies."**
10 **Is that statement true?**
11 A. To my knowledge, yes.
12 **Q. Is the statement true?**
13 A. To my knowledge, yes.
14 **Q. And then you say: "I stopped working on the**
15 **LCOC project in" or "about May 2009."**
16 **Is that accurate?**
17 A. Yes, it is.
18 **Q. And is the statement that you signed in my**
19 **office, as you recall it, the same or similar to the**
20 **statements that we just read in para -- in Exhibit 355?**
21 A. Yes. I don't remember No. 11.
22 **Q. Well, let me ask you this: "Under penalties**
23 **of perjury, I declare I that have read the foregoing**
24 **paragraphs and...facts stated in them are true."**
25 **Is paragraph 11 accurate?**

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1 A. Yes. Except for, like I said, all the
2 companies that you're naming here, when I say "I
3 reviewed them," I saw invoices. I didn't fine tune
4 these things, I didn't look at them, I didn't see what
5 they said they were for.
6 You asked me if I recognized them, I said,
7 "No, I didn't."
8 Did I know of them?
9 "No, I didn't." I didn't look and see if any
10 of those companies might have been a company that was a
11 legitimate company.
12 **Q. But you --**
13 A. I didn't have that -- that -- that time. When
14 I say "I reviewed them," I saw them, I looked at them,
15 I saw stacks of names, I saw stacks of -- of -- of
16 things that were -- were formed, but --
17 **Q. Well, look at the invoices now.**
18 A. Well --
19 **Q. Turn -- turn back, and they start about the --**
20 **keep going. A couple more pages. A couple more pages.**
21 **Another page. Keep going.**
22 A. Yeah, you're going to ask me if I ever saw
23 these, Rick, and I'm -- the answer to the question --
24 **Q. Well, just keep going.**
25 A. -- is I haven't seen them. I told you I

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1 didn't see them --
2 **Q. Keep going.**
3 A. -- and I wasn't aware of them.
4 **Q. Keep going just down to Black Walker and**
5 **Associates. Keep going. We have a few more pages to**
6 **go.**
7 **Go -- go two more to Black Walker and**
8 **Associates. Two more.**
9 **You see the one from Black Walker and**
10 **Associates for \$10,000 dated April 1st, 2009?**
11 A. Yes.
12 **Q. Okay. Did you authorize anybody to create**
13 **Black Walker and Associates and bill Land Company of**
14 **Osceola County for government consulting fees that were**
15 **not actually provided to Land Company of Osceola**
16 **County?**
17 A. No. I -- I -- but I've never authorized
18 things that were. Let's say this is not a legitimate
19 thing. I didn't authorize this, obviously. I didn't
20 authorize ones that were legitimate. So the fact that
21 I didn't authorize this invoice to be paid means
22 nothing to me because I never authorized anything to be
23 paid.
24 **Q. Okay. So with respect to the invoices of**
25 **LCOC, you never authorized anybody to ever pay any of**

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1 **those invoices. Is that accurate?**
2 A. Yeah.
3 **Q. Okay.**
4 A. Pretty much.
5 **Q. So you obviously didn't authorize anybody to**
6 **pay the invoices that are attached to Exhibit 355.**
7 **Correct?**
8 A. Obviously. I didn't authorize anybody to pay
9 any invoice ever.
10 **Q. Is there any statement in Exhibit 355 that is**
11 **not true and correct?**
12 A. Again, you want me to do this again? I
13 don't -- I didn't see number 11.
14 **Q. Okay. But that's not my question.**
15 A. Okay. Okay.
16 **Q. I know you didn't -- you say you didn't see**
17 **number 11.**
18 A. Right.
19 **Q. My question is: Is there any statement in**
20 **Exhibit 355 that is not true and correct?**
21 A. Other than the questions that I raised about
22 the one with the companies, the answer is no. It seems
23 to be pretty accurate.
24 **Q. All right. Now, you met a Detective Flechaus;**
25 **correct?**

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1 A. Yeah.
2 **Q. When did you meet Detective Flechaus?**
3 A. He showed up at my house unannounced on a day
4 when I was leaving to go on vacation.
5 **Q. Did he ask you if you signed an affidavit?**
6 A. He never mentioned the -- an affidavit to me.
7 **Q. Did he ask you if you signed a sworn**
8 **statement?**
9 A. No.
10 **Q. Did he ask you if you had signed any**
11 **statements regarding Anthony Pugliese's involvement**
12 **with LCOC?**
13 A. I don't -- no. I --
14 **Q. Did he ask you if you signed any statement?**
15 A. No.
16 **Q. Did Detective Flechaus ask you if you signed a**
17 **statement and whether that statement was true?**
18 A. No. I never mentioned -- I -- he never spoke
19 to me about any statement at all. He was just a rude,
20 obnoxious guy that pushed his way into my house after I
21 asked him to leave or why he ever showed up at my
22 house.
23 **Q. Okay.**
24 A. He was an obnoxious, rude individual who was
25 just terrible. I asked him what he was doing at my

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1 house. He told me that Anthony Pugliese sent him --
2 sent him to my house.
3 And I said, you know, "For what purpose?"
4 He says, "Well, we're investigating -- we have
5 a criminal case going."
6 I said, "Well, if you have a criminal case,
7 you're investigating a criminal case, why would the
8 criminal send you to my house?"
9 So right off the bat he stuttered, and he --
10 he -- the guy was a jerk. Okay?
11 **Q. Did he ask you any questions?**
12 A. He was obnoxious. He pushed his way into my
13 home. I asked him to leave. He upset my wife. And I
14 told him, I said, "You -- you want me to tell you what
15 I think?" I tell -- I told him that, "I think that I
16 want to go see this -- you're from the State Attorney's
17 Office? I'm leaving. I want an appointment. Make me
18 an appointment with the state attorney. I'll be back
19 Monday."
20 **Q. Did -- did -- did Detective Flechaus ask you**
21 **any questions?**
22 A. No. He was telling me. He wasn't asking me.
23 **Q. Did -- did you provide any information**
24 **regarding Land Company of Osceola County to Detective**
25 **Flechaus?**

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1 A. No. I wasn't -- didn't even want to talk to
2 Detective Flechaus. He was an ass.
3 **Q. Did -- did you provide any information**
4 **regarding Anthony Pugliese to Detective Flechaus?**
5 A. Did I do what?
6 **Q. Did you provide any information regarding**
7 **Anthony Pugliese to Detective Flechaus?**
8 A. No.
9 **Q. How many times did you meet Detective**
10 **Flechaus?**
11 A. Once.
12 **Q. Did any other police officer or detective**
13 **interview you?**
14 A. In -- there was another guy with Flechaus, but
15 he didn't say a word. In fact, when I -- when I told
16 him that Flechaus was obnoxious, he said, "Well, I
17 guess we're done here. We should leave," and then he
18 put his foot in my door.
19 **Q. Did you -- after Flechaus left --**
20 A. Yeah.
21 **Q. -- did you ever inter -- were you ever**
22 **interviewed by any other police officer or detective?**
23 A. I was interviewed by Anthony somebody. You
24 have it now. You got your box back. Don't tell me you
25 don't. And in that box is the interview that I had

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1 with an Anthony something. Some -- an internal -- an
2 investigator that was asked to interview me from -- I
3 want to think it was some attorney that was -- that
4 Anthony had to do with something. I don't know.
5 **Q. What I --**
6 A. And I don't know whether it was the criminal
7 attorney. It was some -- somebody called and asked if
8 they could interview me and I said yes. And he came
9 down and he interviewed me.
10 **Q. One of Anthony's lawyers sent a private**
11 **detective to interview you?**
12 A. Yeah. In all honesty, I don't know who sent
13 him to me. He did come to me, and I -- and I was under
14 the impression that the report that he was going to do
15 was going to go to a -- an attorney representing
16 Anthony.
17 **Q. How long --**
18 A. It was going to be used in this Flechaus
19 thing.
20 **Q. In the criminal matter?**
21 A. Yeah.
22 **Q. How long did you -- were you interviewed by**
23 **the private detective?**
24 A. I went to an office, a law office in
25 Boca Raton.

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1 **Q. Whose office?**
2 A. I don't remember. It was -- it was in Boca, I
3 think off Powerline or -- or someplace.
4 **Q. What was the name of the private investigator**
5 **that interviewed you?**
6 A. You have it in the -- in the -- in the file.
7 I don't -- I don't remember it offhand. His name was
8 Anthony something. He was a ex -- I think he was an
9 ex-prosecutor or -- or somebody. And...
10 **Q. Did you talk to Anthony Pugliese and confirm**
11 **that, in fact, this guy worked for Anthony Pugliese and**
12 **his lawyer?**
13 A. I don't think I did.
14 **Q. Did -- who was present besides the private**
15 **investigator?**
16 A. Just me. He did question -- he did question
17 that.
18 **Q. He what?**
19 A. He did question me why I -- why I was by
20 myself.
21 **Q. Okay. Was there -- was there a recording?**
22 A. No.
23 **Q. Was there any -- was he taking notes?**
24 A. He took notes.
25 **Q. Other than notes, was your interview with this**

1 **private investigator recorded in any way?**
 2 A. No. He did -- I did request a copy of it
 3 and -- and to read it. So, you know, obviously, if I
 4 need to sign it I would sign it.
 5 **Q. Did he provide you a copy?**
 6 A. Yes, I -- I -- I got a copy.
 7 **Q. Is it in the docs -- box you brought today?**
 8 A. Yes. Yes, it is.
 9 **Q. Okay. And did you sign it?**
 10 A. I believe I did.
 11 **Q. After you signed -- after you met with Anthony**
 12 **Pugliese's lawyer's private investigator, did you ever**
 13 **have any other discussions with any law enforcement**
 14 **officers?**
 15 A. No.
 16 **Q. Any telephone calls with any law enforcement**
 17 **officers?**
 18 A. No.
 19 **Q. Now, you know that Fred DeLuca took over the**
 20 **management of LCOC sometime in the fall of 2009.**
 21 **Correct?**
 22 A. Yeah.
 23 **Q. When -- when Fred DeLuca took over the**
 24 **management of Land Company of Osceola County, you did**
 25 **not do any work for Land Company of Osceola County;**

1 **correct?**
 2 MR. BELAVAL: Objection to form.
 3 A. No, that's not correct.
 4 BY MR. HUTCHISON:
 5 **Q. Okay. What did you do?**
 6 A. I was -- for the initial few months, I was
 7 part of the -- the team. He called it a team. And I
 8 went to a few meetings with people that we had already
 9 dealt with or we were in the process of dealing with,
 10 whose files are in that box of stuff that you copied.
 11 There was a -- a guy by the name of Esvinnno or
 12 Esvinnnez [phonetic] or -- you'll see his file. There's
 13 a file just on him.
 14 There was a -- a company called Climate Change
 15 that we had meetings with. It was on there.
 16 And for -- you know, for a few months I was
 17 still part of that team.
 18 **Q. In -- in the fall of 2009, you knew that Fred**
 19 **DeLuca put \$1.5 million into a lawyers' trust account**
 20 **and asked Anthony Pugliese to put \$500,000 into the**
 21 **trust account so that Land Company of Osceola County's**
 22 **expenses could be paid; correct?**
 23 A. No. I -- I did not know that Fred did it.
 24 Through my conversations with Fred and Bob Carpenter
 25 from the Army Corp, through my conversations with an

1 architect in Orlando, I was -- kept on being told that
 2 there was going to be money put aside by Fred to pay
 3 the bills. He assured these people that they were
 4 going to get paid through his -- through me and through
 5 Carolyn Bolton and through -- well, another guy. And
 6 Fred asked me to develop a system on how, going
 7 forward, the bills should be authorized and paid.
 8 I put together a system with somebody else,
 9 and we presented it to him and he was going to fund it.
 10 He was going to fund it. He was going to fund it. And
 11 it went on and on and on, and I don't know of him ever
 12 funding it.
 13 **Q. Well, did Anthony Pugliese ever fund it?**
 14 A. At that point it wasn't -- Anthony wasn't --
 15 his name wasn't brought up. When we met with everybody
 16 that was to be paid, Fred told -- assured them that
 17 they were going to get paid. He didn't assure them
 18 that, "You're going to get paid if Anthony Pugliese
 19 pays you." Fred assured them that they were going to
 20 get paid.
 21 And, therefore, I felt, well, maybe he had
 22 taken my suggestion to fund this thing a hundred
 23 percent and just put it onto the capital account so
 24 that in August of '12, as I suggested, whatever money
 25 was put in there -- it would have been the smart thing

1 to do -- pay it, put it in the money, Anthony has to
 2 square up.
 3 Now, keep in mind, we're in the beginning of,
 4 you know, '10, and here it comes around the corner, you
 5 know, August. There was a square-up time. We weren't
 6 putting the money in. We were getting -- putting the
 7 money, getting 9 percent. I suggested to him he could
 8 change the interest rate if he wanted to. If he would
 9 sign the new operating agreement he had the ability to
 10 change the interest rate.
 11 So when he told me he was going to go ahead
 12 and he assured everybody they were going to be paid, I
 13 kind of figured to myself, well, this will be great.
 14 And I thought that he might have taken my suggestion.
 15 **Q. My question to you is after May of 2009 did**
 16 **Anthony Pugliese put any money into Land Company of**
 17 **Osceola County that you're aware of?**
 18 A. I have no idea.
 19 **Q. After May of 2009 did Fred DeLuca pay any**
 20 **bills of Land Company of Osceola County?**
 21 A. I have no idea.
 22 **Q. Now, you knew -- according to your testimony,**
 23 **Anthony Pugliese had put money aside in the event that**
 24 **LCOC had expenses in the future when Fred DeLuca**
 25 **stopped funding; correct?**

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1 A. Whether Anthony actually put money aside or
2 didn't put any, I -- I was under the impression that
3 Anthony was putting money aside.

4 **Q. Okay. Well, did -- was there money aside in
5 May of 2009 when Fred DeLuca stopped funding?**

6 A. I -- I just said. I don't have any idea.
7 Anthony assured me that he was doing it. Where he was
8 doing it, how he was doing it, where it was, I have no
9 idea.

10 **Q. Do you know, in fact, that money was set aside
11 to pay LCOC's future expenses?**

12 A. I was assured by Anthony that he had taken
13 care of my request to put money aside.

14 **Q. Do you know if any expenses were paid after
15 May of 2009 using that money that was set aside?**

16 A. I don't -- I wasn't there, no.

17 **Q. Do you have any knowledge of whether any
18 expenses were paid with that money that you believe
19 Anthony Pugliese set aside?**

20 A. No.

21 **Q. Now, you had talked -- testified to -- in
22 response to Mr. Belaval's questions that you were --
23 sat in a meeting with Fred DeLuca and David Friedman
24 and Carolyn Bolton where David Friedman suggested that
25 they bring criminal charges against Anthony Pugliese.**

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1 **Do you recall that testimony?**

2 A. Yes.

3 **Q. That was in the summer of 2009?**

4 A. The summer, fall, yeah.

5 **Q. Was it -- was it before Fred DeLuca filed his
6 lawsuit against Anthony Pugliese?**

7 A. I would think that -- I'm not sure of exactly
8 the timing of that.

9 **Q. It would have been in the summer -- that
10 conversation would have taken place in the summer or
11 the fall of 2009?**

12 A. Yeah.

13 **Q. Now, you had mentioned also that -- with
14 respect to RPAC that you speculated that Fred wanted
15 Anthony to keep 49 percent of the shares to pay
16 49 percent of the debt. Do you recall that testimony?**

17 A. I said that it was, you know, my -- my
18 thought.

19 **Q. Do you know what Anthony's personal
20 obligations were with respect to RPAC's debt as a
21 shareholder?**

22 A. I was very familiar with what Anthony and
23 Fred's responsibility were to -- as I thought the
24 bank -- the bank, because every time we went to utilize
25 the line of credit, anytime we went to raise the line

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1 of credit, anytime we used -- had to deal with the bank
2 in any way to access funds that the bank had, I had to
3 get a signature from Anthony and I had to get a
4 signature from Fred.

5 When we went to raise the line -- the -- you
6 know, to change things around or do the construction of
7 the building, I had to get signed affidavits from Fred
8 and Anthony to access that money.

9 When -- I had one other -- one other thought.
10 And I had to -- I was responsible from -- to
11 get to the bank at certain times upon their request new
12 and updated financials from Anthony and from Fred.

13 **Q. What was -- what was Fred DeLuca's personal
14 liability on the loans that RPAC has?**

15 A. I don't know exactly in looking. I don't -- I
16 haven't looked at these doc -- documents.

17 **Q. Do you know generally?**

18 A. Yeah. That Anthony was responsible for
19 50 percent of the debt and so was Fred. They both
20 signed on all -- all the notes. They were 50/50, you
21 know, partners responsible for whatever money was being
22 lent to the company.

23 **Q. So is it your testimony today that as of today
24 Fred DeLuca's personal responsibility for the loans of
25 RPAC is 50 percent of the amount of the loan owed?**

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1 A. No, I never said that at all.

2 **Q. Okay. Well, my question is do you know what
3 Fred DeLuca's personal liability is for the loans that
4 RPAC has?**

5 A. I don't know if there are any loans to RPAC
6 other than from Fred himself.

7 **Q. Do you know what Anthony Pugliese's personal
8 liability is for any of the loans that RPAC or the
9 related companies have?**

10 A. I don't know whether or not Fred DeLuca ever
11 produced any documents about his loan directly to -- to
12 RPAC. After he took it away from Wachovia, paid it
13 off, and he became the financier, I have not seen any
14 document on that agreement other than the fact that I
15 know that he required to have 51 percent and for
16 Anthony to have 49. And then I turned my stock back
17 and I contacted Johnny Ruffalo and suggested to Johnny
18 Ruffalo that he do the same thing, so then this way
19 Anthony would have, you know, all the stock.

20 **Q. You're talking about percentage of shares of
21 stock; correct?**

22 A. Well, percentage of shares of stock was always
23 tied to the -- to what you had to do. In other words,
24 Fred was responsible for 50 percent of the debt,
25 Anthony was responsible for 50 percent of the debt.

1 But we negotiated with the bank and tried to negotiate
2 with the bank and deal with the bank because we were
3 trying to get it so it wouldn't be -- I guess the
4 terminology is joint and several.

5 **Q. So my question is --**

6 A. So...

7 **Q. -- as you sit here today --**

8 A. Yeah.

9 **Q. -- do you know what Anthony Pugliese's
10 personal liability is with respect to any loans that
11 RPAC and its related companies have?**

12 A. No.

13 **Q. So when you say Anthony may be responsible for
14 49 percent of the debt, you are speculating; correct?**

15 A. If -- if the agreement that Fred put into
16 effect -- once he took it away, that was the Wachovia
17 deal. I have explained to you, I don't know what Fred
18 did, and I doubt very much that Fred ever produced
19 anything that he'd turn around and do it.

20 My statement based on, you know, Fred was a --
21 a statement just based on my feeling why he wanted --
22 when -- when asked why he didn't just take the whole
23 company beings that now he was -- had all the debt --
24 he had all the -- he was the loaner, he owed all the
25 money, I said -- as a comment I said, "He probably

1 **correct?**

2 A. I know that, from speaking to Roberta
3 Alexander -- Anderson, that the -- when Fred negotiated
4 the loan with Wachovia, when he redid it after he took
5 it from City National and he took -- he redid it, he
6 then went ahead and cross-collateralized the -- all the
7 loans.

8 **Q. You're talking about the RPAC loan?**

9 A. I'm talking about all the loans to Fred. They
10 loaned Fred -- from my understanding, they loaned Fred
11 \$200 million. Fred took the \$200 million, he loaned
12 the Land Company some, he loaned the recycling company
13 some, and he still had a \$35 million line of credit out
14 of the 200 million that he had borrowed.

15 **Q. Do you know what -- do you know that Fred
16 personally had to guarantee his loans with Wachovia?**

17 MR. BELAVAL: Objection to form.

18 A. The only loans that I know that were
19 guaranteed by Wachovia were guaranteed by both Fred and
20 by Anthony.

21 BY MR. HUTCHISON:

22 **Q. With respect to the loans that Fred -- the
23 \$200 million loan or whatever the amount was that you
24 just testified about that Fred DeLuca had with
25 Wachovia.**

1 wants Anthony to be responsible for 49 percent of the
2 debt."

3 **Q. But as you sit here today you don't know what
4 Anthony Pugliese's personal liability is with respect
5 to the RPAC loans; correct?**

6 A. No.

7 **Q. Is that correct?**

8 A. Yes, that's correct.

9 **Q. Now, you found out about Fred DeLuca's loan
10 approximately December 2008 you told Mr. Belaval?**

11 A. I think that was the -- the date.

12 **Q. Okay. Do you know that Fred had to personally
13 guarantee his loan with Wachovia, that he then ended up
14 turning around and loaning to Land Company of Osceola
15 County?**

16 MR. BELAVAL: Objection to form.

17 A. I wasn't familiar with Fred's dealings with
18 Wachovia. He kept his dealings with Wachovia pretty --
19 pretty much away from -- from me and anybody else that
20 I might have known.

21 MR. HEFFNER: So -- so you -- you didn't know?

22 A. No.

23 BY MR. HUTCHISON:

24 **Q. So you don't know what Fred had to personally
25 guarantee with respect to his loan to Wachovia;**

1 A. Yeah.

2 **Q. Do you know what Fred DeLuca had to personally
3 guarantee with respect to that loan?**

4 A. No.

5 **Q. Do you know the terms of Fred DeLuca's loan
6 with Wachovia?**

7 A. No.

8 **Q. Now, you had testified to Mr. Belaval that
9 companies and -- and builders came to look at the
10 property, but that at that point you did not have a
11 product to sell. Do you remember that?**

12 A. Yes.

13 **Q. Okay. And "by product to sell" you mean that
14 you would have had -- that LCOC would have had a
15 product to sell once the entitlements were obtained?**

16 A. Yes.

17 **Q. And when you left in May of 2009 -- when you
18 stopped working for LCOC in May of 2009, that -- those
19 entitlements had not been obtained yet; correct?**

20 A. Correct.

21 **Q. Mr. Belaval showed you Exhibit 430. Do you
22 have that? It's the letter dated January 30th, 2008.
23 That's it right -- right there.**

24 A. Yeah.

25 **Q. Okay. And had you ever seen anywhere prior to**

1 today where -- on any document that said DAI is in a
2 joint venture with respect to the Yeehaw Junction
3 property or the Destiny Project?

4 A. I want to say yes, that I have seen DAI
5 connected to the Destiny Project. In what form or
6 where, I don't recall, but I know that there were
7 occasions where DAI was mentioned in the same light as
8 the Destiny Project.

9 Q. Well, but did you ever see DAI mentioned on
10 any promissory notes regarding Land Company of Osceola
11 County?

12 A. I never saw any promissory notes period.

13 Q. Okay. Did you ever see DAI mentioned in the
14 operating agreement of the Land Company of Osceola
15 County?

16 A. I don't think they were mentioned in the
17 operating agreement.

18 Q. Doctor's Associates was not mentioned in the
19 operating agreement for LCOC; correct?

20 A. To the best of my recollection, no.

21 Q. No...

22 A. No, that they weren't mentioned.

23 Q. DAI --

24 A. To the best of my recollection, DAI was not
25 mentioned in the operating agreement for either one of

1 and others whether or not he -- if he took over this
2 project, what would be, you know, the repercussions,
3 what would be -- what would occur if he took over the
4 project?

5 I said this 12 times today: He asked me if I
6 was capable of doing it. I said, "Under no
7 circumstances." I wrote him a letter -- it's in your
8 box -- saying that if Anthony was detached from the
9 project it was sudden death.

10 Q. I understand your testimony regarding the
11 management. My question to you is did Fred DeLuca ever
12 tell you he wanted to reduce Anthony's ownership in any
13 way?

14 A. No. My --

15 MR. HEFFNER: That's --

16 A. -- I had -- I did have a conversation with
17 Fred in regard to diluting Anthony's ownership because
18 in August if Anthony didn't come up with the money,
19 Anthony would still -- Anthony wasn't gone. By --
20 based on the -- the contracts and anything that I've
21 ever read, there was no way that Anthony was going out.
22 If Anthony didn't pay, if Anthony owed \$50 million and
23 was shortfalled \$50 million, based on the property
24 value, Anthony was still going to be an owner. Anthony
25 could have still been an owner. He might have went

1 the companies.

2 Q. And was DAI a -- a member of Land Company of
3 Osceola County?

4 A. No.

5 Q. Was DAI a shareholder of Land Company of
6 Osceola County?

7 A. Not to my knowledge.

8 Q. To your knowledge, did DAI have any ownership
9 in the Land Company of Osceola County?

10 A. Not to my knowledge.

11 Q. And this draft letter, have you ever seen a
12 signed or executed copy of this letter, Exhibit 430?

13 A. No.

14 Q. Have you ever seen Exhibit 430 before today?

15 A. No.

16 Q. Now, you mentioned that in the spring of 2009
17 you believe Fred DeLuca wanted Anthony Pugliese out as
18 manager and to dilute his ownership.

19 Do you recall that testimony to Mr. Belaval?

20 A. No.

21 Q. Did -- did Fred DeLuca ever tell you in the
22 fall of 2009 that he wanted to dilute Anthony
23 Pugliese's ownership?

24 A. Fred DeLuca never used the word "dilute
25 Anthony." He used the terminology in questioning me

1 from 50 percent to 2 percent, but he still would have
2 been an owner because the value of the property was
3 going up way much more than anything that could have
4 been owed. Okay?

5 So there's no way in the world that Anthony --
6 the agreement called that there was -- and if you look
7 at the agreement, I think there was securing situations
8 and I think there was a repercussion if he didn't put
9 up his money and if he didn't put up his money, he
10 would have gotten diluted; but as the property value
11 went up, if Anthony didn't put in any -- a nickel more
12 by '10, he still would have been a partner.

13 Q. What's the value of the property today?

14 A. I would say that the property value --

15 MR. HEFFNER: Do you know?

16 A. No, I don't know.

17 MR. HEFFNER: That's the answer.

18 BY MR. HUTCHISON:

19 Q. You had -- when's the last time you had a
20 valuation of the property? When's the last time you
21 saw a valuation of the property?

22 A. 20 minutes ago when you handed me the
23 appraisal.

24 Q. Okay. Have you ever seen an appraisal of the
25 property since Callaway & Price did that one in your

1 **hand dated November 2007?**
 2 A. I'm anticipating based on that date that this
 3 was the last appraisal. There were two.
 4 **Q. Do you have any personal knowledge of what the**
 5 **property is worth today?**
 6 A. No.
 7 **Q. Okay. Now, Fred DeLuca never told you in the**
 8 **spring of 2009 that he was trying to reduce Anthony's**
 9 **ownership, did he?**
 10 A. I just said that we never talked about --
 11 other than my comments to Fred about the dilution we
 12 never talked about diluting Anthony.
 13 **Q. Now, you mentioned a guy named Jim Motta and**
 14 **the Motta Group. Do you recall that testimony?**
 15 A. Yes.
 16 **Q. Jim Motta was hired in -- in the summer or**
 17 **fall of 2009?**
 18 A. I -- it was after I left. I don't know if
 19 he -- yeah, he was -- he was contracted by Fred to do
 20 some preliminary things.
 21 **Q. Okay. But that contract that -- between Motta**
 22 **and Fred DeLuca was in the summer or fall of 2009?**
 23 A. I don't actually recall whether it was '9 or
 24 '10.
 25 **Q. Okay. Well, it was after you left LCOC in May**

1 **of 2009?**
 2 A. Yes.
 3 **Q. And you said that you had done some research**
 4 **on Jim Motta. Is that -- was that research done on the**
 5 **Internet?**
 6 A. Yes.
 7 **Q. Other than the research --**
 8 A. The majority of it.
 9 **Q. Other than the research done on the Internet,**
 10 **what else did you do?**
 11 A. I contacted a -- a couple people that had
 12 worked for Arvida to substantiate some of the things
 13 that we had talked about in our -- in our meeting.
 14 **Q. Who did you talk to in -- from Arvida?**
 15 A. I don't remember who the fellow was other than
 16 he was recommended to me to talk to by Dan Marino and
 17 Ralph Springer --
 18 **Q. Did you?**
 19 A. -- who was very connected into the Weston
 20 project.
 21 **Q. How many -- how many people who worked for**
 22 **Arvida or former employees of Arvida did you talk to**
 23 **regarding Jim Motta?**
 24 A. Two or three.
 25 **Q. Okay. What were their names?**

1 A. I don't remember their names.
 2 **Q. Can you remember any of their names?**
 3 A. No.
 4 MR. BELAVAL: Objection to form.
 5 BY MR. HUTCHISON:
 6 **Q. Do you have any other contact information for**
 7 **any one of those three individuals?**
 8 A. I don't think I still do.
 9 **Q. What did they tell you?**
 10 A. I confirmed that he was there. I confirmed,
 11 you know, that he was in charge and just his overall --
 12 you know, what they thought of him.
 13 And I explained to them the LCOC project and
 14 whether or not this was something that they felt would
 15 have been -- would have benefited the company if I did
 16 look at hiring him. On knowing that what I had to
 17 accomplish, was he the right guy, you know, for me to,
 18 you know, say to Fred, you know, "Hey, I think this
 19 guy's a good guy."
 20 I didn't get any response from anybody that I
 21 talked to that he was the guy. I didn't get a huge,
 22 you know, praise for him. You know. I mean, nobody
 23 was jumping up and down and was telling me, "Hey, this
 24 is the guy." I didn't have a warm and fuzzy feeling,
 25 and I voiced my opinion to Fred.

1 However, it wasn't my decision. Fred was
 2 pretty much -- you know, liked the guy for the fact
 3 that the guy was close and had a staff and wouldn't
 4 need any other people. Fred was more or less looking
 5 to pass the baton. Jim Motta was a guy that had had a
 6 company right here down the street, and as Fred could
 7 say, "Take care of this," and he could walk out the
 8 door.
 9 **Q. Did you meet with Jim Motta personally?**
 10 A. Yes, I did.
 11 **Q. How many times?**
 12 A. Once.
 13 **Q. And during that meeting you said Jim Motta**
 14 **told you that the odds of getting the entitlements for**
 15 **the Yeehaw Junction property were slim to none?**
 16 A. Right. And he told me that anything that I
 17 was saying about the property was not accurate.
 18 THE VIDEOGRAPHER: Can we take a two-minute
 19 recess, please?
 20 MR. HUTCHISON: Sure.
 21 THE VIDEOGRAPHER: Thank you.
 22 Going off the video record at 5:09 p.m.
 23 (Recess taken at 5:09 p.m.)
 24 (Deposition resumed at 5:11 p.m.)
 25 THE VIDEOGRAPHER: Back on the video record at

1 5:11 p.m.
 2 BY MR. HUTCHISON:
 3 **Q. Now, you had said that after you had signed a**
 4 **statement in my office that you were supposed to come**
 5 **back to my office to give an additional statement. Do**
 6 **you recall that?**
 7 A. Yes.
 8 **Q. And do you recall Fred DeLuca telling you to**
 9 **take a -- you could bring a lawyer if you did not feel**
 10 **comfortable?**
 11 A. Yes.
 12 **Q. Did -- who -- who paid for Al Quentel to**
 13 **create Jersey Associates?**
 14 A. The Zozzaro company.
 15 **Q. Now, was -- was RPAC or Zozzaro Brothers**
 16 **profitable in 2009?**
 17 A. I don't recall that.
 18 **Q. Do you know if RPAC or Zozzaro Brothers was**
 19 **profitable in 2008?**
 20 A. My recollection that Zozzaro Brothers was
 21 always profitable.
 22 **Q. So as of -- as of -- when was the last time**
 23 **you were involved in RPAC or Zozzaro Brothers?**
 24 A. Let's see. '08. Springtime of '08 was the
 25 last time that I went to Zozzaro Brothers.

1 **Q. Do you have any -- do you hold any title or**
 2 **position with RPAC or Zozzaro Brothers or Green Sky**
 3 **Industries?**
 4 A. I think that I did. I don't know which --
 5 what it was.
 6 **Q. As of today do you still hold any title --**
 7 A. No.
 8 **Q. -- or position with RPAC --**
 9 A. No.
 10 **Q. As of today --**
 11 A. No.
 12 **Q. Let me finish.**
 13 A. Okay.
 14 **Q. We'll be out of here a lot quicker. I'm**
 15 **almost done.**
 16 A. Okay. Good.
 17 **Q. As of today do you hold any position with**
 18 **RPAC, Green Sky Industries, or Zozzaro Brothers?**
 19 A. I do not know whether or not they ever took my
 20 name off of the documents -- the original documents.
 21 **Q. What was your title?**
 22 A. I don't remember. I -- I don't remember.
 23 **Q. Do you -- do you perform any duties or roles**
 24 **for RPAC or Green Sky Industries today?**
 25 A. No.

1 **Q. You said that once Fred DeLuca's company**
 2 **FD Destiny Management became manager, that Fred DeLuca**
 3 **met with Bob Whidden?**
 4 A. Yes.
 5 **Q. More than one time?**
 6 A. Yes.
 7 **Q. Did Fred DeLuca meet with Osceola County**
 8 **commissioners?**
 9 A. Yes.
 10 **Q. Other than -- in addition to speaking with Jim**
 11 **Motta, did he speak with any other consultants?**
 12 A. Not that I'm aware of.
 13 MR. HUTCHISON: I have no more questions right
 14 now.
 15 RE CROSS EXAMINATION
 16 BY MR. BELAVAL:
 17 **Q. I just got a few follow-ups.**
 18 **You stated earlier -- and you were cut off.**
 19 **You said that you told Flechaus to call you and you**
 20 **would talk to the state attorney, and then you were cut**
 21 **off. I didn't get the rest of that statement.**
 22 MR. HUTCHISON: Objection to form and to the
 23 recross.
 24 BY MR. BELAVAL:
 25 **Q. So if you could please go ahead and finish**

1 **that.**
 2 A. The guy Flechaus, Fred Flechaus was a -- an
 3 obnoxious guy. He was very, very rude. He came to me
 4 and I told him, "Listen. I'll be more than happy to go
 5 to the State Attorney's Office. I'll call him on
 6 Monday or have him call me on Monday and I'll make an
 7 appointment to go see him directly."
 8 And he said to me, "Well, we will." And I
 9 never heard anymore from the state attorney or Flechaus
 10 or anybody involved. And I realized very quickly by my
 11 own -- my own feeling was that by the time I got done
 12 throwing him out of my house, the last thing he wanted
 13 me to do was go talk to the state attorney.
 14 **Q. Exhibit 355, those statements aren't your**
 15 **words, are they?**
 16 A. No.
 17 **Q. Any of those paragraphs, whether they're**
 18 **accurate or not, 1 through 10 or 11, those are not your**
 19 **words; right?**
 20 A. No.
 21 **Q. You didn't write any of those words?**
 22 A. No.
 23 **Q. And, in fact, you struck the language, you**
 24 **said, which -- some of which may be in here; correct?**
 25 MR. HUTCHISON: Objection as to form.

1 A. Correct.
 2 MR. HUTCHISON: Misstates his testimony.
 3 BY MR. BELAVAL:
 4 **Q. Is the reason you resigned your job because**
 5 **you felt that lawyers and other people were putting**
 6 **words in your mouth?**
 7 A. Yes.
 8 **Q. Including this affidavit?**
 9 A. Part of it.
 10 **Q. This affidavit, in fact, is incomplete; right?**
 11 A. I am not sure if that affidavit is -- is
 12 complete compared to the one that I remember. It seems
 13 to me that the points that are covered are covered and
 14 are somewhat accurate; however, unclear.
 15 **Q. And not your words; right?**
 16 A. Certainly not my words.
 17 **Q. In that meeting where David Friedman talked**
 18 **about bringing charges against Anthony Pugliese, did he**
 19 **say that he was bringing charges against Anthony**
 20 **Pugliese for creating corporations or billing LCOC for**
 21 **work not performed on behalf of LCOC?**
 22 A. No, he didn't tell me under what criteria he
 23 was going to file his -- he was suggesting that he was
 24 going to go ahead. The purpose of the suit was not --
 25 was just to intimidate Anthony because he felt that

1 Anthony could not afford to defend himself because
 2 Anthony's business was going down the toilet and he
 3 wouldn't be able -- it would never go.
 4 I -- when I asked him, "None of it's true.
 5 You're going the lose."
 6 He says, "It's never going to get that far
 7 because Anthony's going to pick up and fold and be
 8 scared, and nobody wants to file -- nobody wants to
 9 have criminal charges filed against them."
 10 So I said, "So you're going to do something
 11 that you know is never going to go no place?"
 12 And he kept on insisting, yes, that was his --
 13 that was his opinion.
 14 **Q. Just for clarification, you said "suit" but**
 15 **you meant criminal charges?**
 16 A. Criminal charges -- well --
 17 **Q. Without the suit. In other words, he wasn't**
 18 **bringing the suit thinking Anthony couldn't defend.**
 19 A. Right.
 20 **Q. He was criminal charges?**
 21 MR. HUTCHISON: Objection to form.
 22 A. Yeah. Criminal charges.
 23 BY MR. BELAVAL:
 24 **Q. If you could clarify for us, please.**
 25 MR. HUTCHISON: That's objection to form.

1 A. It was criminal charges. Which I just --
 2 that's it. Criminal charges.
 3 And I responded that, "You don't know Anthony
 4 Pugliese if you think that you're going to scare him."
 5 MR. BELAVAL: I have no further questions.
 6 FURTHER REDIRECT EXAMINATION
 7 BY MR. HUTCHISON:
 8 **Q. Exhibit 355. Do you remember sitting with me**
 9 **and we went over several drafts of your statement?**
 10 A. Yes.
 11 **Q. And you made corrections, and -- and those**
 12 **corrections were -- you saw the handwritten ones that**
 13 **you made the changes on and you saw the new document**
 14 **and you compared them. Do you recall that?**
 15 A. I remember seeing a -- a more lengthy
 16 statement, okay, and crossing out a substantial amount
 17 of that. And the ones that I kept were put in, part
 18 and parcel, to say this -- this sounds acc- -- close to
 19 accurate. This is accurate.
 20 **Q. Okay.**
 21 A. And that was the document that I signed.
 22 **Q. Can you tell me that none of the revisions you**
 23 **made are contained in Exhibit 355?**
 24 A. I told you that -- I did it three times. We
 25 went through them. The ones that I felt were accurate,

1 I told you were accurate. The ones that I thought were
 2 unclear, like the list of all the companies, you know,
 3 not knowing the companies, not knowing what they did,
 4 know that I saw invoices, but just as I did now. I
 5 would not consider me here to have reviewed these
 6 things. I consider me now looking at those things
 7 saying, "I saw them. Yeah, they're there. They
 8 exist." Did I review them? Did I do any
 9 investigation? Did I call up this guy and ask him did
 10 he go walk the ground? Did I -- no, I didn't do any of
 11 that.
 12 So the fact that I saw them is when I saw
 13 them. Your question is -- I went over 12 times with
 14 you. The ones I agreed to, I agreed to. The ones that
 15 I had a concern about how they were written, I
 16 expressed that I had a concern about them. And
 17 that's -- I mean, that's basically it, and I don't know
 18 how many times I have to say that.
 19 **Q. And you looked at invoices in my office when**
 20 **you signed your statement?**
 21 A. The same way I was asked to look at these
 22 invoices right now.
 23 **Q. And you never authorized any invoices for**
 24 **Osceola County --**
 25 A. Again.


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1 **Q. You never authorized any invoices for LCOC;**
 2 **correct?**
 3 A. For the 12th time, I never authorized any
 4 invoices -- good ones, your bad ones, none of them.
 5 **Q. What do you mean by "your bad ones"?**
 6 A. The ones that you're saying that are bad.
 7 **Q. The ones that Anthony Pugliese created?**
 8 A. The ones that you're showing me that are bad
 9 that you're saying that Anthony created. The ones that
 10 you're telling me. I didn't authorize them, and I
 11 didn't authorize the ones that anybody else had. Okay?
 12 The good ones, the bad ones, the -- whatever they are.
 13 Whatever invoice. I didn't -- and -- and -- authorize
 14 a payment to the secretary. Okay?
 15 So, you know, the fact of me authorizing
 16 something was -- is a moot point. I didn't authorize
 17 anything that had to do with the financial aspects of
 18 the company.
 19 MR. HUTCHISON: No further questions.
 20 MR. BELAVAL: You have an opportunity to read.
 21 MR. HEFFNER: We will --
 22 MR. BELAVAL: I want to tell him but he's
 23 got --
 24 MR. HUTCHISON: His lawyer can.
 25 MR. HEFFNER: We'll read.

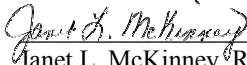
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1 THE VIDEOGRAPHER: Going off the video record
 2 at 5:22 p.m.
 3 THE REPORTER: I need to know, you want copy
 4 of the depo, correct?
 5 MR. BELAVAL: Yes.
 6 MR. HUTCHISON: Without --
 7 MR. BELAVAL: Without that confidential
 8 portion.
 9 (The deposition was concluded at 5:22 p.m.)
 10 -- END VOLUME 4 OF 4 --
 11 (Reading and signing of the deposition was not
 12 waived by the witness and all parties.)
 13
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1 CERTIFICATE OF OATH
 2 STATE OF FLORIDA
 3 COUNTY OF BROWARD
 4
 5 I, Janet L. McKinney, Registered Professional
 6 Reporter, Florida Professional Reporter, Certified
 7 LiveNote Reporter, Notary Public, State of Florida,
 8 certify that ALFRED FLORIO personally appeared before
 9 me on June 11, 2014 and was duly sworn.
 10 Signed this 24th day of June, 2014.
 11
 12
 13 
 14 Janet L. McKinney
 15 Registered Professional Reporter
 16 Florida Professional Reporter
 17 Certified LiveNote Reporter
 18 Notary Public, State of Florida
 19 Commission No.: FF108443
 20 Expires: June 2, 2018
 21
 22
 23
 24
 25

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1 CERTIFICATE OF REPORTER
 2 STATE OF FLORIDA
 3 COUNTY OF BROWARD
 4
 5 I, Janet McKinney, Registered Professional
 6 Reporter, Florida Professional Reporter, Certified
 7 LiveNote Reporter, certify that I was authorized to and
 8 did stenographically report the deposition of ALFRED
 9 FLORIO, pages 481 through 586; that a review of the
 10 transcript was requested; and that the transcript is a
 11 true record of my stenographic notes.
 12 I further certify that I am not a relative,
 13 employee, attorney, or counsel of any of the parties,
 14 nor am I a relative or employee of any of the parties'
 15 attorneys or counsel connected with the action, nor am
 16 I financially interested in the action.
 17 Dated this 24th day of June, 2014.
 18
 19
 20 
 21 Janet L. McKinney, RPR, FPR, CLR
 22 Registered Professional Reporter
 23 Florida Professional Reporter
 24 Certified LiveNote Reporter
 25

WITNESS NOTIFICATION LETTER

June 24th, 2014

ALFRED FLORIO
c/o Adam G. Heffner, Esq.
Law Offices of Adam G. Heffner, P.A.
1900 N.W. Corporate Boulevard
Suite 301 - West Building
Boca Raton, Florida 33431

In re: FD Destiny, et al. v. AVP Destiny, et al.
Deposition taken on June 11, 2014
Job No. 1144647 (Volumes 3 & 4)

The transcript of the above-referenced proceeding has
been prepared and is being provided to your office for
review by the witness.

We respectfully request that the witness complete their
review within a reasonable amount of time and return
the errata sheet to our office.

Sincerely,

Janet L. McKinney, RPR, FPR, CLR
U.S. Legal Support
515 East Las Olas Boulevard
3rd Floor
Fort Lauderdale, Florida 33301
954.463.2933

CC via transcript:

Richard C. Hutchison, Esq.
Edgar Belaval, Esq.

ERRATA SHEET

DO NOT WRITE ON THE TRANSCRIPT
ENTER CHANGES ON THIS PAGE

IN RE: FD Destiny, et al. v. AVP Destiny, et al.
ALFRED FLORIO
June 11, 2014
Job No. 1144647

Table with 4 columns: Page, Line, Change, Reason. The table is currently empty.

Under penalties of perjury, I declare that I have read
the foregoing document and that the facts stated in it
are true.

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